RELIGIOUS EDUCATION

Confronting Issues As Old As Public Schools

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RELIGIOUS EDUCATION

Confronting Issues As Old As Public Schools

BY KEVIN BAKER

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http://www.americanheritage.com/content/religious-education

Our interminable national argument about education now seems to have boiled down to the debate over school vouchers, both left and right having more or less accepted the idea that we must have "standards." Moreover, with George W. Bush's recent initiatives to both provide vouchers and aid "faith-based" organizations, the battle has reverted to an even older national argument. When it comes to public schools, just how far should the establishment clause of the Constitution go in separating church and state?

For all the heat generated by this issue, it is doubtful that many on either side know its peculiar and contradictory history—that is, the fact that the American public school system was begun with the express idea of providing religious instruction to all pupils. Or that our nation's fine Catholic parochial school system came about in good part to escape forced school prayer.

Cleveland third-graders at morning prayer in St. Adalberts's Parish School

The nineteenth-century conflict over religion in the schools came to a head in New York City. Then, as now, it was part of a wider battle over not just what our schools would teach, but what our nation would be. By 1840 New York was one of many states to offer a free primary, or "common," school education, which included a "non-denominational" course of religious instruction. Of course, non-denominational meant something different then: Students would recite a few basic prayers and read passages from the Protestant, King James Bible without commentary or interpretation. This was the result of careful compromise between the myriad Protestant faiths that had long competed for American souls.

Amazing as it may seem today, no one filed a class-action suit. But there was still one little problem. Even in the America of 1840, not everyone was a Protestant. In New York City alone, there were some 200,000 Roman Catholics, a third of the city's population, and they had serious objections to Protestant "non-sectarianism." Catholic parents were advised to keep their children out of the public schools lest their immortal souls be endangered; and many did, while agonizing over having to watch their children grow up in places like the terrible Five Points slums without any formal education.

Nor did it much please the new bishop of New York, John Hughes. Hughes was himself a remarkable immigrant story, a self-made man who had come to the United States from Ireland at the age of 20 in order to live in a country "in which no stigma of inferiority would be impressed on my brow, simply because I professed one creed or another." It was a measure of both his ability and his determination that less than 20 years later he became bishop of New York.

Practical, energetic, intelligent, uncompromising, and sardonically humorous, Hughes would be a ferocious defender of both his flock and his faith. One of the first problems he tackled was what to do about the schools, though here he found himself in a quandary. He would have preferred to build a separate, parochial school system for all of New York's Catholics, but his desperately poor immigrant parishioners were as yet unable to afford such a thing. In the meantime, their tax dollars went to funding public schools that promulgated Protestant teachings, in however mild a form.

Fortunately, the church was not alone in perceiving an injustice here, and Hughes found an unexpected ally up in Albany. William Seward, not yet 40 years old, was a first-term governor who already possessed the independent mettle that would make him one of the nation's greatest statesmen, along with his own vision of a tolerant, democratic America.

In his annual message to the legislature in 1840, Seward proposed, for immigrant children, "the establishment of schools in which they may be instructed by teachers speaking the same language with themselves and professing the same faith." Seward's speech was a bombshell—and a breathtaking political risk. New York City's Catholics took it as an invitation to petition the Common Council, which administered the common school fund in New York City, for a small share of public monies to support their existing eight schools. Petitions followed from the Scottish

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Confronting Issues As Old As Public Schools
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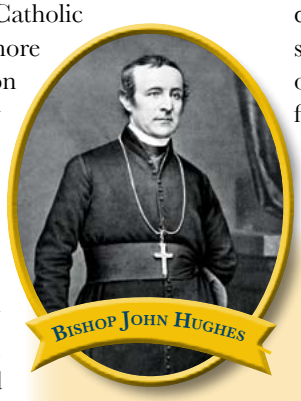
Presbyterians and from New York's tiny Jewish community for similar consideration.

The council rejected them all, and Hughes reacted by issuing a magisterial address. "We hold, therefore, the same idea of our rights that you hold of yours. We wish not to diminish yours, but only to secure and enjoy our own." He went on to concede that if the schools could be truly neutral on the issue of religion, the church would have no objection, but since common-school history books routinely depicted Catholics as duplicitous and intolerant, such neutrality, he suggested, was "impossible."

In an atmosphere of mounting hysteria, the whole argument reached a grand climax with a three-day debate before packed galleries in New York's City Hall. Bishop Hughes, speaking alone for his church, opened with a three-hour address and finished with an even longer rebuttal. In between, a bevy of Protestant lawyers and clergy lambasted nearly all things Catholic for a day and a half. For all the rhetoric, more heat was shed than light, and the Common Council backed the Public School Society in refusing any funds for Catholic schools.



Seward, undeterred even though defecting Protestant voters nearly cost him the next election, made a new proposal, whereby all public education funds would be distributed by the state to individual city wards, which would then decide strictly on their own just what sort of religion would be taught in the local schools.

This early attempt at decentralization came to dominate New York politics over the following months, with at least one public meeting exploding into sectarian violence. Following the city elections of 1842, a Protestant mob attacked Hughes's residence, smashing doors and windows, and was prevented from doing worse only by the hasty intervention of the police, the militia, and a group of Irishwomen who formed a human chain around the Old St. Patrick's Cathedral to keep "sinners off."

By now, new state elections had made the passage of the school bill a certainty. But a key dilemma remained. What would happen to those who found themselves in a ward dominated by a different faith? Didn't they still have some constitutional rights as individuals? The compromise that passed the legislature went a long way toward the basic shape of the public school today. A crucial amendment to the bill mandated that no sectarian religious instruction was to be offered. All public schools would now educate students in the three Rs and leave religion to the churches.

The amended bill was triumphantly signed into law by Governor Seward, and it pleased no one. Nativists swept the school-board elections in 1843 and soon ruled that reading the Bible in class was not "sectarian." This would largely remain the case for more than a hundred years, until the Supreme Court's 1962 ruling banning organized prayer in the schools. It also served to confirm the contention of John Hughes that a truly neutral public school system was an impossibility. Out of necessity, he permitted Catholic children to attend public schools but refocused all his efforts on building up a parochial system. By 1862, two years before his death, New York Catholic schools had enrolled some 15,000 pupils, and Hughes was known as the father of Catholic education in America.

No doubt modern advocates and opponents of vouchers alike will draw what lessons they like from this nineteenth-century debate. Supporters will heed Hughes's arguments that even supposed nonsectarianism is really sectarian and back the right of parents to give their children whatever education they deem fit, without an added financial burden. Opponents will point to the divisiveness inherent in all attempts to hand over public monies for religious instruction. Indeed, perhaps the most intriguing—and exasperating—thing about the school debate is its ability to entangle political allegiances. Should supporters of school prayer continue to back a common prayer for all in public schools or support vouchers and many different prayers? Will multiculturalists really support funding for schools run by the Nation of Islam—or the Aryan Nation?

> HUGHES CAME TO BELIEVE A NEUTRAL SCHOOL SYSTEM WAS IMPOSSIBLE.

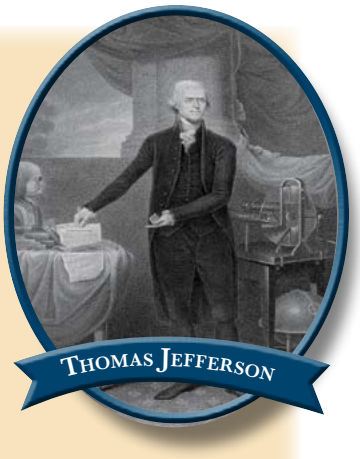
Yet there may be a deeper moral here, beneath William Seward's very different, pragmatic approaches, made only two years apart and both to very much the same end. Whether giving public money to Catholic schools or banning religious instruction in public schools altogether, what Seward sought above all was universal education, which he deemed necessary for forging a just and democratic society. Or, as he said regarding immigrant Americans, "I solicit their education less from sympathy, than because the welfare of the state demands it, and cannot dispense with it."

No matter what we decide on the proper boundaries of church and state, it seems difficult to believe that we can today, any more than we could in 1840, dispense with a healthy and accessible public school system and still maintain ourselves as a strong, united nation. ❖

DOCUMENT

RELIGIOUS EDUCATION
VIRGINIA STATUTE OF RELIGIOUS FREEDOM
BY THOMAS JEFFERSON, 1777

http://billofrightsinstitute.org/wp-content/uploads/2011/12/VirginiaStatutesofReligiousFreedom.pdf



Virginia Statute of Religious Freedom By Thomas Jefferson

Section I.

Well aware that the opinions and belief of men depend not on their own will, but follow involuntarily the evidence proposed to their minds; that Almighty God hath created the mind free, and manifested his supreme will that free it shall remain by making it altogether insusceptible of restraint; that all attempts to influence it by temporal punishments, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion, who being lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do, but to extend it by its influence on reason alone; that 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, and as such endeavoring to impose them on others, hath established and maintained false religions over the greatest part of the world and through all time: That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness; and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependance on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right; that it tends also to corrupt the principles of that very religion it is meant to encourage, by bribing, with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither

RELIGIOUS EDUCATION
VIRGINIA STATUTE OF RELIGIOUS FREEDOM
– Continued –

are those innocent who lay the bait in their way; that the opinions of men are not the object of civil government, nor under its jurisdiction; 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 falacy, 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; that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.

Section II.

We the General Assembly of Virginia do enact that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

Section III.

And though we well know that this Assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding Assemblies, constituted with powers equal to our own, and that therefore to declare this act irrevocable would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right.

DOCUMENT

RELIGIOUS EDUCATION
PIERCE V. SOCIETY OF SISTERS
SUMMARY
June 1, 1925

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0268_0510_ZS.html

Syllabus

SUPREME COURT OF THE UNITED STATES

268 U.S. 510

Pierce v. Society of Sisters
APPEALS FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF OREGON

Argued: March 16, 17, 1925—Decided: June 1, 1925

1. The fundamental theory of liberty upon which all governments of this Union rest excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. P. 535.

2. The Oregon Compulsory Education Act (Oreg. Ls., § 5259) which, with certain exemptions, requires every parent, guardian or other person having control of a child between the ages of eight and sixteen years to send him to the public school in the district where he resides, for the period during which the school is held for the current year, is an unreasonable interference with the liberty of the parents and guardians to direct the upbringing of the children, and in that respect violates the Fourteenth Amendment. P. 534.

3. In a proper sense, it is true that corporations cannot claim for themselves the liberty guaranteed by the Fourteenth Amendment, and, in general, no person in any business has such an interest in possible customers as to enable him to restrain exercise of proper power by the State upon the ground that he will be deprived of patronage;

4. But where corporations owning and conducting schools are threatened with destruction of their business and property through the improper and unconstitutional compulsion exercised by this statute upon parents and guardians, their interest is direct and immediate, and entitles them to protection by injunction. Truax v. Raich, 239 U.S. 33. P. 535.

5. The Act, being intended to have general application, cannot be construed in its application to such corporations as an exercise of power to amend their charters. Berea College v. Kentucky, 211 U.S. 45. P. 535.

6. Where the injury threatened by an unconstitutional statute is present and real before the statute is to be effective, and will [p511] become irreparable if relief be postponed to that time, a suit to restrain future enforcement of the statute is not premature. P. 536.

APPEALS from decrees of the District Court granting preliminary injunctions restraining the Governor, and other officials, of the State of Oregon from threatening or attempting to enforce an amendment to the school law—an initiative measure adopted by the people November 7, 1922, to become effective in 1926—requiring parents and others having control of young children to send them to the primary schools of the State. The plaintiffs were two Oregon corporations owning and conducting schools. P. 529.

DOCUMENT

RELIGIOUS EDUCATION
ENGEL V. VITALE
SUMMARY

JUNE 25, 1962

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0370_0421_ZS.html

Syllabus

SUPREME COURT OF THE UNITED STATES

370 U.S. 421

Engel v. Vitale
CERTIORARI TO THE COURT OF APPEALS OF NEW YORK

No. 468
Argued: April 3, 1962—Decided: June 25, 1962

Because of the prohibition of the First Amendment against the enactment of any law "respecting an establishment of religion," which is made applicable to the States by the Fourteenth Amendment, state officials may not compose an official state prayer and require that it be recited in the public schools of the State at the beginning of each school day -- even if the prayer is denominationally neutral and pupils who wish to do so may remain silent or be excused from the room while the prayer is being recited. *Pp. 422-436.*

RELIGIOUS EDUCATION
ZELMAN V. SIMMONS–HARRIS
SUMMARY

JUNE 27, 2002

http://www.law.cornell.edu/supct/html/00-1751.ZS.html

Syllabus

SUPREME COURT OF THE UNITED STATES

ZELMAN, SUPERINTENDENT OF PUBLIC INSTRUCTION OF OHIO, et al. v. SIMMONS-HARRIS et al. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 00—1751. Argued February 20, 2002–Decided June 27, 2002

Ohio's Pilot Project Scholarship Program gives educational choices to families in any Ohio school district that is under state control pursuant to a federal-court order. The program provides tuition aid for certain students in the Cleveland City School District, the only covered district, to attend participating public or private schools of their parent's choosing and tutorial aid for students who choose to remain enrolled in public school. Both religious and nonreligious schools in the district may participate, as may public schools in adjacent school districts. Tuition aid is distributed to parents according to financial need, and where the aid is spent depends solely upon where parents choose to enroll their children. The number of tutorial assistance grants provided to students remaining in public school must equal the number of tuition aid scholarships. In the 1999—2000 school year, 82% of the participating private schools had a religious affiliation, none of the adjacent public schools participated, and 96% of the students participating in the scholarship program were enrolled in religiously affiliated schools. Sixty percent of the students were from families at or below the poverty line. Cleveland schoolchildren also have the option of enrolling in community schools, which are funded under state law but run by their own school boards and receive twice the per-student funding as participating private schools, or magnet schools, which are public schools emphasizing a particular subject area, teaching method, or service, and for which the school district receives the same amount per student as it does for a student enrolled at a traditional public school. Respondents, Ohio taxpayers, sought to enjoin the program on the ground that it violated the Establishment Clause. The Federal District Court granted them summary judgment, and the Sixth Circuit affirmed.

Held: The program does not offend the Establishment Clause. Pp. 6-21.

(a) Because the program was enacted for the valid secular purpose of providing educational assistance to poor children in a demonstrably failing public school system, the question is whether the program nonetheless has the forbidden effect of advancing or inhibiting religion. See Agostini v. Felton, 521 U.S. 203, 222—223. This Court's jurisprudence makes clear that a government aid program is not readily subject to challenge under the Establishment Clause if it is neutral with respect to religion and provides assistance directly to a broad class of citizens who, in turn, direct government aid to religious schools wholly as a result of their own genuine and independent private choice. See, e.g., Mueller v. Allen, 463 U.S. 388. Under such a program, government aid reaches religious institutions only by way of the deliberate choices of numerous individual recipients. The incidental advancement of a religious mission, or the

perceived endorsement of a religious message, is reasonably attributable to the individual aid recipients not the government, whose role ends with the disbursement of benefits. Pp. 6-11.

(b) The instant program is one of true private choice, consistent with the Mueller line of cases, and thus constitutional. It is neutral in all respects towards religion, and is part of Ohio's general and multifaceted undertaking to provide educational opportunities to children in a failed school district. It confers educational assistance directly to a broad class of individuals defined without reference to religion and permits participation of all district schools–religious or nonreligious–and adjacent public schools. The only preference in the program is for low-income families, who receive greater assistance and have priority for admission. Rather than creating financial incentives that skew it towards religious schools, the program creates financial disincentives: Private schools receive only half the government assistance given to community schools and one-third that given to magnet schools, and adjacent public schools would receive two to three times that given to private schools. Families too have a financial disincentive, for they have to copay a portion of private school tuition, but pay nothing at a community, magnet, or traditional public school. No reasonable observer would think that such a neutral private choice program carries with it the imprimatur of government endorsement. Nor is there evidence that the program fails to provide genuine opportunities for Cleveland parents to select secular educational options: Their children may remain in public school as before, remain in public school with funded tutoring aid, obtain a scholarship and choose to attend a religious school, obtain a scholarship and choose to attend a nonreligious private school, enroll in a community school, or enroll in a magnet school. The Establishment Clause question whether Ohio is coercing parents into sending their children to religious schools must be answered by evaluating all options Ohio provides Cleveland schoolchildren, only one of which is to obtain a scholarship and then choose a religious school. Cleveland's preponderance of religiously affiliated schools did not result from the program, but is a phenomenon common to many American cities. Eighty-two percent of Cleveland's private schools are religious, as are 81% of Ohio's private schools. To attribute constitutional significance to the 82% figure would lead to the absurd result that a neutral school-choice program might be permissible in parts of Ohio where the percentage is lower, but not in Cleveland, where Ohio has deemed such programs most sorely needed. Likewise, an identical private choice program might be constitutional only in States with a lower percentage of religious private schools. Respondents' additional argument that constitutional significance should be attached to the fact that 96% of the scholarship recipients have enrolled in religious schools was flatly rejected in Mueller. The constitutionality of a neutral educational aid program simply does not turn on whether and why, in a particular area, at a particular time, most private schools are religious, or most recipients choose to use the aid at a religious school. Finally, contrary to respondents' argument, Committee for Public Ed. & Religious Liberty v. Nyquist, 413 U.S. 756–a case that expressly reserved judgment on the sort of program challenged here–does not govern neutral educational assistance programs that offer aid directly to a broad class of individuals defined without regard to religion. Pp. 11-21.

234 F.3d 945, reversed.

Rehnquist, C. J., delivered the opinion of the Court, in which O'Connor, Scalia, Kennedy, and Thomas, JJ., joined. O'Connor, J., and Thomas, J., filed concurring opinions. Stevens, J., filed a dissenting opinion. Souter, J., filed a dissenting opinion, in which Stevens, Ginsburg, and Breyer, JJ., joined. Breyer, J., filed a dissenting opinion, in which Stevens and Souter, JJ., joined.

Notes:

**. Together with No. 00—1777, Hanna Perkins School et al. v. Simmons-Harris et al., and No. 00—1779, Taylor et al. v. Simmons-Harris et al., also on certiorari to the same court. A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will forever*

DOCUMENT

RELIGIOUS EDUCATION

THE EVOLVING FEDERAL ROLE IN EDUCATION:

An Introductory Essay (excerpt)

BY DON WOLFENSBERGER, MARCH 15, 2005

http://www.wilsoncenter.org/sites/default/files/education-intro.pdf

A popular government, without popular information,
or the means of acquiring it,
is but a prologue to a farce or a tragedy, or perhaps both.
Knowledge will forever govern ignorance:
And a people who mean to be their own governors must arm
themselves with the power which knowledge gives.
–James Madison
August 4, 1822

As much as the Founders strongly believed that the survival of representative democracy would depend on an educated citizenry, they made no provision in the Constitution for any federal role in educating the people. The closest the Constitutional Convention came to delegating any educational role to the federal government was an amendment offered by James Madison (Va.) and Charles Pinckney (S.C.) to insert in the list of powers vested in Congress a power "to establish an University, in which no preferences or distinctions should be allowed on account of religion."

Madison's notes on the convention indicate that James Wilson (Pa.) supported the amendment but that Governeur Morris (Pa.) argued against it on grounds that it was "not necessary" because "the exclusive power at the Seat of Government will reach the object." The amendment was rejected, 4 states to 7, with Connecticut divided.[1]

Notwithstanding Morris's assertion of an inherent federal power to establish a national university "at the seat of government," it was generally thought by the delegates that those powers not specifically delegated to Congress would be left to the states and the people–something explicitly enunciated in the Bill of Rights' Tenth Amendment.[2]

In the epigraph to this essay, Madison is responding to a "circular" from Kentucky Lieutenant Governor William T. Barry regarding Kentucky's new law to fund public education. Barry was apparently heading a committee in his state to determine how best the funds should be applied to the new educational system and was seeking advice and knowledge on how other states were doing it. Madison responded by applauding "the liberal appropriations made by the legislature

The debate between the role of church and state in education continues today.

RELIGIOUS EDUCATION
THE EVOLVING FEDERAL ROLE IN EDUCATION
– Continued –

of Kentucky for a general system of education," and by enclosing "extracts from the laws of Virginia on that subject," though he added that he doubted they would give much aid "as they have yet been imperfectly carried into execution."[3]

The Virginia experience to which Madison alluded is perhaps best summarized by the author of the Virginia education laws himself, Thomas Jefferson. In his autobiography Jefferson notes that in November 1776 he was appointed to a five-member committee of the state legislature to revise Virginia's laws. The committee labored over the next three years and made its report in June 1779. The committee decided that "a systematical plan of general education should be proposed," as Jefferson describes it in his autobiography, "and I was requested to undertake it."[4]

Jefferson subsequently prepared three bills for the state law revision, proposing three distinct grades "reaching all classes." First, "elementary schools for all children generally, rich and poor." Second, colleges for a middle degree of instruction, and third, "an ultimate grade for teaching the sciences generally, and in their highest degree." The elementary education bill proposed to divide every county into wards of "a proper size and population for a school in which reading, writing, and common arithmetic should be taught." Moreover, the bill would divide the state into 24 districts, each of which would have a school for classical learning, grammar, geography, and the higher branches of numerical arithmetic.[5]

It was not until 1796 that all three bills were taken up by the legislature, and only the one for elementary schools was enacted. However, a provision was inserted in the bill "which completely defeated it." The bill left it to the court of each county to determine whether it should be carried into execution. The bill provided that educational expenses should be paid in a manner proportional to everyone's general tax rate. This would have thrown the education of the poor on the backs of the wealthy, as Jefferson explained it, and "the justices, being of the more wealthy class, were unwilling to incur that burden." Consequently, the law was "not suffered to commence in a single county."[6]

Perhaps it was this experience that caused Jefferson as president (1801 to 1809) to hint at the possibility of Federal aid to education, though in the context of the ongoing debate on the need for a constitutional amendment to permit Congress to undertake so-called "internal improvements." In his second inaugural, Jefferson proposed that any surplus from the "revenue on the consumption of foreign articles," after being applied to paying "our public debts," be divided between a "just repartition among the states, and a corresponding amendment of the constitution...in time of peace, to rivers, canals, roads, arts, manufactures, education, and other great objects within each state [emphases added]."[7] In modern parlance, Jefferson was proposing a combination of general revenue-sharing and block grants to the states for carrying out specified projects. He would get neither from Congress.

1. *"Debates in the Federal Convention of 1787 as Reported by James Madison," Documents Illustrative of the Formation of the Union of the American States (Washington: Government Printing Office, 1927), 725.*

2. *The Tenth Amendment to the Constitution reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."*

3. *Letter to William T. Barry, August 4, 1822, James Madison, Writings, Jack N. Rakove, editor (New York: The Library of America, 1999), 790-98.*

4. *Thomas Jefferson, "The Autobiography of Thomas Jefferson," The Life and Selected Writings of Thomas Jefferson, Adrienne Koch and William Peden, editors (New York: Random House, Modern Library, 1944), 49.*

5. *Ibid, 50.*

6. *Ibid.*

7. *Thomas Jefferson, Second Inaugural Address, March 4, 1895, The Life and Selected Writings of Thomas Jefferson, 340.*