



# Did Congress Meet on Christmas Day? The Story of a Controversy

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**I**t may sound like the beginning of a joke, but not everyone was laughing. What do the following have in common: the governor of Rhode Island, a tree, Fox News, Jon Stewart's *The Daily Show*, Politifact, the History Channel, the ACLU, my book about Christmas, and the journal *Word & World*? The answer? In late 2011, all were pulled into yet another skirmish about an alleged "war on Christmas." The *historical* issue that eventually emerged was a claim that Congress met on Christmas Day until the 1850s, a statement that surprises many in the general public but has been widely repeated in a variety of sources. However, is the claim true? The episode of controversy and confusion passed quickly, but it is an interesting story, and a narrative of the events can help clarify the facts regarding Congress and Christmas. The entire historical discussion directly involves church-state issues that remain with us today, as we continue to debate the proper role of each in American society.<sup>1</sup>

<sup>1</sup>A brief version of this narrative appeared in the online journal *Religion & Politics*, December 21, 2012, at [www.religionandpolitics.org](http://www.religionandpolitics.org) (accessed May 14, 2013). This article is considerably longer, with substantial additional information, citations, and updates.

*The assertion, in a previous Word & World article and elsewhere, that Congress met on Christmas Day in its early years stirred up a hornet's nest of controversy. The issue turns out to be more complex than simple responses allow. It remains true that the American Christmas was not always the cultural colossus it has now become, and the Congressional Record bears implicit witness to that.*

## HOLIDAY TREE OR CHRISTMAS TREE?

This episode in the ongoing culture wars began when Rhode Island governor Lincoln Chafee, a moderate Republican turned independent, sent out invitations in November 2011 to the annual tree-lighting ceremony in the Rhode Island state-house and referred to the central symbol as a “holiday tree.” A firestorm of criticism arose from many quarters, insisting that it be called a Christmas tree and complaining that the alternative label was political correctness run amok. The preceding January, Rhode Island state representative Doreen Costa, a freshman Republican legislator, had cosponsored a state resolution that the tree be called a Christmas tree and not a holiday tree, a resolution that passed the state House of Representatives. When, months later, Chafee ignored the nonbinding resolution, representative Costa called Chafee a Grinch and said that he was “as far left as you can possibly be.”<sup>2</sup> Roman Catholic bishop Thomas Tobin called the decision “disheartening and divisive” and “an affront to the faith of many citizens.”<sup>3</sup> Fox News devoted considerable airtime to the controversy, and phone calls and e-mails poured into the governor’s office. A staff member reported that “one angry writer told her to move to the Middle East.” Critics argued that the governor was ignoring American traditions, but Chafee maintained that governors before him had used similar language, and he invoked the 1663 Colonial charter and the legacy of state father Roger Williams, perhaps the earliest colonial leader to advocate separation of church and state, long before the era of Thomas Jefferson. “I just want to make sure I’m doing everything possible in this building to honor Roger Williams,” Chafee said.<sup>4</sup>

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On December 6, 2011, Jon Stewart addressed the controversy in a segment titled “The Tree Fighting Ceremony” on Comedy Central’s *The Daily Show*. In his typical humorous way, Stewart teased about inconsistencies in the critics’ arguments. He noted that Pilgrims were opposed to Christmas, and he pointed out that, in early America, Congress stayed open on Christmas Day, suggesting modern Americans have exaggerated the day’s importance. Stewart joked, “When the

<sup>2</sup>M. J. Lee, “Chafee: ‘Holiday’ tree, not Xmas tree,” *Politico* (November 30, 2011), at <http://www.politico.com/news/stories/1111/69400.html> (accessed May 14, 2013).

<sup>3</sup>Philip Marcelo, “R. I. Catholic bishop asks governor to reconsider ‘holiday tree’ reference,” *Providence Journal* (November 29, 2011), at <http://news.providencejournal.com/breaking-news/2011/11/ri-catholic-bis.html> (accessed May 14, 2013).

<sup>4</sup>John Zaremba, “Lincoln Chafee stands by PC ‘holiday tree,’” *Boston Herald* (December 1, 2011), at [http://bostonherald.com/news\\_opinion/local\\_coverage/2011/12/lincoln\\_chafee\\_stands\\_pc\\_holiday\\_tree](http://bostonherald.com/news_opinion/local_coverage/2011/12/lincoln_chafee_stands_pc_holiday_tree) (accessed May 14, 2013).

country was founded, Congress had exactly the same attitude about the sanctity of Christmas celebrations that a 7-Eleven does today: ‘Yeah, we’re open.’”<sup>5</sup>

#### ENTER POLITIFACT

Jon Stewart’s claims drew the interest of Politifact, a project founded in 2007 and operated by the *Tampa Bay Times*, in which reporters and editors from the *Times* and affiliated media outlets fact-check statements made by political leaders. Politifact.com won the Pulitzer Prize for National Reporting in 2009 for its work during the 2008 presidential campaign, although commentators on both the left and the right have criticized Politifact, accusing it of bias and inadequate research. One of Politifact’s affiliated media outlets happened to be *The Providence Journal* of Providence, Rhode Island, which found itself well placed in the midst of the public firestorm over the holiday tree.

Thus, a reporter for *The Providence Journal*, C. Eugene Emery Jr., became curious, especially about one of Stewart’s assertions that Congress met on Christmas Day in America’s early years. The specific statement at issue was the claim made in a video clip Stewart used, from a History Channel program about the history of Christmas. The History Channel excerpt stated, “On Dec. 25, 1789, the United States Congress sat in session and continued to stay open on Christmas Day for most of the next 67 years.” As Emery wrote, “We were intrigued by the idea that members of Congress in the early days would be on the job most Christmas Days, even if Dec. 25 fell on a weekend. So we started digging.”<sup>6</sup>

Emery found a statement on the History Channel website almost identical to the wording quoted above from the History Channel television program. In addition, Emery conducted a Google search. That brought him to the American Civil Liberties Union website which at that time included the following quotation, “Congress met on Christmas Day every year from 1789 to 1855, with only three exceptions.” And what did the ACLU cite as the source for that quotation? An article by someone named Bruce David Forbes, published in 2007 in the journal *Word & World*.<sup>7</sup> Yes, I am that person, and this is the journal.

Emery also contacted Donald Ritchie, historian of the United States Senate, who said he “had his doubts” about Congress meeting on Christmas Day, believing that Congress usually took Christmas Day off but did not take a longer Christmas break. Emery then turned to government records and found evidence that the one claim about a specific year was clearly wrong: in 1789 Congress did not meet on

<sup>5</sup>See <http://www.thedailyshow.com/watch/tue-december-6-2011/tree-fighting-ceremony> (accessed May 14, 2013).

<sup>6</sup>C. Eugene Emery, Jr., “Comic Jon Stewart says Congress met most Christmas Days in its early years,” *Politifact Rhode Island*, December 9, 2011, at <http://www.politifact.com/rhode-island/statements/2011/dec/09/jon-stewart/comic-jon-stewart-says-early-congress-met-most-chr/> (accessed May 14, 2013). All references to Emery refer to this article.

<sup>7</sup>Bruce David Forbes, “Christmas Was Not Always Like This: A Brief History,” *Word & World* 27/4 (Fall 2007) 399–406.

December 25. They had been out of session for about three months and did not return until January. The records also show, he reported, that “there were three years from 1789 to 1857 when Congress had a formal recess that extended over Christmas Day. But that doesn’t mean they were on the job on Dec. 25 during all the remaining years.” By examining House and Senate journals from 1789 to 1857, Emery determined that the House actually met on Christmas Day only once, in 1797, and the Senate met on Christmas Day only once, in 1802.

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***“So gather friends and family around the hearth as we give this Christmas claim by Stewart, the ACLU and the History Channel a collective Pants on Fire!”***

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The resulting conclusion, written by Eugene Emery under the Politifact banner was this: “So the assertion that Congress met virtually every Christmas during that period is completely False. The idea that members would do so when there is a 1 in 7 chance that Dec. 25 would fall on a Sunday makes this idea ridiculous. So gather friends and family around the hearth as we give this Christmas claim by Stewart, the ACLU and the History Channel a collective Pants on Fire!” Politico’s official definition of Pants on Fire is a statement that is “not accurate and makes a ridiculous claim.” In response, on his December 12 show, Stewart acknowledged the Pants on Fire rating, made humorous comments about no longer trusting the History Channel, and took a “Back to the Future” trip into the past for a fanciful interview with Benjamin Franklin, where Stewart continued to make the general point that Christmas was less dominant in colonial culture than it is today.<sup>8</sup>

I suppose I can feel relieved that my name was not specifically mentioned in the final paragraph with the Pants on Fire verdict, but this little flurry of public attention left me both chagrined and curious. I was curious to double-check my own sources, to see what I said, what they said, and to investigate how far back I can track the claims. Secondly, I am concerned if I have contributed to the distribution of misleading historical information. I wanted to do my own verification of the evidence in this matter, to assess what we can say about Christmas observances and Congressional practice in early America.

#### CHECKING THE FACT-CHECKERS

First, I wanted to go further than Emery did in backtracking the claim. He apparently was unaware that my *Word & World* article draws information and ideas from a more complete history of Christmas provided in my book, *Christmas: A Candid History*.<sup>9</sup> Consulting both my article and the book, I noted that I made no

<sup>8</sup>See <http://www.thedailyshow.com/watch/mon-december-12-2011/war-on-christmas---historical-fact-checking> (accessed May 14, 2013). This clip is not for young eyes or those of a sensitive nature.

<sup>9</sup>Bruce David Forbes, *Christmas: A Candid History* (Berkeley: University of California Press, 2007).

specific reference to December 25, 1789, which tells me that when the History Channel made their claim they were drawing from some source other than my writings. Following my own footnotes, my major source was Tom Flynn's book, *The Trouble with Christmas*, published in 1993.<sup>10</sup> There I found language virtually identical to the claims made by the History Channel, including a specific mention of 1789, and in a phone conversation with a producer from the History Channel I learned that they had interviewed him for their television special. So, it is likely that Flynn was the major source for me and for the History Channel, but what was his source for the claim? I noticed that in Flynn's book, which does contain extensive citations, there is no citation for his crucial paragraph on this topic. Through e-mail and phone conversations, I learned that Flynn relied in part on information Al Menendez included in his book, *The December Wars*, and in turn Menendez relied in part on Alvin Rosenbaum's *A White House Christmas*, with slight variations in the precise statements by each author.<sup>11</sup> I am still seeking earlier claims.

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More important, however, is to clarify what the historical evidence indicates. Emery concluded that between 1789 and 1857 Congress did not meet on Christmas Day, with only two exceptions (1797 for the Senate, and 1802 in the House, when they did meet). Emery is almost correct, but there are complications with the two exceptions. In 1797, the Journal of the Senate entry for Monday, December 25, states that "the Senate assembled: and, on motion, adjourned to 11 o'clock to-morrow morning."<sup>12</sup> So, the single Senate exception for 1797 apparently was barely a meeting at all, and Emery's careful wording recognizes that. There is a larger difficulty with the House in 1802. A clerical error in one document indicates that the House met on Friday, December 25, 1802, but the problem is that in that year December 25 fell on a Saturday. The published Journal of the House of Representatives accurately records that in 1802 the House met on Friday but not on Saturday—in other words, not on Christmas Day.<sup>13</sup> Thus, the House never met on

<sup>10</sup>Tom Flynn, *The Trouble with Christmas* (Buffalo, NY: Prometheus Books, 1993) 92.

<sup>11</sup>Albert J. Menendez, *The December Wars: Religious Symbols and Ceremonies in the Public Square* (Buffalo, NY: Prometheus Books, 1993) 60. Alvin Rosenbaum, *A White House Christmas* (Washington, DC: Preservation Press, 1992) 87.

<sup>12</sup>*A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774–1875*. Journal of the Senate of the United States of America, 5th Congress, 2nd Session, 417. See a digital image of the Senate Journal at <http://memory.loc.gov/ll/sj/002/0400/04070417.tif> (accessed May 15, 2013).

<sup>13</sup>*A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774–1875*. Journal of the House of Representatives of the United States of America, 7th Congress, 2nd Session, 258. See a digital image of the *House of Representatives Journal* at <http://memory.loc.gov/ll/hj/004/0200/02560258.tif> (accessed May 15, 2013).

Christmas Day in its early years, and the Senate did so only once, in a formal sense that could hardly be called a meeting.

Yet Emery raised an additional point when reporting on the comments of Donald Ritchie, the Senate historian. Ritchie said that Congress typically took Christmas Day off, but they did not take a longer break as they do now. This is important. Even if they did not meet on Christmas Day itself, they often met on the day before and the day after, if it was not a weekend. An interesting debate published in the *Congressional Record* of 1821 reveals the situation in early years. One House member (Mr. Baldwin) proposed that the Senate and House adjourn from December 22 to January 2, because “very little business was done in Congress during what are termed, in common parlance, the Christmas Holidays.”<sup>14</sup> Since many members were absent on business, and others departed to visit their families, he believed it would be “above-board” to publically adjourn; “if we were ready to do nothing during the holidays, let us boldly say so” (566).

Other House members objected, indicating that there was much business to do, and that if common practice was to do nothing during this period, such a practice should be reversed. They also asserted it would be “manifestly unjust” to be paid throughout a ten-day adjournment, and it would “not meet the approbation of their constituents” (565). Further, a critic said that the proposal favored those who lived close enough to join families and “festivities of the social fireside” (565). For others, “the dissipation of adjoining cities, to which we might resort for pleasure during that period, would not much conduce to a better preparation for business” when they returned (566). (By the way, this entire debate, as recorded, includes no Christian or religious references other than the single phrase “Christmas Holidays” cited above.) The resolution was indefinitely postponed or, in effect, defeated.

The 1821 House debate indicates, first of all, that the proposal for a longer formal recess was a departure from the norm, and it was rejected. The discussion also reveals both absenteeism in the days surrounding Christmas and, nevertheless, an expectation for Congress to continue its official meetings in the days shortly before and after. Until the 1850s, the norm was for Congress to take only Christmas Day off, or perhaps a day or two more depending on how the calendar fell in relation to the weekend. The reason all the previous discussion ends at 1857 is because that is when Congress began taking longer breaks, as suggested by Mr. Baldwin back in 1821. In 1857 and 1858, the last congressional session of the year was December 23, not resuming until January 4. The years 1859–1861 returned to the previous pattern of suspending meetings for only two or three days. In 1862 and thereafter, the Congressional norm became a holiday recess that started a few days before Christmas and extended into early January.

<sup>14</sup>*A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774–1875*. Annals of Congress, House of Representatives, 17th Congress, 1st Session, 565. See digital images starting at page 564 at <http://memory.loc.gov/cgi-bin/ampage?collId=llac&fileName=038/llac038.db&recNum=278> (accessed May 14, 2013). Page numbers in my text below refer to this record.

## ON BEING “IN SESSION”

Those are the facts. Why has there been so much historical confusion about Congress and Christmas Day, and does it matter? In my view, the confusion arose because of an assumption that several terms or phrases mean the same thing, when they actually do not. Declaring that Congress “sat,” or “met,” or “stayed open,” or was “in session” sound like equivalent statements, but that may not be the case. From 1789 to 1857, Congress was almost always *in session* (or “stayed open”) for the period covering Christmas Day but it did not *sit* (that is, actually meet in chambers) on Christmas Day. The reason we say that they were *in session* over Christmas Day is that they did not start calling a longer recess for the general Christmas holiday period until the late 1850s. One might make a comparison with current congressional practice, which is that neither the House nor the Senate customarily meet on Sundays except in emergencies. Yet Congress does not call a recess every weekend. They are still technically “in session” on Sunday, if you want to put a lot of weight on those words, but they do not come together for actual meetings in chambers on Sundays. It seems to have been the same regarding Christmas Day and Congress in America’s early years. Note that the statement in the History Channel video and on their web site claims that Congress “sat in session” in 1789 and “continued to stay open on Christmas Day” in many following years. That combination of “sat” and “in session” and “stay open” prompts the confusion, because Congress might be “in session” and “stay open” but not actually “sit” on a particular day, like Sundays or Christmas Day.

So, did Congress actually meet in chambers on Christmas Day in their early years? No, never (if you ignore the one 1797 Senate meeting that barely counts). Any imprecise statements by historians, including me, that suggest otherwise are incorrect. However, was Christmas “in session” on Christmas Day throughout its early years? Yes, almost always, because Congress did not begin regularly declaring a longer recess for the Christmas holiday period until 1857. Is that significant? Perhaps, because it can be considered partial evidence that Christmas did not play as dominant a role in early American culture as it has grown to play in more recent years.

## THE “INVENTION” OF MODERN CHRISTMAS

Some general historical background is helpful here. Puritans, in England and in New England in the 1600s, disapproved of Christmas, and they gave two or three major reasons. One reason, the Puritans said, was that the earliest Christians did not have an annual observance of the birth of Jesus, a claim that is historically supportable. Early Christians emphasized Jesus’ death and resurrection, and it took more than two centuries before they set aside a special day once a year to celebrate Jesus’ nativity. Thus, Puritans viewed an annual Christmas observance as one of many Roman Catholic innovations that Puritans sought to purge, in order to return to a purer church modeled after the earliest Christian practices. In addition,

Puritans thought that Christmas festivities had become too wild and licentious and dishonored Christian sensibilities. For these reasons, they opposed Christmas.

Puritan legal efforts to suppress Christmas in both England and New England were only partially successful, but they did succeed in getting many Christians out of the Christmas habit, moving more of the midwinter partying to New Year's Eve and Day and Valentine's Day. That meant that when it came to the American colonies, Christians were divided among themselves in their views of Christmas. Most of the English-speaking dissenters from the Church of England had been influenced by the Puritan disapproval, and they tended to oppose, ignore, or de-emphasize Christmas. Those English groups dissenting from the Church of England and critical of Christmas in varying degrees would include Puritans (later called Congregationalists), Presbyterians, Baptists, Methodists, and Quakers. Those who celebrated Christmas more fully included the Church of England (later called Episcopalians) and groups from non-English backgrounds that did not carry the baggage of Puritan disapproval: German and Scandinavian Lutherans, the Dutch Reformed, and Catholics. Thus, in early America there was no national consensus about the importance of Christmas *even among Christians*.

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For those who wished to celebrate Christmas in some way, they could, but the entire culture did not stop for Christmas. Businesses often were open on Christmas Day, and many government functions, public schools, and other activities continued. It was not until the mid-1800s that Christmas became a more pervasive national celebration, not because of the influence of churches, but through a convergence of cultural influences: Dickens's *A Christmas Carol* (which was intended to revive or reinvent Christmas), the example of Queen Victoria and Prince Albert and their family gathered around a Christmas tree, the rise of Santa Claus, and the general commercialization of Christmas.

When Christians today argue about what they perceive as a "war on Christmas," an underlying assumption seems to be that the entire nation has always united in the celebration of Christmas, and it is only in recent years that some opponents (atheists, agnostics, secularists, people of other religions, etc.) have ruined the national consensus. In fact, Christians themselves were divided in colonial times and the early American nation; some Christians observed Christmas, while for other Christians it was just another ordinary day. Even for those who did observe Christmas, it had not yet developed into a long, busy Christmas *season*. For most of those who did celebrate Christmas, it may have consisted mainly of a special family meal and perhaps an extra worship service on Christmas Eve or Christ-

mas Day. For some, but not all, it also might bring a one-day break from work. It did *not* involve extensive gift giving and major shopping for presents, which developed late in the 1800s and into the 1900s. The popularity of Christmas trees, and the sending of Christmas cards, even the development of wrapping paper, arose in the middle of the 1800s or later. The image of Santa Claus did not exist in the late 1700s and only began to emerge two or three decades into the 1800s. In other words, Christmas was not the cultural colossus it has now become, stopping everything in its tracks. Christmas in the colonies, and the early nation, even for those who celebrated it, was more like what Sunday or a weekend is for modern Americans.<sup>15</sup>

Some historians, including me, thought that the example of Congress meeting on Christmas Day was a good way to make the point that Christmas was not always a holiday that virtually all Americans cherished. That historical example turns out to be mistaken. Yet the shift by Congress from taking one or two days off for Christmas in early years, to declaring longer holiday recesses after 1857, points to the same larger message. There undoubtedly were several factors at play in the lengthened congressional holiday period, but it has to be more than mere coincidence that Congress began declaring substantial holiday recesses at the very time that Christmas gifts, cards, trees, and Santa Claus marketing rapidly proliferated in American culture. Today in the United States almost everything stops for the Christmas parade. It was not always that way, and the shift in Congressional holidays is one more piece of evidence. ⊕

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<sup>15</sup>The Christmas history summarized here is discussed more fully in Forbes, *Christmas: A Candid History*, 43–135.