

The Reindeer Rule: Christmas, Religious Liberty, and the ACLU

Christmas is coming, and for towns and municipalities across the nation 'tis the season to be worried—worried about lawsuits, that is.

Local officials in Vienna, Virginia, a suburb of Washington, D. C., were so worried that they banned religious carols at their annual Christmas Celebration. “Frosty the Snowman” and “Jingle Bells” were permissible, but not the “The First Noel” or “Joy to the World.” What made officials so skittish is that in 1991, Vienna was the target of a lawsuit by the American Civil Liberties Union (ACLU) for allowing a local group to set up a Nativity scene in front of a community center.

The town had been careful to add secular displays alongside the Nativity scene: plastic reindeer, Santas, and snowmen. This was in accord with the 1985 Supreme Court ruling known as the “reindeer rule,” which requires any religious display on public property to be balanced by secular displays in order to avoid any hint that the state is endorsing religion.

However, in Vienna, the careful balancing was all for naught. The ACLU charged that, in spite of the Santas and the reindeer, the creche was still the primary focus of the display and hence violated the separation of church and state. Now the Supreme Court hadn't said anything about primary focuses, but no matter. A federal judge sided with the ACLU, and the creche was taken down.

In 1992 the controversy was about Christmas carols. At the advice of nervous lawyers, Vienna officials banned all religious songs at the annual town celebration. In protest, the Vienna Choral Society withdrew from the program. On the day of the festivities, 200 people massed in the parking lot across the street to hold a counter-celebration. They erected a creche and lifted their voices to sing: “Away in a Manger,” “Silent Night,” and all the well-loved carols.

A few protesters brought banners. One banner read: “A baby in a manger or a fat guy in a red suit? The choice is yours.” Another banner took aim at the ACLU. “The ACLU is jealous of manger scenes,” it read, “because it doesn't *have* three wise men or a virgin in its organization.”

It was a well-aimed jab. But all humor aside, who can forget the pathos of the image on the news that

evening? The protestors were huddled behind barricades—carefully keeping their feet off the public property—praying and singing their carols. Instead of Christmas joy, the atmosphere was one of confrontation and protest.

Have we really come to this? Here in the shadow of the nation's capitol, the beacon of religious freedom for the whole world, Christians are having to fight for the right to sing traditional religious carols. The image recalled scenes from Eastern Europe before the fall of communism.

It ought to be a sober lesson for all Christians, and indeed all citizens. If we don't speak out against the secularization of society—if we stand by quietly while the ACLU takes away our rights, one by one—then America will lose what our forefathers called the first liberty: The freedom of religion.

When this happens, the message on the banners in Virginia will no longer apply—because we *won't* have a choice anymore. Instead of being able to choose the baby in the manger, we will be left with only a fat man in a red suit.

*Breif prepared by Charles Colson. his analysis aired origionally in December, 1992 on "Breakpoint," a daily radio commentary program. Mr. Colson is founder and chairman of Prison Fellowship Ministries. Repinted by permission of Prison Fellowship c 1992.
P.O. Box 17500 Washington, D.C. 20041-0500.*