

CHRISTMAS UNDER SIEGE
A REPORT ON THE ELIMINATION OF AN AMERICAN TRADITION
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ABOUT THE RUTHERFORD INSTITUTE

Founded in 1982 by constitutional attorney and author John W. Whitehead, The Rutherford Institute is a civil liberties organization that provides legal services without charge to people whose constitutional and human rights have been threatened or violated. The Rutherford Institute is widely recognized as one of the nation's leading advocates of civil liberties and human rights, litigating in the courts and educating the public on a wide spectrum of issues affecting individual freedom in the United States and around the world.

The Institute's mission is twofold: to provide legal services in the defense of civil liberties and human rights and to educate the public on important issues affecting their constitutional freedoms. Whether our attorneys are protecting the rights of parents whose children are strip-searched at school, standing up for a teacher fired for speaking about religion, defending the rights of individuals against illegal search and seizure or a number of other threats to our liberties, The Rutherford Institute offers assistance—and hope—to thousands.

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I. INTRODUCTION

Christmas, as it has traditionally been observed during our lifetime, is under siege. Across our nation, signs wishing people a “Merry Christmas” are being taken down and “Happy Holidays” banners are going up in their place.

In schools, cities and workplaces around the country, the trend is to treat Christmas like the illegitimate child of the winter holidays. People seem to think that if Christmas is recognized for its religious heritage, even in some small way, it will detract from the equally dignified recognition of the winter holidays of other faiths. Tragically, misunderstandings about the so-called “separation of church and state” have led many public and school officials to conclude that only observances of religions other than Christianity may be openly celebrated on government property. Consequently, discussions of Christmas in many public venues tend to be either silenced altogether or converted from a meaningful celebration to a gaudy commercial extravaganza. Consider the following examples:

- In a Florida elementary school, traditional Christmas songs were excluded from a winter concert, which instead featured songs celebrating Hanukkah, Kwanzaa and the winter season.
- A Rhode Island town was sued for inviting the public to display “appropriate holiday and seasonal displays” on public grounds because the ensuing displays included a nativity scene among the inflatable snowman, Santa Claus and fifteen pink flamingos.
- A Massachusetts fourth-grade class was asked to list 25 things that reminded them of Christmas. When one young student asked if she could include “Jesus,” her teacher replied that she could get fired if Christmas’ namesake appeared on the child’s list.
- A Texas public school district prohibited elementary students from exchanging Christian-themed candy cane pens and writing “Merry Christmas” on greeting cards sent to soldiers. The district even prevented the use of traditional Christmas colors at a school party.

This abbreviated chronicle of absurdities points to a serious problem in our country. As part of an overall plan to make those of minority religious or ethnic backgrounds feel more comfortable or be better understood, many have undertaken a concerted effort to downplay the influence that Christianity has had on American life and to minimize or eliminate the public recognition of Christian traditions.

Before we undertake a more detailed examination of the war against Christmas and explore the battlegrounds on which this war is being fought, let us remind you why Christmas is remarkable and why it is worth the fight.

Christmas marks the celebration of the birth of Jesus Christ and has been officially recognized as such for centuries in Western society. As a result, each year in December billions of people who observe Christmas stop thinking about themselves for a brief period of time and focus instead on how they might improve the situation of others. Charitable giving is at the forefront of many people's minds at Christmastime. And friends and family make it a priority to be together for Christmas.

It is sad to realize that we have come to a place where we must undertake so much effort to reclaim our right to collectively observe such a beautiful occasion. But the evidence cannot be ignored; Christmas is under siege in America.

John W. Whitehead, President

II. CHRISTMAS AT SCHOOL

It is the responsibility of educators to foster a mutual understanding and respect for the rights of all individuals regarding their beliefs, values and customs. In a nation as diverse as America, it is impossible to overestimate the secular importance of teaching this lesson. We learn this not by being offended or threatened by the religious symbols of others, but by understanding the meaning of those symbols and why they have the capacity to inspire intense emotions. If our public schools cannot teach this mutual understanding and respect, it is difficult to envision a societal institution that could do the job effectively.¹

Every December, The Rutherford Institute receives hundreds of letters, phone calls and e-mails from parents of students whose schoolteachers and administrators have implemented a policy that singles out Christmas for disfavored treatment among other religious holidays. It is puzzling that many educators seem to view the First Amendment Establishment Clause as limiting public officials from appearing to endorse the *Christian* religion, but not others. The Rutherford Institute hears of incident after incident in which this erroneous understanding of our Constitution has led school personnel to teach students about the origins of Hanukkah and Kwanzaa, while conspicuously omitting discussions about Christmas. However, the central command of the United States Constitution is neutrality toward religion.²

An alternative approach to Christmas that has become all too popular is to trivialize its religious origins, focusing only on the commercial aspects or whimsical traditions of Christmas. Something is tragically wrong when America's children are encouraged to celebrate the fictional Rudolph the Red-Nosed Reindeer but are refused the opportunity to discuss the historical Jesus Christ. To claim that Christmas is something other than a holiday with religious foundations is hypocritical and dishonest. Nonetheless, this is precisely what is happening in many of our nation's public schools. Rather than using the various winter holidays as an opportunity to engage students by teaching them about the cherished traditions of different groups of people, too many educators leave the substance of Christmas wrapped tightly in a box and encourage students to only admire the paper and ribbons.

This treatment of Christmas echoes a tragedy that is playing out in many other aspects of the modern-day public school experience. By attempting to present students with an artificial world in which all differences among people are neutralized, we are systematically robbing America's youth of the tools they will need to learn what tolerance really means because there is no need for tolerance when there is no recognition of diversity.

The battle to keep Christmas in a box typically arises in different contexts: seasonal school displays, musical concerts, actual classroom curriculum and student work. Invariably, the First Amendment's Establishment Clause—the provision which is often said to mandate a “separation of church and state”—is cited as one of if not *the* justification for keeping quiet about Christmas.³

While Christmas is indeed a religious holiday, a fact that cannot be avoided without compromising the very essence of the occasion, the Supreme Court has never indicated that the Establishment Clause requires schools to be free of religious study or references. Rather, the Court has stated that study or discussion of religion or of the Bible in the public school setting is permissible as long as it occurs in the context of a general, secular program of study.⁴

As one federal judge said, “Religion is a pervasive and enduring human phenomenon which is an appropriate, if not desirable, subject of secular study. It is hard to imagine how such study can be undertaken without exposing students to the religious doctrines and symbols of others.”⁵

Arguably, the conspicuous omission of Christmas from school during a time when its celebration in shopping malls, on radio stations and in television commercials is inescapable smacks of government hostility toward Christians—and this is forbidden by the First Amendment, just as surely as government favoritism toward any religion.⁶

So what exactly does the Establishment Clause require? The Supreme Court has developed and applied a tripartite inquiry known as the Lemon Test to determine when actions or policies of public officials violate the Establishment Clause. Under the Lemon Test, a policy or practice must have a secular purpose, a primary effect that neither advances nor inhibits religion, and must not involve an excessive entanglement of government with religion.⁷ Under this framework, it is absolutely appropriate to discuss and recognize Christmas—the true meaning of Christmas—in all the contexts in which it frequently comes under attack in the public schools. A federal district court in New Jersey summed it up well:

Christmas and Chanukah are celebrated as cultural and national holidays as well as religious ones, and there is simply no constitutional doctrine which would forbid school children from sharing in that celebration, provided that these celebrations do not constitute an unconstitutional endorsement of religion and are consistent with a school’s secular educational mission.⁸

The key for educators to achieve treatment of Christmas and other major religious holidays that is both educationally valuable and constitutionally permissible is to engage students in a no-holds-barred discussion of all aspects (religious and secular) of each one, but to do so objectively. Where the genuine goal of educators is simply to educate students about a variety of religious holidays or traditions, that goal constitutes a “secular purpose” that places the school on solid legal ground. Where school teachers and officials include discussion or observation of the holidays celebrated by major world religions, the primary effect will not be to advance or inhibit any of them, but to create well-rounded students who are better-equipped to understand and tolerate people whose beliefs are different from their own.

Educators need not fear that teaching students about the major holidays which mark our collective calendars is illegal simply because it may offend the sensibilities of a few students or their parents. Exposure to a cacophony of diverse ideas, some of which will inevitably be distasteful or even repugnant to various students for various reasons, is one of the many experiences that is essential for young people who grow up in a free society. As one court explained, “It would be literally impossible to develop a public school curriculum that did not in some way affect the religious or nonreligious sensibilities of some of the students or parents.”⁹

As mentioned earlier, confusion over whether Christmas may be recognized in the public school setting typically arises in one or more of several different contexts: seasonal school displays, musical concerts, actual classroom curriculum and student work. In fact, it is both appropriate and desirable for Christmas to be fully included in each of those contexts.

A. Seasonal Displays

Later in this publication, we will explore in greater detail United States Supreme Court case law that deals specifically with the topic of winter holiday displays on public property. In this section, however, suffice it to say that federal courts have upheld holiday displays that include recognition of Christmas in the public school setting specifically.

In a 1979 case, the federal district court for the District of South Dakota upheld a school district policy that allowed, among other things, the use of religious symbols including a cross, menorah, crescent, Star of David, crèche and symbols of Native American religions that are part of a religious holiday.¹⁰ The policy explained that these symbols could be displayed as examples of the cultural and religious heritage of the holiday so long as they were temporary in nature.¹¹ Pertinent portions of this policy are excerpted in Appendix [] and attached to this report.

A similar policy was upheld by the federal district court for the District of New Jersey in a 1993 case. This policy permitted displays of religious symbols in the classroom “provided such symbols are part of the planned program of instruction” and (a) are displayed as an educational example of the holiday’s cultural, ethnic and/or religious significance; (b) are pictorial in nature or created by students; and (c) remain on display within a timeframe that corresponds to the unit being taught.¹² The policy further specified that the primary purpose and effect of these displays should be to “promote the educational goal of advancing student knowledge about our cultural, ethnic, and religious heritage and diversity” and that the displays should not appear to promote or celebrate any single religion or religious holiday.¹³ All relevant portions of the school’s policy are excerpted in Appendix [] and attached to this report.

The New Jersey court held that given the emphasis the policy placed on religious diversity, there was simply no basis for concluding that it impermissibly endorsed any particular religion or favored religion over non-religion.¹⁴ The court found instead that an obvious purpose of this policy was to eradicate feelings of hostility and discomfort which

might otherwise be caused by displays of religious symbols and to allow students to “share the knowledge of other religious heritages without feeling threatened by them.”¹⁵

The court went on to state that in the context of the Christmas and Hanukkah holidays, the *absence* of religious displays might do greater damage to the principle of governmental religious neutrality mandated by the First Amendment than would the presence of a prudently administered display.¹⁶ “As our nation becomes overwhelmed with the tangible evidences of the year-end holiday spirit, the studied absence or even limitation of consistent celebrations within the school might well be interpreted by a student as government hostility to the celebrating religions.”¹⁷ Recall that the Establishment Clause prohibits such hostility toward religion, just as certainly as it forbids partiality.

B. Christmas Music

It is disheartening to realize that when carried to its logical end point, the movement to remove all vestiges of religion—particularly Christianity—from America’s public schools would preclude young musicians from performing or even studying such works as the “Hallelujah Chorus” from George Frideric Handel’s *Messiah*, Johann Sebastian Bach’s “Jesu, Joy of Man’s Desiring” or African American spirituals. As one commentator has noted, “religious music is not only appropriate in a study of choral music, it is essential to presenting an honest portrayal of music in society.”¹⁸ “Religious music represents not only some of history’s greatest musical works; it often represents the only musical works which remain from several eras of history.”¹⁹ This is just another example of why it is both impractical and unwise to seek to present students with a world that is devoid of religious influence.

The good news is that even under modern-day First Amendment law, it is unnecessary to purge religious selections from musical studies and performances. This is particularly good news at Christmastime because “holiday” concerts traditionally include songs such as “O, Holy Night” and “Ave Maria.”

The court-approved policies governing holiday displays in both New Jersey and South Dakota also specifically permitted school musical programs to include appropriate religious music.²⁰ Both policies required that any such inclusion of religious music be for objective educational purposes.²¹ In another case, a federal district court rejected a Jewish high school student’s claim that the selection of “explicitly Christian religious” music for inclusion in the school choir’s repertoire and the performance of that music, often at “explicitly religious” sites, constituted a violation of the Establishment Clause.²²

The National Association for Music Education (MENC) has created a model policy to govern the inclusion of religious music in public school programs, based on its conviction that “the study and performance of religious music within an educational context is a vital and appropriate part of a comprehensive music education. The omission of sacred music from the school curriculum would result in an incomplete educational experience.”²³ MENC urges music educators to “exercise caution and good judgment in selecting sacred

music for study and programming for public performances.”²⁴ For example, the organization suggests that the teacher ask a series of questions in order to determine whether the program comports with the legal requirement for government to neither advance nor inhibit religion. Some of those questions are:

- Is the music selected on the basis of its musical and educational value rather than its religious context?
- Does the teaching of music with sacred text focus on musical and artistic considerations?
- Are the traditions of different people shared and respected?²⁵

In short, as long as religious music is selected for its educational and artistic merits rather than for its religious value, its selection is perfectly in keeping with constitutional requirements.

C. Teaching Students About Christmas As Part Of Classroom Curriculum

When December rolls around, there are few places in the United States where one could go without seeing evidence of the celebration of Christmas. In light of the holiday’s pervasive influence on our society, it is perfectly fitting for teachers to impart to students straightforward information about the origins of the holiday and the way it is celebrated in different parts of the world. In the same vein, it is appropriate to teach students about holidays that are similarly significant to those of other religions and/or ethnicities.

It is the view of The Rutherford Institute that students benefit most from educators who present them with a multitude of diverse ideas—diverse *meaningful* ideas—subject only to the filtration necessary to ensure age appropriateness, and allow students to draw their own conclusions about the merits of each one. The added advantage of taking this approach where religious subjects are concerned is that it likely entails the least possibility of inviting a successful legal challenge. This is because when educators provide students with objective information about a variety of major religious holidays in an effort to simply *educate*, educators exemplify a government that is neither allied with any particular denomination nor hostile toward religion in general.

A policy that allows teachers to teach students *about* religion or particular religious traditions is absolutely consistent with the United States Supreme Court’s interpretation of the Establishment Clause. The Court has stated:

[I]t might well be said that one’s education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented

objectively as part of a secular program of education, may not be effected consistently with the First Amendment²⁶

One way to achieve a balanced, objective manner of educating students about the origins and significance of religious holidays is to employ a system similar to that used by the Cherry Hill Township Board of Education, a system that was specifically upheld in *Clever v. Cherry Hill Township Board of Education*.²⁷ Under that policy, each classroom in the district maintained a calendar and display dealing with “cultural, ethnic, and religious customs and traditions.”²⁸ The calendars recognized a wide variety of national, cultural, ethnic and religious holidays, which were taken from a district-approved list created in accordance with educational criteria to reflect the world’s multi-cultural diversity.²⁹ The policy mandated that the calendars be used in conjunction with a list of resources available in the school library to offer students additional education about each of the holidays.³⁰ Also pursuant to the district policy, each individual school was permitted to maintain centralized displays in observance of these holidays.³¹

This type of policy, which offers students objective information about the holidays that are ubiquitously celebrated just outside the schoolhouse gates, furthers the admirable goal of providing America’s youth with an education that will be useful not only for becoming a scientist, business executive or author, but also for becoming a member of a diverse society. This type of policy teaches students that it is possible to respect and understand the traditions of others without having to sacrifice respect of one’s own cherished traditions. For while this type of policy provides students with the necessary information to understand cultural traditions that might otherwise seem foreign, it also allows straightforward recognition and celebration of the traditions of “majority” religions that are too often the losers in policies designed to teach multiculturalism.

D. Christmas Themes In Student Work

The last context in which Christmas typically makes its appearance in our public schools is in student responses to writing, art or other classroom assignments. In this context, educators’ duties are clearest—and often mandated by the First Amendment.

It happens frequently. A student chosen to read her favorite story for the class chooses a Bible story. A student asked to research a topic includes religious sources. A student asked to write about a cherished holiday tradition writes about his father’s Christmas Eve reading about the birth of Christ from the biblical book of Luke. Religious responses are even more likely around the times of year when major religious holidays, such as Christmas, are being celebrated by the student’s family, friends and millions of others across the country. If educators attempt to squelch these types of religious expressions, lawsuits are likely to ensue.

In a section entitled “Religious Expression and Prayer in Class Assignments,” the United States Department of Education’s Guidance on Constitutionally Protected Prayer in Public Schools states:

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school. Thus, if a teacher's assignment involves writing a poem, the work of a student who submits a poem in the form of a prayer (for example, a psalm) should be judged on the basis of academic standards (such as literary quality) and neither penalized nor rewarded on account of its religious content.

Local educational agencies are required to certify that they are in compliance with this Guidance, and failure to comply may result in loss of federal funding.

Because the student's inclusion of religious material in the above examples and similar scenarios is expressive activity, any restriction of that choice by school officials must comport with the requirements of the First Amendment's Free Speech and Free Exercise Clauses. A student's independent choice to include the religious material, when uninfluenced by any school official, is private religious expression and, as such, is entitled to full constitutional protection.³²

One federal appellate court has applied the well-established principle that religious speech cannot be suppressed solely because it is religious specifically to the elementary school context.³³ The court stated:

The "marketplace of ideas," an important theme in the high school student expression cases, is a less appropriate description of an elementary school, where children are just beginning to acquire the means of expression. Grammar schools are more about learning, including learning to sit still and be polite, than about robust debate. *And yet we have held that religious speech cannot be suppressed solely because it is religious* (as opposed to religious and disruptive or hurtful, etc.), *a principle that makes sense in the elementary school environment.*³⁴

There is little reason for educators to fear that allowing students to include religious ideas—including discussion of Christmas or other religious holidays—in their work would create an Establishment Clause problem. "[T]here is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect."³⁵ A student's independent choice to include discussion of religious holidays in a school assignment cannot be attributed to school officials in any way; this is private expression that does not fall within the realm governed by the Establishment Clause. Where educators allow students to include religious ideas in homework or assignments that otherwise meet the teachers' requirements just as they allow other students to include various secular ideas, the message is one of neutrality toward religion rather than impermissible endorsement.³⁶

Any censorship of religious ideas from students' academic work is patently inconsistent with the United States Department of Education's guidelines on religious expression in public schools. Furthermore, students subjected to such censorship can make strong arguments that their First Amendment rights have been violated.

III. CHRISTMAS IN PUBLIC DISPLAYS

Banners and lights on Main Street, a brightly lit Christmas tree in the town center—these are some of the traditions that help make Christmastime special for so many. Yet these and other displays of “Christmas spirit” have been the subjects of legal attack in recent years. Fortunately for city and state officials, the U.S. Supreme Court has decided two cases specifically dealing with Christmas displays on government property, thus providing fairly clear guidance as to how government officials can avoid being seen as Uncle Scrooge on the one hand, while still respecting the constitutional prohibition of establishments of religion on the other.

In the first of these two cases, *Lynch v. Donnelly*, the Supreme Court upheld a community holiday display, purchased and maintained by the city of Pawtucket, Rhode Island. The display included a crèche among many other items, such as a Santa Claus house, reindeer pulling Santa’s sleigh, candy-striped poles, Christmas tree, carolers, clown, elephant, teddy bear, hundreds of colored lights, and a banner that read “Seasons Greetings.”³⁷ The Court found that “the display [of the crèche] is sponsored by the city to celebrate the Holiday and to depict the origins of that Holiday. These are legitimate secular purposes.”³⁸ The Court further found that any benefit the display conferred “to one faith or religion or to all religions, is indirect, remote, and incidental.”³⁹ The Court went on to state:

It would be ironic ... if the inclusion of a single symbol of a particular historic religious event, as part of a celebration acknowledged in the Western World for 20 centuries, and in this country by the people, by the Executive Branch, by the Congress, and the courts for 2 centuries, would so “taint” the city’s exhibit as to render it violative of the Establishment Clause. To forbid the use of this one passive symbol—the crèche—at the very time people are taking note of the season with Christmas hymns and carols in public schools and other public places, and while the Congress and legislatures open sessions with prayers by paid chaplains, would be a stilted overreaction contrary to our history and to our holdings.⁴⁰

Five years later, in *Allegheny v. ACLU*, the Supreme Court ruled on two separate holiday displays.⁴¹ The first display, which the Court found violated the Establishment Clause, was situated on the Grand Staircase of the Allegheny County Courthouse.⁴² This display was centered around a crèche, accompanied by a banner reading, “Gloria in Excelsis Deo!” and was further complemented by several poinsettia plants and small evergreen trees.⁴³ The second display, which the Court upheld, was located just outside the City-County building and consisted of a menorah, a decorated Christmas tree and a sign that read, “During this holiday season, the city of Pittsburgh salutes liberty. Let these festive lights remind us that we are keepers of the flame of liberty and our legacy of freedom.”⁴⁴ The lesson to be learned from *Allegheny* is that “for purposes of the Establishment Clause, the city’s overall display must be understood as conveying the city’s secular recognition of different traditions for celebrating the winter-holiday season.”⁴⁵ The Court

found that the outside display met this requirement because it included acknowledgment of both religious and secular holiday symbols. The indoor display, on the other hand, was likely to be perceived as a governmental endorsement of Christianity alone.

Since these two Supreme Court cases were decided, lower courts have ruled on holiday displays in other cities and towns. Some of these cases reveal another option for municipalities that wish to appear festive for the holidays and allow various religions or cultural traditions to be recognized. Cities and towns may choose to open a designated or limited public forum in which local residents or organizations can erect holiday-themed displays for a specified time period. This way, Establishment Clause concerns are much more limited because the expression at issue is private rather than government speech.

In a 2004 case, the United States District Court for the District of Rhode Island held that a policy whereby the mayor of Cranston opened this type of limited public forum survived scrutiny under the Establishment Clause.⁴⁶ The mayor invited the public to display “appropriate holiday and seasonal displays” on the lawn at the entrance to City Hall.⁴⁷ To avoid any misunderstandings regarding the display, the City posted disclaimers on the entrances to City Hall which read, “The public holiday displays are strictly from private citizens or groups. They in no way represent an official view of the City of Cranston nor are they endorsed by the City.”⁴⁸ Unfortunately, the policy was ultimately struck down on free speech grounds because it vested too much discretion in the mayor to reject displays for unspecified reasons.⁴⁹ With respect to the Establishment Clause challenge, however, the court held, “Nothing in Lynch or its progeny suggests even remotely that a holiday display, either sponsored by the City or allowed to be displayed on City property, must be sanitized of all religious content in order to be constitutional.”⁵⁰

The lesson of this case is that for local government officials who want to allow celebration of winter holidays but are concerned about choosing the right mix of items for the display, opening a limited public forum for such displays and accompanying it with posted disclaimers may be a good option. In implementing this type of policy, however, officials must be careful to limit any discretion given to public officials to reject proposed displays by employing specific criteria for the displays.

Another important thing to remember when implementing this type of policy is that displays that otherwise meet the criteria and fall within the forum’s purpose cannot be rejected based solely on their viewpoint. Broward County, Florida learned this lesson the hard way after creating a forum in which sponsors could erect displays recognizing the winter holiday season. The County rejected as “too religious” a church’s proposed display that consisted of a cross and the words, “Jesus is the Reason for the Season.”⁵¹ Attorneys for The Rutherford Institute represented the church in federal district court, winning the church the right to publicly recognize the true meaning of Christmas. The court held that “[T]he County may not exclude alternative viewpoints with respect to the holidays included in the [display]. It is a violation of Calvary Chapel’s First Amendment rights, therefore, to exclude its religious viewpoint of the holiday of Christmas.”⁵²

Local government officials can help keep the Christmas spirit alive by allowing citizens to enjoy the traditional Christmas displays that add so much brightness and warmth to the cold days of December. The United States Supreme Court has approved of municipality-sponsored displays that include recognition of multiple holiday traditions in a setting that does not appear to endorse any single religion or be hostile to any other. The overall effect of any such display should be one of neutrality toward religion. Another, perhaps even better, option for holiday displays is for government officials to notify the public that a limited public forum for “winter holiday displays” will be opened in a certain public area for a specified time period. Officials must be careful to draft a policy that leaves them only very limited authority to reject proposed displays based on specific criteria. In other words, to the extent possible, a hands-off approach is best. Finally, the cases also teach us that the inclusion of simple disclaimers at and near holiday displays (regardless of whether they are erected by the local government itself or individual citizens) goes a long way in negating any possible appearance of government endorsement of religious displays.

IV. CHRISTMAS IN THE WORKPLACE

Another setting in which Christmas is under siege is the American workplace, where adults spend so many of their waking hours. Given the amount of time spent on the job, it is only natural that many Americans who cherish the Christmas holiday want their work environments to reflect its coming in some small way. Unfortunately, corporate America's push to be seen as progressively "diverse" has fueled many employers to become cold, if not hostile, toward mainstream Christianity and its traditions.

Private employers, who are not subject to the requirements of the First Amendment's Establishment Clause, have no legal reason to keep their workplaces devoid of respectful Christmas celebrations. Moreover, these employers will likely see the highest levels of employee morale when the workplace includes tasteful recognitions of the major holidays (including those of other religions) celebrated by its employees.

Even more importantly, employers can encourage religious tolerance and greatly enhance the climate of the workplace and employee morale by allowing employees to freely engage in their own recognition of their religious holidays, provided they are not disparaging other faiths. The marketplace of ideas (including religious ideas) makes our nation strong and keeps its citizenry mentally and emotionally healthy. It can have the same benefits for the workplace, provided harassment is not tolerated. At the very least, the Equal Employment Opportunity Commission (EEOC) *requires* employers to permit employees to engage in religious expression to the extent that employees are permitted to engage in other types of personal expression at work.⁵³

Government employers are, of course, subject to the demands of the First Amendment's Establishment Clause, so they should follow the guidelines above regarding holiday displays on public property. However, government employees do not relinquish their First Amendment rights simply because they enjoy the benefit of public employment.⁵⁴ While the government does have a greater interest in regulating workplace speech than it does in restricting expression by members of the general public, government officials still bear the burden of justifying any restrictions they choose to place on their employees' speech.⁵⁵ According to the U.S. Supreme Court, a public employee retains the right to speak on matters of public concern as long as such speech does not interfere with "the effective functioning of the public employer's enterprise."⁵⁶

Thus, the first step in determining whether a government employee's expression is protected by the First Amendment is to determine whether the expression can be "fairly characterized as constituting speech on a matter of public concern."⁵⁷ If so, it must be determined whether the employee's interest in speaking out on that matter of public concern outweighs the public employer's interest in restricting the expression.⁵⁸ Where the First Amendment activity at issue is religious expression, it is virtually always considered to be a "matter of public concern" because such expression lies at the very core of the First Amendment.⁵⁹

V. CONCLUSION

Christmas is a powerfully inspirational time of year for the estimated 96% of Americans who celebrate it in some fashion.⁶⁰ Public recognition of the traditionally widespread American celebration of Christmas cannot, in and of itself, detract from the significance of other religious holidays. We hope that this publication has convinced you that despite popular misconceptions, it is quite possible to continue to observe cherished traditions such as Christmas while yet remaining true to our nation's commitment to being a land of freedom and tolerance for people of all cultures, all ethnicities and all faiths.

If you would like more information or need legal assistance with one of the topics discussed herein, contact The Rutherford Institute at (434) 978-3888 or visit us online at www.rutherford.org.

END NOTES

¹ *Clever v. Cherry Hill Township*, 838 F.Supp. 929, 939 (D.N.J. 1993).

² See, e.g., *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 845 (1995).

³ The First Amendment reads, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. U.S. Const., Amend. I.

⁴ *School Dist. of Abington Township v. Schempp*, 374 U.S. 203, 225 (1963).

⁵ *Clever*, 838 F.Supp. at 939.

⁶ See, e.g., *Lynch v. Donnelly*, 465 U.S. 668, 673 (1983).

⁷ *Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971).

⁸ *Clever*, 838 F.Supp. at 939.

⁹ *Florey v. Sioux Falls Sch. Dist.*, 619 F.2d 1311 (8th Cir.), *cert. denied*, 449 U.S. 987 (1980).

¹⁰ *Florey*, 619 F.2d 911, 918 (D. S. D. 1979); *aff’d* at 619 F.2d 1311, (8th Cir. S.D. 1980) *cert. denied*, 449 U.S. 987 (1980).

¹¹ *Id.*

¹² *Clever*, 838 F.Supp. at 943.

¹³ *Id.*

¹⁴ *Id.* at 940.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ 2003 BYU Educ. & L. J. 339, 360.

¹⁹ *Id.*

²⁰ See *Florey*, 464 F.Supp. at 919 and *Clever*, 838 F.Supp. at 943-44.

²¹ *Id.*

²² *Bauchman v. West High Sch.*, 900 F.Supp. 254, 269 (D. Utah 1995).

²³ See <http://www.menc.org/publication/books/relig0.html>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Schempp*, 374 U.S. at 225.

²⁷ *Clever*, 838 F.Supp. at 929.

²⁸ *Id.* at 932-33.

²⁹ *Id.* at 933.

³⁰ *Id.*

³¹ *Id.* at 934.

³² See *Board of Educ. of the Westside Community Sch. v. Mergens*, 496 U.S. 226, 250 (1990) (“there is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect.”).

³³ *Muller v. Jefferson Lighthouse Sch.*, 98 F.3d 1530 (7th Cir. 1996), *cert. denied*, 520 U.S. 1156 (1997).

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- ³⁴ *Id.* at 1538 (emphasis added). See also *Hedges, supra*, (“[N]othing in the first amendment postpones the right of religious speech until high school...”).
- ³⁵ *Mergens*, 496 U.S. at 250.
- ³⁶ See *Rosenberger*, 515 U.S. at 839.
- ³⁷ 465 U.S. 668, 671 (1984).
- ³⁸ *Id.* at 681.
- ³⁹ *Id.* at 683.
- ⁴⁰ *Id.* at 686.
- ⁴¹ 492 U.S. 573 (1989).
- ⁴² *Id.* at 579.
- ⁴³ *Id.* at 580-81.
- ⁴⁴ *Id.* at 582.
- ⁴⁵ *Id.* at 620.
- ⁴⁶ *Osiedacz v. City of Cranston*, 344 F.Supp.2d 799 (2004), *rev’d on other grounds* at 414 F.3d 136 (1st Cir. 2005).
- ⁴⁷ *Id.* at 802.
- ⁴⁸ *Id.* at 803.
- ⁴⁹ *Id.* at 811.
- ⁵⁰ *Id.* at 807.
- ⁵¹ *Calvary Chapel Church, Inc. v. Broward County*, 299 F.Supp.2d 1295, 1299 (S.D. Fla. 2003).
- ⁵² *Id.* at 1303-1304.
- ⁵³ <http://www.eeoc.gov/types/religion.html>.
- ⁵⁴ *Pickering v. Board of Educ.*, 391 U.S. 563 (1968).
- ⁵⁵ *Tucker v. California Dept. of Educ.*, 97 F.3d 1204, 1210 (1996), *citing Johnson v. Multnomah County*, 48 F.3d 420, 422 (9th Cir.), *cert. denied*, 115 S.Ct. 2610 (1995).
- ⁵⁶ *Rankin v. McPherson*, 483 U.S. 378, 388 (1987).
- ⁵⁷ *Connick v. Myers*, 461 U.S. 138, 146 (1983).
- ⁵⁸ *Pickering*, 391 U.S. at 568.
- ⁵⁹ See, e.g., *Brown v. Polk County*, 61 F.3d 650, 658 (8th Cir. 1995).
- ⁶⁰ <http://www.foxnews.com/story/0,2933,105272,00.html>.

APPENDIX A

“THE TWELVE RULES OF CHRISTMAS” A PUBLICATION OF THE RUTHERFORD INSTITUTE

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.
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.
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.
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.
5. Public schools may include Christmas music, including those 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.
6. Public schools may not require students to sing Christmas songs whose messages conflict with the students’ own religious or nonreligious beliefs.
7. Public school students may not be prohibited from distributing literature to fellow students concerning the Christmas holiday or invitations to church Christmas events on the same terms that they would be allowed to distribute other literature that is not related to schoolwork.
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.

9. Government entities may erect and maintain celebrations of the Christmas holiday, such as Christmas trees and Christmas light displays, and may include crèches in their displays at least 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.
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 their religious content so long as these activities are not used to harass or intimidate others.
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.
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.

APPENDIX B

SIoux FALLS SCHOOL DISTRICT POLICY¹

I. POLICY

Recognition of Religious Beliefs and Customs

It is accepted that no religious belief or non-belief should be promoted by the school district or its employees, and none should be disparaged. Instead, the school district should encourage all students and staff members to appreciate and be tolerant of each other's religious views. The school district should utilize its opportunity to foster understanding and mutual respect among students and parents, whether it involves race, culture, economic background or religious beliefs. In that spirit of tolerance, students and staff members should be excused from participating in practices which are contrary to their religious beliefs unless there are clear issues of overriding concern that would prevent it.

The Sioux Falls School District recognizes that one of its educational goals is to advance the students' knowledge and appreciation of the role that our religious heritage has played in the social, cultural and historical development of civilization.

II. RULES

Observance of Religious Holidays

The practice of the Sioux Falls School District shall be as follows:

1. The several holidays throughout the year which have a religious and a secular basis may be observed in the public schools.
2. The historical and contemporary values and the origin of religious holidays may be explained in an unbiased and objective manner without sectarian indoctrination.
3. Music, art, literature and drama having religious themes or basis are permitted as part of the curriculum for school-sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday.
4. The use of religious symbols such as a cross, menorah, crescent, Star of David, creche, symbols of Native American religions or other symbols that are a part of a religious holiday is permitted as a teaching aid or resource provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature. Among these holidays are included Christmas, Easter, Passover, Hannukah, St. Valentine's Day, St. Patrick's Day, Thanksgiving and Halloween.

¹ Excerpted from *Florey v. Sioux Falls Sch. Dist.*, 464 F.Supp. 911, 918-19 (D. S. D. 1979).

5. The school district's calendar should be prepared so as to minimize conflicts with religious holidays of all faiths.

Religion in the Curriculum

Religious institutions and orientations are central to human experience, past and present. An education excluding such a significant aspect would be incomplete. It is essential that the teaching About and not Of religion be conducted in a factual objective and respectful manner.

Therefore, the practice of the Sioux Falls School District shall be as follows:

1. The District supports the inclusion of religious literature, music, drama and the arts in the curriculum and in school activities provided it is intrinsic to the learning experience in the various fields of study and is presented objectively.
2. The emphasis on religious themes in the arts, literature and history should be only as extensive as necessary for a balanced and comprehensive study of these areas. Such studies should never foster any particular religious tenets or demean any religious beliefs.
3. Student-initiated expressions to questions or assignments which reflect their beliefs or non-beliefs about a religious theme shall be accommodated. For example, students are free to express religious belief or non-belief in compositions, art forms, music, speech and debate.

Dedications and Commencement

Traditions are a cherished part of the community life and the Sioux Falls School District expresses an interest in maintaining those traditions which have had a significance to the community. Such ceremonies should recognize the religious pluralism of the community.

Therefore, the practice of the Sioux Falls School District shall be as follows:

1. A dedication ceremony should recognize the religious pluralism of the community and be appropriate to those who use the facility. An open invitation should be extended to all citizens to participate in the ceremony.
2. Traditions, i. e., invocation and benediction, inherent in commencement ceremonies, should be honored in the spirit of accommodation and good taste.
3. Because the baccalaureate service is traditionally religious in nature, it should be sponsored by agencies separate from the Sioux Falls School District.

APPENDIX C

CHERRY HILL TOWNSHIP BOARD OF EDUCATION POLICY, ADMINISTRATIVE PROCEDURE, GUIDELINES AND CALENDAR²

Policy JO: THE USE OF CULTURAL, ETHNIC, OR RELIGIOUS THEMES IN OUR EDUCATIONAL PROGRAM

We believe that it is our responsibility as educators to foster mutual understanding and respect for the rights of all individuals regarding their beliefs, values, and customs. In pursuing this goal the Board recognizes that we have a diverse community with a variety of cultural, ethnic, and religious backgrounds and we are cognizant of the special significance of seasonal observances and religious holidays.

The Board also recognizes that a genuine and broad secular program of education is furthered by advancement of students' knowledge about our society's cultural, ethnic and religious diversity. Inclusion of this area of knowledge helps to achieve our district's educational goals.

Through our instructional programs, we shall seek to broaden our students' understanding of, and respect for, the many beliefs and customs stemming from our diverse multicultural community's religious, racial, ethnic and cultural heritage. While one cannot study the richness of civilization without studying about religion, it is essential that those studies be conducted with sensitivity to the many religious beliefs existing within our student population; they must also remain consistent with law as interpreted by state and federal courts in accordance with the Constitution of the United States. Programs which teach about religion and its role in the social and historical development of civilization and in the social and political context of world events do not violate the religious neutrality of the public schools. Schools may teach about but not promote religion. The inclusion of religious themes in the study of the arts, literature, and history shall be only as extensive as necessary for a balanced, and comprehensive study of these areas.

The district supports the inclusion of cultural, ethnic and religious literature, music, drama and the arts in the curriculum and in school activities, so long as such inclusion reinforces our secular educational goal of providing a valuable learning experience. A wide variety of activities shall be included throughout the year.

Staff members are responsible for creating the school atmosphere and for demonstrating interest, sensitivity and support, so that students may see that different customs and beliefs are wonderful and essential elements of a pluralistic society.

² Excerpted from *Clever v. Cherry Hill Township Bd. of Educ.*, 838 F.Supp. 929, 942-49 (D. N. J. 1993).

CHERRY HILL PUBLIC SCHOOLS

ADMINISTRATIVE PROCEDURE

The Use of Cultural, Ethnic, or Religious Themes In our Educational Program

The guidelines below shall be followed in implementing formal curriculum and in providing information on holidays which have cultural, ethnic or religious significance. The primary purpose of all material used to provide such information on holidays shall be to promote the educational goal of advancing student knowledge.

1. Sensitivity to the diverse cultural backgrounds represented in our society should be an important guideline in selecting instructional materials and resources and in presenting the instructional program.
2. An instructional unit including religious or cultural themes and/or material need not necessarily be confined to any specific holiday season, but may be presented at such time during the school year that is appropriate to the curriculum. Reading lists, resource materials and inservice training shall be provided to staff members, in order to effectively implement the educational goals of Policy JO - The Use of Cultural, Ethnic, or Religious Themes In our Educational Program.

While assignments directing students to express their personal beliefs about their cultural, ethnic or religious backgrounds are not appropriate, individual student responses which may reflect such backgrounds and beliefs shall be accommodated and not result in embarrassment.

3. Within the classroom, displays of religious symbols are permissible provided such symbols are part of the planned program of instruction and comply with the three criteria below.
 - a. are displayed as an educational example of the holiday's cultural, ethnic, and/or religious significance
 - b. are pictorial in nature or are created by students,
 - c. remain on display within a timeframe that corresponds to the unit being taught.

The primary purpose and effect of all such displays shall be to promote the educational goal of advancing student knowledge about our cultural, ethnic, and religious heritage and diversity; such displays shall not appear to promote or celebrate any single religion or religious holiday.

4. During the ten months of the school year one centrally located bulletin board in each elementary and junior school, and a calendar poster in each elementary school classroom,

shall display a calendar on which the month's cultural, ethnic and religious holidays are listed. Holidays included shall be taken from a district-approved list which is created in accordance with educational criteria, and which reflects the world's multi-cultural diversity. Illustrations for each holiday listed shall be confined to the square representing its date.

A list of books and other resource materials on the holidays, which are available in the school library, shall be posted next to the calendar bulletin board display and made available in classrooms. Dates listed on the calendar, with the explanations provided by the district, shall be utilized by staff members as an educational resource throughout the school year.

Requests for changes in the list of dates used for the calendar may be made, either by staff members through the school principal, or by members of the public. Such requests shall be considered by the Deputy Superintendent and other staff members, using the criteria established for selection of the dates.

5. Since it is more meaningful for children to learn about and become aware of cultural, ethnic, and religious customs and traditions of others during the appropriate season, it shall be permissible to decorate one central school location with appropriate displays. The decorations and symbols used in such a display shall be examples of the cultural, ethnic, and/or religious holiday(s) that fall within that month. The symbols used shall be displayed for a period not to exceed ten school days. Any religious symbol which may be used shall be displayed simultaneously with at least one other religious symbol and at least one cultural and/or ethnic symbol. Any such display shall be accompanied by a written explanation that describes the cultural, ethnic, or religious significance of the symbols used in the display. The primary purpose of all such displays shall be to promote the educational goal of advancing student knowledge about our cultural, ethnic, and religious heritage and diversity.

Additionally, throughout the school year bulletin boards may be decorated with pictorial displays that recognize national and international holidays.

6. Any school musical program or concert composed of several choral and instrumental selections, shall have secular educational value and shall not be, nor have the effect of being, religiously oriented or a religious celebration. While individual religious pieces of music may be performed for their musical value, the total effect of a music program or concert shall be non-religious.

7. The school shall honor written requests from parents/guardians that children be excused from any activity the parents deem objectionable on religious grounds, and will provide an alternative activity for any child so excused. Such activities shall be handled with sensitivity.

8. Any student, staff member, parent/guardian, or community member who believes that a particular school program, practice or employee may have violated or misapplied

Policy JO may submit a written complaint to the superintendent, who will form a staff committee, which will include the building principal involved, to review the matter in question in a timely fashion.

CHERRY HILL PUBLIC SCHOOLS

Cherry Hill, New Jersey

Guidelines For the Implementation of Policy JO and Administrative Procedure C-17, The Use of Cultural, Ethnic, or Religions Themes In Our Educational Program

1. During the ten months of the school year one centrally located bulletin board in each elementary and junior school, and a calendar poster in each elementary school classroom shall display a calendar on which the month's cultural, ethnic, and religious holidays are listed (Administrative Procedure C-17, Item 4)

A. Every holiday on the district list must be included on the centrally located calendar and on the smaller classroom calendar.

B. A list of books and other resource materials on the holidays identified on the centrally located calendar and the classroom calendar shall be posted next to these calendars.

C. The monthly list of dates sent out from Central Administration, which contains the holidays for the month and a brief description of each holiday is to be posted next to the centrally located calendar and the classroom calendar.

D. If principals use religious symbols for the centrally located bulletin board other than those sent to them from Central Administration these symbols must first be reviewed and approved by Deputy Superintendent.

2. It shall be permissible to decorate one central school location with appropriate and timely displays throughout the year for a period of time not to exceed ten school days (Administrative Procedure C-17, Item 5)

A. In a display recognizing a completely secular holiday (historical, cultural, ethnic, racial, national) any number of items may be included in the display.

B. If any religious symbol is to be part of a display it must be displayed simultaneously with at least one other religious symbol of a different religion and at least one cultural and/or ethnic symbol. All elements of such displays referred to in this paragraph shall be submitted to the Office of Deputy Superintendent for review and approval.

C. All displays must be accompanied by a written explanation that describes the cultural, ethnic, or religious significance of the symbols used. If the written explanation for a display is not provided by Central Administration the building principal must submit

his/her proposed explanation to the office of the Deputy Superintendent for review and approval prior to the construction of the display.

D. Keep in mind that the above guidelines refer to displays in a central location as identified in Item 5 of Administrative Procedure C-17. It is possible that there could be a display of religious symbols in a classroom or classrooms during the year provided such displays are part of a planned program of instruction and are in compliance with the three criteria listed under Item 3 of Administrative Procedure C-17. Such displays, as part of planned instruction, reflect our cultural, ethnic, and religious diversity and advance student knowledge of this diversity.

E. On the high school level, a showcase display done by students in Marketing Education, for example, would be viewed as part of the instructional program. Such a display shall conform to A, B, and C above.

F. Be conscious of the relative size of the items used in any display.

G. Decorations on Christmas trees shall not include items such as angels or Jewish stars.

H. If a Christmas tree and a menorah are used in a display you may have lights on either or both of these symbols. For display purposes all lights on the menorah are to be turned on simultaneously; electric bulbs only. If candles are used decoratively as they are in a kinara, they are not to be lighted.

I. A Giving tree is acceptable in place of the traditional Christmas tree.

3. Displays in offices, lounges, media centers, etc. shall be permitted at the discretion of the building principal as long as all such displays conform to the above guidelines.

4. Throughout the school year bulletin boards may be decorated with pictorial displays that recognize national and international holidays. Other bulletin boards throughout the school may be decorated with appropriate seasonal displays (i.e., autumn leaves, turkeys, winter snow scenes, spring flowers, etc.)

5. If your School PTA/HSA has its own bulletin board which is used regularly for announcements, flyers, etc. they should be advised not to include religious symbols, but rather stick to secular symbols, as mentioned in #4 above.

6. Principals are responsible for all displays and bulletin boards in their respective schools. While the school principal may elect to ask for student, teacher, or parent assistance in putting up a display, the principal must be aware of what the display will be before it goes up. When necessary prior approval must be obtained from the Deputy Superintendent as indicated in 2-B above.

HOLIDAY CALENDAR

In November . . .

A special week in November is American Education Week, November 14-20. A highlight of American Education Week is National Community Education Day on Tuesday, November 16, celebrating partnerships between schools and their communities.

November 2 Election Day (United States)

For many national, state and local elections, Election Day is held on the first Tuesday after the first Monday in November.

November 11 Veterans Day (United States)

This national holiday now honors all who have served the nation in the armed services. It was originally called Armistice Day, commemorating the signing of the Armistice that ended World War I in 1918. By the terms of the Armistice, the fighting ended at 11:11 a.m. on November 11, the eleventh minute of the eleventh hour on the eleventh day of the eleventh month.

November 12 Birthday of Baha'u'llah (Baha'i)

This date marks the birthday of the prophet-founder of the Baha'i faith. Baha'u'llah (1817-1892) was a member of one of the great aristocratic families of Persia who gave up his wealth and position to preach to people about the unification of all humanity and the coming of a world civilization.

November 13 Divali (Hindu)

Divall, one of the most important festivals of the year for Hindus, is a new year festival, celebrated in the Hindu month of Kartika. It lasts for five days and is a festival of lights. Lamps are lit for the whole five days beside roads and streams, and on roof edges and window sills, to enable Lakshmi, the goddess of beauty, prosperity and good luck, to find her way to every home. Homes are decorated with flowers, and families visit and share festive meals.

November 15 Shichi-so-san - Seven, Five, Three Festival (Japan)

This day is celebrated in Japan by children who are seven, five, and three years old. They dress in their best clothes, enjoy special candy that is called "thousand year" candy, and are taken to shrines by parents to pray for a long, healthy and happy life.

November 25 Thanksgiving Day (United States)

This national holiday is a time for giving thanks for the harvest and for the good things the year has brought. The celebration at Plymouth, Massachusetts in 1621 was the first American thanksgiving observance. The first nationwide observance was in 1863, when President Abraham Lincoln issued a proclamation designating the last Thursday of

November as a day of national thanksgiving. Congress made Thanksgiving Day a federal holiday in 1941.

November 29 Nanak's Birthday (Sikh)

Nanak (1469-1538) was the founder of Sikhism, which comes from the Hindi word sikh, meaning "disciple." Sikhism, one of the three religions most widely practiced in India, is based on Nanak's teachings about the unity of one god and all peoples.

In December . . .

December 5 National Day (Thailand)

On this holiday the people of Thailand renew their commitment to democracy while celebrating the king's birthday with religious ceremonies in the temples.

December 8 Bodhi Day - Buddha's Enlightenment (Buddhist)

Among Mahayana Buddhists, this holiday commemorates Buddha's attaining perfect understanding and happiness. This date is based on the Japanese Buddhist calendar.

December 9 Chanukah (Jewish)

This Jewish holiday, also called the Festival of Lights, lasts eight days and begins at sundown on December 8. It marks the first recorded battle for religious freedom fought 2,000 years ago, when the Maccabee family led a rebellion against invaders who had captured the city of Jerusalem. It also commemorates the rededication of the Temple by the Maccabees after their victory. The Chanukah menorah, a nine-branched candleholder, is lit each night in Jewish homes to symbolize the historical and religious significance of the holiday. Chanukah is celebrated happily by Jewish families, with songs, games and the exchanging of gifts.

December 10 Human Rights Day

On this day in 1948 the United Nations General Assembly adopted the Universal Declaration of Human Rights, the first such statement by an international body.

December 15 Bill of Rights Day

Often marked by presidential proclamation, this day is the anniversary of the adoption of the first ten amendments to the United States Constitution in 1791.

December 16 Las Posadas (Mexico)

This nine-day celebration is a special Mexican way of commemorating the events that lead up to Christmas. It is observed in Mexico with solemn pageants, candlelight processions and joyful parties. After a religious ceremony on Noche Buena (Christmas Eve), there is a fiesta featuring the pinata, a decorated container filled with toys and candy. Children, blindfolded, take turns to try to break the pinata with a wooden stick. When the pinata is broken, the children scramble for the goodies.

December 25 Christmas (Christian)

On this major Christian holiday, Christians around the world celebrate the birth of Jesus Christ in a humble stable or barn in Bethlehem. For Christians, Jesus Christ is the Saviour, the Son of God. The birth of Jesus is often pictured in a Nativity scene which shows the baby Jesus with parents Mary and Joseph. A message of the season is peace on earth and good will to people everywhere. At Christmas time, many Christians decorate their homes with trees and lights and exchange gifts. They go to church, celebrate with family, and enjoy singing Christmas carols that tell the story of the first Christmas.

December 26 Kwanzaa (African-American)

Kwanzaa, which begins on December 26 and lasts until January 1 is an African-American holiday that celebrates family life and African-American traditions. The name Kwanzaa means "the first" or "the first fruits of the harvest." Fruits and vegetables are often part of holiday meals because Kwanzaa is based on the harvest festivals of Africa. An important message of Kwanzaa is education. The holiday teaches respect for the family and community, and for learning and sharing African-American traditions and achievements. Every night of Kwanzaa a new candle is lit and placed in the kinara -- a candle-holder with seven branches.

December 31 New Year's Eve