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Choosing Thomas Jefferson

by

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As is too common in our society these days, I’m going to start with a couple of disclaimers and a warning.

First disclaimer – I am aware that “the South” is a broad land with much variety and that there’s considerable doubt about whether the term is meaningful anymore. But in fifteen minutes I’ve got to sling paint in wide brush strokes if I’m going to raise any issues worth considering. Also, I’m sensitive to the fact that much of what I have to say should probably be said in Alabama rather than in Louisiana, but I’m afraid I’m just not that brave.

Second disclaimer – Thomas Jefferson wrote about many things, and his writings have become a grab-bag with a prize for everyone. Also, he lived a long time (perhaps, as he said, too long) and – like most of us – he was not as consistent in his thinking as he might have been. As Robert Booth Fowler observes, “Jefferson’s political ideas do not deserve dismissal as mishmash, [but] they hardly constitute a tight, consistent philosophy that somehow a correct reading of Jefferson, his texts, and their audiences can reveal.”ⁱ Still, I think that in some areas of his life Jefferson did speak with a single voice, and I’d like to explore one of them with you today.

The warning – My wife says that the language of the people that I quote and many of my ideas are obtuse. So, beware.

I call my talk “Choosing Thomas Jefferson.” I begin with a story from Willie Morris’s book, North toward Home – his memoirs of growing up in Yazoo City, Mississippi; going to college at the University of Texas; and moving to New York City where at age 32 he became the youngest editor of Harper’s magazine. While a student at UT, Morris took to hanging out at the Texas Legislature. He tells a story about rural conservatives in the mid-1950s who introduced a bill “that would require all professors and teachers in state-supported schools ‘to acknowledge the existence of a Supreme Being.’” At a committee hearing, one of the members interrupted the sponsor of the bill (whose initials were W. T.) in order to read to him Thomas Jefferson’s Virginia Statute for Religious Freedom. “Well, that’s just fine,” W. T. said. Then, another member of the committee said, “Well, it looks like we’ll either have to be for you or for Tom Jefferson.” “Yessir,” the sponsor said, “that seems to be the choice.” “W. T.,” the committee member said, “you’re makin’ it awful hard on us.”ⁱⁱ

In his Virginia Statute for Religious Freedom, Thomas Jefferson also “[makes] it awful hard on” former Alabama Chief Justice Roy Moore and others who want to argue today that a state has the right to favor religious beliefs, like the Ten Commandments. I want to compare three of Justice Moore’s positions with those of Thomas Jefferson in order to show how Justice Moore’s views and those of Thomas Jefferson are polar opposites of each other. First, according to Justice Moore, in installing a 5,280 pound monument to the Ten Commandments in the rotunda of the Alabama Supreme Court

Building he was defending “our rights and preserv[ing] our Constitution.... To prohibit the acknowledgment of God upon Whom our justice system is established is to undermine our entire judicial system.... [T]his display ... is an acknowledgment of a sovereign, holy God Whose laws superintend those of man. We will not retreat from that position, because it is true.”ⁱⁱⁱ In Justice Moore’s thinking, it is appropriate to erect a statute of the Ten Commandments in the capitol because God wants it to be there. In his Statute for Establishing Religious Freedom, however, Jefferson warns Virginians to be wary of

the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible[;...] that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own....^{iv}

Obviously, Justice Moore would not agree with this statement.

A secondary defense of his actions involves Justice Moore’s attempt to make his case a states’ rights issue. “The issue is: Can the state acknowledge God?” Moore said. “If this state can’t acknowledge God, then other states can’t.... And eventually,

the United States of America ... will not be able to acknowledge the very source of our rights and liberties and the very source of our law.”^v But the states’ rights argument is weakened by the wording of Section 3 of his own state’s constitution (1901) – a section that echoes Jefferson’s sentiments. Article Three of the Alabama Constitution says, “That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination, or mode of worship; ... and that the civil rights, privileges, and capacities of any citizen shall not be in any manner affected by his religious principles.”^{vi}

Thomas Jefferson zealously defended states’ rights, especially as he drew upon the Tenth Amendment (that powers not delegated to the national government nor prohibited by it to the states reside with the states or the people) as he tried to block Alexander Hamilton’s funding schemes and the creation of a national bank. Also, in his Kentucky Resolutions (1798), Jefferson said that the Constitution limited the powers of the national government “for specified national purposes.”^{vii} With regard to religious freedom, however, Jefferson sent the State of Virginia into territory where other states (Massachusetts, for example) were reluctant to tread. Because he drafted his Statute for Religious Freedom in 1777, Jefferson was advocating a position which, if adopted, would have put Virginia not only ahead of other states but also well in advance of the nation since under the Articles of Confederation states were sovereign.

The third basis of Justice Moore and others who support his position, centers on what they view as contradictions between the nation’s practice and the First Amendment’s prescription against an establishment of religion. Among their arguments are the following: that the Founders were God-fearing individuals; that a copy of the Ten

Commandments is in the U.S. Supreme Court's own building; that the motto "In God We Trust" is on the nation's money; that the phrase "under God" appears (at least for the time being) in the Pledge of Allegiance; and that the Congress has a daily prayer prior to conducting its business (among other examples).

Jefferson's reasoning on this position is as complex as it is important. As Thomas E. Buckley, S.J., points out, Jefferson as many of the Founders frequently acknowledged "dependence on a divine Providence overseeing the American experiment."^{viii} Most notable, perhaps, is the Second Inaugural Address where Jefferson requested "the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessaries and comforts of life."^{ix} This reference to the Israelites' exodus from Egypt is not unique in Jefferson's writings. Indeed, in August 1776, Jefferson became involved in discussions with Franklin and Adams concerning an official seal for the United States. Franklin wanted the seal to contain a drawing of Pharoah in a chariot being overwhelmed by the Red Sea during the Israelites' escape from bondage in Egypt, with "rays from a pillar of fire in the cloud, expressive of the divine presence, and command, reaching to Moses who stands on the shore." Jefferson modified Franklin's design by secularizing it. He proposed a picture of "the children of Israel in the wilderness, led by a cloud by day and a pillar of fire by night; and on the other side, Hengist and Horsa, the Saxon chiefs from whom we claim the honor of being descended, and whose political principles and form of government we have assumed."^x

It is in this secular light that we should investigate one of the more remarkable instances in which Jefferson specifically mentioned the Ten Commandments. In a July

1778 letter to David Rittenhouse who had devised a mechanical representation of how the solar system operated, Jefferson chided the American scientist for abandoning his scientific interests for “the civil government of your country.” “Without having ascended mount Sina for inspiration,” he wrote, “I can pronounce that the precept, in the decalogue of the vulgar, that they shall not make to themselves ‘the likeness of any thing that is in the heavens above’ is reversed for you, and that you will fulfill the highest purposes of your creation by employing yourself in the perpetual breach of that inhibition.”^{xi} In other words, Jefferson told Rittenhouse to continue to try to understand the heavens, not to waste his time on trying to fix government because the people wouldn’t appreciate his efforts.

Jefferson well understood what he was writing about. At the time he wrote this letter to Rittenhouse, Jefferson was deeply involved in trying to change the Virginia Constitution that in Dan Jordan’s words was “written in haste and urgency ... by persons long in authority and never popularly ratified ... [and therefore] inevitably retained much of the colonial system and epitomized tradition rather than innovation.”^{xii} Fresh from writing the Declaration of Independence, Jefferson believed that the Virginia Constitution did not sufficiently divorce the state from English traditions and -- in places -- abridged people’s rights. It is possible, then, that he saw himself during this struggle as a secular Moses, ascending “mount Sina” but returning with ideas that his peers in the Virginia Assembly rejected. In fact, in Query 14 in Notes on the State of Virginia – Laws – Jefferson discussed at length his failure to obtain fundamental changes in the state’s constitution. Here, Jefferson listed **TEN** of the “most remarkable alterations” he proposed to the Assembly from 1777 through 1779, including abolishing slavery,

adopting a system of public education, beginning a public library and art gallery, and “establish[ing] religious freedom on the broadest bottom.”^{xiii} His peers rejected each of these suggested changes (ten years later they accepted his Statute for Religious Freedom) in the same way that the Israelites initially failed to live up to the Ten Commandments.

Finally, we come to Jefferson’s controversial 1802 letter to Nehemiah Dodge and the Danbury [Connecticut] Baptist Association where he wrote that the First Amendment to the U.S. Constitution limited the Congress’s powers by “building a wall of separation between Church and State.” Zealots who want to argue that Jefferson’s wall does not prevent a state government or the national government from endorsing God or values inherent in the Ten Commandments ignore Jefferson’s reasoning in the letter “that religion is a matter which lies solely between man and his God” and his pledge “to restore to man all his natural rights”^{xiv} This letter, then, builds upon the arguments of the Declaration of Independence where Jefferson wrote that people were endowed at creation with inalienable rights, that government existed to secure these rights, and that when a government became abusive of these ends it was the responsibility of the people to alter and abolish that government. In other words, when people allow government to compromise freedom of religion – an inalienable right -- they invite government to take away other rights that they enjoy as human beings.

No group in the United States should listen more carefully to Jefferson’s words than Southerners because of their unique history. Southerners should not need to be reminded that one very prominent American politician successfully mixed religion with

politics at the expense of the South in his campaign for the presidency. I refer to Abraham Lincoln who in the wake of the Dred Scott decision in debate with Stephen A. Douglas quoted from the Bible when he said that “a house divided against itself cannot stand” and who in his First Inaugural Address said, “If the Almighty Ruler of nations, with his eternal truth and justice, be on your side of the North, or on yours of the South [changed, it must be noted, in the original draft from “on our side or on yours”], that truth, and that justice will surely prevail.”^{xv}

But during the Civil War, Lincoln changed. As he tried to understand why the war had lasted so long and why it had been so terribly destructive, he concluded that the people must have wanted it that way. He understood that very many Americans took pleasure in dividing the nation into two parts in order to kill each other. He came to the realization that Southerners and Northerners used religion in order to justify their hatreds; they made God part of their anger. Therefore, in his Second Inaugural Address, Lincoln said,

Both sides read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God’s assistance in wringing their bread from the sweat of other men’s faces; but let us judge not that we be not judged. The prayers of both could not be answered; that of neither has been answered fully. The Almighty has His own purposes.... If we shall suppose that American Slavery is one of those offences which, in the providence of God, must needs come, but which having continued through His appointed time, He now wills to remove, and that He gives to both North and South, this terrible war, as the woe due to

those by whom the offence came, shall we discern therein any departure from those divine attributes which the believers in a Living God always ascribe to Him?... [A]s was said three thousand years ago, so still it must be said 'the judgments of the Lord, are true and righteous altogether.'^{xvi}

With these words, in April 1865 Abraham Lincoln separated God from government. He said that only God could know what He wanted to do and that humans should not presume to know what God wants. In short, Abraham Lincoln chose Thomas Jefferson.

Justice Moore's actions in Alabama regarding the Ten Commandments bring the issue into our time. Will Southerners today choose Thomas Jefferson?

NOTES

ⁱRobert Booth Fowler, “Mythologies of a Founder” in Thomas Jefferson and the Politics of Nature, ed. Thomas S. Engeman. (Notre Dame, IN: University of Notre Dame Press, 2000), 127.

ⁱⁱWillie Morris, North toward Home (New York: Dell Publishing Co., Inc., 1967), 221.

ⁱⁱⁱQuoted in Mark Alexander, “United States v Roy Moore: The most important states’ rights case in decades...,”

www.townhall.com/columnists/markalexander/ma20030815.shtml .

^{iv} “A Bill for Establishing Religious Freedom” in Thomas Jefferson, The Portable Thomas Jefferson, ed. Merrill D. Peterson (New York: Penguin Books, 1977), 251-2. The Virginia Assembly struck the part in italics from the Statute for Religious Freedom (1786).

^vQuoted in “Judge suspended over Ten Commandments,”

www.cnn.com/2003/LAW/08/22/ten.commandments/ . Interestingly, conservatives are split over whether the issue is one of states’ rights. Mark Alexander, Executive Editor and Publisher of The Federalist says it is; Quin Hillyer writing for the National Review Magazine Online and Cal Thomas say it is not. Alexander, “United States v. Moore;” Hillyer, “No More Moore,” www.nationalreview.com/comment/comment-hillyer082503.asp ; Thomas, “Conflicting Thoughts on Alabama,” [Pocatello] Idaho State Journal, 8/28/2003.

^{vi}Quoted in Brian K. Fair, “One Nation Under Law: Chief Justice Roy Moore’s Ten Commandments Monument and the Meaning of Religious Liberty,”

jurist.law.pitt.edu/forum/forumnew125.php . See

<http://legislature.state.al.us/CodeOfAlabama/Constitution/1901/CA-2455534.htm> .

^{vii}Jefferson, “The Kentucky Resolutions [October 1798],” Portable Thomas Jefferson, 286.

^{viii}Thomas E. Buckley, S.J. “The Political Theology of Thomas in The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History, ed. Merrill D. Peterson and Robert C. Vaughan, (Cambridge: Cambridge University Press, 1988), 80.

^{ix}Jefferson, “Thomas Jefferson: Second Inaugural Address, Monday, March 4, 1805,” Inaugural Addresses of the Presidents of the United States from George Washington, 1789, to George Bush, 1989, (Washington, D.C.: Government Printing Office, 1989), 22. See also Charles B. Sanford, “The Religious Beliefs of Thomas Jefferson” in Religion and Political Culture in Jefferson’s Virginia, ed. Garrett Ward Sheldon and Daniel L. Dreisbach, (Lanham, Md.: Rowman & Littlefield, Publishers, Inc., 2000), 70-71.

^xThomas Jefferson, The Papers of Thomas Jefferson, ed. Julian P. Boyd, et al., (28 vols. to date; Princeton: Princeton University Press, 1950-), 1:495.

^{xi}TJ to David Rittenhouse, 19 July 1778. Jefferson, Papers, 2:202-3.

^{xii} Daniel P. Jordan, Political Leadership in Jefferson's Virginia, (Charlottesville: University Press of Virginia, 1983), 13-15. See also Robert P. Sutton, Revolution to Secession: Constitution Making in the Old Dominion (Charlottesville: University Press of Virginia, 1989), 50-51.

^{xiii} Thomas Jefferson, Notes on the State of Virginia, ed. William Peden, (1787; Chapel Hill: University of North Carolina Press, 1954) – seven of the ten appear on p. 137; the eighth begins on p. 143; the ninth starts on p. 146; and the tenth, p. 149.

^{xiv} TJ to Nehemiah Dodge, et. al, 1 Jan. 1802. Jefferson, Portable Thomas Jefferson, 303.

^{xv} Abraham Lincoln, "First Inaugural Address–Final Text" 4 March 1861, The Collected Works of Abraham Lincoln (8 vols; New Brunswick, N.J.: Rutgers University Press, 1953), 4:270.

^{xvi} Abraham Lincoln, "Second Inaugural Address, March 4, 1865," Lincoln, Collected Works, 8:333. For a brilliant interpretation of how Lincoln changed during the war, especially in his views of religion, see Garry Wills, Lincoln at Gettysburg: The Words That Remade America, (New York: Simon & Schuster, 1992).