

Thomas Jefferson and the Mammoth Cheese

Daniel L. Dreisbach

On New Year's Day, 1802, President Thomas Jefferson received a gift of mythic proportions. Amid great fanfare, a mammoth cheese was delivered to the White House by the itinerant Baptist preacher John Leland. It measured more than four feet in diameter, thirteen feet in circumference, and seventeen inches in height; once cured, it weighed 1,235 pounds.

The colossal cheese was made by the staunchly Republican, Baptist citizens of Cheshire, a small farming community in the Berkshire Hills of western Massachusetts. The religious dissenters created the cheese to commemorate Jefferson's long-standing devotion to religious liberty and to celebrate his recent electoral victory over Federalist rival John Adams.

At the time, the Federalist party dominated New England politics, and the Congregationalist church was legally established in Massachusetts. The cheese-makers were, thus, both a religious and a political minority subject to legal discrimination in Massachusetts.

The idea to make a giant cheese to celebrate Jefferson's election was announced from the pulpit by Leland and was enthusiastically endorsed by his congregation. Much preparation and material were required for such a monumental project. Organizers had to calculate the quantity of available milk and instruct housewives on how to prepare and season the curds. No ordinary cheese press could accommodate a cheese of such gargantuan dimensions, so a modified "cyder press" with a reinforced hoop was constructed.

On the morning of July 20, 1801, the devout Baptist families, in their finest Sunday frocks, turned out with pails of curds for a day of thanksgiving, hymn singing, and cheese pressing. The cheese was distilled from the single day's milk production of nine hundred or more "Republican" cows. (Because this was a gift for Mr. Jefferson, the new Republican president, the milk of "Federalist" cows was scrupulously excluded.)

The cheese was transported down the eastern seaboard by sloop and sleigh, arriving in the Federal City on the evening of December 29. (By the time it reached Baltimore, one wag reported, the ripening cheese, now nearly six months

removed from the cows, was strong enough to walk the remaining distance to Washington.) The "Mammoth Priest," as the press dubbed Leland, recounted that along the route he paused frequently to preach to "large congregations" of curious onlookers.

According to press accounts, Jefferson personally received the cheese on New Year's morning. Dressed in his customary black suit, he stood in the White House doorway, arms outstretched, eagerly awaiting the cheese's arrival. The gift was received with cordial expressions of gratitude and exuberant cheese-tasting. The cheese-makers heralded their creation as "the greatest cheese in America, for the greatest man in America."

Wall of Separation

On the same day, Jefferson penned a letter to a Baptist association in Danbury, Connecticut, in which he said that the First Amendment built "a wall of separation between church and state." In a carefully crafted missive, the president wrote:

Believing with you that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, & not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that *their* legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church & State.

No phrase in American letters has had a more profound influence on church-state discourse and policy than Jefferson's "wall of separation." Although nowhere to be found in the U.S. Constitution, this trope is accepted by many Americans, including influential jurists, as a virtual rule of constitutional law and the organizing theme of church-state jurisprudence. "In the words of Jefferson," the Supreme Court famously declared in 1947, the First Amendment "erect[ed] 'a wall of separation' ... [that] must be kept high and impregnable. We could not approve the slightest breach." The metaphor, in

our time, has become the *locus classicus* of the notion that the First Amendment separated religion and the civil state, thereby mandating a strictly secular polity.

Jefferson was inaugurated as the third president of the United States on March 4, 1801, following one of the most bitterly contested elections in history. His religion, or the alleged lack thereof, was a critical issue in the campaign. The Federalists vilified him as an unreformed Jacobin and atheist. The campaign rhetoric was so vitriolic that, when news of Jefferson's election swept across the country, housewives in New England were seen burying family Bibles in their gardens or hiding them in wells because they fully expected the Holy Scriptures to be confiscated and burned by the new administration in Washington.

One pocket of support for the Jeffersonian Republicans in Federalist New England existed among the Baptists. The Danbury Baptist Association wrote to Jefferson on October 7, 1801, congratulating him on his election to the "chief Magistracy in the United States." They celebrated Jefferson's zealous advocacy for religious liberty and chastised those who criticized him "as an enemy of religion Law & good order because he will not, dares not assume the prerogative of Jehovah and make Laws to govern the Kingdom of Christ."

The Danbury Baptists, like the Cheshire cheesemongers, were outsiders—a beleaguered religious and political minority in a state where a Congregationalist-Federalist axis dominated political life. They were drawn to Jefferson's political cause because of his unflagging commitment to religious liberty.

Jefferson's missive was written not only to reassure pious Baptist constituents of his continuing commitment to their rights of conscience but also to strike back at the Congregationalist-Federalist establishment in Connecticut for shamelessly vilifying him as an "infidel" and "atheist" in the 1800 presidential campaign.

What the Wall Separates

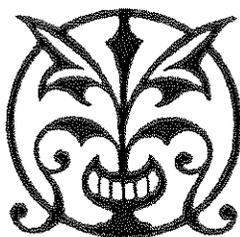
Jefferson's "wall," according to conventional wisdom, represents a universal principle on the prudential and constitutional relationship between religion and the civil state. To the contrary, this "wall" had less to do with the separation between religion and *all* civil government than with the separation between federal and state governments on matters pertaining to religion. The "wall of separation" was a metaphoric construction of the U.S. Constitution's First Amendment, which Jefferson said imposed its restrictions on the

federal government only. In other words, the "wall" Jefferson constructed separated the federal regime on one side and state governments and religious authorities on the other.

Jefferson said that his response to the Danbury Baptists "furnishes an occasion too, which I have long wished to find, of saying why I do not proclaim fastings & thanksgivings, as my predecessors [Presidents Washington and Adams] did." The president was eager to address this topic because his Federalist foes had demanded religious proclamations and then smeared him as an enemy of religion when he declined to issue them.

President Jefferson's refusal to set aside days in the public calendar for national fasting and thanksgiving contrasted with his actions in Virginia, where he framed "A Bill for Appointing Days of Public Fasting and Thanksgiving" and, as governor in 1779, designated a day for "publick and solemn thanksgiving and prayer to Almighty God."

This apparent contradiction is reconciled in the Danbury letter. Jefferson firmly believed that the First Amendment, with its metaphoric "wall of separation," prohibited religious establishments by the federal government only. Addressing this same topic, Jefferson elsewhere relied on the Tenth Amendment, arguing that because "no power to prescribe any religious exercise ... has been delegated to the [federal]



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government, it must then rest with the states, as far as it can be in any human authority." (He also affirmed this principle in his second inaugural address.) Thus, as a matter of federalism, he thought it inappropriate for the nation's chief executive to proclaim days for religious observance; however, he acknowledged the authority of state officials to issue religious proclamations.

A Controversial Metaphor

After two centuries, Jefferson's trope remains controversial. The question bitterly debated is whether the "wall" illuminates or obfuscates the constitutional principles it metaphorically represents.

Proponents argue that the metaphor promotes private, voluntary religion and freedom of conscience in a secular polity. The “wall” graphically and concisely conveys the essence of the First Amendment, defenders say. It prevents religious establishments, discourages corrupting entanglements between governmental and ecclesiastical authorities, and avoids sectarian conflict among denominations competing for governmental favor and aid. An impenetrable barrier prohibits not only an ecclesiastical establishment but also all other forms of governmental assistance for religious objectives. A regime of strict separation, defenders insist, is the best, if not the only, way to promote religious liberty, especially the rights of religious minorities.

Opponents counter that the graphic metaphor has been a source of much mischief because it reconceptualizes—indeed, misconceptualizes—First Amendment principles. The First Amendment explicitly denies Congress the authority to make laws respecting an establishment of religion, whereas a “wall of separation” restricts the activities of religion, as well as the civil state. Jefferson’s trope emphasizes the *separation* between church and state, unlike the First Amendment, which speaks in terms of the non-establishment and free exercise of religion. (In the lexicon of 1802, the expansive concept of “separation” was distinct from the institutional concept of “non-establishment.”) The Baptists agitated for disestablishment and liberty of conscience, but they, like most Americans, did not want religious influences separated from public life and policy.

For this reason, Jefferson’s Baptist correspondents (like many pious citizens today) were apparently discomfited by the metaphor. They were alarmed by the erection of a wall that would separate religion from the public square. Few evangelical dissenters (Leland being an exception) challenged the widespread assumption of the age that republican government was dependant on a moral people and that morals were necessarily informed by the Christian religion.

The very nature of a wall further reconceptualizes First Amendment principles. A wall is a bilateral barrier that inhibits the activities of both the civil state and religion; this is in contrast to the First Amendment, which imposes restrictions on the civil state only. In short, a wall not only prevents the civil state from intruding on the religious domain but also prohibits religion from influencing the conduct of civil government. The various First Amendment guarantees, however, were entirely a check or restraint on civil government, specifically Congress. The free press guarantee, for example, was not written to protect the civil state from the press; rather, it was designed to protect a free and independent press from control by the federal government. Similarly, the religion provisions were added to the Constitution to protect religion

and religious institutions from interference by the federal government—not to protect the civil state from the influence of religion. Any construction of Jefferson’s wall that imposes restraints on entities other than civil government exceeds the limitations imposed by the First Amendment.

A “high and impregnable” wall inhibits religion’s ability to inform the public ethic and policy, deprives religious citizens of the civil liberty to participate in politics armed with ideas informed by their spiritual values, and infringes on the right of religious communities and institutions to define and extend their prophetic ministries into the public square. This wall, critics say, has been used to silence the religious voice in the marketplace of ideas and, in a form of religious apartheid, to segregate faith communities behind a restrictive barrier.

Two Symbols of Religious Liberty

The communications of two persecuted, minority communities coincidentally commanded President Jefferson’s attention on the same day. Both the Cheshire and the Danbury Baptists celebrated his election as the harbinger of a new dawn of religious liberty. Jefferson, in return, expressed solidarity with the Baptists in their aspirations for political acceptance and religious liberty.

Accounts vary as to what happened to the legendary cheese. A pungent remnant remained in the executive mansion for another two years or more where it was prominently displayed and served at Republican party functions. According to one graphic account, the decaying, maggot-infested remains were unceremoniously dumped into the Potomac River.

The mammoth cheese was, for a brief season, at once the most celebrated and most lampooned object in America, but it eventually faded from public memory as a symbol of the religious dissenters’ aspirations for religious liberty. The “wall of separation,” by contrast, represents an idea that was quietly introduced into American discourse and that, in the last two centuries, has become firmly rooted in political and legal thought. The wall stands as a defining image of the prudential and constitutional role of religion in the public arena. Serious consideration should be given to whether that wall accurately represents constitutional principles and usefully contributes to American democracy and civil society. ☺

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