

Idaho State Journal

Published March 3, 2026

Jefferson's Unique View of Property Ownership

One visit to Monticello, the home designed, built and then ongoingly re-built by our third President of the United States, and you need no further evidence of Thomas Jefferson's view that property ownership is a personal stewardship tied closely to "real" happiness in life.

"I find that no place on earth is so dear to me as Monticello," he wrote to "adopted son" and former personal aide William Short in 1814. While embroiled in one of the ugliest Presidential campaigns in U.S. history, in 1800 Jefferson wrote to his daughter Martha Randolph, "Monticello is the seat of my happiness."

Understanding Jefferson's thinking is critical since we celebrate in 2026 the phrase he penned 250 years ago, in the Declaration of Independence, proclaiming mankind possesses rights that cannot be denied even by Kings, among them being the right to life, the right to liberty, and the "right to pursue happiness."

What is significant about Jefferson's words are not how they mirror the "Rights of the Colonists" declared by the Boston Town Hall "Committee on Correspondence" (note: whose secretary was none other than Samuel Adams), also known as the famous Boston Pamphlet. This document came out in 1772 and was circulated widely through the thirteen colonies as evidence that Britain was treating Americans with "less than human dignity."

No. What is significant is that Samuel Adams listed the three essential rights of all humans as being "life, liberty and property." Jefferson knew that. He also knew most readers of the Declaration of Independence knew that. But he also felt strongly that we were not declaring war over land . . . we were declaring war over the right to use our own property to feed ourselves, to raise our families, and to take refuge from the world, i.e. to secure our own happiness.

"I am now in the bosom of my family, my farm, and my books, the only real comforts of human life," he wrote to his life-long friend from France, François de Barbé-Marbois, in 1817, a few years before his death. Jefferson's biographers tell us that "family, farm and books" was Jefferson's code name for Monticello.

To Jefferson, happiness can come from family, and the place where one safeguards, nurtures and raises family. The right to be secure in that property is a basic human right.

To Jefferson, happiness comes from engagement in productive commerce, labor benefiting you and your family but also the community in which you live and work. To the extent your labor makes a property more productive, its control and access is a basic human right.

In Jefferson's case that was his farm, and he believed a nation where farmers make and control decisions on their own land would unleash an engine of prosperity greater than any seen before on Earth. He predicted that accurately.

To Jefferson, happiness was finding refuge from the tumult of society, retiring to a place of controlled access for rest and thoughtful retreat. His solace came from his private library. He would argue that having such a "retreat" was a basic human right.

In the early 1990s, a series of Supreme Court cases found that laziness and "expediency" had led to government regulation undermining the right to private property. The reaction was passage of a National Private Property Protection Act by Congress, and similar bills adopted by state legislatures, including Idaho.

But that legislation focused only on "inadvertent" or accidentally depriving property rights. When government can physically occupy, cross or access private land was left unaddressed.

Legislators in southeast Idaho have now introduced Senate Bill 1326 to clarify the limited circumstances where state and federal officials can access your private property. It codifies current Supreme Court judgements – but puts the burden on agencies, not individuals, to show whether they have legitimate grounds for access.

From Jefferson's point of view, that is where the burden should be. For 250 years now we assume every American's safety on their own property is "inalienable," and identical to what Jefferson described as their right "to pursue happiness."

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