



THE 26TH DAY OF NOVEMBER

The first six months of any President's term must be a whirlwind. But, it must have been a hurricane for George Washington. With no precedent to follow, a Constitution that was only a few months old, a federal government that was only weeks old, and his inauguration delayed while the Senate debated what titles everyone should have, Washington took the oath of office on April 30, 1789.¹

By June, James Madison had introduced his version of the Bill of Rights, and after three months of debates and amendments, on October 2, 1789, President Washington sent the twelve amendments that survived both the House and the Senate to the States for further debate and (hopefully) ratification.² Spending three, hot months with a newly-formed Congress debating amendments to a Constitution that had just been ratified should warrant a vacation, but Washington had one more thing to do.

Earlier that year, New Jersey attorney Elias Boudinot had an idea. As a delegate to the Continental Congress and newly elected member of the House of Representatives, Boudinot thought it significant that the United States managed to establish a Constitutional form of government without additional war.³ So, Representative Boudinot introduced a resolution that a joint committee of the House and the Senate would request that the President "recommend to the people of the United States a day of public thanksgiving and prayer to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a Constitution of government for their safety and happiness."⁴

The resolution was controversial, but it passed.⁵ On September 28, 1789, Boudinot and the rest of the joint committee placed the resolution before the President,⁶ and on October 3, 1789, President Washington wrote a letter to the State governors. In that letter, he recommended setting aside a day in which all would be devoted to "the service of that great and glorious Being, who is the beneficent Author of all the good that was, that is, or that will be."⁷ Washington's letter included a call for unity in rendering "sincere and humble thanks" and offering "prayers and supplications" for the forgiveness of "national and other transgressions," for the ability for all of us, "whether in public or private stations, to perform our several and relatives duties properly and punctually," for the newly-formed national government "to be a blessing to all the People, by constantly being a government of wise, just, and constitutional laws, discreetly and faithfully executed, and obeyed . . ."⁸

The states liked Washington's recommendation. Public celebrations were held across the country, and Washington celebrated by attending services at St. Paul's Chapel in NYC and donating beer and food to imprisoned debtors in the city.⁹

That day was Thursday, November 26, 1789.

Seventy-four years later, another lawyer had an idea. This time the lawyer did not need a joint resolution to the President; he was the President. On October 3, 1863, exactly 74 years since President Washington sent his letter, the situation facing President Lincoln was much more dire.

The United States was anything but united behind the Constitution. That year alone, the country had lost 128,857 husbands, sons, brothers, uncles, cousins, fathers, and grandfathers at Chancellorsville, Vicksburg, Gettysburg, and Chickamauga to name just a few.¹⁰ The battle of Chattanooga was ongoing, and the siege of Knoxville was on the horizon.¹¹ It would seem there was little reason for giving thanks.

Author Sarah J. Hale did not quite see it that way. On September 28, 1863, the same day Boudinot's joint committee met with President Washington years before, Hale wrote a letter to President Lincoln.¹² She was writing to request that the President make a "day of annual Thanksgiving . . . a national and fixed Union Festival."¹³ For fifteen years, Hale promoted this idea through editorials, but she believed that a Presidential Proclamation would be the best way to bring about a permanent, national day of unity around the idea of thanks.¹⁴

The impact of Hale's letter on President Lincoln remains a mystery.

But we do know that five days, later, Lincoln issued a Presidential Proclamation. Actually, with the same humility exhibited by Washington, it was more of an invitation to set aside the last Thursday of November as a day of thanksgiving.¹⁵ Lincoln also called for prayers for the end of "the lamentable civil strife in which we are unavoidably engaged," for healing for "the wounds of a nation," and for restoration "to the full enjoyment of peace, harmony, tranquility, and Union."¹⁶

That day was Thursday, November 26, 1863.

This year, Thanksgiving falls on November 26th. This national celebration birthed by one lawyer and made a national holiday by another continues for its 231st year. For our family, this day holds even more significance than others. It is my son's birthday. He will turn twenty-one. It is also the day that same brother was killed Fallujah, Iraq, as he held shut a door, taking the bullets, to protect his fire squad from the insurgent inside. This will be the sixteenth year since we lost him, the seventeenth year since we celebrated Thanksgiving with him.¹⁷

But, our family's loss is no more significant than the losses people felt on November 26, 1789, as our country recovered from the Revolutionary War, or on November 26, 1863, as our nation was in the middle of the Civil War, or on November 26, 2020, as we have lost family and friends to sickness and lost the human connection that comes with shaking a person's hand. The turmoil our country faces today is no more insurmountable than those early days as our country struggled with the responsibility of self-governance or during the Civil War as our country struggled to remain intact. What Boudinot, Washington, and Lincoln recognized in 1789 and 1863 rings true today: it is hard to remain divided when we humbly and genuinely give thanks, this the 26th day of November.

¹ United States Senate, The Senate Prepares for the President, https://www.senate.gov/artandhistory/history/minute/The_Senate_Prepares_For_A_President.htm, last visited Oct. 10, 2020.

² National Archives, Writing the Bill of Rights, <https://www.archives.gov/founding-docs/bill-of-rights/how-did-it-happen#:~:text=On%20October%20%2C%201789%2C%20President,the%20%E2%80%9CBill%20of%20Rights.%E2%80%9D>, last visited Oct. 10, 2020.

³ United States House of Representatives, Elia Boudinot 1740-1821, <https://history.house.gov/People/Detail/9640>, last visited Oct. 10, 2020; see also Washington Papers, Thanksgiving Proclamation (June 21, 2013), <https://washingtonpapers.org/documents/thanksgiving-proclamation/>, last visited Oct. 10, 2020.

⁴ Washington Papers, *supra* n.3.

⁵ In particular, South Carolina Representative Thomas Tudor Tucker "thought the House had no business to interfere in matters which did not concern them. Why should the President direct the people to do what perhaps, they had no mind to do? They may not be inclined to return thanks for a Constitution until they have experienced that it promotes their safety and happiness." *Id.*

⁶ *Id.*

⁷ George Washington Papers, Series 8, Miscellaneous Papers ca. 1775-99, Subseries 8A, Correspondence & Miscellaneous Notes: Correspondence & Miscellaneous Notes, 1773-1799, Thanksgiving Proclamation (Oct. 3, 1789), available at <https://www.loc.gov/resource/mgw8a.124/?q=1789+Thanksgiving&sp=132&st=text>.

⁸ *Id.*

⁹ *Id.*

¹⁰ American Battlefield Trust, Civil War Casualties <https://www.battlefields.org/learn/articles/civil-war-casualties>, last visited Oct. 10, 2020.

¹¹ Library of Congress, Digital Collections, Time Line of the Civil War 1863, <https://www.loc.gov/collections/civil-war-glass-negatives/articles-and-essays/time-line-of-the-civil-war/1863/>, last visited Oct. 10, 2020.

¹² Ltr. from S. Hale to A. Lincoln (Sept. 28, 1863), available at <https://memory.loc.gov/mss/mal/mal1/266/2669900/001.jpg>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Abraham Lincoln, *A Proclamation* (Oct. 3, 1863), transcript available at <http://www.abrahamlincolnonline.org/lincoln/speeches/thanks.htm>.

¹⁶ *Id.*

¹⁷ For more information on the sacrifices and bravery of the 1/8 Marines in the Battle of Fallujah, see Gary Livingston, *Fallujah, With Honor* (Caisson Press 2007).