

AMERICAN CONSTITUTIONALISM
VOLUME II: RIGHTS AND LIBERTIES
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Supplementary Material

Chapter 4: The Early National Era — Individual Rights/Religion/Establishment

The First American Presidents on Thanksgiving Proclamations

American presidents during the Early National Era disagreed over whether they should issue Thanksgiving proclamations and call for special days of prayer. George Washington accepted a congressional request to “recommend . . . a day of public thanksgiving and prayer.” John Adams on several occasions established a “day of solemn humiliation, fasting, and prayer.” His proclamations were explicitly Christian. Adams called on “the citizens of these States [to]. . . offer their devout addresses to the Father of Mercies, . . . beseeching Him at the same time, of His infinite grace, through the Redeemer of the World, freely to remit all our offenses, and to incline us by His Holy Spirit to that sincere repentance and reformation which may afford us reason to hope for his inestimable favor and heavenly benediction.” Thomas Jefferson refused to issue proclamations establishing Thanksgiving Day or days of prayers. He thought the president had “no authority to direct the religious exercises of his constituents.”

James Madison adopted different positions on presidential calls for prayer during the course of his career. He refused to issue such proclamations in his first term of office. However, during the War of 1812, Madison called on Americans to observe a day of prayer. When the war concluded, Madison proclaimed that the “second Thursday in April next be set apart as a day on which the people of every religious denomination may in their solemn assemblies unite their hearts and their voices in a freewill offering to their Heavenly Benefactor of their homage of thanksgiving and of their songs of praise.” Upon retirement, Madison concluded that these proclamations were unconstitutional. “Altho’ recommendations only,” he wrote in 1817, “they imply a religious agency, making no part of the trust delegated to political rulers.”¹

We have included President Washington’s Thanksgiving Day proclamation and a letter from Thomas Jefferson explaining why he did not recommend days of prayer and fasting. How did each president understand the role of religion in public life? What explains their differences? Federalists as a political coalition placed more emphasis on the role of religion than Jeffersonians. How might that relate to the constitutional commitments of each political coalition? Both Washington’s proclamation and Jefferson’s letter to Reverend Miller are cited in contemporary debates over public prayer. What precedents do you believe they support?

George Washington, “A Proclamation,” October 3, 1789

Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor; and

Whereas both Houses of Congress have, by their joint committee, requested me “to recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness:”

Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation; for the signal and manifold mercies and the favorable interpositions of His

¹ James Madison, “Detached Memoranda” in *The Founders Constitution* (vol. V), eds. Philip B. Kurland and Ralph Lerner (Chicago: University of Chicago Press, 1987), 105.

providence in the course and conclusion of the late war; for the great degree of tranquility, union, and plenty which we have since enjoyed; for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors which He has been pleased to confer upon us.

And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations, and beseech Him to pardon our national and other transgressions; to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually; to render our National Government a blessing to all the people by constantly being a Government of wise, just, and constitutional laws, discreetly and faithfully executed and obeyed; to protect and guide all sovereigns and nations (especially such as have shown kindness to us), and to bless them with good governments, peace, and concord; to promote the knowledge and practice of true religion and virtue, and the increase of science among them and us; and, generally, to grant unto all mankind such a degree of temporal prosperity as He alone knows to be best.

Thomas Jefferson to Rev. Samuel Miller, January 23, 1808²

. . . I consider the government of the US as interdicted by the Constitution from intermeddling with religious institutions, their doctrines, discipline, or exercises. This results not only from the provision that no law shall be made respecting the establishment, or free exercise of religion, but from that also which reserves to the states the powers not delegated to the U.S. Certainly no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the general government. It must then rest with the states, as far as it can be in any human authority. But it is only proposed that I should *recommend*, not prescribe a day of fasting & prayer. That is, that I should *indirectly* assume to the U.S. an authority over religious exercises which the Constitution has directly precluded them from. It must be meant too that this recommendation is to carry some authority, and to be sanctioned by some penalty on those who disregard it; not indeed of fine and imprisonment, but of some degree of proscription perhaps in public opinion. And does the change in the nature of the penalty make the recommendation the less a *law* of conduct for those to whom it is directed? I do not believe it is for the interest of religion to invite the civil magistrate to direct its exercises, its discipline, or its doctrines; nor of the religious societies that the general government should be invested with the power of effecting any uniformity of time or matter among them. Fasting & prayer are religious exercises. The enjoining them an act of discipline. Every religious society has a right to determine for itself the times for these exercises, & the objects proper for them, according to their own particular tenets; and this right can never be safer than in their own hands, where the constitution has deposited it.

I am aware that the practice of my predecessors may be quoted. But I have ever believed that the example of state executives led to the assumption of that authority by the general government, without due examination, which would have discovered that what might be a right in a state government, was a violation of that right when assumed by another. Be this as it may, everyone must act according to the dictates of his own reason, & mine tells me that civil powers alone have been given to the President of the US and no authority to direct the religious exercises of his constituents.

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² Thomas Jefferson to Rev. Samuel Miller, *The Writings of Thomas Jefferson* (vol. 9), ed. Paul Leicester Ford (New York: G.P. Putnam's Sons, 1898), 174–75.