THOMAS JEFFERSON AND SLAVERY

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CHAPTER I

THE DEVELOPMENT OF SLAVERY IN VIRGINIA

At the time of Thomas Jefferson's birth in 1743, blacks had been in Virginia almost 140 years, and black slavery had been in existence for nearly a century. The Virginia society into which Jefferson was born and in which he grew to manhood was dominated by slaveholding plantation aristocrats. These landed aristocrats patterned their lives on the grand manner of the English gentry. For a time they were remarkably successful, and in the process produced some of the outstanding leaders in colonial America. Contrary to the picture often painted of these men as romantic do-nothings, the gentlemen planters were usually hard working and diligent.  

The operation of a large plantation required numerous skills, both physical and mental. And while the physical burden of running a plantation was somewhat relieved by the use of overseers, the mental burdens fell almost entirely upon the owner. The planter with extensive landholdings had to display good business sense in order to make his plantation operate profitably. The tobacco-producing

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plantation of seventeenth and eighteenth century Virginia required the management of numerous slaves, overseers, craftsmen, and stewards. Three factors were essential to the development of the plantation in the North American colonies; a commodity that Europeans demanded, plenty of land, and a large labor supply.

Virginians found the necessary commodity in the form of tobacco. John Rolfe first began the cultivation of tobacco among the English settlers at Jamestown in 1612. Two years later, after perfecting a curing method which removed much of the tobacco's bitterness, he shipped a cargo of the weed to London and began the commerce that proved so profitable to the colony. Virginians quickly adopted a one-crop system, and it fitted perfectly the mercantilist theories that prevailed at the time. By 1617, Jamestown's "market place, and streets, and all other spare places [were] planted with Tobacco." The crop quickly exhausted the soil's fertility, and this problem necessitated a continual clearing of new lands.

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4 Wright, Cultural Life of the American Colonies, p. 2.
The abundance of high quality land in Virginia was a direct blessing to the tobacco planter. In the absence of scientific farming methods, such as the use of artificial manures, no area could have carried on the production of a staple crop of the nature of tobacco without vast areas of fertile loam. These circumstances led the planter to use the land with reckless abandon, and he left the once-rich soil barren, to be restored by nature. But while the abundance of land proved a blessing to Virginians, it indirectly created a problem for them—a labor shortage. An ambitious man found little consolation in owning vast tracts of land if he had to cut back the forest, till the soil, and plant the crops with his own hands. If such a condition had persisted, the plantation system never would have developed. The land owner, however, needed laborers. Virginia, or any other plantation colony, without a large and cheap supply of labor, would have developed into a province of small landholders, each clearing and working only the amount of land that he and his immediate family could handle. Consequently, the intriguing opportunity to acquire wealth could be achieved only if the planters were able to obtain a considerable number of workers for a price that would not destroy their profits.

Hired labor seemed out of the question. In 1625, Virginia's population had reached only 1,300 or 1,400;

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6 Bruce, Economic History of Virginia, 2:60-62.
in 1640 it had increased to about 8,000. With land readily available, few men were willing to labor for someone else when they could obtain property and work toward accumulating their own wealth. The solution seemed to be in finding a source of labor that had no stake in the land; that meant, of course, unfree labor.

At first, Virginians eschewed slavery as the source of unfree labor and turned instead to white indentured servants. Indentured servitude was rooted in the economic and social milieu that prevailed in seventeenth century England. As England's industry and agriculture became modernized a surplus of unemployed laborers developed. As the mass of drifting idlers, both male and female, increased and gathered in England's principal cities, the more fortunate became worried. Some turned to crime, and even those who did not spent more than they earned. This created a hardship on the government, because the Crown had to make up the deficiency created by the poor rates. Thoughtful Englishmen found a solution: send the surplus poor to America.

Actually, Virginia from the first had been conceived of as a place where England could transplant its poor and

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criminal population. The first fifteen or twenty years of the colony's existence proved fatal to most of the unfortunate immigrants. By the 1630's, however, life in Virginia had begun to show improvement. And by the 1640's the death rate had begun to decline.

Also, many people in England believed that each indentured servant received fifty acres of free land in Virginia. They assumed wrong—at least after the land policy was changed in 1616—unless their contracts called for land allotments. Under a land policy announced in 1616 and incorporated into the "Great Charter" of 1618, persons who paid their fares, or the fares of others, received the land. Known as the headright system, this method of underwriting immigration served thereafter as the foundation of Virginia's land policy.\textsuperscript{10}

Consequently, as the poor flowed into Virginia as indentures and completed their contracts, the colony developed a growing number of jobless and landless free-men. Mostly single young men, they worried the upper class planters. Governor William Berkeley estimated that they constituted about one-third of Virginia's able-bodied men. Not only were their numbers significant, but they possessed guns. Fearing an attack from the Dutch, Berkeley predicted that the ever growing class

of poverty-stricken young Virginians would side with the colony's enemy in order to share in the plunder.\footnote{Morgan, "Slavery and Freedom," p. 22.}

In 1676, Berkeley's fear became a reality. The catalyst was not a Dutch invasion but an Indian attack which had been provoked by rowdy frontiersmen who coveted the Indians' land. To retaliate, Nathaniel Bacon led a force of frontier volunteers against the Indians. Bacon, the son of a wealthy English squire, migrated to Virginia in 1674. He promptly received a seat on the governor's council, and appeared to be assuming a place among Virginia's ruling elite. In 1676, however, Indians killed his overseer. Young and impulsive, although a natural leader, Bacon eagerly led the group of volunteers. In the initial stages of the expedition, Bacon's forces threatened friends of Berkeley, and he declared Bacon a rebel.\footnote{Craven, \textit{Southern Colonies}, pp. 379-80.} The campaign soon became an uprising against established authority and eventually evolved into a minor civil war, pitting Virginia's elite against her poor and her small landholders.\footnote{Apparently a few planters joined Bacon's forces. See Charles M. Andrews, \textit{Colonial Self-Government, 1652-1689}, The American Nation: A History (New York: Harper & Brothers, 1904), p. 220. A contemporary account placed Bacon's original forces at "som 70 or 80 persons, most good Housekeepers." See Charles M. Andrews, ed., \textit{Narratives of the Insurrections, 1675-1690}, Original Narratives of Early American History (New York: Charles Scribner's Sons, 1915), p. 53.} The rebellion produced no significant political or social reforms and
eventually reduced itself to a campaign of plunder against the wealthy.\footnote{14}{Morgan, "Slavery and Freedom," p. 22.}

Predictably, Virginia's leading citizens reacted with alarm to the plundering gangs of armed men. Faced with the same social problem that had plagued the mother country, upper class Virginians responded in a similar manner; they limited the freedom of those who held no vested interests in society. They changed the laws in order to extend the contract of servants who habitually ran away.\footnote{15}{William Waller Hening, ed., The Statutes at Large; Being a Collection of All the Laws of Virginia, from the First Session of the Legislature, in the Year 1619, 13 vols. (New York, Richmond, and Philadelphia: Franklin Press, et al., 1810-1823), 1:254-55.} An act of 1659 provided "that the master of everie such runaway shall cutt or cause to be cutt, the hair of all such runnawayes close above their ears, whereby they may be with more ease discovered and apprehended."\footnote{16}{Ibid., pp. 517-18.}

In the 1661-62 session of the General Assembly of the House of Burgesses, the lawmakers provided that servants who entered the colony without indentures should be bound for five years if they were over sixteen years old; if less than sixteen they had to serve through their twenty-fourth year.\footnote{17}{Ibid., 2:113-14.} Formerly such servants had served until they
reached twenty-one. The assembly amended this law in 1666 to provide that servants who were nonindentured and nineteen years of age or older had to serve their masters for five years.\textsuperscript{18} In that same session, they increased the penalty for any white indentured servant who ran away while in the company of slaves. Those offenders had to serve double their own time plus a set time for every slave that had fled with him.\textsuperscript{19} Three years later the Virginia Assembly provided a reward of 1,000 pounds of tobacco to any person who caught a servant outside of his master’s dwelling without permission.\textsuperscript{20} In 1670, the assembly introduced a law designed to keep landless freemen from asserting a voice in the government. The law limited suffrage to freeholders on the ground that the nonproperty owning freemen had little interest in the colony and “oftener make tumults at the election to the disturbance of his majesty’s peace.”\textsuperscript{21}

Obviously such repressive laws were designed to keep servants indentured as long as possible and to prevent them from joining the ranks of landless freemen who might cause trouble, thus jeopardizing the security of those who had a vested interest in Virginia. But, as Bacon’s Rebellion

\textsuperscript{18} Ibid., p. 240.
\textsuperscript{19} Ibid., p. 117.
\textsuperscript{20} Ibid., pp. 273-74.
\textsuperscript{21} Ibid., p. 280.
proved, these measures were taken in vain. The rebellion itself produced no great victory for the majority of Virginians and ultimately cost them the liberal charter that the king had been prepared to grant. Consequently, the anxieties of both groups remained unarrested, and the situation continued to be highly volatile.

However, another situation had been developing in Virginia for a number of years, and it appeared to be the solution to Virginia's problem. The solution was black slavery. Although white Virginians did not deliberately turn to black slavery as a means of saving their own liberty, that proved to be the result. As historian Edmund S. Morgan has suggested, black bondage came to Virginia without a decision.

Black slavery did not suddenly appear in Virginia as the panacea to its labor and social problems. To the contrary, Virginians apparently turned to slavery as a last resort. The first blacks probably arrived in Virginia in 1619. John Rolfe, an eyewitness, described the occasion: "About the last of August came in a dutch man of warre that sold us twenty Negars." The fragmentary evidence available

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on these first blacks makes it impossible to determine their exact status. Obviously they were not completely free, as Rolfe's statement indicates. The census enumerations for 1623 and 1624 list blacks simply as servants. The reports, however, distinguished blacks from whites. It is unlikely that such a distinction would have been made unless blacks were considered as being distinct from white Virginians. In any case, the known records do make clear that some blacks in early seventeenth century Virginia were not enslaved. For example, the court records of Northampton County show that in 1645

26 The lack of solid evidence has led to a disagreement among historians as to the status of blacks who came to North America early in the seventeenth century. Morgan in "Slavery and Freedom," p. 17, has written that "most of the Africans, perhaps all of them, came as slaves. . . . It is equally clear that a substantial number of Virginia's Negroes were free or became free. And all of them . . . enjoyed most of the same rights and duties of other Virginians." Both John Hope Franklin in From Slavery to Freedom, p. 71, and Herbert S. Klein in Slavery in the Americas: A Comparative Study of Virginia and Cuba (Chicago: University of Chicago Press, 1967), pp. 40-41, agree that the first blacks were treated as indentured servants. Oscar Handlin, in Race and Nationality in American Life (Boston: Little, Brown and Company, 1957), p. 13, notes: "The status of Negroes was that of servants; and so they were identified and treated down to the 1660's." But as Winthrop Jordan has stated in Allen Weinstein and Frank O. Catell, eds., American Negro Slavery: A Modern Reader (New York: Oxford University Press, 1968, p. 13, Handlin's statement rests on faulty documentation, Jordan has taken the middle position in this controversy.

27 Franklin, From Slavery to Freedom, p. 71.

a black named Elizabeth was "to serve thirteene years which will be compleat & ended in ye first part of March in ye yeare of our Lord God one thousand six hundred Fifty & eight." The court records also show that a few blacks were free as early as 1635 and that some owned land and other property. Virginia's movement to wholesale enslavement of blacks was neither simple nor easy. Faced with the task of maintaining a stable and involuntary labor force, while at the same time attempting to control a steadily-increasing number of armed but landless freemen, upper class Virginians grappled for solutions to problems they had helped create. Their attempts to control the situation with repressive laws ultimately failed, and discontent among the poor increased. Under the circumstances there was little in the way of legislation to protect blacks, who, although legally the equal of whites, were set apart by the racial prejudice of white Virginians. To make matters worse for the blacks, the number of free blacks had increased noticeably by 1691. The fear and suspicion that accompanied the growth of black freemen magnified the racial factor and compounded the apprehensions

31 For an excellent discussion of the development of English racial bias toward blacks, see Jordan, White Over Black, pp. 3-43.
of white Virginians who already faced a troubled social climate.

White Virginians showed racial prejudice in their reactions to miscegenation. The first known recorded measure taken in Virginia against the sexual union of whites and blacks occurred on September 16, 1630, when it was ordered "that Hugh Davis be soundly whipped before an assemblage of Negroes and others for abusing himself to the dishonor or God and the shame of Christians, by defiling his body in lying with a negro, which fault be is to acknowledge next sabbath day." A similar violation occurred in 1640, and the guilty white, Robert Sweet, received the punishment of doing "penance" in church "for getting a negroe woman with child and the woman whipt."  

In 1662, Virginia's leaders decided that it was necessary to pass legislation specifically designed to curtail sexual liaisons between blacks and whites and to establish the status of mulatto children as "bound or free according to the condition of the mother." The act also provided that any Christian found fornicating "with a negro man or woman . . . shall pay a fine double the fine" previously imposed. Although the punishment cited in the

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33 Hening, ed., Statutes of Virginia, 1:146.
34 Ibid., p. 552.
36 Ibid.
early incidents may have been as much for fornication as miscegenation, the cases show the compulsion of whites to distinguish blacks by using the term "Negro." The 1662 law, however, leaves little doubt of overt racial prejudice. Likewise, a contemporary description of a leader in Bacon's Rebellion as one who subjected his "learning (besides his natureall parts) . . . to an eclips . . . in the darke imbraces of a blackamore, his slave . . . to the noe meane Scandle and affrunt of all the Vattrisses in or about towne,"37 clearly indicates an official revulsion toward miscegenation. The Virginia legislature left no doubts about its feeling concerning miscegenation when, in 1691, it passed a law which stated that for the time to come whatsoever English or white man or woman being free shall intermarry with a Negro, mulatto, or Indian man or woman, bound or free shall within three months thereafter be banished and removed from the dominion forever . . . and be it further . . . that if any English or white woman shall have a bastard child by a negro or mullato, she shall pay the sum of fifteen pounds sterling, within one month after the child is born . . . and in default of such payment she shall be taken into possession of the said church wardens and disposed of for five years . . . and such bastard child shall be bound out as a servant . . . until he or she shall attain the age of thirty years. 38

The law also showed the contempt held by "respectable" whites for the offspring of an interracial union by referring


to the mulatto as "that abominable mixture and spurious issue."\textsuperscript{39} In 1705, the Virginia Assembly amended the 1691 law with the provision that any minister who married a white woman and a black man would be fined 10,000 pounds of tobacco.\textsuperscript{40} These laws clearly bring into focus the important role that racial distinction played in making black slavery possible in seventeenth century Virginia.

Although the legal structure of slavery did not take shape until the 1660's, an incident of 1640 indicates that blacks were being enslaved. Court records show that John Punch, a black servant, and two white servants ran away to Maryland. After being apprehended they were returned to Virginia, where they were tried and convicted. All three received thirty lashes, and the two white men had their period of indenture extended one year each and forced to "serve the colony for three years." The black's punishment, however, required that he "serve his said master [Hugh Gwyn] or his assigns for the time of his natural life."\textsuperscript{41}

The term "slave" first appeared in a Virginia legal document of 1655. An act of the assembly stated that

\textsuperscript{39}Ibid.
\textsuperscript{40}Ibid., p. 453.
"if the Indians shall bring in any children as gages of their good and quiet intentions to us . . . wee will not use them as slaves."\(^4^2\) This act, while not mentioning blacks, indicates that Virginians were practicing slavery. In 1660, a law went into effect that referred to blacks as "slaves." In an attempt to encourage the importation of blacks, the assembly declared that a reduction on tobacco duties would be given to foreigners who brought in "any negro slaves."\(^4^3\) Another law of that year, which indicates that blacks were being enslaved, provided a penalty of increased servitude for any English servant who ran away "in company with negroes who are incapable of making satisfaction by addition of time."\(^4^4\)

It was not until 1670, however, that the Virginia Assembly passed a law with the obvious intent of enslaving all blacks who entered the colony from abroad. It declared that "all servants not being Christians imported into this colony by shipping shalbe slaves for life."\(^4^5\) This enactment proved inadequate because some of the blacks who came to Virginia had been Christianized and could not be enslaved under the provisions of the 1670 law.\(^4^6\)

\(^{4^2}\)Hening, ed., Statutes of Virginia, 1:396.
\(^{4^3}\)Ibid., p. 540.
\(^{4^4}\)Ibid., 2:26.
\(^{4^5}\)Ibid., p. 283.
legislature remedied its previous oversight in a new law of November, 1682, which provided a new set of criteria for determining the status of groups brought into the colony. The act declared that

> all servants except Turkes and Moores . . . which from and after publication of this act shall be brought or imported into this country, either by sea or land, whether Negroes, . . . Mullattoes or Indians, who and whose parentage and native country are not christian at the time of their first purchase of such servant by some christian, although afterwards and before such their importation . . . they shall be judged and taken to be slaves.

There can be no doubt that the leaders of Virginia had decided that all blacks who came to the colony in the future would enter as slaves. Virginia enacted no other legislation that enabled imported blacks to enter as freemen until 1778, when the importation of slaves into Virginia was forbidden. Under that law, any slave illegally imported became free. 48

Based on the available evidence, it is reasonable to suggest that it was no mere coincidence that Virginia's legal structure providing for black slavery began to take shape at precisely the time that its problems with the poor and landless freemen were reaching their crest. Whatever anxieties white Virginians might have felt about living in the midst of black slaves was apparently offset

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48 Ibid., 9:471.
by their relief over the decrease in the number of white indentured servants. As the numbers of poor freemen dwindled, Virginians believed that their most dangerous social ill was diminishing. It was not that they failed to realize the danger inherent in living among large numbers of people who had every reason in the world to hate them. But the danger posed by the possibility of black uprisings appeared less precarious to Virginians than those presented by the frequently armed, unmanageable, and predominately white freemen.49

In any case, white Virginians had provided for the legal enslavement of blacks by the end of the seventeenth century. And in the process they had committed themselves and their heirs to a society and an economy based on black slavery.

CHAPTER II

JEFFERSON'S ANTISLAVERY IMPULSES

Thomas Jefferson was born into a slaveholding family as well as into a society which depended on slave labor. His father, Peter Jefferson, rose to a position of affluence and prominence in Virginia following his marriage to Jane Randolph, eldest daughter of the distinguished Isham Randolph. Upon his father's death on August 17, 1757, Jefferson, at the age of fourteen, inherited the Shadwell plantation where he had been born. His total inheritance amounted to over 5,000 acres of land and twenty black slaves. When John Wayles, Jefferson's father-in-law, died in 1773, he left 135 slaves and 11,000 acres of land to Jefferson's wife, Martha. However, to pay a share of Wayles debts, Jefferson sold over half the newly acquired land. Still, he retained an estate that contained over 10,000 acres of land and more than 180 slaves. Never again was Jefferson so wealthy.

2 Ibid., p. 4.
Thus by consequence of two inheritances and the natural increase of his slaves, Jefferson was deeply and personally involved in the management of a substantial slave population. The operation of plantations as vast as those of Jefferson's presented immense practical problems. The continuing tasks of feeding, clothing, and sheltering a large force of slaves were not lessened by his feelings against slavery. In 1786 he expressed the tragedy of his entrapment in the slave system in a letter to his plantation manager, Nicholas Lewis. "I am miserable till I shall owe not a shilling: the moment that shall be the case I shall feel myself at liberty to do something for the comfort of my slaves."\(^4\) The following year, in another letter to Lewis, Jefferson expressed a similar feeling, and added that he would not sell his slaves so long as they stood a chance of paying his debts with the fruits of their labor. He explained, however, that two-thirds of the debt he owed was incurred by purchasing slaves and that he hoped to ease their situation as soon as he was financially able.\(^5\) The letters clearly indicate Jefferson's concern for the welfare of his black slaves, but they also show that his primary concern was removal


\(^5\) 27 July 1787, ibid., 11:640.
of his indebtedness. The economic reality of the situation left him little choice. His intellectual abhorrence of slavery had to take a subordinate position.

Jefferson's antislavery views probably developed while he was a student at William and Mary College. He entered the institution in the spring of 1760 and remained there for two years. While at William and Mary, Jefferson came under the influence of William Small, George Wythe, and the Royal Governor of Virginia, Francis Fauquier. "It was my great good fortune, and what probably fixed the destinies of my life," he wrote, "that Dr. William Small of Scotland, was then Professor of Mathematics." Small also taught Jefferson philosophy, ethics, rhetoric, and "belles lettres." It was through Small that Jefferson met Wythe, who became his law tutor, and Governor Fauquier, considered by Jefferson as the ablest man ever to fill that office. Small, Wythe, and Fauquier remained his closest friends while he lived in Williamsburg, and their influence on Jefferson is immeasurable. Undoubtedly, he acquired much important knowledge at the dinner table in

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8 Ibid.
9 Ibid., pp. 4-5.
Governor Fauquier's home. "To the habitual conversations on these occasions," he later wrote, "I owed much instruction." 10

Certainly some of the "instruction" must have been on the evils of slavery, for both Wythe and Fauquier had strong antislavery sentiments. 11 According to Jefferson, Wythe's position against slavery was unquestionable. He expressed the hope that under Wythe's guidance at William and Mary, Virginia's future leaders would become hostile to slavery. 12 Like many other prominent Virginians of the period, Wythe owned slaves; unlike many, however, he emancipated them before his untimely death. 13 Thus, it seems reasonable to assume that Jefferson's thoughts on slavery matured during the period of comradesship with Small, Wythe, and Fauquier and that he developed, at least intellectually, a strong distaste for slavery.

Following his graduation from William and Mary, Jefferson studied law for five years under Wythe, and in 1767, at the age of twenty-four, he gained admittance to the bar of the General Court. Two years later, he won

10 Ibid., p. 5.


election to the House of Burgesses. According to Jefferson, his first effort as a legislator was an unsuccessful attempt to secure passage of a bill allowing Virginians to emancipate their slaves. Because of the colony's subordination to England, "nothing liberal," he wrote, "could expect success." However, the official records of the House of Burgesses mention no such proposal. Nevertheless, the measure was certainly in line with Jefferson's position on slavery and, in the absence of any direct positive evidence indicating an error in his memory, his assertion must stand.

Jefferson continued to publically take an antislavery position. In his 1774 pamphlet, *A Summary View of the Rights of British America*, he reprimanded George III for disallowing laws passed by the House of Burgesses which would have ended the slave trade in Virginia. Stressing that abolition of the slave trade was a necessary prerequisite to the abolition of slavery, Jefferson placed the blame for slavery's continued existence in Virginia

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15 Julian P. Boyd has suggested that the motion may have been made "in the committee of the whole or in some other manner not requiring a record." Boyd, ed., *Jefferson Papers*, 2:23n.
on the British crown. "The abolition of domestic slavery," he wrote, "is the great object of desire in those colonies where it was unhappily introduced in their infant state."\textsuperscript{16}

His indictment of George III for suppressing every legislative effort to abolish the slave trade reappeared in his first draft of the Declaration of Independence. To the original charge, Jefferson added that the King had incited the slaves to rebel against the colonists.\textsuperscript{17} The strong language produced opposition, and the provision was deleted. He explained later that the "clause . . . was struck out in complaisance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who, on the contrary, still wished to continue it."\textsuperscript{18} It seems more plausible that the Continental Congress omitted the passage because the charges were too flagrant and the slavery issue too sensitive. The members of Congress realized, no doubt, that there could have been no slave trade in the colonies without the existence of slavery.\textsuperscript{19} Also, many delegates owned slaves and were understandably sensitive about

\begin{thebibliography}{1}
\item \bibentry{Ibid., 1:130.}
\item \bibentry{Ibid., 1:317-18.}
\item \bibentry{Jefferson, \textit{Autobiography}, in Koch and Peden, eds., \textit{Selected Writings of Jefferson}, p. 21.}
\end{thebibliography}
placing before a candid world charges that made them appear hypocritical.

Jefferson resigned his seat in the Continental Congress on September 2, 1776, and returned to Virginia where he assumed a seat in the state legislature. His actions had been prompted by a deep concern for the conservative course being taken in the reformation of Virginia's government. He hoped to take advantage of the Revolutionary spirit while it was at its peak and place the state government on a liberal foundation. Earlier in the year, Jefferson had sent a proposed state constitution to the Virginia legislature. Among other things, the constitution contained a clause which prohibited the enslavement of any person who henceforth entered the state. His proposal received little consideration; the delegates had proceeded too far on a plan that differed widely from the one submitted by Jefferson. Consequently, only his preamble and two or three other items were included in the constitution adopted in 1776.

Determined to effect changes in the new state government, Jefferson introduced a bill in October to revise the laws of the Commonwealth. The bill passed,

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23 Ibid., pp. 377-83; Peterson, Jefferson and the New Nation, p. 99.
and the legislature selected a committee consisting of Jefferson, Edmund Pendleton, George Wythe, George Mason, and Thomas L. Lee to do the work.\textsuperscript{24} Among the tasks assigned to Jefferson was that of drafting legislation dealing with slavery. In 1778, he produced "A Bill concerning Slaves," which he described as "a mere digest of the existing laws . . . without any intimation of a plan for future and general emancipation."\textsuperscript{25} The committee had decided that a plan for general emancipation should be attempted by future amendment. The two basic principles of the proposed amendment were freedom for blacks born after a specific date and deportation at a certain age.\textsuperscript{26} The amendment was never presented, however. Although Jefferson was in France when the bill came before the legislature, he later explained that "the public mind would not yet bear the proposition,"\textsuperscript{27} and the remaining committee members feared that "an unsuccessful effort . . . would only rivet still closer the chains of bondage, and retard the moment of delivery to this oppressed description of men."\textsuperscript{28}

\textsuperscript{24}Jefferson, Autobiography, in Koch and Peden, eds., Selected Writings of Jefferson, p. 44.

\textsuperscript{25}Ibid., p. 51.


\textsuperscript{28}Jefferson to Jean Nicolas Déméunier, 26 June 1786, Boyd, ed., Jefferson Papers, 10:63.
Thus, the bill presented to the Virginia legislature provided no plan for emancipation and, in intended effect, contained no significant differences from the old laws.\textsuperscript{29} The primary difference dealt with an attempt to keep free blacks from migrating into Virginia. Specifically, the bill stated that henceforth free blacks who came into Virginia "of their own accord shall be out of the protection of the laws."\textsuperscript{30} Although Jefferson never indicated the unamended bill would lead to the demise of slavery in Virginia, it has been suggested that a limitation on the source of replenishment would have been a step in that direction.\textsuperscript{31} It would be superficial, however, to assume that Jefferson believed that ending the importation of slaves and restricting the growth of the free-black population would prevent a natural increase of the slave population. To the contrary, slaves in the southern

\textsuperscript{29} This conclusion conflicts with the one reached by William Cohen. He argues that Bill No. 51 contained additions that were significant. See Cohen, "Jefferson and the Problem of Slavery," p. 509. However, a thorough search of the statutes, by this writer, has revealed the provisions of Jefferson's bill differed little, with one exception, in intended effect from previous laws. For statutory precedents of the passages in Bill No. 51, see Hening, ed., Statutes of Virginia, 1:273-74, 3:298, 386-88, 447-62, 4:132, 5:245, 6:107, 9:471.

\textsuperscript{30} Boyd, ed., Jefferson Papers, 2:471. The bill excluded sailors, but required that they not leave their ship, while in Virginia, for longer than twenty four hours.

\textsuperscript{31} Historian Julian P. Boyd declares that Jefferson's bill intended to produce the eventual death of slavery by reducing the increase of blacks. See ibid., p. 473n.
states increased their numbers fourfold from the time the slave trade ended in 1808 until slavery ended over fifty years later.32

As he did with most things, Jefferson observed closely the increase in slave numbers. He noted, for example, that "in this country the slaves multiply as fast as the free inhabitants."33 He also observed that slave increases effected a doubling of land and slave values every twenty years.34 Jefferson probably realized, therefore, that no decrease in the natural increase of the black population would result from this proposal.

It has been suggested that Jefferson included the restriction on free blacks because he feared that a large group of these persons would increase the possibility of slave unrest.35 This position would have been in accord with Jefferson's distrust of propertyless men and his belief that whites and free blacks could not live together in harmony. Yet, considered alone, it offers only a partial explanation of Jefferson's inclusion of the restrictive clause. As late as 1790, Virginia had a relatively small free-black population—12,866 according to C. Vann Woodward, American Counterpoint: Slavery and Racism in the North-South Dialogue (Boston: Little, Brown, and Company, 1971), p. 98.


33Jefferson, Notes on Virginia, p. 141.

34Ibid., p. 176.

to the federal census--representing slightly less than 3 per cent of the white population. Furthermore, their increase, a result of migration, was inconsequential. Thus, as a deterrent to slave unrest, it is unlikely that this clause would have produced a significant effect, unless followed by large-scale emancipation.

The proposed amendment is important as an example of the principles that guided Jefferson's thinking as he sought a solution to the slavery problem. The amendment contained the two basic ideas upon which Jefferson founded his plan of emancipation--manumission and expatriation. He believed it necessary to deport emancipated blacks because whites had "deep rooted prejudices" and blacks would be unable to forget the many injuries they had suffered at the hands of whites. The inevitable result, Jefferson believed, would be a race war which would end only when one of the two races had been destroyed.

No doubt Jefferson felt concern for blacks who had suffered the burdens of slavery. His primary concern, however, related to the damaging effect that slavery had on whites. "The whole commerce between master and slave," he wrote, "is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part,

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37 Ibid., pp. 10, 39-41.
and degrading submissions on the other."\textsuperscript{39} Worse still, white children witnessed the relationship and learned to imitate it. Only a rare man, Jefferson thought, could escape such circumstances with his manners and morals untarnished. By allowing whites to deny blacks their natural rights, statesmen had turned whites into despots. Slavery destroyed men's morals and thus their industry; for "no man will labour for himself who can make another labour for him."\textsuperscript{40} Ultimately, slavery threatened the nation's liberties by destroying the foundation of those liberties—the people's belief that rights came from God and could be violated only by Him. "Indeed I tremble for my country," Jefferson continued, "when I reflect that God is just . . . [and] an exchange of situation, is among possible events: that it may become probable by supernatural interference:"\textsuperscript{41} His reference to the possibility of divine intervention on behalf of blacks, unless emancipation took place, represented an unusual position for the deistic Jefferson.

The statement is significant because it illustrates the importance that he attached to the slavery problem. It also contains a bit of irony for, in spite of his stated fears of divine intervention and a racial war if

\textsuperscript{39}Ibid., p. 162.
\textsuperscript{40} Ibid., pp. 162-63.
\textsuperscript{41} Ibid., p. 163.
slavery continued, Jefferson expressed great apprehension about the general public's reception to his views on slavery and the Virginia constitution. In granting permission to publish extracts from the Notes on Virginia in the Journal de Physique, he asked that publication of the section on slavery be delayed until he could discover if it would be more harmful than helpful. Later, Jefferson declared that his views might "produce an irritation which will revolt the minds of our countrymen against reformation in these two articles and thus do more harm than good." To Charles Thomson, an old friend and Secretary of the Continental Congress, he wrote that he wanted to prevent a reprinting of the Notes until he heard from his friends "whether the terms in which I have spoken of slavery . . . will not . . . retard that reformation which I wish instead of promoting it." Thomson replied with an expression of concern that Jefferson had grounds for such apprehension; but he indicated satisfaction that Jefferson had put forth his views in the book. And in a statement that paralleled Jefferson's thinking, Thomson wrote: "This [slavery] is a cancer that we must get rid of. It is a blot in our character that must be wiped out. If it cannot be done by religion, reason and

42 Jefferson to the Marquis de Chastellux, 7 June 1785, Boyd, ed., Jefferson Papers, 8:184.
43 Jefferson to James Monroe, 17 June 1785, ibid., p. 229.
44 Jefferson to Thomson, 21 June 1785, ibid.
philosophy, confident I am that it will one day be by blood."  

Of course, Jefferson's concern may not have been only with the effects of his views on the antislavery movement. He must have been wary of the possible consequences for his political career. He hinted of his anxiety about the influence of the Notes on his political future in a letter to James Madison. After relating his desire of someday distributing copies of the book to students at William and Mary College, Jefferson confided that he was concerned that his views might displease members of the Virginia legislature and, consequently, they would censure him. 

Before responding to Jefferson's letter, Madison read the Notes and consulted carefully-chosen friends in strict confidence. Then he replied that Jefferson's passages on slavery and the state constitution would indeed be unacceptable to some men; but the book, Madison advised, was too important to be kept from those from whom it had been written. With regard to the students at William and Mary receiving a copy, he suggested to Jefferson that "perhaps . . . an indiscriminate gift might offend some

46 Jefferson to Madison, 11 May 1785, ibid., 8:147.
narrow minded parents." All of the advice received by Jefferson was not of a pessimistic nature. James Monroe thought that the antislavery statements could be published "since no consideration would induce them but a love for the rights of man and for your country."  

The Notes received a warm reception among Jefferson's intellectual friends, both in Europe and America. However, his early fear—that his antislavery rhetoric might damage the emancipation cause by solidifying support for the institution—proved to be well-founded. A letter from a South Carolina planter noted "the general alarm which" a particular "passage in your Notes occasioned amongst us." Continuing, the writer confirmed Jefferson's worst fears: "It is not easy to get rid of old prejudices, and the word 'emancipation' operates like an apparition upon a South Carolina planter." Jefferson had every reason to believe this letter represented the opinions of countless other southerners.

While the select committee was revising the laws of

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47 Madison to Jefferson, 15 November 1785, ibid., 9:38. Madison wrote the underlined words in code.


Virginia, the legislature also began consideration of the slave trade. And on October 27, 1778, the legislature enacted into law a bill outlawing the state's foreign slave trade. Many years later, Jefferson claimed authorship of the bill. The abolition of the slave trade "was not acted on finally until the year '78," he wrote, "when I brought in a bill to prevent their further importation. This passed without opposition, . . . leaving to future efforts its final eradication." No conclusive evidence has been found, however, to support his claim. Although Jefferson was not a member of the committee assigned the task of drafting the bill, it is possible that he wrote it and allowed a committee member to report the proposal. Occasionally, he followed such a course of action—for example, in the case of his proposed 1776 Constitution for Virginia. In any case, the bill passed, although less comprehensive in its final form than the bill Jefferson claimed to have written.

Jefferson's most important attempt to curtail slavery was a section in a governmental plan for the future western settlements. The basic idea of the plan was to bind the

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53 "Bill to Prevent the Importation of Slaves, &c.," 16 June 1777, ibid., pp. 22-23. For bill as passed, see Hening, ed., Statutes of Virginia, 9:471.
western lands to the nation through the creation of territories with republican governments. Eventually these territories would enter the Union on a parity with the original states.\textsuperscript{54} Another important concept of the plan was that it applied to land that might be acquired in the future as well as land already held. In this way it differed significantly from the later Ordinance of 1787, which applied only to the Northwest Territory.\textsuperscript{55}

Jefferson's plan resulted from a resolution passed by the Continental Congress on October 15, 1783. The resolution declared:

That it will be wise and necessary, as soon as circumstances shall permit, to erect a district of the western territory into a district government, . . . and in the interim, that a committee be appointed to report a plan, consistant with the principles of the Confederation, for connecting with the Union by a temporary government, the purchasers and inhabitants of the said district, until their numbers and circumstances shall entitle them to form a permanent constitution for themselves, and as citizens of a free, sovereign and independent State, to be admitted to a representation in the Union; provided always, that such constitution shall not be incompatible with the republican principles, which are the basis of the constitutions of the respective states in the Union.\textsuperscript{56}


Consequently, Congress appointed a committee chaired by Jefferson to draft a temporary governmental plan for the western lands. It reported a plan on March 1, 1784, following the acceptance of Virginia's cession of its western land. The plan provided, among other things, that slavery and involuntary servitude would be disallowed in the western territory after 1800.\(^{57}\) Congress recommitted the report, and the committee presented it again with minor changes, on March 22.\(^{58}\)

Southern delegates generally opposed the clause prohibiting slavery, and again the report went back to committee. It came before Congress again on April 19, with the antislavery portion still included. Richard Dobbs Spraig of North Carolina moved to delete the clause prohibiting slavery. A majority of congressmen (sixteen) voted to retain the article, and seven voted to exclude it. Only two southern delegates, Jefferson and Hugh Williamson of North Carolina, voted to keep the clause. The antislavery forces had lost by one vote. They represented only six states, and a favorable vote from seven states was required to retain the article.\(^{59}\)


All four eastern states, plus New York and Pennsylvania, voted with Jefferson. South Carolina, Maryland and Virginia voted to strike the clause. North Carolina split on the issue, as would have Virginia, except that one of its delegates was absent because of illness. New Jersey would have supported the clause, but one of its two members was ill at home. "Thus we see the fate of millions unborn," Jefferson later explained, "hanging on the tongue of one man, and Heaven was silent in that awful moment."

On April 23, 1784, Congress adopted the plan, without the clause excluding slavery and involuntary servitude, as the Ordinance of 1784. Jefferson's plan exceeded—as the Ordinance of 1787 proved—the tenets of congressional conservatives. They were unwilling to abolish slavery in all future territories, and, unlike Jefferson, they refused to assume that future settlers would be prepared for immediate self-government.

Judging from the votes of delegates from slaveholding states, it appears that proslavery sentiment in those areas may have been less than passive. In Virginia, subsequent

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events confirmed that proslavery forces were active in that state. In the years 1784 and 1785, the General Assembly in Virginia received five proslavery petitions signed by a total of 1,244 people from eight counties. Two counties submitted identical proposals on November 16, 1774, calling for a repeal of the act passed in 1782, which permitted manumission of slaves. A second petition sent the following year from three counties reminded the assembly that according to the Old Testament, God had permitted slavery. The petitioners called upon the lawmakers to "utterly reject every Motion and Proposal for emancipating our Slaves." In a document dated November 29, 1785, the "free inhabitants" of Lunenberg County asked the legislature to reject

a daring attempt by petitions warmly advocated by some Men of considerable weight to wreste from us, by an Act of the Legislature, the most valuable and indispensable Article of our Property, our Slaves, by a general Emancipation of them.

A group of petitioners from Brunswick County, after quoting seventeen verses from the Old Testament supposedly supporting slavery, pleaded with the assembly not to pass


65 Ibid., pp. 139-40.

66 Ibid., p. 141.
an act of general emancipation. An appeal dated November 10, 1785, came from the inhabitants of Halifax County. The petition called upon the assembly to reject attempts being made for general emancipation by the country's enemies who received the support of "deluded" men. Also, they wanted a repeal of the act allowing private manumissions.

These petitions seemed to verify Jefferson's belief that antislavery pronouncements would solidify the proslavery forces. Four of the five petitions specifically mention attempts of some to bring about a general emancipation of slaves. In particular, two apprehensions about emancipation stand out in the petitions. The petitioners strongly believed that their property rights and liberties were being jeopardized by the threat of general emancipation. Secondly, the white petitioners expressed fear of rapes, robberies, murders, and various other crimes which they believed a large number of propertyless, vindictive, and unprincipled free blacks would commit. Seventeenth century Virginians had expressed similar fears as they gradually enslaved blacks and sought to reduce in numbers the "wild bachelors" who threatened, or so they thought, their property and liberties.

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67 Ibid., pp. 143-44.
68 Ibid., pp. 145-46.
In any case, Jefferson had failed in his bid to get slavery banned in the western territories. His efforts, however, were not completely in vain. In 1787, Congress passed a new ordinance which forbade slavery and involuntary servitude in the Northwest Territory. Unlike the ordinance Jefferson proposed in 1784, the Northwest Ordinance contained a fugitive slave clause. The clause provided that any person who escaped into the Northwest Territory, "from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service." 69

Although it abolished slavery in a much smaller area than did Jefferson's proposal, the Ordinance's importance in contributing to the final defeat of slavery should not be underestimated. Without it slavery might have become a permanent fixture in the Indiana and Illinois territories. Proslavery advocates in these areas put up a terrific fight to establish slavery. William Henry Harrison--Secretary of the Northwest Territory and later President of the United States--led a faction which petitioned Congress several times to permit slavery in the Midwest. The movement to establish slavery in Indiana

and Illinois lasted over twenty-five years and often came close to victory. It was not until a Jeffersonian disciple, Edward Coles, led an antislavery group to victory in 1824, that the struggle ended in Illinois. The strong support that slavery received in these areas offers a good example of the institution's great potential to expand. The Northwest Ordinance, by slamming the door on slavery, helped limit the institution to the South and contributed significantly to the eventual death of bondage in the United States. Nathan Dane, a conservative Massachusetts politician, wrote the entire Ordinance, except for the provision abolishing slavery, and he moved that it be included in the Ordinance. 70

With the defeat of the Ordinance of 1784, Jefferson ended his public career as an antislavery legislator. He never again authored any legislation dealing with the manumission of slaves. Tempered by his defeats and the realities of politics, Jefferson decided to keep his thoughts about slavery on a private level.

CHAPTER III

NATURAL RIGHTS: WHITE AND BLACK

When Jefferson wrote his vehement attack on slavery in the *Notes on Virginia*, he attempted to explain why he believed that blacks had to be relocated outside the United States once they had been emancipated. This led him into a discussion of the physical and mental attributes of the black race. The results of that discussion constituted an accumulation of beliefs and strong suspicions that in the eyes of subsequent generations, degraded blacks. As a proponent of the natural rights doctrine and as a supporter of antislavery ideas, Jefferson found his pronouncements on black racial attributes in conflict with his philosophy. His criticisms seem curiously out of place for a man who had systematically destroyed similar arguments made against American whites and Indians.¹

Jefferson made the most revealing statements about his conceptions of the black mind and character in "Query XIV" of the *Notes*. The first difference between blacks and whites that he noted was that of color. Although

¹Jefferson defended both whites and Indians against the derogatory statements of the Abbé Raynal and the Comte de Buffon. See Jefferson, *Notes on Virginia*, pp. 64-65, 199-202.
he professed no knowledge of the definite cause of this difference, Jefferson nonetheless found it important and distasteful.

And is this difference of no importance? Is it not the foundation of a greater or less share of beauty in the two races? Are not the fine mixtures of red and white, the expressions of every passion by greater or less suffusions of color in the one, preferable to that eternal monotony, which reigns in the countenances, that immovable veil of black which covers the emotions of the other race?  

Besides a superior color, Jefferson found that the "flowing hair" and "more elegant symmetry of form" of caucasions much more desirable. Even blacks found whites more desirable than blacks, just as the orangutan of Africa preferred the black woman to those females of his own species.  

Jefferson also called attention to other physical distinctions which he believed verified racial difference.

They [Negroes] have less hair on the face and body. They secrete less by the kidneys, and more by the glands of the skin, which gives them a very strong and disagreeable odor. This greater degree of transpiration, renders them more tolerant of heat, and less so of cold than whites. . . . They seem to require less sleep. A black after hard labor through the day, will be induced by the slightest amusements to sit up till midnight, or later, though knowing he must be out with the first dawn of morning.

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3 Ibid.
Obviously a part of this diatribe reflected racial beliefs deeply instilled in whites; some of it, however, certainly reflected Jefferson's personal observations of his black slaves.

Another difference that Jefferson noted, and one that has received increasing attention in recent years, involved the supposedly greater sexual appetites of black men. In referring to the black's sexuality, Jefferson wrote that "they are more ardent after their female; but love seems with them to be more an eager desire, than a tender delicate mixture of sentiment and sensation." 5 Just how much of Jefferson's views on black sensuality can be attributed to the folklore of his times and how much can be attributed to his own observations is difficult to determine. Historian Winthrop Jordan ascribes Jefferson's concern with black sexuality to his own suppressed libidinous desires. 6

Although the physical, tempermental, and sexual differences that Jefferson noted were important because they raised the possibility of innate differences between whites and blacks, the most devastating distinction that Jefferson discussed was that of mental ability. He

5Ibid., p. 139.

6Jordan, White Over Black, p. 459. Jordan dwells at length on Jefferson's sexuality and attempts a Freudian analysis of Jefferson that is based on scanty evidence; see especially pp. 461-69.
compared the mentality of blacks and whites in the areas of reason, memory, and imagination. Only in memory, Jefferson concluded, were blacks the equals of whites. He considered them inferior in the faculty of reason and doubted that one could be found "capable of tracing and comprehending the investigations of Euclid." His estimate of the black imagination was no more flattering—in this faculty they were "dull, tasteless, and anomalous." 

Jefferson chose to base his judgments on what he had observed of the black in America. To have judged the black on evidence collected in his African culture and then to have compared the findings against whites in America would have produced, Jefferson believed, unauthentic results. He thought it only right, however, "to make great allowances for the differences of condition, of education, of conversation, of the sphere in which they move." Jefferson dismissed the obvious charge that it would be extremely difficult to make these "great allowances" because of the black's degraded condition. He found that some blacks had received a "liberal" education and had been given training in handicrafts. Many had also had the opportunity to learn from conversing with their masters; from living in a country "where the arts and

7 Jefferson, Notes on Virginia, p. 139.
8 Ibid.
9 Ibid.
sciences are cultivated to a considerable degree;" and from observing "the best works from abroad," which were handily available for them to see.\(^\text{10}\) Despite these advantages, Jefferson claimed that he could find no examples in which "a black had uttered a thought above the level of plain narration;" nor had he seen "even an elementary trait of painting or sculpture."\(^\text{11}\) Indians, on the other hand, with none of the black's advantages, showed creative ability in the figures that they carved and in the pictures that they drew. They proved their "reason and sentiment strong," and "their imagination glowing and elevated" in their noble orations.\(^\text{12}\)

Even in areas where blacks had shown some ability, and some accomplishment, Jefferson found cause for criticism. Although he acknowledged that blacks had a better ear for "tune and time" than whites, Jefferson hedged at conceding to blacks a superior ability in the more complicated forms of music.\(^\text{13}\) He then turned his attention to the literary talents of two blacks, Phyllis Wheatley and Ignatius Sancho. Phyllis Wheatley was one of the best known blacks of the late eighteenth century. A former slave, she received her freedom and went to England in 1773. There she gained

\(^\text{10}\) Ibid., p. 140.
\(^\text{11}\) Ibid.
\(^\text{12}\) Ibid.
\(^\text{13}\) Ibid.
the attention of the Countess of Huntingdon, who apparently admired her poetry. Subsequently, arrangements were made to publish a volume of her poetry under the title, *Poems on Various Subjects, Religious and Moral*. Wheatley returned to the United States where she composed a poem for George Washington.14 Almost immediately some American antislavery advocates claimed that she constituted proof of black mental equality.15

Jefferson, not unexpectedly, reached a different conclusion. His appraisal of Wheatley's work was critical and direct—her poetry was "below the dignity of criticism."16 Jefferson was willing to grant Ignatius Sancho, a former slave and author of *Letters, with Memoirs of his Life*, "first place among those of his own color who have presented themselves to the public judgment."17 Yet he concluded that Sancho's writings did "more honor to the heart than the head."18 In comparison with the English writers among whom Sancho lived, Jefferson felt "compelled to enrol [sic] him at the bottom of the column."19

17 Ibid., p. 141.
18 Ibid., p. 140.
19 Ibid., p. 141.
Jefferson approached next the question of whether the black's inadequate mental endowment was caused by enviromental conditions or by racial characteristics. If the black's degraded condition caused his inferiority, then a comparison with mulattoes and whites who labored under similar handicaps, Jefferson reasoned, would show no appreciable differences of accomplishment. Unfortunately, Jefferson's findings lent further weight to the possibility that blacks were innately inferior. Mulattoes, as everyone knew, were superior in mind and body to blacks. Roman slaves lived and functioned under conditions that were much worse than those of American slaves; yet, they were often Rome's "rarest artists," and they made sufficient achievements in science to be chosen as tutors to the children of the slaveowning class.  

However, the Roman slaves were white. Jefferson surmised, therefore, that nature, not the black's condition, produced the distinction. He indicated almost immediately, however, that his mind remained open on the matter. "Whether further observation will or will not verify the conjecture, that nature has been less bountiful to them in the endowments of the head," he wrote, "I believe that in those of the heart she will be found to have done them justice."  

20 Ibid.  
21 Ibid.  
22 Ibid., p. 142.
Realizing the intransigence of his conclusions, Jefferson modified his analysis. It represented only a suspicion put forth with a lack of confidence. Additional observation and research would be necessary, he believed, before a concrete assertion could be made "that blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments of both body and mind."23 Jefferson restated this idea in a letter to the Marquis de Chastellux, a member of the French Academy and author of *Travels in North America*: "I believe the Indian then to be in body and mind equal to the whiteman. I have supposed the blackman, in his present state, might not be so. But it would be hazardous to affirm that, equally cultivated for a few generations, he would not become so."24

Jefferson's suspicion that blacks were inferior to whites was not unique among eighteenth century intellectuals. He differed from the racial views of some of these men, however, in asserting that the black's supposed inferiority might have been natural rather than environmentally founded. The Baron de Montesquieu, a French philosopher, believed that men became "slothful and dispirited" in excessively hot countries.25 Buffon, called by Jefferson "the best

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23 Ibid., p. 143.


informed... Naturalist who has ever written," believed that blacks were a deviation; yet he maintained his faith in the unity of the species. Even Linnaeus, the great Swedish naturalist and botanist who rejected all theories expounding racial inferiority, referred to blacks as dull, lazy, imprudent, and ruled by whimsy. Jean-Jacques Rousseau, the noted French philosopher, suspected that men lost their love of liberty and became dehumanized, thus inferior, if forced to live under repressive conditions. To dehumanize man would, in effect, produce a variety of the same species. David Hume, the controversial British philosopher and historian, publically declared that blacks were racially inferior to the white race.

Among American intellectuals of the period, other than Jefferson, who indicated that blacks were inferior in human characteristics, two stand out--James Madison and Benjamin Franklin. In a speech before the Virginia Constitutional Convention in 1829, Madison said that blacks had to be considered a part, "though a degraded part, of the families to which they belong..." [and] the mere circumstance of complexion cannot deprive them of


27 Davis, Slavery in Western Culture, pp. 455-56.

the character of men." In short, blacks occupied a lower position on the scale of the human species. Benjamin Franklin owned no slaves, and he showed little interest in the institution until his later years. In 1789, as president of the Pennsylvania Society for promoting the Abolition of Slavery, Franklin issued "An Address to the Public" in which he discussed the evils of slavery. Among other things, he noted the baneful effect of slavery on the black's character. Slavery caused blacks to be treated as beasts and as a result black's sank "too frequently . . . beneath the common standard of the human species." Not only did bondage shackle the slave's body, but it also bound his mental faculties, and impaired "the social affections of his heart." Although obviously an attack on slavery and not on the black's natural ability, Franklin's statements indicate a belief that enslaved blacks became dehumanized. And to dehumanize a man made him an inferior member of the human race.

Although most of these extraordinary men detested slavery, each suspected that blacks had somehow become inferior. Mostly, they traced the African's differences

30 Ibid., p. 149.
31 Ibid.
to his environment. And while Jefferson did not completely rule out environment as a cause of the black's degradation, he ventured a stronger suspicion—that the black's inferiority might be natural.

Jefferson's reluctance to make a final conclusion on the black's supposed inferiority appeared to have been justified when, in 1791, he received a manuscript copy of the first almanac written by the black mathematician and astronomer, Benjamin Banneker. Born a freeman in Maryland in 1731, Banneker reputedly had a white maternal grandmother, Molly Welsh Banneker. He attended a private school near Baltimore, where he showed a proficiency in science and mathematics. He later mastered astronomy by studying books borrowed from a Quaker friend, George Ellicott. Besides the volume sent to Jefferson, Banneker published several other almanacs between 1791 and 1796. Jefferson responded in a letter that showed both warmth and reservation:


No body wishes more than I do to see such proofs as you exhibit, that nature has given to our black brethren, talents equal to those of the other colors of men, and that the appearance of a want of them is owing merely to the degraded condition of their existence, both in Africa and America. I can add with truth, that no body wishes more ardently to see a good system commenced for raising the condition both of their body and mind to what it ought to be, as fast as the imbecility of their present existence, and other circumstances which cannot be neglected, will admit.  

Jefferson was still skeptical; he refused, on the evidence presented by one black, to make an unqualified statement that blacks possessed mental abilities equal to those of the white race. Nevertheless, he indicated his apparent enthusiasm over the possibilities that Banneker's work presented in a letter to the Marquis de Condorcet, a French philosopher and mathematician. Jefferson wrote:

I am happy to be able to inform you that we now have in the United States a negro, the son of a black man born in Africa, and a black woman born in the United States, who is a very respectable mathematician. I procured him to be employed under one of our chief directors in laying out the new federal city of the Potowmac, and in the intervals of his letters, while on that work, he made an Almanac for the next year, which he sent me in his own hand writing, and which I inclose to you. I have seen very elegant solutions of Geometrical problems by him. Add to this that he is a very worthy and respectable member of society. He is a free man. I shall be delighted to see these instances of moral eminence so multiplied as to prove that the want of talents observed

in them is merely the effect of their degraded condition, and not proceeding from any difference in the structure of the parts on which intellect depends.\footnote{Jefferson to Condorcet, ibid., p. 379.}

Eighteen years later, however, Jefferson showed little enthusiasm for Banneker's ability. In a letter to the writer and poet Joel Barlow, he expressed his disillusionment: "We know he had spherical trigonometry enough to make almanacs, but not without the suspicion of aid from Ellicot [sic]... I have a long letter from Banneker, which shows him to have had a mind of very common stature indeed."\footnote{Jefferson to Barlow, 8 October 1809, ibid., 9:261.} Apparently Jefferson's earlier and more favorable evaluation of Banneker's work came in an unaccustomed moment of excitement over the potentiality that the black had shown. His letter to Barlow indicates that Banneker had failed to live up to the expectations that Jefferson had held; the result for Jefferson was disillusionment.

Another incident of that same year illustrates that Jefferson's position concerning black abilities remained unchanged. The Abbé Henri Gregoire, a French Roman Catholic priest and revolutionist, sent him a copy of a book entitled \textit{Literature of Negroes}. Jefferson responded with a courteous letter in which he repeated that he had expressed doubts about "the grade of understanding allotted"
to blacks with "great hesitation" and that he had based his conclusions only on evidence gained in the "limited sphere" of Virginia. 37 He expressed his true feelings about the quality of the volume Gregoire had sent in a letter to Barlow. Jefferson declared that the collection of black literature was no more than an incredible compilation of unverified verse and prose that intentionally exaggerated the black's accomplishments. 38 Obviously, Jefferson had not changed his views on the quality of work produced by blacks—it was inferior to that produced by whites.

Jefferson's comments, in the Notes on Virginia, on the blacks were seized by his detractors and perverted to meet their ends. In the presidential election year of 1800, the Reverend William Linn, a Federalist diehard from New York, attacked Jefferson in a sermon entitled "Serious Considerations on the Election of a President." Linn accused Jefferson of impuning the Bible by questioning the equality of blacks. He wrote: "Sir, we excuse you not! You have degraded the blacks from the rank which God hath given them in the scale of being! You have advanced the strongest argument for their state of slavery!" 39

37 Jefferson to Gregoire, 25 February 1809, ibid., p. 246.

38 Jefferson to Barlow, 8 October 1809, ibid., pp. 261-62.

In 1804, another Federalist sympathizer from New York, Clement Clarke Moore, attacked Jefferson. Moore, who had gained a reputation as a Hebrew scholar, criticized Jefferson for "debasing the negro to an order of creatures lower than those who have a fairer skin and thinner lips."\textsuperscript{40} Even a friend of Jefferson who otherwise thought the book excellent, criticized him for having "depressed the negroes too low."\textsuperscript{41} Although most of the criticism was obviously politically motivated, it does illustrate the intense feeling with which some received Jefferson's observations on the black.

Obviously irritated at continually having to defend his past assertions, Jefferson wrote to Barlow that he could not have expressed his suspicions of black inferiority more delicately and with greater hesitation than he did in the Notes. He emphasized that his opinion was not fixed and that he had only intended to express a doubt.\textsuperscript{42} Yet Jefferson did raise the question of black inferiority, and when the Notes were published, his reluctant doubts were exposed to both friend and foe. When one considers Jefferson's generally skeptical attitude and reluctance

\textsuperscript{40}Quoted in Jordan, \textit{White Over Black}, p. 504. Moore is famous for the poem "A Visit from St. Nicholas."


to become involved in controversy, it is remarkable, as historian Merrill D. Peterson has pointed out, that he ventured any conclusions at all on the subject.\textsuperscript{43}

With his philosophy in conflict with his firsthand observations of blacks, the overriding question is obvious. Did Jefferson acquiesce in the enslavement of so many blacks because he believed them to be below the white race on the scale of beings? This question becomes extremely important in view of Jefferson's ideology. For if he believed natural rights contingent upon equal biological creation, then blacks, if biologically inferior to whites, would not "derive rights inherent and inalienable," as he stated in his draft of the Declaration of Independence.\textsuperscript{44}

The natural rights philosophy dominated Jefferson's thinking about theology and science. His literal interpretation of the original creation of mankind, as found in the Bible, led Jefferson to reject the geologists' view that the earth had been created over an extremely long period of time. He believed that God had created the earth in one act.\textsuperscript{45} Apparently, Jefferson could not conceive of the Creator waiting patiently for millions

\textsuperscript{43}Peterson, \textit{Jefferson and the New Nation}, p. 264.

\textsuperscript{44}Boyd, ed., \textit{Jefferson Papers}, 1:423.

\textsuperscript{45}Peterson, \textit{Jefferson and the New Nation}, pp. 251-52.
of years while the earth formed. He thought it a waste of time to speculate on "what the fiat of the Creator would effect by a single act of will." The Deity was efficient; thus, so was nature. Jefferson gave a summation of his view of nature's efficiency when he wrote that "such is the economy of nature, that no instance can be produced, of her having permitted any one race of her animals to become extinct; of her having formed any link in her great work so weak is to be broken."

Cultural historian Daniel J. Boorstin has suggested that when Jefferson made his avowal of human equality in the Declaration of Independence, he was not making a statement based on moral principles. He based his statement, says Boorstin, on what he believed to be accurate facts of science and history. The logic of creation dictated to Jefferson that all human beings possessed natural rights because all were created as equal biological beings. This analysis seems, however, to be inadequate. According to Adrienne Koch, when Jefferson spoke of human equality he was referring, not to the biological condition of mankind, but to the basic traits of the human species. He acknowledged that human nature existed in all members

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46 Quoted in Peterson, Jefferson and the New Nation, p. 252.

47 Jefferson, Notes on Virginia, p. 54.

of the species and that it was the same in all men.
Jefferson's concept of human equality, she has concluded, raised man above the lower species of animals and gave him a special quality that made man more than just a mass of matter.49 What part of human nature did Jefferson consider the most important in separating man from the lower animal species? "I sincerely believe," he wrote, "in the general existence of a moral instinct. I think it is the brightest gem with which the human character is studded."50 He believed that blacks possessed a moral instinct. In discussing the slave's inclination to steal, Jefferson accredited it "to their situation, and not to depravity of the moral sense."51 Even in their position as slaves, he acknowledged many instances where blacks demonstrated "the most rigid integrity."52

Jefferson recognized that there existed certain limitations on the various species within the animal

51 Jefferson, Notes on Virginia, p. 142.
52 Ibid., pp. 142-43.
kingdom. "Every race of animals," he wrote, "seems to have received from their Maker certain laws of extension at the time of their formation . . . while proper obstacles were opposed to its further progress."\(^{53}\) Wherever they may be located within these limits, Jefferson concluded, depended on several external factors such as soil or climate. But, within the Creator's limits, each species of animals remained secure, and "all the manna in heaven would never raise the Mouse to the bulk of the Mammoth."\(^{54}\) Obviously he believed that the various animal races were fixed within certain limits which they could not rise above nor fall below. And he insisted that within the human species there existed varieties distinguishable by both their physical and mental prowess.\(^{55}\) Accordingly, Jefferson believed that blacks did not have to be the biological equals of whites to be human. He never denied that blacks possessed human characteristics.

It seems clear that when he wrote concerning mankind's equal creation, Jefferson meant equality of man's nature, not equality in a purely biological sense. The black was a man, a human being, even if naturally inferior. "But whatever their degree of talent," he declared, "it is no

\(^{53}\) Ibid., p. 47.

\(^{54}\) Ibid.

\(^{55}\) Ibid., p. 63.
measure of their rights."  

For Jefferson, the black's suspected inferiority never justified enslavement.  

CHAPTER IV

SLAVERY AND THE FEDERAL CONVENTION OF 1787

On the morning of July 5, 1784, Thomas Jefferson and his daughter, Martha, boarded the merchant ship Ceres in Boston's harbor, and sailed for France.¹ He could not realize at the time, of course, that his tenure as United States Minister to France would preclude his probable attendance at one of history's most memorable gatherings—the federal convention of 1787. Undoubtedly, had Jefferson been in the United States at the time, he would have been chosen as one of Virginia's delegates to the convention. Nevertheless, he was not, and for the second time in his life Jefferson lost the opportunity to play a personal role in drafting a constitution. His first opportunity had occurred in 1776, but, because he was a delegate to the Continental Congress, he missed a chance to help formulate Virginia's first constitution.²

Realizing the need for a revision of the Articles of Confederation, Jefferson tacitly approved of the federal convention—"that assembly of demigods."³ Jefferson had


²Malone, The Rights of Man, p. 162.

some knowledge of the mood and mind of the men most responsible for the convention. Madison had written to him earlier and explained the real purpose of the Annapolis Convention, which had supposedly been called to discuss interstate commerce. "Gentlemen both within & without Congress," he wrote, "wish to make this Meeting subservient to a plenipotentiary Convention for amending the Confederation." The following spring, Jefferson received a gloomy letter from George Washington. "That something is necessary," Washington cried, "none will deny; for the situation of the general government . . . is shaken to its foundation . . . and, unless a remedy is soon applied, anarchy and confusion will inevitably ensue." Washington's anxiety resulted from the confusion and hysteria that accompanied Shays Rebellion of 1786-1787. This uprising of Massachusetts' western farmers stemmed from their impoverished situation which had made it impossible for them to pay their debts. When their appeals for relief fell upon deaf ears, desperate men, under the leadership of Daniel Shays, attempted to frighten the courts into supporting their demands. These back country farmers demanded lower taxes, the suspension of mortgage foreclosures, and paper money to relieve the specie shortage. The Massachusetts authorities

4 Madison to Jefferson, 12 August 1786, ibid., 10:233.
ignored the demands and quickly raised a large army which easily smashed the rebels.  

Washington was not alone, among the nation's leaders, in his alarm. Madison expressed great anxiety about the uprising. He believed that it contained symptoms "which have tainted the faith of the most orthodox republicans, and which challenge from the votaries of liberty every concession in favor of stable government not infringing fundamental principles, as the only security against an opposite extreme in our present situation." He harbored no sympathy for those who used violence to attain the "abolition of debts public and private, and a new division of property." Shays Rebellion led Madison to conclude that the Union had to be strengthened, lest it become another popular government destroyed by turbulence.  

Jefferson shared none of these exaggerated fears. Yet he refused to defend the rebellious farmers in Massachusetts. He could sympathize with the seriousness of their grievances, but he would not uphold attempts to

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8 Madison to James Madison, Sr., 1 November 1786, ibid., pp. 277-78.

obtain repudiation of debts by force. Still, he expressed
fear that the rebels might be punished too severely.10
Although the economic situation had "produced acts
absolutely unjustifiable." he wrote, "I hope they will
provoke no severities from their governments."11
Jefferson realized that unsuccessful rebellions usually
resulted in the repression of the perpetrators' rights.
Republican leaders should, therefore, punish rebels
mildly so as not to discourage rebellion too much.12 He
believed that the uprising in Massachusetts had been
honorably carried out. The farmers' motives, he wrote,
"were founded in ignorance, not wickedness."13 Even when
in error, the people were still "the only censors of
their governors," Jefferson declared, "and to punish
these errors too severely would be to suppress the only
safeguard of the public liberty."14 Jefferson feared
governmental repression more than rebellion—except, of
course, in the case of blacks.

Jefferson would not have agreed with the reactions

11 Jefferson to Madison, 30 January 1787, Boyd, ed.,
Jefferson Papers, 11:92.
12 Ibid., p. 93.
13 Jefferson to W. S. Smith, 13 November 1787, ibid.,
12:356.
14 Jefferson to Edward Carrington, 16 January 1787,
ibid., 11:49.
of many people in the United States to Shays Rebellion. From Massachusetts the lexicographer and philologist, Noah Webster cried:

This is the misfortune of republican governments. For my own part, I confess, I was once as strong a republican as any man in America. Now, a republican is among the last kinds of government I should choose. I would infinitely prefer a limited monarchy, for I would sooner be the subject of the caprice of one man, than to the ignorance and passions of the multitude.\(^{15}\)

John Jay, well-versed in the sentiments of New York's wealthy merchants, wrote that the best people—those "who are orderly and industrious, who are content with their situations, and not uneasy in their circumstances"—would lose their faith in liberty because of "the insecurity of property, the loss of confidence in their rulers, and the want of public faith and rectitude."\(^{16}\)

On July 3, 1787, Alexander Hamilton wrote that his assessment of public sentiment led him to believe that the people were ready for a change. They had begun to realize that the present form of government did not "answer their purpose; and that they must substitute something not very remote from that which they have lately

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quitted. . . . I am more and more inclined to believe," Hamilton concluded, "that former habits of thinking are regaining their influence." 17

Shays Rebellion also evoked a reaction from John Adams, then serving as United States Minister to Great Britain. Adams' initial response had been one of optimism. "Don't be alarmed at the late turbulence in New England," he wrote, "all will be well, and this commotion will terminate in additional strength to government." 18 A short time later, however, he showed greater concern. "Mobs will never do to govern States or command armies," he declared. "To talk of liberty in such a state of things! Is not a Shays as great a tyrant, when he would pluck up law and justice by the roots," he continued, "as a Hutchinson, when he would overturn them partially?" 19 Adams saw the farmer's rebellion as a part of the inevitable clash between rich and poor--each group seeking to plunder the other. During this period of alarm, he began an investigation into the basic principles of political science. Adams hoped to translate the American experience

into fundamental social and political principles that would apply universally at all times. The effort resulted in his magnum opus on American constitutionalism, *Defence of the Constitutions of Government of the United States*.\(^{20}\)

Several delegates to the federal convention in Philadelphia initially reacted favorably to Adams' volumes. His insistence on a bicameral legislature to balance the aristocratic and democratic factions of society and an independent executive matched the scheme favored by many delegates.\(^{21}\) Benjamin Rush, an eminent Philadelphia physician who had served in the Continental Congress, wrote that "Mr. Adams book has diffused such excellent principles among us that there is little doubt of our adopting a vigorous and compounded Federal Legislature."\(^{22}\)

The Founding Fathers, as well as Jefferson, feared the segment of society which owned no property. Mostly they dreaded the landless town dweller who had no stake in society, and thus, could not be trusted to become a good citizen. They considered property to be the proper basis of liberty and government. For example, Jefferson

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\(^{21}\) Ibid., p. 581.

believed that men who owned no real property could never truly be free because they depended on others for their living. Freedom, he thought, came from individual independence. Although small landholders had instigated Shays Rebellion, a general belief prevailed that their vested interest in society was sufficient to make them reliable citizens as long as a strong balanced government existed to restrain them.\(^23\) Jefferson differed somewhat on the latter belief. He believed that government in the United States would be virtuous as long as the people remained agricultural.\(^24\) Farmers—"independent in their circumstances enlightened as to their rights, and firm in their habits of order and obedience to the laws"—required no energetic government.\(^25\) They were "tied to their country and wedded to its interests, by the most lasting bonds."\(^26\)

When the delegates to the federal convention convened at Philadelphia on May 14, 1787, they were obviously concerned


about property rights. This should not be interpreted as meaning that the majority of them wanted to produce a document exclusively for the benefit of the propertied class. Nor does it mean that men so concerned were wholly aristocratic and determined to subvert the interests of the mass of people. Tough-minded and, on the whole moderately conservative, the delegates indeed took a dim view of an unchecked democracy. Even the democratic George Mason, a Virginia planter and politician, spoke of democratic excesses. "When I first came here . . . I was very apprehensive," he wrote, "that, soured & disgusted with the unexpected Evils we had experienced from the democratic Principles of our Governments, we shou'd be apt to run into the opposite Extreme." \(^2\)

While supporting the popular election of the lower house of Congress during the convention's debate, Mason acknowledged that the governments had been overly democratic. Fearing a swing in the opposite direction, however, he cautioned the delegates "to attend the rights of every class of the people." \(^2\)

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delegates that the people's views on democracy must be considered. "Notwithstanding the oppressions & injustice experienced among us from democracy," he stated, "the genius of the people is in favor of it, and the genius of the people must be consulted." In essence, Mason called for a government that would be responsive to the people's wishes and concurrently strong enough to control the violent excesses of man's nature.

The men who met at Philadelphia, then, faced a formidable task. Confronted, on the one hand, by a desire to strengthen the Union and to protect property rights, they faced, on the other hand, the democratic ideology inherited from the Revolution. With respect to slavery, the resolution of the ideological clash was of paramount importance.

None of the delegates seriously believed that the Convention would abolish slavery. They realized, also, that the southern states would accept no constitution in which the slave population was not in some way counted for purposes of representation. A second crucial question—one of utmost importance to slaveholders—concerned the power to be given the national government. If the other delegates expected southerners to participate in creating a strong national government, there would have to be

29 Rutland, ed., Mason Papers, 3:898; Madison, Notes of Debates, p. 64.
some qualification regarding slavery. Southerners regarded slavery as a local matter; therefore, not within the national government's authority. Pierce Butler, a leading South Carolina planter, touched the heart of the South's position when he declared: "The Security the Southern States want is that their negroes may not be taken from them, which some gentlemen... have a very good mind to do." Charles Pinckney, a young South Carolina lawyer and politician, declared that blacks were "the labourers, the peasants of the Southern States." His cousin--the well-known lawyer, politician, and military officer--Charles Cotesworth Pinckney, candidly stated that South Carolina and Georgia could not "do without slaves." 33

Not all of the southern delegates spoke of slavery with the South Carolinians' unqualified support. Both Madison and Mason, for example, lamented of the malevolent aspects of the "peculiar institution." Neither of these two gentlemen, however, pushed to grant the national

31 Madison, Notes of Debates, p. 286.
32 Ibid., p. 281.
33 Ibid., p. 505.
government sufficient power for the destruction of slavery in the foreseeable future. 34

On July 11, the delegates tackled the problem of how blacks should be counted for the purpose of determining a state's representation in Congress. Hugh Williamson, a North Carolina physician and merchant, opened the debate by moving that representation be regulated according to a yearly census "of the free white inhabitants and 3/5ths of those of other description." 35 Butler and General Pinckney, insisting that blacks and whites be counted "equally," quickly moved "that the words 'three fifths' be struck out." 36

Following statements that supported the three-fifths ratio as the maximum that could be allowed, Butler launched into an explanation of why blacks and whites should be counted equally. Slave labor was as valuable and productive to South Carolinians as free labor was to the people of non-slave states, he insisted. Since "wealth was the great means of defence and utility to the Nation," he continued, slaves "were equally valuable to it with freemen; and . . . an equal representation ought to be allowed for them in a government which was instituted

34 Ibid., pp. 504, 530, 532; Robinson, Slavery in American Politics, p. 211.
35 Madison, Notes of Debates, p. 267.
36 Ibid., p. 268.
principally for the protection of property, and was itself to be supported by property."  

Mason disagreed with Butler's motion; it was unjust, he believed. He indicated that slaves were useful and valuable "to the community as a whole," and consequently should be considered in determining representation. Mason considered slaves not to be the equals of freemen, however, and stated that he "could not vote for them as such." He concluded with an apt statement about slaves as property: "Southern States have this peculiar species of property, over & above the other species of property common to all States." Obviously, many southerners did not share Mason's entire opinion.

Immediately prior to the vote on Butler's motion, Williamson touched upon a question that soon caused a serious division among the delegates. He reminded southerners that if they "contended for the inferiority of blacks to whites when taxation was in view, the Eastern States on the same occasion" would argue that they were equal. Butler's motion for considering blacks and whites equal in apportioning representation failed; only South Carolina, Delaware, and Georgia voted for the motion.  

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37 Ibid.
38 Ibid., pp. 268-69; Rutland, Mason Papers, 3:923-24.
39 Madison, Notes of Debates, p. 269.
40 Ibid.
When debate on the three-fifths question resumed a short time later, several northern delegates attacked the idea of including blacks—they did not distinguish between free blacks and slaves—in proportioning representation. Rufus King, the able Massachusetts lawyer and politician, said that the inclusion of blacks would "excite great discontent among the States having no slaves." And then, as if to underscore the strength of his conviction on the matter, King declared that if any case existed in which he would remain intransigent, "it would be in this."41 James Wilson, a learned and skillful Pennsylvania jurist, questioned the principle on which the three-fifths ratio could be explained. He inquired: "Are they admitted as Citizens? then why are they not admitted on an equality with white Citizens? are they admitted as property? then why is not other property admitted into the computation?" He called for a compromise to settle these difficulties. Wilson then warned that Pennsylvanians would be disgusted with the idea of "the blending of the blacks with the whites."42 New Yorker Gouverneur Morris, serving as a delegate from Pennsylvania, and an aristocratic and conservative lawyer, informed the Convention that "he could never agree to

41 Ibid., p. 274.
42 Ibid., p. 275.
give such encouragement to the slave trade as would be
given by allowing them [the southern states] a repre-
sentation for their negroes."\(^{43}\)

At the conclusion of Morris' statements the delegates
voted on the three-fifths ratio. By a six to four vote
the motion to include three-fifths of the blacks was
defeated. Three states with reasonably-substantial
slave populations, Maryland, Delaware, and New Jersey,
voted against the motion because they opposed proportional
representation of any sort.\(^{44}\) The delegates' negative
vote, however, indicated only a dissatisfaction with the
three-fifths ratio. Apparently, most of them shared
James Wilson's belief that the difficulties could be
overcome by a compromise. Consequently, the delegates
unanimously rejected an amended version of Williamson's
motion--which provided that only free inhabitants be
counted for proportioning representation.\(^{45}\)

On the following morning, July 12, Gouverneur Morris
opened debate with a motion providing "that taxation shall
be in proportion to Representation." This provision, he
moved, should be added to "the clause empowering the
legislature to vary the Representation according to the

\(^{43}\text{Ibid., p. 276; Dictionary of American Biography, s.v. "Morris, Gouverneur."}\)

\(^{44}\text{Ibid.}\)

\(^{45}\text{Ibid., pp. 276, 274.}\)
principles of wealth & number of inhabitants." Butler responded by insisting that all blacks be counted in the census. William R. Davie, a North Carolina lawyer, spoke with obvious irritation: "North Carolina would never confederate on any terms," he felt sure, "that did not rate them [blacks] at least as 3/5. If the Eastern States meant therefore to exclude them altogether the business was at an end." William S. Johnson of Connecticut—a recognized legal scholar who later chaired the Convention's committee on style—concluded that a state's population should be the basis for determining representation, "and that all descriptions including blacks equally with whites, ought to fall within the computation." The loquacious Morris countered with an assertion that Pennsylvanians would "never agree to a representation of Negroes." Charles Cotesworth Pinckney, echoing an earlier statement by Butler, insisted "that property in slaves should not be exposed to danger under a Government instituted for the protection of property." Thus, the stage had been set for a compromise.

46 Ibid., p. 277.
47 Ibid.
48 Ibid., p. 278.
49 Ibid.
50 Ibid.
51 Ibid., pp. 278-79.
Oliver Ellsworth of Connecticut, a lawyer and judge of the Supreme Court of Errors, started the convention toward a compromise when he moved that the rule for direct taxation be set as "the number of white inhabitants, and three fifths of every other description." This rule would prevail, he said, until the legislature could adopt a more accurate plan.  

Edmund Randolph, Virginia's governor, objected to Ellsworth's motion. He feared that the legislature might pervert the intent of the rule. He offered a proposal, in lieu of Ellsworth's motion, which called for a census two years from the first meeting of the United States Congress. The census would include all inhabitants according to the federal ratio of 1783, which rated a slave as three-fifths of a white person. Randolph strongly urged "that express security ought to be provided for including slaves in the ratio of Representation." Since "such a species of property existed," he continued, "the holders of it would require this security."  

James Wilson moved that "representation ought to be proportioned according to direct taxation . . . in the manner and according to" the federal ratio of 1783.  

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52 Ibid., p. 279.
53 Ibid.
54 Ibid., p. 280.
Charles Pinckney then made a final attempt to get slaves counted equally with whites in the ratio of representation. "The blacks are the labourers . . . of the Southern States," he declared, and "are as productive of pecuniary resources as those of the Northern States."\(^5^5\)

Pinckney's motion was defeated, receiving a majority of votes only in the South Carolina and Georgia delegations. Wilson's motion on the whole proposition passed, however, by a six to two vote; the Maryland and Massachusetts delegations divided on the matter.\(^5^6\)

Thus, the delegates had resolved a difficult conflict of political interests by a practical compromise. The convention's decision to consider the slaves as both men and property seemed logical to most contemporaries.\(^5^7\)

James Madison recognized the validity of the decision. In The Federalist No. 54, he wrote:

But we must deny the fact that slaves are considered merely as property, and in no respect whatever as persons. The true state of the case is that they partake of both these qualities: being considered by our laws, in some respects, as persons, and in other respects as property. . . . The federal Constitution, therefore, decided with great propriety on the case of our slaves, when it views them in the mixed character of persons and of property. This is in fact their true character.\(^5^8\)

\(^5^5\)Ibid., p. 281.
\(^5^6\)Ibid., pp. 281, 282.
The men attending the federal convention faced, not the question of slavery's abolition, but rather, the question of who would ultimately have the power to control it—the national government or the government in each individual state. This was the ominous question with which the delegates wrestled as they debated the slave trade. Once again the states were divided. As Madison had noted earlier, the really decisive factor stemmed "not by their difference of size, . . . but principally from the effects of their having or not having slaves." The principal slaveholding states, however, showed no unity on the question of the slave trade. South Carolina, Georgia, and sometimes North Carolina were intransigent on matters involving control over slavery. Virginia and Maryland, on the other hand, showed greater flexibility.

Luther Martin, Maryland's attorney general, initiated debate on the slave trade by proposing a tax on imported slaves. The three-fifths ratio, he said, would encourage the importation of blacks. Increased importation would, in turn, raise the chances of insurrection, thus, weakening one part of the nation. The remainder of the nation would be compelled to provide protection; thus, "the privilege of importing them," he declared, "was unreasonable."  

59 Madison, Notes of Debates, p. 224.  
60 Ibid., p. 502.
Mason, sounding much like Jefferson, blamed the "infernal trafic" on the British merchants and British government. He noted the malevolent effects of slavery on whites. Slaves produced, he declared, "the most pernicious effect on manners. Every master of slaves is born a petty tyrant." It was essential, he stated, "that the General Government should have power to prevent the increase of slavery."61

Ellsworth said that he could not speak of slavery's effect on character because he owned no slaves. He thought, however, "that if it was to be considered in a moral light we ought to go farther and free those already in the country."62

This brought an immediate response from the South Carolinians. Charles Pinckney declared that slavery was justified by world example. Greece, Rome, and other nations, he said, had either used slave labor or sanctioned its use.63 His cousin, Charles Cotesworth Pinckney, then declared that the people of South Carolina would not accept the Constitution if the slave trade were prohibited. He concluded with a warning that prohibition of the slave trade would force "South Carolina from the Union."64

61 Ibid., pp. 503-04.
62 Ibid., p. 504.
63 Ibid., p. 505.
64 Ibid.
John Rutledge, a South Carolina politician, added that North Carolina, South Carolina, and Georgia would not accept the Constitution unless they could continue to import blacks. "The people of those States," he said, "will never be such fools as to give up so important an interest." 65 Williamson of North Carolina concurred, saying that the "Southern States could not be members of the Union" if the slave trade should be abolished. 66

The southerners' insistence that the national government have no authority over the slave trade received support from some northern delegates. Elbridge Gerry of Massachusetts, later Vice-President of the United States under Madison, thought the delegates should not interfere with the states' conduct of slavery. He said, on the other hand, that the convention should not sanction it. 67 Ellsworth favored letting each state import whatever it pleased. "The morality or wisdom of slavery," he said, "are considerations belonging to the States themselves." 68 Roger Sherman, a Connecticut lawyer and politician, said that it would be better to allow the importation of blacks than to lose the southern states. In any case, he disliked a tax on slaves "because it implied that they were property." 69

65 Ibid., p. 507.
66 Ibid., p. 506.
67 Ibid.
68 Ibid., p. 503.
69 Ibid., p. 507. Madison's italics.
Apparently irritated by the inflexible position of South Carolina's delegation, John Dickinson of Delaware declared "it inadmissible on every principle of honor & safety that the importation of slaves should be authorized to the States by the Constitution." Dickinson, famous for his Letters from a Farmer in Pennsylvania, noted that the real question concerned the nation's happiness, and thus, should be decided by the national government, not by the individual states.70 King noted that to tax all imports except slaves produced "an inequality that could not fail to strike the commercial sagacity of the Northern & middle States." Approaching the subject "in a political light only," King indicated that the people of the northern states would not agree to the Constitution if the other side remained completely intransigent on the matter of slaves.71

Charles Cotesworth Pinckney, who favored a stronger national government, recognized the power of King's logic. Consequently, "he moved to commit the clause that slaves might be made liable to an equal tax with other imports."72 The delegates voted overwhelmingly to commit three sections in question.73

70 Ibid., p. 506.
71 Ibid., pp. 507-08.
72 Ibid., p. 507.
73 Ibid., p. 507-08.
A committee of eleven delegates was selected to work out a compromise. The committee, chaired by Governor William Livingston of New Jersey, had a report ready on August 24—two days after it had been chosen. The delegates did not consider the report, however, until the following day. The vital section of the report regarding the slave trade declared:

The migration or importation of such persons as the several States non existing shall think proper to admit, shall not be prohibited by the Legislature prior to the year 1800, but a tax or duty may be imposed on such migration or importation at a rate not exceeding the average of the duties laid on imports.\(^7^4\)

When, on August 25, the committee of the whole began discussing the report, it was clear that the compromise would not meet strong enough objection to bring about its defeat. Charles Cotesworth Pinckney moved that the year in which the slave might be prohibited be extended to 1808.\(^7^5\) Madison then re-entered the debate with an objection to Pinckney's motion. "Twenty years," he said, "will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the National character," he continued, "than to say nothing about it in the Constitution."\(^7^6\)

\(^7^4\) Ibid., p. 522.
\(^7^5\) Ibid., p. 530.
\(^7^6\) Ibid.
The motion carried, however, by a vote of seven to four.\(^{77}\)

Sherman then raised the issue of a tax on slaves. He opposed such a tax because it acknowledged men as property.\(^{78}\) Madison agreed. It was wrong, he said, "to admit in the Constitution the idea that there could be property in men."\(^{79}\) King and several other delegates said that they regarded the tax as the price for agreeing to allow the slave trade for an additional twenty years.\(^{80}\) For reasons not explained, the tax was changed from an "average of the duties laid on imports" to "a tax or duty . . . not exceeding ten dollars." The delegates agreed to the amended form.\(^{81}\)

The convention considered another item involving slavery that many southerners though important—the fugitive slave clause. When, on August 28, the "privileges and immunities" clause was being discussed, Charles Cotesworth Pinckney expressed dissatisfaction. "He seemed to wish," Madison wrote, "some provision should be included in favor of property in slaves." Apparently, the General failed to make his point clear, and the clause passed without amendment, by a vote of nine to one.\(^{82}\) Butler and

\(^{77}\) Ibid.

\(^{78}\) Ibid., p. 532.

\(^{79}\) Ibid.

\(^{80}\) Ibid.

\(^{81}\) Ibid.

\(^{82}\) Ibid., p. 545.
Charles Pinckney, however, quickly moved "to require fugitive slaves and servants to be delivered up like criminals." After objections from Wilson and Sherman, Butler withdrew the motion "in order that some particular provision might be made apart from the article." Wilson had objected on the grounds that the state returning the fugitive slave would be burdened with the expense. Sherman thought it no more proper to capture and return "a slave or servant, than a horse."

The next day Butler offered a new proposal that overcame the earlier objection. The new motion, agreed to without debate or opposition, stated:

If any person bound to service or labor in any of the U. States shall escape into another State, he or she shall not be discharged from such service or labor, in consequence of any regulations subsisting in the State to which they escape, but shall be delivered up to the person justly claiming their service or labor.

For blacks, both slave and free, the adoption of Butler's motion proved to be an unfortunate victory for slaveholders. The fugitive slave clause quite literally gave nationwide sanction to the right of property in men. Worst of all,

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83 Ibid.
84 Ibid., p. 546.
85 Ibid., p. 545.
86 Ibid., p. 546.
87 Ibid., p. 552.
it provided no protection for free blacks, who could be wrongfully confiscated as slaves. In 1796, St. George Tucker, a judge of the federal circuit court of Virginia, aptly summed up the plight of free blacks when he wrote that "emancipation does not confer the rights of citizenship on the person emancipated; on the contrary, both he and his posterity of the same complexion with himself must always labor under many civil incapacities." 88

In assessing the delegates' treatment of slavery, it would be easy to oversimplify the matter and conclude that practically nothing was done to circumvent black bondage. It can be argued that the Constitution consolidated slavery and that it represented a compromise on slavery. In a sense, these arguments are plausible—especially when considered in short-term effects. The Constitution allowed blacks to be imported into the United States for a minimum of twenty years. For purposes of representation and taxation it recognized slaves as both property and men; thus, amplifying the inherent evil in the system. And finally, it declared that a runaway slave could find no legal safety anywhere in the nation because he was property.

To conclude that the men who led the nation during this period did little about slavery, however, would be

as misleading as the idea that they did much to eradicate it. The delegates to the federal convention, and others such as Jefferson, sought, above all else, to establish the nation on a firm foundation for whites. Although the convention's debates indicate that the Upper South would have accepted the gradual abolition of slavery, the delegates quickly acquiesced to the demands of South Carolina and Georgia rather than jeopardize the proposed Union. The convention established a pattern of compromising the slavery issue when it threatened the Union—a pattern which lasted until the Civil War. On the other hand, the nation's leaders took positive steps in 1787 that weakened slavery. The Ordinance of 1787 certainly helped to keep slavery in the South. Also, the Constitution's clause allowing Congress to prohibit the slave trade in 1807 was designed to weaken slavery. Thus, the actions of the Founding Fathers in the 1780's and later demonstrated a conscious effort to weaken slavery whenever they could, without threatening the Union.  

It seems significant that in his comments on the Constitution, Jefferson apparently mentioned nothing about the sections dealing with slaves and slavery. In a letter to Madison, he noted the measures in the Constitution that he liked and disliked. He was pleased with the organization of the government into three separate branches and with

the idea of voting in Congress by persons rather than by states. He strongly objected, however, to the "omission of a bill of rights" and "the abandonment . . . of rotation in office." His silence on the manner in which the delegates treated slavery could be taken as a general approval of their actions. It seems probable, however, since Jefferson expressed his views on those measures he believed most vital that he considered slavery, in this instance, of comparatively minor importance.

Jefferson's continued failures to achieve the enactment of legislation that would limit or end slavery led to increasing skepticism about the possibility of emancipation. Following the removal of his antislavery provision from the Ordinance of 1784, his letters expressed a doubt that he had not previously shown. Obviously discouraged by the efforts of his generation, Jefferson looked to the rising generation of Virginians as the one that might lead the emancipation movement. These young men "have sucked in the principles of liberty," he wrote, "as it were with their mother's milk, and it is to them I look with anxiety to turn the fate of this question."¹ Proper direction--such as might be attained from George Wythe at William and Mary--and the influence of eloquent spokesmen against slavery, Jefferson warned, would be crucial if not decisive on any future decision to abolish slavery.²

Except for the states north of Maryland, Jefferson believed that Virginia offered the best opportunity for

²Ibid.
emancipation. He may have agreed with George Mason's assessment that South Carolina and Georgia whites cared more about preserving slavery than in effecting the liberty and happiness of the people. Although the whites in Virginia who favored ending slavery constituted a minority of the state's population, Jefferson believed it was a "respectable proportion" that continually increased through the addition of most young men who entered public life. Consequently, he predicted that emancipation would take place in the near future in Virginia.

Jefferson's inclination to view future generations as the emancipators of blacks reveals much about the true state of antislavery sentiment, not only in Virginia, but in the nation. Outside of a few dedicated abolitionist groups such as the Quakers, antislavery sentiment began to wane in the United States in the late 1780's. The Revolutionary ideology proved to be of limited benefit to the nation's blacks. As the debates of the federal convention of 1787 show, the concepts of freedom and equality were too closely linked with the Lockean idea of private property. Racism, too, played an important role. As Jefferson so vividly illustrated in the Notes on Virginia, whites had no satisfactory explanation--short

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of deportation--of what to do with blacks once they had been freed.

The Virginia Baptists offer a good example of how effectively racism could limit antislavery sentiment. In 1785, Baptist leaders in Virginia spoke eloquently against the evils of slavery and its conflict with God's word. In 1785 and 1790, the Virginia Baptist General Committee passed resolutions that strongly condemned slavery. Baptist associations throughout the state, however, failed to react. In 1792, the Strawberry District Associations responded to the General Committee's antislavery resolution. The General Committee, they stated, should not interfere with slavery. The following year, the General Committee voted that slavery was a matter for the legislature and should be dismissed from consideration by the Committee. 5

The sudden death of Baptist opposition to slavery was based on several factors. Baptist leaders had never developed a definite emancipation plan and were unable to agree on how to effect the emancipation of slaves. Many Baptists apparently thought that the manumission of slaves, without first providing them with a means of earning a living, would be an inhumane act. Consequently, the Baptist leaders, as did most statesmen, adjusted their

positions to fit the institution of slavery. In the absence of any other logical explanation, white Baptists apparently acquiesced in their opposition to slavery for racial reasons.6

The Methodists likewise enjoyed an enthusiastic but short-lived period of abolitionist sentiment. In 1784, a conference of Virginia Methodists denounced slavery as contrary to God’s law. The Conference directed Methodists to neither buy nor sell slaves. Later in the year, a special Methodist Conference declared that all Methodists should manumit their slaves in areas where it was legal. Twenty years later these requirements were abandoned. By 1808, Methodist leadership had eschewed any official position on slavery.7

The meteoric rise and decline of antislavery sentiment among Baptists and Methodists amply demonstrates the superficiality connected with much of the abolition sentiment. Jefferson early perceived the general lack of support for emancipation in the South. Although he predicted the eventual abolition of slavery in the states north of the Carolinas and Georgia, this may have been more an expression of hope than real anticipation. This probably explains, at least partially, why he always exercised great care in public expressions against slavery.

6 Ibid., pp. 67-69.

Most of Jefferson's attacks on the institution of slavery came either in private correspondence or in bills eminating from committee assignments he held while in public office.

In 1789, Jefferson discussed the difficulties blacks faced in the transition from slavery to freedom. Jefferson referred to the problems encountered by Quakers who had attempted to establish former slaves as tenants. The landlords had to plan the planting of crops, direct the slaves in their day-to-day operations, and whip them in order that the work might be completed. Instead of working, these slaves stole from neighbors. Jefferson noted that only exceptionally moral men could avoid being corrupted by slavery. These blacks had turned to stealing, he believed, because slavery had taught them that property is founded in force. Jefferson concluded, therefore, that "to abandon persons whose habits have been formed in slavery is like abandoning children."\(^8\)

Rather than the tenant system tried by the Quakers, Jefferson in 1789 revealed a novel plan to import German laborers and intermingle them with his slaves. Equal numbers of Germans and slaves would be settled on fifty acre farms. "Their children shall be brought up . . . in habits of property and foresight," he wrote, "and I have no doubt but that they will be good citizens."\(^9\) Jefferson's

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\(^9\) Ibid.
desire to transform his slaves into tenants represented a radical, although temporary, departure from his usual stand of insisting that emancipated blacks be expatriated. This plan, though never realized, indicated a heart-felt desire to find a way out of the slavery milieu. Financial matters probably precluded any attempt to put the plan into operation. As Isaac, one of his slaves, later recalled, "he want rich himself--only his larnin."\(^{10}\)

Jefferson's brief flirtation with the idea of incorporating blacks into white society vanished in the wake of revolutionary activity by slaves in the French West Indies. He was convinced that blacks would expel all whites from the islands. For the United States, he thought the consequences might be disastrous. "It is high time we should foresee," he wrote in 1793, "the blood [sic] scenes which our children certainly, and possibly ourselves (south of the Potowmac) have to wade through, & try to avert them."\(^{11}\) He obviously feared that the rebellious slaves in the West Indies might infiltrate the southern states. Jefferson received information later in the year that confirmed his suspicions. A refugee from Santo Domingo told him about a plan to initiate a revolt in South Carolina. Jefferson immediately


\(^{11}\) Jefferson to James Monroe, 14 July 1793, Ford, ed., Jefferson Writings, 6:349.
warned Governor John Drayton of South Carolina that he had been informed that two men from Santo Domingo--Castaing, a mulatto and La Chaise, a quatroon--were on route to Charleston "with a design to excite an insurrection among the negroes." The threat never materialized, however. The result probably did not surprise Jefferson in this particular case. He indicated in the letter to Drayton that his informant had "answered with conjectures which were far from sufficient to strengthen the fact." Nevertheless, the episode illustrates his anxiety that slave insurrections were imminent.

Jefferson's concern about Santo Domingo's situation did not dissipate over the next few years. In 1797, he referred to the slave revolt in the former French colony as a good example of why blacks in the United States would need to be deported once they had achieved freedom. Yet, he realized the impracticality of wholesale expatriation. The method of emancipation, he concluded, had to be "a matter of compromise between the passions, the prejudices, & the real difficulties which will each have their weight in that operation." Something would have to be done, however, he warned, or "we shall be the murderers of our

12 Jefferson to the Governor of South Carolina [John Drayton], 23 December 1743, Lipscomb and Bergh, eds., Writings of Jefferson, 9:275-76.
13 Ibid., p. 276.
own children." Because he believed so strongly that blacks and whites could not live together peacefully in an integrated society, Jefferson's ability to propose a plan of emancipation that contained no provision for expatriation was paralyzed.

In 1799, upon learning that Congress had passed a bill opening trade with Santo Domingo—which was then controlled by the black general, Toussaint L'Ouverture—Jefferson expressed great concern. He feared the ill-effects of having missionaries and black seamen entering the South. "If this combustion can be introduced among us," he declared, "under any veil whatsoever, we have to fear it."16

Most southerners probably shared Jefferson's concern about slave insurrection, particularly those in areas with exceptionally large concentrations of blacks. Undoubtedly, many rumors alleging impending slave revolts had no foundations. Still, the mere rumor of insurrection could strike terror in the hearts of white southerners. Many blacks lost their lives, either from being convicted for participating in revolts or from individual acts of violence against whites. How many blacks, if any, were unjustly executed is impossible to determine accurately.

15 Ibid., p. 168.
16 Jefferson to James Madison, 12 February 1799, ibid., p. 349.
From 1800 to 1833, over 200 Virginia blacks received death sentences for committing violent crimes against whites or from participating in rebellion.\textsuperscript{17}

In a system whereby one class of men held the power to punish another through individual acts, resentment and objections were bound to develop. Although laws existed to protect slaves from brutal mistreatment, the legal limitations on punishment were not always closely observed. Consequently, slaves sometimes retaliated against their masters or overseers with violent acts. In 1794, a North Carolina slave murdered his owner just prior to being sold.\textsuperscript{18} In that same year, another North Carolina slave named Sue was tried, convicted, and sentenced to hang for giving poison to whites "with an intent to kill." The Superior Court reversed the sentence because her act was not punishable by death.\textsuperscript{19} An interesting case came before a court in South Carolina in 1794. One Laurence Kitchen was indicted, along with the victim's wife, for murdering his owner, John Simmons. The state indicted Mrs. Simmons as an accessory before the fact.\textsuperscript{20} In 1800, Governor James Monroe of Virginia requested an

\begin{itemize}
\item \textsuperscript{17} Johnston, \textit{Race Relations and Miscegenation}, p. 39.
\item \textsuperscript{19} Ibid., pp. 15-16.
\item \textsuperscript{20} Ibid., p. 277.
\end{itemize}
opinion on the legal status of two blacks who were tried for murdering their owners. The men in question had been purchased in Maryland, and subsequently their owners brought them into Virginia, where the blacks killed their new masters. Nevertheless, insurrection, rather than individual slave attacks, remained the primary concern of Jefferson and many other slaveholders.

In September, 1800, Jefferson received a letter from James Monroe informing him of Gabriel's conspiracy. Gabriel, a young, intelligent black belonged to Thomas Prosser. Monroe had learned on August 30, 1800, that a major slave revolt was planned for that evening. He immediately summoned the municipal militia and placed detachments in strategic areas throughout Richmond. He sent patrols into the county at large and rushed a warning to the mayor of Petersburg. The slaves' base of operations was the Prosser plantation, a few miles from Richmond.


23Mosby Sheppard to the Governor [Monroe], 30 August 1800, Palmer, McRae, and Flournoy, eds., Calendar of Virginia State Papers, 9:134.
Apparently, a rainstorm forced the prospective rebels to abandon their plan. 24

Believing the plot to be extensive, Monroe began the task of preparing the state to defend itself. On September 8, he received a letter stating that in the area of Powhatan and Cumberland counties there existed no cause for alarm. 25 Gabriel remained unapprehended, however, and Monroe still had no evidence that would enable him to accurately judge the plot's extensiveness. "It was natural to suspect that they were prompted to it by others who were invisible," he later said, "but whose agency might be powerful." 26 Monroe intended to take no chances.

In a letter to Jefferson, Monroe indicated the severity of the plan of insurrection and defended the force of his actions. "It is unquestionably the most serious and formidable conspiracy we have ever known of the kind," he wrote, and we "made a display of our force and measures of defence with a view to intimidate those


25 W. Bentley to the Governor [Monroe], 8 September 1800, Palmer McRae, and Flournoy, eds., Calendar of Virginia State Papers, 9:138.

people."\(^27\) Jefferson responded with some advice about punishing the rebellious blacks. "The other states & the world at large will forever condemn us," he warned, "if we indulge a principle of revenge, or go one step beyond absolute necessity."\(^28\) Asking that Monroe not quote him, he declared that it would never be safe to allow blacks to move freely among whites. Exportation of blacks, he thought, was the only "proper measure on this and all similar occasions."\(^29\) Two days later, Monroe thanked Jefferson for his remarks and told him that fifteen blacks had already been executed.\(^30\) After receiving this letter, Jefferson declared: "We are truly to be pitied."\(^31\)

In late September of 1800, constables in Norfolk apprehended Gabriel as he attempted to escape on a ship. They quickly returned him to Richmond, where he was convicted and sentenced to hang. The authorities hoping that Gabriel would provide additional information about the attempted insurrection, granted him a stay of execution.

\(^27\) Monroe to Jefferson, 15 September 1800, ibid., pp. 208-09.


\(^29\) Ibid., p. 458.

\(^30\) Monroe to Jefferson, 22 September 1800, Hamilton, ed., Monroe Writings, 7:210. For statements made by blacks who participated in Gabriel's plot and for testimony given at their trials, see Palmer, McRae, and Flournoy, eds., Calendar of Virginia State Papers, 9:140-72.

Monroe personally interviewed him but found him uncooperative. "From what he said to me," Monroe wrote, "he seemed to have made up his mind to die, and to have resolved to say but little on the subject of the conspiracy." Other conspirators, however, were more talkative. Ben, alias Ben Woolfolk, related that the only whites to be spared were Quakers, Methodists, Frenchmen—all believed to be friends to liberty—and "poor white women who had no slaves."33

Gabriel's plot and its aftermath left Virginia's leaders with a sense of urgency about future insurrections. Consequently, the General Assembly passed a resolution directing Governor Monroe to ask Jefferson, then President of the United States, about the possibility of purchasing land outside the state—preferably in the West, but not precluding foreign lands—"to which persons obnoxious to the laws or dangerous to the peace of society may be removed."34 Jefferson replied that the only barriers to purchasing western land would be the cost and desirability of locating a colony of undesirables within the Union. He doubted that Great Britain, Spain, or the Indians


33 Palmer, McRae, and Flournoy, eds., Calendar of Virginia State Papers, 9:152.

would welcome such a colony in the areas they controlled in North America. The West Indies, he thought, offered the best possibility for relocating rebellious blacks. Jefferson looked forward to a time when the entire continent would be settled by Americans "speaking the same language, governed in similar forms, & by similar laws . . . [without] either blot or mixture on that surface."  

Early in the next year, Monroe sent a new resolution to Jefferson. The Virginia legislature had decided it would be advisable that slaves who had committed "certain enumerated crimes" be relocated outside the United States. They expressed no preference as to where mulattoes and free blacks might be sent.  

Jefferson replied that the British might be amenable to the settlement in Sierra Leone of blacks guilty of insurrection, but "not of the character of common felons." Subsequently, Jefferson wrote to Rufus King, United States Minister to Great Britain, asking him to seek permission for the settlement of black non-felons in British Sierra Leone. To offset the cost of transporting the blacks, Jefferson suggested they become indentured servants. These blacks could give

"their labor for a certain term to some one who will pay their passage," he wrote, "and if the master of the vessell [sic] could be permitted to carry articles of commerce from this country and take back others from that which might yield him a mercantile profit sufficient to cover the expenses of the voyage, a serious difficulty would be removed." 38 The plan collapsed, however, in 1802, when the directors of the Sierra Leone Company rejected the request. The company was having difficulty with blacks from Jamaica and Nova Scotia who had been permitted to enter the colony, and a shortage of forces to keep order compounded the existing problem. Consequently, they were reluctant to admit "such settlers as would be most likely to come from the U. States." 39

This was not the only setback involving blacks that Jefferson faced in 1802. On September 1, James T. Callender charged in the Richmond Recorder that Jefferson was keeping, and had kept for several years, a black concubine named Sally. She had borne several children by him, he wrote, and the features of Tom, her eldest son, strongly resembled those of Jefferson. According to Callender, everyone in Charlottesville, Virginia, believed the story, and a few

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38 Jefferson to King, 13 July 1802, ibid., p. 162-63.
39 C. Gore to Jefferson, 10 October 1802, Palmer, McRae, and Flourney, eds., Calendar of Virginia State Papers, 9:326.
people knew its truth. Sally, the "African Venus," he wrote, officiated as Monticello's housekeeper. Callender, formerly a Jefferson supporter, was well-known for his journalistic attacks on Federalist politicians. His disenchantment with Jefferson followed the President's refusal to help him become postmaster at Richmond, Virginia.

Jefferson's alleged black mistress, Sally Hemings, was supposedly pretty and almost white. According to rumor, John Wayles, Jefferson's father-in-law, had fathered Sally and her brothers and sisters. When Wayles died, the Hemings family went to Jefferson as his slaves. Sally accompanied Jefferson's daughter, Polly, when she went to France to live with her father. There, the illicit relationship supposedly began.

The miscegenation legend arose and persisted probably for three reasons. The first reason was purely political. Federalists hoped to destroy Jefferson's political career, and later, British critics hoped to tarnish American

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40 Richmond Recorder, 1 September 1802, as reprinted in Francis C. Rosenberger, Jefferson Reader: A Treasury of Writings About Thomas Jefferson (New York: E. P. Dutton & Company, Inc., 1953), pp. 109-11. Callender erroneously reported that Sally Hemings had one son named Tom. She had only two sons, the first, Madison, was born in 1805.


43 Malone, Jefferson the President, pp. 212, 495.
democracy by assassinating the character of one of its heroes. A second reason revolved around the institution of slavery. Feeling degraded because of slavery, blacks sought to capture a rudiment of pride by claiming descent from Jefferson. Also, abolitionists used the legend to show how a champion of liberty had been contaminated by the institution of slavery. The third factor related to the "personal habits and history of Jefferson." His improper advances to a friend's wife, the early death of his wife, and his especially benevolent treatment of the Hemings family combined to make him suspect in the eyes of certain people. 44

No known evidence exists that conclusively proves or disproves the charges against Jefferson. 45 He personally refused to deny the slander publically, although the Republican press issued denials in his behalf. Jefferson indirectly denied the miscegenation charges, however, in a letter to Robert Smith, then Secretary of the Navy. In the letter he stated:


45 The best account of the entire affair, based on available evidence, appears in Malone, Jefferson the President, pp. 212-216, 494-498; See Also Peterson, Jefferson Image, pp. 181-87; and Jordan, White Over Black, pp. 464-69.
The inclosed copy of a letter to Mr. [Levi] Lincoln will so fully explain its own object, that I need say nothing in that way. I communicate it to particular friends because I wish to stand with them on the ground of truth, neither better nor worse than that makes me. You will perceive that I plead guilty to one of their charges, that when young and single I offered love to a handsome lady. I acknowledge its incorrectness. It is the only one founded on truth among all their allegations against me.46

Later in life, Jefferson gave his reasons for not answering the many slanderous statements made by his political enemies. "I should have fancied myself half guilty," he wrote, "had I condescended to put pen to paper in refutation of their falsehoods, or drawn to them respect by any notice from myself."47

The truth of the Hemings affair has little importance except that, if true, it would shed light on a side of Jefferson's character that historians have previously believed did not exist. The charges that Jefferson fathered black bastards and exploited the master-slave relationship by taking advantage of a young female slave seemingly place him totally out of character. Although it provides no conclusive answer, Jefferson's stated repugnance of miscegenation, if strictly followed, would

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46 Quoted in Malone, Jefferson the President, p. 222. According to Malone, the more complete letter to Levi Lincoln has not been found, ibid., pp. 222-23n.

47 Jefferson to Dr. George Logan, 20 June 1816, Ford, ed., Jefferson Writings, 10:27.
have precluded his participation in such a liaison. In the *Notes on Virginia*, he clearly expressed a preference for the "fine mixtures of red and white" over the "eternal monotony" and "immovable veil of black . . . of the other race." In 1814, Jefferson stated that black "amalgamation with the other color produces a degradation to which no lover of his country, no lover of excellence in the human character can innocently consent." A few months before he died, Jefferson again emphasized his revulsion to racial mixture in the United States. Unless he was capable of violating an apparent life-long conviction, this charge against him concerning a liaison with Sally Hemings must be viewed with skepticism. As to the idea that Jefferson used his position as master to force a young girl into sexual submission, most historians totally reject the possibility.

Undoubtedly, many people believed the story. Even Jefferson's long-time friend, John Adams, accepted the story as true. He believed miscegenation "a natural and almost unavoidable consequence of the foul contagion in the human character—Negro slavery." People believed stories of miscegenation in the South because it was widespread. A Frenchman, traveling through the South in the early 1780's, commented about the "well established commerce between the white men and negresses." The physical evidence of miscegenation prompted another foreigner to declare "there are parts of the United States where European and Negro blood are so crossed that one cannot find a man who is either completely white or completely black."

The court records and executive papers of southern states, made during the slavery period, contain numerous cases of miscegenation. In 1801, a South Carolina white woman claimed that her husband cohabited with his own slave, by whom he had a mulatto child." In 1727, a

55 Catterall, ed., Cases Concerning Slavery and the Negro, 2:281.
presentment was made against a North Carolina woman, Elizabeth Puckett, because she left her husband and "hath for Some years cohabited with a Negro Man" belonging to one Simon Jefferies. Slave women were prey, not only for their owners, but for overseers. Following the birth of her mulatto child, a slave was asked if she understood the sinfulness of her actions. "Oh yes," she replied, "but we do anything to get our poor flesh some rest from de whip; when he made me follow him into de bush, what use to tell him no? He have strength to make me." Certainly, the majority of miscegenation cases were not as blatant as these examples. Sexual liaisons between blacks and whites, however, occurred in significant numbers.

Although the miscegenation charge against Jefferson became public while he held the nation's highest political office, it had no measureable effect on his political career. He ignored the accusations and concentrated on his presidential duties.

One of the problems Jefferson found most pressing during his first presidential term involved control of the Mississippi River and the port at New Orleans. Rumors that Spain had ceded Louisiana to France prompted him to 

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56 Ibid., p. 12.
57 Quoted in Johnston, Race Relations and Miscegenation, p. 304.
write Robert R. Livingston, the United States Minister to France, that by possessing New Orleans, France would assume "the attitude of defiance" toward the United States." By "placing herself in that door," he wrote, France would become a natural enemy, forcing the United States to ally itself "to the British fleet and nation." 58

In the spring of 1802, Jefferson received a suggestion that he make France an attractive offer for New Orleans and the Floridas. 59 The next day Madison sent Livingston a letter instructing him to persuade France, if possible, to abandon its project respecting Louisiana. Also, he instructed Livingston to inquire "into the extent of the cession--particularly whether it includes the Floridas as well as New Orleans--and endeavor to ascertain the price at which these--if included in the cession, would be yielded to the United States." 60 Livingston's efforts to negotiate all met with failure, and early in the fall he wrote Madison about his lack of success. He informed the Secretary of State that he found it impossible to get

58 Rufus King, United States Minister to Great Britain, had written Madison saying he had information that France intended to seek a cession of Louisiana and the Floridas from Spain. See King to Madison, 29 March 1801, Richard Skolnik, ed., 1803: Jefferson's Decision: The United States Purchases Louisiana, p. 4; Jefferson to Livingston, 16 April 1802, Ford, ed., Jefferson Writings, 8:143-47.

59 Pierre Samuel du Pont de Nemours to Jefferson, 30 April 1802, Skolnik, ed., Jefferson's Decision, p. 44.

60 Madison to Livingston, 1 May 1802, ibid., p. 45.
through to Napoleon, who controlled everything. His letter contained one encouraging note—he believed the French would eventually part with Louisiana and relinquish New Orleans to the United States. 61

An event that occurred in October was less reassuring. William E. Hulings, United States Vice Consul at New Orleans, reported that the Spanish intendant had closed the port of New Orleans to Americans. 62 Three months later, Jefferson appointed James Monroe as special envoy to France, armed "with discretionary powers" and "the unlimited confidence of the administration." 63 On May 14, 1803, Livingston and Monroe concluded a treaty with France for the purchase of Louisiana. 64

The task of writing a temporary plan of government for the newly-acquired territory fell to Senator John Breckinridge of Kentucky, who reluctantly accepted the job. To help expedite the matter, Jefferson sent Breckinridge a draft of his ideas. The Senator copied Jefferson's draft, which he incorporated almost intact into the bill he reported. One of the Senate's most heated debates while

61 Livingston to Madison, 1 September 1802, ibid., p. 46.
62 Hulings to Madison, 18 October 1802, ibid., p. 55.
63 Jefferson to Monroe, 13 January 1803, ibid., pp. 88-89.
64 Livingston and Monroe to Madison, 13 May 1803, ibid., p. 63.
considering the bill revolved around slavery. Since the Constitution's provision forbidding the national government from interfering with the slave trade until 1807 applied only to those states existing in 1787, Congress was free to act on the slavery question in the territories.

Prior to debate on the Breckinridge bill, Jefferson conveyed to Congress information that he had gathered on the Louisiana Territory. Entitled a "Description of Louisiana," the material provided details about the existing system of government, boundaries, population, Indians and various other topics. In addition to these items, it contained a "Digest of the Laws of Louisiana," containing a section of "Police of Slaves" that outlined, in great detail, a harsh slave code. The digest had been drafted by the Spanish authorities in 1795, and was apparently in force at the time the United States purchased the territory. Since the act, subsequently passed by Congress, providing for a temporary government in Louisiana continued the laws in force at that time—unless inconsistent with the act's provisions—most of the slave code was adopted.


Senate debate on the question of slavery in Louisiana began on January 24, 1804. Two days later, James Hillhouse, a Federalist from Connecticut, moved to prohibit the importation of slaves into the territory from foreign nations. The motion passed easily by a vote of twenty-one to six. On Monday, January 30, the Senate resumed the second reading of the bill. Hillhouse quickly proposed an amendment providing that no male slave after reaching the age of twenty-one, or female slave after attaining the age of eighteen, could be held in bondage for more than one year after being brought into the territory. This could have been a momentous occasion. The Senate had before it a motion that in effect would have banned slavery from all the territory west of the Mississippi River. In a close vote, the motion failed, eleven for to seventeen against. Hillhouse immediately moved to prohibit the admission into Louisiana of any slave brought into the United States after May 1, 1798.


the date Georgia ended its slave trade (Georgia being the last of the original states to pass such a law), South Carolina had reopened its foreign slave trade after 1798, thus, necessitating Hillhouse's last motion. The motion carried overwhelmingly, twenty-one to seven.70

On February 1, 1804, the Senate placed a third limitation on the importation of slaves into the Louisiana Territory. By a vote of eighteen to eleven, it restricted slave imports to United States citizens who were bona fide owners.71 The House left the slavery provisions intact, and the bill providing a temporary government, including the prohibitions on slave importations, was approved by the lower chamber on March 26, 1804.72

The new law provoked a strong negative response from United States citizens who had migrated to the Orleans Territory. Other than the great displeasure with the absence of self-government for the territory's inhabitants, one of the principal grievances concerned the prohibition of the slave trade. According to

70 Ibid.; Plumer, "Senate Debate on Louisiana," appendix to Brown, Louisiana Purchase, p. 221; Malone, Jefferson the President, p. 354n.

71 Senate, Annals of Congress, 8th Cong., 1st sess., 1804, p. 244.

72 Appendix, ibid., pp. 1293-1300. The act divided Louisiana into two territories and provided a government for the southern part, which it named the Territory of Orleans. The northern part, called the District of Louisiana, was attached, for governmental purposes, to the Indiana Territory.
William C. C. Claiborne, governor of the Orleans Territory, the leaders of the opposition were Americans motivated by self-interest. Claiborne named Edward Livingston, a former New York district attorney, and the American Consul, Daniel Clark, as the major individuals behind the complaints. 73

In any case, the disenchanted inhabitants forwarded a document to Congress in 1804, entitled "Remonstrance of the People of Louisiana." They found prohibition of the slave trade "extremely interesting" since the type of labor needed in the territory could best be done by blacks. Blacks were able "to resist," the document said, "the combined effects of a deleterious moisture, and a degree of heat intolerable to whites." 74

The "Remonstrance" prodded Congress into action. On March 1, 1805, the Senate passed an act providing a greater degree of self-government for the territory of Orleans. 75 House approval followed the next day. 76 The new act became law on March 2, 1805. The section in the old law prohibiting the slave trade, however, was not removed. 77

73 Malone, Jefferson the President, p. 358.
75 Senate, ibid., p. 69.
76 House, ibid., p. 1215.
77 Appendix, ibid., pp. 1674-76.
For his part in allowing slavery in the Louisiana Territory, Jefferson has been called the "father of slavery in Louisiana." This view oversimplifies matters; especially if it intends to convey the idea that Jefferson wanted to create new slave states for the benefit of slaveholders. As the debates and votes on the governmental bill indicate, there was insufficient support in Congress to abolish slavery in the area. As the "Remonstrance" indicated, the abolition of slavery in Louisiana may well have jeopardized the territory's future. It is possible, also, that Jefferson then believed that the diffusion of slaves already in the nation, when coupled with prohibitions on their increase from foreign trade, would in the long run weaken rather than strengthen slavery. He admitted in 1805 that he no longer expected "any early provision for the extinquishment of slavery." He thought, however, that the declining value of slaves and the increasing burden slavery placed on masters might, when "goaded from time to time by the insurrectionary spirit of the slaves," produce emancipation.

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79 The idea that Jefferson had begun to embrace diffusion as a means to weakening slavery at this early date is suggested in Malone, *Jefferson the President*, pp. 354-55n.


81 Ibid., pp. 340-41.
As the time approached when Congress could exercise its constitutional authority to abolish the foreign slave trade, Jefferson urged the lawmakers to use the opportunity. By ending the nation's "participation in those violations of human rights" suffered by blacks, he wrote, Congress would effect what "the morality, the reputation, and the best interests of our country" had long prescribed. Congress responded with an act ending the traffic of human cargoes. The last hurdle was cleared when the House accepted a conference committee report. Congress passed the bill on March 2, 1807.

This act, important as a long-term measure in weakening slavery, failed to end all importations of blacks. Unscrupulous men continued the importation of blacks illegally. Estimates as to the number of blacks smuggled into the country after 1808 range from an annual average of 5,650 to a more realistic average of 1,000. Some measure of the law's effectiveness becomes apparent when compared with import statistics prior to January 1, 1808, when the statute became effective. South Carolina, for example, legally imported 10,000 blacks annually between 1803 and 1808. Undoubtedly, the national prohibition saved many African blacks from enslavement, especially on plantations in the Southwest. Probably

82 Ibid., p. 492.

the law indirectly helped blacks already enslaved. The
major migration to the old Southwest began after 1808;
consequently, the tendency to "use up" slaves was
lessened because the restriction forced slave prices
to remain high. Thus, it takes little imagination to
realize that slavery could have been much harsher had
additional thousands of African blacks been available.
The law affected, also, the political balance between
the two sections of the country. With additional
thousands of slaves, the three-fifths clause would have
given the South more representation in the House. In
the long run, the non-importation law complemented the
Northwest Ordinance and northern abolitionism by helping
restrict slavery, for the main part, to the South.\textsuperscript{84}

Jefferson expressed his pleasure that Congress passed
the law in a letter to representatives of the Society of
Friends. He wrote:

Whatever may have been the circumstances which
influenced our forefathers to permit the intro-
duction of personal bondage . . . we may rejoice
that such circumstances, and such a sense of
them, exist no longer. . . . [and] pray . . .
that all members of the human family may, in

\textsuperscript{84} Freehling, "The Founding Fathers and Slavery," pp.
88-89; Philip D. Curtin, The Atlantic Slave Trade: A
Census (Madison: University of Wisconsin Press, 1969),
pp. 74-75, 88-89; Marshall Smelser, The Democratic
Republic, 1801-1815, New American Nation Series (New

When Jefferson completed his second term in 1809, he must have felt some satisfaction that the foreign slave trade had been abolished during his administration.

Following his retirement from public office, Jefferson wrote sparingly about slavery until the Missouri controversy erupted in 1819. He continued to show, however, a limited interest in colonizing blacks outside the United States. In 1811, he indicated his approval of a proposition to colonize blacks in Africa. Although he realized that most whites probably were not prepared to undertake such a plan, Jefferson wished "that the United States would themselves undertake to make such an establishment on the coast of Africa."\footnote{Jefferson to John Lynch, 21 January 1811, Ford, ed., \textit{Jefferson Writings}, 9:303-04. See also, Jefferson to Doctor Thomas Humphreys, 8 February 1817, ibid., 10:76-77.}

Even after retiring from public office, Jefferson refused to participate formally in the activities of antislavery organizations. In responding to a request that he assume leadership of the antislavery movement, Jefferson declared that to be an enterprise for younger men who could follow it through to the end. He restated his
belief that both blacks and whites, and thus the nation, would suffer from wholesale emancipation unless more could be "done for them" before they received freedom. Even then, black expatriation should follow. Critical of his generation for its failure to effect emancipation, he still remained convinced that it was imminent. "It will come; and whether brought on by the generous energy of our own minds;" he wrote, "or by the bloody process of St. Domingo, . . . [it] is a leaf of our history not yet turned over."87 Jefferson advised that the "unfortunate" situation had to be accepted as it existed. To rid the nation of slavery, young men should enter the "public councils" and work steadily but cautiously toward that end; seeking always to influence others through their writings and conversations.88

Jefferson's advice as how to best approach emancipation closely resembled the methods he had employed throughout his life. He had always refused to demonstrate publically--outside the chambers of public office--against slavery. In 1788, he refused an invitation to join a French society for the abolition of the slave trade. He replied that it would have been inappropriate for him, as a public servant, to make "too public a demonstration" of his wishes.89

88 Ibid., p. 479.
rejecting a request for his endorsement of an antislavery poem, in 1805, Jefferson said that he had always avoided public acts and manifestations relating to emancipation. 

Despite his continual warnings that slavery, in one way or another, had endangered the Union, the Missouri crisis hit Jefferson hard. It awakened him "like a firebell in the night" and filled him with terror. Although passive at that moment, he feared it would eventually prove "the knell of the Union." The division of the nation along "a geographical line" would produce, in this particular situation, an annoyance that would deepen with time. Apparently, Jefferson viewed the future of slavery with less optimism than he did in 1784, when he had proposed a similar line in his governmental plan for the western territory. Obviously, many situations had changed, including his position on diffusion of slavery. Jefferson poignantly summed up his travail when he noted that the nation was caught between justice and self-preservation. With great feeling, he declared his regret at the prospect of dying

in the belief, that the useless sacrifice of themselves by the generation of 1776, to acquire self-government and happiness in their country, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I live not to weep over it.

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90 Jefferson to Dr. George Logan, 11 May 1805, Ford, ed., Jefferson Writings, 8:351-52.

The Missouri controversy continued to command Jefferson's attention for the next couple of years. In a burst of political partisanship, he described the Missouri question as a trick of the Federalist party. The Federalists, he believed, sought "a division of parties by a geographical line" because they could obtain power in no other way. Jefferson thought that Federalists who were attempting to exploit a geographical division along party lines, were hindering the eventual demise of slavery. "All know that permitting the slaves of the South to spread into the West," he wrote, "will not add one being to that unfortunate condition, ... and by spreading them over a larger surface, will dilute the evil everywhere," and thus hasten its end. Jefferson's malaise caused his old fears of slave and racial warfare to reappear. He inquired: "Are our slaves to be presented with freedom and a dagger? For if Congress has a power to regulate the conditions of the inhabitants of the states, within the states it will be but another exercise of that power to declare that all shall be free."


Jefferson's adoption of the diffusion argument represented a profound change in his approach to the abolition of slavery. In 1784, he had attempted to restrict the institution to the areas in which it existed at that time. In 1820, he advocated its spread as the best means to end slavery eventually. Jefferson never explained the reasons for this change, and it is exceedingly difficult to understand, even when viewed in the context of the different circumstances under which the two proposals were developed. When Jefferson proposed restriction as the best means of effecting the eventual abolition of slavery, the ideological influence of the Revolution was paramount. A realistic prospect for the end of slavery appeared bright. Jefferson had reason to be optimistic. Moreover, his idea of expatriation was still a viable position. During the next forty years, however, the prospects of abolishing slavery and relocating the freedmen grew dim, and the optimism of the 1780's eroded away. By 1820, faced with a situation which threatened his beloved Union, Jefferson groped for a new solution. The best he could produce was a stop-gap measure. Ignoring the natural increase of slaves already in the United States, he deluded himself into believing that a measure, which would only temporarily reduce the threat of disunion, could effect the demise of slavery.

As the quarrels over Missouri subsided, Jefferson's remarks on slavery reflected earlier thoughts. In 1824,
he wrote to historian Jared Sparks concerning an article on African colonization of blacks that had appeared in the *North American Review*, a leading periodical edited by Sparks. Black children should be emancipated at birth and left "with their mothers," Jefferson wrote, "until their services are worth their maintenance, and then putting them to industrious occupations, until a proper age for deportation." In making this proposal, Jefferson was restating the plan first enunciated in "Query XIV" of the *Notes on Virginia* almost forty-five years earlier. In the *Notes*, Jefferson had not specified a place to which emancipated blacks could be deported. Since then, however, Santo Domingo had become independent, and Jefferson believed that it would be more practical to send blacks there than to Africa, as Spark's had proposed. The leader of Santo Domingo, Jefferson recalled, had offered to bear the cost of transporting blacks from the United States to his country, to grant blacks citizenship, and to provide them with jobs. The moderate expense of caring for young blacks until they were old enough to migrate could be offset by the national government, he suggested, through the sale of public lands. In advocating national deferment of expenses incurred by slaveholders, Jefferson abandoned his earlier position that the states should pay the costs of relocating blacks. Jefferson warned, however,

that the plan should be made operative soon, lest the nation be faced eventually with "one million . . . fighting men" saying "we will not go." 96

Jefferson foresaw two possible objections to his plan. The first, a constitutional argument, could be refuted by arguing that the desirability of relocation justified "a liberal construction." And if necessary, the Constitution could be amended. Also, there would be some humanitarian objections to the separation of infants from their mothers. He dismissed the latter objection as "straining at a gnat, and swallowing a camel." 97

The following year, Jefferson wrote to Frances Wright expressing approval of her experiment with the Nashoba, Tennessee, settlement. In 1825, Wright had organized this community for whites and blacks to teach slaves to handle problems they would encounter as freedmen. Her plan, he wrote, should be given an opportunity to succeed. Abolition was possible, and people should remain optimistic. "Every plan should be adopted," Jefferson declared, "every experiment tried, which may do something towards the ultimate object." 98

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96 Ibid., pp. 291-92. For an example of Jefferson's earlier belief that the states would pay the costs of resettling blacks, see Jefferson to Monroe, 24 November 1801, ibid., 8:104.

97 Jefferson to Sparks, 4 February 1824, ibid., 10:292.

98 Jefferson to Wright, 7 August 1825, ibid., p. 344.
On March 16 and 17, 1826, Jefferson wrote his last will and testament. It emancipated five of his slaves and requested of the Virginia legislature "a confirmation of the bequest of freedom to these servants." Jefferson's debt-ridden estate and the laws of Virginia allowed him to do no more.

He died on July 4, 1826, dismayed at the failure of his generation to end slavery but safe from the knowledge of its ultimate consequence.

CHAPTER VI

JEFFERSON AND SLAVERY: A CONCLUSION

Throughout the history of American slavery and abolitionist activities Jefferson was a key figure. Because he so clearly and fervently denounced slavery as inconsistent with natural rights and the ideology of the Revolution, he has been hailed by many as a champion of equality. On the other hand, Jefferson owned many slaves during his lifetime, and he freed only seven, five of these being emancipated through his will. This fact has made him vulnerable to attacks from modern historians. The critics have oversimplified and distorted matters relating to slavery as they applied to Jefferson and his time. Slavery during his lifetime was not the dramatic issue that it has been made out to be.

The major passion of Jefferson's generation was the establishment of a sound Union for whites, based on general principles of republicanism. Specifically, for Jefferson, this meant the establishment of a nation for

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self-governing, self-sufficient white farmers. In his *Notes on Virginia*, Jefferson declared that "those who labor in the earth are the chosen people of God if ever he had a chosen people."  

2 The Creator had deposited in these people, to a greater extent than in any other group, a large amount of true virtue. Looking back through the ages for evidence of the farmer's virtues, Jefferson concluded that "corruption of morals in the mass of cultivators is a phenomenon of which no age nor nation has furnished an example."  

3 The "cultivators of the earth are the most valuable citizens," he wrote. "They are the most vigorous, the most independent, the most virtuous, and they are tied to their country and wedded to its liberty and interests by the most lasting bonds."  

4 Jefferson believed that the United States provided white men with a unique opportunity to acquire and work land or pursue any other occupation which provided an excellent choice to make a comfortable living. All men who lived under such favorable circumstances, he thought, could be trusted to maintain law and order, control political affairs, and enjoy a high degree of freedom.  


3 Ibid., p. 165.  


Jefferson's advocacy of agrarianism stemmed from conviction and not political expediency. He believed that a nation of farmers would best serve America's political and social order. He insisted that once men had a propertied interest in society they would develop a corresponding interest in maintaining the advantages that self-government provided. The future of the United States, then, as Jefferson envisioned it, would be based upon a propertied class with a seemingly endless supply of land.

Blacks did not fit into his scheme. Suspecting they were inferior, Jefferson could not visualize them becoming effective farmers. Even if events proved their mental equality, he doubted that they could be integrated into a white society. The conditions of slavery, he feared, had produced too much hatred in blacks and too many lingering prejudices in whites. To attempt assimilation under these circumstances would result in a race war that would end in the destruction of one race. On the other hand, to keep blacks enslaved would lead to continual insurrection.

With his usually creative mind paralyzed by the conflict of his racial fears and his philosophy, Jefferson could foresee only one solution to the problem—emancipation.

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6 Hofstadter, *American Political Tradition*, p. 3.
and deportation of blacks. When these goals proved out of reach, he retreated.

Jefferson was never a vocal antislavery advocate. He possessed neither the temperament nor moral outrage necessary to be an aggressive public leader. Jefferson could privately encourage emancipation. He could draft laws providing gradual emancipation, but he could not publically lead a cause that might jeopardize his effectiveness in working to establish his concept of a republican utopia in the United States. Within these bounds, he had too little concern for black freedom to risk himself and his dream. However, in any long-run view of the process which ended slavery in the United States, the figure of Jefferson looms large among Americans of the late eighteenth and early nineteenth centuries.

In Revolutionary America, Jefferson was the only significant political figure who openly attacked slavery by proposing legislation to curtail the institution. His plan in 1784, providing for the abolition of slavery in the western territory, laid the foundation for the Northwest Ordinance. His leadership in ending the importation of slaves into Virginia, and his proposed constitutions in 1776 and 1783, containing sections for the gradual

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8 Peterson, Jefferson and the New Nation, pp. 999-1000.
abolition of slavery, all testify to the sincerity of his antislavery convictions.

Jefferson's refusal to push harder for emancipation—to risk all, including his political career—led him to pursue a course that he hoped would placate both the antislavery and proslavery forces until the time came when slavery would no longer be a necessary evil. This position suggests that Jefferson believed his generation could not preserve the Union and achieve abolition peacefully. Consequently, he attempted to weaken slavery when and where he could without jeopardizing the nation; thus, making it easier for the next generation, "sucked in the principles of liberty," to effect emancipation. When the Missouri controversy magnified the younger generation's failure to provide a solution, Jefferson despaired but avoided facing the issue squarely.

It was unlikely that Jefferson's generation could have effected abolition without risking the Union. It seems probable, however, that in the years before the voices of extremists commanded the nation's attention, convincing each side of its own righteousness and of the other's depravity, hostilities would have been milder than the blood bath of the 1860's. Jefferson died realizing his failure, but he was spared the horror of its ultimate consequence.
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