benefits and burdens, and thus did not constitute coercion of participants to engage in a religious exercise.[225]

Religious Displays on Government Property.—A different form of governmentally sanctioned religious observance—inclusion of religious symbols in governmentally sponsored holiday displays—was twice before the Court, with varying results. In 1984, in *Lynch v. Donnelly*,[226] the Court found that the Establishment Clause was not violated by inclusion of a Nativity scene (creche) in a city's Christmas display; in 1989, in *Allegheny County v. Greater Pittsburgh ACLU*,[227] inclusion of a creche in a holiday display was found to constitute a violation. Also at issue in *Allegheny County* was inclusion of a menorah in a holiday display; here the Court found no violation. The setting of each display was crucial to the different results in these cases, the determinant being whether the Court majority believed that the overall effect of the display was to emphasize the religious nature of the symbols, or whether instead the emphasis was primarily secular. Perhaps equally important for future cases, however, was the fact that the four dissenters in *Allegheny County* would have upheld both the creche and menorah displays under a more relaxed, deferential standard.

Chief Justice Burger's opinion for the Court in *Lynch* began by expanding on the religious heritage theme exemplified by *Marsh*; other evidence that "'[w]e are a religious people whose institutions presuppose a Supreme Being'"[228] was supplied by reference to the national motto "In God We Trust," the affirmation "one nation under God" in the pledge of allegiance, and the recognition of both Thanksgiving and Christmas as national holidays. Against that background, the Court then determined that the city's inclusion of the creche in its Christmas display had a legitimate secular purpose in recognizing "the historical origins of this traditional event long recognized as a National Holiday,"[229] and that its primary effect was

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[225] 572 U.S. ___, No. 12–696, slip op. at 10–11. This part of the opinion, written by Justice Kennedy, was joined by Chief Justice Roberts and Justice Alito. Justice Thomas, with Justice Scalia, having joined the rest of the majority opinion, rejected the concept of coercion absent legal consequence. Justice Thomas also argued that the Establishment Clause is not incorporated through the Fourteenth Amendment to apply to the states. 572 U.S. ___, No. 12–696 slip op. at 10–11 (Thomas, J., concurring in judgment).

[226] 465 U.S. 668 (1984). *Lynch* was a 5–4 decision, with Justice Blackmun, who voted with the majority in *Marsh*, joining the *Marsh* dissenters in this case. Again, Chief Justice Burger wrote the opinion of the Court, joined by the other majority Justices, and again Justice Brennan wrote a dissent, joined by the other dissenters. A concurring opinion was added by Justice O'Connor, and a dissenting opinion was added by Justice Blackmun.

[227] 492 U.S. 573 (1989).

[228] 465 U.S. at 675, quoting Zorach v. Clausen, 343 U.S. 306, 313 (1952).

[229] 465 U.S. at 680.