

Discriminatory Original Intent: The Inevitable Demise of America's Limited Government

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April 2021

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Introduction: A Trojan Horse Named Discrimination

In his book *Crisis and Leviathan*, author Robert Higgs identifies the single most significant change to constitutional order from “original intent,” with its commitment of limited National Government, in the United States, as the “decline of the commitment to limited government” (Higgs 2012, 4). One of the original cornerstones of constitutional order, the doctrine of limited government, that “our Founders established this government with both a strong dependence upon religious principles and a clear limitation on federal powers” (Barton 2008, 337). However, another paradoxical truth of this nation is that our Founders were also wealthy white businessmen and slave owners whose undeniably discriminatory tactics simultaneously exploited the doctrines of limited government and capitalism for their personal financial gain. Which begs the question: Should we be surprised that limited government—a founding concept covertly reliant upon the active practice of discrimination—has crumbled?

In this paper, I will examine the origins of limited government, and synthesize this research with the conflicting social and economic ambitions of the Founding Fathers, particularly Thomas Jefferson, to examine whether the fundamental idea of limited government could be sustained in a society so deeply rooted in slavery. I will also explore Biblically supported ways to restore the doctrine of limited government by laying a new foundation rooted in truth, accountability, and equality.

Biblical Support of Limited Government

The Bible indicates that government’s most fundamental role is to protect citizens from the sinful conduct of their neighbors. All things exist under the sovereignty of God and serve not only the good of people but also God’s ultimate purpose to bring glory to his name (Ps. 115:1–2; Prov. 16:4; Isa. 42:8). Government, too, has been instituted by God not only for the good of humanity but also for the glory of His kingdom. The doctrine of limited government expresses such glory only when natural law reigns supreme and the sovereignty of God is actively acknowledged. The scope of government action is to help preserve just order and procedure in a sinful world and to be a godly agent that not only allows men to follow God, but also mitigates the harm that would occur in the absence of any public restrictions on evil behavior (Hancock 1988, 692). “The one in authority,” wrote Paul, “is God’s servant, an agent of wrath to bring punishment on the wrongdoer” (Rom. 13:3, 4 [NIV]). Paul also wrote that deterrence creates a fear of punishment that encourages compliance with the authorities (Rom. 3:5) and compels us to “submit [our]selves for the Lord’s sake to every human authority...who are sent by him to punish those who do wrong and to commend those who do right” (1 Peter 2:13-14 [NIV]). Everyone is called to exercise justice and righteousness because “The Lord is righteous, he loves justice” (Psalm 11:7 [NIV]).

Biblical justice protects the unalienable rights of all individuals. Thus, government is to be a neutral arbiter and protector of individual rights and policy is certainly not to be used as an overt or covert means to oppress others. Those in power hold their power because of God (John 19:10–11) and can be removed by God (Psalms 75:7; Daniel 2:21); civil governments act as God’s agents of justice. Such derived and limited authority is to be exercised for the good of all people (Romans 13:4) – the common good. This is not merely social justice based on secular human rights; rather, it is essentially rooted in the purposeful and gracious creation of humanity by God in his own image (Gen. 1:26–27). Although the Bible does command, “Let everyone be subject to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God” (Romans 13:1 [NIV]); nevertheless, the Bible also warns of the dangers of government overreach in Revelation 13:1–10. In this vision, John sees a beast rising out of the sea and gaining great power and authority (Rev. 13:2). One leader, seemingly resurrected from the dead, speaks “arrogant words” (Rev. 13:5). He attacks believers and gains authority over “every tribe and people and tongue and nation” (Rev. 13:7) and everyone except true believers worship him.

The Bible calls for Christians to respect and honor government leaders (Romans 13:7); be subject to government and obey its laws (Romans 13:1–5; 1 Peter 2:13–14); pray for civil leaders (1 Timothy 2:1–2); and pay taxes (Matthew 22:17–21; Romans 13:6–7). Obedience to civil authorities is not in response to the worthiness of the leaders, but in joyful submission and obedience to God. However, there are times when Christians must reject the law of the land because such obedience would mean disobedience to the will of God. Biblical examples include Daniel disobeying the law forbidding prayer to any god or man other than King Darius (Daniel 6); the wise men disobeying Herod’s instructions to tell him of the Christ’s birthplace (Matthew 2:7–12); and Peter’s conviction that “we must obey God rather than men” (Acts 5:29) when commanded not to preach the gospel. Civil disobedience is justified when authority is exercised in ways contrary to God’s express purposes and commands for his people.

Political Origins of Limited Government

In the Declaration of Independence, the Founding Fathers explained that they severed their political connections with the English crown in accordance with the self-evident premises that all men are created equal; that they are endowed by their Creator with certain unalienable rights; and, that it is precisely in order to secure these rights that a new government was instituted. These “self-evident premises” are ideas rooted in natural law, derived from the biblical doctrine that each individual human life possesses an innate worth and dignity by reason of its divine origin and creation in the image of God. Because of God’s sovereignty, the law of the land was always intended to be

limited by natural law. Therefore, any valid political implementation of limited government must also comply with natural law.

When the Founders crafted the U.S. Constitution, they extended the political doctrine of limited government by requiring the election of legislators by the people and by dividing the Federal Government into three branches: legislative, judicial, and executive. Both aspects effectively limit the power of the National Government. In addition, the Bill of Rights enumerates certain prohibitions that further limit the National Government from infringing on matters of individual liberties such as freedom of speech, press, and the rights to peacefully protest, and due process of law. Another important element of limited government is federalism. Federalism creates a system of additional checks and balances within our Government and the local governments of the states. Any powers not specifically delegated to the National Government by the states are reserved to the states and the people.

The most idealistic notions of limited government were widely supported by the Founding Fathers. During his first inauguration, Thomas Jefferson described limited government as "a wise and frugal Government, which shall restrain men from injuring one another [, but] shall leave them otherwise free to regulate their own pursuits of industry and improvement..." (Brooks 2020). However, over the last 230+ years, citizens have demanded more action and intervention from their representatives and the political response has resulted in a radical shift from the limited government that the Founders originally intended. The existence of this shift is widely acknowledged and discussed. However, what has not historically been a topic of open discussion is *why* limited government was ill-fated from the start of colonial America and what we can do to correct and rebuild the principles of limited government for future generations.

How the Founders Got It Wrong

Although many of the Founding Fathers acknowledged that slavery violated fundamental ideals of liberty and equality, their simultaneous commitment to private property rights, principles of limited government, and intersectional harmony prevented them from taking a bold stance against slavery. The considerable investment of Southern Founders in slave-based staple agriculture, combined with deep-seated racially prejudice ideologies, posed additional obstacles to emancipation. The fact is that many of the Founding Fathers were slave owners and successful businessmen who also agreed to uphold equality, liberty and justice for all created the perfect juxtaposition for political hypocrisy. No amount of patriotism changes the self-serving reality that The Founding Fathers chose to turn a blind eye to the unlawfulness of slavery simply because racism and classism were big business for them.

Despite their silence, it is without question that the Founders – many of whom were self-proclaimed men of faith – were well aware of the evils of slavery, but they allowed financial gains to excuse the inexcusable (1 Timothy 6:10). The Bible clearly

denounces the dehumanization of slavery: “Woe to him who builds his palace by unrighteousness, his upper rooms by injustice, making his countrymen work for nothing, not paying them for their labor” (Jeremiah 22:13 [NIV]). The Bible also directly admonishes the Founders’ reluctance to end slavery: “Live as free people, but do not use your freedom as a cover-up for evil; live as God’s slaves. Show proper respect to everyone, love the family of believers, fear God, honor the emperor.” (1 Peter 2:16-17 [NIV]).

The Founders’ Connection to the Institution of Slavery

There is a stark contrast between the moral philosophy that many Founders touted in comparison to their collective ownership of slaves. For example, Thomas Jefferson owned over 600 slaves in his lifetime, 400 of which were enslaved at his primary plantation, Monticello. Of the over 600 people Jefferson owned, he formally freed only seven. During his lifetime, Jefferson freed two enslaved men. At his death, Jefferson bequeathed freedom to five men in his will, two of whom were his sons with Sally Hemings, named Madison and Eston. It is evidenced that Jefferson fathered at least six children with his slave Sally Hemings, three of which (Beverly, Harriet and James) were unofficially freed and allowed to leave Monticello without pursuit upon Jefferson’s death (TJF 2000).

Jefferson’s private ownership of slaves could not have been more contradictory to his public stance on freedom and justice for all. In 1806, Virginia passed a law requiring freed slaves to leave Virginia within a year. However, Jefferson refused to abide by the law, arguing that compliance would be economically injurious to him. It is likely that Jefferson held maintaining his luxurious lifestyle in higher regard than human life, as evidenced by his multiple attempts to mortgage slaves as collateral to borrow against his property (Jefferson 1796).

In a letter written to Edward Coles, a Virginia planter who encouraged Jefferson to support abolition, Jefferson expressed that black people were inferior to white people because they were incapable of supporting themselves and thus, should remain enslaved because freedom would render them as “incapable as children of taking care of themselves” (Jefferson to Coles 1814). However, just a month later Jefferson wrote, “There is nothing I would not sacrifice to a practicable plan of abolishing every vestige of this moral and political depravity” (Jefferson to Cooper 1814). Undoubtedly due to the growing weight of guilt, late in his life, Jefferson introduced a bill to end slavery to the Virginia Assembly in which wrote:

The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other...] And with what execration should the statesman be loaded, who permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the

amor patriae of the other...And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever...I think a change already perceptible, since the origin of the present revolution. The spirit of the Master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of heaven, for a total emancipation. (Jefferson 1794)

America's long, shameful history of slavery is indicative of the sinful nature of mankind, which is exactly why God always intended for natural law to trump the law of the land. Although some Founders eventually publically denounced slavery by the end of their lives, today many Americans remain ashamed to even acknowledge the fact that racism exists in this country, despite the continued prevalence of police brutality and organized hate crimes against Black Americans. To effectively deal with the problem, Americans must face the same truth that many of the Founders eventually had to accept – ignoring the problem of racial inequality certainly does not make it go away. An unacknowledged wrongdoing is still wrong in the eyes of God. The only way to right a wrong in the eyes of God is to confess, sincerely repent, and take affirmative steps to do better going forward. The good news is that it is never too late to do the right thing. Because natural law reigns supreme and only the laws of the land that comply with natural law are sustainable, it is no wonder why the Founding Fathers' political ideology of limited government was destined to crumble.

Repairing a Broken Foundation: The Truth Shall Set Us Free

Government intervention aligned with natural law in the interest of preserving justice is a necessity to protect against the violation of personal liberties. As fallible humans, the Founding Fathers ignored the natural laws of human equality and made a conscious choice to silently support slavery, primarily because doing so was both socially acceptable and economically profitable at the time. However, the Bible warns us that everything done in the dark will eventually come to light (Luke 8:17) and a foundation built on quicksand will surely sink. For this reason, America must tear down the racially discriminatory origins of limited government (Gainous 2012, 251) and build a new doctrine based on truth, accountability, and empathy. It will take consistent hard work, but thankfully, considering the country's overwhelming frustration with the Trump administration along with growing support of the Black Lives Matter (BLM) movement, the world is experiencing a trend toward more honest conversations about race. Acknowledging that a problem exists is the first step in correcting it. In his book *Original Intent: The Courts, the Constitution & Religion*, author David Barton offers a three-step process to acquiring the truth needed to assess political problems: 1) identify and

eliminate wrong information; 2) obtain correct information; and 3) act on the proper information (Barton 2008, 337). Regarding the path forward, historian Emma Willard said it best:

The government of the United States is acknowledged by the wise and good of other nations, to be the most free, impartial, and righteous government of the world; but all agree, that for such a government to be sustained for many years, the principles of truth and righteousness, taught in the Holy Scriptures, must be practiced. The rulers must govern in the fear of God, and the people obey the laws. (Baym 1992, 132)

The 1619 Project & America's Refusal to Denounce the Evils of Racism

The 1619 Project was developed by The New York Times Magazine in 2019 with the goal to "reframe the country's history by placing the consequences of slavery and the contributions of black Americans at the very center of the national narrative" (Hannah-Jones 2019). The project release date was aligned with the 400th anniversary of the arrival of the first enslaved Africans in the Virginia colony in 1619 and suggests that this date represents the "nation's birth year" (ibid.). It is an interactive project directed by Nikole Hannah-Jones, a reporter for The New York Times, with contributions by the newspaper's writers, including essays on the history of different aspects of contemporary American life which the authors believe have "roots in slavery and its aftermath." It also includes poems, short fiction, and a photo essay. Originally conceived as a special issue for August 20, 2019, it was soon turned into a full-fledged project, including a special broadsheet section in the newspaper, live events, and a multi-episode podcast series.

The project has sparked criticism and debate among prominent historians and political commentators. In a letter published in The New York Times in December 2019, five historians expressed "strong reservations" about the project and requested factual corrections, accusing the project of putting ideology before historical understanding. In response, Jake Silverstein, the editor of The New York Times Magazine, defended the accuracy of the 1619 Project and declined to issue corrections. In March 2020, historian Leslie M. Harris, who served as a fact-checker for the 1619 Project, wrote that the authors had ignored her corrections, but that the project was a needed corrective to prevailing historical narratives:

It is easy to correct facts; it is much harder to correct a worldview that consistently ignores and distorts the role of African Americans and race in our history in order to present white people as all powerful and solely in possession to the keys of equality, freedom and democracy. At least that is the corrective history toward which the 1619 Project is moving, if imperfectly. (Harris 2020)

Despite the project's criticism, project creator Nikole Hannah-Jones was awarded the 2020 Pulitzer Prize for Commentary for her introductory essay to the 1619 Project. However, In October 2020, the National Association of Scholars published a letter signed by 21 academics calling for the Pulitzer Prize to be withdrawn, claiming that the essay and the Project was deeply flawed, and that Hannah-Jones and The New York Times Magazine had first denied these flaws and then tried to correct them covertly.

At the heart of the debate sparked by the 1619 Project is the question of whether the Founders' vision of limited government was corrupted by their refusal to denounce the ungodly institution of slavery and its associate doctrines of systemic racism and white supremacy. The honest response to that question is yes, the Founders' original intent to establish a system of limited government was absolutely thwarted by their acquiescence to slavery and racial discrimination on every front. But the 1619 Project is not the first journalistic attempt to inject some truth into the discussion of slavery in America.

When Cornell University Historian, Edward Baptist released his 2014 book, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* as "an unapologetic, damning, and grisly account of slavery's foundational place in the emergence of America as a global superpower" (Baptiste 2014), the book was immediately criticized in a (since withdrawn) review in *The Economist* that claimed Baptist failed to provide an objective view of slavery:

Almost all the blacks in his book are victims, almost all the whites villains...Baptist is not being especially contentious when he says that America owed much of its early growth to the foreign exchange, cheaper raw materials and expanding markets provided by a slave-produced commodity. But he overstates his case when he dismisses 'the traditional explanations' for America's success: its individualistic culture, Puritanism, the lure of open land and high wages, Yankee ingenuity and government policies. (*The Economist* 2014)

This review of *The Half Has Never Been Told* is an example of the typical knee-jerk reaction that many Americans have when the topic of slavery is presented. Despite the deplorable reality of slavery, our nation will never heal if we continue to insist on viewing slavery through rose-colored glasses. News flash: America has made some mistakes, and slavery happens to be at the top of the list. The denial of this truth is not a show of patriotism; it is a show of reluctance to improve race relations in this country. Professor Kelly Carter Jackson explains:

There is a particular kind of assessment that is often confused with patriotism, as a way of only showing America as its best hard-working self. Diminishing American slavery as some sort of necessary evil is not history, it's advocacy and white supremacy of the worst kind. (Jackson 2014)

Even more disturbing, during last Tuesday's presidential debate with Joe Biden, Donald Trump was asked by moderator Chris Wallace whether he was willing to openly condemn white supremacists and tell them to stand down during protests that have flared this year over the issues of police killings and racism. Trump initially attempted to skirt the question, then said, "Sure, I'm willing to...but I would say almost everything I see is from the left wing, not from the right wing." As Chris Wallace pressed Trump further for a response, Biden interjected to clarify exactly who the president was being asked to condemn: "Proud Boys", Biden said twice. To which Trump said, "Proud Boys, stand back and stand by. But I'll tell you what...Somebody's got to do something about antifa and the left because this is not a right-wing problem" (*BBC News* 2020).

Trump's answer is consistent with similar comments made throughout his presidential campaign and presidency. After an anti-fascism protester was killed at a white nationalist rally in Charlottesville in 2017, Trump claimed there were "very fine people on both sides". Also, In February 2016, while running for president, Trump refused to condemn the prominent white supremacist and former Ku Klux Klan leader David Duke, who endorsed him. Sadly, the erratic crassness of Donald Trump's statements in relation to this country's racial issues have become a mainstay in American politics.

Although the Bible does command us to respect and pray for the president, it does not require us to support policies and laws that directly violate the Word of God. Our president's refusal to publically denounce white supremacy is both disheartening and embarrassing, but by no means should it represent who we are as a nation. Our first allegiance is to God, not to a president or even a flag. Hopefully, we will soon be viewing the Trump presidency in the rearview mirror and thanking God for the wisdom to not make the same mistake twice.

Conclusion

The Founding Fathers' original intent to forge a nation built upon the doctrine of limited government was thwarted by their acceptance of slavery. As a result, the astronomical growth of the Federal Government has become the single most significant deviation from the picture of constitutional order originally intended by the Founders. Discussions about racism and discrimination are particularly challenging for Americans because slavery and its aftermath personify the ugliest truths of our nation that are typically too hurtful or shameful for most of us to talk about. But unlike our White brothers and sisters, Black Americans have never had the luxury of simply ignoring the issue of racism, which is why Blacks have historically been more vocal about racial injustice. However, the last few years have ushered in newfound support of the plight of Black Americans that is needed to eventually achieve racial equality in this country. As Christians, we are called to liberate the oppressed (Luke 4:18). Injustice must be

challenged and uprooted, but as adjunct professor of African American studies at Georgia State University, Michael Simanga points out:

There are two reasons that we don't talk about slavery: The first is it's a subject that makes us have to face the ugliness of our history against the beauty of American history. [The second] forces us to then commit to structural changes that the country has not yet gotten ready to address, changes having to do with discriminatory practices – an unequal education system, unequal employment, unequal housing and how we teach our history without including all Americans. Talking about slavery would require us to embrace a completely different American narrative and we're not ready to let go of the old one. (Riley 2018)

I concur with Simanga's two reasons why Americans do not openly discuss slavery. However, the United States is tired of the lies and injustice and is ready to engage in some honest dialogue that will hopefully begin our journey toward racial unity.

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