

---

Volume 46

Issue 3 *Reflecting on the Legal Issues of Our Times:*  
*New York Law School Faculty Presentation Day*

Article 25


---

January 2003

# Thomas Jefferson: One Student's Perception Before and After Research

Paul Kemnitzer

Follow this and additional works at: [https://digitalcommons.nyls.edu/nyls\\_law\\_review](https://digitalcommons.nyls.edu/nyls_law_review)

 Part of the [American Studies Commons](#), [President/Executive Department Commons](#), and the [United States History Commons](#)

---

## Recommended Citation

Paul Kemnitzer, *Thomas Jefferson: One Student's Perception Before and After Research*, 46 N.Y.L. SCH. L. REV. (2002-2003).

This Article is brought to you for free and open access by DigitalCommons@NYLS. It has been accepted for inclusion in NYLS Law Review by an authorized editor of DigitalCommons@NYLS.

## THOMAS JEFFERSON: ONE STUDENT'S PERCEPTION BEFORE AND AFTER RESEARCH

### I. PRIOR TO RESEARCH

Prior to beginning my research for Professor James Simon with regard to his book,<sup>1</sup> my knowledge of Thomas Jefferson was limited, to say the least. In grade school and high school, if Thomas Jefferson was mentioned at all, it was only in the most tertiary manner as being a major figure in the creation of the United States. He certainly was not afforded the time and attention that was given to other great leaders such as George Washington, Abraham Lincoln, or Franklin D. Roosevelt. In retrospect, with the benefit of having extensively researched Jefferson for Professor Simon, perhaps less time is focused in school on Jefferson because there are no catchy phrases that could capture the complexity of his contributions to the early United States. For example, Washington was “the father of our country;” Lincoln “freed the slaves and saved the Union;” and FDR “guided us through a depression and a war;” but Jefferson’s accomplishments are not so easily quantifiable.

I entered into my research assignment with only a vague recollection of Thomas Jefferson and his accomplishments. Of course Jefferson was involved in the war for independence from Great Britain and the creation of the United States Constitution. I recalled hearing his name invoked from time to time, usually by politicians and newscasters, in the context of an election or a ruling by the Supreme Court. More often than not, their invocations were in such breathy tones as to give the impression that Jefferson was an infallible saint-like genius, devoid of human frailties.

Before beginning my research, I believed Jefferson and his contemporaries were a group of men who were above any petty partisan politics, and who were all more or less in agreement on major issues regarding the budding nation. However, my research for Professor Simon corrected many of the perceptions (or misperceptions) I had of Thomas Jefferson, some of which I found quite surprising.

---

1. JAMES SIMON, *WHAT KIND OF NATION: THOMAS JEFFERSON, JOHN MARSHALL, AND THE EPIC STRUGGLE TO CREATE A UNITED STATES* (2002).

## II. AFTER RESEARCH

### A. *Thomas Jefferson as a Real Person*

From the start, I realized that Jefferson was truly a mortal, subject to all of the emotions and deeds that people are prone to and capable of, both good and bad. Although I would tend to disagree, today there is a widespread perception (maybe only in the media) that most, if not all, politicians see things in purely political terms. Oftentimes, politicians are seen as individuals who merely seek to benefit their own personal or party's political fortunes. It seems to be a widely accepted view that today's leaders are motivated by altruism. Through my research, I discovered that Jefferson likewise sought to benefit himself and his political party. For example, while Jefferson was completely opposed to President John Adams' hostile, warlike attitude toward France, he was pleased that Adams' stance divided the Federalist Party that Jefferson despised. Therefore, Jefferson took a position that benefited his Republican party's future political fortunes.

Jefferson also displayed hatred and distrust towards John Marshall, so much so that he never credited Marshall for opposing a bill that would have instituted a joint House and Senate committee to decide the contested presidential election of 1800. Marshall reached across the political aisle to work out a bipartisan solution, but Jefferson claimed Marshall possessed purely shallow political motives, even though asserting such could have resulted in Jefferson not being re-elected. Neither could Jefferson credit Marshall as being the most outspoken member of the Federalist Party in criticizing the Alien & Sedition Acts that Jefferson detested.

Even more surprisingly, Jefferson appeared to be aloof and withdrawn at times with respect to events or situations that placed his most cherished notions under attack. For example, while serving as Vice President, he said nothing during the trials of Thomas Cooper, William Duane and James Callender, who were prosecuted under the Sedition Act for writing newspaper articles criticizing the Federalist Administration and the Alien & Sedition laws. Ordinarily, Jefferson would have forcefully and publicly fought against such prosecutions as being against the very notions of liberty which he held so dear. Perhaps, as Professor Simon has suggested, Jefferson feared he himself would come under attack. I never would have attributed fear to Jefferson, particularly when individual liberty itself was under attack.

Jefferson was also concerned that speaking out would have affected his political party. He allowed others to be sacrificed, fighting battles for causes in which he believed, and kept himself and his party out of harm's way. For example, Jefferson drafted the Kentucky resolutions, which attacked the Alien and Sedition Acts, but he insisted that his authorship remain a secret. He recruited John Breckinridge, a member of the Kentucky legislature, to introduce the resolutions without revealing who had drafted them. It surprised me that Jefferson would have been so stealthy, considering that he was the Vice President, and carried considerable influence among a high percentage of his countrymen. Initially, I believed that Jefferson would have proudly taken credit for drafting such resolutions, and would have been forthright about defeating the Sedition laws, even through state nullification.

*B. Jefferson's Love for the Game of Politics*

Another surprising discovery about Jefferson is that he was a political animal. Again, Jefferson was someone I envisioned as being above the "down and dirty" business of party politics. However, this was not the case. For example, Jefferson worked with James Madison in drafting the Kentucky and Virginia resolutions, which denounced the Sedition Acts at the state legislature level, rather than openly criticizing the Acts in his capacity as Vice President. I imagined Jefferson to be a staunch defender of liberty, accepting nothing less than the harshest possible denunciation of the Acts. However, as Professor Simon points out, Jefferson was pleased with the resolutions adopted by the Virginia and Kentucky legislatures because they created an official protest movement against the Acts and could be used against the Federalist Party.

Even more fascinating is how Jefferson enjoyed the game of politics, as one would enjoy the game of chess. He was deeply involved and interested in his party's fortunes at the national, state, and local levels. He was so highly attuned to the political circumstances of each state that he predicted the 1796 presidential election within two votes. Of course, this brings to mind President Bill Clinton, who not only was interested in the game of politics as it related to his own presidential aspirations, but took a palpable interest and delight in the strategies and fortunes of other electoral contests. I can imagine Jefferson living in modern times, spending countless hours in the "war room," sur-

rounded by televisions and telephones, and coordinating his party's response to every Federalist move.

### C. *Thomas Jefferson and Secession*

Perhaps the most startling revelation regarding Jefferson is that he believed that the states had the right to secede from the Union if the federal government became too powerful. I never would have imagined that someone who had worked so hard to help create the United States would have believed that its destruction was preferable to a powerful federal government. While Jefferson was cautious in his remarks regarding secession, (he seemed to always be reassuring others that he was not advocating such), he never abandoned the idea that the right to secede could be employed as a last resort in order to preserve what he termed "self-government."

I wonder what Jefferson would have thought of Abraham Lincoln's actions during the Civil War, many of which could certainly have been classified as exertions of a powerful federal government over the sovereignty of the states. Would Jefferson have felt that the southern states were justified in seceding at the election of a known abolitionist as president? Perhaps he would have thought that the point of last resort had not yet been reached. Further, it is intriguing that two great figures such as Lincoln and Jefferson could have had such different concepts regarding the source of personal liberty. Jefferson believed that the states served as a protective buffer between the federal government and the people, while Lincoln believed that the federal government could protect the people from the individual states.

### D. *Jefferson's Preference for an Agrarian Economy*

Jefferson believed that people should support themselves in a decentralized agrarian economy. As Professor Simon writes in his book, Jefferson was impressed with the many modern inventions he observed while in England, such as the steam powered grist mill, the solar microscope, and the globe telescope. However, his fascination with science and the future stands in stark contrast to his economic ideals. Jefferson believed that the people's freedom and happiness was best served through employment in an agricultural economy, rather than as he termed "carriers or manufacturers." However, his reluctance to accept the changes that come with progress was consistent with Jefferson's belief that centralization, whether in government or the economy, had the potential to limit people's individual freedom.

2002-2003]

THOMAS JEFFERSON

779

*E. Jefferson's Handling of Government Versus his Personal Finances*

Prior to my research I did know that Jefferson disfavored government spending, especially when it required incurring debt. In keeping with that philosophy, by the end of his first term as President, Jefferson reduced the size of the federal government by lowering the military budget and eliminating internal taxes. This frugality in the finances of the nation, however, certainly did not extend to his personal finances.

Jefferson's love for acquiring material things was not diminished by his inability to pay for them; he appears to have simply charged everything. For example, Professor Simon notes that in 1810, Jefferson's debts exceeded his income by \$25,000. Ironically, while Jefferson was determined to put the nation's fiscal house in order, by the end of his life, his debts were so great that vast parcels of his land and his entire book collection were sold. Perhaps Jefferson's personal spending problems taught him how destructive debt could be, and therefore inspired him to steer the nation clear of such trouble.

### III. CONCLUSION

While my research certainly humanized Thomas Jefferson and revealed that he was by no means a perfect person, I am still of the opinion that he was one of the great men whose intellect, dedication, and vision saw the nation through its birth and early years. Despite his flaws, Jefferson accomplished so many things that with the passage of time and the glaze of history, now seem almost biblical.

*Paul Kemnitzer*

