

The Twelve Rules of
Christmas



Compiled by attorneys for
THE RUTHERFORD INSTITUTE

The Twelve Rules

Unfortunately, Christmas has become a time of controversy over what can or cannot be done in terms of celebrating the holiday. In order to clear up much of the misunderstanding, the following twelve rules are offered:

1 Public school students' written or spoken personal expressions concerning the religious significance of Christmas (e.g., T-shirts with the slogan, "Jesus Is the Reason for the Season") may not be censored by school officials absent evidence that the speech would cause a substantial disruption.ⁱ

2 So long as teachers are generally permitted to wear clothing or jewelry or have personal items expressing their views about the holidays, Christian teachers may not be prohibited from similarly expressing their views by wearing Christmas-related clothing or jewelry or carrying Christmas-related personal items.ⁱⁱ

3 Public schools may teach students about the Christmas holiday, including its religious significance, so long as it is taught objectively for secular purposes such as its historical or cultural importance, and not for the purpose of promoting Christianity.ⁱⁱⁱ

4 Public school teachers may send Christmas cards to the families of their students so long as they do so on their own time, outside of school hours.^{iv}

5 Public schools may include Christmas music, including music with religious themes, in their choral programs if the songs are included for a secular purpose, such as their musical quality or cultural value, or if the songs are part of an overall performance including other holiday songs relating to Chanukah, Kwanzaa, or other similar holidays.^v

6 Public schools may not require students to sing Christmas songs if the messages conflict with the students' own religious or nonreligious beliefs.^{vi}

Principles of Christmas

7 Public school students may not be prohibited from distributing literature concerning the Christmas holiday to fellow students or delivering invitations to church Christmas events on the same terms that they would be allowed to distribute other literature that is not related to schoolwork.^{vii}

8 Private citizens or groups may display crèches or other Christmas symbols in public parks subject to the same reasonable time, place, and manner restrictions that would apply to other similar displays.^{viii}

9 Government entities may erect and maintain celebrations of the Christmas holiday, such as Christmas trees and Christmas light displays, and may include a crèche in their displays, so long as the purpose for including the crèche is not to promote its religious content and it is placed in context with other symbols of the Holiday season as part of an effort to celebrate the public Christmas holiday through its traditional symbols.^{ix}

10 Neither public nor private employers may prevent employees from decorating their offices for Christmas, playing Christmas music, or wearing clothing related to Christmas merely because of its religious content, so long as these activities are not used to harass or intimidate others.^x

11 Public or private employees whose sincerely held religious beliefs require that they not work on Christmas must be reasonably accommodated by their employers unless granting the accommodation would impose an undue hardship on the employer.^{xi}

12 Government recognition of Christmas as a public holiday and granting government employees a paid holiday for Christmas does not violate the Establishment Clause of the First Amendment.^{xii}

End Notes

- i *Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503 (1969).
- ii See *id.* at 506 (“It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate”). See also *Tucker v. California Dep’t of Ed.*, 97 F.3d 1204 (9th Cir. 1996).
- iii See *Stone v. Graham*, 449 U.S. 39, 42 (1980).
- iv See *Pickering v. Bd. of Ed.*, 391 U.S. 563 (1968).
- v *Bauchman v. West High School*, 132 F.3d 542, 554 (10th Cir. 1997); *Florey v. Sioux Falls School Dist.*, 619 F.2d 1311 (8th Cir. 1980); *Sechler v. State College Area Sch. Dist.*, 121 F.Supp. 2d. 439 (M.D. Penn. 2000).
- vi *Id.* at 557.
- vii See “Secretary of Education’s Statement on Religious Expression,” <http://www.ed.gov/Speeches/08-1995/religion.html>, site visited Nov. 13, 2002.
- viii See *Capital Square Review and Advisory Board v. Pinette*, 515 U.S. 753 (1995); *Kreisner v. City of San Diego*, 1 F.3d 775 (9th Cir. 1993); *McCreary v. Stone*, 739 F.2d 716 (2d Cir. 1984).
- ix See *County of Allegheny v. American Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U.S. 573 (1989); *Lynch v. Donnelly*, 465 U.S. 668 (1984); *ACLU v. Schundler*, 168 F.3d 92 (3rd Cir. 1999); *Amancio v. Town of Somerset*, 28 F.Supp. 2d 677 (D.C. Mass. 1998).
- x § 42 U.S.C. 2000(e)(j); *Tucker v. California Dep’t of Ed.*, 97 F.3d 1204 (9th Cir. 1996); *Brown v. Polk County*, 61 F.3d 650, 659 (8th Cir. 1995).
- xi *Pielech v. Massasoit Greyhound, Inc.*, 668 N.E. 2d 1298 (Mass. 1996).
- xii *Ganulin v. United States*, 71 F.Supp. 2d 824 (S.D. OH 1999), *aff’d* 2000 U.S. App. Lexis 33889 (6th Cir. 2000). See also *Bridenbaugh v. O’Bannon*, 185 F.3d 796 (7th Cir. 2000); *Koenick v. Felton*, 190 F.3d 259 (4th Cir. 1999).

© 2004 by The Rutherford Institute. All rights reserved.
Cover art by Lucas Turnbloom © 2004

For more information, email
The Rutherford Institute at staff@rutherford.org.
To request assistance, complete our online form
available at www.rutherford.org
or contact our Legal Department (434) 978-3888