

Holidays: State and Federal



By Paul Engel

December 27, 2024

- Do you know that there are more than one Christmas holiday in this country?
- In fact, when the United States was formed, we didn't even have holidays.
- When we celebrate Christmas this year, let's not forget the reason for the season.

There are many things most Americans will take for granted this Christmas Holiday. For example, even that fact that it is a holiday is something most of us don't even think about. So let us take a look at this federal holiday in America.

Holidays

Since we will be discussing federal holidays, we should define what a holiday is.

Holiday:

1. HOLY DAY
2. a day on which one is exempt from work

[Holiday – Merriam Webster's Online Dictionary](#)

Interestingly, the first sense of the word "holiday" is that of a "holy day".

a day set aside for special religious observance

[Holy Day – Merriam Webster's Online Dictionary](#)

In this day and age, the more common usage of the term 'holiday' is to identify days when most of us are exempt from work.

Federal Holidays

There's an important point I need to mention: We will be focusing on the federal holiday of Christmas, not the state holiday. We tend to think of holidays as "national" holidays, but since Congress doesn't have the legal authority to create national holidays, they have so far avoided attempting to do so.

While Christmas has had an interesting history in the colonies and early United States, it does not become a holiday until 1870 with the passage of H.R. 2244.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following days to wit: The first day of January, commonly called New Year's Day, the fourth day of July, the twenty-fifth day of December, commonly called Christmas Day, and any day appointed or recommended by the President of the United States as a day of public fast or thanksgiving shall be holidays within the District of Columbia,

[H.R. 2244, 41st Congress](#)

Congress passed a law identifying several holidays, but unlike today, the first purposes of these holidays are fasting and thanksgiving, not a day off. We should also notice that these holidays are only within the District of Columbia. This is in large part because Congress doesn't have the legal authority to define holidays for the country. It does however have the power:

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress,

become the Seat of the Government of the United States

[U.S. Constitution Article I, Section 8](#), Clause 17

Since Congress is authorized to create general laws only for the district that became the seat of the government of the United States, they can write general laws for the District of Columbia.

and shall for all purposes of presenting for payment or acceptance for the maturity and protest, and giving notice of the dishonor of bills of exchange, bank checks, and promisory notes or other negotiable or commercial paper, be treated and considered as is the first day of the week, commonly called Sunday, and all notes, drafts, checks, or other commercial or negotiable paper falling due, or maturing on either of said negotiable paper falling due, or maturing on either of said holidays shall be deemed as having matured on the day previous.

[H.R. 2244, 41st Congress](#)

So holidays in the District of Columbia served two purposes. They were to be calls to fasting and thanksgiving and, for the purposes of financial instruments, would be treated as Sunday, meaning no business was done. These federal holidays were eventually extended to all federal employees. Then in 1938, laws were put in place to make these paid holidays for federal employees, ([5 USC §6103](#)).

State Holidays

As I've already mentioned, Congress can only create federal holidays. Each state creates their own holidays. While these state holidays correlate closely with their federal counterparts, there are differences. For example, the federal holiday is listed as "Christmas Day, December 25" ([5 USC §6103](#)), but in Tennessee it's merely listed as "December 25" ([Tenn. Code Ann. § 15-1-101](#)). Under Tennessee law:

on which holidays and half-holidays all public offices of this state may be closed and business of every character, at the option of the parties in interest of the same, may be suspended.

[Tenn. Code Ann. § 15-1-101](#)

Tennessee law specifically states that business have the option to close on these holidays, thus recognizing the limitations of state power. I suggest you check your own state laws and see how they differ from both federal holidays and your assumptions about them.

Purpose of Holidays

As I noted before, today it seems most people focus on the second sense of the word Holiday, “a day on which one is exempt from work.” And that is certainly the point of the federal law on holidays. But what if we looked more at the first sense of the word, a “Holy Day”?

a day set aside for special religious observance

[Holy Day, Merriam-Webster's Online Dictionary](#)

This idea may seem strange to modern ears, especially after decades of having a false interpretation of “Separation of Church and State” drummed into our heads. That phrase came from a letter Thomas Jefferson wrote to the Danbury Baptist, where he said:

“I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should “make no law respecting an establishment of religion or prohibiting the free exercise thereof,” thus building a wall of separation between Church and State.”

Jefferson, Writings, Vol XVI

It seems the purpose of this wall of separation was not to

protect the government from religion, but to protect religion from the government. This need for religion and morality was a key subject in George Washington's farewell address as well.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity.

[George Washington's Farewell Address](#)

If our political prosperity is supported by both religion and morality, should we not support them? Our first President went so far as to claim that someone could not claim to be a patriot if they denied that importance of religion and morality in the nation. As Mr. Washington points out, religion and morality are central to more than just churches.

Let it simply be asked: Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

[George Washington's Farewell Address](#)

Why is religion so important to morality? Simply put, religion reminds us both that there is someone (or in some religions something) greater than ourselves, and that we will one day be held accountable for our actions, even if not here on this earth. That's why it's so important to a sense of justice, and

why courts have you swear or affirm on a bible to tell the truth. We hold to these traditions not merely because they bring a sense of solemnity to the occasion, but as a reminder of our obligation to seek justice as we participate. As the Declaration of Independence states:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights,

[Declaration of Independence](#)

If our unalienable rights come from our creator, then we must believe that there is a being that created us and who endowed us with those rights. If any being has the right to judge our lives, it's the one who both created us and those rights we so cherish.

Holy Days

So if these holidays were originally set aside for special religious observance, shouldn't we take this opportunity to restore them to that high cause? Why not start with Christmas? I'm not saying we have to give up our traditions, but wouldn't this be a good time to remember the purpose of the holiday? A day to remember the birth of Jesus, whom many of us, then and now, have accepted as our Lord and Savior? A time of year to not just sing carols, but to put into action their calls for "peace on earth, good will to men," "tidings of comfort and joy," and even a "Silent night, holy night"? If religion and morality are indispensable supports to our political prosperity, should we not lift them up on these days we, as a people, have set aside as Holy Days? Perhaps, if we treated these days with more holiness, our politics would less like Ebenezer Scrooge's were. I'm not saying our politicians hearts will grow three sizes that day, but maybe, just maybe, they'll be less of a grinch while in office.

E-Mail Paul Engel: paul@constitutionstudy.com