



**Visiting History With Clay Jenkinson, Thomas Jefferson and Theodore Roosevelt**

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- TS: This is “Legislatures: The Inside Storey” and I’m your host, Tim Storey. I’m the CEO of the National Conference of State Legislatures. And today on the podcast, we are going to get some perspective on leadership from Thomas Jefferson and Theodore Roosevelt thanks to my guest Clay Jenkinson. He is a presidential historian who is an editor at large for Governing magazine. He has been a source in several Ken Burns documentaries, most recently Benjamin Franklin on PBS. And also recently released a documentary Theodore Roosevelt on the History Channel, which was produced by Doris Kearns Goodwin along with Leonardo DiCaprio. Jenkinson performs as these historical figures--Roosevelt, Meriwether, Lewis and most especially Thomas Jefferson. His recent book is called “Repairing Jefferson’s America: A Guide to Civility and Enlightened Citizenship.” He probably knows Thomas Jefferson more intimately than any human alive.
- CJ: I have been married to him.
- TS: You have been married to him. That is pretty intimately acquainted with Thomas Jefferson.

CJ: When I think back on it, I've been involved with Jefferson now for more than three decades and in a certain sense, it's like a marriage. You know, in a marriage there are great moments and less great moments. There are times when you can't stand to be in the same zip code together and other times when you just are so enamored. With Jefferson, it's up and down. I've fallen in and out of love with Jefferson over this time. Great new understandings have come forth since I began. I mean it's a – if you look through the lens today, it's a very different Jefferson from the lens of say 1980. And so, I've kind of grown with Jefferson. And, truly, I know Tim it sounds like I'm making this joke, but I've probably spent more time with Thomas Jefferson than with any other human being.

TS: Clay Jenkinson, I'm really glad you could join me today and talk about Jefferson and all of the historic figures that you are intimately acquainted with.

CJ: I'm so glad to be here because I have great respect for what you do. I must tell you last week I was in Philadelphia, and I gave an endowed lecture there for the library company of Philadelphia, which is the oldest subscription library in the world. And the lecture was on Alexander Von Humboldt and Thomas Jefferson. But I got to hold in my hands the journals of Lewis and Clark. To hold in my hands and then I got to hold a book that they carried all the way from Philadelphia to the Pacific Coast and back again and Lewis presented it back to its owner Benjamin Smith Barton with an inscription. And it's in great shape. I don't know how Lewis kept it in such great shape. If I drive 100 miles, the things in my car are breaking down. But it was like one of the most thrilling weeks of my life and Lewis of Lewis and Clark is one of the characters that I have performed as, and I have travelled the trail many times and I have written a long book about the character of Meriwether Lewis and now I got to hold the journals in my hands.

TS: It is safe to say you love history and this means more to you than just oh cool, I saw this in a museum through a glass.

CJ: My training was in literature in the classics. I lived in your part of the world briefly. I lived for four years in Boulder and taught Latin at the University of Colorado and studied Ancient Greek which every good Jeffersonian should do. I've gotten to perform in 50 states of different characters. Jefferson, Lewis of Lewis and Clark, John Wesley Powell, the Civil War hero and explorer. John Steinbeck the novelist. And Theodore Roosevelt, of course. It's been glorious. I get to evade life by pretending I'm someone that I'm not.

TS: Did you in a million years, 30 years ago, whenever you started doing trying this hat on think that this would be your life?

CJ: No. And if I had thought about it, I wouldn't have done it.

TS: Why do you say that?

CJ: You know I've got a whole room of costumes you know. I used to travel happy but now after 911 you know, I have wigs and tights and buckled shoes and dirks and swords and beards. And I stopped carrying the Koran altogether, I can tell you that.

TS: It's the logistics of being these characters that is the big hassle.

CJ: It is all that spirit gum. You know you have to paste on the beards. There is something inherently stupid about the whole enterprise until you open your mouth. I get up there. There's a crowd of 300 or a thousand people and I pretend to be somebody that's dead and they pretend to believe, and we have an actual discourse about serious issues.

TS: I'm going to tell you, I was one of those audience members probably 20 or 25 years ago. I can't even remember. I want to say it was at Monticello, but somewhere along the way, I had the good fortune of being one of your audience members and I have been in thousands of sessions about important issues of our time and leadership and all of this. But that stuck with me. I mean so there is something magic about what you do.

CJ: Well, there is a magic to it. You know not to be too funny about it. There is a magic because you know if you said to me Mr. Jenkinson, I know you're a historian. How should we evaluate Jefferson on slavery. I would give you an answer and it would be a smart answer. But if you said to Jefferson, sir, how do you really square this with your principles that all human beings are created equal? This is a whole different enterprise now because as a scholar, I'll talk about anything to the best of my understanding. But if I'm asked this as Jefferson, then I have to think well a. how would Jefferson respond. Do we know? We do know. b. How do I convey that to the audience in a way that also lets them see the limitations of his answer to that. How am I true to history and to Jefferson and to the current mood of the country, which is very unhappy with Jefferson about this, as is right. And, so, it is a complicated thing that is going on. It really works. I can remember once this fifth grader said to me. Raised her hand at the end of sort of a program and she said Mr. Jefferson, now that you've seen our world, what would you like to take back with you to Monticello, which I thought was an incredible question. Because she never would have asked that of a historian. Never in a million years. But I empowered her through the thing I was doing to perform herself and she countered performed and asked this question. I said penicillin. But imagine how great that was that she as a fifth grader in her mind was buzzing over this.

*(TM): 6:53*

TS: That's a wonderful way to get people's brains thinking and get you know really fired underarms and get people going. And I'm telling you man, I remember it. I remember you doing that doing your bit and it's, there is something very sticky about it and which is hard these days in a world of tik toks and endless Youtube videos so. I hope you and you are still doing this right. You are still out there?

CJ: I do some. You know COVID was a little rough on all of that. I didn't travel much during that period. I wrote a bunch of books. I wrote four books during those two years. I'm totally exhausted now, but I still do some. But I'm increasingly I'm changing. I do this thing called the "Thomas Jefferson Hour," which is a podcast and a public broadcasting program, an hour-long weekly thing and I'm morphing it into something called Listening to America. And here is the point I want to make about that. I think that if you tonight if everyone who listens to this turned on their television and watched half an hour of Fox and then half an hour of MSNBC, they would have this idea that the country is dying. That there are enemies within. That the issues are as great as they have been since the Civil War. That the Republic may simply collapse. But then if you go out to Butte, Montana, or Broken Bow, Nebraska, or Lyons, Colorado, you see real people doing real things. Yeah, they have a politics, but they don't wear it. It doesn't run very deep. They are just authentic wanting to have good lives to better the lives of their children. They want to live in a country that is recognizable to them. They want the temperature of our politics to come down. They want real answers to our problems rather than the kind of posturing that we are getting right now, and I don't know how much that percolates into your work with state legislatures, but it certainly characterizes the national Congress of the United States. And so, I want to go out and listen. A little bit like Charles Kuralt but without the schmaltz and without the giant CBS crew. But to go out and listen to America and hear what's on people's minds and try to cheer up about it because I think we all get a little disillusioned when we watch too much media.

TS: I think this resonates terrifically with state legislatures. Many, well hopefully the listeners of this podcast as well as many of the legislative staff who work in these institutions, because I hear this over and over again. You know people don't realize that well over 85% of the more than 100,000 bills that legislatures pass in any given calendar year are bipartisan. I mean there is a terrific amount of work on tons of issues that are not hyperpolarized, and people are dug in because you have to fear the other side. Of course, our concern is that it is somehow whatever that percentage is, is growing. People who can't see that you are not just wearing the red jersey or the blue jerseys. I think this is a big concern. This gives me a little bit of a pivot to what I – one of the questions I really wanted to ask. We know that Jefferson spent at least three years in the Virginia Legislature at the time. This was before the Constitutions. We are legislatures. This group is. So, was that the best time in Jefferson's life? Did he love being in the legislature? Then he was three years as governor, so he was six years at the state and local level.

CJ: His time as governor was the least happy time of his life. Not only his wife died during that time. It was the darkest period of the war. The British invaded Virginia not once but twice and Banastre Tarleton with his dragoons came right up to Monticello and occupied it. Jefferson was then investigated by the Legislature of Virginia for malfeasance. That petered out and he was later apologized to. But this was not a great time for him. He was not a great governor. And the reason why--this is probably maybe an interesting point for you Tim. He was not a great governor because he was of strict constructionist, and this was after independence and so we had very weak governors because we had seen what strong governors looked like. Here is this emergency and Jefferson is playing it straight according to the descriptions in the Virginia Constitution when in fact the people wanted kind of a masterful man on horseback. Someone

who might even be a temporary dictator to get us through the crisis. And Jefferson was no. I will do my job and I won't expand beyond those boundaries a bit.

Well, if you flash forward to Theodore Roosevelt 100 years later and his view was, I'll do anything that the Constitution doesn't explicitly forbid. So, Jefferson was a prisoner of his ideology there. And I think he learned from that and became a much better president when he became president than he had been as governor. But back to the legislature. Two things. One is that he revised the entire law code of Virginia almost by himself and he said it was the most difficult work of his life. You know, moving from a colonial system into a smaller Republic. He did that. And proposed 128 new laws for Virginia. I mean it was a work of genius. And secondly, he was able to get passed in 1786, the Virginia Statute for Religious Liberty, which is one of the most important pieces of legislation in the history of legislatures anywhere on earth. But here is the key to that Tim. You got to have a Madison. Jefferson was this amazing intellectual dreamer, visionary, reformist utopian almost. But he didn't have any legislative stamina and he would introduce the ideal Bill and then walk away and do something else at Monticello. You know working on his garden or inventing something or writing a treatise. As you know, that's not how legislation passes. There needs to be somebody who is willing to do the painstaking work of seeing it through the process of horse trading, of compromise, of listening, of accommodating people's concerns and that man was James Madison. So, we would not have a Virginia Statute for Religious Liberty if Jefferson had been alone. We wouldn't have it if Madison had been alone. It took the genius of the one and the political capacities and the political capacities of the other to form this partnership.

*(TM): 13:19*

- TS: So, what advice do you give to because I think these men and women come into legislatures all the time who you know I want to go fix this problem and you know whatever they perceive to be the biggest problem of their state at the time. And yet you can't just have the great idea and expect it to just roll through.
- CJ: No, you need a Madison and not everyone gets one. I mean I always say Madison was a great man who gave his life to the work of a greater man. That almost never happens. But I mean somewhere between Lyndon Johnson leaning into people viscerally and taking them by the shirt and saying you are going to pass this Civil Rights Bill. I tell you, you are going to pass it and here's why. Otherwise, you are not going to get your Interstate Highway or whatever it is. There's that end of the spectrum, which works. But it is a little bit disquieting. But then on the other end, there is someone like Barack Obama who turned out to be a great visionary, but he didn't have that capacity to go up to the hill and do the hard, have the lunch, listen to the junk that has to come out of people's mouths to accommodate. To take joy in it. You have to take joy in it I think in order to be effective at it. And you have to make other people realize that you are likeable. So here I'll morph to Theodore Roosevelt. Roosevelt got away with way more than he should have as a president of the United States because people liked him. They admired him. Even people who didn't like him liked him if that makes any sense. He just had that kind of charisma and pizzazz. He was a war hero. He was our first cowboy president. He was brilliant. He talked a mile

a minute and he was always interesting, and people liked him, and he liked them, and they knew it.

TS: There is a cultural you know legislatures have a very distinct culture. You know they spend a lot of time together. These sessions get drawn out and you now executives by their nature want action. They want it their way and what I hear you saying is that the path to success at least from an executive standpoint. I would like to talk a little bit about legislative leadership, you know, being the speaker or the Senate president or chair of a key committee and getting something done. But this notion of how you better lean into that culture, or it is just going to be frustration after frustration.

CJ: I'm just say one last word about the presidency, and this is a nonpolitical statement, I think. One of the problems that Donald Trump had was that he had been a CEO and a certain kind of CEO. Always got his way through his whole life and wasn't used to the kind of the glacial pace and the backtracking and the, you know, the inefficiency of our congressional or any legislative session. And if you are a CEO that thinks I want to do X. I want a military parade for example. That has to be the, you know, Washington, D.C., planning and it has to be the military and it has to be funding and suddenly you realize oh you can't just say you want to get things done and they happen. You have to go work that. And that working that means building coalitions and it sometimes means building coalitions with people whose ideology is not yours.

TS: Well, it takes a lot of patience too and a lot of those kinds of leaders are not exactly endowed with patience.

CJ: This happens in state legislatures, too, but I think that my own view is that you know I'm a Jeffersonian so of the three branches of government, the most important is the legislative branch. I think that is more true in states than it is in the federal system.

TS: The U.S. Constitution which makes the legislature the first branch, is actually kind of ripped off from the Virginia Constitution, which also added as the first branch.

CJ: They are all ripping off Montesquieu. Montesquieu, the great French theorist, gave us the formula for separation of powers and checks and balances. And his book, "The Spirit of the Laws," was the most influential book of the 18<sup>th</sup> century and they were all reading it and taking their cues from it, and it took different forms. Franklin wanted the unicameral system. Jefferson wanted bicameral. But they were all listening to their Montesquieu. Today, and here is my one criticism that I'll share at least of legislators, is that they don't read enough. They read policy stuff. They read emails. But they don't step back and read Plutarch. The founding fathers were the geniuses that they were because they stepped back and read Tacitus and Plutarch and Bolingbroke and Rousseau and Voltaire and Dr. Johnson and David Hume and Adam Smith. So, they were like their minds were abuzz. Today I mean a legislator, and I know a lot of them, they are just so overwhelmed, overstimulated with demands and people wanting their attention and it's hard for them to get the bandwidth to go reflect. I would like to be able to find a way and I know what you do is partly this. It's partly this. It's to encourage these overworked,

overstimulated people. And I mean this. They are hard, hardworking. They mean to do the right thing. And they are exhausted by the end of the session. And they are even kind of just like their head is ready to explode. We need to carve out space for them to reflect and to read and to ask questions that they don't get to ask much, like what is my purpose here. You know, what is the thing I should be doing for the people of South Dakota or the people of Oregon or whatever. And I think that you get so caught up in the rhythm of the thing. Even in a state where nothing is at stake like North Dakota. But think of a state like Texas, where everything is at stake, or Massachusetts or New York. The exhaustion of the legislator is a very serious problem. It becomes a spiritual exhaustion, too, where they just become, ah I can't take it anymore. I'm just going to vote.

*(TM): 19:10*

TS: Well, Clay, my radar tells me from talking to a fair number of legislators just in the last two or three months that this is the worse the burnout factor has ever been. Now we always have this like it's worse today than it's ever been, and I don't have a study that proves this. But my intuition is fairly strong that they are somehow there is a breaking point. Some of it is the pandemic and all that's kind of coming into play, but this notion that you could step back. By the way, legislator is usually like your third or fourth job in some cases because you've got a regular job. You own a small business or whatever. You've got a family. You might have some other things going on. You coach little league baseball or whatever. But I love this thought. You know how do we do. We have puzzled over this at NCSL for years to get people to step back and reflect. I also one of my constant frustrations is that legislators as institutions are on a two-year time horizon. So, this thought of like pull it back and taking time to think beyond the two years of next election and those pressures are much greater. You know that is the other job they have is to run campaigns and get reelected and keep the majority. So, can you solve that for us? Do you have a way? How do we change the institution?

CJ: Well, I don't know if I can solve it because I don't think you are going to go for my plan. But if you, let's just say you brought me 250 legislators from around the country and they agreed to this and they handed their cellphones over when they got here, and I drove them out to the Badlands of North Dakota, and we went to Roosevelt's Elkhorn Ranch. And you have to hike in about a quarter of a mile. A very simple hike, and we got there, and we had chairs and some refreshments, and we sat there, and we talked about Roosevelt and the American West and Badlands and National Parks and recreation and what makes for a full life. I promise you when they came out, they would be. They would have calmed down some. They would have made friends. They would have learned something worth knowing. They would there would be kind of a "I got to breathe" a little bit and no one was making a demand on me. That this was just a chance to drink in the fresh air and to look at the Little Missouri River and to think about this great man who came out to North Dakota when he was 24 years old, and he was just a shrimp with bad health. He was kind of a 98-pound weakling almost and he was transformed out in the Badlands of North Dakota to become one of the greatest presidents in our history, in the top five certainly. I think if people could see that and experience it, they would think, oh I know why I'm doing this. I know why I'm doing this.

- TS: Do you want my job because this is exactly what I puzzle over. We have done programs somewhat in this vein at Gettysburg, at Buckman Tavern at Lexington Green and in Normandy. We actually have taken groups to Normandy. ... Because again back to you performing Jefferson, it's sticky to get people to step back and somehow there's the near on fire differently when you are in that space, and I think that would serve the Republic.
- CJ: I think it could happen. I think that if you invited how many are there? Seven thousand?
- TS: Yea, 7,000 legislators roughly.
- CJ: If you invited them and said the first 250 that sign up will get this trip, we'd fill it.
- TS: Well, I think we are on to something. We will explore this. Hey this gives me a great way to talk about something I want to make sure we hit on. This "Repairing Jefferson's America: A Guide to Civility and Enlightened Citizenship." You know, one of the things that I hear is that we are as uncivil as we've ever been. You know, of course, there was that war in 1860, but can you put that into perspective in terms of how bad or not bad is it and can you solve it for us? Can Jefferson solve it for us?
- CJ: You are closer to it than I am, but here is my impression that first of all, it's always been this way. We've had periods of more and periods of less, but don't pretend there was ever this the senior senator from Virginia yields to the junior you know. That's protocol and it very seldom is reality. We've always been a political people. We've always been a kind of a grumpy people and there's a lot of factionalism. Jefferson got to be president after one of the most prolonged election crises in American history. There were people that said the election was stolen. There were people that called him a negro president because of the three-fifth's clause. Federalists tried to block his installation as president and to bring Aaron Burr instead. I'm just talking about the one I know. This happens all the time. This myth of this kind of civic text myth or when you know we the people project myth where you think oh about harmony and civility and good sense and so on. Yea sometimes. But not always. And so, this is a particularly difficult time because I think there is anger. It's not in the legislature so much. It's in the people. And the legislators are like looking over their shoulder like boy the people are all stirred up. They want me to say this.
- TS: Pardon me for a quick interruption. They are reading their Facebook feed and they are reading their Twitter feed.
- CJ: Yea they are reading Facebook and they are watching MSNBC and Fox.
- TS: And it's just it's just vial. It's bile coming out of them. It's at an extreme.
- CJ: So, let's say you could guarantee to the legislature of Texas or North Carolina that they will deliberate for 90 days, and they will pay no penalty for voting their best sense and their

conscience. That there is no TV and there is nobody watching. They should just do what they think is the right thing to do about whatever. They would do it most of them.

TS: What form of government is that called?

*(TM): 25:32*

CJ: No, we need transparency, but our transparency now is such that we are driving the right to the right, and we are driving the left to the left and everyone is frightened of being primaried. And you know just to take again not to be partisan at all, but President Trump is now less important than Trumpism. So that whatever energy he evoked and touched off is out there and it's strong. And then the left is in a righteous mood about their vision of the country. And so, this anger. This kind of raft and angst and distrust is driven now more by the people than by the legislature itself and I think that many legislators if you ask them would say if the people would just leave me alone to try to do the right thing, I could really try to do the right thing. You know Facebook and social media have really changed the equation and I do believe that some of the elected officials of our time have been throwing kerosene on this thing and that that's a mistake.

TS: What is the first step on the path out of this? You know your guide to civility and enlightened citizenship?

CJ: I know this sounds crazy Tim, but it is actually civility. So, Jefferson had this--he wrote this letter to his nephew, and he said ideally you are born with civility and with good nature. But most of us aren't. But if you show artificial good humor and always when no matter how much someone provokes you if you respond with civility and even a generosity of spirit, he said two things will happen. Number one it will slightly shame the other person because you are showing them what it should look like. And they might actually change a little. Secondly, he said it's second nature to you but it's second nature. It becomes your habit of dealing with the world. And I've tried this. Like next time you fly. You get on the airplane, and someone smashes you with their bag and all the things that happen in airports. Just try being like Mr. Gracious and it's amazing how it changes the equation and so that's the simple answer.

The second answer is you have to remember, and this is going to sound like Jeffersonianism, but you got to remember who you are working for. You are working for the average people of your state. The plumbers. The construction people. The truckers. The farmworkers. The people who work in a packing plant. You are working for insurance adjustors and tellers in banks. These people would rather keep all their money, but they know the social compact. They know that they have to give up some of it for fire prevention and for garbage services and for water and so on. Police. They know they have to contribute part of their hard-earned money for government. But they want you to be humble about it and they want you to be really careful with their money. So, civility, tolerance, good humor. Remember the people that are under-listened to that are out there that are in your district that are just quiet people. They don't really care a lot about the legislative process, but they care about their money, and they care about good government.

TS: Are you doing right by those people? That's a pretty good thing. If you can go to bed at night and say, did I do right by those folks? Well, you've probably done your job that day. Hey, was Jefferson a man of good humor?

CJ: Yes. He was not funny. I've been studying him for almost 40 years, so I've collected all of his jokes and there are not many. But he was good humored. He was easily amused. He had a good temperament. He was a little bit on the aloof side. I don't think he could get away with it today. You know up there on the mountain and he was an aristocrat, and he was a philosopher, and he was you know his house was neo classical in design and everything. He had the best wines and the best books and the best musical instruments and the best scientific instruments. And there was a little bit of that in Jefferson. And kind of the aristocrat as Democrat. But people who met him first of all they realized how brilliant he was. And second, they realized that he was in favor of democracy at a time when most people weren't. Now democracy was like a swear word for most of the founding fathers. They thought maybe a Republic, but only white males of a certain property base should even be counted in that Republic. They didn't want universal suffrage of any sort. And Jefferson was like, well the people are actually sovereign whether we like it or not. And we better probably listen to them because God didn't choose who is an aristocrat. You know this eenie meenie miney mo and one person is born with a silver spoon as was Jefferson. Another person is born in a hovel or a wigwam. Why should one person thrive in this world and the other person be ignored. Jefferson understood this and I think this is really the key to it is that it's not about democracy as a civics thing. It's about democracy of respect.

And I'll tell you another person who had that respect was Theodore Roosevelt. You know his view was everyone is entitled to a square deal so let's say Tim you and I just before we take our legislators up to the Elkhorn Ranch here, you and I play poker one night. Roosevelt said you may get a better hand than I did because if you are dealing cards sometimes you get a great hand and sometimes you just don't. He said people will accept that. That's life. It's not fair. Life doesn't deal equal possibilities to everybody. But if the dealer is slipping cards to his best friend. If he is cheating. If the system is rigged and it's not a square deal. It's not a fair shuffling of the cards, that's when people lose their respect for a system. So, what we need is to make sure that our civil servants are sterling in character and have great integrity. That's not quite as important for legislators, but it is important for them too. And then the people will say well I may not be rich now, but at least the system isn't rigged against me.

TS: Clay what a great guy. Thank you for your time. I mean I authentically, genuinely appreciate that and look forward to future conversations.

CJ: I love this Tim. Thank you.

TS: I've been talking with Clay Jenkinson, a Presidential historian, author, documentary filmmaker and he hosts a weekly radio program called The Thomas Jefferson Hour where he answers questions in character, and you can find out about that podcast at [Jeffersonhour.com](http://Jeffersonhour.com).

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*(TM): 32:49 Music*