

June 18, 2002

Committee on Governmental Organization
California State Assembly
1020 "N" Street, Suite 156
Sacramento, California 95814

RE: SB 1577

Redesignation of State Holiday Tree as a Christmas Tree

American Atheists is opposed to SB 1577, which would redesignate the state's December holiday tree as an official Christmas tree. Such action would be a step backwards in recognizing California's diversity, would marginalize Atheists and other non-Christians who do not celebrate Christmas, and could open the state up to a legal challenge based on both state and federal constitutional provisions.

1. **SB 1577 is a Step Backwards in Recognizing California's Diversity.** When the state designated the December tree as a "holiday tree," it was a symbolic recognition that the winter holiday season is more than just Christmas, that the state's diverse population celebrates in a variety of ways, including Chanukah, Ramadan, Kwanzaa, and the Winter Solstice. The citizens of California recognize and celebrate that diversity, and that spirit of tolerance and acceptance is very much a part of why California is a special place. SB 1577 is insensitive to California's rich diversity, and is simply out of step with the sensibilities of the state's population.
2. **An Official State "Christmas Tree" would marginalize and insult Atheists and Others who Celebrate Non-Christian Holidays, particularly the Winter Solstice.** As stated previously, the December season is more than just Christmas. Many Californians celebrate with non-Christian holidays, in particular the Winter Solstice.

According to the Julian calendar, December 25th is the Winter Solstice—the shortest day of the year. Pagans considered this day to be the "nativity" of the sun, when light began winning its battle against the increasing darkness. It has been celebrated throughout the history of humanity. While it was adopted by Christians as the birthday of their Christ, the ancient holiday survives to this day.

Many Atheists have embraced the Winter Solstice as a nonreligious celebration of nature and humanity that can be enjoyed by everyone. The Winter Solstice is also celebrated by pagans, Wicca's, Humanists, and others throughout the state.

One Winter Solstice custom dating back to ancient Egyptian and Roman times is the decoration of an evergreen tree, which symbolizes spring's promise to return. The "Solstice tree" was also adopted by Christians, who dubbed it a Christmas tree, but such a display is still recognized by many as a Solstice tree, as it was originally intended.

SB 1577 disregards and disrespects the chosen celebration of millions of Californians. (According to the latest ARIS survey, approximately 17 percent of California's population professes no religious beliefs.)

3. **SB 1577 Promotes Christianity in Violation of Federal and State Constitutional Provisions, and Invites Litigation Against the State.** Clearly, SB 1577 is intended to promote Christmas and its associated religion Christianity. Such action by the state would lose a legal challenge under both state and federal constitutional provisions.

Renaming the state holiday tree as a Christmas tree creates at a minimum the appearance of preference, and as such would violate the California Constitution's "no preference" clause (Article I, Section IV). Under federal First Amendment provisions, such action would violate at least two of the three prongs of the Supreme Court's Lemon test; such a state action could hardly be construed to have a secular purpose, and it would obviously advance a particular religious creed.

American Atheists is currently involved in two constitutional challenges in federal court, and would consider taking legal action on behalf of our California members if SB 1577 is approved.

For the above reasons, **American Atheists** is opposed to SB 1577. We strongly urge the Governmental Organization Committee to reject this proposal, which is insensitive to the state's rich diversity, insults celebrants of non-Christian winter holidays, including the winter solstice, and could involve the state in a costly legal challenge.

Sincerely,

Dave Kong, State Director
American Atheists, Inc.

DK/cr

American Atheists
*is a national organization that defends the civil rights of nonbelievers,
works for the separation of state and church,
and addresses issues of First Amendment public policy.*