



Dear Superintendent:

During the Christmas season, public schools often face the question of whether they can include religious Christmas carols in school concerts. *We write to inform you that every federal court that has examined the issue has determined that including traditional Christmas carols and other religious music in school music programs fully complies with the First Amendment.* By way of introduction, Alliance Defending Freedom is an alliance-building legal organization that advocates for the right of people to freely live out their faith. We frequently assist students, teachers, and public school districts in understanding their rights and responsibilities when it comes to seasonal religious expression.

Already this year, two school districts' actions regarding this issue have made national news. In Wisconsin, Wausau School District officials initially suggested that one of its premier choirs would either have to eliminate all religious Christmas songs from their numerous holiday performances or perform four other types of songs for every religious Christmas song included. In New Jersey, Bordentown Regional School District officials banned religious Christmas songs during concerts at elementary schools. Alliance Defending Freedom [letters](#) explaining the permissibility of religious songs, along with community outcry and national media scrutiny (*see* [Todd Starnes](#) on Wausau and [Bill O'Reilly](#) on Bordentown), resulted in both Districts quickly abandoning their decisions.

These Districts did the right thing. No federal court has ever ruled that including Christmas carols and other religious music in a public school's music program violates the First Amendment's Establishment Clause. *See, e.g., Bauchman v. West High Sch.*, 132 F.3d 542, 554 (10th Cir. 1997) (ruling that "any choral curriculum designed to expose students to the full array of vocal music culture...can be expected to reflect a significant number of religious songs"). Public schools' confusion about this issue and the legalities of celebrating Christmas in other ways has been largely caused by inaccurate information about the Establishment Clause spread by certain groups opposed to any religious expression occurring in public. Alliance Defending Freedom has produced a [Christmas Memo](#) and a [Christmas and Public Schools Myths/Fact Sheet](#) that dispel these misconceptions.

You may also receive complaints about your District participating in toy drives for needy children, like Operation Christmas Child, because the sponsoring organization is religious. These complaints are completely unfounded. Providing students an opportunity to put together a box of gifts for impoverished children throughout the world does not become unlawful just because the toy drive is sponsored by a religious organization. If your school comes under fire for participating in Operation Christmas Child or similar Christmas toy drive programs, don't hesitate to contact our organization so we can help you defend against these unwarranted attacks.

Alliance Defending Freedom attorneys are available to help your school district confidently preserve the longstanding tradition of public school students performing religious Christmas carols at their concerts and other Christmas celebrations. If you would like more information or assistance with a particular situation, please contact us at 1-800-835-5233.

Cordially,

A handwritten signature in blue ink, appearing to read 'Jeremy D. Tedesco'.

Jeremy D. Tedesco, Director of Secondary School Project
J. Matthew Sharp, Legal Counsel
Rory T. Gray, Litigation Staff Counsel