

AMERICAN CONSTITUTIONALISM
VOLUME II: RIGHTS AND LIBERTIES
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Supplementary Material

Chapter 5: The Jacksonian Era – Individual Rights/Religion/Establishment/General Principles

William Leggett, **Thanksgiving Day** (1836)¹

Most Jacksonian presidents refrained from issuing proclamations declaring days of thanksgiving, prayer, or fasting. Andrew Jackson explained that he did not want to “disturb” the “complete separation” of religion from the federal government by issuing such proclamations.² William Leggett’s essay, “Thanksgiving Day,” tied Democratic opposition to thanksgiving proclamations to broader Democratic commitments to limited government.

Compare this essay on “Thanksgiving Day” to such Leggett essays as “Monopolies” and “True Functions of Government.” Do they reflect a common principle? What is that common principle? Could you have written an essay supporting thanksgiving proclamations that was consistent with themes in other Leggett essays?

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In framing our political institutions, the great men to whom that important trust was confided, taught, by the example of other countries, the evils which result from mingling civil and ecclesiastical affairs, were particularly careful to keep them entirely distinct. Thus, the Constitution of the United States mentions the subject of religion at all, only to declare that “no religious test shall ever be required as a qualification to any office or public trust in the United States.” The Constitution of [New York] specifies that “the free exercise and enjoyment of religious professions and worship, without discrimination or preference, shall forever be allowed in this state to all mankind;” and so fearful were the framers of that instrument of the dangers to be apprehended from a union of political and religious concerns, that they inserted a clause of positive interdiction against ministers of the gospel, declaring them forever ineligible to any civil or military office or place within the state. . . .

No one can pay the most cursory attention to the state of religion in the United States, without being satisfied that its true interests have been greatly promoted by divorcing it from all connection with political affairs. In no other country of the world are the institutions of religion so generally respected, and in no other is so large a proportion of the population included among the communicants of the different Christian churches. . . . It is impossible to conjecture, from any data within our reach, the amount of the sum annually paid by the American people, of their own free will, for the support of the ministry, and the various expenses of their religious institutions: but it will readily be admitted that it must be enormous. These, then, are the auspicious results of *perfect free trade in religion* – of leaving it to manage its own concerns, in its own way, without government protection, regulation, or interference, of any kind or degree whatever.

The only instance of intermeddling, on the part of the civil authorities, with matters which, being of a religious character, properly belong to the religious guides of the people, is the proclamation which it is the custom for the Governor of each state annually to issue, appointing a day of general thanksgiving, or a day of general fasting and prayer. We regret that even this single exception should exist to that rule of entire separation of the affairs of state from those of the church, the observance of which in all other

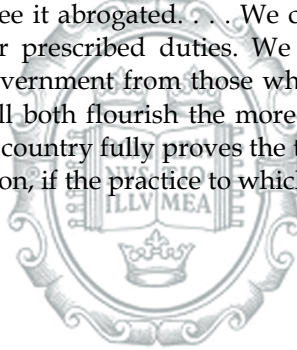
¹ Excerpted from William Leggett, *A Collection of the Political Writings of William Leggett*, vol. 2 (New York: Taylor & Dodd, 1840), 113.

² See also, David P. Currie, *The Constitution in Congress: Democrats and Whigs 1829–1861* (Chicago: University of Chicago Press, 2005), 144.

respects has been followed by the happiest results. It is to the source of the proclamation, not to its purpose, that we chiefly object. The recommending a day of thanksgiving is not properly any part of the duty of a political Chief Magistrate: it belongs, in its nature, to the heads of the church, not to the head of the state.

It may very well happen, and, indeed, it has happened, in more instances than one, that the chief executive officer of a state has been a person, who, if not absolutely an infidel or skeptic in religious matters, has at least, in his private sentiments and conduct, been notoriously disregarding of religion. What mockery for such a person to call upon the people to set apart a day for returning acknowledgments to Almighty God for the bounties and blessings bestowed upon them! But even when the contrary is the case. . . he departs very widely from the duties of his office, in proclaiming, in his gubernatorial capacity, and under the seal of the state, that he has appointed a particular day as a day of general thanksgiving. This is no part of his official business, as prescribed in the Constitution. It is not one of the purposes for which he was elected. . . .

If such a proceeding would be wrong, instituted now for the first time, can it be right, because it has existed for a long period? Does age change the nature of principles, and give sanctity to error? . . . But what is wrong in principle must continue to be wrong to the end of time, however sanctioned by custom. It is in this light we consider the gubernatorial recommendation of a day of thanksgiving; and because it is wrong in principle, and not because of any particular harm which the custom has yet been the means of introducing, we should be pleased to see it abrogated. . . . We cannot too jealously confine our political functionaries within the limits of their prescribed duties. We cannot be too careful to keep entirely separate the things which belong to government from those which belong to religion. The political and the religious interests of the people will both flourish the more prosperously for being wholly distinct. The condition of religious affairs in this country fully proves the truth of the position; and we are satisfied it would receive still further corroboration, if the practice to which we object were reformed.



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