

ADL'S QUICK GUIDE TO DISPLAYS FOR THE DECEMBER HOLIDAYS

**CRËCHE/
RELIGIOUS ICON
ALONE***
- OR -
MIXED
RELIGIOUS
DISPLAY (E.G.,
CROSS AND
MENORAH OR
MULTIPLE
RELIGIONS
REPRESENTED)**

**MIXED
RELIGIOUS
AND NON-
RELIGIOUS
DECORATIONS
(E.G., CRËCHE
AND
SNOWFLAKES)**

**NON-RELIGIOUS
SEASONAL
DISPLAY (WHITE
LIGHTS, REINDEER,
SNOWMEN, ETC)
CHRISTMAS
TREES*******

AT SCHOOL*

School placed:
Never acceptable

Student placed:
Acceptable only if (a) a student initiated the use of the religious symbol, (b) the school otherwise permitted the placing of decorations, and (c) the overall impression created is not one of school endorsement of religion.

For example, in December an art teacher asks students to create paintings about something important to them and all of the paintings are temporarily displayed in a hallway outside the art classroom.

School placed:
Never acceptable

Student placed:
Acceptable only if (a) a student initiated the use of the religious symbol, (b) the school otherwise permitted the placing of decorations, and (c) the overall impression created is not one of school endorsement of religion.

See example above.

Acceptable. But ensure that more than one holiday or religion is represented by the "non-religious" images chosen.

GOVERNMENT PROPERTY (E.G., COURT HOUSE)*

Never Acceptable

Only acceptable when there is enough non-religious decoration to "outweigh" the religious effect of the religious elements of the display****

Acceptable, but encourage broad diversity

PUBLIC PROPERTY/"OPEN" PUBLIC SPACE**

Acceptable only if privately placed with disclaimer ensuring that viewers know that the government did not place or endorse the display.

Privately placed: Acceptable; no disclaimer needed if there is enough non-religious decoration to "outweigh" the religious effect of the religious elements of the display

Gov't placed: Only acceptable when there is enough non-religious decoration to "outweigh" the religious effect of the religious elements of the display

Acceptable, but encourage broad diversity

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Notes from Chart

* School would include virtual instruction and classes, events or programs, and school websites. Government property would include websites and other virtual forums.

** "Open forums" are places that are traditionally (or otherwise) devoted to free assembly and debate (often a street or park). "Limited forums" are places that are for the use of certain kinds of speakers and certain types of gatherings (often places where one might need a permit before holding a rally). In either place, the government cannot rule out private activity or a privately placed display merely because it has religious content. Furthermore, the government cannot rule out a privately placed display based on its particular religious viewpoint or affiliation. Therefore, a private group wishing to erect a crèche would be allowed to, so long as that kind of activity is typically allowed under the rules of the forum (e.g., a permit). However, government officials should ensure that no one would think that the government endorses or is the source of the display and should require a disclaimer to that effect. A "closed forum" -- what we call "government property" above -- is a place that has not been opened for public speech either by tradition or by designation (examples might include courthouses or city halls). The government may restrict the uses of such a forum to its intended purposes. In such a government-controlled forum, any placement of a religious item would be seen as government-endorsed and therefore should be disallowed.

*** Menorahs often count as religious, especially when placed alone; Dreidels may not.

**** Ask yourself: does the display, in its setting, give the appearance of a government endorsement of a religious message? If yes, the display is impermissible. Consider this discussion by the Supreme Court in which it approved a display of a crèche: "In addition to the crèche, the city's display contained: a Santa Claus house with a live Santa distributing candy; reindeer pulling Santa's sleigh; a live 40-foot Christmas tree strung with lights; statues of carolers in old-fashioned dress; candy-striped poles; a talking" wishing well; a large banner proclaiming 'SEASONS GREETINGS' ... a dancing elephant, a robot, and a teddy bear." Given the overall "secular" context, the crèche was approved.

***** Declared "non-religious" by U.S. Supreme Court.

