

6 Religious Liberties to Remember During War on Christmas

Candy canes, Christmas trees, manger scenes ... If you're like many Americans, these symbols conjure up fond memories of Christmas—the day Christians celebrate the birth of Christ.

As a country, we love celebrating the Christmas season, but in recent years, the holiday has come under attack due to its religious origins. For example, the hostility is epitomized in the infamous “Candy Cane Case,” which began in 2003 when two Plano Independent School District elementary school students tried to hand out goodie bags during their class’ “winter parties,” but their principals banned their gifts because they contained religious content.

Another student tried to hand out free tickets to a religious play during recess and Jesus-themed pencils after school.

However, school officials confiscated the gifts, threatened the student with police intervention and warned they would kick the student out of school if it happened again on campus. Liberty Institute took up the case and won a major precedent in the United States Court of Appeals for the Fifth Circuit.

The court rejected the school principals’ argument that elementary students are too young to have First Amendment protection—and they clearly stated in their opinion that the principals violated the Constitution by censoring these elementary students.

The “Candy Cane Case” is just one example of what can occur when students and schools don’t know their rights. And that’s why Liberty Institute wants you to know your rights when it comes to celebrating Christmas in our nation’s schools.

1. Schools can celebrate “Christmas” just as easily as they can celebrate “winter.”

As long as the school is not celebrating Christmas just for the purpose of furthering Christianity, the school can refer to Christmas in their festivities. Doing so provides an educational perspective of world history and the effect of religion upon culture. Of course, while public schools can celebrate Christmas, they are not obligated to do so, and can have “holiday” or “winter” festivities as well.

2. Schools can deck the halls in Christmas decorations.

A school district is allowed to display Christmas decorations for use as a teaching resource and to establish the cultural and religious heritage of the holiday.

3. Schools can include Christmas-themed artistic expressions in school plays.

A school can incorporate religious music, art and drama into its school-sponsored performances, as long as it is presented in an objective manner as a traditional part of the heritage of Christmas.

4. Students can wish their friends a Merry Christmas by handing out religious gifts like candy canes.

As Plano ISD learned in the “Candy Cane Case,” if students are allowed to hand out gifts at a school party, then no one can bar children from giving religious gifts. If a school official prohibits a gift because of its religious message, then the school is demonstrating unconstitutional religious hostility.

5. Students can talk about their faith in school assignments.

Students can express their faith in any of their personal work, which the First Amendment’s protections of the freedom of speech and of religion defend all throughout the year. Student work should be graded on the basis of academic

standards, not on religious content. Check out Liberty's Institute's Student Bill of Rights for more information.

6. School employees can talk about Christmas and religion outside of their official roles as educators.

Teachers and school employees can promote religion when not acting in their official functions, meaning before and after school, during break times and any other time in their private life.

This means that teachers can attend Christmas parties in their personal capacities, just like any other private citizen. Take a look at Liberty Institute's Teacher Bill of Rights for more information.

Whether at Christmastime—or throughout the rest of the year—Liberty Institute is committed to defending and protecting religious liberty in our nation's schools. In cases including:

- A 15-year-old student who wanted to start an after-school Christian club: Liz Loverde's thoughtful, four-page proposal to start a non-curricular Christian club—and help her fellow students with struggles common to teenagers, as well as coordinate outreach efforts to help the community—was initially rejected by the school principal at Wantagh High School in Long Island, New York, because it was a “Christian” club.
- A fifth grader's right to read his beloved Bible during class “free reading time”: Giovanni Rubeo was prohibited from reading his Bible—a Christmas gift he had been given and cherished very much—during “free reading time.” His teacher informed Giovanni's father in a phone message that the Bible and “those” books” (meaning religious books) were not allowed in “my classroom.” But Liberty Institute demanded justice for this 5th grader and the school district apologized and restored Giovanni's right to read his Bible.

- A high school salutatorian whose graduation speech was censored three times: Brooks Hamby's graduation speech was censored three times by the Brawley Union School District in Brawley, California.

After Liberty Institute sent a demand letter to the district seeking exoneration from any wrongdoing, the district responded that it will not apologize and that Brooks has no "legal authority" as a student speaker from referencing his faith.

Liberty Institute is committed to seeing Brooks through the legal process and defending his First Amendment freedoms. As more and more of our nation's students' personal religious freedoms are being attacked today, we're counting on generous friends like you to continue supporting the cause to defend and protect their First Amendment Rights.

This Christmas season, please download our FREE "6 Christmas Liberties" PDF resource and share with any student or teacher you know. While these are general principles—and should not be used for legal advice since the law is constantly changing—if you or someone you know has a legal question or needs legal advice, please contact Liberty Institute now.

And please consider giving to Liberty Institute to help continue defending and restoring religious liberty at Christmastime ... and all year long!