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Thomas Jefferson: Slavery, Education, and the Public Mind

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Chapter One:

Historiography

“The public mind would not yet bear the proposition,” Thomas Jefferson had reflected over his failure to propose Bill 51.¹ This quote from Jefferson’s autobiography summarizes all his antislavery attempts throughout his life. However, when Jefferson refers to this ‘public mind’, who is he referring to? In this context, it primarily refers to the prevailing sentiment, attitudes, and beliefs of the society in Virginia at the time. It is important to recognize that the “public mind” encompassed a range of perspectives, but Virginia was primarily made up of a slave-owning class during Jefferson’s life. Thus, when Jefferson speaks of the “public mind” he is speaking of the southern slave owners. Each of his verbal lashings against slavery were often met with support, but whenever these words were attempted to be placed into formal writings, there was always significant push back from this ‘the public mind.’ Many of the political and economic aristocrats in Virginia were indeed slaveholders, and the institution of slavery was deeply ingrained in the state's economy and society. Jefferson's acknowledgment of the “public mind” not bearing the proposition of emancipation highlights the societal reluctance to make significant changes to the institution of slavery. For example, Jefferson’s case for the escaped slave Samuel Howell was thrown out of court when he boldly invoked natural rights, declaring “under the law of nature, all men are born free, every one comes into the world with a right to his own person, which includes the liberty of moving and using it at his own will. This is what is called personal liberty, and is given him by the author of nature, because necessary for his own sustenance.”²

¹ Thomas Jefferson, *Autobiography*, 51.

² Paul Leicester Ford, ed., *The Writings of Thomas Jefferson* (New York: G. P. Putnam’s Sons, 1892), 1:373–381.

When he was in the House of Burgess, he seconded a motion by his elder cousin, the respectable Richard Bland, to present a bill that returned the right of the individual owners to manumit their slaves. This motion was met with disdain, and Bland was “denounced as an enemy to his country and was treated with the grossest indecorum.”³ Then, when Jefferson presented his draft of the Declaration of Independence, Jefferson’s paragraph condemning the King for slavery was removed by the other delegates: the northerners who benefited financially from the slave trade and the aristocratic southerners who did not wish to condemn the institution in such harsh language; again, defeated by the ‘public mind.’⁴ Arguably, Jefferson’s greatest anti-slavery proposal was his *Report of a Plan of Government for the Western Territory*, which would allow western territories to enter the Union as states; they would do so on equal footing with the original states.⁵ This proposal, following the acceptance of Virginia's cession of its western territory, would not only ban slavery north of the Ohio river but south of it as well.⁶ Jefferson’s proposal failed by one vote, and he bitterly wrote to his friend, Jean Nicolas

Demeunier:

³ Thomas Jefferson to Edward Coles, August 25, 1814. See also Dumas Malone, “Jefferson the Virginian,” in *Jefferson and His Time* (Boston: Little, Brown & Co., 1948), 1:134; Richard K. MacMaster, “Arthur Lee’s ‘Address on Slavery’: An Aspect of Virginia’s Struggle to End the Slave Trade, 1765–1774,” *Virginia Magazine of History and Biography* 80, no. 2 (April 1972): 149; Thomas Jefferson, *Autobiography of Thomas Jefferson*, ed. Ford, 7. While the bill cannot be located within the Burgesses’ records, it was common for bills not to be reported if they failed to pass.

⁴ Thomas Jefferson, *Autobiography*. There is a division in the scholarship as to the true reason for the removal of the final paragraph. Peter Onuf agrees with more critical scholars that Jefferson’s language was impassioned but points out that “Jefferson’s rhetoric accurately registered his own complicated sense of the dilemmas that independence would both resolve and precipitate. For Jefferson was not only declaring a state of war between the British and American nations, but he was also acknowledging the nationhood of enslaved Africans and the legitimacy of their claims to freedom and independence.” See Onuf, “To declare them a free and equal people,” 12. See also Ari Helo, *Thomas Jefferson’s Ethics and the Politics of Human Progress: The Morality of a Slaveholder* (New York: Cambridge University Press, 2014), 160; and Eric Slauter, “The Declaration of Independence and the New Nation,” in *The Cambridge Companion to Thomas Jefferson*, ed. Frank Shuffelton (New York: Cambridge University Press, 2008), 22.

⁵ Julian P. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton: Princeton University Press, 1950), 6:582; Malone, “Jefferson the Virginian,” 412; Francis S. Philbrick, *The Rise of the West, 1754-1830, New American Nation Series* (New York: Harper & Row, Harper Torchbooks, 1965), 127.

⁶ William Merkel, "Jefferson's Failed Anti-Slavery Proviso of 1784 and the Nascence of Free-Soil Constitutionalism," *Seton Hall Law Review* 38, no. 2, (2008).

voice of a single individual of the state, which was divided, or of one of those which were of the negative, would have prevented this abominable crime from spreading itself over the new country. Thus, we see the fate of millions unborn hanging on the tongue of one man, and Heaven was silent in that awful moment.⁷

Jefferson was once again defeated by the public mind. So, the question becomes, if Jefferson could not defeat the public mind, could he change it? Jefferson realized that the public mind could not be changed overnight, especially by force, arguing that “[a]ny premature effort to interfere with the institution would violate the fundamental rights of free citizens and jeopardize the progress of the community as a whole toward a more enlightened understanding of its true collective interests.”⁸ Therefore, for the public to embrace emancipation, it must be the right time, and they must be educated. This is one of the reasons Jefferson found his 1778 *Bill for the More General Diffusion of Knowledge* to be so important. It was not just simply an educational bill; it was designed to be the first step necessary for the restructuring of Virginia’s aristocracy into a meritocracy.

Jefferson believed that leaders “should be rendered by liberal education worthy to receive, and able to guard the sacred deposit of the rights and liberties of their fellow citizens”; “they should be called to that charge without regard to wealth, birth or other accidental condition or circumstance.” And from there, they will be educated in not only reading, writing, and arithmetic but also moral principles.⁹ The leaders Jefferson sought were his natural aristocrats, unlike the ‘artificial aristocracy’ that was “founded on wealth and birth, without either virtue or talents; for with these it would belong to the first class.”¹⁰ With the public mind guided by a

⁷ Jefferson to Jean Nicolas Demeunier, June 22, 1786.

⁸ Ari Helo and Peter Onuf, “Jefferson, Morality, and the Problem of Slavery,” *The William and Mary Quarterly* 60, no. 3 (2003): 586.

⁹ “A Bill for the More General Profusion of Knowledge,” in *Papers*, eds. Oberg and Looney.

¹⁰ Jefferson to John Adams, October 28, 1813.

natural aristocracy that values justice and virtue and are, thus, enlightened, they could now bear a proposition of emancipation.

Restrained by the beliefs of his generation, Jefferson, in his retirement, looked to the next generation of Virginians as the one that might champion the emancipation movement. These young men “have sucked in the principles of liberty,” he wrote to Richard Price, “as it were with their mother's milk, and it is to them I look with anxiety to turn the fate of this question.”¹¹ Here, Jefferson looked to his own educational experience at William and Mary that he received at the hands of George Wythe. This inspiration was a foundational piece in the creation of the University of Virginia (UVA). Jefferson declared the objective of his university was to “instruct the mass of our citizens in these their rights interests and duties as men and citizens.”

In more precise verbiage, Jefferson envisioned UVA to “form statesmen, legislators, and judges” and to “expound the principles and structure of government.” These future statesmen, the natural aristocrats, were expected “to harmonize and promote the interests of agriculture manufactures and commerce.”¹² When the views on slavery of the original Board of Visitors and the first professors are analyzed, it is clear there was an unofficial anti-slavery sentiment floating around the University. However, like all of Jefferson’s previous attempts towards slavery, the institution providing enlightenment for the student body meant to compose the natural aristocrats corrupted the staff and, arguably, the students.

Jefferson’s battle with the ‘public mind’ has followed his legacy from the beginning. There is a multitude of intellectual historical schools of thought regarding Jefferson and his paradoxical beliefs about slavery. Within the lens of slavery, there have been several schools of thought regarding Jefferson and slavery, each at war with another over the multiple characters of

¹¹ Jefferson to Richard Price, August 7, 1785.

¹² An accessible copy of the Report is published in the Peterson’s *Jefferson Writings*, 457-476.

Jefferson.¹³ Jefferson's legacy following his death in 1826 until the time of the American Civil War in 1865 was depicted positively by both pro and anti-slavery promulgators who sought to use the founder's beliefs to support their own causes.¹⁴ Abraham Lincoln wrote in 1859: "All honor to Jefferson...who... had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times."¹⁵ Concurrently, Confederates also invoked Jefferson, highlighting his adverse opinions of African Americans—not freeing his own slaves, and his staunch support of slaveholders' rights during the Missouri Crisis of 1819.¹⁶ As Sydney Hook concluded, Jefferson's legacy "gives the lecturer almost carte blanche to take his point of departure from almost any current discipline or fundamental human problem."¹⁷

However, following the end of the Civil War, Jefferson's reputation deteriorated as critics emphasized his role in developing the sectional tensions that created the war. Furthermore, his lack of substantial actions against the institution of slavery itself was highlighted, with abolitionist Moncure Conway proclaiming, "Never did a man achieve more fame for what he did not do."¹⁸ Still, Jefferson's reputation would recover during the late 1920s as the financial factors of the Great Depression brought to light the extremes of the market forces that Jefferson opposed during the formation of the United States.¹⁹ His popularity continued to surge during Franklin D. Roosevelt's administration, as "by 1943 Jefferson had come to embody America itself."²⁰

¹³ Merrill D. Peterson, *The Jefferson Image in the American Mind* (United States: Thomas Jefferson Memorial Foundation, 1998), 445.

¹⁴ Francis Cogliano, *Thomas Jefferson: Reputation and Legacy* (Edinburgh University Press, 2006), 4.

¹⁵ Frank Shuffelton, *The Cambridge Companion to Thomas Jefferson* (Cambridge: Cambridge University Press, 2009), 4.

¹⁶ Shuffelton, *The Cambridge Companion*, 4.

¹⁷ Sidney Hook, *The Paradoxes of Freedom* (University of California Press, 1962), 7.

¹⁸ Henry Wiencek, *Master of the Mountain: Thomas Jefferson and his Slaves* (New York: Farrar, Straus and Giroux, 2012), 7.

¹⁹ Cogliano, *Thomas Jefferson*, 5.

²⁰ Cogliano, 6.

Historians portrayed Jefferson as a symbol of freedom, equality, and universal rights. He was someone who was “disturbed by slavery.”²¹ Soon, many began to embrace the writing of James Parton, “If Jefferson was wrong, America is wrong. If America is right, Jefferson was right.”²²

The positivity of Jefferson’s legacy continued and bled into his association with slavery. This complimentary evaluation of Jefferson was promulgated by arguably one of the most influential Jeffersonian historians, Merrill D. Peterson. Peterson’s most notable works are *The Jefferson Image in the American Mind* (1960) and *Thomas Jefferson and the New Nation* (1970). In *The Jefferson Image*, Peterson contends that “No other words from his pen, or perhaps from any pen, were often quoted as gospel by anti-slavery” than Jefferson’s denunciation of slavery in *Notes on the State of Virginia*.²³ Peterson wrote extensively on the historiography of Jefferson and contends that Jefferson was as polarizing 200 years ago as he is today, with both abolitionists and proslavery partisans pointing to his writings and actions to both vilify and justify their positions.²⁴ Peterson claims that Jeffersonian republicanism morphed into Jacksonian democracy during the Antebellum Era when the Whigs claimed Jefferson to be nationalist in favor of the “American System” while simultaneously the states’ rights supporters viewed him as the father of nullification.²⁵

Peterson argues that the true Jefferson has been lost as the various fragments of his mind were parceled out among bitter antagonists and legacies of discord were laid to him.²⁶ He elaborates on the complexity of Jefferson within *Thomas Jefferson and the New Nation*, believing that Jefferson was inarticulate about the processes of thought that he conducted during

²¹ Robert C. Parkinson, “First from the Right,” *Virginia Magazine of History and Biography* 112 (2004): 3.

²² James Parton, *Life of Thomas Jefferson* (Boston: James R. Osgood and Company, 1874), 3:165.

²³ Peterson, *The Jefferson Image*, 48.

²⁴ *Ibid.*, 54.

²⁵ *Ibid.*, 63.

²⁶ *Ibid.*, 188-198.

the revolutionary event, arguing that Jefferson might not have understood them himself.²⁷ Yet, Peterson proclaimed that “all of Jefferson’s values and goals dictated the extermination of slavery.”²⁸ But the issue with Jefferson and his legacy is his relationship with the image of America. As the author of the Declaration of Independence, that document represents what America ought to be. Peterson concludes: “tamper with Jefferson, and you tamper with that image.”²⁹

Those who express similar views as Peterson are collectively labeled as “emancipationist historians” by Francis Cogliano.³⁰ James Curtis Ballagh presented an excellent illustration of this positive outlook of Jefferson, proclaiming, “It was Jefferson who first gave effective and forcible expression to” anti-slavery sentiments in his native state.³¹ Ballagh would take this a step further by proclaiming that Jefferson was more progressive than any other Revolutionary statesman, commenting that “Madison, Washington, and Henry were more conservative” on the issue of slavery than the Sage of Monticello.³² Likewise, Ulrich Phillips commended Jefferson’s *Notes on Virginia* for containing “phrases afterward classic among abolitionists” in 1923.³³

The positive interpretation of the emancipationist continued into the second half of the twentieth century, with historian Dumas Malone asserting that Jefferson “was in advance of predominant opinion in his state on the question of slavery” in 1967.³⁴ Malone, the leading

²⁷ Merrill D. Peterson, *Thomas Jefferson and the New Nation: A Biography* (United Kingdom: Oxford University Press, 1986), 45.

²⁸ Peterson, *Thomas Jefferson*, 998.

²⁹ Peterson, *The Jefferson Image*, 447.

³⁰ Cogliano, *Thomas Jefferson*, 210.

³¹ James Curtis Ballagh, *A History of Slavery in Virginia* (Baltimore: John Hopkins Press, 1902), 128.

³² Ballagh, *A History of Slavery*, 130.

³³ Ulrich Phillips, *American Negro Slavery: A Slavery of the Supply, Employment and Control of Negro Labor as Determined by the Plantation Regime – 2nd ed.* (Baton Rouge: Louisiana State University Press, 1966) 123; Peterson, *The Jefferson Image in the American Mind* (United States: Thomas Jefferson Memorial Foundation, 1998), 188-189.

³⁴ Dumas Malone, “Mr. Jefferson and the Traditions of Virginia,” *The Virginia Magazine of History and Biography* 75, no. 2 (April 1967): 137.

Jefferson scholar of the postwar era, did little to hide his admiration for Jefferson, who he believed was a courageous proponent of change, championing states' rights to safeguard freedom of expression rather than supporting slavery or racial domination. "There can be no question of the liberalism of the mind of Jefferson," Malone wrote. "In his own day, he was often described as a revolutionary, and his record of opposition to the vested interests of his time is clear."³⁵

Malone and Peterson would become the foremost speakers of the emancipationist interpretation of Jefferson, with Peterson's *Thomas Jefferson and the New Nation* (1970) claiming that 'No abolitionist of later time ever cried out more prophetically against slavery' than Jefferson had in *Notes on Virginia*, and even taking it a step further by surmising that 'a gradual emancipation' had been Jefferson's 'cherished goal' in life.³⁶

However, there was a shift in scholarship in the 1960s as historians began to question the sincerity of Jefferson and his anti-slavery beliefs. Jefferson was dubbed the 'patron saint of American hypocrisy,' a title that his legacy has yet to recover from.³⁷ Gordon S. Wood noted that "[d]uring the past three decades or so, many people, including some historians, have concluded that something was seriously wrong with America. And if something is wrong with America, then something has to be wrong with Jefferson."³⁸ Jefferson's legacy crumbled so much that historian William G. Merkel contended that "more than a few working historians... appear to dislike Jefferson more intensely than most of us dislike anyone actually living."³⁹

The first crushing blow to Jefferson's legacy came from Winthrop Jordan's analysis of racial prejudice in America, *White Over Black* (1968). Jordan's work provided the framework

³⁵ Dumas Malone, "The Jefferson Faith," *Saturday Review* 26 (April 13, 1943): 6.

³⁶ Peterson, *Thomas Jefferson*, 70.

³⁷ Cogliano, *Thomas Jefferson*, 7.

³⁸ Gordon S. Wood, "The Trials and Tribulations of Thomas Jefferson," in *Jeffersonian Legacies*, ed. Onuf, 395.

³⁹ William G. Merkel, "To See Oneself as a Target of a Justified Revolution: Thomas Jefferson and Gabriel's Uprising," *American Nineteenth Century History* 4, no. 2 (Summer 2003): 1.

that much modern research still builds upon. Jordan contended that while Jefferson may have had a disdain for slavery, he did believe that Negroes were inferior to white men. Jordan, in a unique examination at the time, analyzed the predicament almost entirely on Jefferson's emotions, his ideas, and the conflict within Jefferson over the paradoxical predispositions. Jordan observed that Jefferson was "intellectually trapped by American slavery... While his political theory and indeed his entire worldview declared slavery to be wrong, Jefferson's social views greatly complicated and compromised his thinking about the institution."⁴⁰

Due to Jefferson's understanding of the creation of the universe as a single creation ruled by natural law, Negroes, by default, are entitled to natural rights as human beings, which he recognized. However, he also held the belief that blacks were biologically inferior. Because of this assessment, Jordan argues, Jefferson must have "suspected that the Creator might have in fact created men unequal; and he could not say this without giving his assertion exactly the same logical force as his famous statement to the contrary."⁴¹ Jordan's interpretation of Jefferson was the "sounding board for his culture" through his analysis of Jefferson's comments on race and slavery in his work, *Notes*.⁴² Jordan's work launched a new crusade against Jefferson, with these new historians being labeled "revisionists" by Francis Cogliano.⁴³

⁴⁰ Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill, 1968), 375.

⁴¹ Jordan, *White Over Black*, 453.

⁴² *Ibid.*, 427.

⁴³ Cogliano, *Thomas Jefferson*. In this school of thought, revisionist historians include Garry Wills, William Cohen, Tim Matthewson, Henry Wienek, Gordon Wood, and Roger G. Kennedy. See William Cohen, "Thomas Jefferson and the Problem of Slavery," *Journal of American History* 56 (1969-70): 503-26; D. B. Davis, *Was Thomas Jefferson an Authentic Enemy of Slavery?* An Inaugural Lecture delivered before the University of Oxford on 18 February 1970 (Oxford, 1970); Davis, *Slavery in the Age of Revolution*, esp. 166-84; Winthrop D. Jordan, *White over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill, 1968); Robert McColley, *Slavery and Jeffersonian Virginia* (Urbana, 1964); Garry Wills, "The Aesthete," *New York Review of Books* 40 (August 12, 1993); William W. Freehling, *The Road to Disunion, vol. 1: Secessionists at Bay, 1776-1854* (New York, Oxford, and Toronto, 1990). In his book, Freehling completely reverses his earlier apologetic view of Jefferson in "The Founding Fathers and Slavery," *American Historical Review* 77 (1972): 81-93. Miller, for all his attacks on Jefferson, was never able completely to accept that Jefferson was not somehow, in some way, a secret abolitionist.

The revisionist historians heavily criticized Jefferson not only for being a slave owner but also a benefactor of the entire institution. David Brion Davis wrote, “After his return to America” in late 1789, “the most remarkable thing about Jefferson’s stance on slavery is his immense silence.”⁴⁴ Davis was particularly critical of Jefferson’s refusal to publicly support the Virginia Abolition Society or any anti-slavery group, declaring that “If the great father of democracy had refrained from giving public voice to his convictions, how could lesser men presume superior wisdom?”⁴⁵ Henry Wiencek argues that the general problem vexing historians in the present springs from the founding itself: “how is it that the nation—conceived in liberty and dedicated to the proposition that all men are created equal—preserved slavery?”⁴⁶ Wiencek believed that most slave owners, such as Jefferson, procrastinated and temporized when any discussion of abolition came up and, in fact, fought hard at the revolution's end to ensure slaves who ran away to the British returned to them.⁴⁷ Roger Kennedy supplements this, contending that plantation owners such as Madison and Jefferson used plantation agriculture, with its dependence on slavery, as key to limiting industrialization.⁴⁸ Kennedy did not attempt to sugar coat Jefferson’s role in sacrificing black’s inalienable right to liberty in favor of political stability and American life based on exchanging agricultural goods for European manufactures.

Additionally, William Cohen also went after Jefferson’s declining opposition against slavery following 1785.⁴⁹ Cohen argues that it was Jefferson’s self-interest that largely shaped

⁴⁴ David Brion Davis, *The Problem of Slavery in the Age of Revolution 1770-1823* (Cornell University Press, 1975), 179.

⁴⁵ Davis, *The Problem of Slavery*, 176.

⁴⁶ Henry Wiencek, *An Imperfect God: George Washington, His Slaves, and the Creation of America* (N.Y.: Farrar, Strauss, and Giroux, 2003), 5.

⁴⁷ Wiencek, *An Imperfect God*, 254.

⁴⁸ Robert Kennedy, *Mr. Jefferson's Lost Cause: Land, Farmers, Slavery, and the Louisiana Purchase* (United Kingdom: Oxford University Press, 2003), 79.

⁴⁹ William Cohen, "Thomas Jefferson and the Problem of Slavery," *The Journal of American History* 56, no. 3 (1969): 511.

his actions towards slavery, as the institution not only continued but spread during his presidency with the acquisition of territories from Spain and France.⁵⁰ Cohen's scathing analysis of Jefferson was further emphasized by Jefferson's repeated pursuits after runaway slaves, routinely trading slaves and selling some of his slaves to try to ameliorate his financial troubles.⁵¹ However, even Cohen does accept that the Sage of Monticello was "benevolent and humane... when judged by the traditional assumptions of the slaveholders."⁵² These views are endorsed by historian Robert McColley, who argues that early Virginia collectively shares more in common with Roger Taney's Dred Scot decision than with such reformers as Abraham Lincoln and the post-Civil War Republicans. He asserts that the Northwest Ordinance was crafted with "the best interest of white people" in mind because the "best republics" had "no Negroes" in them.⁵³ A very prominent critique of Jefferson among the revisionists was Jefferson's belief in "negro inferiority" and, as a result, his "public actions frequently favored the slave system."⁵⁴ This belief of Jefferson would stretch even further in the 1970s, with John Hope Franklin accusing not just Jefferson but all the Founders of betraying their ideals by failing to take a stand against slavery.⁵⁵

These two conflicting schools of thought reached a fever pitch in the early nineties when Paul Finkelman and Douglas Wilson took opposite sides contesting Jefferson's character. Finkelman, as arguably the most adamant of Jefferson's critics, argues that Jefferson's failure to eradicate slavery was because his "negrophobia was profound" and that Jefferson was "the

⁵⁰ Cohen, "Thomas Jefferson and the Problem of Slavery," 521-23.

⁵¹ *Ibid.*, 516-17.

⁵² *Ibid.*, 525.

⁵³ Robert McColley, *Slavery and Jeffersonian Virginia* (Urbana: University of Illinois Press, 1964) 171, and 137-138.

⁵⁴ Cohen, "Thomas Jefferson and the Problem of Slavery," 505.

⁵⁵ Herbert J. Storing, *Toward a More Perfect Union: Writings of Herbert J. Storing*, ed., Joseph M. Bessette (Washington, D.C.: The AEI Press, 1995), 131.

intellectual godfather of the racist pseudo-science of the American school of anthropology.”⁵⁶

Finkelman counters the narrative that Jefferson had hated slavery, arguing that it was a peculiar type of hatred; Jefferson did not hate slavery, but rather what slavery did to his society.⁵⁷

Finkelman argues that overall, Jefferson did little against slavery compared to others, such as his own mentor, George Wythe:

If the test of greatness for a politician is the willingness to lead a nation or state to what is right, even when it is unpopular, then Jefferson, as a Virginia legislator and wartime governor, fails the test on slavery. His occasional mumbling about evils of slavery pale in comparison to the eloquent attacks on the institution by chancellor George Wythe, who, in addition to his role as a leading Virginia jurist, had been Jefferson’s mentor at William and Mary. In *Hudgins v. Wrights*, Wythe single-handedly tried to abolish slavery through judicial interpretation.⁵⁸

On the other hand, Wilson argues a much more sympathetic interpretation of Jefferson, arguing the founding father was a victim of “presentism” and that Jefferson’s fierce critics were applying modern sensibilities to an eighteenth-century man.⁵⁹ Wilson argues instead that Jefferson was progressive for his time, believing “slavery was morally wrong and forcefully declare[d] that it ought to be abolished,” that he “strongly favored emancipation,” “regarded [slavery] as fundamentally cruel,” and had an “abhorrence of slavery,” an institution he “was resolved to destroy.”⁶⁰ Wilson presents Jefferson as a man “who was born into a slaveholding society, whose family and admired friends owned slaves,” but who “decide[d] at an early age that slavery was morally wrong and forcefully declare[d] that it ought to be abolished.” He

⁵⁶ Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson* – 2nd ed. (New York: M. E. Sharpe, 2001), 134.

⁵⁷ Paul Finkelman, “Thomas Jefferson and Antislavery: The Myth Goes On.” *The Virginia Magazine of History and Biography* 102, no. 2 (1994): 203.

⁵⁸ Finkelman, “Thomas Jefferson and Antislavery,” 211.

⁵⁹ Douglas L. Wilson, “Thomas Jefferson and the Character Issue,” *Atlantic Monthly* 270 (Nov. 1992): 62.

⁶⁰ Wilson, “Thomas Jefferson and the Character Issue,” 66.

maintains that Jefferson “went against his society and own self- interest to denounce slavery and urge its abolition.”⁶¹

The division between the emancipationists and the revisionists is largely attributed to the significance they each place on Jefferson’s statements and actions towards slavery.

Emancipationists focus on Jefferson’s attacks on the institution in his writings, while the revisionists concentrate on his failures to set free more than a handful of his slaves in his will and his lack of action towards the institution during his presidency. The growing divide between these two schools led to a deeply polarized community of Jefferson scholars. As Robert Shallhope wrote, when “measured by one historian’s conception, Jefferson was a great liberal statesman, whereas, by another’s, he was an opportunistic hypocrite.”⁶² This led to the creation of a third category of Jefferson scholars, contextualists.

William Freehling presented this school of thought in 1972, contending that “The new charge that the Founding Fathers did next to nothing about bondage is as misleading as the older notion that they almost did everything.”⁶³ Many recent contextualists have sought to be more objective in their scholarship of Jefferson. Charles Baker contends that Jefferson was “bound both by his birth and his environment” as a “wealthy plantation owner who grew up as a British subject in the Commonwealth of Virginia in pre-Revolutionary America.”⁶⁴ Andrew Burnstein wrote, “must we judge Thomas Jefferson entirely on where he was, ultimately as munificent as the most susceptible, most compassionate southerner? Must he be all racist or all liberator?”⁶⁵

⁶¹ Ibid., 66-67.

⁶² Robert Shallhope, “Thomas Jefferson’s Republicanism and Antebellum Southern Thought,” *The Journal of Southern History* 42, no. 4 (November 1976): 529.

⁶³ William Freehling, “The Founding Fathers and Slavery,” *The American Historical Review* 77, no. 1 (February 1972): 82.

⁶⁴ Charles Richard Baker, “What Can Thomas Jefferson’s Accounting Records Tell Us about Plantation Management, Slavery, and Enlightenment Philosophy in Colonial America?” *Accounting History* 24, no. 2 (May 2019): 236–52.

⁶⁵ Andrew Burnstein, *Jefferson’s Secrets: Death and Desire at Monticello* (New York: Basic Books, 2005), 124.

One of the most prominent contextualist Jeffersonian historians is Peter Onuf, known predominately for his work regarding the controversy of Jefferson and slavery in *Jefferson's Empire: The Language of American Nationhood* (2000) and *The Mind of Thomas Jefferson* (2012) in which he demonstrates the complexity of Jefferson, as he believes that the most heated controversy among scholars centers on Jefferson's slaveholding.⁶⁶ Within *Jefferson's Empire*, Onuf presents his theory on Jefferson's political thought. He contends that the contradictions of the rough landscape shroud a distinct root principle: that the United States Constitution was the path towards "the guarantee of equality, the fundamental precondition of uncoerced consent, the threshold of genuine union."⁶⁷

Onuf dissects Jefferson's thoughts on the Indians, a republican empire, the Revolution of 1800, the meaning of union, and African Americans and slavery. Onuf highlights that the United States was an unprecedented experiment due to its diverse population, between the colonists of various backgrounds and the Native Americans. Onuf contends that Jefferson insisted that the original purity of tribal cultures had been lost through contact with a corrupting English imperial power and could never be restored and that Indians should abandon their traditions and accept the inevitable: either become agrarian republics and "mix with us by marriage."⁶⁸ On the other hand, according to Onuf, Jefferson regarded Virginia slaves as people who had no country and were, in fact, "a captive nation."⁶⁹ He writes that Jefferson believed that only through colonization could these people be free and independent, and Jefferson's fear was that failure to colonize American slaves would lead to slave insurrections and racial warfare.

⁶⁶ Peter S. Onuf, "The Scholars' Jefferson," *William and Mary Quarterly*, 3d ser., 50 (1993): 675.

⁶⁷ Peter Onuf, *Jefferson's Empire: The Language of American Nationhood* (Charlottesville: University Press of Virginia, 2000), 10.

⁶⁸ Onuf, *Jefferson's Empire*, 50.

⁶⁹ *Ibid.*, 149.

Onuf builds on his arguments in *The Mind of Thomas Jefferson* on Jefferson's republicanism seeking to guarantee the autonomy of self-government from an overbearing national government. Onuf contends that Jefferson's view of slavery was not influenced by John Locke's philosophy of natural rights, as the Declaration was, but rather the conservative thought of Lord Kames. Onuf writes, "The lesson he drew from Kames was that moral problems always arise within particular historical frameworks and that effective solutions depend on taking historical reality into account." Onuf further asserts that a revolution in Virginia's racial order would not advance society; instead, the "only solution was to eliminate the institution of slavery and expatriate the former slaves to some distant location so that white Virginians could fulfill their moral potential as a civilized community."⁷⁰

It is critical to discuss John Chester Miller's *The Wolf by the Ears: Thomas Jefferson and Slavery* (1977) when analyzing Thomas Jefferson and slavery. Miller writes an extensive intellectual history within *The Wolf by the Ears* to solve the riddle of Jefferson and his relationship to slavery. While considered a revisionist, Miller defends Jefferson against the claims of James Callender regarding Jefferson's relationship with his slave, Sally Hemings, rebuking Fawn Brodie's *Thomas Jefferson: An Intimate History* (1974).⁷¹ Rather than being Jefferson's concubine, as Brodie suggests, Miller argues that the Hemings family were afforded special treatment due to the blood relationship with Martha Jefferson and that Sally Hemmings had been impregnated by Jefferson's nephews, Peter and Samuel Carr.⁷²

⁷⁰ Peter Onuf, *The Mind of Thomas Jefferson* (United States, University of Virginia Press, 2012), 252.

⁷¹ James Thomson Callender, "The President, Again," *Recorder; or, Lady's and Gentleman's Miscellany*, (September 1, 1802); Fawn McKay Brodie, *Thomas Jefferson: An Intimate History* (United Kingdom: W.W. Norton & Company, 1974), 349; Jennifer Jensen Wallach, "The Vindication of Fawn Brodie," *The Massachusetts Review* 43, no. 2 (2002): 277–95.

⁷² This claim was shattered in 1998 by the DNA testing of Hemings and Carr descendants.

Miller agrees with David Brion Davis that “the inclusion of Jefferson’s strictures on slavery and the slave trade would have committed the United States to the abolition of slavery.”⁷³ Davis concurs that had Jefferson died in 1784, it would be “without qualification that he was one of the first statesmen in any part of the world to advocate concrete measures for restricting and eradicating Negro slavery.”⁷⁴ However, Davis contends that Jefferson had an “extraordinary capacity to sound like an enlightened reformer while upholding the interests of the planter class.”⁷⁵ Miller argues that Jefferson sought to make the Declaration a charter of freedom for slaves subtly rather than publicly. However, Jefferson’s contradiction and inability to take significant action towards abolition, Miller explains, comes not purposefully but rather from the unfortunate discovery that human reason and realities are too regularly incompatible.⁷⁶

Revisionist Historian Joseph J. Ellis also sought to solve the Jefferson paradox in *American Sphinx: The Character of Thomas Jefferson* (1997). Ellis’ selective lens analyzes Jefferson during his time in Philadelphia from 1775 to 1776, Paris from 1784 to 1797, Monticello from 1794 to 1797, Washington from 1801 to 1804, and back again to Monticello for the last ten years of Jefferson's life. In a complete reconstruction of Jefferson, Ellis explains that Jefferson’s mind, when he was in Paris, was no simple mechanism that balanced incompatible properties. Jefferson’s mind was not in sync; he compartmentalized his actions, and his internal voices were not effectively communicating, explaining how the paradox of slavery and natural rights was able to exist for Jefferson.

⁷³ John Chester Miller, *The Wolf by the Ears: Thomas Jefferson and Slavery* (United Kingdom: Free Press, 1977), 9.

⁷⁴ Davis, *The Problem of Slavery in the Age of Revolution 1770-1823*, 174.

⁷⁵ *Ibid.*, 182.

⁷⁶ Miller, *The Wolf by the Ears: Thomas Jefferson and Slavery*, 393.

Ellis argues that Jefferson was in such denial about himself that he even designed Monticello to make “slavery almost invisible” to himself.⁷⁷ Still, Mark McGarvie counters that natural law was not applied regarding slavery until nearly twenty years after the revolution. “During this time, slavery was abolished in the North and seriously debated in the South,” McGarvie contends, “Yet, natural law merely provided principles against which slavery was measured. It was still subordinate to law made by man in constitutions, statutes, and case law precedent.”⁷⁸ However, the answer could be far simpler, according to Thomas Merrill.

In both the draft of the Declaration of Independence and his later letters on the subject, Jefferson acknowledged that slave owners were wrong; however, they were compelled to do so to protect their own natural rights.⁷⁹ Merrill declares that Jefferson’s belief in the dilemma for slave owners, as seen in Jefferson’s letter to John Holmes during the Missouri Crisis, balances justice and self-preservation. However, “because self-preservation is the first natural right, slavery presents a conflict between two legitimate rights. Because slave owners have a legitimate interest in avoiding slave rebellions, he argues, they are justified in seeking to extend slavery across the territories, thus diluting concentrations of rebellious slaves.”⁸⁰ Perhaps one of the most glaring conclusions drawn by Ellis is the fact that Jefferson’s relationship with Sally Hemings has prevented an unbiased evaluation of Jefferson, even though he agrees with Miller that the claims made by Callender were unsubstantiated.

Jeffersonian scholarship was turned upside down with Historian Annette Gordon-Reed and her books *Thomas Jefferson and Sally Hemings: An American Controversy* (1997) and *The*

⁷⁷ Joseph J. Ellis, *American Sphinx: The Character of Thomas Jefferson* (United States: Knopf Doubleday Publishing Group, 1998), 225.

⁷⁸ Mark D. McGarvie. “‘In Perfect Accordance with His Character’: Thomas Jefferson, Slavery, and the Law.” *Indiana Magazine of History* 95, no. 2 (1999): 148.

⁷⁹ Thomas Merrill, “The Later Jefferson and the Problem of Natural Rights,” *Perspectives on Political Science* 44, no. 2 (2015): 128.

⁸⁰ Merrill, “The Later Jefferson and the Problem of Natural Rights,” 122-130.

Hemingses of Monticello: An American Family (2008). Gordon-Reed's work on Jefferson and his relationship with slave Sally Hemings changed the scholarship on Jefferson, as previous historians had all decreed the relationship as nothing more than smut. In *Thomas Jefferson and Sally Hemings*, Gordon-Reed asserts that Thomas Jefferson had a long-term affair with his slave Sally Hemings, producing offspring that many historians, such as Peterson, Miller, and Ellis, refused to acknowledge. She argues that "Jefferson's defenders" arrived at the conclusions specifically because African Americans were the sources, undermining their convictions.⁸¹ In *Thomas Jefferson and Sally Hemings*, Gordon-Reed does not attempt to settle the debate on Jefferson and Hemings but rather presents the attempts by the defenders' prevalent, racially-based double standard to control "public impressions of the amount and nature of the evidence" and gives credibility to African American testimonies that had largely been dismissed.⁸²

Gordon-Reed builds on her arguments with *The Hemingses of Monticello: An American Family*, providing a hint into the complicated nature of race relations that existed in Virginia during the Revolutionary War Era and slave life at Monticello. She argues that Sally Hemings most likely chose, or as much as a slave could choose, to remain in a relationship with Jefferson to alleviate her conditions. She argues that this was not uncommon, notwithstanding the atrocity of slavery or slave masters raping their slave women; slaves would find ways that "defied authority or exploited the cracks within the system to alt some terms of the master-slave relationship."⁸³ A noteworthy aspect of Gordon-Reed's research is the social norms in eighteenth-century Virginia regarding interracial heterosexual couples. When heterosexual

⁸¹ Annette Gordon-Reed, *Thomas Jefferson and Sally Hemings: An American Controversy* (United Kingdom: University Press of Virginia, 1998), Preface XV.

⁸² Gordon-Reed, *Thomas Jefferson and Sally Hemings: An American Controversy*. XV.

⁸³ Annette Gordon-Reed, *The Hemingses of Monticello: An American Family* (United Kingdom: W. W. Norton, 2009), 329.

romantic relationships did form among white men and black women in eighteenth-century Virginia, the community left it alone in the belief that whatever occurred between the individuals was their own business.⁸⁴

Another contextualist historical view of Jefferson is Ari Helo's *Thomas Jefferson's Ethics and the Politics of Human Progress: The Morality of a Slaveholder* (2014) and "Jefferson, Morality, and the Problem of Slavery," co-written with Peter Onuf. In *Thomas Jefferson's Ethics*, Helo presents a more complex version of Jefferson and why he did not do more to end slavery. Instead of exonerating Jefferson, Helo seeks to understand Jefferson's principled opposition to slavery and how, under Jefferson's presidency, American slavery was extended through the Louisiana Purchase. Helo argues that to Jefferson, the key to progress, and thus, to the abolition of slavery, was representative democracy, as it allowed for a deliberative forum in which citizens could challenge each other and push each other to higher moral ground.

The idea of "representative democracy as the core concept of all human progress" was an idea that Jefferson was never able to let go of.⁸⁵ This is perhaps the greatest argument within *Thomas Jefferson's Ethics* as Helo contends that the decision to end slavery was not in Jefferson's hands, and he never intended for it to be in just one person's hands, but rather the hands of the people, the American citizens. Helo contends that Jefferson had a plan to dismantle slavery and that he was even willing to deport African Americans, demonstrating to Helo that Jefferson did not care for the institution and was able to foresee a political future where it would be undone peacefully.⁸⁶

⁸⁴ Gordon-Reed, *The Hemingses of Monticello: An American Family*, 355.

⁸⁵ Ari Helo, *Thomas Jefferson's Ethics and the Politics of Human Progress: The Morality of a Slaveholder* (Cambridge Studies on the American South. Cambridge: Cambridge University Press, 2013), 126.

⁸⁶ Ari Helo, *Thomas Jefferson's Ethics*, 126.

Helo is cut from the same cloth as other contextualist Jefferson scholars, such as Christa Dierksheide, who asserts that while Jefferson condemned slavery, he allowed slavers the opportunity to suggest that slavery could be a part of modernity if it were improved, and Hannah Spahn, who suggests that while Jefferson recognized slavery was immoral and was to be abolished, the question was when it was to be. In Spahn's characterization of Jefferson, in the essence of time, he had hoped to see the end of slavery in the future.⁸⁷ Historian Arthur Sherr argues that Jefferson did acknowledge blacks' natural rights to the same freedom and equal opportunities as their white masters, whatever their intelligence level. Emphasizing his desire to uncover instances of African American talent, Jefferson affirmed his "sincere" hope that his own expressed "doubts . . . on the grade of understanding allotted to them by nature" would be "completely refuted" and that he would uncover convincing evidence "that in this respect, they are on a par with ourselves."⁸⁸

To understand Jefferson's views on slavery, the societal views on slavery must be analyzed. From the beginning of Virginia's colonial history, elite planters dominated the political, social, and economic landscape. Lorena Walsh contends that "by the 1660s, all provincial officials in Virginia had acquired one or more slaves...These councilors and burgesses then set about passing laws to protect their rights to hold human property."⁸⁹ However, it is critical to address the political pressures of these men. In *Meanings of Manhood in Early Modern England*, Alexandra Shepard claims that English societal demands placed a great deal of pressure upon men of all classes, as well as both genders. Shepard argues that in the early modern period,

⁸⁷ Christa Dierksheide, *Amelioration and Empire: Progress and Slavery in the Plantation Americas* (University of Virginia Press, 2014); Hannah Spahn, *Thomas Jefferson, Time, and History* (Charlottesville and London: University of Virginia Press, 2011), 216-222.

⁸⁸ Arthur Scherr. "'An Honest, Intelligent Man': Thomas Jefferson, the Free Black Patrick Henry, and the Founder's Racial Views in His Last Years." *The Virginia Magazine of History and Biography* 127, no. 4 (2019): 300-339.

⁸⁹ Lorena Walsh, *Motives of Honor, Pleasure, and Profit: Plantation Management in the Colonial Chesapeake, 1607-1763* (Chapel Hill: The University of North Carolina Press, 2010) 21.

“ideally, husbands should govern wives; masters and mistresses their servants; and parents their children.”⁹⁰ What existed, however, was a highly competitive society in which males struggled to maintain economic, political, and social control over other men, as well as women and servants.

In their competition, these Virginians then “conspired with their merchant allies in London...successfully stopped the importation of bulk tobacco...broke the monopoly of the Royal African Company and encourage the expansion of the ‘free’ trade in enslaved labor.”⁹¹ The men who were able to achieve such measures, and who subsequently became the leaders of the “first families of Virginia,” were centrally located within the sweet-scented regions of the colony, and grew to dictate the social and political affairs of Virginia “as a direct result of the wealth-generating opportunities created by the convoy and embargo regime.”⁹² These individuals, such as William Byrd II and Robert “King” Carter, shaped trade and political relations with England to the detriment of other segments of the Chesapeake country, especially the Oronoco regions in Virginia and Maryland.⁹³ These Virginians sought “their families’ security through the pursuit of economic advantage, social prestige, and political power in Virginia.”⁹⁴

By the time of the Revolution, the southern society had grown distinct from both its Atlantic equivalents and even its colonial precursor.⁹⁵ Their economic dependency on tobacco became so large in areas such as the Chesapeake colonies of Maryland and Virginia; tax collectors, clergy, and other officials measured their salaries in pounds of tobacco rather than in

⁹⁰ Alexandra Shepard, *Meanings of Manhood in Early Modern England* (London: Oxford University Press, 2003), 3.

⁹¹ Douglas Bradburn, “The Visible Fist: The Chesapeake Tobacco Trade in War and the Purpose of Empire, 1690-1715,” *The William and Mary Quarterly*, Vol. 68, No. 3 (July 2011): 383.

⁹² Bradburn, “The Visible Fist,” 379.

⁹³ *Ibid.*, 382.

⁹⁴ *Ibid.*, 384.

⁹⁵ Eugene D. Genovese, *The Political Economy of Slavery: Studies in the Economy and Society of the Old South* (New York: Beacon, 1963).

ounces of gold or silver.⁹⁶ Everywhere goods such as salt and silk were purchased on extended lines of credit, not settled until after harvest, and rare was the planter or farmer who did not grow most of the food consumed by his family and hands.⁹⁷ This was the society Jefferson grew up in and was thus molded by.

Early Life of Jefferson

Jefferson was born into the Virginia aristocracy of slaveholders and grew up on the plantation Shadwell, which was heavily dependent on slave labor.⁹⁸ As an affluent landowner, he utilized slave labor for his household and the field. Over his life, he possessed more than 600 slaves. Some of these he inherited, but many were born on his plantations. Throughout his life, Jefferson owned an estimated 607 slaves. Of these, he inherited 52 from his father and 135 from his father-in-law, the slave trader John Wayles.⁹⁹ Even though Jefferson had to sell several thousand acres of land to cover his late father-in-law's debts in 1773, this was the wealthiest Jefferson would ever be.¹⁰⁰ He purchased about 20 slaves while the remaining slaves were born into captivity. Between 1776 and 1826, Jefferson kept between 165 and 225 slaves on his Virginia plantations, with about three-fifths of his human property at Monticello and two-fifths at his second estate, Poplar Forest, in Bedford.¹⁰¹

According to the family legend, Jefferson's earliest memory was when he was three years old, "being carried on a pillow by a mounted slave on the journey from Shadwell to

⁹⁶ Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill, NC: University of North Carolina Press, 1982).

⁹⁷ Walsh, *Motives of Honor, Pleasure, and Profit*.

⁹⁸ James A. Bear, Hamilton Wilcox Pierson, and Isaac Jefferson, *Jefferson at Monticello*, (United States: University Press of Virginia, 1967).

⁹⁹ Thomas Jefferson to Brissot de Warville, February 11, 1788; *The Papers of Thomas Jefferson, 7 August 1787–31 March 1788*, ed. Julian P. Boyd, vol. 12 (Princeton: Princeton University Press, 1955), 577–578.

¹⁰⁰ Dumas Malone, "Jefferson the Virginian," in *Jefferson and His Time* (Boston: Little, Brown & Co., 1948), 1:439-44; Merrill D. Peterson, *Jefferson and the New Nation: A Biography* (New York: Oxford University Press), 27-28.

¹⁰¹ Lucia Stanton, *'Those Who Labor for My Happiness': Slavery at Thomas Jefferson's Monticello* (Charlottesville: University of Virginia Press, 2012), 106-7.

Tuckahoe.”¹⁰² Although Jefferson imagined himself to be a benevolent paternal figure of a slaveholder who would “watch for the happiness of those who labor for mine,” they were still his chattel.¹⁰³ And Jefferson treated them as such, dressing his slaves in cheap fabric, predominately Virginia cloth, a homespun fabric of tow and cotton, similar to his fellow slaveholders.¹⁰⁴

Jefferson routinely bought and sold human labor and even sought their recapture if they escaped.¹⁰⁵ He sold his slave Sandy, who had previously run away due to him being troublesome.¹⁰⁶ This was a recurring theme in Jefferson’s life, as regardless of what he wrote throughout his life, slaves were indeed property, and thus, the owners were entitled to their return. There are several noteworthy examples, such as Sandy, one of the 50 slaves Jefferson inherited from his father, Peter Jefferson, where Jefferson advocated for the return of runaway or “stolen” slaves to their masters. Jefferson also did not quarrel with helping to restore slaves to other owners, such as his assistance to Harry Innes in returning his slaves that were confiscated by Indians in 1793.¹⁰⁷ Compared to many of his fellow slaveholders, Jefferson was seen as more of a benign slave owner who did not overextend his slaves in contrast with the standards of his period. For example, many of his slaves resided in dwellings warmed by fireplaces, and they were also supplied with ample nutrition and attire. Additionally, Jefferson frequently financially

¹⁰² Roger Wilkins, *Jefferson's Pillow: The Founding Fathers and the Dilemma of Black Patriotism* (Boston: Beacon Press, 2001), 136.

¹⁰³ Thomas Jefferson to Angelica Schuyler Church, November 27, 1793, *The Papers of Thomas Jefferson*, Vol. 27, 1 September–31 December 1793, ed. John Catanzariti (Princeton: Princeton University Press, 1997), 449–450.

¹⁰⁴ Thomas Jefferson, “1767,” *Jefferson's Memorandum Books, Volume 1: Accounts, with Legal Records and Miscellany, 1767-1826* (Princeton University Press, 1997), 20.

¹⁰⁵ Thomas Jefferson, *The Virginia Gazette*, Williamsburg, September 14, 1769, *The Papers of Thomas Jefferson*, vol. 1, 1760–1776, ed. Julian P. Boyd (Princeton: Princeton University Press, 1950), 33.

¹⁰⁶ While in *The Virginia Gazette*, Jefferson described Sandy as “artful and knavish”, he also described him as “greatly addicted to drink” where he becomes “insolent and disorderly.” Sandy was sold for 100 pounds, a fate common for slaves that were deemed to be “troublesome.”

¹⁰⁷ Thomas Jefferson, Letter to Harry Innes, Philadelphia, May 23rd, 1793, *The Papers of Thomas Jefferson*, vol. 26, 11 May–31 August 1793, Ed. John Catanzariti (Princeton: Princeton University Press, 1995), 99–100.

incentivized his slaves, even letting them grow their own gardens and raise their own livestock.¹⁰⁸

Jefferson's earliest anti-slavery beliefs can be traced back to his early adulthood. Prior to his enrollment into the College of William and Mary, Jefferson spent two years at Reverend James Maury's School for the Boys. Maury also studied at William & Mary at the same time as Jefferson's future mentor, George Wythe, in 1740. The two most likely crossed paths when Maury was selected to be usher, an assistant to the master, for the grammar school.¹⁰⁹ When Jefferson met Maury, Maury had already been ordained as an Anglican minister in England and had opened "one of the finest private schools in the colonial south."¹¹⁰ Jefferson reflected on his time with Maury, dubbing him a "correct classical scholar" who emphasized reason and tolerance, rebuffing the passion of the Great Awakening for more traditional religious procedures.¹¹¹

Jefferson was no doubt exposed to progressive ideas during his time at Maury's School for the Boys. During a religious service, Maury attempted to baptize white Virginians and enslaved black Virginians simultaneously. While a churchwarden prohibited Maury's progressive baptism from occurring, Maury objected that ministers must baptize individuals of "all Nations...without any regard to their several Colors, Conditions, or Countries."¹¹²

¹⁰⁸ Lucia C. Stanton, Jefferson, Thomas, *Jefferson's Memorandum Books, Volume 1: Accounts, with Legal Records and Miscellany, 1767-1826* (United States: Princeton University Press, 2017).

¹⁰⁹ Dumas Malone, "Jefferson the Virginian," in *Jefferson and His Time* (United Kingdom: Little, Brown, 1948), 1: 42.

¹¹⁰ Kevin J. Hayes, *The Road to Monticello: The Life and Mind of Thomas Jefferson* (Spain: Oxford University Press, USA, 2008), 31.

¹¹¹ Thomas Jefferson, *The Autobiography of Thomas Jefferson*, 5.

¹¹² Cited by Thomas E. Buckley, S.J., "Placing Thomas Jefferson and Religion in Context, Then and Now," in *Seeing Jefferson Anew: In His Time and Ours*, eds. John B. Boles and Randall Hall (Charlottesville: University of Virginia Press, 2010), 132. Malone notes, however, that Jefferson did not learn from Maury his later views on religious tolerance, as Maury was deeply concerned with the trend of unqualified Anabaptists teaching potentially heretical views to his parishioners. See Malone, *Jefferson and His Time*, vol. 1, pg. 44, n. 19.

When Jefferson returned to Shadwell, he soon realized that he would never amount to much and would probably become an idler if he stayed on the estate like so many of his young friends. The wasting of precious moments irritated and disturbed him when he wanted to do some reading or study. He felt that the condition of the estate hardly warranted such a generous hospitality. He, therefore, decided to leave, and the letter he wrote on this occasion to his guardian, Mr. John Hervey of Bellemont, shows him fully aware of his responsibilities and perfectly definite in his plans.

In the spring of 1760, the young man, then exactly seventeen, went to Williamsburg and enrolled in the College of William and Mary. Quite possibly, it was his first visit to the capital of Virginia, his first contact with urban life. It was, for the time, a place of very respectable size and considerable activity. Old Professor Hugh Jones, a man much traveled and much read, described it enthusiastically in his "Present State of Virginia," published in London in 1724:

Williamsburg is a market town and is governed by a mayor and aldermen. It is a town well stocked with rich stores, all sorts of goods, and well furnished with the best provisions and liquors. Here dwell several good families, and more reside here in their own houses at publick times. They live in the same neat manner, dress after the same modes, and behave themselves exactly as the Gentry in London; most families of note having a coach, chariot, Berlin, or chaize.... Thus they dwell comfortably, genteelly, pleasantly, and plentifully in this healthful, and (I hope) pleasant city of Virginia.¹¹³

Jefferson and William and Mary

Shortly after Thomas Jefferson arrived at William and Mary, he quickly came under the wings of Professors George Wythe, William Small, and Virginia Lieutenant Governor Francis Fauquier. By the time Jefferson enrolled, the three men had already become "inseparable friends."¹¹⁴ George Wythe was the first to arrive at William and Mary in 1740 from his Quaker family when he was fourteen years old. During the latter half of the eighteenth century, there was

¹¹³ Quoted in Gilbert Chinard, *Thomas Jefferson: The Apostle of Americanism* (Floating Press, 1957), 23-24.

¹¹⁴ Thomas Jefferson to Louis Girardin, January 15, 1815.

a “fundamental change” in the Western world, according to David Brion Davis, regarding the “moral perceptions of the institution” of slavery.¹¹⁵ One of the loudest voices questioning the morality of slavery was the Quakers, whose religious convictions argued that all mankind is equal before God. Wythe became a practicing lawyer by 1746, and over the next decade, he created a flourishing legal practice, was elected to the House of Burgesses, appointed Attorney General, and moved into a stunning home just down the road from the Governor’s Palace in Williamsburg.¹¹⁶

After being introduced to their inner circle, Jefferson soon became the first private law student of George Wythe, a trait he would share with St. George Tucker, Robert Carter III, and John Randolph of Roanoke, who would go on to become leading anti-slavery individuals.¹¹⁷ Out of Jefferson’s mentors, Wythe was not only the most outspoken about slavery but actively sought to change the law regarding it. He utilized various strategies, both publicly and privately, in his efforts to bring about change in the law through legislative and judicial channels. Initially, he collaborated on a proposal for gradual emancipation in Virginia and advocated for the passage of an emancipation bill. Additionally, he personally emancipated his own slaves, ensuring they received education and bequeathing a significant portion of his property to them. Near the end of his life, he made a judicial declaration affirming that Virginia's Declaration of Rights extended to both black and white Americans. Regrettably, this decision was overturned the year following his passing.¹¹⁸

¹¹⁵ David Brion Davis, *The Problem of Slavery in the Age of Emancipation* (New York: Alfred A. Knopf, 2014) xv-xvi.

¹¹⁶ Imogene E. Brown, *American Aristides: A Biography of George Wythe* (East Brunswick, NJ: Associated University Presses, Inc., 1981), 23.

¹¹⁷ Thomas Hunter, “The Teaching of George Wythe,” in *The History of Legal Education in the United States: Commentaries and Primary Sources*, ed. Steve Sheppard (New York: Salem Press, 1999).

¹¹⁸ For the 1795 petition, see “An Act to Ameliorate the present condition of slaves, and give freedom to those born after the passing of the act,” Library of Virginia, Legislative Petitions microfilm, Reel 233, Box 294, Folder 5. For

However, Wythe's greatest asset towards widespread emancipation was not his sharp mind but, arguably, the relationship he built with his students. As the only law professor in Virginia (for a time) and arguably the best, Wythe left lasting impressions on each of his students at William and Mary. Due to many of his papers being lost, this is the greatest way for historians to gauge the man that Wythe was. Spencer Roane, a judge and politician, spoke of his former instructor "with a veneration that was almost religion on his lips."¹¹⁹ Other students celebrated at the notion of being instructed by Wythe, saying, "nothing would advance me faster in the world than the reputation of educated by Mr. Wythe, for such a man as he casts a light upon all around him."¹²⁰

Wythe's influence can easily be seen in his students, such as Richard Randolph II, who proclaimed to his mother that Wythe was the "best of men!" When Randolph died when he was only 26 in 1796, he freed 150 slaves in his will and begged their forgiveness.¹²¹ He then gave each of them 400 acres of land and mentioned Wythe had taught him all men are equal.¹²² Randolph's devotion to blacks' right to equality was so deep that his widow found herself in a heroic struggle against creditors and the Virginia courts to ensure that her late husband's wishes were upheld and respected.¹²³ This becomes a rather interesting contrast to the Jefferson estate, as the Randolph estate was plagued by significant debt that had accumulated during Richard's life as well as his father's. Slaves were typically utilized to settle financial obligations, as in the

Wythe emancipating his slaves, see Alan Taylor, *Internal Enemy: Slavery and War in Virginia*, (New York and London: W.W. Norton & Co., 2013), 105.

¹¹⁹ T.R.B. Wright, "Judge Spencer Roane," *Virginia Law Register* 2, no. 7 (November 1896), 476.

¹²⁰ William Munford to John Coalter, June 13, 1790, *Brown-Tucker-Coalter Papers*, Box I, folder 34, Swem Library, College of William and Mary.

¹²¹ Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790s through the Civil War* (New York: A. Knopf, 2004), 7.

¹²² Richard Randolph to Frances Tucker, May 19, 1786, quoted in Ely, *Israel on the Appomattox*, 23; Richard Randolph Will, quoted in *Ibid.*, 450.

¹²³ Ely, *Israel on the Appomattox*, 34.

case of Jefferson upon his death. However, Judith Randolph not only upheld her husband's wishes—and, by extension, Wythe's teachings—but also emancipated slaves that were not explicitly covered in her husband's will. Jefferson was no different in his reverence of Wythe, reflecting that he was “my ancient master, my earliest and best friend; and to him, I am indebted for first impressions which have had the most salutary influence on the course of my life.”¹²⁴

In Jefferson's mind, Wythe's stance against slavery was indisputable. He conveyed the optimism that under Wythe's direction at William and Mary, Virginia's future leaders would become adverse towards slavery.¹²⁵ Like many other prominent Virginians of the period, Wythe owned slaves. However, unlike his contemporaries, he emancipated them before his untimely death.¹²⁶ Regarding his slaves, Wythe had a unique perspective by going outside established norms by tutoring slaves with the same dedication as he did white students, holding to his steadfast belief in their capacity to learn when provided with the opportunity.¹²⁷ He manumitted his slaves within Virginia law when windows of opportunity presented themselves and ensured the slaves were provided support as free people.¹²⁸

Wythe took further steps to safeguard those he could not free from being separated from their families; this was particularly relevant for slaves from his wife's estate, over whom he did not have complete legal authority.¹²⁹ While Wythe served as a judge in the Virginia High Court, he controversially supported wills that freed slaves when contested by heirs and proclaimed blacks' natural rights. In one of the cases, *Pleasants v. Pleasants* in 1798, Wythe ruled that heirs must still uphold a will that had initially attempted to free slaves illegally once manumission

¹²⁴ Thomas Jefferson to William Duval, June 14, 1806.

¹²⁵ Jefferson to Richard Price, August 7, 1785, Boyd, ed., *Jefferson Papers*. 8:357.

¹²⁶ *Dictionary of American Biography*, s.v. "Wythe, George."

¹²⁷ Bruce Chadwick, *I Am Murdered: George Wythe, Thomas Jefferson, and the Killing That Shocked a New Nation* (United States: Wiley, 2009), 61-62.

¹²⁸ N. Dwight. *Signers of the Declaration of Independence* (New York: A.S. Barnes & Co., 1895), 270.

¹²⁹ Chadwick, *I Am Murdered*, 109.

became legal. Another significant ruling came in 1806 with *Hudgens v. Wrights*, where he asserted the natural right to freedom for Black individuals, irrespective of their ancestry. This stance was especially relevant during a time when lighter-skinned mulattoes were often granted freedom while darker-skinned slaves were denied such rights.¹³⁰

Perhaps the most interesting aspect of Wythe's career was the fact he was even allowed to hold office, teach, and influence young men despite his opinions.¹³¹ Jefferson had hoped to convince Wythe to retire to Monticello, "inducing him to spend much of his time with me" as Wythe had "directed my studies in the law, led me into business, and continued until [his] death my most affectionate friend."¹³² Jefferson's hopes for Wythe were unfortunately crushed when Wythe was murdered in 1806.¹³³

In 1758, Lieutenant Governor Francis Fauquier moved into the Governor's Mansion and soon became friends with Wythe, having dinners with each other every week. Like Wythe, Fauquier was a man of progressive ideals, declaring in 1760 that "White, Red, or Black; polished or unpolished Men are Men."¹³⁴ While Fauquier had strong convictions against the institution of slavery, he was restricted by the Virginian laws of the 1760s. For a slave to even qualify for emancipation, they must have demonstrated some "meritorious service" that "aided the white community," such as reporting potential slave revolts. Then, the emancipation would have to be approved by both the governor and his council.¹³⁵

¹³⁰ *Ibid.*, 111

¹³¹ *Ibid.*, 6. Wythe's career as educator, Burgess and judge ranged from 1756 to 1806. He freed his slaves in 1791, by which time his opinions were well known. *Hudgens v. Wrights* was one of his last decisions as a judge.

¹³² Thomas Jefferson to John Sanderson, August 31, 1820.

¹³³ Julian P. Boyd and W. Edwin Hemphill, *The Murder of George Wythe: Two Essays* (Williamsburg, Va: Institute of Early American History and Culture, 1955). George Wythe's murder was part of his decision to free his slaves and leave them portions of his estate in his will.

¹³⁴ Gordon S. Wood, *The American Revolution: A History* (New York: Modern Library, 2001), 102.

¹³⁵ Eva Sheppard Wolf, *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner's Rebellion* (Baton Rouge: Louisiana State University Press, 2006) 3.

In his will, not only did Fauquier express his strong religious convictions but his disdain for the institution of slavery. Fauquier expressed his wish that he had never owned slaves, as they were “a part of my Estate in its nature disagreeable to me, but which my situation made necessary for me.” As an essential part of Virginia's elite social structure, every prominent family relied on enslaved individuals to carry out essential tasks and maintain their way of life. As a man of science, he had his body donated for post-mortem so he could be “more useful to my creatures by my death than I have been in my life.” Yet, Fauquier feared what awaited him when his soul was laid before “the hands of a most Merciful and benevolent God,” as he believed his “actions will be exposed to public view” when his slaves would “rise up in judgement against me” on Judgement Day. He feared God’s wrath for his role, “For with what face can I expect mercy from an offended God if I have not myself shewn mercy to those dependent on me.”

Fauquier believed that if he was to be “their Master in my life. I must provide for them at my death by using my utmost endeavors that they experience as little misery during their lives as their very unhappy and pitiable condition will allow.” Due to the restrictions for emancipation, Fauquier was unable to free his slaves; all he could do was instruct the executors of his will, Wythe and Robert Carter III, to take 25 percent under market value, slaves to select their own master, and for women and children to not be parted. Fauquier begged, “as my last dying wish,” that those “who shall retain a favorable opinion of me” would purchase the slaves that could not arrange their own and have them experience as “little misery” as possible, “for my sake.”¹³⁶ Unfortunately, Fauquier’s will could only do so much despite the cruel reality of slavery separating families. While only three of Fauquier’s seventeen slaves could not find buyers of

¹³⁶ Francis Fauquier, “Francis Fauquier’s Will,” *The William and Mary Quarterly* vol. 8, no. 3 (1900), 175-76.

their own, within months of the purchase, one of the new owners sold numerous slaves to buyers out of state.¹³⁷

William Small was the last to arrive at William and Mary at twenty-four years old, originally hired to teach natural philosophy, including classes such as mathematics, physics, and metaphysics. However, Small began teaching reason, rhetoric, and ethics and became the first professor in America to introduce the study of belles-lettres and to replace note memorization with lectures,¹³⁸ a sentiment that Jefferson would later replicate in his design for the University of Virginia.

Wythe, Fauquier, Smalls, and Jefferson formed a group of friends that Jefferson affectionally called a “partie quarree.” Jefferson was a daily companion of Smalls “when not engaged in the school, and from his conversations, I got my first views of the expansion of science & of the system of things in which we are placed.”¹³⁹ Jefferson maintained a high opinion of these men for the remainder of his life, reflecting in his later years that Fauquier had been “the ablest man who ever filled the chair of government” in Virginia and that “it was my great good fortune and what probably fixed the destinies of my life that Dr. William Small of Scotland, was then Professor of [Mathematics].”¹⁴⁰ When Jefferson faced moments of moral temptation, he asked himself, “what would Dr. Small, Mr. Wythe...do in this situation? What course in it will ensure me their approbation?...knowing the even & dignified line they pursued, I could never doubt for a moment which of two courses would be in character for them.”¹⁴¹

¹³⁷ Michael L. Nicholls, “Aspects of the African American Experience in Eighteenth-Century Williamsburg and Norfolk,” *Colonial Williamsburg Foundation Library Research Report Series 330* (Williamsburg, Va 1991), 18-19.

¹³⁸ Thomas Jefferson, *Autobiography*, 6; see also Martin Richard Clagett, “William Small, 1734-1775: Teacher, Mentor, Scientist,” (Ph.D. Diss., Virginia Commonwealth University, 2003), 5, 109, 151.

¹³⁹ Thomas Jefferson, *Autobiography*, 4-6.

¹⁴⁰ Thomas Jefferson to Louis Girardin, January 15, 1815.

¹⁴¹ Thomas Jefferson, *Autobiography*, 6; Thomas Jefferson to Thomas Jefferson Randolph, November 24, 1808.

To Jefferson, Small quickly became “to me as a father. [T]o his enlightened & affectionate guidance of my studies while at College I am indebted for everything.” It was Small who exposed Jefferson to the inner circle of Wythe and Fauquier. Together, during dinners at the Governor’s Mansion, these men presented, as Jefferson reflected, “more good sense, more rational & philosophical conversations than in all my life besides,” Jefferson felt he “owed much instruction” on these “habitual conversations”¹⁴² While there is less direct evidence regarding Small harboring anti-slavery thoughts, compared to Wythe and Fauquier, there is circumstantial evidence to suggest that he did have them.

Martin Clagett presents the only dissertation on William Small, where he traces Scottish anti-slavery Enlightenment influences on Small and his emancipationist relations when he returned to England. Francis Hutcheson, dubbed the “Father of Scottish Enlightenment,” was an anti-slavery philosopher whose critiques of slavery can also be found in Jefferson’s thoughts.¹⁴³ While employed at William and Mary, Small spent years in the company of Wythe and Fauquier, who both were outspoken in their opposition to slavery. When he returned to England, Small was a founding member of the Birmingham Lunar Society, an informal scientific club of England’s greatest intellects.¹⁴⁴ Small’s friends in society were several prominent abolitionists such as Joseph Priestley, who had a major influence over Jefferson’s religious thought, Erasmus Darwin, and Josiah Wedgwood. While no anti-slavery writings of Small have been uncovered, many of his close friends were anti-slavery.

¹⁴² Thomas Jefferson, *Autobiography*, 6; Thomas Jefferson to Louis Girardin, January 15, 1815.

¹⁴³ Francis Hutcheson argued that God had given all people a moral sense that guided people toward virtuous behavior and rewarded them with a pleasant sensation of joy. Hutcheson contended that individuals have an innate capacity to discern right from wrong through a moral sense or conscience. He believed that human actions should be guided by a sense of benevolence, and moral virtue lies in promoting the happiness and well-being of others. Hutcheson also emphasized the concept of natural rights, arguing that individuals have inherent rights that should be respected. For more, see Francis Hutcheson, *An Essay on the Nature and Conduct of our Passions and Affections*, ed. A. Garret (Indianapolis: Liberty Fund, 2002), 24.

¹⁴⁴ Clagett, “William Small, 1734-1775,” 256-257.

To further supplement the notion that these helped to develop Jefferson's anti-slavery beliefs, one must simply look at who else Fauquier, Wythe, and Small influenced. Jefferson was not the only student taken in by this informal anti-slavery society at William and Mary, his cousin, Robert Carter III, and John Randolph of Roanoke were as well.¹⁴⁵ Carter, the grandson of Virginia landowner Robert "King" Carter, was born into one of Virginia's wealthiest and most powerful landowning families. His family, already substantially wealthy, routinely married into other Virginia landowning families, merging their lineages and wealth; Carter had kin among the Harrisons, who would give the United States two presidents.¹⁴⁶

Numerous family members of the Carter family, a typical feature of Virginia's landed aristocracy, actively served in the House of Burgesses and on the royal governor's council. Robert "King" Carter secured his seat in the House in 1690 and by 1696 had assumed the role of speaker.¹⁴⁷ By 1699, he became a colonial treasurer and joined the governor's council.¹⁴⁸ Utilizing his influential position, he seized opportunities to accumulate land and even played a role in the recall of a royal governor.¹⁴⁹ When he traveled to England, "King" Carter engaged with figures such as John Locke,¹⁵⁰ prioritizing his sons' education by having them taught in England¹⁵¹ and personally assigned reading for them.¹⁵² Through his numerous roles in the

¹⁴⁵ Terry L. Meyers, "Benjamin Franklin, the College of William and Mary, and the Williamsburg Bray School," *Anglican and Episcopal History* 79, no. 4. (2010): 393.

¹⁴⁶ Louis Morton, *Robert Carter of Nomini Hall*, (Charlottesville: Dominion Books 1941), 22.

¹⁴⁷ Andrew Levy, *The First Emancipator: The Forgotten Story of Robert Carter, the Founding Father Who Freed His Slaves* (New York: Random House, 2005), 6.

¹⁴⁸ Morton, *Robert Carter*, 12.

¹⁴⁹ Levy, *The First Emancipator*, 7.

¹⁵⁰ *Ibid.*.

¹⁵¹ Philip Vickers Fithian, *Journal and Letters of Philip Vickers Fithian, 1773-114: A Plantation Tutor of the Old Dominion Ed. Hunter Dickinson Parish* (Williamsburg: Colonial Williamsburg, Inc 1943), xxiv.

¹⁵² Levy, *The First Emancipator*, 7.

colonial government, he amassed a staggering landholding of 333,000 acres for himself and his family, thereby strengthening his authority and affluence.¹⁵³

King held a perspective that aligned with the emerging American identity, considering Virginia, instead of England, as his true homeland.¹⁵⁴ This was the standard set within the Carter family that his sons were expected to uphold, as Landon and Charles Carter acquired elected roles within the colonial government. Their education was not only important towards securing their inheritance but also for fostering the expansion of their influence and prosperity. “King” Carter’s eldest son, Landon Carter, occupied various positions of authority within the colony, such as justice of the peace, as well as in the church as a vestryman. Additionally, Landon served as a colonel in the colonial militia and gained a seat as a Burgess in 1752. As the Revolutionary movement gained momentum, he assumed leadership of a committee tasked with devising strategies to oppose the monarchy and its ministers.¹⁵⁵

“King” Carter's second son, Robert Carter II, on the other hand, became a naval officer of the Rappahannock River and took on the responsibilities of Receiver of Duties, with his brother Charles succeeding him in this position.¹⁵⁶ Charles, on his part, dedicated three decades to serving in the House of Burgesses.¹⁵⁷ It is critical to illustrate the Southern ethic that the Carter family displayed here, wherein social standing was determined by land and slave ownership, coupled with contributions to the colony through military and political endeavors.¹⁵⁸

¹⁵³ Fithian, *Journal and Letters*, xxxvi.

¹⁵⁴ Levy, *The First Emancipator*, 8.

¹⁵⁵ Rhys Isaac, *Landon Carter's Uneasy Kingdom: Revolution and Rebellion on a Virginia Plantation* (Oxford: Oxford University Press 2004), xvii-xviii.

¹⁵⁶ Morton, *Robert Carter*, 27.

¹⁵⁷ *Ibid.*, 26.

¹⁵⁸ C. Vann Woodward, "The Southern Ethic in a Puritan World." *William and Mary Quarterly*, Third Series, 25:3 (Jul. 1968), 362.

Carter II had married into the Churchill family. However, despite this advantageous union, he failed to demonstrate the leadership capability that his father had meticulously nurtured in him.¹⁵⁹ Carter II passed away at the age of twenty-six in 1732 due to a drug overdose, leaving behind his widow and their two young children, Betty and Robert III. The following year, “King” Carter himself passed away, and young Robert III, nearly four years old, inherited substantial wealth as the successor to both his father and grandfather.¹⁶⁰ This instance made him one of the wealthiest individuals in America. Subsequent events of Carter’s life deviated from the conventional path expected of boys in the Virginia aristocracy.

Although Carter's mother remarried, the relationship between him and his stepfather did not seem to be particularly close. While his uncles, the four brothers of Robert Carter II, were responsible for his financial affairs, they were not directly involved in his upbringing. Like Jefferson, Carter grew up without a father figure. Jefferson's reflection on losing his own father at the age of fourteen emphasizes the challenges of being “thrown on a wide world...without a friend or guardian.” For a young child, such a loss undoubtedly had an even more profound impact.¹⁶¹

The absence of paternal guidance left Robert Carter to shape his character and develop his aspirations. Carter’s original enrollment at William and Mary at the age of nine was short-lived, lasting only a few years.¹⁶² While there, his cousin, John Page III, another of Small’s anti-slavery students, thought him “inconceivably illiterate, and also corrupted and vicious” by the time he was a young adult.¹⁶³ However, Page also contended that Carter spent a considerable

¹⁵⁹ Levy, *The First Emancipator*, 9.

¹⁶⁰ *Ibid.*, 10-11.

¹⁶¹ Levy, *The First Emancipator*, 10-11.

¹⁶² Fithian, *Journal and Letters*, xxxvi.

¹⁶³ Morton, *Robert Carter*, 35.

amount of time “with our highly enlightened Governor Fauquier, and Mr. William Small, the Professor of Mathematics at the College of William and Mary, from whom he derived great advantage.”¹⁶⁴

Wythe’s influence over Carter may have sparked his appetite for learning, and he became an avid reader, importing books from the continent.¹⁶⁵ He could have been especially powerful due to the similarities in their life trajectories. However, Carter did not become a serious scholar until much later in life, when he dedicated a profound interest in his education.¹⁶⁶ Carter’s library was quiet extensive, dwarfing both Washington’s and Jefferson’s, and within it were volumes of Locke’s works, selections from Voltaire, Blackstones’ *Commentaries on the Laws of England*, and Montesquieu’s *Spirit of the Laws*,¹⁶⁷ all of which either condemn slavery outright, or can be interpreted to do so.

Like Carter, Jefferson was also heavily influenced by the fathers of the Enlightenment, as Jefferson’s use of Locke’s natural rights within the Declaration of Independence is well documented. Many of the Fathers of Enlightenment made their opinions well-known in regard to slavery. Jean Jacques Rousseau believed slavery could exist but could never be an inherited condition since the child born to a slave parent had done nothing to surrender their freedom. No matter the reason why a person was enslaved, his children were born free.¹⁶⁸

¹⁶⁴ Shomer S. Zwelling, “Robert Carter’s Journey: From Colonial Patriarch to New Nation Mystic,” *American Quarterly* 38, no. 4. (1986): 617. For Page’s stance on slavery, see T.B. McCord, Jr., “John Page of Rosewell: Reason, Religion, and Republican Government from the Perspective of a Virginia Planter, 1743-1808,” (1990) (Ph. D. dissertation, American University), 605, 608, 665.

¹⁶⁵ John Barden, "Reflections of a Singular Mind: The Library of Robert Carter of Nomini Hall." *The Virginia Magazine of History and Biography*. 96:1 (Jan. 1988): 83 and Levy, *The First Emancipator*, 23.

¹⁶⁶ Dwight, *Signers of the Declaration of Independence*, 267.

¹⁶⁷ Fithian, *Journal and Letters*. 285-287. Educated at Princeton, Fithian admired Carter, and considered him someone to emulate.

¹⁶⁸ Jean Jacques Rousseau, *What Is the Origin of Inequality among Men, and Is It Authorized by Natural Law*, trans. G. D. H. Cole. The Constitution Society. Accessed February 27, 2001. Available from idaho.edu/niclesen/texts/Rousseau, 40.

Baron de Montesquieu argued the impossibility of slavery based on a man's sale of himself. A slave cannot own any property; therefore, his sale price reverts to his purchaser, negating the sale.¹⁶⁹ He also believed the children of slaves were, by right, free.¹⁷⁰ Montesquieu also wrote of the ill effects of slavery on both slave and master, producing a lack of virtue and cruelty in one, voluptuousness and laziness in the other.¹⁷¹ He believed that enslaving blacks was a mercy because, as slaves, they had useful work and all they needed to live.¹⁷² Locke's belief that all men are equal also argued against slavery, the ultimate inequality.

In Enlightenment philosophy, however, slavery was acceptable in certain circumstances. For example, in war, enslaving captives was preferable to killing them,¹⁷³ and Locke considered slavery an extension of war.¹⁷⁴ On the other hand, it must be worth noting that while these men did condemn the institution of slavery within their writing, there were other writings that made the condemnation less clear. Regardless, Carter did not have a formal background in education like Jefferson, so it is very possible that when he spent hours alone in his library reading or practicing on his musical instruments, he may have come to a more independent understanding of these ideas.¹⁷⁵

When he was twenty-one, Carter unconventionally traveled to England, far later than was customary, to complete his studies, just as his father had done before him.¹⁷⁶ While there, according to his own account, he exceeded his financial means,¹⁷⁷ and, although registered at the

¹⁶⁹ Montesquieu, *Spirit of the Laws*. Anne M. Cohler, etc. trans, and eds. (London: Cambridge University Press, 1989), 247

¹⁷⁰ Montesquieu, *Spirit of the Laws*, 248

¹⁷¹ *Ibid.*, 255-256

¹⁷² *Ibid.*, 250.

¹⁷³ *Ibid.*, 247

¹⁷⁴ Locke, *Second Treatise*, 18

¹⁷⁵ Levy, *The First Emancipator*. 25.

¹⁷⁶ Morton, *Robert Carter*, 35.

¹⁷⁷ Zwelling, "Robert Carter's Journey," 614.

Inner Temple for legal studies, he made trivial effort to advance his education¹⁷⁸ or to apprentice with Edward Athawes, a merchant he held in high regard.¹⁷⁹ While Carter lived in London, he most likely resided with his cousin, Landon Carter's son, indulging in a range of pleasures afforded by his wealth: gambling, drinking, prostitution, and lavish spending on clothing.¹⁸⁰ Carter commemorated his trip with a commissioned portrait, portraying him adorned in a suit of gold, depicting a wealthy and confident young man ready for a night of extravagance.¹⁸¹

Jefferson, Robert Carter III, and John Randolph of Roanoke

One cannot overlook the similarities between Carter's upbringing and Thomas Jefferson's. Both men hailed from the Virginia aristocracy as heirs to immense wealth and slave populations, leading both to develop expensive lifestyles. Slavery heavily influenced both men's lives. Carter received his first slave as a gift from his grandfather when he was three months old,¹⁸² while Jefferson's earliest memory was a slave carrying him about on a pillow.¹⁸³ Within the colonial Virginian capital of Williamsburg, slaves of all ages were found in nearly every household. Slaves not only played a pivotal role in making wealth accumulation possible but also afforded families like the Carters and Jeffersons the opportunity to emulate the opulent lifestyle of the British aristocracy.¹⁸⁴ This financial advantage provided young men with the means to pursue education abroad and the leisure to engage in such pursuits.

¹⁷⁸ Morton, *Robert Carter*, 35.

¹⁷⁹ Zwelling, "Robert Carter's Journey,"

¹⁸⁰ Levy, *The First Emancipator*, 15.

¹⁸¹ *Ibid.*, 3.

¹⁸² John Barden, "'Flushed with Notions of Freedom:' the Growth and Emancipation of a Virginia Slave Community," Ph. D. Diss. Duke University, 1993, 90.

¹⁸³ Roger Wilkins, *Jefferson's Pillow*, 136.

¹⁸⁴ Rhys Isaac recounts a specific incident highlighting of Landon Carter's numerous disputes with his son, Robert Wormley Carter. This particular altercation was over their aspirations and the use of coaches and livery for travel for themselves, and the younger man's refusal to allow his wife the same privilege. See *Landon Carter's Uneasy Kingdom: Revolution and Rebellion on a Virginia Plantation* (Oxford: Oxford University Press, 2004), 19.

Thomas Jefferson, trained as a lawyer, had the flexibility to opt for more scholarly and scientific interests, unburdened by the necessity to earn income from legal practice.¹⁸⁵ This also permitted Jefferson to easily take cases *pro bono*, as will be discussed further in Chapter Two. Similarly, Carter possessed the financial means to accumulate a surplus of manuscripts and the liberty to devote time to consuming their contents.¹⁸⁶ Neither had a direct father figure when they were adolescents, and both would become exceptionally educated at the hands of Fauquier, Wythe, and Small. Yet, why did Carter take such a drastically different approach to slavery than Jefferson?

On the other hand, Carter was still a slaveholder and acted as such. Carter, knowing his slaves better than most owners, sometimes intervened between overseers and slaves when he believed the overseer had been harsh or unfair.¹⁸⁷ One of Carter's slaves, named Dick, led "33 other slaves" to run away and hide in the swamps around Virginia's Tidewater in the summer of 1781, for which Carter—the future emancipator—ordered Dick sold "for dear skins" upon his apprehension.¹⁸⁸ Carter was a fairer owner than most: as Virginia's laws for punishing slaves became more arbitrary in the early 1770s, he advocated "due process" in judging slaves' behavior on his farms.¹⁸⁹ Many of Carter's slaves were skilled craftsmen, and some surely were literate, especially those who had been baptized. Unlike many masters, Carter not only approved his slaves' religious activities but rejoiced in them, reporting baptisms in his letters,¹⁹⁰ so it is possible he also approved attempts to educate the converts, which evangelical ministers encouraged.

¹⁸⁵ Robert Olwell, *Masters, Slaves and Subjects The Culture of Power in the South Carolina Low Country 1740-1790* (United Kingdom: Cornell University Press, 1998), 134.

¹⁸⁶ Fithian, *Journal and Letters*, 35.

¹⁸⁷ Morton, *Robert Carter*, 112

¹⁸⁸ Robert Carter to William Prescott, April 16, 1782, *Robert Carter Letterbooks*, DUL.

¹⁸⁹ Levy, *The First Emancipator*. 41.

¹⁹⁰ Robert Carter to Rev. John Sutton, July 16, 1781, *Robert Carter Papers*. Duke University, vol. 4.

Carter was not the only one of the William and Mary anti-slavery group to act on his beliefs. Carter remained intimate enough with Governor Fauquier that he was named as one of the executors of Fauquier's estate. Fauquier could not free his slaves either during his lifetime or on his death: a 1723 Virginia law, which was not repealed until 1782,¹⁹¹ did not permit it; Fauquier died in 1768.¹⁹² The former Governor's influence is believed to be what led to Carter having a falling out with his in-laws. Months after Fauquier's death, as one of the executors of Carter's father-in-law's estates, Carter procrastinated about selling slaves to the point where several of the heirs sued him, and the process of settling the estate dragged on for years. Historian Andrew Levy believes this is early evidence of ambivalence about slavery, especially the sale of slaves, which would result in family disruptions.¹⁹³

The drastic divergence of paths between Jefferson and Carter came from the latter's removal from politics. During the Revolution in 1777, while recovering from the illness that followed his inoculation against smallpox, he experienced a spiritual illumination,¹⁹⁴ which caused "a most profound change" in his religious outlook. He converted to Swedenborgianism, a radical Calvinist sect defined by a belief in universal equality of spirit and fervent millennialism so uncommon in the Early Republic that it took years before Carter could find an English translation of the sect's founding texts.¹⁹⁵

Just as John Randolph of Roanoke had adopted the moniker of "Citizen" from the influence of the French Revolution around the time he emancipated his slaves, a similar phenomenon occurred with Carter. At Carter's request, some of his friends began to address him

¹⁹¹ Chadwick, *I Am Murdered*, 219.

¹⁹² Levy, *The First Emancipator*, 29.

¹⁹³ *Ibid.*, 28-29.

¹⁹⁴ In his daybook on 12/9/1777, he noted seeing a great light in the sky, for example. *Robert Carter Papers*. William Perkins Library, Manuscript Department, Duke University, Durham, NC, vol. 14.

¹⁹⁵ Levy, *The First Emancipator*, 140-4; Morton, *Robert Carter of Nomini Hall*, 245-8.

as “Citizen,” the designation of equality inspired by the French Revolution.¹⁹⁶ Philip Fithian, who was hired by Carter to tutor his children, observed that Carter spent an enormous amount of time in his library, solitarily reading. As such, it is reasonable to presume that Carter had a deep understanding of the revolutionary concept of “Citizen.” His avid reading of newspapers no doubt also exposed him to the debates in France about the abolition of slavery. As Carter’s friendship with the governor’s circle of friends grew, so too did his library. Carter’s intellect grew so much that Jefferson’s assessment of their evenings together was that with these men, he “...heard more good sense, more rational and philosophical conversations than in all my life besides.”¹⁹⁷

Carter’s impact on the history of Virginia was largely obscure compared to Jefferson’s or Wythe’s but for one act in 1791. Carter had sponsored a Baptist church on his plantation, where he had often shared communion in brotherhood with his slaves. On August 1, 1791, Carter executed his “Deed of Gift” to emancipate his nearly five hundred slaves, arguably the single largest emancipation effort prior to 1860.¹⁹⁸ Carter wrote, “I have for some time past been convinced that to retain them in slavery is contrary to the true Principles of Religion and Justice and that therefore it was my duty to manumit them if it could be accomplished without infringing the laws of any county, and without being of disadvantage to my neighbors.”¹⁹⁹ While this did not actually free the slaves, it expressed his intent to do so.

¹⁹⁶ Robert Carter to Benjamin Dawes, 7/12/1794, *Robert Carter Papers*, Library of Congress; Chadwick, *I Am Murdered*, 24. This title, “Citizen,” was symbolic of the principles of equality and democratic ideals that were associated with the French Revolution. It reflected a sense of identifying with the common people and embracing the idea of equal rights for all individuals, which were central tenets of the revolutionary movement. In adopting this title, both Randolph and Carter were expressing their alignment with the revolutionary spirit and their commitment to the principles of equality and liberty.

¹⁹⁷ Levy, *The First Emancipator*, 23.

¹⁹⁸ Levy, *The First Emancipator*, xii.

¹⁹⁹ Deed of Emancipation, *Robert Carter Papers*, vol. 11, Duke University.

Carter set out a schedule for gradual emancipation with the deed and an annexed schedule giving dates and the names and residences of the slaves to be freed on those dates. As of January of 1792, a total of 455 slaves were to be freed by 1801,²⁰⁰ although by the time the plan was completed, the number came closer to 600.²⁰¹ Carter's gift had requirements; sharing Jefferson's belief that emancipated slaves had to be self-sufficient, Carter ensured that his emancipated "Negroes as are set free will not become a burden to society." Hence, he required that as a condition for their emancipation, slaves worked on the land given to them and not become "idle and vagrants."²⁰²

More frequently, however, freed slaves moved to cities, attempting as best as they could to make a livelihood jobbing at small trades or hiring themselves out as laborers.²⁰³ In 1794, Carter wrote a letter confirming a tract of land called Shanandoe would be leased to freed slaves.²⁰⁴ He also leased land to men who were still slaves but would be freed, allowing them to "hire" themselves as their workforce.²⁰⁵ He often moved slaves to be with family, husbands to where wives lived, and children to be with relatives. In April of 1784, he sent a two-year-old child to a grandparent.²⁰⁶ He could legally free only slaves able to care for themselves unless he made sure they were cared for, in this case, by their own families.

Conversely, it is important to note the chain of events that followed Carter's gradual emancipation plan. By the time of the American Revolution, Carter was arguably the richest,

²⁰⁰ *Robert Carter Papers*, Library of Congress, reel 4.

²⁰¹ Barden, "Flushed with Notions of Freedom," 386.

²⁰² Quotes from Memorial of Robert Pleasants to the Governor and Council of Virginia, 1790, in *Robert Pleasants Papers*, Brock Collection, Huntington Library, San Marino, CA. For Randolph and Carter, see respectively Ely, *Israel on the Appomatox*; Levy, *The First Emancipator*.

²⁰³ Ira Berlin, *Slaves without Masters: The Free Negro in the Antebellum South* (New York: The New Press, 1974), 101.

²⁰⁴ *Robert Carter Papers*. Library of Congress, reel 1, July 11794.

²⁰⁵ Barden, "Flushed with Notions of Freedom," 348.

²⁰⁶ Robert Carter to Charles Hayne, 4/21/1784, *Robert Carter Papers*, Duke University, vol. 5.

most powerful, and most educated man in the most powerful colony of Virginia. His land and number of slaves dwarfed both Jefferson and Washington, as well as his library.²⁰⁷ However, his controversial decision to emancipate caused turbulence throughout Virginia and entangled Carter in legal battles for several years. Within three years of emancipating his slaves, he was penniless in a small cabin in Baltimore, and in 1804, he was buried in an unmarked grave.²⁰⁸

Unlike Jefferson, Carter was not able to get consistently elected, and there is evidence to suggest that this could be what led to Carter's deviant behavior. A childhood marked by emotional isolation within a large family contributed to his solitary disposition. Consequently, he sought approval outside conventional routes, first within his marital connections and later through his faith, forming connections with marginalized groups like blacks and impoverished whites. Deliberately, Carter might have chosen to defy the established norms of a class that had often rejected him, a sentiment evident when he failed to secure positions in the House of Burgesses. Although he supported the Revolution, he did so on his own terms—extending material support while discouraging his sons from enlisting.

Carter's Deed of Manumission expressed a commitment to uphold his principles without disrupting his community. Yet, he appeared relatively indifferent to neighbors' opinions and even dismissed his sons' and sons-in-law's opposition.²⁰⁹ In fact, their resistance seemed to invigorate him, driving him to ensure the foolproof execution of his plan.²¹⁰ Carter's actions had already stirred controversy, such as reserving land for his slaves over white tenants' claims, backing blacks in conflicts with whites, and engaging in religious activities. Despite his significant

²⁰⁷ Andrew Levy, "The Anti-Jefferson: Why Robert Carter III Freed His Slaves (And Why We Couldn't Care Less)." *The American Scholar* 70, no. 2 (2001): 15–16.

²⁰⁸ Zwelling, "Robert Carter's Journey," 625.

²⁰⁹ Levy, *The First Emancipator*, 147-148, 168-169. George Carter challenged the Deed of Gift in court, after his father's death.

²¹⁰ Levy, *The First Emancipator*, 149.

wealth and influence, there was little that anyone could do about his eccentricities. Unconcerned about external opinions and perhaps desiring to provoke them, he emancipated his slaves, daring anyone to obstruct his decision. When the objections from his neighbors became too cumbersome, he utilized the privilege his wealth afforded, relocating from Virginia to Baltimore, where he spent his remaining years impoverished. When comparing Carter to Jefferson, despite all their similarities in their upbringing, Jefferson's ambition was the primary difference between the two students of Wythe. Jefferson's position required him to retain his slaves lest he loses his electability and the influence needed for him to enact his political agenda.

John Randolph of Roanoke, on the other hand, who was also a student of Wythe, was heavily influenced by his stepfather, St. George Tucker. Yet it took a string of tragedies within his family and vivid visions of his own death for him to draft a will in 1792 that provided for the eventual emancipation of his 500 slaves.²¹¹ Although he died in 1796, his desires were not fulfilled until 1810.²¹² Like Jefferson, Randolph's legacy of slavery is complex. He believed that neither race could coexist in the same location, "The question of slavery, as it is called, is to us a question of life and death ... You will find no instance in history where two distinct races have occupied the soil except in the relation of master and slave."²¹³ This belief is what led Randolph to become a founding member of the American Colonization Society in 1816 to send freed blacks to a colony in Africa.

To understand the actions and philosophy of John Randolph of Roanoke towards slavery, one must dissect his education in the same way as Jefferson's and Carter's. Before Randolph was sent to William and Mary in 1792 to be educated under George Wythe, he was already extremely

²¹¹ Ely, *Israel on the Appomattox*, 23-9.

²¹² Ely, *Israel on the Appomattox*, 23.

²¹³ Josiah Quincy, *Figures of the Past from the Leaves of Old Journals* (United States: Roberts Brothers, 1882), 213.

close with his teacher. Wythe had already educated Randolph's older brother, Richard Randolph II, and as previously explained, Wythe's impression impacted Randolph II for the remainder of his life, and his teachings were the inspiration for his slaves' manumissions in his will. Randolph II named several executors of his will besides his wife Judith, including St. George Tucker, his brother John Randolph of Roanoke, Creed Taylor, and "next to my father-in-law, my greatest benefactor, George Wythe, Chancellor of Virginia."²¹⁴

Like both Carter and Jefferson, Randolph was raised in the southern aristocracy. He was a mere eight years old when he gazed upon the vast and solitary plantation that would later become inseparable from his identity. It is possible that the enchanting allure of Roanoke began to weave its spell on him during this initial visit. Remarkably, the plantation was already his, having been bequeathed to him and Theodorick through their father's will. Prior to the Randolphs, this land had known no other white owners, and it had long been the domain of John Randolph's Native American ancestors.²¹⁵

John's mother inherited several large estates from her first husband that were to be passed on to his sons. One of the estates, Roanoke, was left to John and Theodorick. Riding over it one day, she supposedly told "Johnny": "When you get to be a man, you must not sell your land; it is the first step to ruin for a boy to part with his father's home: be sure to keep it as long as you live."²¹⁶ Randolph followed her advice, and in a few years, he was the master of vast estates and the slaves and debts that came with them. His inheritance kept him tied to the land and dependent upon it for his prosperity. Randolph was strongly attached to the land of old Virginia and the problems of the planter economy and the slavery system.

²¹⁴ 'W. P. D.', "The Negro Question," January 24, 1889, a typed copy in Bruce Randolph Papers.

²¹⁵ J.R. to Josiah Quincy, Richmond, March 22, 1814, Randolph Mss. L.C.

²¹⁶ Garland, *Randolph* 1:18.

However, unlike Jefferson and Carter, Randolph did have a father figure in his life in the form of St. George Tucker when the latter married his mother. Like Jefferson, Tucker also studied law under George Wythe. Tucker desired to put into practice what was only speculated by the major theoretical writers of public right:

Throughout his life, Tucker's commitment to natural rights ideology of the Revolution shaped his social and political attitudes and forced him to confront the shortcoming of his society. In particular, his loyalty to these principles compelled him to challenge their greatest contradiction—chattel slavery.²¹⁷

In 1795, he still believed that the majority of slave-holders would “cheerfully concur in any feasible plan” for the institution’s abolition.²¹⁸ Confident that something could and would be done to end slavery, he wrote the *Dissertation* (1796). Tucker’s plan advocated for maintaining the current state of slaves throughout their lifetimes. On the other hand, female individuals born after the plan's implementation would attain their freedom upon reaching the age of twenty-eight. Subsequently, these freed females would pass on their liberated status to all their future descendants. When he finished drafting the *Dissertation*, Tucker confidently submitted it to the Virginia House of Delegates and included a note to the Speaker of that body: “The Representatives of a free people have declared that all Men are by nature equally free and independent, can not disapprove a moral Truth into practical effect.”²¹⁹

In his opening statements of the essay, he attacked the wickedness of the slave institution:

Whilst we were offering up vows at the shrine of Liberty, and sacrificing hecatombs upon her altars; whilst we swore irreconcilable hostility to her enemies, and hurled defiance in their faces; whilst we adjured the God of Hosts to witness our resolution to live free, or die, and imprecated curses on their heads who refused to unite with us in establishing the empire of freedom; we were imposing upon our fellow men, who differ in complexion from us, a slavery, ten thousand times more cruel than the utmost extremity of those grievances and oppressions, of which we complained. Such are the inconsistencies of

²¹⁷ Phillip Hamilton, “Revolutionary Principles and Family Loyalties: Slaver’s Transformation in the St. George Tucker Household of Early National Virginia,” *The William and Mary Quarterly* 55 (October 1998): 533-534.

²¹⁸ St. George Tucker to Jeremy Belknap, June 29, 1795, *The Founder’s Constitution*, vol. 1, 559-560., 535.

²¹⁹ St. George Tucker to Jeremy Belknap, 29 June 1795, *The Founder’s Constitution*, vol. 1, 536.

human nature; such the blindness of those who pluck not the beam out of their own eyes, whilst they can espy a mote in the eyes of their brother; such that partial system of morality which confines rights and injuries, to particular complexions; such the effect that self-love which justifies, or condemns, not according to principle, but to the agent.²²⁰

The wording of Tucker's speech is peculiar as he clearly asserts there is unfinished work within the founding of the United States. Tucker blatantly calls out the hypocrisy of individuals who can be so passionate about their own freedom while simultaneously perpetuating extreme cruelty and oppression of others. Tucker also points out the moral double standard that arises from a system of morality that applies rights and wrongs based on one's skin color rather than universal principles of justice. His speech would go on to attack the "forefathers" for sowing the "seeds of evil" which "like leprosy" infected the Union and projected their "sins" on the "succeeding generations."²²¹ However, the Virginia Assembly did not receive Tucker's proposition enthusiastically. Most delegates refused to consider it. Just as Jefferson was deflated by the "public mind," Tucker was dismayed by the negative reaction and never again pursued the issue with the legislature.

Randolph and Tucker developed a deep and affectionate relationship. In letters dating from his youth to his early years in Congress, Randolph repeatedly expressed the "liveliest affection" for Tucker. "My much beloved Father," he wrote at the age of twenty-three, "let me once more express my undiminished respect and affectionate esteem for you, who has proven the unaltered friend of my infancy; who has watched over my youth; and to whose more than paternal care and tendency [sic] I owe every acquisition I enjoy." He sought Tucker's views on

²²⁰ St. George Tucker, *View of the Constitution of the United States with Selected Writings*, with a Foreword by Clyde N. Wilson (Indianapolis: Liberty Fund, 1999), 403.

²²¹ St. George Tucker, *View of the Constitution*, 405.

politics, law, and finances, and professed that he “ever gloried in addressing you by the venerable name of father and friend.”²²²

Randolph of Roanoke’s educational road was certainly much more checkered compared to Jefferson’s. Like Carter III, he had little interest in his education at first, much to the dismay of his stepfather. Both Randolph brothers were kicked out of their first private school for assaulting their teacher and flunked out of both College of New Jersey and Columbia College, New York City, opting to spend their time drinking instead. Randolph of Roanoke then spent time with his cousin Edmund Randolph to study law, though he never practiced. It was only through their family’s wealth and influence that they were permitted into William and Mary.²²³ Like Jefferson and Carter before him, no doubt Wythe’s influence at the University shaped Randolph’s view of slavery. Although St. George Tucker was interested in his sons attaining the best education possible, the Revolutionary War lasted until John was 10, interfering with any prolonged formal education. Indeed, in 1781, Mrs. Tucker and her family left their estate at Mattoax to flee troops under Benedict Arnold. They fled to Bizarre, a large Randolph estate on the Appomattox, where John would spend much of his life.

He began devouring books at an early age, as he later recalled:

One of the first books I ever read was Voltaire's *Charles XII*; about the same time, 1780-1, I read the *Spectator*; and used to steal away to the closet containing them. The letters from his correspondents were my favorites. I read Humphrey Clinker, also; that is Win and Tabby's letters, with great delight, for I could spell at that age, pretty correctly. *Reynard*, the Fox, came next, I think, then *Tales of the Genii* and *Arabian Nights*. This last, and Shakespeare, were my idols. I had read them with *Don Quixote*, *Gil Bias*, *Quintus Curtius*, *Plutarch*, *Pope's Homer*, *Robinson Crusoe*, *Gulliver*, *Tom Jones*, *Orlando Furioso*, and Thomson's *Seasons*, before I was eleven years; also, Goldsmith's *Roman History* . . . and an old history of Braddock's War.²²⁴

²²² David Johnson, *John Randolph of Roanoke: Jimmy Carter and the Making of American Foreign Policy* (LSU Press, 2012) 13.

²²³ Alan Taylor, *Thomas Jefferson's Education* (United States: W. W. Norton, 2019) 72-76.

²²⁴ J. R. to Theodore Dudley, Feb. 16, 1817, in Dudley, *Letters*, 191.

Randolph's position on slavery also came into sharper focus during this period. However, he made distinctions between the evils of the institution and the danger of interfering with the relationship between master and slave that may have seemed inconsistent. He proposed to have the slave trade in the District of Columbia investigated so that some means for ending it could be found. He called the trade a “crying sin before God” and an “abomination,” yet:

Before he proceeded further, he fenced himself in against all suspicion of unduly interfering in the very delicate subject of the relation between the slave and his owner, and to that end, he reminded the House that where a bill was brought in some years before to prevent the prosecution of the African slave trade, he had voted against it, because it professed a principle against which it was the duty of every man of the southern or slaveholding States to set his face; for it assumed a prerogative to interfere in the right of property between the master and his slave. On account of that opposition, he had been calumniously and falsely held up, as one of the advocates of the most nefarious, the most disgraceful, and most infernal traffic that has ever stained the annals of the human race.²²⁵

What concerned Randolph the most was the potential interference with the institution of slavery from external forces. He believed that if the South were allowed to manage its own affairs without outside intervention, it would eventually recognize the impracticality of slavery, leading to a gradual process of emancipation. Ironically, it was the growing threat of external interference in the South that nurtured the sense of regionalism that Randolph had harbored for a long time. In the 1820s, this resurgence of sectionalism brought him back to the national stage, where he enjoyed prominence like that of two decades earlier. “[We] must concern ourselves with what is,” Randolph had conveyed to Josiah Quincy, “and slavery exists.” This statement of Randolph, according to David Johnson, acknowledges that slavery existed primarily because Randolph was one of its most vigorous defenders against any actual or perceived attack, deeming it “a question of life and death” for the South.

²²⁵ *Annals*, 14th Cong., 1st sess. (1816), pp. 1115-16. Although reported here in the third person, these remarks are very similar to other reports of Randolph's statements on these issues from a variety of sources.

Nevertheless, Randolph also privately disclosed to Quincy that the “curse of slavery . . . an evil daily magnifying, great as it already is, embitters many a moment of the Virginia landholder who is not duller than the clod beneath his feet.” Randolph was a persistent opponent of the slave trade, considered emancipation to be a viable option, never bought or sold slaves, and repeatedly condemned the institution. While Randolph supported manumission, he stopped short of abolition. By all accounts, Randolph would be considered a humane master. When his 383 slaves were manumitted, only seven bore any “fleshmarks,” and none of these had been caused by physical abuse.²²⁶

On numerous occasions, Randolph articulated the conflict between slavery and republican ideals. “I have often bewailed the lot that made me their keeper,” he wrote in 1818. “I now bow with submission to the decree of Him who has called me to this state and pray to be enabled to discharge the duties of it.” During his education, Randolph studied the anti-slavery essay of British abolitionist Thomas Clarkson. The “impression made on my mind by the dissertation,” he wrote, “sunk deep.” He attested that, since reading the pamphlet, “all my feelings and instincts were in opposition to slavery in every shape; to the subjugation of one man’s will to that of another.”

Randolph's attraction to Clarkson's essay is unsurprising, given its eloquent appeals to “reason, justice, nature, the principles of law and government, the whole doctrine, in short, of natural religion, and the revealed voice of God.” Randolph no doubt heard echoes of Tucker’s and his own principles when he read: “With respect to the loss of liberty, it is evident that men bear nothing worse . . . and that they have shewn, by many and memorable instances, that even death is to be preferred.” Nevertheless, the influence of Clarkson was tempered, Randolph

²²⁶ Johnson, *John Randolph of Roanoke*, 69.

wrote, “by pleasure, or business,” by custom and culture. “I read myself into this madness, as I have read myself into some agricultural improvements,” he said, figuratively shaking off Clarkson’s influence, “but, as with these last I worked myself out of them, so also I worked myself out of it.”²²⁷

When his brother, Richard Randolph II, passed and liberated his slaves, it was Randolph who set up the free black community of Israel Hill. There, they achieved self-sufficiency on par with neighboring white landowners who possessed similar amounts of land. They engaged in various occupations such as farming, barrel making, and boat work in addition to cultivating their land. The act of emancipation in itself was enough to inflame many Virginia tempers. Still, the violent abolitionist language Richard employed in his will condemning his ancestors and the whole body of his fellow citizens for permitting the evils of slavery going unchallenged for so long a time was probably sufficient to cast suspicion in many minds on that entire branch of the Randolphs.²²⁸ The manner in which Roanoke was administered was hardly more popular. The seventy-six slaves and eight free Negroes who worked the plantation at that time enjoyed an unusual measure of freedom and initiative without the restraints usually imposed by overseers.²²⁹ Many remembered that St. George Tucker had written a critical *Dissertation* on the institution of slavery in Virginia only three years before.²³⁰ Thus, when Randolph himself passed in 1832, like his brother before him, he freed hundreds of slaves in his will and provided money to purchase land for them.²³¹

²²⁷ Johnson, *John Randolph of Roanoke*, 69-70.

²²⁸ Will of Richard Randolph of Bizarre, Cumberland County Clerk's Office, photostat at U.VA.

²²⁹ The Roanoke slave population for 1801 is listed in J.R.'s Commonplace Book, Tucker Papers, C.W. Roanoke's administration had not altered materially since Randolph's first visit there in 1781.

²³⁰ St. George Tucker, *A Dissertation on Slavery; With a Proposal for the Gradual Abolition of it, In the State of Virginia* (Philadelphia, 1796).

²³¹ Russell Kirk, *John Randolph of Roanoke: A Study in American Politics* (Indianapolis, 1964), 189; Berlin, *Slaves Without Masters*, 59.

Many of Wythe's notable students had developed anti-slavery beliefs under his guidance, and Jefferson wished to emulate the same with his own students when he eventually created the University of Virginia. However, why are there such divergent paths between Jefferson and Wythe's other students? As previously explained, slavery played a critical role in one's position within society. Carter was not as politically ambitious as Jefferson; he did not care about the social or political ramifications of manumission, Jefferson clearly did. Additionally, just as the Randolph household was plagued by debt, so was Jefferson's. Randolph walked a fine line for many years regarding manumission. He was politically ambitious like Jefferson and understood the Southern principles regarding slavery if he wanted to remain electable. He also had issues with federal government overreach, just as Jefferson, both taking similar stances regarding the Missouri Controversy. Randolph, like Jefferson, linked slavery and states' rights together. Nevertheless, following his departure from William and Mary, Jefferson made numerous attempts, in which he required his property for status, to influence the eventual eradication of slavery, but he was routinely stonewalled by the "public mind."

Chapter Two:

Jefferson's Early Career

Eager to put his idealistic views into practice, Jefferson quickly learned the realities of life were far too complex for radical change, such as emancipation, to happen instantaneously. During the 1760s and 1770s, Jefferson suffered defeat after defeat in his emancipationist efforts before realizing the 'public mind' was not enlightened enough for emancipation. Like George Wythe's other student, Robert Carter III, Jefferson quickly put his anti-slavery beliefs into practice once he left William and Mary.

While studying law, Wythe ensured that Jefferson was well versed in primary English legal texts, of which Jefferson found himself drawn to the Whig Sir Edward Coke. Part of Jefferson's studies was to "commonplace" or summarize decisions by English judges. David Konig argued that during his studies, Jefferson had determined that slavery had no logical foundation in either common or statutory law.²³² Jefferson's first anti-slavery effort was during his seven years as a lawyer. Jefferson took on six freedom suits *pro bono* or without charge. Interestingly, Jefferson took them at his own expense, suggesting a personal motive rather than financial. Of the six freedom suits, only the records for one, *Howell v. Netherland*, survives. Most of the notes for the case and others were lost in a fire at his mother's house in Shadwell. Jefferson considered the *Howell* case as one of the most important cases prior to the American Revolution, although Jefferson's ranking could be considered self-serving.

²³² David T. Konig, "Thomas Jefferson and the Practice of Law," *Encyclopedia Virginia*, Virginia Foundation for the Humanities, December 20, 2012.

The basis of the 1770 case was Samuel Howell, a mixed-race slave of thirty years, who claimed he should be freed as his great-grandmother was white and was impregnated by a black. His grandmother was born after 1705 and was bound to servitude according to law till 31 years of age. She then gave birth to Howell's mother, and the same law was applicable to her. Samuel Howell was born in 1742, and he, too, was bound to servitude for 31 years. Previously, Howell, along with his younger brother, ran away from their master, Wade Netherland, who subsequently placed a notice on August 8, 1770, in the *Virginia Gazette*. When Howell was recaptured, Jefferson acted as his lawyer for his case at no charge and appealed to the General Court for his freedom. Virginian law was strict on emancipation, "except for some meritorious services, to be adjudged and allowed by the Governor and Council," so the case by default was going to be an uphill battle for the young idealistic Jefferson.²³³

Jefferson's first argument for Howell's freedom was founded on the lack of precedent. After thirty years of servitude, Jefferson contended that once Howell was sold to Netherland, Howell's legal obligations were voided because bond servants were not transferable. To supplement his argument, Jefferson cited "An act concerning Servants and Slaves" (1705) that enslaved the children of the offspring of a white woman and black male and a 1723 law that bound children of the offspring, "So that the position at first laid down is now proven, that the act of 1705, makes servants of the first mulatto, that of 1723, extends it to her children, but that it remains for some future legislature if any shall be found wicked enough, to extend it to the grandchildren and other issues more remote, to the "*nati natorum et qui nascentur ab illis*."²³⁴

²³³ William G. Merkel, "A Founding Father on Trial: Jefferson's Rights Talk and the Problem of Slavery During the Revolutionary Period," *Rutgers Law Review* 64, no. 3 (2012): 631.

²³⁴ Thomas Jefferson, *The Writings of Thomas Jefferson*, ed. Paul Leicester Ford (New York: G. P. Putnam's Sons, 1892), 373–381.

However, there were no laws in place for third-generation children, leaving no basis for Howell to remain bound.

Yet, Jefferson did not make the argument that Howell should be freed based on his client's appearance of being white. It is most likely that Jefferson's client was not light-skinned, as a lower court had already ruled against him solely on this detail, per the norm.²³⁵ Rather, Jefferson argued that because of Howell's "white ancestry," he was then able to "build on that fact in a manner that call[ed] into question the moral legitimacy of slaveholding irrespective of the color of the bondmen."²³⁶

Jefferson's next argument boldly invoked natural rights; Jefferson asserted that:

I suppose it will not be pretended that the mother being a servant, the child would be a servant also under the law of nature, without any particular provision in the act. Under the law of nature, all men are born free, and everyone comes into the world with a right to his own person. This is what is called personal liberty, and [it] is given him by the author of nature, because necessary for his own sustenance. The reducing the mother to servitude was a violation of the law of nature: surely then the same law cannot prescribe a continuance of the violation to her issue, and that too without end, for if it extends to any, it must to every degree of descendants.²³⁷

Perhaps the most curious aspect of Jefferson's appeal is his assertion that natural law was the supreme law of the land:

Under the law of nature, all men are born free, everyone comes into the world with a right to his own person, which includes the liberty of moving and using it at his own will. This is what is called personal liberty and is given him by the author of nature because necessary for his own sustenance.²³⁸

Thus, in Jefferson's argument, a mother being a servant does not justify the child being a servant as well, violating the law of nature.

²³⁵ For freedom suits during this period, see Duncan MacLeod, *Slavery, Race, and the American Revolution* (New York: Cambridge University Press, 1975), 109-126.

²³⁶ Merkel, "A Founding Father on Trial," 621.

²³⁷ Ford, *The Writings of Thomas Jefferson*, 376.

²³⁸ *Ibid.*, 373-381.

However, there was another layer to Jefferson's argument, referring to the words of German legal theorist Samuel von Pufendorf, who was not opposed to slavery in all circumstances but believed that due to it violating natural law, the legislature must "rediscover, reinvent, and reassert positive pro-slavery law over the years" to rationalize keeping people enslaved.²³⁹ Unlike the philosophical views of John Locke and Thomas Hobbes regarding slavery, Pufendorf rejects the perception that slavery arose from the war of all against all and that victors had the right to enslave their attackers. He also rejects the notion that servitude is derived from divine approval, with the victors of war granted the authority to enslave captives. Alternatively, Pufendorf states that slavery did not originate from war but from voluntary contracts between individuals of different economic classes. From this "contract servitude," people could escape poverty by voluntarily entering servitude. From there, the master's authority is limited to the servant's labor; the master cannot engage in capital punishment or sell the servant to another master because the master does not own the servant's body or life.²⁴⁰

Jefferson, with Puffendorf's views, contended that:

For having proved that servitude to be rightful must be founded on either compact or capture in war, he proceeds to shew that the children of the latter only follow the condition of the mother: for which he gives this reason, that the person and labor of the mother in a condition of perfect slavery, (as he supposes to be that of the captive in war) being the property of the master, it is impossible she should maintain it but with her master's goods; by which he suppose a debt contracted from the infant to the master. But he says in cases of servitude founded on compact, "The food of the future issue is contained or implied in their own maintenance, which their master owes them as a just debt; and consequently their children are not involved in a necessity of slavery." This is the nature of the servitude introduced by the act of 1705, the master deriving his title to the service of the mother, entirely from the contract entered into with the churchwardens.²⁴¹

²³⁹ Merkel, "A Founding Father on Trial," 627.

²⁴⁰ Samuel von Pufendorf, *Of the Law of Nature and Nations* (Oxford: The Lawbook Exchange LTD, Clark, New Jersey 2005).

²⁴¹ Ford, *The Writings of Thomas Jefferson*, 1:373–381.

Jefferson's progressive ideals were not as welcoming in the ears of the court. The men of the court, whom Jefferson liked and admired, quickly snuffed out any discussion of the contradiction of natural rights and pro-slavery laws. In complete humiliation, Jefferson's case was thrown out by the court before the opposing council could even make an argument.

As fate would have it, on the opposing counsel was Jefferson's mentor, George Wythe. "Wythe, for the defendant, was about to answer, but the Court interrupted him and gave judgement in favor of his client."²⁴² Due to the court tossing out Jefferson's case, there is no record of what Wythe's response to Jefferson's natural rights argument would have been. It has created much discussion among scholars over Wythe's reply, with some speculating he might have been pro-slavery at this point in his life as he was on the opposing council of a freedom suit. Perhaps it was Jefferson's inspiring words that moved him to become anti-slavery.²⁴³

On the other hand, the more likely outcome was Wythe, acting as many lawyers must, represented a client whose views did not represent his own. For a better understanding of Wythe's anti-slavery views, it is worth dissecting his time as a judge on Virginia's High Court of Chancery over more subsequent slavery cases. When John Pleasants', an anti-slavery Quaker, will freeing hundreds of slaves was challenged in 1798, Wythe upheld the will and took an additional step decreeing that Pleasants' family owed the now freed slaves sixteen years' worth of back pay.²⁴⁴ In 1806, in *Hudgins v. Wright*, when an enslaved Native American family sued for their freedom, Wythe ruled that because the family looked either Native American or white but not African American, they were presumed to be free. Due to this, the owner must provide

²⁴² Published in Reports of Cases Determined in the General Court of Virginia from 1730 to 1740, and from 1768 to 1772. See Thomas Jefferson, *The Works of Thomas Jefferson*, vol. 1, Federal Edition, ed. Paul Leicester Ford (New York: G.P. Putnam's Sons, 1904), 471. After the verdict, Howell and his brother again ran away.

²⁴³ Merkel, "A Founding Father on Trial," 628.

¹³ *Ibid.*

the burden of proof of ownership. Additionally, Wythe declared that the Virginia Declaration of Rights (1776) held that all men “are by nature equally free and independent,” and the family should be freed.

Wythe’s ruling in this case followed the precedent set by numerous northern states that also had “free and equal” clauses in their founding documents. Because these documents were written when slavery was widespread and virtually universally legal, judges were called to rule on their inferences. In states like Massachusetts, judges ruled on behalf of slaves due to the level of public opinion against slavery. However, in southern states such as Virginia, Wythe’s actions were more radical. While the Virginia Declaration of Rights invoked the words “free and equal,” it was widespread knowledge that it was never meant to apply to slavery.²⁴⁵ Furthermore, in response to Gabriel’s Rebellion (1800), public opinion turned against emancipation. During the same year as *Hudgins*, the Virginia legislature passed a bill that demanded all freed slaves leave the state or they would be re-enslaved.

It would be reasonable then to conclude that Wythe supported Jefferson’s case with Mr. Howell in 1770, as he not only endorsed Jefferson’s anti-slavery actions in the Virginia legislature but also joined in some during the Revolutionary period. Jefferson’s first anti-slavery legislation attempt occurred shortly after he was elected to the House of Burgesses on May 11, 1769. Jefferson had previously visited the House of Burgesses in 1765 while he was still a student at William and Mary. Then, he witnessed Patrick Henry's defiant stand against the Stamp Act. Jefferson was awestruck by the “splendid display of Mr. Henry's talents as a popular orator. They were great indeed, such as I have never heard from any other man. He appeared to me to

¹⁴ For an in-depth analysis of the *Hudgins* case, see Robert Cover, *Justice Accused: Antislavery and the Judicial Process* (New Haven: Yale University Press, 1975), 50-55. Following Wythe’s murder, the *Hudgins* case was appealed; While the court upheld Wythe’s racial reasoning, they did overturn his natural rights reasoning.

speak as Homer wrote.”²⁴⁶ Henry became notorious for his passionate nationalist speeches, a sentiment that Jefferson would share. Not only were Jefferson’s anti-slavery notions developing, but his sense of nationalism was beginning to take shape as, during this time, the colonies geared closer to rebellion.

Prior to Jefferson’s election to the body, the House had already begun developing an anti-slavery atmosphere. Since 1710, the Virginian colony had taken several steps to curb the slave trade with varying degrees of success.²⁴⁷ Prior to 1769, Virginia had implemented a five percent tax on slave purchases and had even attempted to raise it as high as thirty-five percent. But in 1770, the English crown grew irritated at the colony’s antics and commanded the Virginia governor “upon the pain of the highest displeasure to assent to no laws by which the importation of slaves should be in any respect prohibited or obstructed.”²⁴⁸ Virginia remained defiant, petitioning the King in 1772:

We implore your Majesty’s paternal assistance in averting a calamity of a most alarming nature. The importation of slaves into the colonies from the coast of Africa hath long been considered as a trade of great inhumanity, and under its present encouragement, we have too much reason to fear it will endanger the very existence of your Majesty’s American dominions. We are sensible that some of your Majesty’s subjects may reap emoluments from this sort of traffic, but when we consider that it greatly retards the settlement of the colonies with more useful inhabitants and may, in time, have the most destructive influence, we presume to hope that the interest of a few will be disregarded when placed in competition with the security and happiness of such numbers of your majesty’s dutiful and loyal subjects. We, therefore, beseech your Majesty to remove all those restraints on your Majesty’s governors in this colony which inhibit their assenting to such laws as might check so pernicious a consequence.²⁴⁹

²⁴⁶ Jefferson, Ford, and Putnam, *Autobiography of Thomas Jefferson*, 9.

²⁴⁷ For an excellent overview of the colony’s attempt during this time to ban the slave trade, see W.E.B. DuBois, *The Suppression of the African Slave-Trade to the United States of America: 1638-1870*, with an Introduction by Herbert Aptheker (Millwood, N.Y.: Kraus-Thomson, 1973), 3-4. Dubois is undecided on Virginia’s commitment, during this time, to banning the slave trade. He does agree that they were alarmed at how many were being imported; James Curtis Ballagh, *A History of Slavery in Virginia* (Baltimore: Johns Hopkins Press, 1902).

²⁴⁸ Oliver Perry Chitwood, *Richard Henry Lee: Statesman of the Revolution* (Morgantown: West Virginia University, 1967), 20.

²⁴⁹ Ballagh, *A History of Slavery*.

The same day Jefferson was elected to the House of Burgesses in 1769, the House had unanimously agreed to boycott any “Manner of Goods, Merchandize, or Manufactures, which are or shall hereafter be taxed by Act of Parliament,” in response to the Townshend Acts. This was seen as an act of patriotism by the House, yet this did not end there. They extended the boycott to other goods such as wine, sugar, trinkets, pickles, beef, pork, tables, and chairs. However, to Jefferson, this was not enough. Jefferson also went after British slavery, demanding:

That we will not import or bring into the colony, or cause to be imported or brought into the colony, either by sea or land, any slaves, or make sale of any upon commission, or purchase any slave or slaves that may be imported by others after the 1st day of November next, unless the same have been twelve months upon the continent until the acts had been repealed.²⁵⁰

While it would be pure conjecture at this time to contend that Jefferson’s support for the boycott of slaves was anything more than an act of rebellious comradery with his fellow Virginians against the British’s policies for them to be appealed, it cannot be overlooked that there was an unofficial anti-slavery current running through members of the House. Richard Henry Lee, in his first speech to the House, claimed the slave trade was poisonous to the colony’s moral interests. He further argued:

Nor, sir, are these the only reasons to be urged against the importation. In my opinion, not the cruelties practiced in the conquest of Spanish America, not the savage barbarity of a Saracen, can be more big with atrocity, than our cruel trade to Africa. There we encourage those poor, ignorant people, to wage eternal war against each other; not nation against nation, but father against son, children against parents, and brothers against brothers, whereby parental, filial, and fraternal duty is terribly violated; that by war, stealth, or surprise, we Christians may be furnished with our fellow creatures, who are no longer to be considered as created in the image of God as well as ourselves, and equally entitled to liberty and freedom by the great law of nature, but they are to be deprived, for ever deprived, of all the comforts of life, and to be made the most wretched of the human kind. I have seen it observed by a great writer that Christianity, by introducing into Europe the truest principle of humanity, universal benevolence, and brotherly love, had happily abolished civil slavery. Let us, who profess the same religion, practice its

²⁵⁰ Thomas Jefferson, *A Summary View of the Rights of British America* (Williamsburg Va.: Printed by Clementina Rind, 1774).

precepts; and by agreeing to this duty, convince the world that we know and practice our true interests, and that we pay a proper regard to the dictates of justice and humanity.²⁵¹

Lee's efforts continued further with his own draft of taxes for slaves imported to Virginia. While Lee's efforts were futile, Jefferson's old friend and mentor, Governor Francis Fauquier, believed that those who opposed the act did so out of self-interest rather than humanitarian concerns.²⁵²

In 1769, Edward Stabler, a Quaker, presented a request for the Burgesses to pass a law that allowed individual Quakers to manumit their slaves. Quakers had long been opponents of slavery, basing their objection on their commitment to pacifism, and since slavery was principled on violence, they deemed it morally wrong. The Virginian Quakers had explicitly forbidden manumissions except for meritorious deeds confirmed by the legislature.²⁵³ The Quakers' efforts against slavery would be acknowledged by Henry in 1773, praising them for forcing the issue of slavery to the front; he conveyed uneasiness akin to those expressed by other Virginians. Still, he also rationalized unsympathetically that he could not remove himself from his position, for he was "drawn along by the general inconvenience of living without them; I will not, I cannot justify it," as he wrote.

Instead, the best that Henry and other slaveholders could hope for was to "treat the unhappy victims with lenity; it is the furthest advance we can make towards justice," or at least the furthest that the boundaries of his and his contemporaries' imaginations could carry them.²⁵⁴ By the time of the Revolution, Pennsylvania Quakers actively allied themselves with

²⁵¹ Chitwood, *Richard Henry Lee*, 18-19.

²⁵² *Ibid.*, 18.

²⁵³ James H. Ketter, "Persons or Property? The Pleasants Slaves in the Virginia Courts, 1792-1799," in *Launching the 'Extended Republic': The Federalist Era*, eds. Ronald Hoffman and Peter J. Albert, (Charlottesville, VA: University of Virginia Press, 1996): 136-55, 138.

²⁵⁴ Patrick Henry to Robert Pleasants, Jan. 18, 1773, in Pleasants Papers, Brock Collection, Huntington Library, San Marino, CA. Henry's letter has been reprinted numerous times and has been discussed and quoted at length in other places, notably David Brion Davis, *The Problem of Slavery in the Age of Revolutions* (reprint; New York: Oxford University Press, 1999), 197.

abolitionists in Great Britain.²⁵⁵ The Quaker efforts to end slavery and the slave trade did not end with the Revolution, as in 1790, Pennsylvania Quakers, joined by Benjamin Franklin, petitioned the Congress to introduce legislation to end the importation of slaves and begin a program of gradual emancipation.²⁵⁶

In the earliest days of the colony, Virginians could not manumit their slaves at will, facing fines and, potentially, jail. While there were certainly cases of few manumissions being allowed, going as far back as 1619, it was still a difficult and tiresome process.²⁵⁷ The varying degree of manumission laws varied, depending on the reason. For example, laws barring the manumission of sick or old slaves were in place for understandable explanations: freeing a sick or elderly slave was seen as cruel because the freedom would undoubtedly cause a premature death, if not accelerate such an end.²⁵⁸ Prior to the Stabler's arrival, the most recent manumission law was in 1723 that prohibited manumissions except for "some meritorious service," compared to previously that any freed slave had to be removed from the colony within six months of the date of their manumission at the owner's expense, else the owner would be fined.²⁵⁹

No doubt, Stabler found a friend in Jefferson, who convinced his elder cousin, the respectable Richard Bland, to present a bill that returned the right of the individual owners to manumit their slaves, just as Stabler had requested. Jefferson was not entirely idealistic to expect the bill to pass as many prominent Virginians such as Washington, Madison, Monroe, Henry,

²⁵⁵ George van Cleve, "Somerset's Case' and Its Antecedents in Imperial Perspective." *Law and History Review* 24, no. 3 (2006): 601.

²⁵⁶ Thomas Edward Drake, *Quakers and Slavery in America* (United Kingdom: Yale University Press, 1950), 15.

²⁵⁷ Luther P. Jackson, "Manumission in Certain Virginia Cities," *The Journal of Negro History* 15, no. 3 (July 1930): 278.

²⁵⁸ Sumner Eliot Matison, "Manumission by Purchase," *The Journal of Negro History* 33, no. 2 (April 1948): 146, 148.

²⁵⁹ Matison, 148; Benjamin Joseph Klebaner, "American Manumission Laws and the Responsibility for supporting Slaves," *The Virginia Magazine of History and Biography* 63 (1955): 443-453; William M. Wiecek, "The Statutory Law of Slavery and Race in the Thirteen Mainland Colonies of British America," *The William and Mary Quarterly* 34, no. 2 (April 1977):79.

Lee, and John Randolph of Roanoke all expressed a dislike towards the institution. Washington longed for some proposal that could be accepted “by which slavery in this country may be abolished by slow, sure, and imperceptible degrees.”²⁶⁰ Patrick Henry stigmatized slavery as an “abominable practice” and a “species of violence and tyranny.”²⁶¹ George Mason, a known opponent of slavery, wrote in support of a revolutionary ban on slave imports by stating that “we take this opportunity of declaring our most earnest wishes to see an entire stop forever put to such a wicked, cruel, and unnatural trade.”²⁶² And John Randolph of Roanoke pronounced it “a volcano in full operation.”²⁶³ Richard Henry Lee, in 1759, had proposed “to lay so heavy a duty on the importation of slaves as effectually to put an end to that iniquitous and disgraceful traffic within the colony of Virginia.”²⁶⁴

Unfortunately, the atmosphere was not ready for such a bill, as the legislature rejected the bill directly. While the young Jefferson was more “spared in the debate” when he seconded the motion, it is important to note the courage Jefferson displayed when he seconded Bland’s motion. Jefferson understood that anti-slavery ideals were not as popular as he would have liked, and this was proven when Bland received the lion’s share of the criticism as he was “denounced as an enemy to his country and was treated with the grossest indecorum.”²⁶⁵ When Jefferson recounted the event years later to Edward Coles, he explained his thoughts:

The love of justice and the love of country plead equally the cause of these people, and it is a moral reproach to us that they should have pleaded it so long in vain, and should have

²⁶⁰ Worthington C. Ford, ed., *The Writings of George Washington*, 14 vols., New York, 1891, XI, 62.

²⁶¹ Edward Channing, *A History of the United States*, 6 vols., New York, 1921- 1926, Y, 120; Moses C. Tyler, *Patrick Henry*, Boston, 1898, 388-389.

²⁶² George Mason, “Fairfax County Resolves, 18 July 1774,” *Founders Online*. National Archives. Accessed June 7, 2023. <https://founders.archives.gov/documents/Washington/02-10-02-0080>.

²⁶³ William C. Bruce, *John Randolph*, 2 vols., New York, 1922, I, 526; II, 49-50.

²⁶⁴ Quotes in Frank Gaylord Cook, “Richard Henry Lee,” *The Atlantic Monthly* 66 (July 1890): 25.

²⁶⁵ Thomas Jefferson to Edward Coles, 25 Aug. 1814. See also Malone, *Jefferson the Virginian*, 1:134; MacMaster, “Arthur Lee’s ‘Address on Slavery,’ 149; Jefferson, *Autobiography*, 7. While the bill cannot be located within the Burgesses’ records, it was common for bills not to be reported if they failed to pass.

produced not a single effort, nay I fear not much serious willingness to relieve them & ourselves from our present condition of moral & political reprobation.²⁶⁶

Fortunately, the Quakers' efforts did not stop there. In 1770, Robert Pleasants and other Quakers submitted manumission bills to legislators requesting that they place before the Virginia House a law repealing the colony's 1723 restriction on manumission:

Which prevents a man from rewarding faithfulness with freedom in his servant and deprives the owner of the liberty of disposing in that manner of what the same law hath made his property; a privilege which I believe has been enjoyed by almost every age of the World before the introduction of slavery into America.²⁶⁷

Jefferson reflected on this moral failure of the "regal government" for two reasons. His first reason was that living under colonial rule had "circumscribed" the minds of the legislators "within narrow limits by a habitual belief that it was our duty to be subordinate to the mother country in all matters of government." The Burgesses rejected any changes to their laws, not because they held deep "reflections and convictions" but rather from "habit and despair." Additionally, Jefferson believed that the "mother country" definitively expressed her intentions on the issue of slavery, stating that "Royal negative [the King's veto] closed the last door to every hope of amelioration."

In Jefferson's opinion, "nothing liberal" would pass the legislation because of the colony's subordination to England.²⁶⁸ As Jefferson continued to serve in his role, he developed a reputation as a vehement critic of British policy in the colonies, attacking not only their tax policies but their contradictions with his vision of a democratic democracy. This vision was championed by "decentralized and self-governing 'ward republics,'" contrasted with the British mode of overseeing its colonies. Jefferson regarded Parliament's capability to enforce unpopular

²⁶⁶ Thomas Jefferson to Edward Coles, August 25, 1814.

²⁶⁷ Robert Pleasants to Col. Bland, March 15, 1770, Robert Pleasants Letterbook, Huntington Library, San Marino, CA.

²⁶⁸ Jefferson, *Autobiography*, 5-7. For amelioration of slavery, see Dierksheide, *Amelioration and Empire*.

legislation on the colonists and often traversed the laws decided by colonial leaders as an example of tyranny.²⁶⁹

The disconnect with the King only grew as Jefferson's nationalism gained traction. It is critical to emphasize this disconnect not only with King George III but also the British with the colonists. While there was certainly an anti-slavery undercurrent in the colonies, it was by no means widespread within the "public mind," but it was in the British Isles. Jefferson's coming of age during the Revolutionary period drastically shaped his consequent political and intellectual career. Like the other colonies, Jefferson had grown up as an Englishman and saw only being referred to as an "American" as a devaluation. But, just as salient in the eventual British rejection of Americans as equal British subjects was the association of the colonies with African slavery. This association could be an additional reason why the British rejected Americans as equal British subjects.

As anti-slavery sentiments increased in the British Isles, the English were hard-pressed to accept the "drivers of slaves" as worthy heirs of British liberty and identity.²⁷⁰ As a consequence of these many factors, the English, ultimately, "failed to incorporate... colonial Americans into their idea of nation."²⁷¹ Thus, the colonists would then begin to develop their own nationalism.

Nationalism

However, a definition of nationalism must be established. The idea of nationalism was theoretical and born in this period. Envisioning a republic before one existed in the modern age

²⁶⁹ Thomas Jefferson, "Declaration of the Causes and Necessity of Taking up Arms," 6 July 1775, in *Thomas Jefferson: Political Writings*, eds. J. Appleby and T. Ball (Cambridge: Cambridge University Press, 1999), 80-87.

²⁷⁰ Jack P. Greene, "Empire and Identity from the Glorious Revolution to the American Revolution," in *The Oxford History of the British Empire: Volume II: The Eighteenth Century*, ed. P.J. Marshall, 226; *The British Revolution in America* (Austin, Texas: Faculty Seminar on British Studies, 1996) 15-16

²⁷¹ P.J. Marshall, "A Nation Defined by Empire, 1755-1776," in *Uniting the Kingdom?: The Making of British History*, eds. Alexander Grant and Keith J. Stringer, (London and New York: Routledge, 1995), 216-221.

was a process of imagination. Modern historians of nationalism have largely rebuffed perceptions of nations as primordial bodies that thereby direct a natural commitment from their people. In its place, nations have a history that is created by culture, language, economy, and politics. The social anthropologist Ernest Gellner writes, “The central mistake committed both by the friends and the enemy of nationalism is the supposition that it is somehow natural.” This is to contend that nationalism, per Gellner, “is not the awakening of nations to self-consciousness: it invents nations where they do not exist.”²⁷² On the other hand, according to scholar Benedict Anderson, who complements Gellner, nations are “imagined communities,” however, he corrects Gellner’s assertion that nations are imaginary.²⁷³ Thus, per Anderson, if the nation is imagined, then the sense of nationalism can be imagined.

If nations are imagined communities through various aspects such as culture, then how is culture or tradition created within a nation? Historian Eric Hobsbawm believes that tradition is created somewhere between custom and routine. While they appear or claim to be old, they are often quite recent in origin and may even be invented. Additionally, Hobsbawm writes that tradition gives desired changes and resistance to innovation, the sanction of precedent, social continuity, and natural law as expressed in history.²⁷⁴ This is a critical aspect for context as Elias Jose Palti argues that while nations changed over time, no transformation could be introduced in each nation from without if this transformation was not already somehow inscribed within it as one of its possible potential developments.²⁷⁵

²⁷² Eric Gellner, *Thought and Change* (Chicago: The University of Chicago Press, 1965), 150, 168.

²⁷³ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London and New York: Verso, 1991), 6.

²⁷⁴ Eric Hobsbawm and Terence Ranger, ed., *The Invention of Tradition* (New York: Cambridge University Press, 1992). 2.

²⁷⁵ Elias Jose Palti, “The Nation as a Problem: Historians and the “National Question.” *History and Theory* 40 (October 2001), 328.

To contextualize Jefferson's view of slavery within his now-growing nationalist view, it is important to establish his view of nationalism. Jefferson understood that nationalism illustrates the ways in which the nation is distinctive from other nations. As a principle, it pursues unity, if not some degree of homogeneity within the nation, and seeks to protect it from external and internal threats to its character and autonomy. In a political sense, nationalism drives the nation to self-govern and ensures it oversees its own political path. Jefferson's nationalism will, in turn, be one of the driving forces towards his hesitation in directly confronting slavery, which will be outlined in Chapter 3.

When compared to other colonies, Jefferson observed that the Virginians were unique in that they "can profess unbounded love of liberty and of democracy in consequence of the mass of the people who in other countries become mobs, being there nearly altogether composed of their own negro slaves..."²⁷⁶ Here, Jefferson highlights Virginia's distinct society, that their love for liberty and democracy was due to the potential of the "mob" element. However, why does Jefferson use the word mob? There was a fear in societies that an unruly and uneducated population could cause unrest and destabilize the country. While this would typically be from underprivileged populations, for Virginia, this would be due to their slave population, who had no political power or rights. Thus, Jefferson's argument that the institution of slavery in Virginia acted as a safeguard against the creation of a traditional "mob" because slaves were incapable of contributing to the political procedures and actions that might lead to social strife. This arrangement, in his view, allowed the white population to maintain their love for liberty and democracy without fear of the type of revolt against the social order that might occur in other countries.

²⁷⁶ Quoted in Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York, 1975), 380.

On the other hand, it was his pamphlet, *A Summary View of the Rights of British America* (1774), that first displayed Jefferson's nationalism. Jefferson had written *A Summary View* in response to Parliament's Coercive Acts of early 1774. The measures, also known in America as the "Intolerable Acts," were adopted by the British government in the aftermath of the Boston Tea Party of December 1773. They were designed to isolate rebellious Massachusetts Bay and force it into submission. This intention proved to be a severe miscalculation. In a remarkable show of unity, all the colonies but Georgia expressed support for Massachusetts and moved to appoint delegates to a Continental Congress in Philadelphia. Members of Virginia's House of Burgesses, recently dissolved by Governor John Murray Dunmore for declaring a day of fasting and prayer for Massachusetts, met at the Raleigh Tavern and expressed the sentiments of most Americans when they proclaimed that "an attack, made on one of our sister colonies, to compel submission to arbitrary taxes, is an attack made on all British America, and threatens ruin to the rights of all."²⁷⁷

One of the most important pieces of the book was the fact that Jefferson was "the first American directly and publicly to criticize George III."²⁷⁸ Members of Virginia's House of Burgesses, recently dissolved by Governor Dunmore for declaring a day of fasting and prayer for Massachusetts, met at the Raleigh Tavern and expressed the sentiments of most Americans when they proclaimed that "an attack, made on one of our sister colonies, to compel submission to arbitrary taxes, is an attack made on all British America, and threatens ruin to the rights of

²⁷⁷ "An Association, Signed by 89 Members of the Late House of Burgesses," May 27, 1774, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (cited hereafter as PTJ), 30 volumes to date (Princeton, 1950-), 1: 108. For an excellent summary of the events surrounding the Coercive Acts, see David L. Ammerman, "The Tea Crisis and its Consequences, Through 1775," in *The Blackwell Encyclopedia of the American Revolution*, eds. Jack P. Greene and J. R. Pole, (Cambridge, Massachusetts: Basil Blackwell, 1991), 198-210.

²⁷⁸ Ian R. Christie and Benjamin W. Labaree, *Empire or Independence, 1760-1776: A British American Dialogue on the Coming of the American Revolution* (New York: Norton, 1977), 206.

all.”²⁷⁹ Jefferson was initially nominated to the convention that would choose Virginia’s delegates to the First Continental Congress. However, he was “stopped on the road by sickness” and “unable to proceed,” Jefferson instead sent his proposed draft of instructions to the delegates in Williamsburg.²⁸⁰

Nonetheless, the convention rejected the document as too profound, but many instantly realized its significance and published it anonymously, without Jefferson’s knowledge or permission, under the title *A Summary View of the Rights of British America*. Jefferson used this pamphlet to present an American identity that was not only separate but different politically and culturally from that of the English. Therefore, when Jefferson wrote about slavery in the pamphlet, it was clear he felt that England violated the national identity of the colonies. Jefferson writes that it had been forced upon the colonies by the King.

The first line of Jefferson’s condemnation against slavery can be dissected on different levels, “The abolition of domestic slavery is the great object of desire in those colonies where it was unhappily introduced in their infant state.”²⁸¹ If they wished to abolish slavery, they must also end the importation of slaves from Africa, which would, in turn, harm the Royal African Company’s profits. Due to this, every time the Virginia legislature attempted to place restrictions on the importation of slaves, either for economic reasons or, as Jefferson stated, they wished to end slavery, the King vetoed their bills. The King had a commercial interest in the colonies, and slavery was a part of that interest.

²⁷⁹ “An Association, Signed by 89 Members of the Late House of Burgesses,” May 27, 1774, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd, 30 volumes to date (Princeton, 1950-), 1: 108. For an excellent summary of the events surrounding the Coercive Acts, see Ammerman, “The Tea Crisis and its Consequences,” 198-210.

²⁸⁰ Jefferson to John W. Campbell, September 3, 1809; Jefferson, *Autobiography*, 9.

²⁸¹ Jefferson, *A Summary View of the Rights of British America*, 130.

While the other colonies at this moment were not considering nation-building, reconciliation with England was still the objective. On the other hand, within *A Summary View*, Jefferson argued that the British Parliament had no natural right to govern the colonies, which he claimed had been independent since their founding:

At no point is the authority of the British constitution derived from prescriptive or historic right, as distinct from, and opposed to, natural right. Right is prescriptive only insofar as the right that is inherited is itself natural in its genesis and its reason. It is also true that the stated (or prudent) objective of the address is reconciliation. But the tone and manner in which it speaks to the king is one of independence.²⁸²

These intentions of Jefferson can be seen early within *A Summary View*:

Our ancestors, before their emigration to America, were the free inhabitants of the British dominions in Europe, and possessed a right which nature has given to all men, of departing from the country in which chance, not choice, has placed them, of going in quest of new habitations, and of their establishing new societies, under such laws and regulations as to them shall seem most likely to promote public happiness. That their Saxon ancestors had, under this universal law, in like manner left their native wilds and woods in the north of Europe, had possessed themselves of the island of Britain, then less charged with inhabitants, and had established there that system of laws which has so long been the glory and protection of that country.²⁸³

This makes his thoughts clear on whether slavery should have even been established to begin with. When the identity of the colonies was still being decided amongst themselves, England introduced slavery before the colonies could decide if that was what they desired.

Yet, Jefferson argued that that is exactly the opposite of what they desired, as he wrote that the abolition of domestic slavery was the great object of desire in those colonies. In Jefferson's mind, the British introduction of slavery was a direct violation of the colonies' rights, as the British Parliament had no right to govern the colonies to begin with. But that was not what the King preferred. He would much rather "the immediate advantages of a few British corsairs to the lasting interests of the American states, and to the rights of human nature deeply wounded by

²⁸² Harry V. Jaffa, *A New Birth of Freedom* (Lanham, Maryland: Rowman & Littlefield, 2000), 7.

²⁸³ Jefferson, 4.

the infamous practice.”²⁸⁴ Jefferson held a high regard for the colonies, in particular Virginia, believing that they were unique because they professed “an unbounded love of liberty and of democracy in consequence of the mass of the people, who in other countries might become mobs, being there nearly altogether composed of their own Negro slaves...”²⁸⁵

But here, the complexity of Jefferson is on display as he simultaneously advocated for the abolition of the transatlantic slave trade, except for the slaves that were already here, “But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa.” Why would Jefferson want to exclude the current slaves within the colonies but ban further importation of slaves? The answer to this is found in the economy of Virginia, which Jefferson considered to be his country.²⁸⁶ By 1776, Virginia contained more than two hundred thousand slaves, over half the entire colored population of the United States.²⁸⁷ Of this, Jefferson himself owned more than 185 slaves in 1774, and by 1781, this rose to over 200 despite him losing thirty in a British raid by General Cornwallis.²⁸⁸

The economy of Jefferson’s country, Virginia, was entirely dependent upon slave labor during the early 1770s.²⁸⁹ This is arguably one of the most significant reasons Jefferson could not actively promote the abolition of slaves already within Virginia, even if he had desired to, as he claimed. The identity of Virginia had been created through slave labor on the plantations and was dependent on that labor. Yet, it was during this time that Jefferson introduced “A Bill

²⁸⁴ Ibid..

²⁸⁵ Morgan, *American Slavery*, 380.

²⁸⁶ Thomas Jefferson to the Inhabitants of Albemarle County, April 3rd 1809, *The Papers of Thomas Jefferson*, Retirement Series, vol. 1, *4 March 1809 to 15 November 1809*, Ed. J. Jefferson Looney. (Princeton: Princeton University Press, 2004), 102–103.

²⁸⁷ Stanley M. Elkins, *Slavery: A Problem in American Institutional and Intellectual Life*, (United Kingdom: University of Chicago Press, 2013). 37-52.

²⁸⁸ Malone, *Jefferson the Virginian*, (Boston, 1948), 163.

²⁸⁹ MacMaster, “Arthur Lee’s ‘Address on Slavery’,” 146–150.

Concerning Slaves.” It is within this piece of legislation that Jefferson switches from his slave-owner persona to his republican persona.

As a vivid advocate for the authority of states’ rights within the confines of the Constitution, Jefferson believed that slavery was an issue that the states should decide for themselves, as top-down mandates from the federal government would be just as oppressive as if they had remained under British Rule. This proposal by Jefferson read “that no persons shall, henceforth, be slaves within this commonwealth, except such as were so on the first day of this present session of Assembly, and the descendants of the females of them.”²⁹⁰ It is important to note the language of the text within this bill. While Jefferson is clearly pushing for abolition, he is also simultaneously allowing it to remain. The questions must be asked: why? The bill was proposed during Jefferson’s governorship in Virginia during the peak of the American Revolution. The economy of Virginia could not afford to be radically transformed during this critical moment.

But Jefferson’s own nation was not the only nation he envisioned. Historian Peter Onuf asserts that Jefferson viewed Virginian slaves as a distinct nation from the colonists. They were “a people without a country, a captive nation, forcibly restrained from vindicating their rights against their white oppressors.”²⁹¹ Thus, they would need to establish their own nation elsewhere if emancipated. The natural relationship between the blacks and whites of Virginia was that of two separate nations at war, with the only arbiter being a “just God.”²⁹² Slavery was a clear evil, but to remove it would unleash an evil perceived to be even greater during a time when white

²⁹⁰ Thomas Jefferson, “51. A Bill concerning Slaves”, 18 June 1779, in *The Papers of Thomas Jefferson*, vol. 2, 1777–18 June 1779, ed. Julian P. Boyd (Princeton: Princeton University Press, 1950), 470–473.

²⁹¹ Peter Onuf, “‘To Declare Them a Free and Independent People’: Race, Slavery, and National Identity in Jefferson’s Thought.” *Journal of the Early Republic* 18, no. 1 (1998): 4.

²⁹² Jefferson, *Notes on Virginia*, Query XVIII, 163.

Virginians were attempting to secure their own freedom. Jefferson's views of natural rights in this aspect were clearly influenced by the work of John Locke, who Jefferson considered to be one of the most influential men in the history of the world.

Jefferson explained Locke's definition of a madman as "someone who has a kink in his head on some particular subject, which neither reason nor fact can untangle."²⁹³ This explanation not only applies to Locke's view of slavery but Jefferson's as well. Locke saw the individual as the foundation of all property rights. This means that an individual has property in his own person and that everyone has exclusive ownership rights to themselves and no other, "nobody has originally a private dominion exclusive of the rest of mankind in any of them, as they are thus in their natural state."²⁹⁴ Additionally, Locke believed that the most essential human law of nature is the preservation of mankind. To serve that purpose, Locke argues, individuals have both a right and a duty to preserve their own lives. Thus, according to the natural law of "self-preservation," if slavery was removed, the dogs of war would be unleashed, and "justice" would be done.²⁹⁵ It was Locke's interpretation of natural law that caused Jefferson to name him alongside Francis Bacon and Sir Isaac Newton as "my trinity of the three greatest men the world had ever produced."²⁹⁶

Like Jefferson, Locke's legacy on the contradictory principle of slavery and natural rights is murky. Locke describes slavery as "so vile and miserable an Estate of Man, and so directly opposite to the generous Temper and Courage of our Nation; that 'tis hardly to be conceived, that an Englishman, much less a Gentleman, should plead for't."²⁹⁷ Caroline Cundiff writes in her

²⁹³ Thomas Jefferson to Thomas B. Parker, 15 May 1819.

²⁹⁴ John Locke, *Two Treatises of Government*, ed. Peter Laslett, (Cambridge: Cambridge University Press 1988), 17.

²⁹⁵ Emmerich de Vattel, *The Law of Nations or the Principles of Natural Law Applied to the Conduct and to the Affairs of Nations and of Sovereigns*, trans. Charles G. Fenwick (1785; rep., 3 vols., Washington, DC, 1916), I, 1.

²⁹⁶ Thomas Jefferson to Benjamin Rush, 16 January 1811.

²⁹⁷ John Locke, *Two Treatises of Government*, 14.

dissertation that as more archival evidence became available on the foundations of Carolina, documents revealed how Locke was involved in the creation of the colony, specifically in his correspondence with the Lord Proprietors and their colleagues and in his composition of the Fundamental Constitutions of Carolina. These colonial documents describe the founding principles of Carolina, including the practice of slavery and the extent of rights provided to enslavers and enslaved. Scholars noticed the initial inconsistency of this practice because Locke outwardly believed that slavery was “vile and miserable.”²⁹⁸

Yet, this is not to suggest Locke was against slavery, believing that it should be as a form of punishment for crimes committed where no central political authority or justice system exists. If a victim of an assault is entitled to take his attacker's life in self-defense, Locke reasoned, he must also be entitled to take his attacker's liberty.²⁹⁹ However, Locke's support of the enslavement of the Native Americans demonstrates that he was perhaps more supportive of slavery than he is given credit for. In his *Second Treatise*, Locke developed a natural law theory that explained and justified slavery because of just war. Slavery was the condition of total servitude for an unjust aggressor taken captive in war.

Locke was well versed in the Transatlantic Slave Trade due to his time in the New World, often endorsing sources of intelligence about slavery, such as the raids, capture, and trading of enslaved Native Americans.³⁰⁰ Within *Two Treaties*, Locke routinely expressed a profound prejudice against Native American society, culture, and right to land. His writings cannot be separated from the justification of imperialist activities, as the early chapters of his work are, in fact, theorized to have “cast the template for imperial possession in the New

²⁹⁸ Caroline Cundiff, "Slavery in Thought and Action: Reconciling the Duality of John Locke," Order No. 28491529, Arizona State University, 2021.

²⁹⁹ Jennifer Welchman. "Locke on Slavery and Inalienable Rights." *Canadian Journal of Philosophy* 25, no. 1 (1995): 67.

³⁰⁰ James Farr. "Locke, Natural Law, and New World Slavery." *Political Theory* 36, no. 4 (2008): 498.

World.”³⁰¹ From here, it would appear that Locke did not believe that these uncivilized people were not endowed with natural rights, which is where Jefferson once again diverts from Locke’s philosophy, believing that the Native Americans would be able to assimilate into his nation, unlike the enslaved blacks.

But Jefferson did agree with Locke’s view of society that government is erected “for the regulating and preserving of property, and of employing the force of the community in the execution of such laws.”³⁰² Once a man is subject to a government or civil society, that individual has a duty to preserve and contribute to the overall commonwealth. If blacks were to be emancipated, could they contribute to society? In Jefferson’s mind, the answer was no, believing “to abandon persons whose habits have been formed in slavery is like abandoning children.”³⁰³ The best Jefferson could hope for regarding the blacks’ “entrapped nation” was his colonization plan that would provide “an asylum to which we can, by degrees, send the whole of that population from among us, and establish them under our patronage and protection, as a separate, free and independent people, in some country and climate-friendly to human life and happiness.”³⁰⁴

In June 1775, Jefferson was nominated to the Second Continental Congress in Philadelphia. He was one of the most outraged over Lord Dunmore’s actions in November 1775, which created significant unrest in Virginia. These actions marked the culmination of over a year of agitation among slaves, threats from whigs, and growing desperation among British officials. Seven months earlier, a group of slaves, who were attuned to the Governor's situation had

³⁰¹ Paul E Corcoran, “John Locke on the possession of land: Native title vs. the 'Principle' of Vacuum Domicilium” (University of Adelaide, 2007), 1.

³⁰² John Locke, *Two Treatises of Government*, Peter Laslett, ed. (Cambridge: Cambridge University Press 1988), 4.

³⁰³ Jefferson to Edward Bancroft. 26 January 1789.

³⁰⁴ Thomas Jefferson to Jared Sparks, 4 February 1824.

offered their services in exchange for freedom. This echoed a supposed plot from two years prior, where slaves in Williamsburg were accused of meeting to choose a leader “who was to conduct them when the English troops should arrive--, which they foolishly thought would be very soon and that by revolting to them they should be rewarded with their freedom.”³⁰⁵

At that time, Dunmore was not ready to give up hope of reconciling outspoken rebels with the British Empire, so he hesitated. However, after patriots paraded with torches in front of the Governor's palace in response to his secret removal of gunpowder in April, Dunmore privately reconsidered the idea of using slaves against the rebels. Finally, seven months later, Dunmore did what everyone had long expected, issuing a declaration on November 7, 1775, stating that “all indentured servants, Negroes, or others (those associating with Rebels) who are able and willing to bear arms may join His Majesty's Troops” and be considered free.³⁰⁶

Furious over Dunmore's actions, the Continental Congress implored Virginia to “resist Dunmore to the utmost.”³⁰⁷ Washington, fully aware of the potential consequences of Dunmore's statements, cautioned that “If that man, Dunmore, is not crushed before the Spring, he will become the most dangerous man in America. His strength will increase like a snowball running downhill.”³⁰⁸ The panic sparked by Dunmore's proclamation was so intense that it drove many slaveholders and non-slaveholders closer to rebellion.³⁰⁹ For instance, the militia commander who apprehended Thomas Cotton declared to his men that “[Royal Governor Josiah] Martin and

³⁰⁵ James Madison to William Bradford, 26 November 1774.

³⁰⁶ Dunmore's Proclamation, quoted in Robert L. Scribner, ed., *Revolutionary Virginia, the Road to Independence: A Documentary History* (Charlottesville, VA: The University of Virginia Press, 1981), 42.

³⁰⁷ Quoted in Benjamin Quarles, “Lord Dunmore as Liberator,” *William & Mary Quarterly*, vol 15, no 4 (Oct., 1958): 494-507, 495.

³⁰⁸ Quoted in Robin Blackburn, *The Overthrow of Colonial Slavery, 1776-1848* (London: Verso, 1989), 112-3.

³⁰⁹ See especially Robert Olwell, “Domestick Enemies”: Slavery and Political Independence in South Carolina, May 1775-March 1776,” *Journal of Southern History* (Feb 1989): 21-48.

his damned officers will set the Negroes on to kill us.”³¹⁰ Even members of Parliament, among them Edmund Burke, either criticized Dunmore's actions or expressed anxious murmurs about their potential consequences.³¹¹

As expected, the most vehement reactions to Dunmore's proclamation were directed at the slaves themselves. A fortnight after Dunmore's announcement, a contributor to the *Virginia Gazette* conveyed to the slaves that Dunmore's true intentions were not to grant them freedom but to sell them in the West Indies. The warning stated that “should there be any amongst the Negroes weak enough to believe that Dunmore intends to do them a kindness, and wicked enough to provoke the fury of the Americans against their defenceless fathers and mothers, their wives, their women, and children... they must expect to suffer if they fall into the hands of the Americans.”³¹² However, it was not Dunmore but the authorities in Virginia who initiated large-scale sales of escaped slaves to the West Indies. Similar measures were adopted in the Carolinas and Georgia in the early months of 1775 as patriot governments sought a solution to both isolate “those dangerous Negroes among us” and compensate slaveholders.³¹³

Despite the well-known risks and heightened vigilance within the white population, Dunmore's promise of freedom triggered an initial trickle and later a surge of slaves heading toward British encampments along the coast. Faced with this situation, British leaders began to provide shelter for the arriving slaves and engaged them in limited military activities wherever possible. In the vicinity of Charleston, small groups of black foragers launched raids on plantations and whig outposts, operating from a cramped base on Sullivan's Island outside the

³¹⁰ William L. Saunders, *The Colonial and Early State Records of North Carolina, X* (Raleigh, NC: P.W. Hale, 1886-1914), 129.

³¹¹ For concern with Dunmore's proclamation within Britain, see Sylvia Frey, *Water from the Rock*, 70-1.

³¹² *Virginia Gazette* (Williamsburg), November 25, 1775.

³¹³ See, for instance, R. F. Walker, et. al., ed., *Calendar of Virginia State Papers, and Other Manuscripts* (Richmond: J.H. O'Bannon, 1875-93), 79.

harbor. Governor Wright of Georgia adopted a similar strategy, utilizing the growing number of slaves on Tybee Island outside Savannah for similar operations. Some affluent loyalists took individual measures to safeguard their positions and defend against armed militias. For instance, Wright's brothers outside Savannah took the unprecedented step of arming their own slaves to repel Whig bands.³¹⁴ In Virginia, Dunmore organized at least 300 male slaves, out of the more than 2,000 who had reached him, into what he called his "Ethiopian Regiment." The sight of their former slaves dressed in military uniforms bearing the revolutionary slogan "Liberty to SLAVES" must have provoked strong reactions among white Virginians.³¹⁵

As previously explained, Jefferson's condemnation of slavery during the revolution era was not unique as many of the founders, such as the Virginians previously mentioned, both publicly and privately criticized the institution.³¹⁶ One president of the Continental Congress and slaveholder, Henry Laurens, writes, "You know, my dear son. I abhor slavery."³¹⁷ His sentiments were echoed by William Pinkney in a speech before the Maryland House of Delegates, "It will not do thus to talk like philosophers and act like unrelenting tyrants; to be perpetually sermonizing it with liberty for our text, and actual oppression for our commentary."³¹⁸

Many founders recognized the incompatibility of slavery and free government, yet they accepted it as a form of inheritance or tradition, as explained by Hobsbawm. Instead, they, like Jefferson, blamed the British for the colonies' role in the institution. It was common for colonists among, not just the North but also the South, to express regret for its existence. However, as the

³¹⁴ The Georgia Council of Safety reported in May, 1776 that "Messrs [Germain and Charles] Wrights have built a strong for ton their plantation, with twenty white men and all their slaves armed, and considerable quantity of provision and ammunition." "*Journal of the Council of Safety*, May 4, 1776," *RRG*, I, 123.

³¹⁵ The best discussion of Dunmore's actions remains Benjamin Quarles's "Lord Dunmore as Liberator," 494-507, a version of which appears as chapter three in his *Negro in the American Revolution*.

³¹⁶ Thomas G. West, *Vindicating the Founders: Race, Sex, Class, and Justice in the Origins of America* (Lanham, Maryland: Rowan & Littlefield Publishers, 1997), xiii.

³¹⁷ Henry Laurens, *A South Carolina Protest Against Slavery* (New York, 1861), 20.

³¹⁸ Pinkney, *Speech in the House of Delegates of Maryland*, 8.

spirit of Revolution swept the nation, Jefferson's priorities shifted. This clout within the Burgesses allowed Jefferson to voice his views on slavery, and he used that voice as a clarion call to separate from the King. On the other hand, if Jefferson put his principle into practice and freed his property, he would have lost his wealth and then have no power. Regardless of what Jefferson's principles claimed to be, emancipation was not a priority; separation from England was.

Jefferson's original draft of the Declaration of Independence provides more insight into his mentality on the matter. When Jefferson arrived as a Virginia delegate to the Second Continental Congress, fighting had already broken out at Lexington, Concord, and Bunker Hill between the colonists and British troops. Not long after he arrived in Philadelphia, Congress designated him to write a document justifying why the colonists had taken up arms against England. As a student of Locke, believing he was one of the most influential men who ever lived, Jefferson was heavily influenced by his work in his draft. When he completed his draft and submitted it to Congress, they changed little of the first paragraphs.

However, there were problems seen with his last sections of the draft. Within his original writing, Jefferson wrote that:

*He [George III] has waged cruel war against human nature itself, violating its most sacred rights of life & liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of **infidel** powers, is the warfare of the **Christian** king of Great Britain. **Determined** to keep open a market where MEN should be bought & sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce: and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, & murdering the people upon whom he also obtruded them; thus paying off former crimes committed against the **liberties** of one people, with crimes which he urges them to commit against the **lives** of another.*³¹⁹

³¹⁹ Boyd, ed., *The Papers of Thomas Jefferson*, 426.

This section is particularly interesting because of the grammar Jefferson chose. Why was the word 'men' capitalized? No other word in the entire draft is capitalized, so the word must have a deeper meaning for Jefferson, that blacks were not chattel but were men deserving the same natural rights as other men.

Additionally, Jefferson attacked the Christian King of "piratical warfare": taking people who had done nothing to offend him and transporting them like livestock to America. While the King did not introduce slavery to America, Jefferson makes the point that the King could have put an end to the transplantation of Blacks, but he "prostituted his negative," meaning he had failed to utilize any of the potentially numerous legislative chances to abolish or even reduce slave trading. This brings about an unspoken argument Jefferson implies. Jefferson suggests that because the King allowed the institution that strips men of their natural rights to thrive and did nothing to stop or diminish the power of said institution, he must, therefore, support the institution. And while the colonists themselves held slaves, the King's actions subjected them to slavery through exploits and intrusions. Therefore, there are two categories of slaves: the colonists, who are denied the same rights as other British citizens, possibly due to their transplantation, and the enslaved Blacks brought to the colonies, who are considered the property of the colonists or slaves themselves.

Then Jefferson denounced the King for continuing the slave trade, while he simultaneously attacked him for offering freedom to slaves who joined the British in fighting the American rebels, again contradicting himself. Jefferson directly references Dunmore's actions in his paragraph, "*he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, & murdering the people upon whom he also obtruded them.*" This could be why Jefferson changed his understanding of natural or inalienable rights

from life, liberty, and property to life, liberty, and the pursuit of happiness. Historians have differing views as to the reason Jefferson changed Locke's wording.³²⁰ Jefferson never used Locke's famous expression, not in *A Summary View*, the *Declaration of the Causes*, nor in the Declaration of Independence.

The sentiment Jefferson used within the Declaration echoed a similar emotion of an anti-slavery poem by William Shenstone. Jefferson had copied the poem into his Memorandum book in 1771, dubbing it "Inscription for An African Slave." It is worth noting the verses Jefferson chose to copy, with one depicting how Africans were "unjustly ripped from their homeland and made to toil for others in a foreign land."³²¹ It is quite clear that, based on the number of words in the paragraph and compared to Jefferson's other grievances against the King, no other grievance comes close to the 168 words, demonstrating the strength of Jefferson's conviction on the matter. The placement of the passage at the end of his list of grievances indicates that Jefferson believed this to be his *coup de grace*.

Jefferson's Views for Independence

There is a clear symmetry between Jefferson's words in the Declaration and his words from *A Summary View*. Both documents present the belief that there was "no conceivable reason" (*A Summary View*) why the king kept "an open market where men should be bought and sold" (Declaration). Near the conclusion of *A Summary View*, Jefferson argues that free people obtain their freedom from the sacred rights found in nature, and those rights are not a gift from any government. Jefferson routinely uses the word "sacred" to describe these rights, using them

³²⁰ John Chester Miller argues that Jefferson dropped the right to property from his list of natural rights to ensure that there was no implication that there was an endorsement for slavery by the Americans. He argued that by Jefferson omitting the word property, the Declaration of Independence could be used for emancipation. See John Chester Miller, *The Wolf by the Ears: Thomas Jefferson and Slavery* (United Kingdom: Free Press, 1977), 17.

³²¹ Gordon-Reed, "Thomas Jefferson and St. George Tucker, 24.

in both the Declaration and *A Summary View*. These rights limit the authority of the government, and in this instance, especially that of the King. *A Summary View* is, therefore, an introduction to the Declaration. What *A Summary View* declares indirectly, the Declaration asserts explicitly. Within *A Summary View*, many of the ideas and expressions of the Declaration are repeated. It no less than the Declaration affirms a timeless truth that God, and Nature's God, gave us life and liberty, and these gifts ought not to be torn asunder by man.³²² Thus, by Jefferson linking slaves to a "distant people," he was advocating that they possessed the same natural rights as everyone.³²³

Ultimately, Jefferson's paragraph on slavery was removed by the other delegates: the Northerners who benefited financially from the slave trade and the aristocratic Southerners who did not wish to condemn the institution in such harsh language.³²⁴ Jefferson expressed his disapproval that the excised passage was not included in the final draft within his notes on the Continental Congress:

The clause..., reprobating the enslaving of the inhabitants of Africa, was struck out in complaisance to South Carolina & Georgia, who had never attempted to restrain the importation of slaves, and who on the contrary still wished to continue it. Our Northern brethren also, I believe, felt a little tender under those censures; for tho' their people have

³²² Jaffa, *How to Think about the American Revolution* (Durham, North Carolina: Carolina Academic Press, 1978), 118; Jaffa, "The Decline and Fall of the American Idea: Reflections on the Failure of American Conservatism" (paper presented for the 25th Anniversary Symposium of the Henry Salvatori Center for the Study of Individual Freedom, Claremont, Ca., April 18-20, 1996), 16.

³²³ Cohen, "Thomas Jefferson and the Problem of Slavery," 507.

³²⁴ Jefferson, *Autobiography*. There is a division in the scholarship as to the true reason for the removal of the final paragraph. Peter Onuf agrees with more critical scholars that Jefferson's language was impassioned but points out that "Jefferson's rhetoric accurately registered his own complicated sense of the dilemmas that independence would both resolve and precipitate. For Jefferson was not only declaring a state of war between the British and American nations, but he was also acknowledging the nationhood of enslaved Africans and the legitimacy of their claims to freedom and independence." See Onuf, "To Declare Them a Free and Equal People," 12. See also Ari Helo, *Thomas Jefferson's Ethics and the Politics of Human Progress: The Morality of a Slaveholder* (New York: Cambridge University Press, 2014), 160; and Eric Slauter, "The Declaration of Independence and the New Nation," in *The Cambridge Companion to Thomas Jefferson*, ed. Frank Shuffelton (New York: Cambridge University Press, 2008), 22.

very few slaves themselves, yet they had been pretty considerable carriers of them to others.³²⁵

Every leading Founder believed, or “acknowledged,” that slavery was wrong.³²⁶ But, the self-interest reasons of the North, being traffickers in slaves, and that of the South, importers of slaves, allowed the objections of Georgia and South Carolina for one primary reason: the greater good. Perhaps the better word for the actions of the Founders’ compromises with the slave states is ‘prudence,’ the practical wisdom to make decisions that served the greater good and avoided greater evils. As previously explained, many of the Founders were clearly against the slavery institution, but the primary objective at the time was forming a union, not abolition. If the colonies instead pushed for abolition, the Union would have been fractured, leading to the conquest of the newly constructed United States. As noted, the crown had a commercial interest in slavery; therefore, slavery would have been more secure in defeat rather than begrudgingly accepted by the young nation. Many modern scholars and historians have expressed much anxiety over slavery because the Founding seemed to secure it. However, according to Herbert Storing:

Some concessions to slavery were thought to be necessary in order to secure the Union, with its promise of a broad and long-lasting foundation for freedom; the problem was to make the minimum concessions consistent with that end, to express them in language that would not sanction slavery, and so far as possible to avoid blotting a free Constitution with the stain of slavery.³²⁷

When Jefferson returned from the Continental Congress in 1776, he immediately met with the Virginia legislature to discuss Virginia’s future. Just before Jefferson drafted the Declaration of Independence, he also prepared a draft of a constitution for Virginia:

I was then at Philadelphia with Congress; and knowing that the Convention of Virginia was engaged in forming a plan of government, I turned my mind to the same subject, and

³²⁵ Thomas Jefferson, “Notes on Debates in Congress” (2–4 July 1776).

³²⁶ West, *Vindicating the Founders*, xiii.

³²⁷ Storing, 138.

drew a sketch or outline of a Constitution, with a preamble, which I sent to Mr. Pendleton, president of the convention, on the mere possibility that it might suggest something worth incorporation into that before the Convention.³²⁸

Within this draft, Jefferson expressed his core political philosophies, especially concerning slavery, “The General assembly shall not have the power to ... permit the introduction of any more slaves to reside in this state, or the continuance of slavery beyond the generation which shall be living on December 31, 1800; all persons born after that day being hereby declared free.”³²⁹

Unfortunately, Jefferson submitted his draft to the assembly too late; they had already discussed, modified, and ratified a draft written by George Mason. However, despite this setback, Jefferson’s preamble, containing an extensive catalog of grievances aimed at George III, was incorporated and appended to the Constitution.³³⁰ It is also worth noting that this proposed constitution was rather liberal for its time, encouraging broad suffrage for equal distribution of representation. Any male who owned 1/4 acre of land or who paid “scot and lot” taxes for two years was eligible to vote.³³¹ This is critical as the text mentions nothing of race, thus implying Jefferson could have been okay with freed blacks voting.

From there, Jefferson “moved and presented a bill” that “reviewed, adapted to our republican form of government, and, now that we had no negatives of Councils, Governors, & Kings to restrain us from doing right, that it should be corrected, in all it’s parts, with a single eye to reason.”³³² By this point, Jefferson had already openly argued on two separate occasions that it was the king’s “Royal negative” that prevented Virginians from being able to end the slave

³²⁸ Jefferson to Augustus Elias Brevoort Woodward, 3 April 1825.

³²⁹ Boyd, ed., *The Papers of Thomas Jefferson*, 294–308.

³³⁰ For more, see Malcolm Sylvers, “Thomas Jefferson and the Constitution”, *Storia nordamericana*, Vol. 4, No. 1–2, 1987: 121–36.

³³¹ Ford, ed., *The Writings of Thomas Jefferson*, vol. 2, 180

³³² Thomas Jefferson, *Autobiography*, 66-67.

trade. So, it would be logical to assume slavery was just as much of an issue as voting rights, inheritance laws, and public education. Jefferson was appointed the head of a committee—that also comprised Wythe, Edmund Pendleton, George Mason, and Thomas L. Lee—to revise Virginia laws.³³³ Jefferson took up Mason and Lee’s work portions when they both excused themselves due to their inexperience with law, making the finished project designed overwhelmingly by Jefferson and Wythe’s philosophies as Jefferson depended on Wythe’s wisdom and knowledge of his draft laws, asking his old mentor “scrupulously to examine and correct” them.³³⁴

There were two major pieces of anti-slavery legislation which involved Jefferson during this time. The first was in 1778 when the Virginia Assembly acted on whether to ban the importation of slaves. Now, there has been discussion among scholars regarding whether Jefferson truly did write the anti-trade bill as he claimed due to the complexity of the bill’s legislative history and Jefferson's misremembering. When he reflected on the bill in his autobiography, Jefferson remembered that “this subject was not acted on finally until the year ’78, when I brought in a bill to prevent their further importation. This passed without opposition and stopped the increase of the evil [slavery] by importation, leaving to future efforts its final eradication.”³³⁵

However, when the bill was proposed in 1777, it was opposed, and when a modified version was eventually passed in 1778, Jefferson was not even present at the time. On the other hand, the editorial note in Jefferson’s *Notes* concludes that he was most likely the original author

³³³ Thomas Jefferson, *Autobiography*, 44.

³³⁴ The committee was first assembled in November 1776 before meeting in January of 1777. They submitted their report to the Assembly in June 1779, after Jefferson had been elected governor. See Peterson, *Thomas Jefferson*, 97-157. Quotation from TJ to George Wythe, Nov. 1, 1778.

³³⁵ Thomas Jefferson, *Autobiography*, 66-67.

of the 1777 bill that was altered and then resubmitted to the Assembly in 1778. It can be reasonable to assume Jefferson did write the bill, as it was common for him to draft a bill that would then be finished by other people, especially common with James Madison (Jefferson did not take credit for other people's work) and, more so, given his already outspoken nature on the slave trade, but just neglected the other details for his autobiography four decades later.³³⁶

The bill went into immediate effect, banning both foreign and domestic slave trades; anyone in violation of it faced severe penalties, and slaves that were traded illegally were given their freedom. As usual with scholars, there is debate over the reason Virginians passed the bill, believing that they wanted to increase the prices of Virginian-born slaves or that they truly wanted to eradicate slavery eventually. Ending the slave trade would be a natural precursor to the eventual eradication of the institution. Matthew Mason contended that “most Northerners trusted that slavery would effortlessly disappear once they abolished the slave trade and hoped it would keep to itself in the meantime.”

On the other hand, southern states believed this was a precautionary measure for population control over a possibly homicidal population.³³⁷ Either way, a ban on slave imports was approved by the Assembly because there was a demand for it. Whether there was also a demand for ending the slave trade as a whole is an entirely different matter.³³⁸ Jefferson pleasantly reflected in his notes that the law “will in some measure stop the increase of this great

³³⁶ See editorial note, *Papers*, “Bill to Prevent the Importation of Slaves &c.,” June 16, 1777.

³³⁷ Matthew Mason, *Slavery and Politics in the Early American Republic* (Chapel Hill: University of North Carolina Press, 2008), 28; see also Beverly C. Tomek, *Colonization and Its Discontents: Emancipation, Emigration, and Antislavery in Antebellum Pennsylvania* (New York: New York Press, 2012), 22–23.

³³⁸ Wolf, 27. For scholars who believe outlawing the trade was motivated by financial self-interest, see, for instance MacLeod, *Slavery, Race and the American Revolution*, 38–40; Miller, *The Wolf by the Ears*, 9; Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: University of North Carolina Press, 1999), 66–72; Alan Taylor, *Internal Enemy: Slavery and War in Virginia, 1772–1832* (New York and London: W.W. Norton & Co., 2013), 37.

political and moral evil, while the minds of our citizens may be ripening for a complete emancipation of human nature.”³³⁹

Together, Jefferson and his mentor Wythe cowrote Bill 51, concerning slave laws and other issues pertaining to the welfare of Blacks in Virginia, which Jefferson had depicted as “a mere digest of the existing laws . . . without any intimation of a plan for future and general emancipation.”³⁴⁰ The bill begins, “Be it enacted by the General Assembly, that no persons shall, henceforth, be slaves within this commonwealth, except such as were so on the first day of this present session of Assembly, and the descendants of the females of them.” The sentiment is that no more slaves, on the passing of the bill, will be admitted into the state. The writing, as it were, was already on the wall.

From 1620, when slaves were first introduced to North America, to 1700, some 21,000 slaves were imported; from 1701 to 1760, the number rose nine-fold (189,000); and from 1761 to 1770, the drop was two-thirds (63,000).³⁴¹ Additionally, the bill read that “Negroes and mullattoes which shall hereafter be brought into this commonwealth and kept therein one whole year, together, or so long at different times as shall amount to one year, shall be free.” While Jefferson endeavored to portray the bill as emancipation, Bill 51 more accurately permitted voluntary manumission and the end of the slave trade.³⁴² This is shown with the proviso emancipating slaves:

It shall not be lawful for any person to emancipate a slave but by deed executed, proved and recorded as is required by law in the case of a conveyance of goods and chattels, on consideration not deemed valuable in law, or by last will and testament, and with the free consent of such slave, expressed in presence of the court of the county wherein he

³³⁹ Thomas Jefferson, *Notes on the State of Virginia* (London: Stockdale, 1787), 94.

³⁴⁰ Jefferson, *Autobiography*, 51.

³⁴¹ Randall M. Miller and John David Smith, *Dictionary of Afro-American Slavery* (Upper Saddle River, NY: Greenwood, 1998), 678.

³⁴² Roger Kennedy, *Mr. Jefferson's Lost Cause: Land, Farmers, Slavery, and the Louisiana Purchase* (New York: Oxford University Press, 2003).

resides: And if such slave, so emancipated, shall not within one year thereafter, depart the commonwealth, he shall be out of the protection of the laws. All conditions, restrictions and limitations annexed to any act of emancipation shall be void from the time such emancipation is to take place.³⁴³

The remainder of the bill was rather conservative regarding the behavior and treatment of blacks compared to previous legislation. There were restrictions on the rights of blacks, such as limitations on acting as witnesses, requiring passes to leave their owner's premises, prohibition of keeping arms, and “Riots, routs, unlawful assemblies, trespasses and seditious speeches by a negro or mulatto shall be punished with stripes at the discretion of a Justice of the Peace; and he who will, may apprehend and carry him before such Justice.”³⁴⁴ Jefferson felt his approach had to be moderate because it would be a “bold measure” to “abrogate our whole system.”³⁴⁵

However, this bill was never submitted to the legislature; Jefferson was overseas in France during the debate. Jefferson believed the real reason it was not submitted was that “the public mind would not yet bear the proposition,”³⁴⁶ and the remaining committee members dreaded 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.”³⁴⁷ Jefferson, who had already been exposed to the ‘public mind’ by the delegates of South Carolina and Georgia over his passage on slavery within the Declaration, later expressed his frustration:

What a stupendous, what an incomprehensible machine is man! Who can endure toil, famine, stripes, imprisonment & death itself in vindication of his own liberty, and the next moment be deaf to all those motives whose power supported him thro’ his trial, and inflict on his fellow men a bondage, one hour of which is fraught with more misery than ages of that which he rose in rebellion to oppose.³⁴⁸

³⁴³ Thomas Jefferson, A Bill concerning Slaves, 18 June 1779, *The Papers of Thomas Jefferson*, vol. 2, 1777–18 June 1779, ed. Julian P. Boyd (Princeton: Princeton University Press, 1950), 470–73.

³⁴⁴ *Ibid.*

³⁴⁵ Jefferson, *Autobiography*, 67.

³⁴⁶ *Ibid.*, 51.

³⁴⁷ Jefferson to Jean Nicolas DeMeunier, June 26, 1786.

³⁴⁸ *Ibid.*

Therefore, the bill that the legislature passed lacked a clear roadmap for emancipation but instead focused on curbing the influx of free blacks into Virginia, stating that any free blacks coming into Virginia “of their own accord shall be out of the protection of the laws.”³⁴⁹ It is from this that some historians have speculated that while the passed bill was intended by Jefferson to eventually eradicate slavery in Virginia, the limitations it placed on providing more stock was a good start.³⁵⁰ However, it would also be disingenuous to presume that Jefferson believed his efforts prevented the increasing number of slaves, as the opposite was occurring; slaves in the South continued to dramatically increase from the time the slave trade ended in 1808 until slavery ended over fifty years later.³⁵¹

This was part of the delicate balance that Jefferson quickly learned he must maintain with his idealistic emancipation efforts and the reality of the ‘public mind.’ The rising tensions between the British and the Colonists had bled over to the slaveholders and slaves when the British promised them freedom in exchange for siding with the British. In 1775, Virginia Governor Patrick Henry wrote that an “early and unremitting Attention to the Government of the SLAVES” could preserve “the public Safety,” and in each colony, “Constant, and well-directed Patrols” were made a growing urgency.³⁵² What followed next was officials from Richmond spending a third of 1776 expenditure of 19,000 pounds of tobacco on patrols, a three-fold increase from a few years before.³⁵³ The state governments had become so paranoid that they implemented cash bounties for “the head of every such slave-making Resistance” and became

³⁴⁹ Boyd, ed., *Jefferson Papers*, 2:471. The bill excluded sailors, but required that while they were in Virginia, they were not to leave their ship for longer than twenty-four hours.

³⁵⁰ 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.*, 473.

³⁵¹ C. Vann Woodward, *American Counterpoint: Slavery and Racism in the North-South Dialogue* (Boston MA: Little, Brown, and Company, 1971), 98.

³⁵² Patrick Henry, “Circular Letter, November 20, 1775,” *William Augustine Washington Papers*, DUL.

³⁵³ Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, MA: Harvard University Press, 2001), 157.

more liberal with their compensation for owners of murdered and executed slaves.³⁵⁴ Had Jefferson continued to push his idealistic abolitionist agenda that he began with *A Summary View*, he would have been removed from his position within the Continental Congress.

Jefferson's Educational System

Slavery was the sphinx, or the riddle, of Jefferson's life that he constantly struggled to solve. Following the American Revolution, the nation was in a fragile infant state. The role of government was still being debated, the role of states was still being decided, and the institution of slavery only caused further tension and debate. While Jefferson's thoughts on slavery were quickly made well known through his pamphlet, *A Summary View*, his views on education were made known not long after with his 1778 *Bill for the More General Diffusion of Knowledge*. Under Bill 79, all free Virginian children should, therefore, receive a basic education, which, for Jefferson and Wythe, constituted moral principles, along with reading, writing, and arithmetic. It also constituted scholarships so that many could attend higher grammar schools. Plantation owners paid the taxes in Virginia, and they could not understand why they should foot the bill to send poor children to school. Without their backing, no bill could pass the General Assembly. Jefferson, undeterred, reflected to his mentor Wythe that "by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom and happiness."³⁵⁵

In his plan, Jefferson explained that he believed an educated public was so critical for the protection of individual rights and to maintain democracy that it should be at the taxpayers' expense. Later, in the same letter to Wythe, he wrote,

³⁵⁴ "Journal of the Commons House of Assembly," RRG, 14, 292-3.

³⁵⁵ Thomas Jefferson to George Wythe, August 13, 1786.

Preach, my dear Sir, a crusade against ignorance; establish and improve the law for educating the common people. Let our countrymen know that the people alone can protect us against these evils, and that the tax which will be paid for this purpose is not more than the thousandth part to what will be paid to kings, priests, and nobles who will rise up among us if we leave the people in ignorance.³⁵⁶

There were two key messages in this statement to Wythe. To begin with, Jefferson emphasized the necessity of educating the public to prevent tyranny and maintain democracy. Additionally, Jefferson advocated for funding education through public taxation while expecting opposition from the Virginia legislature. Jefferson concluded that many legislators would be reluctant to explain these additional taxes to their constituents. Yet, Jefferson was attempting to demonstrate how public education was in everyone's best interest. In a letter to Virginian statesman Edward Carrington, Jefferson wrote, "I am persuaded myself that the good sense of the people will always be found to be the best army. They may be led astray for a moment but will soon correct themselves. The people are the only censors of their governors."³⁵⁷ Here, Jefferson emphasizes that the wisdom of the people would always serve as the most effective safeguard; even if they were temporarily swayed, they would correct themselves, reinforcing the role of education as a vital component of the political process.

Jefferson's model of education is one of the fundamental aspects of his character. The "more" in the title of the bill suggests that Jefferson did not intend to stop the expansion of education with just Virginia and planned on expanding it throughout the country. So, what exactly was Jefferson's educational philosophy? How was Jefferson's view of it molded? Prior to the mid-twentieth century, many historians viewed Jefferson as the direct heir of John Locke in the areas of politics and education.³⁵⁸ Locke's influence over Jefferson has been heavily

³⁵⁶ Thomas Jefferson to George Wythe, August 13, 1786.

³⁵⁷ Thomas Jefferson to Edward Carrington, January 16, 1787.

³⁵⁸ David Post, "Jeffersonian Revisions of Locke: Education, Property-Rights, and Liberty," *Journal of the History of Ideas*, 47, no. 1 (1986), 147.

discussed within this chapter, but it also extended to Jefferson's philosophy of education. In his seminal work, *Some Thoughts Concerning Education*, Locke wrote about the importance of self-discipline, a pedagogy that focused on the individual child and the need for character and moral development.³⁵⁹

However, there was a shift among historians in the 1980s on whether Jefferson was truly Locke's heir regarding property rights and education. Historian David Post writes, "Historians, in reacting to this view of Jefferson as Locke's direct heir, have widened our understanding of Jeffersonian thought."³⁶⁰ According to Post, since Locke believed that moral development was the most critical aspect of education, it followed that Locke would advise gentlemen to give their sons a private education. Jefferson, on the other hand, believed that everyone possessed an inherent moral capacity, which led him to view property and education quite differently from Locke. For Jefferson, an enlightened and literate citizenry was beneficial to all of society; therefore, education was seen as the responsibility of the state.³⁶¹ Instead, it is now being suggested that Jefferson developed his educational philosophy from the Scottish Enlightenment. This would not be unlikely as the anti-slavery thoughts of Francis Hutcheson, dubbed the "Father of Scottish Enlightenment," can be found in Jefferson's work, as explained in Chapter 1.³⁶²

Jefferson's entire philosophy of education was centered around securing happiness for the citizens, the *summum bonum* of life. The key to this was for the "public mind" to be educated. Jefferson believed that if the State could not educate virtuous citizens who would work

³⁵⁹ Paul Halsall, *Modern History Sourcebook: John Locke's Some Thoughts Concerning Education 1692*, last modified August 1998, <https://sourcebooks.fordham.edu/mod/1692locke-education.asp>

³⁶⁰ Post, 147.

³⁶¹ *Ibid.*, 151-152.

³⁶² The primary influence of Jefferson's work being either Lockean or Scottish Enlightenment is still a subject of debate among historians. For more on Jefferson and the Scottish Enlightenment, see Gary Wills, *Inventing America: Jefferson's Declaration of Independence*, (Boston, Houghton Mifflin Company, 1978) and Donald Lutz, "The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought," *The American Political Science Review*, 78, no. 1 (1984).

hard for their republic, then corruption would come easily. “Experience had shewn, even under the best forms, those entrusted with power have, in time ... perverted into tyranny.”³⁶³ This is something Jefferson expresses in a letter to his friend Colonel Charles Yancey in 1816, “If a nation expects to be ignorant and free, in a state of civilization,” wrote Jefferson, “it expects what never was and never will be.”³⁶⁴ To Jefferson, education and personal liberty were inextricably linked.

Within Jefferson’s mind, education formed the basis of the art of government, so it should be activated on the level of the individual. At the primary school level, students would learn arithmetic, reading, and writing, as well as “moral improvement” lessons.³⁶⁵ Following three years of such education, distinct from the religious teachings of the Anglican Church, students were expected to progress for six more years in grammar schools designed to cater to a more “elite” group of learners. These grammar schools focused on instructing students in ancient languages, including Hebrew, Latin, and Greek. Subsequently, higher education institutions emerged, targeting exceptionally gifted students for further educational advancement.

Students should receive an education that aligns with their training in republicanism. Beyond acquiring knowledge in arts and sciences, they should also be equipped with moral values. Consequently, Jefferson's educational vision included providing moral instruction at the primary level. This is further explained in a letter to fellow Virginian John Tyler, with Jefferson explaining, “I have indeed two great measures at heart, without which no republic can maintain itself in strength: 1. That of general education, to enable every man to judge for himself what will secure or endanger his freedom, 2. To divide every county into hundreds, of such size that

³⁶³ Malone, *Jefferson and his Time*, vol. 6, 233-267.

³⁶⁴ Jefferson to Charles Yancey, January 6, 1816.

³⁶⁵ Edwin S. Gaustad, *Sworn on the Altar of God: A Religious Biography of Thomas Jefferson* (Grand Rapids, Mich.: Eerdmans, 1996), 149.

all the children of each [county] will be within reach of a central school in it.”³⁶⁶ Eventually, Jefferson wanted the best and the brightest students to attend William and Mary College, just as he had done. Unfortunately, from Jefferson’s standpoint, the leaders at the college were reluctant to make needed alterations to advance the university program. This led him to begin a crusade to create a university that would eventually become the University of Virginia.

Jefferson outlined his plan for a public educational system to John Adams:

This [Bill for the More General Diffusion of Knowledge] proposed to divide every county into wards of 5 or 6 miles square, like your townships; to establish in each ward a free school for reading, writing and common arithmetic; to provide for the annual selection of the best subjects from these schools who might receive at the public expense a higher degree of education at a district school; and from these district schools to select a certain number of the most promising subjects to be completed at an University, where all the useful sciences should be taught. Worth and genius would thus have been sought out from every condition of life, and completely prepared by education for defeating the competition of wealth and birth for public trusts.³⁶⁷

Jefferson clearly outlines his philosophical thought in this brief passage. In basing the structure on divisions within counties, Jefferson was attempting to ensure that schools would remain under local authority and control. In addition, in noting the selection of the best subjects for further studies, he was acknowledging talents and abilities over social status. Jefferson specifically desired to seek out “geniuses” who would be the ones to lead the country. This public education, in Jefferson’s mind, should be paid for through taxation of the general population. Jefferson’s reference to the “useful sciences” has a dual meaning. On one level, it is an indication of the curriculum that he wanted to see employed at the university level; however, it had a deeper meaning in that it was also an allusion to the improvements he believed were needed in the entire American university system.

³⁶⁶ Jefferson to John Tyler, May 26, 1810.

³⁶⁷ Jefferson to John Adams, October 13, 1813.

Jefferson's system of education was to be structured into three layers based on the life of the individual. In a letter to Peter Carr, Jefferson explained the first layer: elementary schools,

Elementary Schools. It is highly interesting to our country, and it is the duty of its functionaries to provide that every citizen in it should receive an education proportioned to the condition and pursuits of his life. The mass of our citizens may be divided into two classes—the laboring and the learned. The laboring will need the first grade of education to qualify them for their pursuits and duties; the learned will need it as a foundation for further acquirements.³⁶⁸

This passage demonstrates two noteworthy aspects. The first sentence clearly underscores Jefferson's emphasis on government-backed public education. Throughout the rest of the letter, Jefferson explicitly conveyed that an individual's education would be determined by their chosen life trajectory. Jefferson made a clear distinction between a laboring class and the intellectual elite. Nonetheless, in Jefferson's model, all students would receive at least a basic level of education. Jefferson explained the second layer:

General Schools. At the discharging of the pupils from the elementary schools, the two classes separate—those destined for labor will engage in the business of agriculture, or enter into apprenticeships to such handicraft art as may be their choice; their companions, destined to the pursuits of science, will proceed to the college, which will consist, 1st of general schools; and, 2d, of professional schools. The general schools will constitute the second grade of education. The learned class may still be subdivided into two sections: 1, Those who are destined for learned professions, as means of livelihood; and, 2, the wealthy, who, possessing independent fortunes, may aspire to share in conducting the affairs of the nation, or to live with usefulness and respect in the private ranks of life. Both of these sections will require instruction in all the higher branches of science; the wealthy to qualify them for either public or private life; the professional section will need those branches, especially, which are the basis of their future profession, and a general knowledge of the others, as auxiliary to that, and necessary to their standing and association with the scientific class.³⁶⁹

According to Jefferson's model, those aspiring to professional careers progress to the stage of general education. In several private letters and public statements, Jefferson consistently emphasized his belief that the most talented should be identified from all segments of society and

³⁶⁸ Jefferson to Peter Carr, September 7, 1814.

³⁶⁹ Ibid.

groomed as future leaders. Individuals would merit positions of authority based on their merit and not birth status or wealth. Nevertheless, in this particular passage, Jefferson appeared to acknowledge that political leadership might still be predominantly held by the affluent.

Notwithstanding, both educational tracks would receive more advanced scientific instruction, helping to prepare them for their respective roles within society. The last and final layer was the university level:

At the close of this course [general physics], the students separate; the wealthy retiring, with a sufficient stock of knowledge, to improve themselves to any degree to which their views may lead them, and the professional section to the professional schools, constituting the third grade of education, and teaching the particular sciences which the individuals of this section mean to pursue, with more minuteness and detail than was within the scope of the general schools for the second grade of instruction. In these professional schools, each science is to be taught in the highest degree it had yet attained.³⁷⁰

This is the tier of education designed for cultivating the professional class and prospective political leaders. Here, students would receive a more comprehensive general education in the sciences compared to the lower tiers, along with specialized instruction and practical training in their chosen fields. Jefferson's goal was to establish a profoundly educated elite capable of assuming leadership roles in politics and industry in the years to come.

Apart from the political dimension of public education, Jefferson also advocated for its emphasis on economic matters. Jefferson acknowledged the importance of intellectual learning and knowledge but stressed the need for vocational training so that citizens were equipped to participate in the economic development of the nation. In a letter to Peter Carr, Jefferson explained,

At the discharging of pupils from elementary schools, the two classes separate—those destined for labor will engage in the business of agriculture, or enter into apprenticeships to such handicraft art as may be their choice; their companions, destined for the pursuits

³⁷⁰ Jefferson to Peter Carr, September 7, 1814.

of science, will proceed to the college, which will consist, 1st of general schools; and, 2nd, of professional schools.³⁷¹

This passage visibly illustrates the practical aspect of Jefferson's educational plan. He recognized that certain individuals would require only a rudimentary level of education for careers, such as farming, while others were ordained for advanced inclinations, such as law, medicine, or politics. "The function of the university, in Jefferson's eyes," according to Gordon C. Lee, "was that of training men for the particular professions of law, medicine, or engineering, and for scientific pursuits—and of preparing them to assume positions of leadership in society."³⁷²

Jefferson thought that leaders in the country needed to be groomed and viewed public education as a method to achieve that objective. Simultaneously, Jefferson emphasized the significance of imparting basic economic knowledge to every citizen, regardless of their profession. Part of Jefferson's objectives for education involved the wish "to give to every citizen the information he needs for the transaction of his own business; to enable him to calculate for himself, and to express and preserve his ideas, his contracts and accounts, in writing . . ."³⁷³ His objectives also included "to harmonize and promote the interests of agriculture, manufactures, and commerce, and by well-informed views of political economy, to give a free scope to the public industry."³⁷⁴ The public educational system in America needed to prioritize the economic wellbeing of the nation to ensure that it would continue to flourish. To achieve this, every citizen, based on their societal role, should be equipped with the essential tools to contribute to a thriving economy.

³⁷¹ Jefferson to Peter Carr, September 7, 1814.

³⁷² Gordon C. Lee, *Crusade Against Ignorance: Thomas Jefferson on Education* (New York: Teachers College, 1961), 21.

³⁷³ Lorraine Smith Pangle and Thomas L. Pangle, *The Learning of Liberty: The Educational Ideas of the American Founders* (Lawrence University Press of Kansas, 1993), 117.

³⁷⁴ *Ibid.*, 120.

But why was *Bill for the More General Diffusion of Knowledge* so important in the realm of slavery? One of Jefferson's principles of republicanism meant that "a democratic, majority decision was absolutely necessary before the existing legal order and the property rights in slaves that it secured were overturned."³⁷⁵ As Jefferson demonstrated with, "the public mind would not yet bear the proposition," he also believed that "[a]ny premature effort to interfere with the institution would violate the fundamental rights of free citizens and jeopardize the progress of the community as a whole toward a more enlightened understanding of its true collective interests."³⁷⁶ So, for the public to embrace emancipation, they must be educated. It was for this reason that later in life, Jefferson decided that education was far more important than the ownership of property as a major qualification for voting.³⁷⁷

This is one of the reasons Jefferson found his 1778 *Bill for the More General Diffusion of Knowledge* to be so important. It was not just simply an educational bill; it was designed to be the first steps necessary for the restructuring of Virginia's aristocracy into a meritocracy. The bill outlined a thorough, publicly funded education for "the people at large," guaranteeing that the next generation leaders of Virginia would come from all backgrounds based on their individual "genius and virtue," conferred by nature, regardless of their wealth or descent. Thus, to guarantee equal opportunities, there must be free education. Jefferson believed that leaders "should be rendered by liberal education worthy to receive, and able to guard the sacred deposit of the rights and liberties of their fellow citizens"; "they should be called to that charge without regard to wealth, birth or other accidental condition or circumstance." And from there, they will be educated in not only reading, writing, and arithmetic but also moral principles.³⁷⁸

³⁷⁵ Helo and Onuf, "Jefferson, Morality, and the Problem of Slavery," 585.

³⁷⁶ *Ibid.*, 586.

³⁷⁷ Miller, *The Wolf by the Ears*, 253.

³⁷⁸ "A Bill for the More General Profusion of Knowledge," in *Papers*, eds. Oberg and Looney.

However, what is meant by moral principles? What was Jefferson's understanding of morality? John Chester Miller's opinion of Jefferson's morality ties into Jefferson embracing "the idea of a moralistic unaversive and of inherent, rational, and moral constitutive parts of human nature."³⁷⁹ Jefferson assumed the Creator made man a social being and thus able to live according to "principles which are in concert with the reason of the supreme Mind." Thus, in contrast to reason, moral instinct was clearly preeminent in being able to distinguish between right and wrong, justice and injustice.³⁸⁰ Jefferson did not believe in an organized religion, as "True religion is mortality."³⁸¹ This coincides with what Jefferson had written in *Notes on the State of Virginia*, stating that,

The first elements of morality too may be instilled into their minds; such as, when further developed as their judgments advance in strength, may teach them how to work out their own greatest happiness, by shewing them that it does not depend on the condition of life in which chance has placed them, but is always the result of good conscience, good health, occupation, and freedom in all just pursuits.³⁸²

Jefferson acknowledged the potential benefits of moral instruction for both younger and older children. He believed that a crucial objective at the elementary level was "to improve, by reading, his [every citizen's] morals and faculties."³⁸³ Young children could be molded and guided to proper behavior; however, moral education must endure throughout one's educational journey. Jefferson wanted education for older students to "develop the reasoning faculties of our youth, enlarge their minds, cultivate their morals, and instill into them the precepts of virtue and order."³⁸⁴ This training would prepare students to be productive citizens and help them in their social relationships, which will enhance the individual and society and lead to true happiness.

³⁷⁹ Miller, *The Wolf by the Ears*, 91.

³⁸⁰ Ibid.

³⁸¹ Ibid., 92.

³⁸² Thomas Jefferson, *Notes on Virginia*, 154.

³⁸³ Pangle and Pangle, *The Learning of Liberty*, 117.

³⁸⁴ Pangle and Pangle, *The Learning of Liberty*, 120.

However, Jefferson did not believe that this morality was evenly distributed across class and individuals, believing it to be weakest with the rich and politicians, the artificial aristocracy. Instead, Jefferson believed that the moral sense could be invigorated through education, helping people to always distinguish between right and wrong. Only men who could follow their moral sense could be the leaders of the country and make critical political decisions.³⁸⁵ These leaders Jefferson sought were his natural aristocrats. “The object,” per Jefferson, “is to bring into action that mass of talents which lies buried in poverty in every country, for want of the means of development.”³⁸⁶

While Jefferson most prominently discusses his philosophy of natural versus artificial aristocracy with John Adams during their correspondence during their retirement, his views of the matter can be seen in his education bill. In one of his letters, Jefferson stated that “from every condition of our people the natural aristocracy of talents & virtue” would come, and stressed the need “of preparing by education, at the public expense, for the care of the public concerns.”³⁸⁷ This is the core of Jefferson’s educational beliefs: Naturally talented aristocrats should be educated for the public benefit and the continuance of the republic. While Jefferson certainly believed that human beings did have equal rights, that does not mean everyone also had equal intellectual capabilities. Education would provide equal opportunities to American men; the more talented students, the natural aristocrats, would be selected to serve the republic.

Jefferson did not desire “an artificial aristocracy” that was “founded on wealth and birth, without either virtue or talents; for with these, it would belong to the first class” to be the ones running the government.³⁸⁸ Instead, Jefferson needed the natural aristocrats to be educated as:

³⁸⁵ Miller, *The Wolf by the Ears*, 92-93.

³⁸⁶ *Ibid.*, 254.

³⁸⁷ Jefferson to Joseph Carrington Cabell, January 5, 1815.

³⁸⁸ Jefferson to John Adams. October 28, 1813.

The natural aristocracy I consider as the most precious gift of nature for the instruction, the trusts, and government of society. And indeed it would have been inconsistent in creation to have formed man for the social state, and not to have provided virtue and wisdom enough to manage the concerns of the society. May we not even say that that form of government is the best which provides the most effectually for a pure selection of these natural aristoi into the offices of government? The artificial aristocracy is a mischievous ingredient in government, and provision should be made to prevent its ascendancy.³⁸⁹

There is much to dissect in this often-quoted passage of Jefferson. Jefferson clearly sees “natural aristocracy” as an asset for the education, leadership, and governance of society, believing that these select individuals’ inherent qualities would make them more suitable for leadership. In his view, it would be illogical for human beings to be naturally created without key individuals born with the inherent qualities of virtue and wisdom to effectively “manage the concerns of the society” or, as previously stated, for people with inherent “principles which are in concert with the reason of the supreme Mind.” It is critical to a well-functioning government for these individuals to be in positions of power for the most virtuous society. Jefferson actively suggests a meritocratic system for leadership roles specifically based on these qualities, such as morality. These natural aristocrats would be chosen by the citizens themselves rather than selected by the people in government.

When the “natural aristocracy” is combined with the principles expressed within Bill 79 and his reflection on the bill in his autobiography, there is a clear train of thought of how this could lead to the potential eradication of slavery. Jefferson reflects on the education bill, among others, in his autobiography, “forming a system by which every fibre would be eradicated of ancient or future aristocracy; and a foundation laid for a government truly republican.”³⁹⁰

Jefferson’s emphasis on education clearly went beyond just mere knowledge, as he emphasized

³⁸⁹ Ibid.

³⁹⁰ Jefferson, *Autobiography*, 77.

civic responsibility, critical thinking, and perhaps most importantly, moral integrity. This education should not be limited to just the privileged, “the indigence of the greater number disabling them from so educating... it is better that such should be sought for and educated at the common [expense] of all.”³⁹¹

With the public mind now guided by a natural aristocracy that values justice and virtue and is thus enlightened, they could now bear a proposition of emancipation. Jefferson’s faith in education’s potential for enlightened leadership is evident in the set of bills that were meant to erode the artificial aristocracy. The bills aimed to repeal laws of entail and the abolition of primogeniture, thus preventing the accumulation of wealth and privilege among select families. These reforms, Jefferson contended, removed “feudal and unnatural distinctions” and promoted equal partition of inheritances.³⁹² The last component of Jefferson’s equation to solve his sphinx was generational sovereignty, leading to his creation of the University of Virginia. Jefferson had expressed his frustration with the previous generation as well as his own:

From those of the former generation who were in the fullness of age when I came into public life, which was while our controversy with England was on paper only, I soon saw that nothing was to be hoped. Nursed and educated in the daily habit of seeing the degraded condition, both bodily and mental, of those unfortunate beings, not reflecting that that degradation was very much the work of themselves & their fathers, few minds have yet doubted but that they were as legitimate subjects of property as their horses and cattle. The quiet and monotonous course of colonial life has been disturbed by no alarm, and little reflection on the value of liberty. And when alarm was taken at an enterprise on their own, it was not easy to carry them to the whole length of the principles which they invoked for themselves.³⁹³

Here, Jefferson acknowledges that the older generation was conditioned to view enslaved people as property and that this view was so ingrained into their psyche that there was no difference in treating their slaves the same as common livestock. This generation was accustomed to a quiet

³⁹¹ “A Bill for the More General Profusion of Knowledge,” in *Papers*, eds. Oberg and Looney.

³⁹² Jefferson, *Autobiography*, 77.

³⁹³ Jefferson to Edward Coles, Monticello, August 25, 1814.

and uneventful life, with few opportunities to analyze the value of liberty, especially how it pertains to slavery. This was the final piece of the puzzle for Jefferson, where he realized that he could not count on the previous generation or even his current generation but that he must look to the future generations.

Due to his belief that “from every condition of our people the natural aristocracy of talents & virtue would come,” Jefferson stressed the necessity “of preparing by education, at the public expense, for the care of the public concerns.”³⁹⁴ These “natural aristocrats” would be the exceptionally moral men that Jefferson believed could avoid being corrupted by slavery.³⁹⁵

³⁹⁴ Thomas Jefferson to Joseph Carrington Cabell, January 5, 1815.

³⁹⁵ Jefferson to Edward Bancroft, January 26, 1789.

Chapter Three:

Post War

Following the end of the Revolutionary War, Jefferson's principles came to a crossroads. What was his objective? Did he want to eradicate slavery, or did he want to continue to build his new, delicate nation? The landscape had now changed. Jefferson and the founding fathers were no longer fighting a war; they were now running their own country in its infant state while surrounding European nations waited in the wings for them to fail. It was during this time that Jefferson was arguably the most pro-abolition than at any other point in his career. The irony was not lost on Jefferson that the nation that was founded on the ideals of liberty and freedom simultaneously benefited from the institution of slavery, as "justice in conflict with avarice and oppression."³⁹⁶

Jefferson initially believed that he could achieve both of his objectives simultaneously. However, it was his governmental plan for future western settlements that demonstrated to Jefferson that it may not be possible. In 1784, the delegates from Virginia informed the Continental Congress that they wanted to cede their territory beyond Ohio. Jefferson, as a member of the Continental Congress, presented his *Report of a Plan of Government for the Western Territory*. Under his plan, when the western territories enter the Union as states, they would do so on equal footing with the original states.³⁹⁷ In comparison to the later Ordinance of 1787 that only applied to the Northwest Territory, this proposal applied to the future land that would be acquired as well.³⁹⁸ Jefferson's proposal originally developed from a resolution passed by the Continental Congress on October 15, 1783, that stated:

³⁹⁶ Jefferson to Richard Price, August 7, 1785.

³⁹⁷ Boyd, ed., *Jefferson Papers*, 6:582; Malone, *Jefferson the Virginian*, 412; Philbrick, *The Rise of the West*, 127.

³⁹⁸ Boyd, ed. *Jefferson Papers*, 6:582.

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.³⁹⁹

Subsequently, Congress assigned a committee headed by Jefferson to prepare an interim governmental plan for the western territory. This proposal, following the acceptance of Virginia's cession of its western territory, would not only ban slavery north of the Ohio river but south of it as well.⁴⁰⁰ Thus, the Ordinance of 1784 would have prevented the spread of slavery in the territories by banning it across the entire North and South (from Lake Erie to Florida) after the year 1800, banning what are now Kentucky, Tennessee, Alabama, and Mississippi. The Articles of Confederation had not addressed the abolition of slavery until the introduction of this Ordinance. Initially, Jefferson pointed out that his proposal would foster unity within the Union and deter the transformation of slavery into a divisive sectional matter. To ensure there was not an immediate cultural shock of overnight emancipation, the proposal ensured that slavery and involuntary servitude would not be banned until after 1800.⁴⁰¹ The report was sent back to Congress for further consideration, and on March 22nd Jefferson's committee resubmitted it with slight modifications.⁴⁰²

Unexpectedly, there was considerable pushback from the Southern delegates against the clause prohibiting slavery, and once more, the report went back to the committee. On April 19th, the proposal came before the Congress with the anti-slavery provision attached. Richard Dobbs

³⁹⁹ Ford et al., eds., *Journals of the Continental Congress*, 25:693-94.

⁴⁰⁰ Merkel, "Jefferson's Failed Anti-Slavery Proviso."

⁴⁰¹ Jefferson, *The Life and Writings of . . .*, 385.

⁴⁰² Boyd, ed., *Jefferson Papers*, 6:608; Ford et al., eds., *Journals of the Continental Congress*, 26:219.

Spraight, a delegate of North Carolina, immediately moved to strike out the clause prohibiting slavery. Most congressmen, totaling sixteen, voted to retain the article, while seven voted to exclude it. Jefferson and Hugh Williamson of North Carolina were the only Southern delegates who supported preserving the clause. The anti-slavery coalition had lost by one vote. While they embodied six states, a favorable vote from seven states was necessary to preserve the article.⁴⁰³ New York, Pennsylvania, and the four New England states all voted with Jefferson, and South Carolina, Maryland, and Virginia voted to remove the clause. North Carolina was the only state present that was divided over the clause. Virginia would have also been if one of their members had not been absent due to illness. New Jersey would have supported the clause as well, but one of its only two members was also absent due to illness.⁴⁰⁴ Bitter over the proposal's failure, Jefferson reflected:

Voice of a single individual of the state, which was divided, or of one of those which were of the negative, would have prevented this abominable crime from spreading itself over the new country. Thus, we see the fate of millions unborn hanging on the tongue of one man, and Heaven was silent in that awful moment.⁴⁰⁵

Congress passed the proposal on April 23, 1784, without the clause banning slavery and involuntary servitude, as the Ordinance of 1784.⁴⁰⁶ And unlike Jefferson's clause, the Ordinance passed was unwilling to ban slavery in the other territory and to assume that future settlers would be ready for immediate self-government.⁴⁰⁷ Yet, it is interesting to note that within Jefferson's failed proposal, Jefferson showed no intention of touching slavery where it already existed within the United States. Jefferson was reluctantly content to allow slavery to flourish within states such as his home, Virginia, as he believed that it was:

⁴⁰³ Boyd, ed., *Jefferson Papers*, 6:612; Ford et al., eds., *Journals of the Continental Congress*, 26:246-47.

⁴⁰⁴ Jefferson to Madison, April 25, 1784.

⁴⁰⁵ Jefferson to Jean Nicolas Demeunier, June 22, 1786.

⁴⁰⁶ Ford, ed., *Journals of the Continental Congress*, 26:277.

⁴⁰⁷ Philbrick, *The Rise of the West 1754-1830*, 127.

possible that in my own country, these strictures might produce an irritation which would indispose the people towards the two great objects I have in view, that is, the emancipation of their slaves, and the settlement of their Constitution on a firmer and more permanent basis.⁴⁰⁸

This raises a considerable question as to why Jefferson did not push the slave issue further due to how narrowing the clause within the Ordinance of 1784 failed. Jefferson understood that this provision would prove to be widely unpopular with his fellow southern aristocrats, as their property was a source of their power within society. Jefferson was at a crossroads at this moment. Should he force abolition at the expense of potentially alienating the South and risk his own political ambitions? It must be taken into consideration that this was only six months following the conclusion of the American Revolution, and there was still an over-loomed threat of England hanging over the newly born states. Additionally, even if Jefferson wished to repropose the slavery clause Ordinance of 1784, there was a very limited window as Jefferson departed for France on August 3, 1784, a mere three months after Congress passed the Ordinance. Jefferson would remain in France for the next five years until he would return in September of 1789 to serve as President Washington's secretary of state, leaving little opportunity for him to readdress the issue.

The 1780s were the peak of Jefferson's anti-slavery actions, with the Ordinance of 1784 being his biggest proposal, but why was that? The answer lies in the public reactions to anti-slavery actions taken by Jefferson and others. As discussed in Chapter 2, Jefferson was a part of the Virginia Committee of Revisors, where he helped draft a revision to the Virginia Constitution to emancipate all slaves in Virginia in 1778. This revision would diminish "the continuance of

⁴⁰⁸ Thomas Jefferson to Chastellux, June 7, 1785, *The Papers of Thomas Jefferson*, vol. 8. 25 February–31 October 1785, ed. Julian P. Boyd, (Princeton: Princeton University Press, 1953), 184–186.

slavery beyond the generation which shall be living on the 31st day of December 1800.”⁴⁰⁹ The children of slaves born after the passage of the act were children who would be taken from their parents to receive state-funded education until they were legal adults, where they would then be colonized somewhere outside of the United States. However, this bill was never submitted to the assembly because as Jefferson said, “the public mind would not yet bear this proposition, nor will it bear it even at this day.”⁴¹⁰

Why does Jefferson feel the public mind of Virginia could not bear this? Between 1784 and 1785, the General Assembly in Virginia received five pro-slavery petitions signed by a total of 1,244 people from eight counties. Two counties in 1784 called for the repeal of an act passed in 1782 that allowed for the manumission of slaves.⁴¹¹ The following year, another petition was submitted from three different counties reminding the assembly that, per the Old Testament, God had permitted slavery. These activists called upon the lawmakers to “utterly reject every Motion and Proposal for emancipating our slaves.”⁴¹² The “free inhabitants” of Lunenburg County on November 29, 1785, requested that the assembly repel “a daring attempt by petitions warmly advocated by some Men of considerable weight to wrestle 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.”⁴¹³

Numerous petitioners from Brunswick County, citing seventeen verses from the Old Testament that they believed promoted slavery, petitioned the assembly to reject an act of

⁴⁰⁹ Andrew Burstein and Nancy Isenberg, *Madison and Jefferson* (New York: Random House, 2010), 101; McGarvie, “In Perfect Accordance with his Character,” 164; Davis, *The Problem of Slavery*, 174.

⁴¹⁰ Thomas Jefferson and Nicholas E. Magnis, “Thomas Jefferson and Slavery: An Analysis of His Racist Thinking as Revealed by His Writings and Political Behavior.” *Journal of Black Studies* 29, no. 4 (1999): 493.

⁴¹¹ Fredrika T. Schmidt and Barbara R. Wilhelm, “Early Proslavery Petitions in Virginia,” *William and Mary Quarterly* 30 (1973):138. The complete petitions were reproduced, excluding the signatures.

⁴¹² Schmidt and Wilhelm, “Early Proslavery Petitions in Virginia,” 139-40.

⁴¹³ *Ibid.*, 141.

general emancipation.⁴¹⁴ Halifax County submitted an appeal, also invoking the words of the Old Testament, on November 10, 1785, that demanded the assembly discard all efforts towards general emancipation that were being promoted by the country's adversaries who were given the support of “deluded” men and called for the repeal of the act permitting private manumissions.⁴¹⁵

Jefferson's belief of the public mind in the solidification of pro-slavery forces seemed to be reinforced by these petitions. Of the five mentioned petitions, four explicitly referred to attempts aimed at achieving the emancipation of slaves on a broader scale. The petitions revealed two prominent concerns regarding emancipation. First, the petitioners strongly asserted that the prospect of general emancipation jeopardized their property rights and personal liberties. Secondly, they expressed apprehension about potential crimes, such as rapes, robberies, and murders, which they attributed to a large population of propertyless, vengeful, and morally questionable free blacks. Unlike their British counterparts in the Caribbean, slave-owners in the United States lived side by side with their slaves. This created a fear stronger than race itself. These fears echoed sentiments expressed by seventeenth-century Virginians, who, as they gradually enslaved blacks, sought to reduce the number of “wild bachelors” seen as a threat to their property and freedoms.

After his failure with the slavery clause of the Ordinance of 1784 and his refusal to submit his proposal for gradual emancipation in Virginia, Jefferson's public career as an anti-slavery legislator was effectively over. While Jefferson continued to express his disgust with the institution privately, he did not author any other legislation on the manumission of slaves. In a letter to Brissot de Warville in 1788, Jefferson was honored by Mr. Warville's invitation to become a member of the abolitionist movement, stating “nobody wishes more ardently, to see an

⁴¹⁴ Ibid., 143-44.

⁴¹⁵ Ibid., 145-46.

abolitionist, not only of the trade but of the condition of slavery: and certainly, nobody will be more willing to encounter every sacrifice for that object.”⁴¹⁶ However, Jefferson ultimately turned down the offer by the Frenchman as he was in France as a representative and had yet to speak with those he represented from the United States.

But Jefferson’s work with the Ordinance of 1784 was not in vain, as his influence was indirectly a part of another endeavor with the passage of the Northwest Ordinance on July 13, 1787, by the Congress of the Confederation of the United States. This act was successful in the abolishment of slavery within the region. Article 6 of the act reads:

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: Provided, always, That any person escaping into the same, 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 as aforesaid.⁴¹⁷

However, even the Northwest Ordinance of 1787 was not without its flaws, as this Ordinance contained a fugitive slave clause. The clause stipulated 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.”⁴¹⁸

While Jefferson was indirectly awarded a small victory with the Ordinance of 1787, the nature of slavery within a free nation still plagued Jefferson as he privately attempted to find various peaceful solutions to the problem. In 1786, Jefferson penned a letter to Nicholas Lewis expressing his helplessness towards the slave system, “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

⁴¹⁶ Thomas Jefferson to Brissot de Warville, February 11, 1788.

⁴¹⁷ *Northwest Ordinance of 1787*.

⁴¹⁸ Richard L. Perry and John C. Cooper, eds., *Sources of Our Liberties: Documentary Origins of Individual Liberties in the United States Constitution and Bill of Rights* (New Yorks American Bar Foundation, 1959), 379.

comfort of my slaves.”⁴¹⁹ He wrote to Lewis again the following year expressing the same sentiment but added that he would not sell his slaves as long as they possibly could pay off his debts with the fruits of their own labor. However, Jefferson also recognized that two-thirds of his debts came directly from purchasing slaves. He remained hopeful of one day easing their situations once the debts were paid.⁴²⁰

Following the American Revolution, the newly formed United States faced increasing economic uncertainty. The war had created conditions under which slaveholding became increasingly profitable in the south, particularly areas of the backcountry, where it struggled to thrive previously. These profits made slavery even more desirable, causing slaves for sale to become so scarce that merchants grumbled that “Negroes cannot be had in this country for any price.”⁴²¹ Alexander Drummond wrote a correspondent to tell of him to “lay out the vile trash, which we call money in Young negroes ... people are dayle [sic] coming from all parts to purchase them at the most enormous prices.”⁴²²

In 1776, slaves were being sold for “between £700 & £800” on credit or currency.⁴²³ Additionally, inflation began to take hold within the colonies. In 1779, South Carolina’s currency traded at roughly 66 pounds in paper money to a single pound sterling; a year later, it traded at 400 to 1. In Georgia and North Carolina, where inflation was greatest, state notes traded as high as 12,000 to 1 by 1782.⁴²⁴ Devaluation was becoming so rampant that “those who retained it, a few days later, could not purchase half the value of what they had given for it.”⁴²⁵ This trajectory

⁴¹⁹ Thomas Jefferson to Nicholas Lewis, December 19, 1786, *The Papers of Thomas Jefferson*, ed. Julian P. Boyd et al., 18 vols. (Princeton: Princeton University Press, 1950), 10:615.

⁴²⁰ Thomas Jefferson to Nicholas Lewis, July 29, 1787, *Papers.*, 11:640.

⁴²¹ Joseph Clay to “Dear Sir,” November 18, 1780, *Joseph Clay Letterbooks*, vol. 3, GHS.

⁴²² Alexander Drummond to Colo. Coles, April 5, 1780, *Robert Carter Related Papers*, Virginia Historical Society, Richmond, VA.

⁴²³ William Ancrum to Marlow Pryor, December 23, 1776, *William Ancrum Letterbooks*, SCL.

⁴²⁴ “Table of Depreciation,” *Governor’s Papers*, Georgia State Archives [GSA], Morrow, GA.

⁴²⁵ “Extract from the Life of C.W. Peale, written by himself,” in *Joseph Reed Papers*, NYHS.

continued into the 1780s, during which paper money had largely become worthless. As the British invasion reduced the production of goods, slaves became the only source of movable property that could be sold.

However, this became a problem as slaves comprised such a high percentage of real and personal wealth in the South, often more than half of a household's total worth.⁴²⁶ The British became infamous for mass desertions of enslaved laborers. When the British set up their headquarters in Charleston, plantation owners in St. John's-Berkley lost more than half their laborers to plunder or desertion during the war. In 1781, Jonah Horry, a plantation owner located fifty miles along the coastline, experienced a situation where nearly all of his seventy enslaved individuals chose to abandon him and join the British forces.⁴²⁷ British forces made their way along the coastline and through the backcountry of Carolina. In the later stages of the war, slaves deserted either in small groups or all at once.

After Cornwallis's army advanced from North Carolina into Virginia during the summer of 1781, Dr. Richard Honyman reported that residents along Cornwallis's path suffered significant losses, stating that they lost "20, 30, 40, 50, 60, or 70 Negroes" as well as their livestock such as cattle, sheep, and horses. William Lee similarly claimed that "all of my neighbors" experienced the loss of every slave they owned, except for Mr. Paradise, who had only one remaining due to desertion and foraging activities."⁴²⁸

Jefferson himself was not immune to this destruction left by the British. Jefferson estimated that from Cornwallis's march towards Yorktown, Virginia lost more than £3,000,000

⁴²⁶ This was especially true among small slaveholders. See, for instance, Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1997).

⁴²⁷ Notice in *South-Carolina Weekly Gazette*, Feb 22, 1783.

⁴²⁸ Michael McDonnell, *The Politics of War: Race, Class, and Conflict in Revolutionary Virginia* (Chapel Hill, NC: UNC Press, 2007), 439, 441.

worth of property.⁴²⁹ Jefferson remarked that Cornwallis “burned all the tobacco houses and barns on the farm, . . . Wasted the fields in which the crop of that year was growing” and “killed or carried off every living animal, cutting the throats of those which were too young for serve. Of the slaves, he carried away thirty.”⁴³⁰ While Jefferson was able in part to recover financially, for the rest of his life, Jefferson maintained that it was because of Cornwallis’s “barbarous and useless depredations” that he was unable to pay his debts.⁴³¹

It must be emphasized that the foundation of the political power in the Southern states was from the wealth produced through the labor of enslaved blacks. The slaves collectively represented a significant portion of the capital in the region, comprising over fifty percent of the total investment. Their labor and value served as the foundation for the South’s entire credit-based economy, particularly during the years following the war when the availability of coins was extremely limited. The infant United States was burdened with tens of millions of dollars worth of debt following the war, so the Founding Fathers, even if they had wanted to, could not afford to leave the slaveholding states out of the Union. Northern representatives were aware that the Southern states’ exports represented seventy percent of the Thirteen Colonies’ total in 1775, and the nation needed the southern states just as much as the southern states needed the Union.⁴³² In the case of individual slaveholders, as previously stated, manumitting slaves would deprive heirs of their estate and affiliation with the Southern aristocrats, which could only be successful with dramatic shifts in perspectives such as those with Randolph and Carter.

⁴²⁹ It should worth noting that Jefferson was known for exaggeration and scholars are divided on the accuracy of Jefferson’s number. Cassandra Pybus, for instance, concludes that Jefferson grossly overestimated Virginia’s loss in slaves, although Pybus most likely underestimates the same number. Cassandra Pybus, “Jefferson’s Faulty Math: The Question of Slave Defections in the American Revolution,” *WMQ*, vol. 62, no. 2 (June 2005): 243-264.

⁴³⁰ Thomas Jefferson to William Jones, Jan. 5, 1787; for figure see Thomas Jefferson, quoted in John Selby, *The Revolution in Virginia, 1775-1783* (Charlottesville, VA: University Press of Virginia, 2007), 318.

⁴³¹ Thomas Jefferson to Alexander McCaul, 4 January 1787.

⁴³² John J. McCusker and Russell R. Menard, *The Economy of British America, 1607-1789* (Chapel Hill: University of North Carolina Press, 1985), Appendix 1.

There was a wave of slaveholders' paranoia during and after the war (the American Revolution) of a potential slave revolt, and several slaves were unjustly executed. At the initial outbreak of the war, black Southerners emphasized their loyalty "not to a place nor to a people, but to a principle."⁴³³ Before the "Shot heard around the world" was fired at Lexington and Concord, slaves were uniting on plantations, strategizing their flight and armed resistance, with those on a particular Virginia plantation even going as far as to democratically select leaders "to conduct them when the English troops should arrive."⁴³⁴ It was common for slaves to run away in an attempt to join the British army in hopes of gaining their freedom. Prominent southern slaveholders, such as Jefferson and Washington, employed "agents" to capture and forcibly return "property" speculated to be residing within the city. A Hessian soldier stated in 1783 that "Almost five thousand persons have come into this city to take possession again of their former property."⁴³⁵ Black men and women were yanked out of their beds at night and chained for the journey back South, an experience that Boston King recalled: "filled us with dread and deprived us of sleep."⁴³⁶

Additionally, the Revolution created an unstable economy in the infant United States, especially in the south, leaving many prominent statesmen and planters in Virginia, such as John F. Mercer and Theodorick Bland, to eagerly purchase land, both in developed and underdeveloped regions of the state.⁴³⁷ Georgia also saw a rise in their legislators, as much as ninety percent, making claims on 1,000 acres or more in the western and northern sections of the

⁴³³ Quote from Benjamin Quarles, *The Negro in the American Revolution* (Reprint; Chapel Hill, NC: UNC Press, 1996), xxvii.. Correspondingly, Sylvia Frey argues that the war in the South should be understood as a "triangular war," one between tories, whigs, and slaves. See Sylvia Frey, *Water From the Rock: Black Resistance in a Revolutionary Age* (Princeton, NJ: Princeton University Press, 1991).

⁴³⁴ James Madison, quoted in Frey, *Water from the Rock*, 53.

⁴³⁵ Quoted in Cassandra Pybus, *Epic Journeys of Freedom*, 63.

⁴³⁶ Pybus, *Epic Journeys of Freedom*, 65-7.

⁴³⁷ Jacob Rubsamen to Theodorick Bland, August 3, 1784, *Bland Family Papers*, VHS;

state that was either purchased from warrants or from selling vast quantities of land taken from newly ejected Indians.⁴³⁸ The spread of land coincided with the spread of slavery, and the Revolution ironically led to the spread of slavery accelerating into the interior of the South. Raiders were rampant and took slaves as prizes to the west to work in backcountry mines and forges. Due to the power and influence bestowed because of wealth and the high property requirements in the south for holding office, those in the backcountry overwhelmingly increased their slave property during the war.

With the value of property continuing to climb throughout the 1780s, Jefferson embarked on calculating his agricultural profits and losses in a letter to then President Washington in 1792. In the letter was a scribbled mess of Jefferson's calculations showing that he was making 4 percent profit every year from the birth of slaves: "I allow nothing for losses by death, but, on the contrary, shall presently take credit four percent per annum, for their increase over and above keeping up their own numbers."⁴³⁹ Jefferson was not the only planter who was economically suffering from the Revolution, as previously demonstrated. Thus, he emphasized to his colleague that they must invest in the safest commodity, stating to invest "in lands and negroes, which besides a present support bring a silent profit of from 5 to 10 percent in this country by the increase in their value."⁴⁴⁰ It is this quote that led to what Henry Wiencek calls the now infamous "four percent theorem."

⁴³⁸ Leslie Hall, *Land and Allegiance in Revolutionary Georgia* (Athens, GA: University of Georgia Press, 2001), 240-2; W. Robert Higgins, "A Financial History of the Revolution in South Carolina," Ph.D. Dissertation, University of South Carolina, 1970, 312-6. For the conflicts, during and after the war, over land that often arose as eastern speculators placed claims on often inhabited western land, see for North Carolina and Georgia Jeffrey J. Crow, "Liberty Men and Loyalists: Disorder and Disaffection in the North Carolina Backcountry," and Edward J. Cashin, "But Brothers, It Is Our Land We Are Talking About": Winners and Losers in the Georgia Backcountry," both in Ronald Hoffman, Thad W. Tate and Peter J. Albert, eds., *An Uncivil War: The Southern Backcountry during the American Revolution* (Charlottesville, VA: University Press of Virginia, 1985).

⁴³⁹ Notes on Arthur Young's Letter to George Washington, June 18, 1792.

⁴⁴⁰ Thomas Jefferson to Madame Plumard de Bellanger, April 25, 1794.

Within Wiencek's argument, he surmises that Jefferson abandoned his anti-slavery ideology during the 1790s and became a passionate supporter of the institution upon realizing how profitable it was. Wiencek emphasizes that Jefferson encouraged violence at Monticello to extract the highest profits, an area most of Jefferson's scholars have ignored. A central idea of Wiencek is that Jefferson's "views and practices on slavery evolved not in moral terms but in commercial ones," and he saw "slave labor as the most powerful and most convenient engine of the American enterprise" and then "formulated a grand synthesis by which slavery became integral to the empire of liberty."⁴⁴¹

However, it is totally reasonable to conclude that Wiencek is mistaken; Jefferson was not referring to his slaves at Monticello but rather farms in Virginia in general. Jefferson's "four percent theorem" stems from his response to a request for a comparison between free and enslaved labor. Rather than expressing a policy specifically for Monticello, Jefferson was calculating the value of enslaved labor and the variables involved. In a later letter to Washington, Jefferson noted "being at such a distance from the country of which I wrote" and continued, "I therefore hazarded the calculation rather as an essay of the mode of calculating the profits of a Virginia estate, than as an operation which was to be ultimately relied on."⁴⁴²

The time of this is not coincidental, as this is when Jefferson's efforts towards emancipation begin to wane. The newly formed Confederation government of the United States, including the state governments, was in such an unstable financial situation that the state currency and debt could not be redeemed in hard money in the foreseeable future. This was why there was a renewed push for property by Jefferson. The exhausted finances had left planters

⁴⁴¹ Wiencek, *Master of the Mountain*, 271. Wiencek contends that when Jefferson calculated the slave births saw a four-percent return, Jefferson was convinced to commit to becoming the most profitable slaveowner he could be, abandoning any previous antislavery sentiment he might have had.

⁴⁴² Thomas Jefferson to George Washington, June 28, 1793.

incapable of employing a sufficient labor force. As a result, a widespread hiring system emerged, particularly in Virginia. The deteriorating tobacco market prompted many planters to shift to wheat production and mixed farming, leading to an excess of slaves.⁴⁴³ This surplus of slaves was occasionally hired out to work on plantations in other states or interior regions where several rising merchant planters had acquired estates.⁴⁴⁴

Notes on the State of Virginia

During the post-war years, Jefferson was appointed by the Congress of the Confederation to serve as Minister to France.⁴⁴⁵ Jefferson reflected on the issue of white men bleeding for liberty while drawing blood to keep the region's enslaved population subjugated during his memorable tenure in France, "What a stupendous, what an incomprehensible machine is man... Who can endure toil, famine stripes, imprisonment & death itself in vindication of his own liberty, and the next moment ... inflict on his fellow men a bondage, one hour of which is fraught with more misery than ages of that which he rose in rebellion to oppose?"⁴⁴⁶

During his time in France, Jefferson published his book *Notes on the State of Virginia*. The work addresses various aspects of Virginia's society, including the negative influences of slavery's impact on manners and safety. Jefferson insisted that the book be published anonymously, fearing the reactions the passages on slavery would obtain from his contemporaries.⁴⁴⁷ The majority of *Notes* was written during the end of the American Revolution in response to a questionnaire from Francois Barbe de Marbois, secretary of the French Legation

⁴⁴³ Discussed further in Sarah S. Hughes, "Slaves for Hire: The Allocation of Black Labor in Elizabeth City County, Virginia, 1782 to 1810," in *William and Mary Quarterly*, 35 (April 1978): 260-86.

⁴⁴⁴ In one case, Charles Pinckney and Edward Rutledge dispersed numerous slaves among plantations throughout South Carolina that were obtained from loyalists who faced financial hardships or purchasing them from confiscated estate sales following the war. See Roger Smith to Peter Taylor, Aug 21, 1786, Taylor Family Papers, SCL.

⁴⁴⁵ Merrill Peterson, *Thomas Jefferson and the New Nation: A Biography* (United Kingdom: Oxford University Press, 1986), 286.

⁴⁴⁶ Thomas Jefferson to Jean Nicholas Demeunier, June 26, 1786.

⁴⁴⁷ Joseph C. Miller, *The Wolf by the Ears Thomas Jefferson and Slavery* (United Kingdom: Free Press, 1977), 114.

at Philadelphia. Barbe de Marbois desired to know more about the politics and culture, as well as the natural environment, of their new ally in the war against Britain.⁴⁴⁸ Jefferson's answers to the queries were the first compilation of what would become the *Notes on the State of Virginia*, the only book by Jefferson published in his lifetime.

Jefferson never intended *Notes* to be widely distributed. His intention was instead to have “a few copies printed, which he gave among his friends: and a translation of them has been lately published in France, but with such alterations as the laws of the press in that country rendered necessary. They are now offered to the public in their original form and language.”⁴⁴⁹

Additionally, Jefferson also requested that the publication, including the section about slavery, be delayed until he could discover if it would be more harmful than helpful.⁴⁵⁰ It can be safely presumed that because Jefferson planned to only distribute his book among either people with whom he shared political opinions or who “differed as friends do, respecting the purity of each other’s motives, and confining our differences of opinion to private conversations,” then *Notes* comprises some of Jefferson’s most sincere opinions because it was envisioned for a small, trusted audience.⁴⁵¹ Although Jefferson sent his initial retort to Barbe de Marbois in 1781, *Notes* was never truly completed because he preserved a manuscript and made revisions to it for most of his life. To Jefferson, *Notes* was “nothing more than the measure of a shadow, never stationary, but lengthening as the sun advances, and to be taken anew from hour to hour. It must remain, therefore, for some other hand to sketch it’s [sic] appearance at another epoch.”⁴⁵²

⁴⁴⁸ The original list of queries is reprinted in *Papers of Thomas Jefferson*, 4: 166-167.

⁴⁴⁹ Thomas Jefferson, *Notes on Virginia*, 3.

⁴⁵⁰ Jefferson to the Marquis de Chastellux, June 7, 1785.

⁴⁵¹ Jefferson to Adams, July 17, 1791.

⁴⁵² Jefferson to Melish, December 10, 1814.

Subsequently, Jefferson affirmed his views to James Monroe that *Notes* 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.”⁴⁵³ In a letter to his old friend Charles Thomson, Jefferson expressed a desire to delay any reprinting of *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.”⁴⁵⁴ Thomson did not share Jefferson’s concern and was more curious about Jefferson’s fears of the response. Thomson expressed satisfaction with Jefferson’s assessments in *Notes*, especially the sections on slavery, writing: “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 philosophy, confident I am that it will one day be by blood.”⁴⁵⁵

However, Jefferson’s apprehension was certainly not unfounded, as evidenced by the treatment of St. George Tucker’s *Dissertation on Slavery*. Even though Tucker was one of the most prominent lawyers and jurists in Virginia, along with Jefferson’s mentor, George Wythe, Virginia’s House of Burgesses refused to distribute copies of his work.⁴⁵⁶ As previously expressed in Jefferson’s view of the public mind of the anti-slavery movement, Jefferson might not have only been considering the effects of his views on the movement. Jefferson was also weary of the possible ramifications *Notes* would have on his political career. This anxiety was expressed to James Madison that he hoped to one day distribute copies of *Notes* to the students of William and Mary, but the views expressed within would upset members of the Virginia legislature and, accordingly, they would censure him.⁴⁵⁷

⁴⁵³ Jefferson to James Monroe, June 17, 1785.

⁴⁵⁴ Jefferson to Charles Thomson, June 21, 1785.

⁴⁵⁵ Thompson to Jefferson, November 2, 1785.

⁴⁵⁶ Douglas Ambrose, “Of Stations and Relations: Proslavery Christianity in Early National Virginia,” in *Religion and the Antebellum Debate Over Slavery*, eds. John R. McKivigan and Mitchell Snay, (Athens, GA University of Georgia Press, 1998): 14-48, 37.

⁴⁵⁷ Jefferson to Madison, May 11, 1785.

Madison took Jefferson's concerns seriously enough that he and some hand-selected close friends, including Wythe, read *Notes* to provide Jefferson feedback. Madison did not disagree with Jefferson that his passages on slavery and the state constitution would be irritating to some men; however, Madison stressed that the book was too important not to publish because it "will displease their respective abettors." Within Madison's letter, Wythe suggested that Jefferson donate a number to the University's library instead of donating to the student body directly, believing that the students would immediately read every copy. They suggested to Jefferson that "perhaps . . . an indiscriminate gift might offend some narrow-minded parents."⁴⁵⁸ James Monroe also offered Jefferson optimistic advice, believing that the anti-slavery declarations could be published "since no consideration would induce them but a love for the rights of man and for your country."⁴⁵⁹

In *Notes*, Jefferson presents the fears he had over the emancipation of enslaved blacks. Within the newly formed United States, there was a growing uneasiness about the country that fought for independence and freedom while they kept thousands in bondage. But too much too soon when society is not ready for the monumental changes can result in catastrophe, especially regarding Jefferson's proposal of not only freeing the enslaved blacks but also helping them establish a colony in Africa. As stated previously, the slave population continued to grow exponentially, noting that "in this country, the slaves multiply as fast as the free inhabitants."⁴⁶⁰ Additionally, Jefferson also noted that the slave growth created a doubling of property and slave values every twenty years.⁴⁶¹ To assume that Jefferson believed ending the importation of slaves

⁴⁵⁸ Madison to Jefferson, November 15, 1785, Madison wrote the underlined words in code.

⁴⁵⁹ Monroe to Jefferson, January 19, 1786.

⁴⁶⁰ Jefferson, *Notes on Virginia*, 141.

⁴⁶¹ *Ibid.*, 176.

and controlling the growth of the free-black population would effectively prevent the natural growth of the slave population would be a shallow understanding of his views.

However, Jefferson had other concerns about the growing slave population. There was clearly an overwhelming fear among the slave-owners that a race war would occur following emancipation if nothing more than for retribution by blacks for the crimes committed against their people during their enslavement. Virginians already feared that “a great number of slaves who were with the British Army are now passing in this Country as free men,” and every state legislature faced similar observations and fears expressed by their white residents.⁴⁶² These fears were no doubt justified by slaveholders following the Haitian Revolution and the 1804 Haiti Massacre by Jean-Jacques Dessalines and his army.⁴⁶³ David Brion Davis described the events “like the Hiroshima Bomb ... could be rationalized but never really forgotten, since it demonstrated the possible fate of every slaveholding society in the New World.”⁴⁶⁴

Any optimistic thoughts Jefferson could have had about integrating blacks into white society evaporated in the aftermath of the slave revolution in the French West Indies. This convinced Jefferson that the United States could suffer a similar fate, “It is high time we should forsee,” he wrote in 1793, “the blood [sic] scenes which our children certainly, and possibly ourselves (south of the Potowmac) have to wade through, and try to avert them.”⁴⁶⁵ Jefferson even used the slave revolution as an example of why emancipated blacks must be deported from the United States. However, Jefferson also understood the impossibility of complete expatriation.

⁴⁶² Ira Berlin, “The Revolution in Black Life,” in *The American Revolution: Studies in American Radicalism*, ed. Alfred P. Young, 358.

⁴⁶³ For broad analyses of America’s reaction to the Haitian Revolution, see Ashli White, *Encountering Revolution: Haiti and the Making of the Early Republic* (Baltimore: JHU Press, 2008); James Alexander Dun, “Dangerous Intelligence: Slavery, Saint Domingue, and the Haitian Revolution in the Early American Republic,” Ph.D. Dissertation, Princeton University, 2011.

⁴⁶⁴ David Brion Davis, “Exile, Exodus, and Promised Lands,” *The Tanner Lectures on Human Values*, Stanford University, February 22-23, 2006.

⁴⁶⁵ Jefferson to James Monroe, July 14, 1793.

Jefferson concluded that the only process of emancipation remaining was one of “compromise between the passions, the prejudices, & the real difficulties which will each have their weight in that operation.”⁴⁶⁶ “Something would have to be done,” he advised, or “we shall be the murderers of our own children.”⁴⁶⁷

Jefferson's certainty that peaceful coexistence between blacks and whites in an integrated society was impossible greatly hindered his ability to put forth an emancipation plan that did not include provisions for expatriation. This is a belief that Jefferson carried until the end of his life, even reflecting in his autobiography that “the two races, equally free, cannot live in the same government.”⁴⁶⁸ Following the Revolution, many northern states abolished slavery outright, while numerous southern states, such as Virginia, made emancipation easier. In Virginia alone, the rates of free slaves steadily increased during the 1780s and 1800s. Virginia proclaimed in 1785 that “Every person of whose grandfathers or grandmothers anyone is or shall have been A Negro, shall be deemed a Negro ... and every person with one-fourth part or more of white blood, shall be a mulatto.” Slaves were then defined as people “who were so on the first day of this Assembly, and the descendants of the females from them.”⁴⁶⁹

Numerous Virginian slaveholders freed their slaves, leading to the freed slave population going from 1,800 in 1782 to 30,466, or 7.2% of the total black population in 1810.⁴⁷⁰ To ensure that a race war did not break out after the steady emancipation, the Society for the Colonization of Free People of Color of America, later known as the American Colonization Society, was formed in 1817. This society, which Jefferson and other slaveholders endorsed, welcomed the

⁴⁶⁶ Jefferson to St. George Tucker, 28 August 1797.

⁴⁶⁷ Ibid.

⁴⁶⁸ Jefferson, *Autobiography*, 77.

⁴⁶⁹ Acts of the Virginia Assembly, Chaps. LXXVII, LXXXI, in Jane Purcell Guild, *Black Laws of Virginia: A Summary of the Legislative Acts of Virginia Concerning Negroes from the Earliest Times to the Present* (Fauquier, VA: Afro-American Historical Association, 1996), 62, 84.

⁴⁷⁰ Peter Kolchin, *American Slavery, 1619–1877*, New York: Hill and Wang, 1993, 81.

idea of “colonization” by coordinating the passage of free blacks to Africa, including those born in the United States.

Blacks and Whites Coexistence

When analyzing *Notes*, Jefferson dissects the slaves and his fears of a race war if emancipated. Unlike their British counterparts, who did not live among their slaves in the Caribbean islands, the American slave-owners shared the same space as their slaves. This paranoia provided the much-needed context as to why Jefferson felt this way. Jefferson wished for a unified homogeneous national culture, which meant that Indians had to assimilate, blacks had to be freed and removed from the country, and there must be limited immigration to the United States. This has led historians, such as Peter Onuf, to assert that blacks could never be a part of Jefferson’s nation and that they would need to be established elsewhere.⁴⁷¹

But why did Jefferson have such a pessimistic view of blacks and whites coexisting? One of the most analyzed parts of *Notes* is in Query XIV. Query XIV addresses the laws of Virginia and the role of the Committee of Revisors, where Jefferson, often regarded as a man of science, presents his “scientific” conceptions of the black mind and character. Within Query XIV, Jefferson publicly revealed Bill 51 was the bill to be followed by an amendment, which amounted to the *post-nati* plan. The amendment also provided for the public education of the slaves and an allowance of property (seed, animals, arms, and other household instruments) in a supportive effort for colonization.

Compared to his contemporaries, Jefferson was certainly progressive in his anti-slavery beliefs; however, he still believed that blacks were, in fact, inferior to whites in several aspects, such as intelligence, attractiveness, and imagination, explaining, “The improvement of the blacks

⁴⁷¹ Onuf, “To Declare Them a Free and Independent People,” 1-46.

in body and mind, in the first instance of their mixture with the whites, has been observed by everyone, and proves that their inferiority is not the effect merely of their condition of life.”⁴⁷²

When Jefferson presented his findings of the differences between blacks and whites, the first clear one he observed was that of color. While he could not properly explain the reason for this difference, he expressed his dissatisfaction with it even so.

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?⁴⁷³

Jefferson’s dissection of the differences continued with him finding the “flowing hair” and “more elegant symmetry of form” of whites much more beautiful. Jefferson assessed even blacks found whites more attractive than other blacks, comparing the attraction to that of an orangutan of Africa, preferring a black woman to females of his own species.⁴⁷⁴ Jefferson observed other physical differences that confirmed the racial distinctions.

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.⁴⁷⁵

Much of this hostile assessment stems from the racial beliefs embedded in whites during that era, but it would be disingenuous to suggest that it did not also reflect Jefferson’s own observations of his slaves at Monticello. It is critical to understand Jefferson’s biological assessment of blacks, as it coincides with Jefferson’s beliefs of natural rights. Most historians agree with the contention

⁴⁷² Jefferson. *Notes on Virginia*. 148.

⁴⁷³ *Ibid.*, 138.

⁴⁷⁴ *Ibid.*

⁴⁷⁵ *Ibid.*, 138-9.

that Jefferson believed that equality was “first and foremost a biological fact” derived from an equal creation.⁴⁷⁶

So then, how does Jefferson’s view of natural rights coincide with his views of blacks being inferior? Daniel J. Boorstin proposed that when Jefferson made his assertion of human equality within the Declaration of Independence, it was not a confirmation of moral principles. Boorstin argues that, instead, Jefferson’s declaration was founded on what Jefferson considered the accurate facts of science and history. Jefferson’s scientific assessment of the inferiority of blacks was the norm during his era, explains Henry Drewry:

The principle by which persons of African ancestry were considered the personal property of others prevailed in North America for more than two-thirds of the three and a half centuries since the first Africans arrived there. Its influences increased even though the English colonies won independence and articulated national ideals in direct opposition to slavery. In spite of numerous ideological conflicts, however, the slavery system was maintained in the United States until 1865, and widespread anti-black attitudes nurtured by slavery continued thereafter.

This is particularly true in the South, where 92 percent of all Blacks lived, 95 percent of whom were slaves.⁴⁷⁷ These sentiments were even shared with abolitionists of the time; for example, David Hume, in a footnote of his essay “Of National Characters” (1748), about the lowliness of Blacks being the result of nature. David Hume states, “I am apt to suspect the negroes to be naturally inferior to the whites. There scarcely ever was a civilized nation of that complexion, nor even any individual eminent either in action or speculation. No ingenious manufactures amongst them, no arts, no sciences.”⁴⁷⁸ Another abolitionist, Physician Benjamin Rush, writing to Jefferson, even agreed with Jefferson’s assessment of the black skin being unattractive: “I am

⁴⁷⁶ Daniel Boorstin, *The Lost World of Thomas Jefferson* (New York: Henry Holt and Company, 1948), 105, 61.

⁴⁷⁷ Mark Holowchak, *Rethinking Thomas Jefferson’s Writings on Slavery and Race: “[God’s] Justice Cannot Sleep Forever”* (United Kingdom: Cambridge Scholars Publishing, 2020) 37.

⁴⁷⁸ David Hume, “Of National Characters”, *Essays: Moral, Political, and Literary*, ed. Eugene F. Miller (Indianapolis: Liberty Fund, 1987), 208.

now preparing a paper for our society in which I have attempted to prove, that the black color (as it is called) of the Negroes is the effect of a disease in the skin of the Leprous kind. The inferences from it will be in favor of treating them with humanity and justice and of keeping up the existing prejudices against matrimonial connexions with them.”⁴⁷⁹

However, regardless of the science of the time, the logic of creation stated to Jefferson that all human beings possessed natural rights because all humans were born as equal biological beings.⁴⁸⁰ However, there are some faults with this conclusion. Instead, Adrienne Koch suggests that Jefferson’s definition of human equality was not built on the biological condition of mankind but on the basic characteristics of humanity. According to Koch's analysis, Jefferson recognized that human nature was universally present among all individuals, transcending differences among men. This concept of human equality elevated humans above lesser animal species and bestowed upon them a unique quality that set them apart from being merely a physical entity.⁴⁸¹

Jefferson argued that “Every race of animals 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.”⁴⁸² Jefferson's conclusions were founded around the perception that the whereabouts of species, including humans, within selected constraints, were guided by external circumstances such as soil and climate. Jefferson underlined that each species remained locked within the confines established by the Creator. As he put it, “all the manna in heaven would never raise the Mouse to the bulk of the Mammoth.”⁴⁸³ When it came to the human species,

⁴⁷⁹ Benjamin Rush to Thomas Jefferson, 4 February 1797.

⁴⁸⁰ Boorstin, *The Lost World*, 61.

⁴⁸¹ Adrienne Koch, *Power, Morals and the Founding Fathers: Essays in the Interpretation of the American Enlightenment* (Ithaca: Cornell University Press, Great Seal Books, 1961), 26.

⁴⁸² Jefferson, *Notes on Virginia*, 47.

⁴⁸³ Jefferson, *Notes on Virginia*, 47.

Jefferson recognized the existence of distinct physical and mental variations among individuals. He contended that black individuals did not need to be biologically equal to whites to be considered human, as they possessed essential human characteristics.⁴⁸⁴ Jefferson's conception of equal creation implies the equality of human nature rather than a strict biological equivalence.

Therefore, regardless of any believed inferiority, Jefferson acknowledged black individuals as human beings. He declared that “whatever their degree of talent, it is no measure of their rights.”⁴⁸⁵ Thus, there was clearly not a racial aspect to Jefferson’s views towards black enslavement. Historian Arthur Sherr argues that Jefferson did acknowledge the black’s natural rights to the same freedom and equal opportunities as their white masters, whatever their intelligence level. Emphasizing his desire to uncover instances of black talent, Jefferson affirmed his “sincere” hope that his own expressed “doubts on the grade of understanding allotted to them by nature” would be “completely refuted” and that he would uncover convincing evidence “that in this respect they are on a par with ourselves.”⁴⁸⁶ However, there are dissenters who believe instead that Jefferson held a polygenesis view of creation.⁴⁸⁷

Though Jefferson declared all men were created equal, they could not live in harmony if they were not homogeneous. Differences in culture and politics, physical and intellectual differences, and even religion have placed mankind into tribalistic boxes. Diversity was not a negative thing to Jefferson, but for his nation, he desired homogeneity. Jefferson believed that only through a mixture with the white race could blacks improve in intellect and physical

⁴⁸⁴ Jefferson, *Notes on Virginia*, 63.

⁴⁸⁵ Jefferson to Henri Gregoire, February 25, 1809.

⁴⁸⁶ Arthur Scherr, “‘An Honest, Intelligent Man’: Thomas Jefferson, the Free Black Patrick Henry, and the Founder’s Racial Views in His Last Years.” *The Virginia Magazine of History and Biography* 127, no. 4 (2019): 300–339.

⁴⁸⁷ Miller, *The Wolf by the Ears*, 52-55; and Alexander O. Boulton, “The American Paradox: Jeffersonian Equality and Racial Science,” *American Quarterly*, 47 (September 1995), 480.

beauty.⁴⁸⁸ But, ironically, such a mixture is precisely what Jefferson feared because of its potential effects on the whiteness of humans. As Peter Onuf suggested, Jefferson was terrified of miscegenation as an unnatural sexual breach of the boundaries between two nations, white and black, free and slave.⁴⁸⁹ “This unfortunate difference of colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people. Many of their advocates,” among whom Jefferson considered himself, “while they wish to vindicate the liberty of human nature, are anxious also to preserve its dignity and beauty.” The slave could not be set free at this time, Jefferson lamented in the *Notes*, “without staining the blood of his master.” “When freed,” the slave of North America must be “removed beyond the reach of mixture.”⁴⁹⁰

Jefferson’s assessment of the physical and sexual differences between blacks and whites was paltry compared to his shocking assessment of mental capacity. In his research, Jefferson analyzed the mental differences between blacks and whites in the areas of reason, memory, and imagination. His assessments led him to conclude that blacks were only equal to whites in that of memory. Jefferson judged blacks to be inferior in the capacity of reason and doubted whether one could be found “capable of tracing and comprehending the investigations of Euclid.”⁴⁹¹ His assessment of the black imagination found them to be “dull, tasteless, and anomalous.”⁴⁹²

However, as a “man of science,” Jefferson also concluded that he may have unauthentic findings by analyzing blacks from information gathered in his African culture and comparing it to the findings against whites in America. Jefferson felt the only fair evaluation would be “to make great allowances for the differences of condition, of education, of conversation, of the

⁴⁸⁸ Jefferson, *Notes on Virginia*, 141.

⁴⁸⁹ Onuf, *Jefferson’s Empire*, 169, 182.

⁴⁹⁰ *Notes*, 142.

⁴⁹¹ Jefferson, *Notes on Virginia*, 139.

⁴⁹² *Ibid.*

sphere in which they move.”⁴⁹³ But there was a clear distinction Jefferson still had to address. Most blacks in America were enslaved, and thus, it would be challenging for these “great allowances.” Jefferson dismissed this obvious issue and instead focused on blacks who had been given a “liberal” education and trained in the arts.

Numerous slaves were allowed to learn from their masters and were given privileges “where the arts and sciences are cultivated to a considerable degree” and from studying “the best works from abroad,” which were at hand for them to see.⁴⁹⁴ Even with these, Jefferson asserted that he found no instances where “a black had uttered a thought above the level of plain narration,” nor had he observed “even an elementary trait of painting or sculpture.”⁴⁹⁵ As a frame of reference, Jefferson surveyed how Indians fared with none of the black’s “advantages,” seeing that they displayed imagination and creativity in the pictures they drew and figures they carved. Jefferson believed Indians demonstrated their “reason and sentiment strong” and “their imagination glowing and elevated” in their noble orations.⁴⁹⁶

Jefferson's stubbornness and skepticism persisted even when shown blacks with ability. Although he conceded that blacks had a sounder ear for “tune and time” than whites, He refused to admit that blacks might have a higher proficiency in the more complicated forms of music.⁴⁹⁷ Jefferson’s skepticism was fully displayed when he was presented with the work of two black literary talents, Ignatius Sancho and Phyllis Wheatley. Jefferson wrote, “Misery is often the parent of the most affecting touches in poetry—Among the blacks is misery enough, God knows, but no poetry. Love is the peculiar oestrum of the poet. Their love is ardent, but it kindles the

⁴⁹³ Jefferson, *Notes on Virginia*, 139.

⁴⁹⁴ *Ibid.*, 140.

⁴⁹⁵ *Ibid.*

⁴⁹⁶ *Ibid.*

⁴⁹⁷ *Ibid.*

senses only, not the imagination. Religion indeed has produced a Phyllis Whately [sic]; but it could not produce a poet.”⁴⁹⁸

Ignatius Sancho was a former slave and the author of *Letters, with Memoirs of his Life*. Jefferson found Sancho’s work to be “first place among those of his own color who have presented themselves to the public judgment.”⁴⁹⁹ However, Jefferson was still unimpressed. When comparing Sancho to other English writers, Jefferson ranked him “at the bottom of the column.”⁵⁰⁰ This was because Jefferson felt that Sancho’s writings did “more honor to the heart than the head.”⁵⁰¹ With Phyllis Wheatley, on the other hand, Jefferson was far less generous. Wheatley was a slave who received her freedom and traveled to England in 1773. Her poetry soon caught the eye of the Countess of Huntingdon, who then made arrangements for her poems to be published under the title *Poems on Various Subjects, Religious and Moral*. When Wheatley returned to the United States, she composed a poem for George Washington.⁵⁰² Anti-slavery activists immediately seized the opportunity to show that her work was proof that blacks were mentally equal to whites. Jefferson, on the other hand, did not agree, believing her work to be so mediocre that it was “below the dignity of criticism.”⁵⁰³

However, the most infamous case of Jefferson’s skepticism was in 1791, when he was contacted by the black mathematician and astronomer, Benjamin Banneker, who had already previously helped survey the land for Washington D. C. Banneker pleaded with Jefferson to “lend [his] aid and assistance to [the relief of black people], from those many distresses, and

⁴⁹⁸ Jefferson, *Notes on Virginia*, 147.

⁴⁹⁹ *Ibid.*, 141.

⁵⁰⁰ *Ibid.*

⁵⁰¹ *Ibid.*, 140.

⁵⁰² John Hope Franklin, *From Slavery to Freedom: A History of African Americans* (University of Michigan, Knopf 1967), 155-56.

⁵⁰³ Jefferson, *Notes on Virginia*, 140.

numerous calamities” they endured.⁵⁰⁴ Banneker, born in Maryland as a freeman in 1731, was believed to have a white maternal grandmother named Molly Welsh Banneker. He was able to attend private school in Baltimore, excelling in science and mathematics. From there, with the aid of a Quaker friend, George Ellicott, Banneker was able to master astronomy.

In his letter to Jefferson, Banneker also included a handwritten copy of his almanac because his “[position] as a free, literate black man of science gave him a unique opportunity to refute prevailing arguments about the mental inferiority of people of African descent.”⁵⁰⁵ It is critical to emphasize the almanac was handwritten as Banneker was proving to Jefferson how skilled a black person could be. The handwriting, which could be compared to the letter Banneker sent Jefferson, would have served as proof that Banneker wrote the almanac by himself and did not rely on anything other than his own “arduous study, in this my advanced stage of life; for having long had unbounded desires to become acquainted with the secrets of nature.”⁵⁰⁶

Banneker also cited “the many difficulties and disadvantages, which I have had to encounter” while he was calculating and writing the almanac.⁵⁰⁷ Banneker correspondingly invoked the spirit of independence Jefferson faced fifteen years previously, “Sir, Suffer me to recall to your mind that time in which the Arms and tyranny of the British Crown were exerted with every powerful effort in order to reduce you to a State of Servitude.” Banneker continued to invoke Jefferson’s own previously expressed anti-slavery ideals, “This, Sir, was a time in which

⁵⁰⁴ Banneker to Jefferson, August 19, 1791.

⁵⁰⁵ Angela G. Ray, “‘In My Own Hand Writing’: Benjamin Banneker Addresses the Slaveholder of Monticello.” *Rhetoric and Public Affairs* 1, no. 3 (1998): 387–405.

⁵⁰⁶ Banneker to Jefferson, August 19, 1791.

⁵⁰⁷ *Ibid.*

you clearly saw into the injustice of a State of Slavery, and in which you had just apprehensions of the horrors of its condition.”⁵⁰⁸

In addition to the volume Banneker sent Jefferson, he also published numerous other almanacs between 1791 and 1796.⁵⁰⁹ The ever-cautious Jefferson showed kindness to Banneker but was hesitant to the validity of the claims:

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.⁵¹⁰

However, this was largely seen by “Banneker, other blacks, and white supporters of emancipation” as more than “a polite and meaningless gesture.” Jefferson, by this time, was “widely considered an enemy of slavery and his letter was seen as an important, positive defense of the black race.”⁵¹¹ Within his reply, Jefferson did not offer to champion emancipation, nor did he concur with Banneker's request for a new system. All Jefferson replied was his wish that a new system could be put into place. While he may have doubted the authenticity of Banneker’s work, he was still excited about the potential it presented. In a letter written on the same day to Marquis de Condorcet, a French philosopher and mathematician, Jefferson cheerfully 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

⁵⁰⁸ Banneker to Jefferson, August 19, 1791.

⁵⁰⁹ Franklin, *From Slavery to Freedom*, 157-58. Historians have offered differing vies on Banneker’s ancestry. While Franklin mentions nothing about Banneker having a white grandmother, James Hugo Johnston suggests that Banneker's grandmother was supposedly a white woman named Molly Welsh, who married a black named Banneker. James Hugo Johnston, *Race Relations in Virginia and Miscegenation in the South, 1776-1860* (Amherst: University of Massachusetts Press, 1970), 188-89. Winthrop Jordan doubts that Banneker had a white ancestor because he has seen a picture of him "showing him as a full-blooded Negro." Jordan, *White Over Black*, 450.

⁵¹⁰ Jefferson to Banneker, August 30, 1791.

⁵¹¹ Banneker to Jefferson, August 19, 1791.

letters, while on that work, he made an Almanac for the next year, which he sent me in his own handwriting, and which I in close 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.⁵¹²

But Jefferson's enthusiasm for Banneker's intellect was not eternal. Nearly twenty years later, in 1809, Jefferson expressed a considerable amount of doubt about Banneker's ability. In a letter to the writer and poet Joel Barlow, Jefferson expressed his cynicism: "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."⁵¹³ Jefferson also suggested that even though the almanac was handwritten, it may have been misled about the legitimacy of Banneker's sole authorship and used by Banneker's friends through their unauthorized publication of his reply.⁵¹⁴ Much of this disappointment expressed by Jefferson also came from the expectations he had placed on Banneker, which the astronomer failed to live up to.

So again, as a "man of science," Jefferson sought to answer whether the mental inequities between whites and blacks were a factor of racial attributes or environmental conditions. Jefferson contended that if blacks were inferior due to their reduced position, then it would stand that other demographics in similar conditions would show differences in their capacities. However, Jefferson's findings presented the opposite and only further cemented his belief that blacks were innately inferior. For this, Jefferson compares the enslaved blacks with the Roman slaves, finding that the Roman slaves survived harsher and worse conditions. One of the

⁵¹² Jefferson to Condorcet, August 30, 1791.

⁵¹³ Jefferson to Barlow, October 8, 1809.

⁵¹⁴ Ibid.

examples Jefferson cites was the men and women forced to live separately, as raising a child was far more expensive than buying one.

Additionally, if a master was killed, all the slaves in his household would be condemned to death, while in America, only the guilty parties would be, with proof. However, these slaves were often Rome's "rarest artists" and became proficient enough in areas such as science to even become tutors to the children of the masters.⁵¹⁵ For Jefferson, the glaring reason why there was this discrepancy came down to one reason: the Romans were white. Therefore, Jefferson deduced that this must have been due to nature rather than the environment. But then, Jefferson almost immediately suggested that his mind remained open on the matter.⁵¹⁶ "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."⁵¹⁷

Jefferson refused to make a definitive conclusion on black's supposed inferiority, believing that supplementary observations and investigations would be necessary before a tangible avowal 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."⁵¹⁸ Jefferson reiterated this notion in a letter to the Marquis de Chastellux: "I believe the Indian then to be in body and mind equal to the white man. I have supposed the black man, 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."⁵¹⁹

⁵¹⁵ Jefferson, *Notes on Virginia*, 141.

⁵¹⁶ *Ibid.*

⁵¹⁷ *Ibid.*, 142.

⁵¹⁸ *Ibid.*, 143.

⁵¹⁹ Jefferson to Chastellux, June 7, 1785.

American Paranoia

Jefferson believed that emancipated blacks would pose a problem for the young nation, given that emancipation and colonization were intertwined. Within *Notes*, Jefferson provided his reasoning:

Why not retain and incorporate the blacks into the state...? Deep-rooted prejudices entertained by the whites; ten thousand recollections by the blacks of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances will divide us into parties and produce convulsions which will probably never end but in the extermination of the one or the other race.⁵²⁰

The key phrase within that section to dissect is new provocations. What new provocations could Jefferson be referring to? During the Revolutionary Era, there was a significant increase in violence between blacks and whites. The increased tensions between blacks and whites certainly rose during the post-war years as the killings of blacks dramatically increased. These massacres by the courts and mobs rose to such heights that both South and North Carolina stopped compensating masters for executed slaves, despite having eased restrictions in the war's early years, as their exhausted treasuries from the war could not handle the burden.

In 1783, North Carolina's legislature dismissed multiple claims by the masters of two slaves apprehended for breaking into a barn and stealing four bushels of corn. In 1785, the Assembly of South Carolina declined compensation for two other slaves who were executed for "committing a Robbery on the High Way" and for a slave named Hannah who had stolen a dog from a nearby plantation.⁵²¹ The Carolinas were not the only states hesitating to compensate masters as Virginia and Georgia attempted to stall paying masters for as long as they could without repercussions. During the early eighteenth century, the southern states each had

⁵²⁰ *Notes*, 138.

⁵²¹ Senate Joint Committee Papers, April-June 1784, Legislative Papers, NSA; Petition of John Alderson, 14 May 1785, Petitions, Legislative Papers, SCDAH; Petition of John Dorsias and William Bellamy, 1787, *ibid*.

provisions that validated the masters' ownership of their property and ensured compensation for their slaves.⁵²² By the early 1780s, and later compounded by the fears of the insurrection triggered by the Haitian Revolution, executions and extralegal killings of black men by white militias and mobs increased. This surge in violence reached such extraordinary levels that states were forced to revoke the laws that had provided compensation. The objective behind these repeals was twofold: to discourage slaveholders from acting extremely harshly and to conserve whatever resources remained in the increasingly depleted treasury.⁵²³

But what was the underlying reason behind the mass executions by both the courts and mobs? There were many acts of violence committed by slaves as many saw the Revolution as a limited opportunity for their own Revolution. The years between 1785 and 1794, the southern region of Virginia saw a dramatic increase of over fifty percent of violent acts committed by blacks compared to the years leading up to the war.⁵²⁴ The fear and paranoia in the South continued to climb, with slaves frequently being accused of poisoning their masters when they came down with any illness. In 1785, John Warnock, a slaveholder in North Carolina, claimed that his slaves, Charlie and Bess, had poisoned his three children. While Charlie and Bess were promptly hanged, it was not until after that Warnock's claim for compensation for his executed slaves was denied when witnesses concluded Warnock's children more likely died of typhus than poison.⁵²⁵

The frequency and swiftness of these slave executions were a direct result of state legislature's efforts to suppress any form of black resistance and discourage thoughts of any.

⁵²² See for instance North Carolina's blanket slave code of 1741, modeled on South Carolina's 1740 code. *CSR*, XXIII, 191-204.

⁵²³ An Act to Repeal an Act Allowing for Compensation of Executed Slaves, General Assembly Records, April-June 1784, House Bills, Legislative Papers, NSA.

⁵²⁴ Philip J. Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia* (New York: Lawbooks Exchange, 1998), 231, 271.

⁵²⁵ Petition of John Warnock, 11 February 1785, Petitions, Legislative Papers, NSA.

Many states passed laws following the Revolution that facilitated expedited trials for slaves. In 1783, North Carolina passed a law that allowed for a single justice of the peace, rather than the traditional three, to impose punishments on slaves charged with misdemeanors “not to exceed forty lashes.” Similarly, in 1784, Georgia granted magistrates to assemble “a jury of three freeholders” instead of three magistrates to swiftly determine the fate of slaves accused of capital crimes.⁵²⁶ These freeholders, driven by their fear and paranoia, now deemed what would have constituted a lashing prior to the Revolution to be a death sentence.

In 1782, Virginia hanged a slave named James, valued at ninety pounds sterling, for stealing twenty gallons of brandy worth only “four pounds current money.”⁵²⁷ And in Gloucester County that same year, three slaves were executed for stealing “two bushels of Indian Corn, valued at 10 pence.”⁵²⁸ Five years later, another slave was hanged “for the crime of Burglary, he having broken into the meat house of Robert Spilsbe Coleman, and stolen there from six pieces of Bacon, of the value of Three pounds ten shillings.”⁵²⁹ Then, Southampton County executed a slave named Ben, worth one hundred pounds, for stealing forty pounds of bacon and a stick of bacon worth forty shillings.⁵³⁰ There were numerous more executions such as these. For these slaves to be executed for the value of the stolen goods is particularly important, for as previously stated, property was the most valuable commodity at the time, making the punishments appear irrational.

Jefferson no doubt believed his fears were justified when some slaves retaliated against their masters or overseers with violent acts. In 1794, a North Carolina slave murdered his master

⁵²⁶ CSR, XXIV, 496-7; *Statues of the State of Georgia*, III, 284-5.

⁵²⁷ Sherriff's Petition of Relief, 1787, *Calendar of Virginia State Papers*, vol. 3, 383.

⁵²⁸ *Ibid.*, vol. 5, 473-4.

⁵²⁹ *Ibid.*, vol. 4, 280-1.

⁵³⁰ *Ibid.*, vol. 7, 239-40.

just prior to being traded.⁵³¹ And then, another slave named Sue was tried, convicted, and executed for giving poison to whites “with an intent to kill.” However, the Superior Court overturned the punishment because her act was not punishable by death.⁵³² A slave named Laurence Kitchen in 1794 was charged, along with the victim’s wife, with murdering his owner, John Simmons. However, the state prosecuted Mrs. Simmons as an accomplice before the fact.⁵³³

In contrast, Jefferson believed that Indians could be assimilated. But why is that? As previously stated, Jefferson surmised that Indians were equal to whites in “the same uncultivated state.”⁵³⁴ Any difference between the two, such as bearing fewer children or the lack of body hair, could be explained by cultural differences rather than natural ones. One example Jefferson observed was that Indian women who married white traders bore “as many children as the white women.” Jefferson noted that Indian wives of whites were fed well and kept from hard labor in the fields, “unexposed to accident.” “No wonder” Indian women tended to “multiply less than we do.” “Were we in equal barbarism,” Jefferson wrote, “our females would be equal drudges.”⁵³⁵

According to Frank Shuffleton, Jefferson judged the inclination of European intellectuals to assign aesthetic and moral qualities to distinctions between the climates and life-forms of the old and new worlds.⁵³⁶ Comparatively, Jefferson believed that only specific talents should be recognized and valued based on the circumstances and cultural preferences of different societies. For instance, he acknowledged the courage and eloquence of Native Americans in war and council because these were what their culture prized. Jefferson concluded that “we shall probably

⁵³¹ Helen T. Catterall, ed., *Judicial Cases Concerning American Slavery and the Negro*, 5 vols. (1926-1937, reprint ed., New York: Octagon Books, Inc., 1968), 2:12-13.

⁵³² Catterall, ed., *Judicial Cases Concerning American Slavery*, 2:15-16.

⁵³³ *Ibid.*, 277.

⁵³⁴ Jefferson to Chastellux, June 7, 1785.

⁵³⁵ *Notes*, 60.

⁵³⁶ Shuffleton, “Introduction,” xxiii.

find that they are formed in mind as well as in body, on the same module with the ‘Homo sapiens Europaeus.’⁵³⁷

Jefferson’s assessment of the Indians could be traced back to his father’s influence when he was younger and the stories he was told as a child. Jefferson had heard his father tell of long journeys in the wilderness and of treacherous Indians, but no Red Men roamed the forests near Shadwell. The only Indians he knew were peaceful, almost romantic characters who stopped at the house of Colonel Jefferson on their way to Williamsburg.

I knew much— he said— of the great Ontasseré, the warrior and orator of the Cherokees; he was always the guest of my father on his journeys to and from Williamsburg. I was in his camp when he made his great farewell oration to his people, the evening before his departure for England. The moon was in full splendor, and to her he seemed to address himself in his prayers for his own safety on the voyage, and that of his people during his absence; his sounding voice, distinct articulation, animated action, and the solemn silence of his people at their several fires, filled me with awe and admiration.

This youthful impression left an indelible mark on his mind and was not without some influence on the “*Notes on Virginia*” as well as on the letters he wrote to Indian chiefs when he was President.⁵³⁸

But for Indians to be truly equal “Americans” in Jefferson’s nation, they would have to assimilate. If the Indians refused assimilation, they would be forced to “remove beyond the Mississippi” both for their protection and for the advance of white settlement.⁵³⁹ In 1781, Jefferson wrote to Jean Baptiste Ducoigne, chief of the Kaskaskia nation, that “We, like you, are Americans, born in the same land, and having the same interests.”⁵⁴⁰ In the “natural progress of things,” Jefferson said, Indians and whites would “blend together... intermix, and become one people.” Jefferson's advocacy of intermarriage in this passage and elsewhere is striking. “You

⁵³⁷ *Notes*, 62.

⁵³⁸ Quoted in Gilbert Chinard, *Thomas Jefferson: The Apostle of Americanism* (Floating Press, 1957), 22.

⁵³⁹ Jefferson to Harrison, February 27, 1803.

⁵⁴⁰ Jefferson to Jean Baptiste Ducoigne, June 1781.

will mix with us by marriage, your blood will run in our veins, and will spread with us over this great island.”⁵⁴¹ This is a particularly interesting passage as, on the surface, it contradicts Jefferson’s strong beliefs about miscegenation. But Jefferson clearly considered white Europeans and Indians to be equals, whereas Jefferson’s views of miscegenation seem to be with races he deemed to be inferior.

The assimilation that Jefferson desired of the Indians had stipulations, however. One was for them to embrace Lockean standards in which improvement of land confers ownership. In a letter to the chiefs of the Cherokee Nation, Jefferson explained, “When a man has enclosed and improved his farm, builds a good house on it and raised plentiful stocks of animals, he will wish when he dies that these things shall go to his wife and children, whom he loves more than he does his other relations, and for whom he will work with pleasure during his life.”⁵⁴²

Slavery’s Generational Impact

But it was in Query XVIII of *Notes* that Jefferson unloads his feelings towards slavery and its corruptive impacts on slaveholders:

There must doubtless be an unhappy influence on the manners of our people produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love, for restrain in the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to the worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot

⁵⁴¹ Jefferson to Hendrick Aupaumut, December 21, 1808.

⁵⁴² Jefferson to the Chiefs of the Cherokee Nation, 10 January 1806. For an analysis of the Lockean conception of property and how it influenced and evolved alongside the process of North American colonization; See Barbara Ameal, *John Locke and America: The Defense of English Colonialism* (Oxford, 1996).

but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances.⁵⁴³

Within this section, Jefferson acknowledges that slavery has a detrimental effect on the demeanor and character of the people residing within a slave society. Jefferson's description of the master-slave relationship as a constant source of intense emotions and absolute control on the part of the master contrasted with the submissive and degrading behavior of the enslaved. This interaction, he suggests, is a never-ending cycle of domination and subservience.

And with what execration should the statesman be loaded, who, permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the amor patrias of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labour for another; in which he must lock up the faculties of his nature, contribute as far as depends on his individual endeavors to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him.⁵⁴⁴

One key point Jefferson makes is the transmission of these behaviors and attitudes to the next generation. He argues that children growing up in a slaveholding environment witness and internalize this power dynamic. They learn to imitate the behavior they observe, as humans are inherently inclined to mimic what they see around them. Thus, the children of slaveholders become conditioned to accept and perpetuate the system of slavery. This imitation of tyranny and oppression becomes ingrained in their characters, shaping their values and attitudes. Jefferson contended that only a "prodigy" could maintain their virtue and principles under such circumstances. From there, Jefferson argues about the dangers slavery presented to slaveholders themselves, "No man will labour for himself who can make another labour for him."⁵⁴⁵ It must

⁵⁴³ *Notes*, 163.

⁵⁴⁴ *Notes*, 170.

⁵⁴⁵ *Ibid*.

be emphasized that Jefferson believed that slavery had ill effects on both blacks *and* whites. The “prodigies” Jefferson hoped for were his natural aristocrats that would be fostered at UVA.

Jefferson's observation that even parents who might have philanthropic or self-interested reasons to restrain their passions towards slaves were often corrupted. He acknowledged that the presence of a child should serve as a sufficient motivation for a parent to temper their behavior, but it often falls short. The intergenerational transmission of these harmful behaviors persists because many slaveholders do not recognize or prioritize the need to change their conduct. Jefferson urged Americans to be cautious and mindful of the potential ramifications of disregarding the natural rights of men, possibly invoking the wrath of God:

And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with His wrath? Indeed I tremble for my country when I reflect that God is just; that his justice cannot sleep forever; that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation is among possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest. But it is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history natural and civil. We must be contented to hope they will force their way into every one's mind. I think a change already perceptible, since the origin of the present Revolution. The spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of heaven, for a total emancipation, and that this is disposed, in the order of events to be with the consent of the masters, rather than by their extirpation.⁵⁴⁶

Jefferson's invocation of religion is rather interesting as he was not considered religious, but within Query XVIII, he expresses his terror of God's judgement. He concludes the Query with his traditional optimism that slavery is coming to an end. “God's justice cannot sleep forever.” Jefferson warned that a “wheel of future” or “an exchange of situation” was always possible, and the slavers could find themselves as slaves.⁵⁴⁷ Thus, the only way for a peaceful end of slavery

⁵⁴⁶ *Notes*, 170-171.

⁵⁴⁷ *Ibid*, 163.

and preservation of the Union in Jefferson's mind was that the "mind of the master" must be prepared "against the obstacles of self-interest to an acquiescence in the rights of others" while the slave must be "prepared by instruction and habit for self-government."⁵⁴⁸ Thus, the mind of the master must be "educated" or *enlightened* before the slave can be prepared for freedom.

When *Notes* was published, it received praise both in Europe and America from Jefferson's intellectual friends.⁵⁴⁹ "I thank you kindly for your book," wrote John Adams, "I cannot say much about it, but I think it will do its Author and his Country great Honour. The Passages upon slavery, are worth Diamonds. They will have more effect than Volumes written by mere Philosopher."⁵⁵⁰ However, Jefferson's fears of the anti-slavery section hindering the emancipation efforts were proven by both planters and emancipationists. Francis Kinloch, a planter from South Carolina, wrote to Jefferson about "the general alarm which" a particular "passage in your Notes occasioned amongst us." Kinloch reinforced Jefferson's concerns: "It is not easy to get rid of old prejudices, and the word 'emancipation' operates like an apparition upon a South Carolina planter."⁵⁵¹ Kinloch's letter, combined with Jefferson's observations of the 'public mind,' left little doubt that Jefferson could have believed Kinloch's opinions were widespread across the South.

Additionally, Jefferson's analysis of blacks met with heavy criticism, both from friends and foes alike. During the presidential election of 1800, a radical Federalist from New York, the Reverend William Linn, attacked Jefferson in a sermon he titled, "Serious Considerations on the Election of a President." In the sermon, Linn accused Jefferson of challenging the Bible by

⁵⁴⁸ Jefferson to David Barrow, Monticello, May 1, 1815.

⁵⁴⁹ Malone, *Jefferson and His Time*, vol. 2, *Jefferson and the Rights of Man* (Boston: Little, Brown, and Company, 1951), 97-98.

⁵⁵⁰ John Adams to Thomas Jefferson, May 22, 1785.

⁵⁵¹ Francis Kinloch to Jefferson, April 26, 1789.

examining the equality of blacks declaring, “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.”⁵⁵² Clement Clarke Moore, another Federalist from New York, also attacked Jefferson in 1804, condemning Jefferson for “debas[ing] the negro to an order of creatures lower than those who have a fairer skin and thinner lips.”⁵⁵³ Jefferson’s friend David Ramsay, who had high praise for *Notes*, believed Jefferson’s work “depressed the negroes too low.”⁵⁵⁴ Jefferson, clearly exasperated by all of the criticisms, wrote to Barlow that he could not have conveyed his conclusions of black inferiority more carefully and with greater reluctance than he did in *Notes*. Jefferson stressed that his view was not permanent and that he had only meant to express a suspicion.⁵⁵⁵

Thus, when Jefferson ascended to the presidency in 1800, why did he not push the Federal government for emancipation and expatriation? Previously, Southerners had regarded slavery as a local matter; therefore, it was not within the national government's authority.⁵⁵⁶ Pierce Butler, a leading South Carolina planter, summarized the South’s stance clearly during the Constitutional Convention: “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.”⁵⁵⁷ This sentiment was echoed by fellow South Carolinian Charles Pinckney, declaring that blacks were “the labourers, the peasants of the Southern States.”⁵⁵⁸ Pinckney’s cousin, Charles Cotesworth

⁵⁵² Quoted in Edwin T. Martin, *Thomas Jefferson: Scientist* (New York: Henry Schuman, Inc., 1952), 238; Jordan, *White Over Black*, 502-03.

⁵⁵³ Quoted in Jordan, *White Over Black*, 504. Moore is famous for the poem "A Visit from St. Nicholas."

⁵⁵⁴ David Ramsey to Jefferson, May 3, 1786.

⁵⁵⁵ Jefferson to Barlow, October 8, 1809.

⁵⁵⁶ Donald L. Robinson, *Slavery in the Structure of American Politics, 1765-1820. The Founding of the American Republic* (New York: Harcourt Brace Jovanovich, Inc., 1971), 179, 210-11.

⁵⁵⁷ Madison, *Notes of Debates*, 286.

⁵⁵⁸ *Ibid.*, 281.

Pinckney, echoed both men when he openly declared that South Carolina and Georgia could not “do without slaves.”⁵⁵⁹

Certainly, the South theoretically could have been forced in some compacity; however, Jefferson’s view on Rhode Island not ratifying the Constitution despite political pressure is key to his view on the matter. Jefferson would not use force or economic sanctions on Rhode Island, insisting, “As long as there is hope, we should give her time. I cannot conceive that she will come to rights in the long run. Force, in whatever form, would be a dangerous precedent.”⁵⁶⁰ Thus reinforcing the belief that the South and its people must reach the conclusion of emancipation on their own or else provide the path to tyranny. The South had a distinct identity compared to the North, and top-down federal control over what many considered to be state sovereignty would only worsen the problem, as Jefferson was aware.

This sectional divide had been quickly made apparent with South Carolina’s advocacy for the fugitive slave clause within the Constitution and their contentious dispute with Massachusetts during and after the Revolutionary War. In mid-1779, “several inhabitants of Waccamaw [South Carolina] were plundered of a number of their Negroes by a party of the British, which Negroes were taken by Privateers and carried to the State of Massachusetts.”⁵⁶¹ Massachusetts’ Supreme Court, around this time, was hearing cases about the legality of slavery in their state and, thus, refused to return the thirty-nine black Carolinians. In response, South Carolina sent two separate representatives to retrieve the slaves but found Massachusetts officials unwilling to hand the black men and women over regardless of South Carolina’s commands and requests that “the very great Ravages, which the War has occasioned in this Sort of Property ... necessitate the Return

⁵⁵⁹ Ibid., 505.

⁵⁶⁰ Jefferson to Carrington, May 27, 1788.

⁵⁶¹ Petition of Samuel Hasford, Respecting Negroes Belonging to Sundry People on Waccamaw River, 21 February 1784, *Journal of the South Carolina Senate*, 322.

of these Valuable Negroes.”⁵⁶² After South Carolina’s requests were rejected three times, Governor Benjamin Guerard claimed that Massachusetts was responsible for putting the slaves “in a very ungenerous, vexatious and Cruel Situation” and called Massachusetts’s decision to hold the slaves “an illegal detention ... contrary to the Articles of Confederation, and a gross Violation of the Sovereignty and Independence of this State.”⁵⁶³

South Carolina’s now growing vendetta was not dropped, and when delegates convened in Philadelphia in 1787 for the Constitutional Convention, South Carolina delegates arrived with grievances regarding the still-unresolved issue of the thirty-nine black men and women living freely in Massachusetts for nearly a decade. The quarrel, regardless of the passage of the fugitive slave clause, ended with the slaves remaining free in Massachusetts. More importantly, it revealed the challenges of safeguarding slave property within a Union where some states were moving towards emancipation.

In 1785, Guerard’s successor, William Moultrie, cautioned John Hancock that the actions of Massachusetts posed a threat not only to economic relations but also to the stability and unity of the newly formed nation, “I am sorry to Observe that the solid Harmony which should Subsist between the States in the Union, has not been manifested by that [Massachusetts] government to us.”⁵⁶⁴ South Carolina delegates were upset enough that they threatened to withdraw from the Convention if the subject of abolition was raised again, believing it would “tear up the fabric of the South.”⁵⁶⁵ The sectionalism, or rather nationalism that these men expressed was not that

⁵⁶² Samuel Hasford to John Hancock, August 1783, Letters, Legislative Papers, SCDAH.

⁵⁶³ Message from Governor Guerard, February 26, 1784 in *ibid.*, 325

⁵⁶⁴ Message of the Governor to the House, January 24, 1785, *Journal of the South Carolina House of Representatives, 1785-1787*, 15.

⁵⁶⁵ William Loughton Smith, quoted in Jordan, *White Over Black*, 327

different than the nationalism Jefferson had previously expressed, which was explained in Chapter 2.

Men such as Pinckney had come to view themselves differently than the rest of the United States, just as the colonies had viewed themselves differently than England eleven years prior. Pinckney made sure there was no confusion when he clarified, “When I say Southern, I mean Maryland and the states Southward.”⁵⁶⁶ The sectional divide only expanded at the First Congress in 1790 when a Quaker petitioned from Pennsylvania over the issue. In response, senators from Georgia and the Carolinas boasted of “southerner’s rights” and “southern states,” with even George Washington recognizing slavery as distinctive to the South when he wrote about “our section’s felicity” in a letter to Patrick Henry.⁵⁶⁷ South Carolina representative William Loughton Smith warned of a potential civil war if general emancipation was ever passed, foreshadowing the conflict that would occur seven decades later.⁵⁶⁸

Additionally, like Jefferson, most of the slaveholding aristocrats of the South’s wealth and power were directly connected to their property. However, there was a fear of the part of society that did not own property, not just by Jefferson but by the other Founding Fathers as well. The urban inhabitants who did not possess land or other “property” had no stake in society, rendering them unreliable in becoming responsible citizens. Jefferson believed that property was the foundation of freedom and effective governance because those without property could not truly be free if they depended on those who did. This coincided with Jefferson’s other belief that the only way for the United States government to remain virtuous was so long as the citizens

⁵⁶⁶ Charles Pinckney, quoted James Donald Essig, *Bonds of Wickedness: American Evangelicals against Slavery, 1770-1808* (Philadelphia, 1982), 17.

⁵⁶⁷ George Washington, quoted in Richard S. Newman, “Prelude to the Gag Rule: Southern Reaction to Antislavery Petitions in the First Federal Congress,” *Journal of the Early Republic*, 16 (Winter, 1996): 571-99, 576.

⁵⁶⁸ William Loughton Smith, quoted in Joseph Gales, ed., *The Debates and Proceedings in the Congress of the United States* (Washington, DC: Government Printing Office, 1934), 1242-3.

stayed agrarian.⁵⁶⁹ Jefferson believed that farmers who remained “independent in their circumstances enlightened as to their rights, and firm in their habits of order and obedience to the laws” would not require an active government.⁵⁷⁰ Instead, they would be “tied to their country and wedded to its interests, by the most lasting bonds.”⁵⁷¹

Jefferson may not have prohibited slavery in the Louisiana Territory, but he wanted to limit the slave population as much as possible. Even though the inhabitants wanted to open the trade, the government prohibited it. Still, it was under Jefferson’s governorship that Virginia would stop the importation of slaves. Also, when he was president, he led the effort to end the Transatlantic Slave Trade.⁵⁷² Historian Ari Helo notes that Jefferson had a plan to dismantle slavery and that he was even willing to deport blacks, fulfilling his expatriation idea.⁵⁷³ In 1806, during his “Sixth Annual Message” delivered in his second term, Jefferson publicly lent his support to ending the slave trade well before 1808:

I congratulate you, fellow citizens, on the approach of the period at which you may interpose your authority constitutionally, to withdraw the citizens of the United States from all further participation in the violation of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interest of our country, have long been eager to proscribe. Although no law you may pass can take prohibitory effect till the first day of the year one thousand eight hundred and eight, yet the intervening period is not too long to prevent, buy timely notice, expeditions which cannot be completed before that day.⁵⁷⁴

On March 2, 1807, Congress complied, passing the Act Prohibiting Importation of Slaves, which Jefferson signed into law; thus, exporting or importing slaves from abroad was outlawed.⁵⁷⁵

⁵⁶⁹ Jefferson to Madison, December 20, 1787

⁵⁷⁰ Jefferson to Adams, February 28, 1796.

⁵⁷¹ Jefferson to Jay, August 23, 1785.

⁵⁷² Jim Powell, *Greatest Emancipations: How the West Abolished Slavery* (United Kingdom: Palgrave Macmillan, 2008), 250.

⁵⁷³ Helo, *Thomas Jefferson's Ethics*.

⁵⁷⁴ Jefferson, “Sixth Annual Message, 2 December 1806,” Thomas Jefferson: *Writings*, ed. Peterson, 528.

⁵⁷⁵ House, *Annals of Congress*, 9th Cong., 2d sess., 1807, 626-27.

While this act weakened slavery, it did not achieve Jefferson's vision of expatriation. Rogue merchants ignored the law and still imported slaves unlawfully. Following Jefferson's retirement from office in 1808, it is estimated that these merchants smuggled in from 1,000 to 5,650 slaves, but it has largely been accepted that the 1,000 number is more realistic. However, the effectiveness of the law was clearly felt when one looks at South Carolina. Prior to the act, South Carolina imported 10,000 a year between 1803 and 1808. By cutting off the supply of new slaves being imported, prices on blacks already enslaved remained high as demand was still present. Because of this, masters' affinity to "use up" slaves decreased to preserve the slaves that they had. Additionally, they also changed the political power in the growing sectional divide. The three-fifths clause gave the South representation through their slave population, but without thousands of slaves being imported, it limited the Southern representation.⁵⁷⁶

Jefferson was quite pleased with his success, expressing his satisfaction in a letter to members of the Society of Friends. He wrote:

Whatever may have been the circumstances which influenced our forefathers to permit the introduction 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 the time prescribed by the Father . . . find themselves securely established in the enjoyment of life, liberty, and happiness.⁵⁷⁷

Still, this was not the only slavery-related obstacle the Sage of Monticello faced. The crown jewel of Jefferson's presidency was largely considered to be the Louisiana Purchase; however, this also opened Jefferson to being dubbed the "father of slavery in Louisiana."⁵⁷⁸ But, this view

⁵⁷⁶ William W. Freehling, "The Founding Fathers and Slavery," 88-89; Philip D. Curtin, *The Atlantic Slave Trade: A Census* (Madison: University of Wisconsin Press, 1969), 74-75, 88-89; Marshall Smelser, *The Democratic Republic, 1801-1815*, New American Nation Series (New York: Harper & Row, 1968), 63.

⁵⁷⁷ Jefferson to Messrs. Thomas, Ellicot, and Others, November 13, 1807.

⁵⁷⁸ McColley, *Slavery and Jeffersonian Virginia*, 125.

is a drastic oversimplification of the events, particularly asserting that Jefferson intended to create slave states for the benefit of slaveholders.

Jefferson had an interest in purchasing New Orleans and the Floridas in the spring of 1802.⁵⁷⁹ Then, Secretary of State, James Madison, sent the French ambassador, Robert Livingston, instructing him to convince France to abandon its intentions for Louisiana and 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.”⁵⁸⁰ Livingston's negotiation attempts were all unsuccessful, and he expressed his lack of progress and frustration to Madison in the autumn in reaching Napoleon, who held complete control of the country. However, amidst the discouragement, Livingston remained optimistic that the French, in time, would be willing to part with Louisiana and cede New Orleans to the United States.⁵⁸¹ But, in October, a concerning incident occurred when the Spanish intendant closed the port of New Orleans to Americans, as reported by William E. Hulings, the United States Vice Consul at New Orleans.⁵⁸² In turn, to salvage the situation, Jefferson appointed James Monroe as a special envoy to France with discretionary powers and the administration's full trust.⁵⁸³ Monroe came through as he and Livingston successfully negotiated a treaty with France for the purchase of Louisiana.⁵⁸⁴

From there, Senator John Breckinridge of Kentucky begrudgingly accepted the responsibility of drafting a short-term government proposal for the newly obtained land. To accelerate the process and possibly influence the senator, Jefferson provided Breckinridge with

⁵⁷⁹ Pierre Samuel du Pont de Nemours to Jefferson, April 30, 1802.

⁵⁸⁰ Madison to Livingston, May 1, 1802.

⁵⁸¹ Livingston to Madison, September 1, 1802.

⁵⁸² Hulings to Madison, October 18, 1802.

⁵⁸³ Jefferson to Monroe, January 13, 1803.

⁵⁸⁴ Livingston and Monroe to Madison, May 13, 1803.

an outline of his ideas, which the Senator largely incorporated into the bill he presented. Once again, the dispute in the Senate primarily revolved around the issue of slavery.⁵⁸⁵ Due to the Constitution's provision against the federal government interfering with the slave trade until 1807, applying only to states existing in 1787, the new territory was free play for Congress to decide.

Before Breckinridge's bill was debated, Jefferson had submitted to Congress a document titled "Description of Louisiana," containing information he had gathered about the territory, such as the existing government system, borders, inhabitants, Native Americans, and other topics. Additionally, it included a "Digest of the Laws of Louisiana," which contained a segment outlining a harsh slave code written by the Spanish in 1795. While the interim government act continued the laws in force at the time of the territory's procurement, most of the slave code were implemented unless it contradicted the act.⁵⁸⁶

On January 24, 1804, the Senate debated slavery in Louisiana. Early in the debate, an amendment proposed by Federalist James Hillhouse that prohibited the importation of slaves into the territory from foreign nations passed easily.⁵⁸⁷ An additional amendment by Hillhouse was introduced to restrict the bondage of male slaves over the age of twenty-one and female slaves over the age of eighteen to one year after their arrival in the territory.⁵⁸⁸ While this proposition could have led to a ban on slavery in the entire territory west of the Mississippi River, it

⁵⁸⁵ Malone, *Jefferson the President*, 353-54. For Jefferson's letter to Breckinridge, see Ford, ed., *Jefferson Writings*, 24 November 1803, 8:279-281.

⁵⁸⁶ U. S. Congress, Appendix, Annals of Congress, 8th Cong. 2d sess., 1805, 1498-1578. For the section "Police of Slaves," see *ibid.*, 1567-70. The act providing a temporary government for Louisiana is in *ibid.*, 1st sess., 1804, 1293-1300.

⁵⁸⁷ Senate, *Annals of Congress*, 8th Cong., 1st sess., 1804, pp. 240-4T1 "The Senate Debate on the Breckinridge Bill for the Government of Louisiana, 1804, as Reported by Senator William Plumer of New Hampshire," appendix to Everett Somerville Brown, *The Constitutional History of the Louisiana Purchase, 1803-1812* (Berkeley University of California Press, 1920), 217-18.

⁵⁸⁸ *Ibid.*, 220-21.

narrowly failed to pass. Hillhouse then proposed a motion to ban the admission of any slave brought into the United States after May 1, 1798, which was approved.⁵⁸⁹ A third limitation on slave importation was imposed, granting only United States citizens to bring slaves into the Louisiana Territory. The House voted on March 26, 1804, opting to keep the slavery provisions intact and the slave importation prohibitions.⁵⁹⁰

The legislation faced enormous opposition from United States citizens residing in the Orleans Territory, especially due to the lack of self-government and the ban on the slave trade. Governor William C. C. Claiborne attributed the hostility to Americans provoked by self-interest, particularly mentioning Edward Livingston and Daniel Clark as key figures.⁵⁹¹ The disgruntled residents presented a document titled “Remonstrance of the People of Louisiana” to Congress in 1804, voicing their support in preserving the slave trade due to the form of labor required in the region, justifying that blacks were able “to resist,” they claimed, “the combined effects of a deleterious moisture, and a degree of heat intolerable to whites.”⁵⁹²

Due to insufficient congressional support, the abolition of slavery in the territory was not pursued. As the “Remonstrance” demonstrated, this was critical to ensure the territory’s future. Thus, by the time he left office, Jefferson most likely thought that the institution of slavery was still weakened long-term through the diffusion of slaves across the nation, combined with restrictions on importing slaves.⁵⁹³ While still defeated, Jefferson, no longer anticipating “any early provision for the extinguishment of slavery,” remained hopeful that as “the value of the slave is everyday lessening; his burden on his master daily increasing,” the powers that be would

⁵⁸⁹ Ibid., 241-42; Plumer, “Senate Debate on Louisiana,” appendix to Brown, *Louisiana Purchase*, 221; Malone, *Jefferson the President*, 354.

⁵⁹⁰ Senate, *Annals of Congress*, 8th Cong., 1st sess., 1804, 224, 1293-1300.

⁵⁹¹ Malone, *Jefferson the President*, 358.

⁵⁹² Appendix, *Annals of Congress*, 8th Cong., 2d sess., 1805, 1506.

⁵⁹³ The idea that Jefferson had begun to embrace diffusion to weakening slavery at this early date is suggested in Malone, *Jefferson the President*, 354-55.

be “goaded from time to time by the insurrectionary spirit of the slaves,” to take more steps forward until “we shall be forced, after dreadful scenes and sufferings to release them in their own way.”⁵⁹⁴

It is important to note that there was not enough congressional support and, thus, most likely, not enough public support either. Thomas Brannagan wrote an emancipationist pamphlet and dispatched a copy to Jefferson in the possibility that he would support it. But Jefferson declined his call to action and wrote to another person, most likely to indirectly respond to Brannagan, for fear that even an acknowledgment he received from the paper would cause political alarm among the “public mind.” Jefferson wrote to Dr. George Logan:

The cause in which he embarks is so holy, the sentiments he expresses in his letter so friendly that it is highly painful to me to hesitate on a compliance which appears so small. But that is not its true character, and it would be injurious even to his views for me to commit myself on paper by answering his letter. I have most carefully avoided every public act or manifestation on that subject. Should an occasion occur which I can interpose with decisive effect, I shall certainly know and do my duty with promptitude and zeal.⁵⁹⁵

Jefferson’s silence on this matter has brought criticism from historians as he refused to publicly secure a goal he supposedly supported privately. However, this ‘silence’ does not necessarily imply moral assent. As Jefferson wrote to Edward Coles nine years later, “the subject of the slavery of negroes have long since been in possession of the public, and time has only served to give them stronger root.”⁵⁹⁶ Jefferson still did not believe the public mind was ready for emancipation, and “[a]ny premature effort to interfere with the institution” would “jeopardize the progress of the community as a whole toward a more enlightened understanding of its true

⁵⁹⁴ Jefferson to William A. Burwell, January 28, 1805.

⁵⁹⁵ Jefferson to George Logan, May 11, 1805.

⁵⁹⁶ Thomas Jefferson to Edward Coles, August 25, 1814. It is worth noting that the original draft of the Declaration of Independence and Jefferson’s proposed Virginia Constitution were widely publicized in 1806. The public thus knew of Jefferson’s opinions on slavery and other matters of government.

collective interests.”⁵⁹⁷ However, the most likely answer to why Jefferson remained on the sidelines and refused to endorse Brannagan’s effort publicly was because of Jefferson’s view of his role as President. Jefferson could see the division growing in the country that would “produce great public evil” and contended that his responsibility was not to aggravate such sectional division but to chart a path that kept the Union and “good government” from “despotism.”⁵⁹⁸

By the end of Jefferson’s career in public service, his efforts towards eradicating slavery were largely defeated. Restrained by the beliefs of his generation, Jefferson, in his retirement, looked to the next generation of Virginians as the one that might champion 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.”⁵⁹⁹ Proper guidance, such as might be attained from his mentor George Wythe at William and Mary, and the direction of powerful spokesmen opposed to slavery, Jefferson advised, would be essential to any future resolution for emancipation.⁶⁰⁰

Out of the southern states, Jefferson thought that Virginia had the best prospect for emancipation. Even though the whites in Virginia who preferred ending slavery were a minority of the state’s populace, Jefferson was optimistic that it was a “respectable proportion” that continually increased through the addition of most young men who entered public life. Accordingly, he anticipated that emancipation would take place soon in Virginia.⁶⁰¹ He echoed these same sentiments nearly forty years later: “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]

⁵⁹⁷ Helo and Onuf, “Jefferson, Morality, and the Problem of Slavery.” 586.

⁵⁹⁸ Jefferson to George Logan, May 11, 1805.

⁵⁹⁹ Jefferson to Richard Price, August 7, 1785.

⁶⁰⁰ Ibid.

⁶⁰¹ Jefferson to Jean Nicolas Demeunier, January 24, 1786.

is a leaf of our history not yet turned over.” It is within this same letter that Jefferson insists that to rid the nation of slavery, young men should enter the “public councils” and work steadily but cautiously toward that end.⁶⁰²

Jefferson had come to the bitter conclusion that it was not his time nor place to end the institution and that it must now fall to the next generation to decide. Jefferson had believed it was:

Whether one generation of men has a right to bind another seems never to have been started either on this or our side of the water... (But) between society and society, or generation and generation there is no municipal obligation, no umpire but the law of nature. We seem not to have perceived that, by the law of nature, one generation is to another as one independent nation to another... On similar ground, it may be proved that no society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation... Every Constitution, then, and every law, naturally expires at the end of nineteen years. If it be enforced longer, it is an act of force and not of right.⁶⁰³

If Jefferson learned from Madison that “they will not produce that effect,” he told Chastellux. He printed enough copies of *Notes* for every young student at the College of William and Mary because “it is to them I look, to the rising generation, and not to the one now in power, for these great reformations.”⁶⁰⁴

⁶⁰² Jefferson to Edward Coles, August 25, 1814.

⁶⁰³ Jefferson to Madison, September 6, 1789.

⁶⁰⁴ Jefferson to Chastellux, June 7, 1785.

Chapter Four:

Jefferson's Retirement and Slavery

As Jefferson enjoyed his well-earned retirement from public office, he seldom wrote on the topic of slavery, but the issue still gnawed on his mind over the years. Jefferson was terrified of God's wrath on the United States and its role in the slave trade. He pondered if the nation could endure: "Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with His wrath?"⁶⁰⁵ Jefferson reflected on the nation's role, saying, "Indeed I tremble for my country when I reflect that God is just; that his justice cannot sleep forever; that considering numbers, an exchange of situation is among possible events; that may become probable by supernatural interference!"⁶⁰⁶

In 1811, believing there was still a chance to solve the riddle, he approved a proposition to colonize blacks in Africa. While he understood that most whites almost certainly were not ready to undertake such a plan, Jefferson wished "that the United States would themselves undertake to make such an establishment on the coast of Africa."⁶⁰⁷ He concluded his thoughts by praying that God was preparing a total emancipation with the consent of the masters rather than their extermination. Jefferson clearly understood that not only was he on the wrong side of history, but the entire country of the United States was as well. He understood that without supernatural interference, the only way for the emancipation of the slaves was through bloodshed.

⁶⁰⁵ Jefferson, *Jefferson Himself*, 35.

⁶⁰⁶ *Ibid.*

⁶⁰⁷ Jefferson to John Lynch, January 21, 1811.

Jefferson's idea of colonization did not stop with him, others gravitated towards the idea as well, creating the American Colonization Society (ACS). The ACS was the formal brainchild of an evangelical preacher from New Jersey named Robert Finley.⁶⁰⁸ Just like Jefferson, the Reverend Finley was concerned by the steady increase of the black population and took immediate action alongside fellow clergyman, Samuel Mills. Together, they traveled throughout the United States as missionaries and used their evangelical stature in the community as a means of garnering support for their colonization scheme to relocate the United States black population to its target colony, Liberia, in Africa.⁶⁰⁹

The ACS appealed to various slaveholding men of the Southern United States, particularly three former presidents and founders of UVA, Jefferson, James Monroe, and James Madison. James Madison believed that colonization prevented large numbers of inferior blacks from residing alongside them in the South, thereby keeping the South racially pure, and would go on to serve as the ACS president during the 1830s.⁶¹⁰ Unlike later Northern abolitionists, the ACS did not denounce slavery as morally evil, nor did it hold slaveowners up to execration; instead, they viewed emancipation as a means to an end.⁶¹¹

When Congress passed the Slave Trade Act on March 4, 1819, allocating \$100,000 to assist in the resettlement of Africans intercepted from illegal slave traders, then President James

⁶⁰⁸ Richard West, *Back-to-Africa*, 92.

⁶⁰⁹ Ibid. For more information on the founding of the ACS please see: Early Lee Fox, *The American Colonization Society, 1817-1840* (New York: AMS Press, 1919), Eric Burin, *The Peculiar Solution*; P. J. Staudenraus, *The American Colonization Movement*; Allan Yarema, *The American Colonization Society: An Avenue to Freedom* (Lanham: University Press of America, 2006), Lamin Sanneh, *Abolitionists Abroad: American Blacks and the Making of West Africa* (Cambridge: Harvard University Press, 1999), J. Friedman, *Inventors of the Promised Land* (New York: Alfred A. Knopf, 1975). For a basic overview of the ACS please see Stuart Lutz, "The American Colonization Society," *Manuscripts* 49 (1997): 205-215 and Henry Noble Sherwood, "The Formation of the American Colonization Society," *The Journal of Negro History* 2 (July 1917): 209-228.

⁶¹⁰ Gerda Lerner, *The Grimke Sisters From South Carolina: Pioneers Form Women's Rights and Abolition* (New York: Oxford University Press, 1998), 44.

⁶¹¹ Miller, *The Wolf by the Ears*, 264.

Monroe proceeded with his colonization beliefs against the wishes of his cabinet, authorizing the US Navy to send two agents to Africa to initiate a colony for re-captured illegal slaves.⁶¹² Some within Monroe's cabinet, such as John Quincy Adams, argued that acquiring land in Africa was unconstitutional and that the Slave Trade Act did not authorize the United States to purchase African territory. Nevertheless, ships continued to transport groups of black settlers from the United States to Africa's lands.⁶¹³

As the African-American population in the region gradually increased, there was a growing need for more territory to accommodate those wishing to settle there. ACS agents in Liberia negotiated with local chiefs to expand the existing territory beyond Cape Mesurado in 1821. In the final stage of this land acquisition process, they named the capital of Liberia “Monrovia” in honor of President James Monroe.⁶¹⁴ Monroe saw the immense opportunities Africa presented and proposed a bill to establish an agency in West Africa, like the British one in Sierra Leone. This agency would facilitate the acceptance of free blacks and the establishment of a permanent settlement, potentially resolving the persistent racial issues troubling the United States.⁶¹⁵ However, the federal government hesitated to provide financial support to the colonization movement, as there was still no consensus on the issue within the “public mind.”

Jefferson was massively supportive of the ACS, believing that a “colony of free blacks on the west coast of Africa might introduce among the aborigines the arts of cultivated life and the blessings of civilization and science.”⁶¹⁶ Jefferson simultaneously believed that since Liberia was located in the heart of where the slave trade transpired in Africa, it could be compensation for the

⁶¹² Don Fehrenbacher, *The Slaveholding Republic An Account of the United States Government's Relations to Slavery*, (Oxford Oxford University Press, 2001), 148-155.

⁶¹³ Sanneh, *Abolitionists Abroad*, 199.

⁶¹⁴ Bell Wiley, "Introduction" in *Slaves No More*, 4.

⁶¹⁵ Richard West, *Back-to-Africa*, 107.

⁶¹⁶ Miller, *The Wolf by the Ears*, 265.

injuries and injustices inflicted on the Africans by the white man.⁶¹⁷ However, Jefferson did not believe that the ACS's efforts were going to be enough to curb the growing black population, "we cannot," Jefferson said, "get rid of them this way."

Jefferson became obsessed with the numbers and saw that in 1817, there were fewer than one and a half million slaves in the United States. The ACS, in its entirety, transported fifteen thousand blacks to Liberia. Jefferson believed that the ACS, like all the other emancipationist efforts, was being rejected by the "public mind" of the South. Outside of Virginia and Maryland, the ACS was not popular among slaveowners. In slave states such as South Carolina and Georgia, planters vigorously resisted the efforts to deprive them of their labor force, demanding they required more slave labor, not less.⁶¹⁸

In Jefferson's retirement years, he took a different approach to slavery than he had previously. Compared to his involvement in the Northwest Ordinance of 1784, Jefferson's response to the Missouri Compromise was not one of an emancipationist. Previously, he had proposed a similar line in his governmental plan for the western territory, but what changed? Many situations had changed compared to 1784. Jefferson was less optimistic about the future of slavery after decades of defeats. His position on the diffusion of slavery had shifted. His belief in the role of the federal government had shifted. And, perhaps most importantly, Jefferson saw that the nation was caught between self-preservation and justice. In his later years, Jefferson declared his regret over the impending implosion of his nation:

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.⁶¹⁹

⁶¹⁷ Ibid.

⁶¹⁸ Miller, *The Wolf by the Ears*, 266.

⁶¹⁹ Jefferson to John Holmes, April 22, 1820.

The slavery dilemma on the future of the United States clearly upset Jefferson, who believed that self-preservation is the first natural right, but what if two self-pervations are at odds? Jefferson contended that since slave owners had a valid concern about preventing slave uprisings, they were justified in their efforts to expand slavery into new territories. This expansion would help disperse concentrations of potentially rebellious slaves.⁶²⁰ Jefferson was deeply troubled by the Missouri Compromise and how it limited slavery. In a letter to his long-time “frenemy” John Adams following the opening of the Sixteenth Congress, Jefferson said, “The Missouri question is a breaker on which we lose the Missouri country by revolt, and what more, God only knows. From the battle of Bunker's Hill to the treaty of Paris, we never had so ominous a question.”⁶²¹ Prior, Jefferson had essentially isolated himself in his retirement from the affairs of the United States, but the compromise “like a fire bell in the night, awakened and filled me with terror.”⁶²² Following this, Jefferson's attention was fixed on the Missouri controversy for the next couple of years.

However, was Jefferson upset because this would ban slavery in states located above the 36°30' N latitude line of the Missouri border or because it was a federal government overreach over states' rights? Jefferson still did not believe that the federal government had any authority to restrict slavery to where it already existed, nor should it. As demonstrated throughout the previous chapters, Jefferson still held no love for slavery in his retirement, stating, “there is not a man on earth who would sacrifice more than I would, to relieve us from this heavy reproach [slavery], in any *practical* way.” This is perhaps the most important part of his letter to Holmes,

⁶²⁰ Thomas Merrill, "The Later Jefferson and the Problem of Natural Rights," *Perspectives on Political Science* 44, no. 2 (2015): 122-130.

⁶²¹ Jefferson to John Adams, December 10, 1819.

⁶²² Jefferson to John Holmes, April 22, 1820.

the use of the word “practical.” As previously stated in Chapter 3, Jefferson would not emancipate his slaves just because they should be freed; it is not *practical* in his mind:

The cession of that kind of property, for so it is misnamed, is a bagatelle which would not cost me a second thought if, in that way, a general emancipation and expatriation could be effected, and gradually, and with due sacrifices, I think it might be.⁶²³

Jefferson continued with arguably his most famous quote regarding slavery, “we have the wolf by the ear, and we can neither hold him nor safely let him go. justice is in one scale, and self-preservation in the other.”⁶²⁴ Jefferson believed that slavery should be left to the states through popular sovereignty, and if the Northern free states interfered with the Southern slave states, it could break up the Union. Jefferson firmly placed this geographical divide that was being created at the feet of the Federalist Party, believing they desired “a division of parties by a geographical line” because they could obtain power in no other way.⁶²⁵ Jefferson contended this believed ploy by the Federalists would only hinder the eventual eradication 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 accelerate its demise.⁶²⁶ This compromise in Jefferson's mind was the collapse of the United States, “I regret,” Jefferson declared, “that I am now to die in the belief that the useless sacrifice of themselves by the generation of 1776, to acquire self-government and happiness to 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.”⁶²⁷

⁶²³ Jefferson to John Holmes, April 22, 1820.

⁶²⁴ Ibid.

⁶²⁵ Jefferson to Charles Pinckney, September 30, 1820.

⁶²⁶ Jefferson to Marquis de Lafayette, December 20, 1820.

⁶²⁷ Jefferson to John Holmes, April 22, 1820.

During the critical debates of the controversy, Jefferson was particularly hostile towards the New York politicians, led by Senator Rufus King and Governor De Witt Clinton, whose demands for slavery's prohibition in the Louisiana Purchase fanned sectional hostilities. "The Missouri question... is the most portentous one I have ever contemplated," Jefferson wrote in a letter to President Monroe, "King is ready to risk the union for any chance of restoring his party to power and wriggling himself to the head of it, nor is Clinton without his hopes nor scrupulous as to the means of fulfilling them."⁶²⁸

Jefferson's fears over slavery quickly became intertwined with his fears over an oppressive government, questioning, "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."⁶²⁹ While Jefferson acknowledged that slavery was limited by the "laws of nature," it was this event that turned Jefferson into a pessimist regarding the nation's future. Jefferson declared, "I have been among the most sanguine in believing that our Union would be of long duration. I now doubt it much," leading to Jefferson believing that the sectional differences between the North and South would create "mutual and moral hatred" that would force a decision between "eternal discord" and separation.⁶³⁰ Yet, towards the eradication of slavery, Jefferson remained optimistic that "both parties" opposed the "hideous evil" of slavery and that "duty and interest" would bring about "a practicable process of cure" for the nation's disease.

John Chester Miller contended that Jefferson's view of slavery had become such an integral part of states' rights that until the Southern slaveholders decided for themselves for

⁶²⁸ Jefferson to James Monroe, March 3, 1820.

⁶²⁹ Jefferson to John Adams, January 22, 1821.

⁶³⁰ Jefferson to William Short, April 13, 1820.

emancipation, slavery and states' rights would be intertwined.⁶³¹ Jefferson continued, believing that “to regulate the condition of the different descriptions of men composing a state. This certainly is the exclusive right of every state, which nothing in the constitution has taken from them and given to the general government. Could congress, for example, say that the Non-freemen of Connecticut shall be freemen, or that they shall not emigrate into any other state.”⁶³² Here, Jefferson speaks that both the North and South presumably share the responsibility of emancipation. Still, the realistic remedy is not an easy one to effect. Any remedy ought to be *practical*. So, Jefferson's remedy would be pro-slavery because an anti-slavery remedy was *impractical*:

Of one thing I am certain, that as the passage of slaves from one State to another, would not make a slave of a single human being who would not be so without it, so their diffusion over a greater surface would make them individually happier, and proportionally facilitate the accomplishment of their emancipation, by dividing the burthen on a greater number of coadjutors.⁶³³

Jefferson, as well as Madison, was now pushing for diffusion to benefit the slaves and the country by encouraging emancipation.⁶³⁴ Madison contended that with the trade banned, diffusion would assist in alleviating the ill effects of slaves packed into a small geographic area. Diffusion would dilute racial anxieties. This is where Jefferson believed the Missouri controversy had “one good effect” as it “brought the necessity of some plan of general emancipation and deportation more home to the minds of our people than it has ever been

⁶³¹ Miller. *The Wolf by the Ears*, 274.

⁶³² Ibid.

⁶³³ Jefferson to John Holmes, April 22, 1820.

⁶³⁴ For Madison's assent to diffusion like Jefferson's see Madison to General La Fayette, November 25, 1820, and Madison to Tench Coxe, March 20, 1820. On some of the scholarship critical of Jefferson, Madison and Missouri, see Robert E. Shallhope, “Thomas Jefferson's Republicanism and Antebellum Southern Thought,” *The Journal of Southern History* 42 (November 1976): 531; Freehling, *The Road to Disunion*, 144 and 155.

before.”⁶³⁵ Jefferson strongly rejected the idea that the Missouri question had moral implications and even supported the spread of slaves to advance emancipation. According to him, sending slaves to the western territories “would never make a slave of one human being who would not be so without it.”⁶³⁶ Therefore, Jefferson speculated that “diffusion over a greater surface would make them individually happier and proportionally facilitate the accomplishment of their emancipation by dividing the burthen on a greater number of co-adjutors,”⁶³⁷ reaffirming his belief in making emancipation *practical*.

Jefferson and Madison were not alone in their reasoning as many Southerners argued that slavery would disappear if allowed to spread westward, such as with the Louisiana Purchase.⁶³⁸ In *Mr. Jefferson's Lost Cause*, Roger Kennedy echoes this sentiment. If founders like Jefferson truly wanted to end or limit slavery, the opportunities to do so were there for them to take. One participant in the Kentucky constitutional convention was Jefferson's protege, James Monroe, who voted to allow slavery in the new state.⁶³⁹

Jeffersonian historians Peter Onuf and Ari Helo argue that Jefferson's consistent commitment to the principles of republicanism meant that “A democratic, majority decision was absolutely necessary before the existing legal order and the property rights in slaves that it secured were overturned.”⁶⁴⁰ However, Jefferson also thought that “[a]ny premature effort to interfere with the institution would violate the fundamental rights of free citizens and jeopardize the progress of the community as a whole toward a more enlightened understanding of its true

⁶³⁵ Jefferson to Albert Gallatin, December 26, 1820. Jefferson lauds the “courage” of Thomas Mann Randolph, his son-in-law and governor of Virginia, for his gradual emancipation plan. See also Jefferson to Marquis de Lafayette, December 26, 1820.

⁶³⁶ Jefferson to Albert Gallatin, December 26, 1820.

⁶³⁷ Jefferson to John Holmes, April 22, 1820.

⁶³⁸ Davis, *Inhuman Bondage*, 277.

⁶³⁹ Kennedy, *Mr. Jefferson's Lost Cause*, 77.

⁶⁴⁰ Helo and Onuf, “Jefferson, Morality, and the Problem of Slavery,” 585.

collective interests.”⁶⁴¹ The only way to end slavery, in other words, was for the American public to become enlightened enough to want to end slavery through the democratic process—and the only way to accomplish that stage of enlightenment was through education. Thus, “Jefferson’s advocacy of public education and the widening of the Virginia electorate to non-freeholders reflect his hopes that the legislature would one day better reflect the sentiments of a more refined majority of free citizens.”⁶⁴²

Jefferson did what he could regarding slavery in his time, but the “public mind” was not prepared for emancipation or abolition. Jefferson emphasized the importance of generational sovereignty, the belief that each generation should govern itself and make decisions independently, without being bound by the decisions or actions of previous generations, stating:

“It is for such institutions as that over which you preside so worthily, Sir, to do justice to our country, its productions, and its genius. It is the work to which the young men, whom you are forming, should lay their hands. We have spent the prime of our lives in procuring them the precious blessing of liberty. Let them spend theirs in shewing that it is the great parent of science and virtue; and that a nation will be great in both always in proportion to as it is free.”⁶⁴³

In a letter to John Taylor, Jefferson articulated his belief that each generation, who are “but tenants for life,” should be “unincumbered by their predecessors.”⁶⁴⁴ Jefferson placed significant optimism in future generations to rectify and enhance shortcomings in the system. He was profoundly disheartened by any indication that the succeeding generation might disappoint these aspirations. As Jefferson articulated to John Taylor, if these “predecessors” are merely “temporary custodians” who pass on an “unencumbered” world to the next generation, then it

⁶⁴¹ *Ibid.*, 586.

⁶⁴² Helo and Onuf, “Jefferson, Morality, and the Problem of Slavery,” 603.

⁶⁴³ Thomas Jefferson to Joseph Willard, March 24, 1789.

⁶⁴⁴ Thomas Jefferson to John Taylor, May 28, 1816.

becomes the obligation of the present generation to transmit the Earth to the next without imposing any “burthen” on “its use.”⁶⁴⁵

Successive generations would “administer the commonwealth with increased wisdom” because of the “progressive advance of science,” which would render them “wiser than we were,” much like “their successors will be wiser than they.”⁶⁴⁶ If every generation creates “periodic repairs” to “the form of governance” and, in this manner, manages “to accommodate to the circumstances in which it finds itself, that received from its predecessors,” then constitutions “may be handed on . . . from generation to generation, to the end of time, if anything human can so long endure.”⁶⁴⁷ Jefferson would echo these same sentiments to Edward Coles again when Coles called Jefferson “to exert your knowledge and influence, in devising and getting into operation, some plan for the gradual emancipation of Slavery.”⁶⁴⁸ This mentality is a foundational piece of Jefferson’s plans for the University of Virginia as this next generation, molded by his principles, would then work towards emancipation on their own, without the pressure or influence from the previous generation.

Instead, Jefferson maintained that each generation has access to larger scientific advances and, therefore, has greater *enlightenment* than the last generation. Each generation would also have its own set of burning issues. “What was useful two centuries ago is now become useless,” says Jefferson to Littleton Waller Tazewell, and “what is now deemed useful will in some of its past become useless in another century.”⁶⁴⁹ It was not for the prior generation to pass on its problems to the next. This is a foundational belief within Jefferson’s republicanism, as he

⁶⁴⁵ Ibid.

⁶⁴⁶ Thomas Jefferson to Lafayette, November 4, 1823.

⁶⁴⁷ Thomas Jefferson to Samuel Kercheval, July 12, 1816.

⁶⁴⁸ Edward Coles to Jefferson, July 31, 1814.

⁶⁴⁹ Thomas Jefferson to Littleton W. Tazewell, January 5, 1805.

expressed in a letter to James Madison that “this principle that the earth belongs to the living and not to the dead.”⁶⁵⁰ Consider Jefferson’s letter to Harvard’s President Joseph Willard, which provides insight not only into his view of generational sovereignty but the role of education to the next generation:

It is for such institutions [of Natural History and Natural Science] ... to do justice to our country, its productions and its genius. It is the work to which the young men whom you are forming should lay their hands. We have spent the prime of our lives in procuring them the precious blessing of liberty. Let them spend theirs in shewing that it is the great parent of science and of virtue; and that a nation will be great in both, always in proportion as it is free.

This language clearly shows that Jefferson intended for these young men, his “natural aristocrats,” to not only be educated in science but also virtue, a belief that will be enacted with the formation of UVA. And what can be applied to science can also be applied to the political arena. Just as the realm of science changes and morphs with the years, so do politics and law. Consider Jefferson’s letters to future fellow UVA board member, Joseph C. Cabell, proclaiming, “There is a time to retire from labor, and that time is come with me. It is a duty, as well as the strongest of my desires, to relinquish to younger hands the government of our bark and resign myself, as I do willingly, to their care.”⁶⁵¹ And then Jefferson wrote again, “Nobody, more strongly than myself, advocates the right of every generation to legislate for itself, and the advantages which each succeeding generation has over the preceding one, from the constant progress of science and the arts.”⁶⁵²

Like Jefferson, Edward Coles was a Virginian slave owner who had become an outspoken abolitionist during his time at William and Mary under the teachings of Reverend James Madison, the President of the College and the Bishop of Virginia. Also, like Jefferson,

⁶⁵⁰ Thomas Jefferson to James Madison, September 6, 1789.

⁶⁵¹ Thomas Jefferson to Joseph C. Cabell, October 24, 1817.

⁶⁵² *Ibid.*, February 16, 1818.

Coles grew close with his mentor, “This intimacy emboldened the class to ask questions, & gave me opportunity versing privately with the amiable old Bishop,” Coles wrote, asking in his youth when being taught the rights of man, “how can man be made the property of man? He [the bishop] frankly admitted it could not rightfully be done... Was it right to do what we believed to be wrong because our forefathers did it?... As to the difficulty of getting rid of our slaves, we could get rid of them with much less difficulty than we did the King of our forefathers.”⁶⁵³ These moments at the University inspired Coles to “act to end slavery, not just in his own life but in the South as a whole.”⁶⁵⁴

Jefferson’s letter to Coles is a plethora of insight into Jefferson’s thoughts regarding slavery during his retirement years. Jefferson was flattered by Coles's attempt to bring him out of retirement and replied, “the sentiments breathed thro’ the whole [letter] do honor both the head and heart of the writer... the love of justice & the love of country plead equally the cause of these people [enslaved black people], and it is a mortal reproach to us that they should have pleaded so long in vain.” However, he still does not elaborate anymore on the topic as “the subject of the slavery of negroes have long since been in possession of the public, and time has only served to give them stronger root.”⁶⁵⁵ In his reply, Jefferson explains his own experience that “nothing was to be hoped” with the public mind on emancipation as the people were not ready. He elaborates on this by explaining the public reaction to his first attempt at change:

In the first or second session of the legislature, after I became a member, I drew to this subject the attention of Col Bland, one of the oldest, ablest, and most respected members, and he undertook to move for certain moderate extensions of the protection of the laws to these people. I seconded his motion, and, as a younger member, was more spared in the

⁶⁵³ Ralph L. Ketcham, “The Dictates of Conscience: Edward Coles and Slavery,” *The Virginia Quarterly Review* 36, no. 1 (1960): 47-48.

⁶⁵⁴ John B. Boles, *Jefferson: Architect of American Liberty* (Basic Books: New York 2017), 473.

⁶⁵⁵ Thomas Jefferson to Edward Coles, August 25, 1814. It is worth noting that the original draft of the Declaration of Independence and Jefferson’s proposed Virginia Constitution were widely publicized in 1806. The public thus knew of Jefferson’s opinions on slavery and other matters of government.

debate: but he was denounced as an enemy to his country & was treated with the grossest indecorum.⁶⁵⁶

Jefferson's experience with the public mind and how Richard Bland was treated clearly influenced his stance on slavery and his unwillingness to push for what they were not ready for, as he wrote:

From those of the former generation who were in the fullness of age when I came into public life, which was while our controversy with England was on paper only, I soon saw that nothing was to be hoped. Nursed and educated in the daily habit of seeing the degraded condition, both bodily and mental, of those unfortunate beings, not reflecting that that degradation was very much the work of themselves & their fathers, few minds have yet doubted but that they were as legitimate subjects of property as their horses and cattle. The quiet and monotonous course of colonial life has been disturbed by no alarm, and little reflection on the value of liberty. And when alarm was taken at an enterprize on their own, it was not easy to carry them to the whole length of the principles which they invoked for themselves.⁶⁵⁷

Jefferson writes that he clearly saw the inhumanity of slavery but emphasizes that the “public mind” was not ready for emancipation. Jefferson clearly presents the cause of the blacks and the violation of their natural rights. However, he was perhaps ill-prepared to assess just how much men who proclaim principles for themselves think through such claims to their logical conclusion. The former generation may not have been consistent in securing natural rights, but Jefferson believed they needed to “carry them to the whole length.” His irritation with such contradiction was appropriately observed as far back as 1786:

What a stupendous, what an incomprehensible machine is man! Who can endure toil, famine, stripes, imprisonment & death itself in vindication of his own liberty, and the next moment be deaf to all those motives whose power supported him thro' his trial, and inflict on his fellow men a bondage, one hour of which is fraught with more misery than ages of that which he rose in rebellion to oppose.⁶⁵⁸

But Jefferson, ever the optimist, again emphasized that he had:

⁶⁵⁶ Ibid.

⁶⁵⁷ Thomas Jefferson to Edward Coles, August 25, 1814.

⁶⁵⁸ Jefferson to Jean Nicolas DeMeunier, June 26, 1786.

Always hoped that the younger generation, receiving their early impressions after the flame of liberty had been kindled in every breast and had become, as it were, the vital spirit of every American, that the generous temperament of youth, analogous to the motion of their blood, and above the suggestions of avarice, would have sympathized with oppression wherever found, and proved their love of liberty beyond their own share of it.⁶⁵⁹

Jefferson believed it was no longer his fight nor his place to implement policy, stating, “I have overlived the generation with which mutual labors & perils begat mutual confidence and influence. This enterprise is for the young, for those who can follow it up and bear it through its consummation. It shall have all my prayers, and these are the only weapons of an old man.”⁶⁶⁰

There is an interesting section in the letter where Jefferson emphasizes he believes “emancipation is advancing in the march of time. it will come; and whether brought on by the generous energy of our own minds or by the bloody process of S^t Domingo.” The reference to the Haitian Revolution was still on his mind and still reinforced his belief of a race war as black people would never forget being enslaved. This is why colonization must happen, in Jefferson’s opinion, after slave children have been taken away and educated by the state until they are able to live on their own, at which point they should be sent away to another colony. Jefferson says this plan would “lessen the severity of the shock” felt by the American economy and by the black people who, Jefferson believed, would not know how to function as free people.

This is one of the reasons Jefferson discourages Coles from leaving Virginia to free his slaves, asking, “are you right in abandoning this property and your country with it?” Jefferson answers his rhetorical question, “I think not. My opinion has ever been that, until more can be done for them, we should endeavor, with those whom fortune has thrown on our hands, to feed & clothe them well, protect them from ill-usage, require such reasonable labor only as is performed

⁶⁵⁹ Thomas Jefferson to Edward Coles, August 25, 1814.

⁶⁶⁰ Ibid.

voluntarily by freemen” as ”laws do not permit us to turn them loose if that were for their good.”⁶⁶¹ These are all the same sentiments Jefferson expressed nearly thirty years previously in his *Notes*.

Jefferson’s Relationship With his Slaves

However, there is another layer in his letter to Coles that must be discussed. Jefferson had sometimes been described as paternalistic towards his slaves. Lucia Stanton reports that on an 1824 visit by Lafayette to Monticello, the foreigner’s companions, in conversation with Jefferson’s slaves, were told that “they were perfectly happy, that they were subject to no ill-treatment, that their tasks were very easy, and that they cultivated the lands of Monticello with the greater pleasure because they were almost sure of not being torn away from them, to be transported elsewhere, so long as Mr. Jefferson lived.”⁶⁶² Thus, when he wrote “To give liberty to, or rather, to abandon persons whose habits have been formed in slavery is like abandoning children.”⁶⁶³ These exact same notions are expressed to Coles:

For men probably of any color, but of this color we know, brought from their infancy without necessity for thought or forecast, are by their habits rendered as incapable as children of taking care of themselves, and are extinguished promptly wherever industry is necessary for raising young.⁶⁶⁴

Jefferson did not just castigate Coles for freeing his slaves because the time was not right, but that it could cause more harm than good. This was a lesson that Jefferson had previously learned when he emancipated Robert Hemings in 1794 and James Hemings in 1796.⁶⁶⁵

⁶⁶¹ Thomas Jefferson to Edward Coles, August 25, 1814.

⁶⁶² Lucia Stanton, “‘Those Who Labor for My Happiness’: Thomas Jefferson and His Slaves,” in *Jeffersonian Legacies*, ed. Peter Onuf (Charlottesville: University of Virginia Press, 1993), 147–80.

⁶⁶³ Jefferson to Edward Bancroft, January 26, 1789.

⁶⁶⁴ Thomas Jefferson to Edward Coles, August 25, 1814.

⁶⁶⁵ “Deed of Manumission for James Hemings,” February 5, 1796; “Deed of Manumission for Robert Hemings,” December 24, 1794.

This leads to perhaps the greatest controversy of Jefferson's legacy, the Hemings family. During his presidency, disgruntled journalist James Callender released a smear article accusing the President of having a slave woman, Sally Hemings, as a mistress. While embroiled in a feud with the then President, on September 1, 1802, Callender wrote what many, at the time, believed to be a smear article of Jefferson, claiming "the man, *whom it delighteth the people to honor*, keeps and for many years has kept, as his concubine, one of his slaves. Her name is Sally."⁶⁶⁶ Callender went on to explain that Sally Hemings's eldest son, Tom, had a striking resemblance to the President, and even claimed that Jefferson had fathered several of her children in what was an open secret in Charlottesville.

Many have used this as evidence of Jefferson's abuse, taking advantage of a defenseless enslaved woman. However, the evidence suggests that the opposite occurred. Callender confirmed that Sally accompanied Jefferson's daughter, Polly, when she went to France to live with her father. There, the illicit relationship supposedly began.⁶⁶⁷ France banned slavery in 1789 following the revolution. With slavery abolished while Hemings was on their sovereign land, she was a free woman. This raises several questions, such as why Jefferson would even spend the resources to bring a servant to France, as his residence already was staffed with servants, and why she would agree to return to the states where she would be reduced to a slave. The answer to these questions lies in Hemings's background.

The Hemings family began with Elizabeth "Betty" Hemings, the daughter of an African woman and Captain Hemings, who would then be considered half-white. Then she had several children by various other white men, such as John Wayles and Joseph Neilson, making all her

⁶⁶⁶ Fawn McKay Brodie, *Thomas Jefferson: An Intimate History* (United Kingdom: W.W. Norton & Company, 1974), 349.

⁶⁶⁷ Malone, *Jefferson the President*, 212, 495.

children, including Mary Hemings (Joseph Fossett's mother), Betty Brown (Burwell Colbert's mother), Sally Hemings, Robert Hemings, James Hemings, and John Hemings as "quadroon" or, three-fourths white, at the minimum.⁶⁶⁸ This made all the children of "Betty" Hemings and John Wayles three-quarters European in ancestry and remarkably fair-skinned. However, per *partus sequitur ventrem*, a child was determined to be enslaved by the status of the mother; if she was enslaved, the child would be enslaved.⁶⁶⁹

Betty and her children were considered legal slaves regardless of their background. This is a critical theme that each of the slaves Jefferson freed had in common: they were all predominately white. Now, they were not the only Hemings at Monticello, but Jefferson had to be selective about freeing his slaves not just because creditors' interests took priority but because of Jefferson's beliefs. Each of the slaves that Jefferson emancipated followed a pattern of having a trade and being potentially able to blend into society.

Accordingly, when John Wayles died in 1773, Martha, and by extension Thomas Jefferson, inherited the estate, including the 135 slaves with the nearly 11,000 acres of land.⁶⁷⁰ As mixed children, the Wayles-Hemings were given special privileges compared to other slaves, as none of them had to work the fields. Instead, they were trained in artisanship and given domestic work.⁶⁷¹ So even though the Hemings were enslaved, they lived a privileged slave life on Monticello.

Following her guaranteed freedom through the French Revolution, Sally Hemings and her brother, James, were paid pages by Jefferson, equaling \$2 a month for her and \$4 a month to James as a chef in training. Jefferson additionally had no quarrels with purchasing lavish clothes

⁶⁶⁸ Gordon-Reed, *The Hemingses of Monticello*, 680.

⁶⁶⁹ *Ibid.*, 81.

⁶⁷⁰ *Ibid.*, 92.

⁶⁷¹ Gordon-Reed, *Thomas Jefferson and Sally*, 160.

for the Hemings, suggesting that she attended formal events as Martha's maid.⁶⁷² When it came time for them to return to the United States, the Hemings siblings were within their rights to petition for their freedom in France, but with a promise from Jefferson to free her children when they turned twenty-one, Sally agreed to come back to the States.⁶⁷³ There are many layers to this. If Jefferson was a true proponent of slavery, why would he agree to pay her wages while in France? Why would he agree to free her children if she came back? For Hemings to have the leverage even to be able to negotiate with Jefferson demonstrates that he was indeed overly fond of her, and the feelings he had for her were genuine. Jefferson, in various ways, formally freed all her children both while he was living and posthumously, through his will. Of the hundreds of slaves he legally owned, Jefferson freed only five in his will, all men from the Hemings family.⁶⁷⁴

This miscegenation legend about Jefferson contradicts all that Jefferson had previously written about blacks and his repugnance of miscegenation within *Notes*, where he plainly conveyed a preference for the “fine mixtures of red and white” over the “eternal monotony” and “immovable veil of black . . . of the other race.”⁶⁷⁵ Jefferson reiterated these same views nearly thirty years later in 1814, believing 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.”⁶⁷⁶ Even before he died, Jefferson's views of miscegenation never changed. In a letter to William Short, Jefferson again shows his support for expatriation as it would prevent the “mixture of colour here.”⁶⁷⁷

⁶⁷² Gordon-Reed, *The Hemingses of Monticello*, 259.

⁶⁷³ *Ibid.*, 352, 374.

⁶⁷⁴ Gordon-Reed, *Thomas Jefferson and Sally Hemings*, 210-223.

⁶⁷⁵ Jefferson, *Notes on Virginia*, 138.

⁶⁷⁶ Jefferson to Edward Coles, August 25, 1814,

⁶⁷⁷ Jefferson to William Short, January 18, 1826.

So why would this legend persist? Political motivations were the first clear explanations, fueled by Federalists hoping to use the scandal to undermine Jefferson's political career, while the British opponents sought to damage the image of American democracy by attacking one of its prominent figures. Another justification correlated directly with slavery: abolitionists used the myth to demonstrate that slavery could corrupt even a champion of freedom and that blacks were motivated to restore their dignity from the degradation of slavery by claiming to have descended from Jefferson to reclaim a sense of pride. The final explanation goes to the "personal habits and history of Jefferson." Jefferson had previously exhibited improper conduct towards a friend's wife; this, combined with the early death of his wife and his close relationship with the Hemings family, raised suspicions.⁶⁷⁸

The allegation against Jefferson has become a significant part of his historical reputation, and the historical community remains divided on its accuracy.⁶⁷⁹ Interestingly, Jefferson himself chose not to deny the slander publicly. Instead, denials were released on his behalf by the Republican press. The closest Jefferson came to denying the charges at the time in available data was in a letter to then Secretary of the Navy, Robert Smith, stating:

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.⁶⁸⁰

⁶⁷⁸ Peterson, *The Jefferson Image in the American Mind*, 186-87.

⁶⁷⁹ The best account of the entire affair, based on available evidence, appears in Gordon-Reed's work *Thomas Jefferson and Sally Hemings* and *The Hemingses of Monticello*; See also Malone, *Jefferson the President*, 212-216, 494-498; Peterson, *Jefferson Image*, 181-87; and Jordan, *White Over Black*, 464-69.

⁶⁸⁰ Quoted in Malone, *Jefferson the President*, 222. According to Malone, the more complete letter to Levi Lincoln has not been found, *ibid.*, 222-23.

During his retirement, Jefferson opened up more with his reasoning for not responding to the defamatory accusations made by his political opponents. “I should have fancied myself half guilty,” he stated, “had I condescended to put pen to paper in refutation of their falsehoods or drawn to them respect by any notice from myself.”⁶⁸¹

Given Jefferson’s long-standing convictions against miscegenation, skepticism must be given regarding the alleged affair. While Gordon-Reed presented considerable evidence to support the accusations, which also dismisses Jefferson’s nephew Peter Carr and his brother Randolph as the potential fathers, many historians reject the suggestion that Jefferson abused his position as a master to force a young girl into a sexual relationship.⁶⁸² This was the going theory coming from Thomas Jefferson Randolph, Jefferson’s grandson, who had spent a great deal of his life at Monticello. Peter and Samuel were two of the six children Martha Jefferson, Thomas Jefferson's sister, had with Dabney Carr, Jefferson's best friend. After Dabney Carr's death, Jefferson permitted his sister and her children to stay at Monticello. Unfortunately, the Carr boys soon developed reputations for promiscuity. This was the going theory until 1998 when a DNA test confirmed that the Carrs could not have sired Eston Hemings. There was a relationship between Sally Hemings and a Jefferson, but it might not be Thomas Jefferson.⁶⁸³

⁶⁸¹ Jefferson to Dr. George Logan, June 20, 1816.

⁶⁸² For example, Winthrop Jordan writes that “Jefferson was simply not capable of violating every rule of honor and kindness.” See Jordan, *White Over Black*, 465. Dumas Malone concludes that the entire affair was a myth. See Malone, *Jefferson the President*, 498. Merrill D. Peterson believes that Peter Carr, Jefferson's nephew, fathered Sally Hemings' children. See Peterson, *Jefferson and the New Nation*, 707. For views that conflict with the above, see Fawn M. Brodie, "The Great Jefferson Taboo," *American Heritage* 23 (1972), 48-57, 97-100; and Pearl M. Graham, "Thomas Jefferson and Sally Hemings," *Journal of Negro History* 46 (1961), 89-103.

⁶⁸³ Fawn M. Brodie argues that it would have been unlikely for the Carr brothers to have sired Sally's children because they both had their own plantations, families, and slaves after 1800. This argument, however, ignores the fact that whenever Thomas Jefferson arrived at Monticello, large numbers of friends and family would come to visit. It would have been quite possible for Jefferson’s brother Randolph, or his nephew Isham Randolph Jefferson to Father Harriet II (1801), Madison (1804), and Eston (1808).

There is a debate on why only select members of the Hemings were singled out to be freed in Jefferson's will. In *The Hemingses of Monticello: An American Family* (2008), Annette Gordon-Reed suggests that this was because each of the slaves were either Jefferson's children or related to him through his deceased wife, Martha. According to Gordon-Reed, Jefferson freed a total of nine slaves throughout his life; Robert, James, and John; and his alleged children with Sally; Beverly, Harriet, Madison, and Eston Hemings; and Joseph Fossett and Burwell Colbert.⁶⁸⁴ All of the Hemings were given special treatment throughout their lives and granted their freedom specifically because of their familiar ties to Jefferson, but that did not explain Joseph Fossett and Burwell Colbert.

The Sally Hemings allegations are perhaps the greatest inconsistency regarding Jefferson's character, and recent studies have concluded that it would be hard for anyone *but* Jefferson to have fathered her children.⁶⁸⁵ But could there be a more specific reason why Jefferson chose to free the slaves that he did? As previously explained about Robert, James, and John Hemings, they all share something in common other than just being the brothers of Sally; they were all self-sufficient. Could Jefferson have freed them over other slaves because of their trades and in addition to their heritage? Could this also be why the others were specifically freed as well? When combined with Jefferson's views expressed previously, believing "to abandon persons whose habits have been formed in slavery is like abandoning children,"⁶⁸⁶ there is a justification—besides the crippling debt his estate was burdened with—why Jefferson

⁶⁸⁴ Gordon-Reed, *The Hemingses of Monticello*, 115.

⁶⁸⁵ The longstanding counter rumor that Sally Hemings children were fathered by Peter Carr was shattered in 1998 by DNA testing proving a direct genetic link between the Jefferson family and Hemings descendants. However, it is critical to note that the test did not specify Thomas Jefferson as the sole possible father, and even if he did father Eston Hemings (whose descendants the genetic testing was done through), that does not suggest he fathered all her children as it was common for enslaved women to have multiple partners. Critics to the DNA testing suggest that the Jefferson in question is most likely Thomas Jefferson's younger brother, Randolph Jefferson.

⁶⁸⁶ Jefferson to Edward Bancroft. January 26, 1789.

manumitted the Hemings and none of his other slaves. Among the freed men were Burwell, Joseph Fossett, and John Hemings.

Each of the Hemings had skills and trades that could be translated outside of Monticello, thus allowing them to contribute towards society, a condition that Jefferson did not believe most blacks could have achieved. Burwell, who had been Jefferson's personal valet for many years, also received “\$300 to aid him in his trade of painter and glazier.”⁶⁸⁷ Joe Fossett had been an iron craftsman and blacksmith on Monticello. John Hemings, the fifty-one-year-old half-brother of Sally Hemings, had been Jefferson's cabinetmaker.⁶⁸⁸ Jefferson's codicil left John Hemings “the services of his two apprentices, Madison and Eston Hemings, until their respective ages of twenty-one years, at which period, respectively, . . . [Jefferson would] give them their freedom.”⁶⁸⁹ Madison, who was already twenty-one, and Eston, who was eighteen, were the sons of Sally Hemings and the alleged sons of Thomas Jefferson.

Sally Hemings was three-fourths white, a quadroon, and described by Isaac Jefferson as “mighty near white” with “straight hair down her back.”⁶⁹⁰ If Randolph Jefferson had fathered her children, then the children would be one-eighth black, thus they could be “white enough” to assimilate. For example, Virginia’s Court of Appeals freed slaves named Mary and Bess Jenkins because they “had a tawny complexion, with long straight black hair.”⁶⁹¹ Sally’s two oldest children, Beverly and Harriet, were able to pass themselves off as white when they ran away from Monticello and married white people who had no idea of their true origin, a path that Eston would also follow when he was freed.⁶⁹²

⁶⁸⁷ Adair, *Fame and the Founding Fathers*, 163.

⁶⁸⁸ Brodie, *Thomas Jefferson: An Intimate History*, 630.

⁶⁸⁹ Codicil to Jefferson's will, quoted in Adair, *Fame and the Founding Fathers*, 165.

⁶⁹⁰ Gordon-Reed, *The Hemingses of Monticello*, 271.

⁶⁹¹ “Jenkins v. Tom,” in Catterall, ed., *Judicial Cases Concerning American Slavery*, vol. 1, 99-100.

⁶⁹² Gordon-Reed, *The Hemingses of Monticello*, 285, 601.

Eston, who was clearly genetically “whiter” than his mother, was described by those who knew him as a “light bronzed color” with “a visible admixture of negro blood.” His brother Madison was said to have a similar appearance, though he also had light grey eyes.⁶⁹³ While Madison was the only one of Jefferson’s alleged children not to identify as white by choice, he did marry a woman, fair-skinned enough that their children would be able to pass into the white world.⁶⁹⁴ In a letter to Francis Gray, Jefferson mathematically broke down just how much white blood it took to make a black person white, citing that one-eighth black is enough to be constituted as white, and as such, “When such a person is freed, they are a free white citizen of the United States.”⁶⁹⁵

It is quite possible that Jefferson was motivated to free the Hemings because, by Virginia law, they were considered white, only being enslaved due to the status of their mother.⁶⁹⁶ But, Beverely was never *technically* freed. He simply ran away, a trait his sister Harriet shared as well. Harriet had spent much of her time working in Jefferson’s small textile operation, being taught, like all daughters learning, how to sew and do domestic tasks to prepare her to be a successful wife and mother, which is what she turned out to be.⁶⁹⁷ It would not be hard to imagine she had no difficulty finding a husband as some observers often described her as “very beautiful” and, by others, “very handsome.”⁶⁹⁸

Captain Edmund Bacon, the former overseer at Monticello, confirmed the long-standing rumor that Harriet was allowed to “run-away” in 1822. “He freed one girl,” Bacon told Pierson, “some years before he died, and there was a great deal of talk about it. She was nearly as white

⁶⁹³ Ibid., 271.

⁶⁹⁴ Gordon-Reed, *The Hemingses of Monticello*, 335.

⁶⁹⁵ Thomas Jefferson to Francis Gray, 4 March 1815.

⁶⁹⁶ Gordon-Reed, *The Hemingses of Monticello*, 597.

⁶⁹⁷ Ibid., 598.

⁶⁹⁸ Ibid., 605.

as anybody and very beautiful.”⁶⁹⁹ At the that time, she stayed with a relative and eventually “passed” into white society. This fact was confirmed by Madison Hemings and in Jefferson's *Farm Book*. Bacon also confirmed that Jefferson was not Harriet's father. “People said he freed her because she was his own daughter. She was not his daughter; she was . . .'s daughter. I know that. I have seen him come out of her mother's room many a morning.”⁷⁰⁰ Madison Hemings further cemented Harriet’s ability to assimilate by claiming:

Harriet married a white man in good standing in Washington City, whose name I could give but will not, for prudential reasons. She raised a family of children, and so far as I know, they were never suspected of being tainted with African blood in the community where she lived or lives.⁷⁰¹

Jefferson and his daughter, following his death, could have employed slave catchers to bring them back to be sold to pay off Jefferson’s debt, but they allowed them to remain free because they were white and, thus, could assimilate. However, not only was Beverly predominately white, he also showed signs of self-sufficiency and entrepreneurship when he was eight, selling three quarts of strawberries to the household in 1806.⁷⁰² Additionally, like his brothers, Madison and Eston, Beverly was trained in carpentry by his uncle, John Hemings.⁷⁰³ Jefferson’s records indicate that Beverly left Monticello a few months before Harriet in 1822. Whether there was coordination between the two is up for debate, but Jefferson made no effort to go after them, even though Harriet took fifty dollars with her.⁷⁰⁴

⁶⁹⁹ Hamilton W. Pierson, *Jefferson at Monticello; The Private Life of Thomas Jefferson* (New York: Books for Libraries Press, 1971), 110.

⁷⁰⁰ Pierson, *Jefferson at Monticello*, 110.

⁷⁰¹ “Life Among the Lowly, No. 1,” *Pike County Ohio Republican*. 13 March 1873, quoted in Brodie, *Thomas Jefferson: An Intimate History*, 640.

⁷⁰² Gordon-Reed, *The Hemingses of Monticello*, 608.

⁷⁰³ *Ibid.*, 96.

⁷⁰⁴ *Ibid.*, 643.

This begs the question as to why Jefferson, a man who repeatedly proclaimed that blacks and whites could not live together in the United States and that people of African origin should be repatriated to another country, would ask the legislature to allow these freed slaves to not only remain in America but in Virginia during a time when the American Colonization Society was up and running already? The answer lies with their skin color; they were all fair-skinned enough to be able to assimilate into white society, where Jefferson believed they would not be burdened by the “ten thousand recollections” of their ancestors.

On the other hand, Robert Hemings, whom Jefferson had inherited from his father-in-law, John Wayles, who is now generally recognized to be Hemings’s father, was the first slave Jefferson ever formally released.⁷⁰⁵ As Sally Hemings’ half-brothers, both Robert and James would have also been three-fourths white as well. From his days at William and Mary and before, Jefferson had been attended by his boyhood enslaved companion, Jupiter Evans. However, after his marriage, he replaced Evans with Robert Hemings despite Robert’s youth. The closest reason given for switching a thirty-one-year-old for a twelve-year-old was by Jefferson’s grandson, Thomas Jefferson Randolph, claiming it was because of Hemings's talent and intelligence.⁷⁰⁶ From then on, Robert served as Jefferson’s body servant and accompanied Jefferson to Philadelphia in 1775 and 1776.

Jefferson was warm towards Robert, describing him as a “bright mulatto,” and even had his own physician, Dr. William Shippen, inoculate him against smallpox.⁷⁰⁷ Robert would continue to be Jefferson’s right-hand man, accompanying him everywhere he went until

⁷⁰⁵ "Memorandum Books, 1773," *Founders Online*, National Archives, <https://founders.archives.gov/documents/Jefferson/02-01-02-0007>.

⁷⁰⁶ Gordon-Reed, *The Hemingses of Monticello*, 124-125.

⁷⁰⁷ James A. Bear, Hamilton Wilcox Pierson, and Isaac Jefferson, *Jefferson at Monticello*, (United States: University Press of Virginia, 1967), 4.

Jefferson left for Paris in 1784. The ad Jefferson placed for Robert's position in 1791 described his duties as a "Genteel Servant, who can shave and dress well, attend a gentleman on horseback, wait at table, and be well recommended."⁷⁰⁸ Or, as Jefferson wrote to a friend, he sought someone to "shave, dress and follow me on horseback."⁷⁰⁹ Since Hemings received some months of training under a barber in Annapolis in 1784, he may have given Jefferson his morning shave during that time. It appears that Hemings also drove Jefferson's phaeton when the need arose.⁷¹⁰

While Jefferson was away, Robert found employment as an enslaved servant, keeping his wages for himself. Soon, "Bob's business has been hastened into such a situation" that Jefferson found it difficult for him to "reject it."⁷¹¹ Robert Hemings's sale is important as it was primarily just that, a transaction. Jefferson did not emancipate Robert Hemings; he sold Hemings to Dr. George Frederick Stras, a French émigré living in Richmond, who agreed to advance the purchase price of Hemings's freedom, while Hemings agreed to pay his debt to Stras with service.

Jefferson felt that Stras had "debauched" him and had been valued too low (£60, or \$200), especially considering the loss of his service "for 11 or 12 years past."⁷¹² However, Jefferson respected Stra too much to fight the evaluation. The deed of manumission, which Stras kept until Hemings paid for his freedom in service, was signed at Monticello on December 24, 1794. This is critical: Jefferson sold Robert Hemings, and it was Dr. Stras who executed the manumission; everything else is based on a technicality. However, for arguments, to consider

⁷⁰⁸ *Philadelphia General Advertiser*, January 7, 1791.

⁷⁰⁹ Jefferson to Daniel Hylton, February 5, 1792.

⁷¹⁰ Bear, Pierson, and Jefferson, *Jefferson at Monticello*, 3, 6, 13.

⁷¹¹ Jefferson to Thomas Mann Randolph, 26 December 1794.

⁷¹² Jefferson to Thomas Mann Randolph, 26 December 1794.

that it was Jefferson that fully executed the manumission, why would he? The answer to this rests with Robert's brother James.

Jefferson's emancipation of James Hemings follows many of the same patterns as Robert's. While Jefferson was away following Benedict Arnold's threatened attack on Richmond, James hired himself out and kept his wages.⁷¹³ When Jefferson was appointed as the American minister to France, he had a "particular purpose" for requesting James to join him. During his time with Jefferson in Paris, James Hemings received extensive training in French culinary under the supervision of Monsieur Combeaux, a prominent caterer and restaurateur. He then honed his skills through various apprenticeships with skilled pastry chefs and later as a cook in the household of the Prince de Condé.

Following three years of dedicated study, he assumed the prestigious position of head chef at the Hôtel de Langeac, which served as both Jefferson's residence and the American embassy in Paris. In this capacity, Hemings prepared and presented his culinary creations to a diverse array of guests, including international dignitaries, diplomats, renowned authors, eminent scientists, and European nobility.⁷¹⁴ Using his wages of twenty-four livres a month, James hired a tutor to teach him the French language.

When they returned to the United States in 1789, James was still enslaved, even if he would have been freed under French law. When the Capitol was moved to Philadelphia, Hemings followed Jefferson there as well. While there, Hemings prepared extravagant dinners for a prestigious clientele that included the President, European diplomats, Jefferson's fellow cabinet members, congressmen, and numerous national and international guests. Notably,

⁷¹³ Lucia Stanton, *Free Some Day: The African-American Families of Monticello* (Charlottesville: Thomas Jefferson Foundation, 2000), 170.

⁷¹⁴ Lucia Stanton, "How Were the Monticello Cooks Trained," in *Dining at Monticello*, ed. Damon Lee Fowler (Charlottesville: Thomas Jefferson Foundation, 2005), 40.

Hemings' monthly wage amounted to seven dollars, a compensation level equivalent to what Jefferson paid his free staff members. Among the household employees, only Adrien Petit, the French butler responsible for managing the household, received a higher salary.

Additionally, Hemings frequently received "market money," signifying his role in procuring supplies for the kitchen and engaging with both free and enslaved laborers and tradesmen. Because of Hemings' education, it is plausible that he was aware of the possibility of legally gaining his freedom while residing in Philadelphia. Pennsylvania law stated that "If a slave is brought into the State and continues therein for the space of six months, he may claim his freedom..."⁷¹⁵ There were instances when Hemings was in Philadelphia over six months, such as the period from October 22, 1791, to July 13, 1792, when his name appeared regularly in Jefferson's accounting records as doing much of the marketing.⁷¹⁶ It is unclear exactly how the manumission came to be, but Jefferson agreed to manumit Hemings if he returned to Monticello to train his brother, Peter, in his culinary skills:

Having been at great expence in having James Hemings taught the art of cookery, disiring to befriend him, and to require from him as little in return as possible, I do hereby promise & declare, that if the said James shall go with me to Monticello in the course of the ensuing winter, when I go to reside there myself, and shall there continue until he shall have taught such persons as I shall place under him for the purpose to be a good cook, this previous condition being performed, he shall be thereupon made free, and I will thereupon execute all proper instruments to make him free.⁷¹⁷

As Malone wrote, Jefferson only freed a slave when "that individual was prepared for freedom in his opinion."⁷¹⁸ Following his manumission, Hemings found work in a Baltimore tavern as a chef. However, tragedy struck five years later when Hemings committed suicide at the age of thirty-six. Only one explanation was given, "the General opinion that drinking too

⁷¹⁵ T.H. Breen, *George Washington's Journey* (New York: Simon & Schuster, 2016), 232.

⁷¹⁶ *MB*, 2:836-75. Transcriptions for 1791 and 1792 available at Founders Online.

⁷¹⁷ Declaration, 15 Sept. 1793, in Betts, ed., *Jefferson's Farm Book*, 15-16.

⁷¹⁸ Malone, *Jefferson and the Ordeal of Liberty*, 208.

freely was the cause.”⁷¹⁹ Jefferson, reasonably fond of James, must have been devastated and must have felt greatly responsible for the death of the young man. The nature of James Hemings’ suicide is important as it coincides with Jefferson’s view of manumission and how that affected blacks. Alf Mapp declares that Jefferson “would not free his own slaves so long as he lived because the laws of Virginia then exiled freed slaves.”⁷²⁰ While Hemings did visit Monticello on occasion, his infrequent visits to his family no doubt played a role in his deteriorating psyche.

Jefferson also freed Robert and James’ half-brother, John Hemings. John is suspected of being the offspring of Irishman Joseph Neilson, the Monticello out-carpenter responsible for tree falling, constructing log cabins, and building fences. John’s training was predominately overseen by Irishman James Dinsmore, Monticello’s head-joiner or head carpenter. When Dinsmore left the position, it was John who replaced him. John’s woodworking skills were remarkable; Edmund Bacon, Monticello’s overseer, considered him a “first-rate” carpenter, who made most of the “woodwork of Mr. Jefferson’s fine carriage,”⁷²¹ even building various pieces of furniture and construction at Jefferson’s Poplar Forest.

John had plenty of opportunities to learn the job, as Jefferson always had projects in mind for Monticello. John was also literate, regularly corresponding with Jefferson, demonstrating his deep respect and loyalty to the former president. In his letters, John sometimes reported on the misdeeds of other slaves, including theft from Jefferson. Jefferson, in turn, held John in high regard and had a strong affection for him.⁷²² Around 1819, John took his sister, Sally Hemings’s sons, James “Madison” Hemings and Thomas “Eston” Hemings, to be his apprentices. Madison

⁷¹⁹ Jefferson to Evans, 1 November 1801; Evans to Jefferson, 5 November 1801.

⁷²⁰ Mapp, *A Strange Case of Mistaken Identity*, 407.

⁷²¹ Hamilton Wilcox Pierson, "Jefferson at Monticello: The Private Life of Thomas Jefferson," in *Jefferson at Monticello*, ed. James A. Bear (Charlottesville: University Press of Virginia, 1967), 101-2.

⁷²² Robert L. Self and Susan R. Stein, “The Collaboration of Thomas Jefferson and John Hemings: Furniture Attributed to the Monticello Joinery,” *Winterthur Portfolio* 33, no. 4, 1998: 231–48.

reflected within his memoirs that, “When I was fourteen years old, I was put to the carpenter trade under the charge of John Hemings, the youngest son of my grandmother.”⁷²³

When Jefferson died in 1826, his codicil freed not only John but also his apprentices, Madison and Eston, all of whom were capable carpenters and, thus, able to become self-sufficient. Eston’s skills did not end with carpentry, as he also learned the violin and piano. He was widely considered to be the most talented at Monticello, and his skill translated into a very successful career as a professional musician when he left Monticello.⁷²⁴ The argument stands that if Eston was able to blend into white society, his older brother Madison would theoretically be white enough to blend in as well.

The 1782 Virginia law that allowed private manumission specifically forbade the freeing of slaves under the age of twenty-one and over the age of forty-five without making express provision for their support. While John Hemings and Joseph Fossett were over the limit, they were established tradesmen and were given places to live and enough land to grow their own food.⁷²⁵

While not directly a Hemings, Burwell Colbert was first cousins with James and even worked as a nail boy with him.⁷²⁶ As previously demonstrated, each Hemings was reasonably fair-skinned, but was that the same for Colbert and Fossett? Europeans visiting Monticello in the 1790s were stunned upon seeing Colbert and Fossett, with the Comte de Volney observing that they were “as white as he was.”⁷²⁷ When Jefferson’s will was enacted, Burwell Colbert was listed as the first to be freed and given three hundred dollars. Then, both John Hemings and

⁷²³ Gordon-Reed, *Thomas Jefferson and Sally Hemings*, 246-47.

⁷²⁴ Gordon-Reed, *The Hemingses of Monticello*, 97.

⁷²⁵ *Ibid.*, 658.

⁷²⁶ *Ibid.*, 579.

⁷²⁷ *Ibid.*, 510.

Joseph Fosset were to be freed one year after his death with all the tools of their trade. All three men were to be given life estates in houses and one acre of land, under the condition they were near their wives and most likely place of employment, the University of Virginia.⁷²⁸

I give also to John Hemings the service of his two apprentices, Madison and Eston Hemings, until their respective ages of twenty-one years, at which period respectively, I give them their freedom. And I humbly and earnestly request of the legislature of Virginia a confirmation of the bequest of freedom to these servants, with permission to remain in this state where their families and connections are, as an additional instance of the favor of which I have received so many other manifestations, in the course of my life, and for which I now give them my last, solemn, and dutiful thanks.⁷²⁹

Joseph Neilson's apprentice, William Fossett, fathered Joseph Fossett with Mary Hemings.⁷³⁰ There is debate as to the nature of the relationship between William and Mary, given the power dynamic between a white Monticello working man and an enslaved woman. Still, it can be deduced by the fact that Joseph named one of his sons, William, that he had a positive relationship with his father rather than a hostile one. Like the other freed slaves of Jefferson, Fossett was also predominately white, which allowed him to assimilate. He also had skills that translated over to where he would not become a burden on society. Fossett was made the head of the blacksmith shop at Monticello, which allowed him to work on his own time, keeping the money he earned.⁷³¹ There is a clear theme among all of the slaves that Jefferson freed throughout his life: they were all incredibly fair-skinned and had skills that could translate to them not becoming dependent on the state. As previously stated, Jefferson believed that "to give liberty to, or rather, to abandon persons whose habits have been formed in slavery is like abandoning children."⁷³²

⁷²⁸ Ibid., 647.

⁷²⁹ Thomas Jefferson: Will and Codicil, 16-17 Mar. 1826, March 16, 1826.

⁷³⁰ Gordon-Reed, *The Hemingses of Monticello*, 126.

⁷³¹ Ibid., 638.

⁷³² Jefferson to Edward Bancroft, January 26, 1789.

However, Jefferson viewed blacks as barely more self-sufficient than white toddlers. Jefferson did not believe that slaves should just be emancipated; there had to be a plan in place, and the public had to be ready. Randall writes that Jefferson “considered it irresponsible, indeed cruel, to turn loose his slaves until they were self-sufficient and prepared to remain free.”⁷³³ This sentiment is shared with Malone, who wrote that when Jefferson “freed a particular slave, that individual was prepared for freedom in his opinion, and had a good place to go to.”⁷³⁴ This is why Jefferson believed that colonization was the only solution; a solution was not feasible at the time. Thus, the timing and planning were everything in this regard.

Coles did inevitably move west with his slaves, freeing them during the journey, knowing they would not be welcome in Virginia as free men.⁷³⁵ Laws permitting manumission had been tightened again, making it more difficult for individuals to free their own people.⁷³⁶ Abolition societies faced harassment since the example of free blacks and the agitation for emancipation laws were subversive in a slave society, causing unrest among slaves who hoped for freedom.⁷³⁷

Twelve years later, Jefferson again referred to time and implied future generations when James Heaton urged him to act on slavery. Jefferson believed that “a good cause is often injured more by ill-timed efforts of its friends than by the arguments of its enemies. Persuasion, perseverance, and patience are the best advocates on questions depending on the will of others.” Jefferson still believed that public opinion was too divided on the issue and that a revolution in this cause “could not be expected in a day, or perhaps in an age” but Jefferson was hopeful that “time, which outlives all things, will outlive this evil also.”⁷³⁸

⁷³³ Randall, *Thomas Jefferson: A Life*, 591.

⁷³⁴ Malone, *Jefferson and the Ordeal of Liberty*, 208.

⁷³⁵ Dan Monroe, *Edward Coles, Patrician Emancipator*, www.lib.niu.edu/2005/ihtl210502

⁷³⁶ Berlin, *Slaves Without Masters*, 101.

⁷³⁷ Davis, *The Problem of Slavery*. 207, and Frank Matthias, "John Randolph's Freedmen: The Thwarting of a Will," *The Journal of Southern History* 39, no. 2 (May 1973) 267.

⁷³⁸ Thomas Jefferson to James Heaton, May 20, 1826.

There were other signs of optimism towards the changing of the ‘public mind’ when Marquis de Lafayette returned to the United States in 1824, two years before Jefferson died. Upon hearing of Lafayette’s return to America, Thomas Jefferson warmly welcomed his old friend to Monticello. Marquis’ arrival was met with great excitement, with revolutionary banners and “martial trumpets” escorting him.⁷³⁹ Despite their advanced age and mobility, both men rushed towards each other as they were moved to tears. Lafayette resided at Monticello for the following two weeks, engaging in a banquet held in his honor attended by President Monroe, James Madison, and Jefferson, and they drank toasts to the passionate anti-slavery Frenchman.

Earlier, Lafayette had suggested an idea for private manumissions, suggesting the establishment of small estates where freed blacks could work as independent tenants. Lafayette had personally vouched for James Armistead when he won his freedom after the war ended, writing, “He perfectly acquitted himself and appears to me entitled to every reward his situation can admit of.”⁷⁴⁰ Lafayette's experience with men like James Armistead encouraged him to consider ways to free the slaves, and he encouraged Washington to consider manumission.⁷⁴¹

Washington wrote to Marquis in favor of the proposal:

The scheme, my dear Marquis, which you propose as a precedent to encourage emancipation of the black people of this country from that state of Bondage in which they are held, is striking evidence of that benevolence of your Heart. I shall be happy to join you in so laudable a work.⁷⁴²

Lafayette’s visit to the US had a significant impact on him. He departed the country with a firm belief that emancipation was bound to happen because Virginia’s privileged no longer

⁷³⁹ Saul K. Padover, *Jefferson: A Great American’s Life and Ideas* (N.Y.: Mentor, 1952), 180. Another account of Lafayette’s visit may be found in Malone, *Jefferson and His Time*, 402-408.

⁷⁴⁰ Sidney Kaplan and Emma Nogrady Kaplan, *The Black Presence in the Era of the American Revolution* (United States: University of Massachusetts Press, 1989), 39.

⁷⁴¹ MacLeod, *Slavery and Race*, 131-32.

⁷⁴² Washington to Lafayette, Head Quarters, Newburgh, April 5, 1783; *George Washington: Writings*, ed. John Rhodehamel (N.Y.: Library of America, 1997), 510.

advocated for the institution. After an extensive discussion with Madison at Montpelier, Lafayette decided that: “It seems to me that slavery cannot subsist much longer in Virginia; for the principle is condemned by all enlightened men; and when public opinion condemns a principle, its consequences cannot long continue.”⁷⁴³ Lafayette was convinced, just like Jefferson believed, that when an enlightened society rejects a harmful principle such as slavery, its eventual demise becomes inevitable.

However, it must then be asked why Jefferson, who no doubt considered himself to be enlightened, did not free his own slaves as did George Wythe’s other students, Robert Carter III and John Randolph of Roanoke. Jefferson had already demonstrated his willingness to manumit slaves with the Hemings brothers, so why did he not free the others? As previously mentioned, nearly all of the slaves freed by Jefferson were incredibly fair-skinned and had skills that could translate, but there were problems that had to be addressed. Jefferson’s supposed hypocrisy was not lost on him nor other Founding Fathers, as Patrick Henry proclaimed, “Every thinking honest man rejects it (Slavery) in speculation, how few in practice? Would anyone believe I am Master of slavery of my own purchases? I am drawn along by general inconvenience of living without them; I will not justify it.”⁷⁴⁴

Jefferson’s Finances

The most held belief as to why Jefferson did not free his slaves was the mountain of debt he had accumulated throughout his life. While Jefferson had inherited a fair amount of wealth from the death of his father-in-law, John Wayles, he also inherited a staggering amount of debt with it. As executors of Wayles’ will, Jefferson and his brothers-in-law decided it would be best

⁷⁴³ Auguste Levasseur, *Lafayette in America in 1824 and 1825: or Journals of Travels in the United States*, vol. 1 (New York: White, Galaher & White, 1829), 222.

⁷⁴⁴ Wilkins, *Jefferson's Pillow*, 136-137.

to sell assets and pay the debt off as quickly as possible to avoid wasteful interest payments and to settle their accounts. From there, Jefferson and his coexecutors divided the estate, taking their fair share of land and slaves.

Unfortunately, there was a severe miscalculation on Jefferson's part. Because the executors gave themselves the Wayles' assets before the estate paid the creditors, each executor was now personally liable for repayment of the debts. Had they kept the assets within the estate, the creditors would have to satisfy themselves within the estate alone and could not have gone after the executors.⁷⁴⁵ As Jefferson prepared to return home from Paris, the "Wayles debt," as he referred to it, threatened to overcome him financially.⁷⁴⁶

Jefferson was notorious for his expensive tastes, his wine, his paintings, and his furniture or Monticello's numerous construction projects. Garry Wills points out that while in France, "Jefferson went on a buying spree" that "was staggering in its intensity. At times, it must have looked as if he meant to take much of Paris back with him to his mountain 'château."⁷⁴⁷ When he left France, he shipped eighty-six large crates back to the United States. His treasures included "sixty-three oil paintings, seven busts by Houdon, forty-eight formal chairs, Sevres table sculptures of biscuit, damask hangings, four full-length mirrors in gilt frames, four marble-topped tables, 120 porcelain plates, and numberless items of personal luxury."⁷⁴⁸

In 1790, Jefferson was forced to sell some fifty slaves to pay the debts that grew out of his luxurious lifestyle. At the time of his death in 1826, Jefferson's debt amounted to over \$100,000, worth somewhere over two million dollars in 2017.⁷⁴⁹ Under Virginia law, a creditor

⁷⁴⁵ Gordon-Reed, *The Hemingses of Monticello*, 316-17.

⁷⁴⁶ Herbert E. Sloan, *Principle and Interest: Thomas Jefferson and the Problem of Debt* (New York, 1995), 13-14.

⁷⁴⁷ Garry Wills, "The Aesthete," *New York Review of Books* 40 (Aug. 12, 1993): 6.

⁷⁴⁸ *Ibid.*

⁷⁴⁹ Steven Ha Hochman, "Thomas Jefferson: A Personal Financial Biography" PhD diss., (University of Virginia, 1987), 235. Conversion made with data from the Reserve Bank of Minneapolis Inflation Rates.

had a claim against any emancipated slave if the estate lacked sufficient assets to settle the debts of the deceased.⁷⁵⁰ His debt was one that plagued him for most of his life. By 1787, Jefferson was “deeply in debt” and sold some of his slaves to try to ameliorate his financial troubles. A portion of a letter to his plantation manager serves as evidence:

The torment of mind I endure till the moment shall arrive when I shall not owe a shilling on earth is such really as to render life of little value. I cannot decide to sell my lands. I have sold too much of them already, and they are the only sure provision for my children, nor would I willingly sell the slaves as long as there remains any prospect of paying my debts with their labor. In this, I am governed solely by views to their happiness which will render it worth their while to use extraordinary exertions for some time to enable me to put them ultimately on an easier footing, which I will do the moment they have paid the due from the estate, two-thirds of which have been contracted by purchasing them.⁷⁵¹

Jefferson’s financial woes continued until, arguably, one of the most bittersweet moments of his life in 1815, when he was forced to sell his personal library of 6,847 books to the Library of Congress.⁷⁵²

However, Jefferson’s principles did come into direct conflict with his extravagant lifestyle, particularly the architecture of Monticello and the University of Virginia. Within *Jefferson's Lost Cause*, Kenney explains that following Jefferson’s retirement after his presidency, he initiated the construction of two sets of neo-Palladian pavilions that faced each other across the lawn at the University of Virginia. These pavilions flanked a larger rotunda compared to the one at Monticello, and it was explicitly designed for educational purposes. The previous domestic version of this space had contained the parlor and a collection of instructive portraits.

⁷⁵⁰ “An Act reducing into one, the several acts concern Slaves, Free Negroes and Mulattoes,” enacted Mar. 2, 1819, sec. 54, 1 Revised Code of Virgin 421 [Richmond, 1819], 434.

⁷⁵¹ Thomas Jefferson to Nicholas Lewis, July 29, 1787.

⁷⁵² Gordon-Reed, *The Hemingses of Monticello*, 630.

The new rotunda, with its imposing dome at the center of the university's layout, housed classrooms and the library. However, Jefferson's vision extended beyond just the faculty; he aimed to make the entire “academical village” exemplary. These pavilions served as templates, which could be replicated like paper dolls by builders throughout the South. They became symbolic of the plantation system during its prosperous and enduring phase, leaving a lasting architectural legacy evident even in places as far as Austin, Texas.

The most extravagant examples can be found in Middle Tennessee, where favorable conditions in terms of soil and agriculture allowed the plantation system to thrive. Jefferson's early architectural pursuits conveyed a different message. His first architectural project was the cabin at Monticello, characterized by a steep-pitched gable roof, to which he brought his bride during a snowstorm in 1772. The cabin was relatively small, measuring eighteen square feet, and situated over a traditional hill-country half basement. These dimensions were already customary among the upland yeoman. Even as Jefferson achieved eminence and greater wealth, he preserved this modest yeoman's house as the “south outchamber” within the Monticello plantation complex.

Towards the end of his life, Jefferson confided in Madison that a “long succession of stunted crops” and the overall deterioration of the land and farming were pushing him to contemplate selling Monticello and relocating to a cabin in Bedford County. He was burdened by mortgage debt, and although he managed to meet interest payments to creditors by selling enslaved individuals, the land itself had suffered from erosion and was unsuitable for sale even at reduced prices. Fortunately, it did not come to that extreme; Jefferson successfully managed his financial obligations until his passing and never had to revert to living in a log cabin.⁷⁵³

⁷⁵³ Kennedy, *Mr. Jefferson's Lost Cause*, 38.

As previously explained in Chapter One, Jefferson had many different goals than George Wythe's other students and relied on his wealth to achieve those. However, more clarity will be provided regarding Jefferson's mindset. Jefferson was politically ambitious and relied on the Southern aristocracy, regardless of how he felt about it, to support him. The Southern ethic defined status by ownership of land and slaves, and by service to the colony in military and political capacities.⁷⁵⁴

While Jefferson had undoubtedly made his positions on slavery clear, if he had acted on those beliefs, it would have made him a political target from his own culture. One example of such was as he began his drive for the presidency, he asked that an American publication of his *Notes on Virginia* not include references to slavery, which "might produce irritation." When the objectionable passages did become public and caused the expected outcry in the Carolinas and Georgia, he claimed he had no intention of acting on principles that might threaten slave-owning interests.⁷⁵⁵ Recall that manumission was also exceptionally difficult; laws allowing manumission were tightened again, making it more difficult for individuals to free their own people.⁷⁵⁶ Abolition societies faced harassment since the example of free blacks and the agitation for emancipation laws were subversive in a slave society, causing unrest among slaves who hoped for freedom.⁷⁵⁷

Perhaps the better question is not why Jefferson did *not* free his slaves, but rather why would he? Where would a Virginian slave, emancipated, go, and what would that slave do? The situation of free Blacks in the North, where slavery ended in 1804, was far from ideal. While

⁷⁵⁴ C. Vann Woodward, "The Southern Ethic in a Puritan World." *William and Mary Quarterly*. Third Series, 25:3 (Jul. 1968), 362.

⁷⁵⁵ Kennedy, *Mr. Jefferson's Lost Cause*, 74-75.

⁷⁵⁶ Berlin, *Slaves without Masters*, 101.

⁷⁵⁷ Davis, *The Problem of Slavery*, 207, and Matthias, "John Randolph's Freedmen," 267.

they theoretically possessed full civil rights, these rights were often only on paper, as White individuals regularly hindered them. This continuous denial of opportunities reinforced the perception of Black inferiority. For example, Blacks had the right to vote only in theory. This is most likely why Thomas Jefferson chose to free so few of his slaves. Those he did emancipate were members of the Hemings family, who, as previously explained in Chapter 3, were predominately of white complexion rather than black and possessed skills that could potentially enable them to thrive in White society if they so wished. As previously explained, consider the tragic fate of culinary expert James Hemings, who managed to purchase his freedom from Jefferson yet sadly took his own life shortly thereafter. Recall again the letter to Edward Bancroft, where Jefferson explained, “To give liberty to, or rather, to abandon persons whose habits have been formed in slavery is like abandoning children.”⁷⁵⁸ And again, within his letter to Edward Coles:

For men probably of any color, but of this color we know, brought from their infancy without necessity for thought or forecast, are by their habits rendered as incapable as children of taking care of themselves and are extinguished promptly wherever industry is necessary for raising young.... My opinion has ever been that, until more can be done for them, we should endeavor, with those whom fortune has thrown on our hands, to feed and clothe them well, protect them from all ill-usage, require such reasonable labor only as is performed voluntarily by freemen, & be led by no repugnancies to abdicate them, and our duties to them. The laws do not permit us to turn them loose, if that were for their good: and to commute them for other property is to commit them to those whose usage of them we cannot control.⁷⁵⁹

Jefferson undoubtedly developed paternalism towards not just blacks but slaves as he clearly demonstrates that all persons of any race, brought up as slaves, will be “incapable as children.”

⁷⁵⁸ Jefferson to Edward Bancroft, January 26, 1789.

⁷⁵⁹ Jefferson to Edward Coles, August 25, 1814.

However, the slave's helplessness once emancipated was not the only concern of Jefferson's. Recall Jefferson's chilling warning from Query XIV in *Notes*, as explained in Chapter 3:

Why not retain and incorporate the blacks into the state...? Deep-rooted prejudices entertained by the whites; ten thousand recollections by the blacks of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances, will divide us into parties, and produce convulsions which will probably never end but in the extermination of the one or the other race.⁷⁶⁰

These fears not only came to fruition with the Haitian Revolution but also in Jefferson's own home state, Virginia. In September 1800, Jefferson received a letter from James Monroe informing him of Gabriel's conspiracy.⁷⁶¹ Gabriel, a young, intelligent black belonging to Thomas Prosser, aimed to lead a slave revolt in Richmond. Gabriel, who was taught to read and write, however, postponed the uprising due to inclement weather. Two slaves who caught wind of the rebellion told their slave owner about it and the plot—which might have entailed capturing Governor James Monroe and holding him hostage until certain demands were met.⁷⁶² Monroe was then informed on August 30, 1800, that a twenty-four major slave revolt was planned for that evening.⁷⁶³ 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

⁷⁶⁰ *Notes*, 138.

⁷⁶¹ Monroe to Jefferson, September 9, 1800, in *The Writings of James Monroe*, ed. Stanislaus Murray Hamilton, 7 vols. New York: G. P. Putnam's Sons, 1898-1903), 3:205.

⁷⁶² Douglas R. Egerton, *Gabriel's Rebellion: The Virginia Conspiracies of 1800 and 1802* (Chapel Hill, NC: University of North Carolina Press, 1993), 21–22.

⁷⁶³ Mosby Sheppard to the Governor [Monroe], 30 August 1800, eds. Palmer, McRae, and Flournoy, *Calendar of Virginia State Papers*, 9s134.

few miles from Richmond. Apparently, a rainstorm forced the prospective rebels, twenty-four, to abandon their plan.⁷⁶⁴

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.⁷⁶⁵ 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. 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.”⁷⁶⁶ 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 slave.”⁷⁶⁷ Gabriel remained in custody, 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.”⁷⁶⁸ Monroe intended to take no chances.

Monroe understood that a slave's desire for freedom was natural and would only occur in violence, such as Gabriel's Rebellion, stating, “Unhappily while this class of people exists

⁷⁶⁴ Monroe's address to the Virginia legislature, December 5, 1800, Hamilton ed., *Monroe Writings*, 3:234-44; Harry Ammon, *James Monroe: The Quest for National Identity* (New York: McGraw-Hill Book Company, 1971), 185-86; Herbert Aptheker, *American Negro Slave Revolts* (New York: International Publishing Co., Inc., 1963), 219-21.

⁷⁶⁵ W. Bentley to the Governor [MonroeJ, 8 September 1800, eds. Palmer McRae, and Flournoy, *Calendar of Virginia State Papers*, 9:138.

⁷⁶⁶ Monroe to Colonel Thomas Newton, October 5, 1800, Hamilton, ed., *Monroe Writings*, 3:213.

⁷⁶⁷ Palmer, McRae, and Flournoy, eds., *Calendar of Virginia State Papers*, 9:152

⁷⁶⁸ Monroe's address to the legislature, 5 December 1800, Hamilton, ed., *Monroe Writings*, 3:241.

among us, we can never count with certainty on its tranquil submission.”⁷⁶⁹ Monroe described how dangerous Gabriel’s Rebellion was to Jefferson and defended the forceful actions he took: “It is unquestionably the most serious and formidable conspiracy we have ever known of the kind,” he explained, and we “made a display of our force and measures of defense with a view to intimidate those people.”⁷⁷⁰ Jefferson quickly responded, asking Monroe to be merciful to the militant blacks, as “the other states & the world at large will forever condemn us,” he cautioned, “if we indulge a principle of revenge, or go one step beyond absolute necessity.”⁷⁷¹ Instead, Jefferson suggested, at the request to remain anonymous, that exporting the enslaved population was the only “proper measure on this and all similar [occasions].”⁷⁷²

Monroe was thankful for Jefferson’s advice, but the Sage of Monticello’s words were not quick enough as by the time Monroe received his letter, he had already executed fifteen blacks.⁷⁷³ After receiving this news, Jefferson expressed his shame: “We are truly to be pitied.”⁷⁷⁴ Again, another example of the “ten thousand recollections, by the blacks, of the injuries they have sustained” Jefferson had mentioned in *Notes* that could ultimately lead to a race war if emancipation happened.⁷⁷⁵ Within Query VIII of *Notes*, Jefferson addresses the growing population of Virginia with a list of the number of “free inhabitants” of Virginia at the time of his writing as 296,852 and the number of “slaves” as 270,762. He then adds, “Under the mild treatment our slaves experience, and their wholesome, though coarse, food, this blot in our country increases as fast, or faster, than the whites.”⁷⁷⁶ These numbers, demonstrating an 11-to-

⁷⁶⁹ Monroe to the Speakers of the General Assembly, Dec. 5, 1800, *Writings of Monroe*, III, 243.

⁷⁷⁰ Monroe to Jefferson, September 15, 1800.

⁷⁷¹ Jefferson to Monroe, September 20, 1800.

⁷⁷² *Ibid.*

⁷⁷³ Monroe to Jefferson, September 22, 1800.

⁷⁷⁴ Jefferson to Benjamin Rush, September 23, 1800.

⁷⁷⁵ Jefferson, *Notes on Virginia*, 138.

⁷⁷⁶ *Ibid.*, 87.

10 ratio, combined with Jefferson's comments, showed a clear panic about a potential revolution that would make slaves out of slaveholders.

So, the question again becomes: why would Jefferson free his slaves? As explained in Chapter 3, Jefferson's nationalism for his republican experiment was his priority, and it shaped his governmental policies.⁷⁷⁷ Jefferson had wished that much of the United States governmental structure would at least gradually transform into a Jeffersonian republic characterized by freedom, economic prosperity, moral values, and peaceful relations with other nations. Jefferson believed that this model's success would inspire the growth of other Jeffersonian republics, creating an "empire for liberty" across the Americas and, eventually, in Europe.⁷⁷⁸

For Jefferson's experiment to work, the "public mind," led by the natural aristocrats, must be educated in some areas, including science. Recall Jefferson's "scientific" assessment of blacks in *Notes*, "The improvement of the blacks in body and mind, in the first instance of their mixture with the whites, has been observed by every one, and proves that their inferiority is not the effect merely of their condition of life."⁷⁷⁹ Jefferson elaborates further later in the Query, "Among the Romans, emancipation required but one effort. The slave, when made free, might mix with, without staining, the blood of his master. But with us, a second is necessary, unknown to history. When freed, he is to be removed beyond the reach of mixture."⁷⁸⁰ Thus, if miscegenation were to occur, the offspring would be inferior to whites, no longer associated with Jefferson's "natural aristocrats," whom Jefferson had anticipated to lead the nation. This, in turn, placed the entire Jefferson republican experiment at risk.

⁷⁷⁷ See Holowchak, "Jefferson's 'Great Experiment'", *Dutiful Correspondent: Philosophical Essays on Thomas Jefferson* (Lanham: Rowman & Littlefield, 2013), Chap. 2.

⁷⁷⁸ Jefferson to George Rogers Clark, Dec. 25, 1780, and Jefferson to James Madison, Apr. 27, 1809. See also M. Andrew Holowchak, *Jefferson's Political Philosophy and the Metaphysics of Utopia* (London: Brill, 2017), esp. Chaps. 5 and 6.

⁷⁷⁹ Jefferson, *Notes on Virginia*, 141.

⁷⁸⁰ *Ibid.*, 151.

The only logical conclusion then to the sphinx of slavery was deportation. As previously explained in Chapter 3, Jefferson had endorsed the American Colonization Society along with fellow UVA founders James Madison and James Monroe. Other prominent members were John Marshall, Daniel Webster, as well as Abraham Lincoln. However, was deportation *practical*? Jefferson reiterated his assessment of deportation from Query XIV in *Notes* to David Barrow, explaining that it would be a “long and difficult preparation” and that the “mind of the master is to be apprized by reflection, and strengthened by the energies of conscience, against the obstacles of self-interest to an acquiescence in the rights of others; that of the slave is to be prepared by instruction and habit for self-government, and for the honest pursuits of industry and social duty.”⁷⁸¹ As previously explained in Chapter 3, the mind of the master must be “educated” or *enlightened*, before the slave can be prepared for freedom. “It will yield in time to temperate and steady pursuit, to the enlargement of the human mind, and its advancement in science. We are not in a world ungoverned by the laws and the power of a superior agent. Our efforts are in his hand and directed by it; and he will give them their effect in his own time.”⁷⁸² This was the first obstacle that had to be overcome for emancipation, one that Jefferson was building towards with the development of UVA.

The next obstacle is a question that has already been asked in this chapter: where would an emancipated slave go? In a letter to James Monroe, Jefferson had considered the various options of where blacks could go, first suggesting they move the emancipated blacks to remote lands in the Western territory, “North of the Ohio [River].” The idea is to clearly remove them far enough that it would eliminate the threat of a revolution. However, Jefferson was only lukewarm to the idea as “questions would also arise whether the establishment of such a colony,

⁷⁸¹ Thomas Jefferson to David Barrow, May 1, 1815.

⁷⁸² *Ibid.*

within our limits, & to become a part of our Union, would be desirable to the state of Virginia itself, or to the other states, especially those who would be in its vicinity?”⁷⁸³

From there, Jefferson suggested the “lands beyond the limits of the US to form a receptacle for these people.” The Northern Boundary, however, was occupied by the Native Americans and British and would require their consent to establish a colony there. Jefferson also questioned whether the harsh climate in the northern regions would be suitable for blacks. The Native Americans and the Spanish also held the Western and Southern frontiers and would again require their consent. In any scenario, Jefferson asks, “should we be willing to have such a colony in contact with us?” While it would be convenient in the short term, Jefferson’s nation was still growing and would potentially expand. Jefferson explained:

However, our present interests may restrain us within our own limits; it is impossible not to look forward to distant times when our rapid multiplication will expand itself beyond those limits, & cover the whole Northern, if not the Southern continent, with a people speaking the same language, governed in similar forms, & by similar laws: nor can we contemplate, with satisfaction, either blot or mixture on that surface.

Jefferson predicted that there would be westward expansion by the United States where Whites would undoubtedly encounter blacks again, leading to either war or the blending of races, both of which Jefferson wished to avoid actively. Jefferson then considered the West Indies, St Domingo, as a location that was the most “probable & practicable.” There, blacks would be free to mix with their own and live in “climates congenial with their natural constitution.” But, again, the issue would be gaining consent from the European nations controlling the islands. Jefferson was also concerned that the blacks deported would engage in “vindictive or predatory descents on our coasts & facilitate concert with their brethren remaining here.”⁷⁸⁴ Jefferson is left with the only option that would permanently remove blacks from the vicinity of whites: Africa.

⁷⁸³ Thomas Jefferson to James Monroe, November 24, 1801.

⁷⁸⁴ Thomas Jefferson to James Monroe, November 24, 1801.

This leads to the final obstacle in the manner of deportation. As Jefferson explains in his letter to Edward Coles:

The method by which this difficult work is to be effected, if permitted to be done by ourselves, I have seen no proposition so expedient on the whole as that of emancipation of those born after a given day and of their education and expatriation at a proper age. This would give time for a gradual extinction of that species of labor and substitution of another and lessen the severity of the shock which an operation so fundamental cannot fail to produce.⁷⁸⁵

But would deporting the blacks be practical? At the time, there were one and one-half million black slaves in the nation. Thus, it would be impracticable for Whites to send off all Blacks nor expedient for the Blacks in a short time frame. However, as time progressed, their numbers would only increase, thus prolonging the deportation. Jefferson believed this would take 25 years to accomplish; the numbers of blacks within the United States would have still doubled, and to their owners, each is worth some 200 dollars. And so, there will be some 600 million dollars lost to their owners or reimbursed to them. “To this add the cost of their transportation by land & sea to Mesurado [Liberia], a year’s provision of food and clothing, implements of husbandry and of their trades which will amount to 300 million more, making 36 millions of dollars a year for 25 Years.”⁷⁸⁶ This plan was entirely impractical due to the financial burden. There were also questions that whether the action would even be constitutional by Jefferson, believing that “a liberal construction, justified by the object, may go far, and an amendment of the constitution the whole length necessary.”⁷⁸⁷

Chapters 2 and 3 clearly outlined Jefferson’s antislavery efforts and beliefs and how the public mind repeatedly rejected his idealistic notions, leading him to the conclusion to change the public mind through enlightenment. But, certainly, could Jefferson have publicly lent his

⁷⁸⁵ Jefferson to Edward Coles, August 25, 1814.

⁷⁸⁶ Jefferson to Jared Sparks, February 4, 1824.

⁷⁸⁷ Ibid.,

support to the abolition movement during his retirement? Andrew Holowchak explains that Jefferson's retirement was just that, his retirement. Holowchak writes that public service was trying, and pay "was incommensurate with duties and very often political duties tore one away from other monetary concerns—e.g., in Jefferson's and Washington's cases, from overseeing their agricultural affairs. Thus, political office was not undertaken for monetary gain."⁷⁸⁸

Jefferson considered the offices to be "burthens" and that in a "virtuous government, and more especially in times like these, public offices are, what they should be, burthens to those appointed to them, which it would be wrong to decline, though foreseen to bring with them intense labour, and great private loss."⁷⁸⁹

As Jefferson's life is examined in his nearly 40 years of public service, there were numerous crises to absorb his attention. When Jefferson finally left the presidency and retired, he was 65 years old, reflecting to Charles Thomson, "The principal effect of age of which I am sensible is an indisposition to be goaded by business from morning to night, from laboring in an Augean stable, which cleared out at night presents an equal task the next morning. I want to have some time to turn to subjects more congenial to my mind."⁷⁹⁰ This belief of Jefferson that the state could not demand an undefined term of service of its citizens was one Jefferson carried throughout his life, as he expressed in a letter to James Monroe in 1782 following the passing of his wife:

tho' I will admit that this does subject every individual if called on to an equal tour of political duty yet it can never go so far as to submit to it his whole existence. If we are made in some degree for others, yet in a greater are we made for ourselves. It were contrary to feeling & indeed ridiculous to suppose that a man had less right in himself than one of his neighbors or indeed all of them put together. This would be slavery & not that liberty which the bill of rights has made inviolable and for the preservation of which our government has been charged. Nothing could so completely divest us of that liberty

⁷⁸⁸ Holowchak, *Rethinking Thomas Jefferson's Writings*, 116.

⁷⁸⁹ *Ibid.*

⁷⁹⁰ *Ibid.*, 117.

as the establishment of the opinion that the state has a perpetual right to the services of all it's members. This to men of certain ways of thinking would be to annihilate the blessing of existence; to contradict the giver of life who gave it for happiness & not for wretchedness; and certainly to such it were better that they had never been born. However with these I may think public service & private misery inseparably linked together, I have not the vanity to count myself among those whom the state would think worth oppressing with perpetual service.⁷⁹¹

Holowchak also contended that timeliness was a factor regarding slavery. Recall the words of Jefferson Edward Coles previously explained in this chapter, the same sentiments that were expressed to Nicholas Lewis in 1791, "There are certainly persons in all the departments who are for driving too fast. Government being founded on opinion, the opinion of the public, even when it is wrong, ought to be respected to a certain degree."⁷⁹² Societal change cannot be implemented overnight, else the public mind will resist that change. Near the end of his presidency, Jefferson had already, "long since given up the expectation of any early provision for the extinguishment of slavery among us," writes Jefferson to William Burwell. "There are many virtuous men who would make any sacrifices to affect it," he continues, "many equally virtuous who persuade themselves either that the thing is not wrong or that it cannot be remedied, and very many with whom interest is morality. The older we grow, the larger we are disposed to believe the last party to be."⁷⁹³ Timing is everything if there is to be societal change, according to Jefferson, who, as demonstrated throughout this chapter, remained incredibly pragmatic regarding emancipation. His resignation that there is no quick or easy solution to slavery and the diverse opinions make any radical approach impossible. However, Jefferson still believed that the "public mind" could be influenced by enlightenment.

⁷⁹¹ Thomas Jefferson to James Monroe May 20, 1782.

⁷⁹² Holowchak, *Rethinking Thomas Jefferson's Writings*, 119.

⁷⁹³ *Ibid.*, 120.

Chapter Five:

Jefferson and the Creation of UVA

During Jefferson's retirement, he continued to work on his longstanding educational ambition with the establishment of the University of Virginia. This chapter explores the University's role in shaping the attitudes of future generations towards slavery. It examines the University's founding principles, its institutional rules, and the ideologies the initial Board of Visitors and professors held, all of which were influenced by Jefferson's vision of molding the "public mind" regarding slavery. Thus, the answer to Jefferson's lifetime sphinx and the significant source of his debt was his project in his retirement, the creation of the University of Virginia (UVA).

Jefferson's plans for UVA began to truly take shape in the summer of 1819 when he attended the Rockfish Gap Conference with the intention of ensuring that a site near Charlottesville in Albemarle County was selected as the location for UVA. Jefferson, at this point, was already facing financial difficulties but had pledged \$1,000 towards the funding of the school. While he was gone, he had to borrow \$100 from James Leitch to pay for his excursion and an additional \$4 when that had all been spent. Prior, he had received a bank notice, delivered by Patrick Gibson, that the Bank of the United States was curtailing all its notes by nearly thirteen percent when they were due. Jefferson replied, "that notification is really like a clap of thunder to me, for god knows I have no means in this world of raising money on so sudden a call."⁷⁹⁴ By this point, Jefferson was already selling off his lands to pay off the debts he was accumulating, and with most of his endeavors, Jefferson was optimistic.⁷⁹⁵

⁷⁹⁴ Hochman, "Thomas Jefferson: A Personal Financial Biography," 275.

⁷⁹⁵ *Ibid.*, 275-276.

By 1821, Jefferson's financials and the funding for UVA were uncertain. In a letter to Joseph Cabell, Jefferson expressed his doubt that "I am not to live to see it opened" with the University's future.⁷⁹⁶ Jefferson was able to use the building of UVA to escape his financial worries.⁷⁹⁷ He continued to sink himself into his role as Rector, preferring to continue towards his "dreams of the future" rather than think about the past.⁷⁹⁸ There were many difficulties with the legislature's disposition towards the University, "they fill me with gloom as to the dispositions of our legislature towards the University." Jefferson entrusted decisions about the University's financing and practical steps to his colleagues, saying, "I trust with entire confidence to what yourself, Genl Breckenridge and Mr. Johnson shall think best."

Regarding funding, Jefferson suggested a loan of \$60,000, emphasizing the need for careful financial planning: "It's instalments cannot begin until those of the former loan are accomplished." He also proposed delaying the University's opening until all construction is finished to ensure its success, stating that this approach would secure its objectives "at the end of 13 years." Jefferson expressed his deep worry about the potential desertion of the University's best advocates in the legislature, urging them not to abandon their posts: "With this foresight, what service can we ever render her equal to this?" Jefferson then emphasized the significance of their commitment to the University and its lasting benefits for the nation: "What interest of our own... ought not to be postponed to this?"⁷⁹⁹

While UVA's history with slavery is notorious, it was not the original intention of the Sage of Monticello. This is not to suggest that it was Jefferson's direct intention that the creation of UVA was the end of slavery, but rather an indirect result. As Jefferson said himself, "it is very

⁷⁹⁶ Thomas Jefferson to Joseph C. Cabell, January 31, 1821.

⁷⁹⁷ Gordon-Reed, *The Hemingses of Monticello*, 637.

⁷⁹⁸ *Ibid.*, 647.

⁷⁹⁹ Thomas Jefferson to Joseph C. Cabell, January 31, 1821.

difficult to persuade the great body of mankind to give up what they had once learned.”⁸⁰⁰

Jefferson clearly understood this was not a project that could be completed quickly, “the task of persuading those of the benefits of science [i.e., knowledge] who possess none is a slow operation.” No statesmen, Jefferson claimed, should presume to “advance the notions of a whole people suddenly to ideal right. . . . There is a snail-paced gait for the advance of new ideas on the general mind under which we must acquiesce.”⁸⁰¹ In his 1818 *Report of the Commissioners for the University of Virginia*, Jefferson declared the objective of his University was to “instruct the mass of our citizens in these their rights interests and duties as men and citizens.” In more precise verbiage, Jefferson envisioned UVA to “form statesmen, legislators, and judges” and to “expound the principles and structure of government.” These future statesmen were expected “to harmonize and promote the interests of agriculture manufactures and commerce.”⁸⁰²

Explaining to George Ticknor, Jefferson highlighted very specific topics he wished for UVA to cover:

I am now entirely absorbed in endeavors to effect the establishment of a general system of education in my native state on the triple basis: 1. Of elementary schools which shall give the children of every citizen gratis, competent instruction in reading, writing, common arithmetic, and general geography. 2. Collegiate institutions for antient [sic] & modern languages, for higher instruction in arithmetic, geography & history . . . and 3. A University in which all the branches of science deemed useful at his day, shall be taught in their highest degree.⁸⁰³

This passage shows how important Jefferson thought it was for every citizen to know reading, writing, and arithmetic. Also, as one progresses in his education, his knowledge base should expand. Jefferson felt that all citizens needed a public education “to enlighten them with mathematical and physical sciences, which advance the arts, and administer to the health, the

⁸⁰⁰ Miller, *The Wolf by the Ears*, 254.

⁸⁰¹ Ibid.

⁸⁰² An accessible copy of the Report is published in the Peterson’s *Jefferson Writings*, 457-476.

⁸⁰³ Thomas Jefferson to George Ticknor, November 25, 1817.

subsistence, and the comforts of human life; And, generally, to form them to habits of reflection and correct action, rendering them examples of virtue to others, and of happiness within themselves.”⁸⁰⁴ Every individual in a society would be exposed to the arts and sciences. Essentially, in his educational system, Jefferson wanted everyone to possess a broad liberal arts background that was steeped in moral training.

This community of scholars would form in the pursuit of truth and “the illimitable freedom of the human mind. For here, we are not afraid to follow truth wherever it may lead, not to tolerate error so long as reason is free to combat it.”⁸⁰⁵ Therefore, for the public mind to be prepared for these unsettling changes demanded by progress, Jefferson relied on the “intelligent parts of mankind,” those he believed were usually a century or so ahead of government, which was controlled by a self-interested imperceptive ruling class. These “natural” leaders would then instruct their intellectual inferiors, the public, in the “progressive advances of the human mind, or changes in human affairs.”⁸⁰⁶

This philosophy would go hand in hand with Jefferson's educational philosophy of “natural aristocrats,” as explained in Chapter 2, and generational sovereignty, as explained in Chapter 3. In comparison to the “artificial aristocracy” that was “founded on wealth and birth,” Jefferson found it to be a mischievous ingredient in government, and noted that provision should be made to prevent its ascendancy. On the other hand, the natural aristocracy he considered to be the “most precious gift of nature, for the instruction, the trusts, and government of society. And indeed, it would have been inconsistent in creation to have formed man for the social state and not to have provided virtue and wisdom enough to manage the concerns of the society.”⁸⁰⁷

⁸⁰⁴ Pangle and Pangle, *The Learning of Liberty*, 120.

⁸⁰⁵ Quoted in Miller, *The Wolf by the Ears*, 259.

⁸⁰⁶ Miller, *The Wolf by the Ears*, 254.

⁸⁰⁷ Thomas Jefferson to John Adams, October 28, 1813.

But how would this “natural aristocracy” come about? Jefferson's new republicanism, which included a “natural aristocracy,” was what replaced the old British model:

With respect to the state of Virginia, in particular, the people seem to have deposited the monarchical and taken up the republican government with as much ease as would have attended their throwing off an old and putting on a new suit of clothes... A half dozen aristocratical gentlemen agonizing under the loss of preeminence have sometime ventured their sarcasms on our political metamorphosis.⁸⁰⁸

Jefferson not only had high hopes for his new country but also for his new form of government. Only an educated citizenry would be capable of electing to office, following the guidance of these “natural aristocrats,” and the sole guarantor of this enlightened electorate was a free and universal system of education.⁸⁰⁹ He knew that the people of the United States were flawed, but those flaws could be fixed, while the flaws of the European monarchy were beyond redemption, arguing:

I am sensible that there are defects in our Federal government; yet they are so much lighter than those of monarchies that I view them with much indulgence. I rely too on the good sense of the people for remedy, whereas the evils of monarchical government are beyond remedy. If any of our countrymen wish for a king, give them Aesop's fable of the frogs who asked for a king; if this does not cure them, send them to Europe; they will go back good republicans.⁸¹⁰

Jefferson believed that the clergy and their collaborators, devout politicians, were the true barriers to political liberty. While a member of the Virginia State legislature, he:

made one effort for the permission of the emancipation of the slaves, which was rejected, and indeed, during the regal government, nothing liberal could expect success. Our minds were circumscribed within narrow limits by an habitual belief that it was our duty to the mother country in all matters of government to direct all our labors in subservience to her interests and even to observe a bigoted intolerance for all religions but hers.⁸¹¹

These 'liberal' policies that Jefferson referred to pertain to those that promote human liberty. While these policies were clearly hindered by the British government's hostility toward

⁸⁰⁸ Jefferson to Benjamin Franklin, Aug. 13, 1777.

⁸⁰⁹ Miller, *The Wolf by the Ears*, 254.

⁸¹⁰ Jefferson to Benjamin Hawkins, Aug. 4, 1787.

⁸¹¹ Jefferson, *Autobiography*, 7.

freedom, it was the Americans' perception of liberties that was limited by their customary allegiance to Britain. The Americans' vision of freedom was what the British government permitted, not what they could envision for themselves. Jefferson makes the same argument for the Anglican church, that only when Americans free themselves from the religious establishment could they pursue a 'liberal' government.

When analyzing Jefferson's views of natural aristocracy, especially compared to Jefferson's intellectual rival and friend, John Adams, one must also look to popular sovereignty, which asserts that the power of government derives from the people and that all individuals are equal in their right to participate in the political process. Both men believed that popular sovereignty was based on human equality, but they disagreed on how much restraint should be placed on the people:

To me it appears that there have been differences of opinion and party differences, from the first establishments of governments, to the present day; and on the same question which now divides our own country: that these will continue thro' all future time: that every one takes his side in favor of the many, or of the few, according to the constitution, and the circumstances in which he is placed: that opinions, which are equally honest on both sides, should not affect personal esteem, or social intercourse; that as we judge between the Claudii and the Grachii, the Wentworths and the Hampdens of past ages, so, of those among us whose names may happened to be remembered for a while, the next generation will judge, favorably or unfavorably, according to the complexion of individual minds and the side they shall themselves have taken: that nothing new can be added by you or me to what has been said by others, and will be said in every age, in support of the conflicting opinions on government; and that wisdom and duty dictate an humble resignation to the verdict of our future peers.⁸¹²

But Jefferson's earlier comments to Adams make clear that however difficult it might be to arbitrate between the competing claims of the two parties, the Virginian has, in fact, determined a fundamental principle that separates the two:

One of the questions, you know, on which our parties took different sides was on the improbability of the human mind, in science, in ethics, in government, etc. Those who advocated reformation of institutions, *pari passu*, with the progress of science, maintained

⁸¹² Jefferson to Adams, June 27, 1813.

that no definite limits could be assigned to that progress. The enemies of reform, on the other hand, denied improvement and advocated steady adherence to the principles, practices, and institutions of our fathers, which they represented as the consummation of wisdom and akme of excellence beyond which the human mind could never advance. Altho'... you expressly disclaim the wish to influence the freedom of enquiry that will produce nothing more worthy of transmission to posterity than the principles, institutions, and systems of education received from their ancestors[,] I do not consider this as your deliberate opinion. You possess yourself too much science not to see how much is still ahead of you, unexplained and unexplored. Your own consciousness must place you as far before our ancestors as in the rear of our posterity.⁸¹³

In an appealing approach, Jefferson indicates that the dispute between himself and Adams concerning the boundary of trust in the people may be problematic to resolve and could eventually be decided by future generations. Jefferson admits that differences of opinion and partisan divisions have existed throughout history and will continue to exist. Jefferson also suggests that these contrasts occur from the constitutional frame and environments that people find themselves in, and they shape their perspectives on governance.

On the other hand, despite this conciliatory tone, Jefferson's previous remarks to Adams imply that he did identify a fundamental principle that separates their opinions. In Jefferson's mind, one of the key topics separating them is their beliefs about the improvability of the human mind in areas such as science, conscience, and government. Those promoting reform contend that progress has no limits, whereas critics of reform argue that the values and institutions of the past represent the peak of wisdom. Jefferson establishes that Adams, despite saying otherwise, does not truly believe in the standing nature of knowledge and society.

Jefferson argues that Adams' own scientific knowledge exceeds that of their ancestors, demonstrating that Adams himself recognizes the capability for progress. Jefferson's standpoint stresses the significance of intellectual progress, enlightenment, and trust in the people's capacity for reason and self-governance. Adams, on the other hand, appears more wary and tentative

⁸¹³ Jefferson to Adams, June 15, 1813.

about the potential consequences of prevalent intellectual inquiry and seems to hold on to demonstrated ideas and traditions. Due to his belief that “from every condition of our people the natural aristocracy of talents & virtue would come,” Jefferson stressed the necessity “of preparing by education, at the public expense, for the care of the public concerns.”⁸¹⁴

Following the Missouri controversy, UVA's formation became Jefferson's utmost priority as he quickly realized that the South was compelled to entrust the molding of the minds of its most promising men to those who were opposed to its basic economic and political interests. The South had neglected its educational needs, causing young Southerners to be forced to attend Northern universities for their education. These institutions, to Jefferson, infused their “opinions and principles in discord with those of their own country.” For example, those who attended Harvard University returned to their homes saturated with “anti-Missourism,” and were infatuated with the vision of a “single and splendid government of an aristocracy, founded on banking institutions and moneyed corporations” and utterly indifferent to or their fellow Southern patriots who still manned the defenses of freedom, equality, and democracy. “This canker is eating on the vitals of our existence,” Jefferson cautioned, “and if not arrested at once, it will be beyond remedy.”⁸¹⁵

However, there was a flaw within Jefferson's vision. While he clearly had no intention of making UVA a rich son's school, he simultaneously had no intention of barring them from entry. Instead, UVA was designed to be a monument to Jefferson's conviction that intelligence and ability were “sown as liberally among the poor as the rich” and that this pool of talent would perish unrecognized and unused if not recognized and nurtured within an educational

⁸¹⁴ Jefferson to Joseph Carrington Cabell, January 5, 1815.

⁸¹⁵ Miller, *The Wolf by the Ears*, 258.

institution.⁸¹⁶ These 'natural aristocrats' would be the exceptionally moral men that Jefferson believed could avoid being corrupted by slavery.⁸¹⁷

Generational Sovereignty at UVA

For Jefferson to achieve his generational sovereignty, the right of each generation to govern itself and make decisions independently by the next group of natural aristocrats, and without being bound by the decisions or actions of previous generations, the answer lay with the original people involved in UVA's creation and opening. The first clear demonstration of the anti-slavery beliefs of the institution—unlike other antebellum schools such as the College of William and Mary and Hampden-Sydney College—was that students at the University were not permitted to bring their personal slaves with them, stating no student could “keep a servant, horse or dog.”⁸¹⁸ Jefferson famously observed that when a parent chastises a slave, “the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to his worst of passions, and thus nursed, educated, and daily exercised in tyranny.” Jefferson feared that students, if granted their own slaves, would grow to be tyrannical adults.⁸¹⁹

Nevertheless, slaves remained on campus as servants for the staff and students. Many more slaves who worked on campus were owned or hired by the hotelkeepers and private contractors who boarded the students and oversaw the cleaning of their dormitories. The intentions of this rule created by the Board of Visitors can be traced back to Jefferson's belief in the effect of slavery on white owners. John Patton Emmet, Professor of Chemistry, in February 1826, attempted to uphold this rule and keep freed blacks out of the University, where they could potentially be abused. Emmet requested that the Proctor “license the servants waiting upon the

⁸¹⁶ Miller, *The Wolf by the Ears*, 258.

⁸¹⁷ Jefferson to Edward Bancroft, January 26, 1789.

⁸¹⁸ University of Virginia Board of Visitors Minutes, October 4–5, 1824.

⁸¹⁹ Jefferson, *Notes on the State of Virginia*, 288.

students; and that he permit no person to act in that capacity who has obtained such a license.”⁸²⁰

In true contradictory Jeffersonian fashion, while the University banned students from having personal slaves, the University had slaves regularly to wait on the staff and students.

Additionally, slaves were on campus before there were any students registered. Slave labor was critical to the development of UVA. When the General Assembly approved the construction of the University in 1819, while architects oversaw the construction, it was the slaves hired from local owners that made up a majority of the workforce.⁸²¹ The study of early UVA history is critical through the scholarship of historian Philip Alexander Bruce. Bruce stresses the cost of the slaves in his history of the construction of the University:

One of the continuous expenses which had to be met was the hire of slaves and the purchase of provisions for their support. In 1820, the outlay on this score amounted to \$1,099.08; in 1821, to \$1,133.73; in 1822, to \$868.64; and in 1825, to \$681.00, a steadily falling scale from year to year. The charge for each negro was gauged by his age and physical condition. Sixty dollars was the average amount. When the slave was returned at the end of his time, he had to be fitted out with outer and underclothing, and doublesoled shoes... John Herron, the overseer, received one hundred and twenty dollars annually for his services.⁸²²

Another note by Bruce was the rate that the University hired white and free black laborers. Their pay ranged between \$10.00 and \$16.00 per month. When compared to hiring slaves for \$60.00 per year, it was clearly a better deal. The slaves would still be cheaper even with the University paying to feed and clothe the hired laborers. Thus, hiring slaves was purely for financial purposes.

While many university slaves experienced harsh settings involving provisions, labor, lodging, clothes, or health, those employed by UVA did enjoy some benefits. Edmund Bacon,

⁸²⁰ Faculty Minutes, Volume VI-III, page 235b, 10 October 1855.

⁸²¹ Ervin L. Jordan, Jr., *Charlottesville and the University of Virginia in the Civil War*, (Lynchburg, VA: H. E. Howard, Inc., 1988), 9

⁸²² Philip Alexander Bruce, *History of the University of Virginia, 1819-1919: The Lengthened Shadow of One Man*, Volume I., (New York: The MacMillian Co., 1920), 283-284.

Monticello's overseer, leased his slaves to the University with the requirement that “the men can make arrangements with [Proctor Brockenbrough] about [coming] to see their wives.”⁸²³ The University only approved benefits like this one to slaves rented and not owned by UVA, demonstrating the power slaves occasionally acquired when they had two masters. When UVA rented a slave, the contract with the owner typically specified that the slaves be “clothed in common way and fed well.” During John Herron's occupation as overseer, UVA slaves enjoyed more than typical fare. Herron habitually bought the workers whiskey, purchasing a half-barrel of it for “Eight dollars twenty-five cents” in August 1820 and another “one dollar twelve & half cents” a week later.⁸²⁴

The slaves were also responsible for the building of UVA itself. Jefferson's inspiration for the design of the Academical Village stemmed from his own experiences as a student at William and Mary. At William and Mary, the Wren Building served as a multifunctional structure, accommodating students, the president, and professors and housing classrooms, the library, a faculty room, a kitchen, and servants' quarters. All activities were concentrated within this single building, which posed a significant risk, as demonstrated by several fires that engulfed the entire school in 1705, 1859, and 1862. Jefferson designed his Academical Village so that if one part burned down, as the Rotunda did in 1895, the school could continue to function. The decentralization also prevented the spread of disease. In addition, his time at William and Mary showed Jefferson the value of student-faculty interaction, so he created an Academical Village for them all to inhabit.

Construction on the University began before Jefferson finalized his plans, with five years of building activity preceding the completion of the Maverick Engraving. Pavilion VII was

⁸²³ Proctor's Papers, Box 2, Folder "Edmund Bacon to A. S. Brockenbrough," December 16, 1821.

⁸²⁴ Proctor's Papers, Box 1, Folder "Receipts, 1820, August 26, 1820 and September 2, 1820."

partially completed, leading to the commencement of work on another pavilion and student dormitories. As construction progressed on some buildings, foundations were laid for others. Even after the arrival of the first students in 1825, partially finished structures dominated the skyline. The Rotunda, for instance, was not fully completed until the end of 1826. To realize his ambitious architectural vision, Jefferson needed a workforce for various tasks, including land clearing and leveling, brickmaking, material hauling, stone quarrying, timberwork, and fine craftsmanship. Many of these laborers were either university-owned slaves or individuals hired by the University for these specific purposes.⁸²⁵ Beyond construction, Jefferson also relied on slaves to maintain and sustain his Academical Village once it was completed.

However, that is not to suggest that all their workers were slaves. When UVA opened in 1825, a janitor was needed. Instead of hiring a slave for the role, UVA hired a free black named William Spinner for the job. Spinner is listed in the 1830 U.S. Census as the head of household, a free black male between the ages of 24 and 36 who lives with three women, one between the ages of 36 and 55, another aged 10-24, and a third, a child, under the age of ten.⁸²⁶ The most likely conclusion for this was Spinner was living with his wife and two daughters. He worked for UVA for three years until he was replaced by William Brockman, another free black male. Jefferson's former slave, Burwell Colbert, also periodically worked as a painter and glazer at UVA as a freedman.⁸²⁷

Unlike modern janitors involved with custodial work, UVA janitor's main obligations were to ring the bells in the Rotunda at dawn to wake the students and then “visit the dormitories

⁸²⁵ For a great account of the construction of the university, see Frank Grizzard, "Documentary History of the Construction of the Buildings at the University of Virginia, 1817-1828," Ph.D. dissertation online, University of Virginia, 1996.

⁸²⁶ 11830 United States Census, Albemarle County, (Virginia; Charlottesville), 288, line 2.

⁸²⁷ Gordon-Reed, *The Hemingses of Monticello*, 660.

in the morning and report violations of the law requiring students to rise early. This was sufficient to make him a man of many sorrows.”⁸²⁸ The janitor earned his moniker as a “man of sorrows” as the young men at UVA were displeased at the dawn wakeup regulation. Due to this, the unfortunate janitors were frequently subjected to “the object of the malevolent humor of the disturbed student; buckets full of water descended upon him from the door-tops, where they had been balanced with diabolical skill, or other unwelcome attentions were bestowed upon him.”⁸²⁹ The janitors, of course, were encouraged to report such mischievousness to the faculty. However, those that were reported rarely received any serious consequences or punishment. Besides the dawn wake-up call, the duties of the janitors also included attending faculty and Board of Visitors meetings, wounding the clocks, assisting the Chemistry Professor in his laboratory, and doing other work as assigned.⁸³⁰

UVA Original Board Members

When the original Board of Visitors of UVA was analyzed on their stances on slavery, there was, at the very least unintentionally, an anti-slavery atmosphere. One of the most prominent members was Jefferson's longtime friend and his successor as Rector, James Madison, who remained on the board from the school's opening until his death in 1836. Madison and Jefferson shared many similarities as leading Virginian slaveholding aristocrats, as well as their thoughts on slavery. Like Jefferson, Madison's anti-slavery views were well known, calling it “the most oppressive dominion” that ever existed.⁸³¹ Madison also believed that slavery was a bane to republicanism. As he wrote to Lafayette: “It is certain, nevertheless that time, the great

⁸²⁸ John S. Patton, *Jefferson, Cabell and the University of Virginia*, (New York: The Neale Publishing Company, 1906), 119.

⁸²⁹ Patton, *Jefferson, Cabell and the University of Virginia*, 124.

⁸³⁰ *Ibid.*, 119.

⁸³¹ Noah Feldman, *The Three Lives of James Madison: Genius, Partisan, President* (New York, New York: Random House, 2017) 121.

innovator, is not idle in its statutory preparations. The Colonization Society are becoming more and more one of its agents. Outlets for the freed blacks are alone wanted for a rapid erasure of the blot from republican character.”⁸³²

Madison had previously supported Jefferson's bill for the gradual emancipation of slaves and contributed to the defeat of a bill that banned the manumission of individual slaves.⁸³³

During the Constitutional Convention, Madison cautioned about continuing the importation of slaves past 1787: “Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves.”⁸³⁴ It is worth noting that the Constitution, much of which was based on Madison's Virginia Plan, earning him the nickname “Father of the Constitution,” does not use the term ‘slave’ at all. Instead, it uses the word “persons” because “Mr. Madison thought it wrong to admit in the Constitution the idea that there could be property in men.”⁸³⁵

When Madison was president, he delivered a message to Congress on December 5, 1810, and asked Congress to devise more stringent measures to suppress the illegal import of slaves into the country:

Among the commercial abuses still committed under the American flag,.. it appears that American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity, and in defiance of those of their own country. The same just and benevolent motives which produced the interdiction in force against this criminal conduct, will doubtless be felt by Congress, in devising further means of suppressing the evil.⁸³⁶

And again in 1816:

The Unites States having been the first to abolish, within the extent of their authority, the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves, and by punishing their citizens participating in the traffick, cannot but be gratified

⁸³² Madison to Lafayette, February 1, 1830. Library of Congress Letters 4:60.

⁸³³ Ketcham, *James Madison*, 149.

⁸³⁴ Madison in Records of the Federal Convention. Farrand, editor, 2:414.

⁸³⁵ *Ibid.*, 2:417.

⁸³⁶ W.E.B. DuBois, *The Suppression of the African Slave-Trade to the United States of America: 1638-1870, with an Introduction by Herbert Aptheker* (Millwood, N.Y.: Kraus-Thomson, 1973), 246.

at the progress, made by concurrent efforts of other nations, towards a general suppression of so great an evil.⁸³⁷

But what was Madison's solution to slavery? In an 1819 letter, Madison presented his own idea: “A general emancipation of slaves ought to be 1. gradual 2. equitable and satisfactory to the individuals immediately concerned 3. consistent with the existing and durable prejudices of the nation.”⁸³⁸ However, like Jefferson, Madison did not believe that blacks and whites were capable of living side by side following emancipation. It was one thing to free the slaves, but what was to be done once they were freed? This created quite the conundrum as “Virginia's republicans had the decency to be disturbed by the prospect of turning 200,000 slaves loose to find a place in the free society. Jefferson himself thought that slaves could not safely be freed unless they were exiled.”⁸³⁹

In another letter to Lafayette, Madison wrote of blacks: “The repugnance of the whites to their continuance among them is founded on prejudices themselves founded on physical distinctions, which are not likely soon if ever to be eradicated.”⁸⁴⁰ However, this was not because of natural inferiority like Jefferson believed, but rather because:

If the blacks, strongly marked as they are by physical and lasting [peculiarities], be retained amid the whites, under the degraded privation of equal rights, political or social, they must be always [dissatisfied] with their condition as a change only from one to another species of oppression; always secretly [confederated] against the ruling and privileged class: and always uncontrolled by some of the most cogent motives to moral and respectable conduct.⁸⁴¹

Due to his belief that the two races could not peacefully coexist, Madison was a lifetime member of the American Colonization Society (ACS) and served in the capacity of Vice President of the

⁸³⁷ Ibid., 248.

⁸³⁸ Madison in *Writings*. Rakove, editor, Letter to Robert J. Evans, June 15, 1819, 728.

⁸³⁹ Morgan, *American Slavery. American Freedom* 385.

⁸⁴⁰ Madison to Lafayette, *Papers of James Madison*. Library of Congress, 17:85.

⁸⁴¹ Madison in *Writings*. Rakove, editor, Letter to Robert j. Evans, June 15, 1819, 728.

Colonization Society of Virginia.⁸⁴² The ACS wanted the eventual eradication of slavery, but they did not want to do so at the expense of the social order. The ACS believed that the slaveholders should be compensated for their freed slaves that were gradually transported to Africa.⁸⁴³ Jefferson was also a supporter of the ACS. In a letter to Jared Sparks, Jefferson thanked him for a copy of the January 1824 issue of the *North American Review* that included the sixth annual report of the ACS. There, the society mentions Jefferson's letter to Monroe in the first annual report of 1818. The letter was read into the record at that first meeting, and it delineated Jefferson's active role in trying to secure land for colonization for his state.⁸⁴⁴

The next Board of Visitors member was Chapman Johnson, who was the governor of UVA from 1829 until 1845. While Johnson was by no means on the same anti-slavery level as Jefferson or Madison, he was an active floor leader during the Virginia Constitutional Convention of 1829–1830. As a member of the White Basis Party, he sought reapportionment of the state legislature to represent citizens only, without weighing the legislature by counting slaves held as property. Johnson believed that the legislature needed to represent all citizens equally without giving extra power to the sections that owned slaves.

The current system gave more influence to the eastern slaveholding counties, giving them a permanent majority in the General Assembly. This majority opposed the direct election of the Governor and the creation of infrastructural projects that would connect the western and eastern regions of the state.⁸⁴⁵ So, while Johnson did not have anti-slavery sympathies, he was certainly

⁸⁴² Meyers, *The Mind of the Father*. 398.

⁸⁴³ Foner and Garraty, eds., *The Readers Companion to American History*. 32.

⁸⁴⁴ Jefferson to Jared Sparks, February 4, 1824, *Thomas Jefferson: Writings*, 1484; “The Sixth Annual Report of the American Society for Colonizing the Free People of Color of the United States,” *North American Review* 18 (January 1824), 41; For the January 21, 1818 letter to then Governor Monroe see *The First Annual Report of the American Society for Colonizing the Free People of Color of the United States* (Washington City: D. Rapine, January 1818), 13-14.

⁸⁴⁵ David Loyd Pulliam, *The Constitutional Conventions of Virginia from the Foundation of the Commonwealth to the Present Time* (United States: J. T. West, 1901). 77-78.

interested in lessening the power of the slave institution. Like Johnson, fellow board member Joseph C. Cabell did not express publicly any criticisms of slavery and was a slave-owner himself. However, he did express some concerns about the effects of slavery on the economy and society of Virginia.

Another member of the Board of Visitors was James Breckenridge, who studied law under George Wythe in 1788. Like Wythe's other student, Jefferson before him, Breckenridge went into public office shortly after, elected as a Federalist on and off into the Virginia House of Delegates between 1789 and 1824. While he was in office, in 1806, the Virginia General Assembly passed a law that made it illegal to import enslaved people into the state for sale or resale. The law was motivated in part by concerns about the spread of infectious diseases, but it also reflected a growing sentiment among some Virginians that slavery was morally wrong.

However, Breckenridge was proof of the flaw in Jefferson's vision of education and slavery. Even though Breckenridge studied under Wythe, just as Jefferson did, it appears that Wythe's anti-slavery notions did not rub off on him as they did on Jefferson. Breckenridge owned forty-nine slaves, cultivating hemp. Their brick quarters bespoke good treatment and suggested contented service.⁸⁴⁶ In his will, he did not free any of his slaves; instead, he provided that his slaves be retained in his estate, which was to be managed by his wife.⁸⁴⁷

John Hartwell Cocke was one of the most prominent Board of Visitors member and was seen second only to Jefferson. As neighbors in Virginia, Cocke, while thirty-seven years younger, grew close to Jefferson as they shared habits and views. Both men attended William and Mary, led organized lives, owned large plantations, and were well-read, civic-minded, and restless in their inquiries into the world around them. Comparable to Jefferson, Cocke opposed

⁸⁴⁶ William W. Gilmer to Peachy R. Gilmer, Aug. 28, 1831, *Breckinridge Papers*, Roanoke Historical Society.

⁸⁴⁷ Botetourt County Records, Will Book E, p. 372.

the institution of slavery, writing in 1832 that “I have long & do still steadfastly believe that Slavery is the great Cause of all the chief evils of our land – individual as well as national.”

Cocke committed himself to escaping the ethical dilemma that ensnared him.⁸⁴⁸ It is speculated that Cocke's beliefs regarding slavery were forged during his time at William and Mary when he studied under George Wythe, just as Jefferson and Robert Carter III had done. While there, Cocke developed a lasting friendship with his other mentor, St. George Tucker. Tucker, while Cocke was enrolled, had presented a scheme to liberate all female slaves at birth, a plot that Cocke would ultimately support.⁸⁴⁹

Cocke believed that the greatest obstacle to general emancipation was what would happen to the newly freed slaves once they were free. Cocke noted in his journal that ex-slaves frequently incurred the charge of thievery and the corruption of blacks still in slavery.⁸⁵⁰ This is why when he drafted his will in 1817, he explained why he would not emancipate his slaves. He argued that the “mass of human happiness would be diminished by it,” believing that those who were emancipated were all unhappy but for “an inconsiderable minority.”⁸⁵¹ He expressed the same sentiment twenty years later, in a rough draft of a letter in 1837 to E.C. Delavan, the notable temperance reformer; Cocke flatly declared, “there is not a shadow of doubt in my mind, that if the negro race... in their present unprepared State were forthwith universally emancipated, that an amount of human suffering & mortality tenfold as great would take place as is now the

⁸⁴⁸ Bell I. Wiley, ed., *Slaves No More: Letters from Liberia, 1833-1869* (Lexington, KY: The University of Kentucky Press, 1980) 33; Miller, ed., "Dear Master," 23-27.

⁸⁴⁹ Tucker, *A Dissertation on Slavery*; Eaton, *Freedom of Thought*, 16-20, 31; William S. Jenkins, *Pro-Slavery Thought in the Old South* (Chapel Hill, 1935), W, '55, '54; Morton, *Carter*, 251-66; Ballagh, *Slavery in Virginia*, 127-31, 133-36; Phillips, *Negro Slavery*, 122-24, 125-27; Arthur Y. Lloyd, *The Slavery Controversy, 1831-1860* (Chapel Hill, 1939), 15-18. Cocke named his second son, Philip St. George, in honor of Professor Tucker.

⁸⁵⁰ JHC Journal, 1863-64, Campbell Deposit; F.N. Watkins, "The Randolph Emancipated Slaves," *DeBow's Review*, XXIV (April 1858), 285-90; Morton, *Carter*, 266-69; Fox, *The American Colonization Society*.

⁸⁵¹ JHC Will, Sept. 17, 1817, Miss Betty Cocke Deposit. See JHC to Gerrit Smith, Dec. 13, 1839 (draft), Shields Deposit.

consequence of Slavery,” believing that an overwhelming majority would die from famine and disease, not even including any wars.⁸⁵² In 1831, John Hartwell Cocke wrote that blacks had souls and, therefore, were not considered chattel nor treated as such.⁸⁵³

This joins into Cocke's other shared belief with Jefferson that blacks could not live harmoniously with whites in the same country, nor could the enslaved survive if freed without education and skill training. Cocke believed the only solution was colonization, like Jefferson.⁸⁵⁴ Where he differed from Jefferson, Cocke made efforts to educate his slaves, even though it was against the law to do so. He additionally made efforts in the recolonization of Africa and even followed through by emancipating some slaves and sending them abroad.⁸⁵⁵

Jefferson's relationship with Cocke was demonstrated in 1817 following the death of Tadeusz Kościuszko. Kościuszko, a Polish nobleman whom Jefferson had befriended during the American Revolutionary War, had entrusted his pension from the Army and other monies to his friend Jefferson, together with his will; he intended to have his American estate used for the purchase, manumission, and education of slaves, including Jefferson's own. After Kościuszko's death in 1817, Jefferson did not immediately act on this will, in part because of his advanced age and in part because Kościuszko had written three subsequent wills and had relatives and acquaintances claiming that they, not Jefferson, should control his estate. Jefferson attempted to have the complicated legal affair, with its accompanying financial liabilities, transferred to Cocke, knowing that Cocke was also an opponent of slavery.

However, Cocke also refused the task. The case of the disputed wills went before the Supreme Court of the United States three times, and in 1852, the Court finally ruled that

⁸⁵² JHC to E.C. Delavan, July 24, 1837.

⁸⁵³ John Hartwell Cocke, "Negroes Not Chattels," Box 184, JHC Papers, UVA.

⁸⁵⁴ Coyner, *John Hartwell Cocke of Brema*, 305-08, 311.

⁸⁵⁵ *Ibid.*, 310, 353-55.

Kościuszko had revoked his earliest will in 1816, giving his estate to his Polish relatives.

Historians have disagreed over the correctness of Jefferson's actions, with some critics arguing that he passed up an opportunity to free all his slaves and others pointing out that “Kosciusko screwed up” since Jefferson knew that the will was “a litigation disaster waiting to happen.”⁸⁵⁶

However, why did Jefferson turn down the will?

The biggest reason was Jefferson would have been directly violating the laws of Virginia by educating blacks at one of the most crucial times when he could not appear as a lawbreaker. Had Jefferson incorporated blacks into his current education plan, per Kościuszko's request, he would have ensured its defeat and forfeited his good name in the opinion of his fellow Virginians. Within Virginia, a black person who could read and write threatened the established order by being educated. Educating blacks was widely believed to develop qualities of ambition, discontent, and independence. It was during this time in 1819 that the Virginia legislature passed a law that any free black that left the state to secure an education would be denied readmission; the same legislature that charted UVA.⁸⁵⁷

However, Cocke's greatest contributions towards his anti-slavery thoughts can be found within his role in the ACS. Like Jefferson, Cocke believed that blacks and whites were naturally antagonistic and that manumitted slaves must emigrate to Liberia. Just as Jefferson believed, Cocke also contended that if blacks and whites continued to live together, one race would invariably destroy the other. Colonization could avert a race war, but if the nation became embroiled in such a catastrophe, ACS slaveholders generally assumed whites would emerge victorious.⁸⁵⁸

⁸⁵⁶ Annette Gordon-Reed asserts that Jefferson made the correct decision while Henry Wiencek is of the opinion Jefferson did it purposefully to refuse to carry out the will.

⁸⁵⁷ Miller, *The Wolf by the Ears*, 256-257.

⁸⁵⁸ John H. Cocke, "Plan for Gradual Emancipation," Box 184, JHC Papers, UVA.

Hoping to implement his ideas, Cocke searched for a bondman to demonstrate how preparation and colonization could conjoin emancipation.⁸⁵⁹ Unlike Jefferson, Cocke believed that blacks' degradation was due to their condition rather than their color. During the 1840s and 1850s, Cocke took active steps to showcase the practicality of large-scale manumission and colonization. He acquired land in Greene County, Alabama, where he established the plantations known as New Hope and Hopewell. On these plantations, Cocke provided his slaves with educational and religious guidance and set high standards for moral behavior. The proceeds from cotton sales were earmarked for purchasing the slaves' freedom, which was valued at \$1400 per enslaved person.

Cocke estimated that his slaves could secure their liberty within five to seven years. Upon entering the manumission agreement, Cocke reminded his bondspersons of their "high duty to their race and themselves."⁸⁶⁰ Unfortunately, Cocke's experiment was a failure. Cocke's solemnity failed to resonate with the bondspersons. Disciplinary laxity pervaded the Alabama plantations, and incidents of infidelity and miscegenation horrified Cocke. This further cemented his view that blacks must be sent back to Africa, believing it was a missionary endeavor. "How infinitely better would this be for both races," he contended, "But the Africans are utterly unprepared for such a change—and it would be the severest cruelty to force them into it." Pro-slavery logic insisted that such a system was unjust because of blacks' inherent qualities, but Cocke approached the dilemma from an environmentalist perspective. A peasantry of blacks was unfeasible, he argued, because "slavery imposed upon them...[an] unpreparedness or disqualification for freedom."⁸⁶¹

⁸⁵⁹ John Hartwell Cocke, "Plan for Gradual Emancipation," Box 184, John Hartwell Cocke Papers (hereafter JHC Papers), UVA; Wiley, ed., *Slaves No More*, 33; Miller, ed., "Dear Master", 34.

⁸⁶⁰ Miller, ed., "Dear Master," 142.

⁸⁶¹ JHC Journal, 58-59, JHC Papers, UVA.

While only an honorary member of the original board, then-President James Monroe was critical to the original development of UVA, and like Jefferson and Madison, his views on slavery were complicated. While a slave owner, Monroe declared slavery to be “evil” in 1829 and that Virginia should do all “that was in her power to do, to prevent the extension of slavery, and to mitigate its evils.”⁸⁶² As president, Monroe supported the suppression of the trade by condoning the seizure of vessels engaging in the traffic to “terminate a commerce so disgraceful.”⁸⁶³ Between 1818 and 1822, Monroe confirmed his assent to these measures and encouraged a vigorous prosecution of those engaging in the practice. Monroe, at the insistence of many Virginians, allowed armed cruisers to suppress the trade and immediately return to Africa any slave found on such smuggling vessels.

An interesting note on Monroe is that while he did support the Missouri Compromise, he believed the Constitution protected the unrestricted expansion of slavery into new territories. He regrettably wrote Jefferson, “Many think that the right [to own slaves] exists in one instance & not in the other,” he reflected. “I have never known a question so menacing to the tranquility and even the continuance of our Union as the present one. All other subjects have given way to it, & appear to be almost forgotten.”⁸⁶⁴ Monroe even took a step further, declaring that proponents of the gradual emancipation of Missouri's slaves and the prohibition of slavery in later states to be carved from the Louisiana Purchase were covert disunionists.

Furthermore, Monroe proclaimed his devotion to the institution, “My object has invariably been to defeat the whole [anti-slavery] measure if possible, & in no event, even to save the Union, to restrain Missouri in admitting her to the Union, or any state hereafter to be

⁸⁶² *Proceedings and Debates of the Virginia State Convention of 1829-1830: To which are Subjoined, the New Constitution of Virginia, and the Votes of the People* (United States: S. Shepherd & Company, 1830), 149.

⁸⁶³ DuBois, *The Suppression of the African Slave-Trade*, 251.

⁸⁶⁴ Monroe to Jefferson, Feb. 19, 1820. in Hamilton, ed., *Writings of Monroe*. 6: 114.

admitted in any manner different from the other States.⁸⁶⁵ Monroe, like Madison, Cocke, and Jefferson, believed that emancipated blacks could not coexist with whites. Monroe contended that blacks would become a burden to the state, as without government assistance, they would become impoverished criminals, stealing to survive. As Monroe wrote: “They must remain as poor, free from the control of their masters, and must soon fall upon the rest of society, and resort to plunder for subsistence.”⁸⁶⁶ Thus, Monroe also became an active member of the ACS.⁸⁶⁷

Another honorary member of the original board was the Secretary of the Board, Nicholas P. Trist. Trist was Jefferson's grandson-in-law and was appointed in 1826 for a salary of two hundred dollars a quarter.⁸⁶⁸ Shortly after Jefferson's death, Trist's younger brother Hore Brouse Trist, wrote to him that he was sure that slavery would be abolished but that he hoped that such an event would not come soon. Intelligent Southerners expected the abolition of slavery to happen forty years after it did.⁸⁶⁹ Although, he was primarily appointed solely because of his relationship with the now-deceased Jefferson, as a slave owner himself, Trist viewed it as a necessary part of the Southern economy and way of life. However, he did not believe in allowing slavery to spread to the West. Part of his actions later in life prevented the expansion of slavery into the western territory.⁸⁷⁰

⁸⁶⁵ Monroe to Dr. Charles Everett, Feb. 11, 1820, Lee Papers, Virginia Historical Society, in *James Monroe Papers* in Virginia Repositories, reel 13. (Spelling and punctuation in original).

⁸⁶⁶ *Proceedings and Debates of the Virginia State Convention of 1829-30* (Richmond. 1830), 149.

⁸⁶⁷ Ammon, *James Monroe*, 522-523.

⁸⁶⁸ Board of Visitors to N.P. Trist, Get. 24, 1826.

⁸⁶⁹ H. Brouse Trist to N.P. Trist, August 26, 1826.

⁸⁷⁰ J.M. Forbes to Trist, July 10, 1869. *Trist Papers*, LC. In 1847, near the end of the Mexican American War, President James K. Polk sent Trist to negotiate with the government of Mexico. When negotiations did not go as President Polk wanted, he recalled Trist back to Washington D.C.. Trist, instead, ignored his instructions and successfully negotiated the Treaty of Guadalupe Hidalgo. Trist's negotiation stirred controversy among expansionist Democrats because he disregarded Polk's instructions and reached a settlement for a smaller portion of Mexican territory than what many expansionists desired and believed he could have achieved. See Richard M. Ketchum, “The Thankless Task of Nicholas Trist,” *American Heritage* Volume 21, Issue 5 (August 1970).

Jefferson's Educational Outline and UVA Original Faculty

In a clear attempt to replicate the relationship between Jefferson and his college mentors Wythe, Small, and Fauquier, UVA was envisioned as an “Academical Village” where professors and students could live together, exchanging thoughts and philosophies. UVA was unique in the sense that in the center of the grounds was the library, rather than a chapel, for the institution to become a secular institution.⁸⁷¹ Still, for Jefferson's experiment to work, the professors would have to be of similar character as Wythe, Small, and Fauquier. Jefferson's selections for professors quickly became controversial as instead of predominately selecting American professors, of the original nine, seven were from Europe. With the board finalized, the next step was Jefferson's plan for the final list of Schools that the Board of Visitors of the UVA adopted in 1824. While Jefferson had imagined ten Schools, the Board initially provided for eight. The following list of the Schools and the subjects to be taught in each is based on the minutes of October 5, 1824:

- I. Ancient Languages: Latin, Greek, Hebrew, ancient history and geography, rhetoric, and belles lettres.
- II. Modern Languages: French, Spanish, Italian, German, and the English language in its Anglo-Saxon form, modern history and geography.
- III. Mathematics: All branches of mathematics were included, as well as military and civil architecture.
- IV. Natural Philosophy: The laws and properties of bodies generally, including mechanics, statics, hydrostatics, hydraulics, pneumatics, acoustics, optics, and astronomy.

⁸⁷¹ Gordon-Reed, *The Hemingses of Monticello*, 649.

- V. Natural History: Botany, zoology, chemistry, mineralogy, geology and rural economy.
- VI. Anatomy and Medicine: Anatomy, surgery, the history of the progress and theories of medicine, physiology, pathology, materia medica, and pharmacy.
- VII. Moral Philosophy. Mental science generally, including ideology, general grammar, and ethics.
- VIII. Law. All branches of law, including the laws of Nature and Nations also the principles of government and Political Economy.

This proposal of Jefferson's embodied what Bruce termed “the three prime divisions of the Higher Education; namely, the disciplinary, the scientific, and the vocational.”⁸⁷² Scientific studies received significant emphasis compared to the other subjects, and the importance of this focus did not exclusively lie in the novelty of individual subjects but rather in the wide range of offerings by UVA. Initially, the responsibility of teaching in a School, which was confined to just one great subject of study, fell entirely on one person. Among the eight Schools established in 1824, the Board insisted that American citizens should head the Schools of Law and Moral Philosophy from an American perspective.⁸⁷³ Bruce's summarization of Jefferson was “resolved to make the genius of every race contribute to the beauty, the commodiousness, and the enlightenment of the sphere in which his own people moved. In politics and ethics alone did he seem to feel that there was no need for foreign illumination and fortification.”⁸⁷⁴

Thus came the endeavor to find the first professors of UVA, all of whom would be hand-picked by Jefferson himself. Jefferson wanted everything and everyone that was the best for his

⁸⁷² Bruce, *History of the University of Virginia*, 323.

⁸⁷³ Board of Visitors, 5 April 1824, 7 April 1824.

⁸⁷⁴ Bruce, *History of the University of Virginia*, 335.

University, and he knew the best professors could only be found in Europe since they had established universities before Americans:

We have determined to receive no one who is not of the first order of science in his line; and as such, in every branch, cannot be obtained with us, we propose to seek some of them at least in the countries ahead of us in science, and preferably in Great Britain, the land of our own language, habits and manners ... from our information of the characters of the different Universities, we expect we should go to Oxford for our classical professor, to Cambridge for those of Mathematics, natural philosophy, and natural history, and to Edinburgh for a professor of Anatomy, and the elements of outlines only of medicine.⁸⁷⁵

One of Jefferson's original choices for a professor was Dr. Thomas Cooper. Cooper hailed from England and was infamous for his outspoken views, especially on slavery. In his book, *Lectures on the Elements of Political Economy*, Cooper unleashed a scolding review of the institution of slavery, arguing that “nothing will justify slave labour in point of economy,” contending that “slave labour is entirely unprofitable in Maryland and Virginia.” Cooper believed that slavery was the “dearest kind of labor” due to being “forced” and enforced “from a class of human beings, who of all others, have the least propensity to voluntary labour, even when it is to benefit themselves alone.”⁸⁷⁶

Jefferson was certainly drawn to Cooper, who also believed that enlightenment was the key to abolition, stating that “Ignorance is necessary to the continuance of slavery, whether the object be to keep the mind or the body, or both in chains.”⁸⁷⁷ Jefferson made no secret of his admiration for the British scientist, hailing Cooper as “the greatest man in America in the powers of his mind” when he offered Cooper the chair of chemistry.⁸⁷⁸ However, Cooper's outspoken

⁸⁷⁵ Jefferson to Richard Rush, April 28, 1826.

⁸⁷⁶ Cooper, *Lectures on the Elements of Political Economy*, 95-96.

⁸⁷⁷ Cooper, *Lectures on the Elements of Political Economy*, 265.

⁸⁷⁸ Thomas Jefferson & Joseph Carrington Cabell, *Early History of the University of Virginia* (United States: J. W. Randolph, 1856), 169.

nature on not just slavery but religion did not sit well with other staff members, who rooted for his removal.

George Blaettermann was against the hiring of Dr. Thomas Cooper at the University of Virginia because Cooper was known for his radical political views and his support for the abolition of slavery. Blaettermann feared that Cooper's views would be seen as too controversial and would damage the reputation of the University, which was heavily dependent on the support of wealthy slaveholders. As Cooper continued to become more polarizing, Jefferson was forced to remove Cooper from his position. Cooper then found employment as the president of the South Carolina College in 1819 (now known as the University of South Carolina). His outspoken views of slavery continued until he was forced to resign from the position in 1833 due to political pressure from pro-slavery politicians.

The Chairman of the Faculty was Dr. Robley Dunglison. Dunglison was born in Keswick, England, on January 4, 1798. He received his medical degree in London in 1819 and served as a professor of anatomy, medicine, and medical jurisprudence at the UVA from 1825 to 1833. A “benevolent, public-spirited character,” he was known for his charitable works and, in later years, for promoting raised-letter books for the blind.⁸⁷⁹ Dunglison was also the personal physician of Jefferson, Madison, and Monroe, becoming good friends with Jefferson and frequently dining with Madison. “In my latest visits to him,” Dunglison recalled, “when confined to the bed or sofa in the next room, he would invite me to take his place at table and call out that if I did not pass the wine more freely, he would 'cashier' me!”⁸⁸⁰ Dunglison was even in

⁸⁷⁹ Paul Brandon Barringer and James Mercer Garnett, *University of Virginia: Its History, Influence, Equipment and Characteristics, with Biographical Sketches and Portraits of Founders, Benefactors, Officers and Alumni*, vol. 1 (New York: Lewis Publishing Company 1904), 347.

⁸⁸⁰ Samuel X. Radbill, and Robley Dunglison. “The Autobiographical Ana of Robley Dunglison, M. D.,” *Transactions of the American Philosophical Society* 53, no. 8 (1963): 55

attendance when Jefferson died in 1826. Jefferson's granddaughter, Cornelia Randolph, remembered him fondly, “We are more & more pleased with Dr. Dunglison both as a man & a physician,” she wrote, adding moreover that he was “certainly” a great doctor.⁸⁸¹

Like many of those present at UVA, Dunglison owned slaves. When Jefferson died, and his estate was auctioned to pay off his debts, Dunglison purchased the slaves, Fanny Hern and her husband.⁸⁸² Just before the Monticello sale in January 1827 after Jefferson's death, Dunglison's wife had written to Jefferson's executor: “I have felt so much interested for Fanny as she has once lived with me, for fear she may be sent to a distance, that the Doctor has permitted me to try to obtain her at the sale as well as her youngest child, should they go at a reasonable price.” The Dunglisons purchased Fanny Hern and her youngest child, Bonnycastle, named after another UVA professor, Charles Bonnycastle. Her appeals led to a sales invoice two years later, documenting the additional purchase of her husband, “Waggoner David.” Thirteen years later, Jefferson's granddaughter, Virginia Trist, writing from France, asked her sister-in-law to “remember me most kindly” to “all our old servants.” David and Fanny Hern were two of the eight men and women she named.⁸⁸³

It is rather interesting to see Jefferson's standards and opinion of the professor of law. Unlike the other professors, not only did Jefferson mandate that the law professor had to be American, but also Virginian. Jefferson wrote regarding his standards for the law professor,

In the selection of our Law Professor, we must be rigorously attentive to his political principles. You will recollect that before the Revolution, Coke Littleton was the Universal elementary book of law students and a sounder Whig never wrote, nor of profounder learning in the orthodox doctrines of the British constittin, or in what were

⁸⁸¹ Cornelia Randolph to Ellen Randolph Coolidge, Aug. 3, 1825.

⁸⁸² Thomas J. Randolph recollections, ViU: 1837. On rituals of marriage in the nineteenth century, see Herbert G. Gutman, *The Black Family in Slavery and Freedom 1750 – 1925* (New York, 1976), 273–277; and Genovese, *Roll, Jordan, Roll*, 475–481.

⁸⁸³ Harriet Dunglison to N. P. Trist, Jan. 13, 1827, NcU; Robley Dunglison to Trist, Jan. 15, 1827, NcU: *Trist Papers*; sales memorandum, Jan. 1, 1829, ViU: 8937; Virginia J. Trist to Jane Hollins Randolph, May 25, 1840, ViU: 1397.

called English liberties. You remember also that our lawyers were then all Whigs. But when his black-letter text and uncouth but cunning learning got out of fashion, and the honied Mansfieldism of Blackstone became the Student's Horn-book, from that moment, that profession (the Nursery of our Congress) began to slide into toryism, and nearly all the young brood of lawyers now are of that hue. They suppose themselves indeed to be whigs because they no longer know what whiggism or republicanis means. It is in our Seminars that that Vestal flame is to be kept alive; it is thence it is to spread anew over our own and the sister states.⁸⁸⁴

This letter suggests that to Jefferson, the coming generations being transformed into Hamiltonian Federalists would be the greatest danger to the future of the United States. According to Jefferson, Federalism meant losing all the ties with the virtues and the principles of republicanism. Thus, to Jefferson, the political views of the professors were critical.

Jefferson's original choice for the professor of law was Francis Walker Gilmer, a brilliant young man who had an unquestionable stance on states' rights. During the Missouri crisis, Gilmer published numerous articles, all of which Jefferson approved, that the unqualified admission of Missouri as a slave state and the uncontrolled expansion of slavery into the territories would further the cause of "Philanthropy and Liberty." However, Gilmer ultimately declined Jefferson's offer of the position due to his health; he died shortly after UVA opened.⁸⁸⁵

From there, Jefferson refused to hire anyone unless they embodied the Jeffersonian tradition of government, opting to go a full year after it opened without a law professor. Finally, in April 1826, the University appointed John Tayloe Lomax, who had practiced law in Virginia since 1797.⁸⁸⁶ Lomax's life is not as well documented, but there are fragments that can be pieced together to determine his stance. Madison had insisted to Jefferson that "the most effectual safeguard against heretical opinions in the School of Politics will be an orthodox Professor," who

⁸⁸⁴ Jefferson to James Madison, February 17, 1826.

⁸⁸⁵ Miller, *The Wolf by the Ears*, 262.

⁸⁸⁶ "Meeting Minutes of University of Virginia Board of Visitors, 3–7 Apr. 1826, 3 April 1826," *Founders Online*, National Archives, <https://founders.archives.gov/documents/Jefferson/98-01-02-6013>.

would keep “anti-Missourism” out of the classroom, and this would help cement UVA's legacy as a “nursery of Republican patriots.”⁸⁸⁷

Lomax clearly shared Jefferson's view that the study of law should include the study of government and politics within a broad conceptual framework. Otherwise, Jefferson would have never approved his appointment. He included the subjects of the law of nature and nations, the science of government, constitutional law, the history of common law, and the elementary principles of criminal and municipal law. Lomax found himself at odds with his students and provoked their opposing views, reflecting, “Their demand for the law is for a trade, --the means, the most expeditious and convenient, for their future livelihood. I found myself irresistibly compelled to labor for the satisfaction of this demand, or that the University would have no students of law...”⁸⁸⁸

Perhaps the greatest evidence to support Jefferson's anti-slavery intentions is his hiring of American Professor George Tucker as the professor of moral philosophy. George Tucker was the younger cousin of St. George Tucker.⁸⁸⁹ When he was twenty-six, Tucker began studying law with his cousin in 1795, and while with him, scholars have generally agreed he absorbed St. George's anti-slavery views. Conversely, it was Jefferson's anti-slavery words from *Notes* that had spurred Tucker, then those set in St. George's *Dissertation*.⁸⁹⁰ In response to Jefferson's *Notes*, a volume entitled *Letters from Virginia, Translated from the French*, charged Jefferson

⁸⁸⁷ Miller, *The Wolf by the Ears*, 262.

⁸⁸⁸ W. Hamilton Bryson, “John Tayloe Lomax,” in *Legal Education in Virginia 1779-1979: A Biographical Approach* (Charlottesville: University of Virginia Press, 1982).

⁸⁸⁹ The Tucker family have confusingly similar names; St. George Tucker is often confused with his younger cousin George Tucker, and historians sometimes ascribe the elder jurists' *Dissertation* to the younger man. Adding to the confusion, George Tucker also became a professor and author and wrote an important antislavery essay.

⁸⁹⁰ See for example Philip Hamilton, *The Making and Unmaking of a Revolutionary Family: The Tuckers of Virginia 1752-1830* (University of Virginia Press 2003), 150. For Tucker, see Robert Colin McLean, *George Tucker, Moral Philosopher and Man of Letters* (Chapel Hill: University of North Carolina Press, 1961); Tipton Ray Snaveley, *George Tucker as Political Economist* (Charlottesville: University Press of Virginia, 1964).

with shallow reasoning in his assessment of blacks. While it was anonymously published in 1816, it has been widely assumed by historians, such as Willie Lee Rose, to be written by George Tucker.⁸⁹¹

Letters' critique of Jefferson's views was done in a satirical fashion, going so far as to even mention Jefferson's hypocrisy against miscegenation yet had a rumored relationship with Sally Hemings. *Letters* critiques Jefferson, who is unaffectionately referred to as 'Mr. J', of unreasonable standards of beauty within the volume, of using attractiveness to prove inferiority, unless "beauty and genius always go together, a proposition for which Mr. J ought not to contend."⁸⁹² *Letters* first considers Jefferson's views of physical differences to be "frivolous" towards "quality of mind" unless Jefferson is able to prove "what precise quantity of hair, what kind of secretion, and what structure of the 'pulmonary apparatus' are the best adapted to make men poets and philosophers."⁸⁹³ If historians such as Rose are correct in their view that Tucker indeed wrote *Letters*, then it could be assumed that Tucker was perhaps more anti-slavery than Jefferson himself.

Tucker, even though he was a slaveholder, had been stirred by the events of Gabriel's Conspiracy to publish an anti-slavery pamphlet, *Letter to a Member of the General Assembly of Virginia*, in 1801. This was Tucker's earliest work on the issue of slavery. In his *Letter*, Tucker contended that a "late extraordinary conspiracy" had demonstrated just how dangerous the enslaved population was and that they should be relocated. While he later heavily criticized *Notes*, it is interesting that he invokes part of it in the *Letter*. Tucker asserted that the love of freedom was rooted by "the God of nature" in every human, including blacks who were

⁸⁹¹ Willie Lee Nichols Rose, *A Documentary History of Slavery in North America* (Athens: University of Georgia Press, 1999), 76. The *Letters* have also been attributed to William Maxwell and to J.K. Paulding.

⁸⁹² Rose, *A Documentary History of Slavery*, 78.

⁸⁹³ Rose, *A Documentary History of Slavery*, 78.

increasingly obtaining skills, such as learning to read, allowing them to become more independent, and would soon claim freedom not “merely as a good; now they also claim it as a right.”

Tucker presented Virginia with two options: they must either tighten slave laws, but as he said, “when you make one little tyrant more tyrannical, you will make thousands of slaves impatient and vindictive,” or they must recognize the natural progress of liberty and emancipate the slaves over time. Tucker's elder cousin, St. George Tucker, had proposed a plan for eventual freedom for all Virginia slaves through legal oppression to incentivize the freed slaves to leave the state. However, the aftermath of Gabriel's Rebellion made the idea of a discontented class of freed slaves significantly less appealing. Tucker, instead, found a compromise within Jefferson's *Notes*.⁸⁹⁴

Tucker's compromise was to form a colony either west of the Mississippi River or newly acquired Indian land in Georgia and encourage blacks already freed to settle there by offering financial assistance. To ensure none would stay, extra taxes would be levied on any blacks who chose to stay in Virginia. Like Jefferson's colonization proposal in *Notes*, Tucker believed this colony should be “under the protection” of the Virginia or United States government until it “contained a number of inhabitants sufficient to manage their own concerns.”⁸⁹⁵ However, where Tucker diverged from Jefferson's plan was he did not see a general emancipation bill, instead believing that poll taxes on slaves, especially young females, would fund the colony and motivate slave owners to voluntarily export their slaves.

⁸⁹⁴ James Fieser, *George Tucker: Autobiography and Miscellaneous Philosophical Essays* (Thoemmes Pr. 2005), 225-227. See the discussion in Taylor, *Internal Enemy*, 98–99.

⁸⁹⁵ Fieser, *George Tucker*, 231.

Like his cousin, Tucker did not propose an immediate end to slavery in Virginia.⁸⁹⁶ Though Tucker received recognition and acclaim for his publication, boasting, “I succeeded and was rewarded with the public approbation. My little pamphlet was reprinted in Baltimore, and I was at once ranged in the class of men of letters,” it had limited influence in Richmond. Instead, the Assembly came within two votes of banning manumissions altogether. The aftermath of Gabriel's Rebellion left many believing that freeing slaves without granting them full rights would be ineffective and could lead to further demands for equality. Nearly all white Virginians, with few exceptions, were not willing to live as equals with people of color. In 1806, the House of Delegates passed a bill requiring freed slaves to leave the state within a year of their manumission or face enslavement. This measure significantly reduced the number of manumissions in Virginia. Thus, from 1806 on, “the number of manumissions in Virginia dropped drastically.” However, the underlying problems of slavery's contradictions and the fear of potential revolts remained in society.⁸⁹⁷

In 1818, Tucker moved to Lynchburg, Virginia, hoping to provide better education and social surroundings for his growing children. He was soon elected to the U.S. House of Representatives, a position he held for six years. However, it was Tucker's work *Essays on Various Subjects of Taste, Morals, and National Policy* that drew Jefferson's attention to him. Tucker's *Essays* was a collection of his anonymous magazine articles, with which he had hoped to achieve fame and fortune.

⁸⁹⁶ Ibid., 231-233. Scholars often highlight George Tucker as someone who was influenced by and echoed his older cousin's emancipation plan. However, he diverged from several of St. George's concepts and instead favored Thomas Jefferson's ideas. See, for example Philip Hamilton, *The Making and Unmaking of a Revolutionary Family: The Tuckers of Virginia 1752-1830* (University of Virginia Press 2003), 150.

⁸⁹⁷ Fieser, *George Tucker*, 278-279; Wolf, *Race and Liberty in the New Nation*, 125.

Then, in 1824, Tucker wrote the book, *The Valley of Shenandoah*, which presented a rare critical look at the issue of slavery from the perspective of a Southerner. The novel portrays the decline of an aristocratic plantation family through which Tucker sought to accurately illustrate Virginia's "manners and habits" and to provide moral instruction "to the youth of both sexes."⁸⁹⁸ Tucker uses the main character, Edward, as a mouthpiece for his own views on slavery in his speech, declaring, "I freely admit it to be an evil, both moral and political, [but it] admits of no remedy that is not worse from the disease. No thinking man supposes that we could emancipate them and safely let them remain in the country."

Tucker writes that "we must wait 'some centuries hence' until slavery will disappear on its own. In the meantime, slaves are perhaps better supplied with the necessaries of life than the labouring class of any country out of America. They have their pleasures and enjoyments according to their station and capacity."⁸⁹⁹ In one of the most powerful moments in the book, Tucker shows the reader the horrors of a slave auction and the desperate efforts used to attempt to keep slave families together. However, Tucker did not think highly of *The Valley*, stating, "The work may be regarded as a failure. It had the disadvantage of ending unhappily, and its catastrophe was offensive to Virginia pride."⁹⁰⁰

At age fifty, when it was clear Tucker would not win a fourth term in office and with his literary career not as successful as he wished, he took Jefferson's job offer of teaching "mental sciences generally, including Ideology, general grammar, logic and Ethic."⁹⁰¹ Tucker was insecure with his first teaching job, feeling "Convinced as I was of my insufficient acquaintance

⁸⁹⁸ Tucker, *The Valley of Shenandoah*.

⁸⁹⁹ Fieser, *George Tucker*, xvii.

⁹⁰⁰ Fieser, *George Tucker*, 66.

⁹⁰¹ Jefferson to Tucker, March 9, 1825.

with the subjects on which I was required to lecture.”⁹⁰² But what were Tucker's philosophies? It is critical to emphasize the importance that Jefferson put a man so outspoken against slavery in charge of teaching the students morality. Tucker's primary philosophical discipline was what he referred to as “mental philosophy,” or the investigation of the principles and faculties of the human mind.⁹⁰³

Tucker delved into numerous topics within his writings, including aesthetics, causality, the external world, and morality. When rationalizing the intellectual undertakings behind these concepts, he employed two main methods: some perceptions and mental capabilities are innate and deeply rooted in human nature, while others emerge through the association of ideas. This positions Tucker between the commonsense tradition of Thomas Reid and the associationist tradition of David Hume, both of whom he admired. Interestingly, this causes Tucker's philosophical approach to align with that of Thomas Brown. It is worth noting that early lecture notes from Tucker's teaching career indicate his use of Brown's recently published *Lectures on the Philosophy of the Human Mind* (1820).

On the other hand, Tucker appreciates Dugald Stewart the most and frequently uses Stewart's theories as a springboard for his own.⁹⁰⁴ Interestingly, Tucker does not talk about natural rights as Jefferson did, nor does he write about virtue, duty, and utility. Instead, much of Tucker's discussions on morality often revolved around addressing practical moral dilemmas prevalent during his time, such as dueling, India's practice of Suttee, and, most importantly, slavery. Tucker had an interesting trajectory of thought regarding slavery throughout his life. In his autobiography, Tucker reflects on the days of his youth, stating, “When I was too young to be

⁹⁰² Fieser, *George Tucker*, 65.

⁹⁰³ Much of Tucker's interest in mental philosophy involves what has since been relegated to the discipline of psychology.

⁹⁰⁴ Fieser, *George Tucker*, 10, 134, 157.

left to myself, I was attended by a colored boy several years older than myself. This boy taught me to count and to multiply as far as 12 by 12. How he acquired this knowledge, I never knew, nor in fact ever inquired.” This illuminating experience brought “doubts about the inferiority of the intellect of the coloured race.”⁹⁰⁵ Tucker continued with this perspective for much of his life, even baptizing three of his slaves, Isaac, Jack, and Rachel, in November 1832.⁹⁰⁶

In Tucker's *Speech on the Restriction of Slavery in Missouri* before the U.S. House of Representatives regarding the Missouri Compromise, Tucker argues that Missouri should be admitted as a slave state without Congress implementing circumstances on how Missouri should construct its constitution, particularly regarding slavery.⁹⁰⁷ Tucker warned of the dangerous precedent set if Congress interfered with the creation of a state's constitution, thus limiting the sovereignty of any new state. While Tucker asserts that slavery is morally evil, states must have the right to their power even if it means doing wrong.⁹⁰⁸

Tucker also addresses restricting the expansion of slavery in the West, arguing that as whites emigrate to the West, the black population will become more concentrated in slaveholding states. If the current black-to-white ratio is not maintained, Tucker argued, a major increase in blacks might prompt whites to abandon the country or lead to a bloody conflict between the races, like those Jefferson had suggested.⁹⁰⁹ Tucker then addresses the idea of colonization, using Jefferson's same argument of financial impracticality. This left Tucker with one solution to the problem. Slavery should be allowed to follow a westward expansion, where the ratio will remain constant. Then, slavery will naturally die out when the population increases,

⁹⁰⁵ Ibid., 17.

⁹⁰⁶ Records of the First Baptist Church, Charlottesville, Virginia, *Charlottesville Roll Book*, 1831-1869.

⁹⁰⁷ Fieser, *George Tucker*, xvi.

⁹⁰⁸ Fieser, *George Tucker*, xvi.

⁹⁰⁹ Ibid., xvii.

the price of labor drops, and slave ownership is no longer cost-effective. If a policy of emancipation is prematurely forced on the South, he contends, “slaveholding states are bound to resist the restriction at every hazard” as a simple matter of self-preservation.⁹¹⁰

By the mid-1830s, the abolitionist movement gained momentum in the Northern states. This not only heightened hostilities between the North and South but also led to a suppression of any anti-slavery sentiments within the South, even for someone of a temperate nature like Tucker's. By the 1840s, Tucker grew increasingly irritated with the abolitionist movement, believing they were now causing more harm than good. Southerner individuals who sympathized with emancipation could no longer openly express their views due to the imposition of Northern opinions on the rights of Southern states, “even the love of liberty, which once pleaded for emancipation, is now enlisted against it.”⁹¹¹

It is within *The Progress of the United States in Population and Wealth* that Tucker presents a complicated justification of what he calls the “euthanasia” of slavery. Tucker posits that once the population of the United States reaches around 50 people per square mile, slavery will no longer be economically viable. Through his analysis of population trends, Tucker estimates that this will occur 80 years from that time, around the year 1920.⁹¹² Tucker opted for colonization, arguing that so long as slavery was profitable, it would continue to exist, arguing that “slave labour, in the more northern of the slaveholding States, will not greatly decline in price so long as it is very profitable in the more southern.”⁹¹³

⁹¹⁰ Ibid., 248.

⁹¹¹ George Tucker, *The Progress of the United States in Population and Wealth* (United States: Little & Brown, 1843)

⁹¹² Fieser, *George Tucker*, xii.

⁹¹³ Tucker, *The Progress of the United States*, 110.

In one of his final works, *The History of the United States* (1856–1857), Tucker spends an enormous amount of time on the issue of slavery. He even takes issue with Jefferson's claim in *Notes* that slavery was destructive at the expense of the slave-owner. Tucker argues that the opposite is true, that slavery actually has a positive impact on slave owners, that it fosters qualities like patience, mildness, and clemency.⁹¹⁴ Within the final volume of the work, Tucker remains skeptical over the possibility of the United States breaking apart over the issue of slavery. He lays out his argument in three points. First, emancipation and manumission may only be a passing trend, such as other previous moral causes. Second, a significant portion of the country, both North and South, believes that individual states should have the authority to decide on the different statures of their citizens, including women, children, and, by leeway, slaves. Last, economically speaking, neither the North nor the South had strong incentives to avoid a permanent split, jeopardizing their access to waterways and free trade.⁹¹⁵

Tucker remained at UVA until 1845 when he resigned after over twenty years. However, before Tucker moved to Philadelphia, he freed his five slaves. Tucker describes the attachment between him and his “faithful” slaves as “mutual” as his act of emancipation was “one of feeling and sentiment.” Of the five emancipated, two males shortly passed away after being freed, though Tucker made a point that it was not because they “abused their new privilege.” A third remained at the UVA to remain close to his wife and children, who were slaves, “anxiously dreading the strict execution of the law which compels free negroes to leave the State.” The final two, a woman and her grandchild, went with Tucker to Philadelphia. While there, Tucker paid the woman wages and had the child bound to him until she was eighteen. However, the pair was

⁹¹⁴ Fieser, *George Tucker*, xvii-xiii.

⁹¹⁵ Fieser, *George Tucker*, xvii-xiii.

“incited by some black abolitionists to secure her wages to themselves” and secretly left Tucker, who bitterly wrote they had forgotten “what I had done.”⁹¹⁶

The only other American professor was John Patton Emmet. Emmet was a professor of chemistry at the University of Virginia in the early 19th century. He was born in Ireland in 1796 and emigrated to the United States in 1805. He became a professor at the University of Virginia in 1824 and taught chemistry. Cornelia Randolph, Jefferson's granddaughter, seemed fascinated with him when she wrote, in her folksy, precise manner, to her sister Ellen Randolph Coolidge:

Dr. Emmet is an Irishman complete, warm in his likings & dislikes; fiery, & so impetuous even in lecturing that his students complain his words are too rapid for their apprehension; they cannot follow him quick enough; to which he answers, they must catch his instruction as it goes, he cannot wait for any man's understanding, in conversation his words tumble out heels overhead so that he is continually making bulls & blunders and to crown all has much of the brogue when he becomes animated.⁹¹⁷

While originally opposed to slavery, Emmet was eventually convinced to purchase a slave.

Another original staff member was Professor Charles Bonnycastle. Bonnycastle was a British mathematician and educator who lived from 1796 to 1840. He emigrated to the United States in 1826 and was appointed as a professor of natural philosophy and mathematics at the University of Virginia in 1828. Almost morbidly shy, he was known on at least one occasion to have leaped a fence in Charlottesville and walked through the mud to avoid having to talk to passing students. The vigilant Cornelia Randolph concluded that “he is a nervous man & queer tempered and does not as other people do.”⁹¹⁸

The next original professor, George Blaettermann, was unique among his coworkers as he was not just the only one of the original group of foreign professors procured by Francis W.

⁹¹⁶ Ibid., 85.

⁹¹⁷ Cornelia Randolph to Ellen Randolph Coolidge, Aug. 3, 1825, Ellen Wayles Randolph Coolidge Correspondence, University of Virginia, transcript in Family Letters Digital Archive, Thomas Jefferson Foundation, Inc., <http://www.monticello.org/familyletters>.

⁹¹⁸ Cornelia Randolph to Ellen Randolph Coolidge, Aug. 3, 1825.

Gilmer in England whose employment was specifically ordered by Jefferson but was also the only early professor at the University to have been dismissed from his post. While the Board of Visitors held the ultimate authority, bestowed by the legislature, to oversee the UVA's operations, it is clear that Jefferson's influence as the Founder and first Rector of the Board drastically shaped the decisions of the Board.⁹¹⁹

Blaettermann did not own any slaves until after Jefferson had passed away, coming into possession of Dorothea (Dolly) Cottrell and her daughter Lucy from the Jefferson plantation. It can be assumed that because he did not own any prior, and in 1850, when Blaettermann collapsed while walking back from the Huckstep farm to his home, it was the slave George Cottrell who found him. This suggests that Blaettermann was an unwilling and benevolent master, as no slave would assist a cruel one. It is believed that George was the son of Dolly Cottrell. George had been on his way to see his wife at the Huckstep farm when he came across Blaettermann. Mrs. Blaettermann referred to "my poor old servants" in her letter of June 30, 1860, and mentioned Dolly's son George.⁹²⁰ She indicated that she had emancipated her slaves five years before.

With the clear unofficial anti-slavery sentiment floating around the University, the staff gained a reputation for their rhetoric. This is not to suggest there was a passionate movement within the halls on their part. Tucker reflected on his colleagues as "all agreeable well-informed men," but they primarily interacted during dining and passing the evenings. Tucker described their lives as "monotonous and devoid of interest, has no doubt appeared to all, on a retrospect, one of the happiest portions of our lives."⁹²¹ But the unofficial sentiment was present. Professor

⁹¹⁹ Board of Visitors minutes. University of Virginia, Board of Visitors. April 7, 1824.

⁹²⁰ Letter of Elizabeth C. Blaetterman to Victoria, June 30, 1860.

⁹²¹ Fieser, *George Tucker*, 65.

Robert M. Patterson's response when asked about the institution of slavery in 1834 was “that it was a dark question every way.”⁹²²

The faculty shared many qualities with the founders of UVA, not just by owning slaves but also by recognizing the horrors of the institution. In 1830, the women of the University held an event to raise money for the American Colonization Society, where Professors Bonnycastle, Duglison, Emmet, Harrison, Patterson, and Tucker attended. The event was successful, raising roughly six hundred dollars for the purpose of colonizing freed slaves in Liberia.⁹²³ This sentiment was strong enough that staff who joined the University shortly after Jefferson's death still retained this sentiment, such as Patterson, who joined in 1828.

When Patterson opted to return to Philadelphia in 1835, he “for motives of benevolence” freed his slave, Benjamin Watson, rather than selling him for profit.⁹²⁴ George Tucker also freed five slaves when he moved to Philadelphia rather than selling them. While they were emancipated, four of his slaves, Isaac, his wife Liddy, and Rachel, with her daughter Mary, followed the Tuckers to Philadelphia to work as house servants for them.⁹²⁵ George Blaetterman had his widow free their slaves when she moved to Kentucky in 1855.⁹²⁶

However, Jefferson's idealistic intentions for UVA did not translate to reality on the ground. The students who attended UVA were predominately from the wealthy plantation class, whose very wealth was measured by land slaves. William P. Trent described them as “naturally English modified by circumstances peculiar to a slaveholding, sparsely settled society.” Trent

⁹²² Harriet Martineau, *Retrospect of Western Travel*, Volume II, 1969 (New York: Greenwood Press, Publishers, 1838), 32.

⁹²³ Gessner Harrison to Peachy Harrison, May 13, 1830. *Harrison, Smith, Tucker Papers*.

⁹²⁴ Albemarle County Deed Book 34, 253. Emancipation recorded in Albemarle on January 2, 1837.

⁹²⁵ Jane Emmet to Maria H. Broadus, February 25, 1850. *Harrison, Smith, Tucker Papers*.

⁹²⁶ Elizabeth C. Blaetterman to Victoria, June 30, 1860. *Papers of Francis Lee Thurman*.

also noted the well-educated plantation owners and the “servile, ignorant mass beneath them.”⁹²⁷ It was common for these Southern boys to grow up with slaves, and thus, they were intimately familiar with the system of slavery.

Students at UVA

Jefferson's expectations of the students were unrealistic, given their background and upbringing, which Jefferson himself was a member of. Still, Jefferson hoped that the scions of the gentry would be “sedate young men, who were to engage in graduate work in general preparation for some active pursuit in life,” as Bruce puts it.⁹²⁸ The institution hoped that these young men, belonging to the gentry class, would uphold a sense of honor and adhere to discipline without the need for excessive coercion. This reliance on their inherent sense of honor is evident in the early code of discipline established by the Board of Visitors. On October 4, 1824, the Board stated, “When testimony is required from a Student, it shall be voluntary, and not on oath, and the obligation to give it shall be left to his own sense of right.”

Instead of the institution providing enlightenment for the students meant to compose the natural aristocrats, UVA corrupted the staff and, by extension, the students. Professor George Long came from England as an idealist. When he first met Jefferson, the former president was intrigued by the young scholar, asking, “Are you the new professor of ancient languages?” as he came out to greet his guest. “I am, sir,” Long answered. “You are very young,” the Sage of Monticello replied. “I shall grow older, sir.” Jefferson smiled, and after an evening of conversation with Long, the former president was writing letters praising him to his

⁹²⁷ William P. Trent, *English Culture in Virginia: A Study of the Gilmer Letters and an Account of the English Professors Obtained by Jefferson for the University of Virginia* (United States: Johns Hopkins Univ., 1889), 9-10.

⁹²⁸ Bruce, *History of the University of Virginia*, 259.

acquaintances.⁹²⁹ While Long did not write any specific anti-slavery views, it is worth noting that the abolitionist movement was gaining momentum in Britain during Long's lifetime.

The British Empire abolished the slave trade in 1807, and slavery itself was abolished throughout the empire in 1833, a few years after Long left his position at UVA. However, shortly after he arrived in Charlottesville, Long purchased a slave named Jacob.⁹³⁰ He was not alone, as other professors purchased and rented slaves as well. For example, Professor John Page Emmet, even though he condemned slavery, purchased one as well and even wrote to John Hartwell Cocke asking for aid to purchase another because he “experienced nothing but disappointment from the hired ones.”⁹³¹ As Emmet grew older, he acquired more slaves, owning nine slaves by the time of his death.⁹³² Mathematics Professor Thomas Hewett Key and his wife, from England, found themselves in need of a nurse and maid shortly after they arrived. Jefferson rented his Sally Cottrell to them during the summer of 1825. Key purchased her upon Jefferson's death, but the thought of enslaving another person did not sit comfortably with Key, and he left UVA shortly after.⁹³³ His resignation was also fueled by the student riot against the faculty and the strict code they imposed.⁹³⁴

Because the professors lived in proximity to the students, so too did their domestic slaves. As Jefferson had previously commented, slavery brought out the worst in man, particularly the owners. The students of UVA certainly reflected Jefferson's sentiments. The slaves owned by the Professors, such as Charles Bonnycastle, occupied different positions compared to those directly owned or hired by the University or hotelkeepers. The slaves were not on UVA's campus for the

⁹²⁹ George Long, *Letters of George Long* (United States: Library, University of Virginia, 1917), 23.

⁹³⁰ Bruce, *History of the University of Virginia*, 7.

⁹³¹ *Ibid.*, 2:16-17.

⁹³² Will of John P. Emmet, Charlottesville City Courthouse, *Will Books*, Volume 15, 115.

⁹³³ Bruce, *History of the University of Virginia*, Volume II, 205.

⁹³⁴ Malone, *Jefferson and His Time: The Sage at Monticello*, Volume VI, 465-466.

student's benefit, and as the personal property of respectable men, the students may have felt less excused in giving them orders or reprimanding them. This must have offered the slaves some protection from student abuse, but these slaves were vulnerable, nonetheless.

Fielding, a slave of Professor Charles Bonnycastle, learned this unfortunate lesson in 1839. Fielding made the mistake of interfering when two students began to harass several free blacks gathering in the street. Perhaps Fielding knew the young men and so hoped to influence them. In response, the two students hit Fielding multiple times with both a switch and a stick, beating him until he “humbled himself.” By this point, Professor Bonnycastle came on the scene and urged Fielding to run. The professor's action angered the students, one of whom later declared of Bonnycastle “that any man who would protect a negro as much in the wrong as Fielding is no better than a negro himself.”⁹³⁵ The faculty heard this account but decided not to act on it because the events took place off campus.

Student behavior in the early years of UVA was certainly abysmal. Student William H. Hall of Harper's Ferry, Virginia, surreptitiously set an ink bottle packed with gunpowder on Professor George Tucker's windowsill. His father was perplexed upon hearing of Hall's expulsion, demanding further investigation, noting in his son's defense that the boy had just been expelled from Harvard College for the same offense. “It seems extremely improbable that he should have so soon repeated” a bombing attempt, the father argued with logic muddled by love.⁹³⁶ The student shenanigans became so ridiculous that while a student at UVA in 1826, Edgar Allan Poe wrote in a letter to his guardian that “a common fight is so trifling an occurrence that no notice is taken of it.”⁹³⁷ Jefferson nonetheless remained optimistic about his

⁹³⁵ "Faculty Minutes," March, 1839, n.p.; Bruce, *History of the University of Virginia*, 292.

⁹³⁶ University of Virginia, “Journals of the Chairman of the Faculty, 1827–1864” Mar. 17, 1833.

⁹³⁷ Edgar Allan Poe to John Allan, Charlottesville, Virginia, 1826, in Wall, *Students and Student Life at the University of Virginia*, 88.

dream, dismissing the incidents as nothing more than “vicious irregularities.”⁹³⁸ Jefferson's UVA was not filled with his natural aristocrats as he had dreamed; it was infected by the artificial aristocrats.

The student unruliness came to a head on September 30, 1825, in what would become the first student riot at UVA. As many as fourteen students, “animated first with wine,” donned masks over their faces to hide their identity and swarmed onto the Lawn “with no intention, it is believed, but of childish noise and uproar.”⁹³⁹ The two American professors, John Emmet and Faculty Chairman George Tucker, dutifully stepped out into the darkness to quell the disturbance. Emmet tore Cary's clothes. Cary punched the professor and rallied fellow students to his side with the cry, “The damn'd rascal has torn my shirt.”⁹⁴⁰ William Eyre, a student from Eyreville in Northampton, Virginia, wearing a mask, also cried out, “Damn the European Professors!”⁹⁴¹

Emmet and Tucker each “seized an offender, demanded their names (for they could not distinguish them under their disguise), but were refused, abused, and the culprits calling on their companions for a rescue, got loose and withdrew to their chambers,” Jefferson wrote to his grandson-in-law nearly two weeks later.⁹⁴² In response to the incident, a statement was presented, signed by 65 students, expressing their refusal to cooperate as informers and their indignation at the accusations made by the faculty that the students could be capable of such dishonorable conduct. The students “denied the fact of any assault having been made upon any Professor” and instead, proclaimed “, two Professors had attacked one student and that he was

⁹³⁸ Bruce, *History of the University of Virginia*, Volume II, 298.

⁹³⁹ “Minutes of the Faculty,” Oct. 5, 1825.

⁹⁴⁰ “Minutes of the Faculty,” Oct. 5, 1825.

⁹⁴¹ “Minutes of the Faculty,” Oct. 5, 1825.

⁹⁴² Jefferson, *Writings*, 18, 344.

justified in making resistance.” The students found the “language of the remonstrance was highly objectionably [sic].” Fifty other students, who were not involved in the altercation and knew nothing about it, made “making common cause with the rioters and declaring their belief of their assertions in opposition to those of the Professors.”⁹⁴³

Three days after the incident, Jefferson, now eighty-two, called an assembly of the entire student body. He looked upon his assembled students “with the tenderness of a father”⁹⁴⁴ while the students stared back with defiance and hostility. Jefferson could see his dream of bringing about enlightenment through education was quickly evaporating before his eyes. When Jefferson spoke to express his disappointment, Margaret Bayard Smith, a visitor to Charlottesville, wrote of his hesitation: “His lips moved—he essayed to speak—burst into tears & sank back into his seat!—The shock was electric!”⁹⁴⁵ Unable to formulate the words of his utter betrayal by the students, the great Thomas Jefferson, the Sage of Monticello, the architect of the Declaration of Independence, sunk back into his chair and was reduced to nothing more than tears. When Jefferson reflected on this moment, he described it as “the most painful event” of his life.⁹⁴⁶

However, there was evidence that Jefferson's intention of enlightenment did work as he had hoped. All of Jefferson's philosophies and teachings, natural aristocracy, generational sovereignty, education, and deportation, came to a head at this pivotal moment. On April 13, 1832, Merritt Robinson, leader of the Jefferson Literary and Debate Society, was allowed to give their first public speech. Robinson's speech called for the immediate emancipation of slaves, stating the evils of the institution of slavery. While George Tucker, then faculty chairman,

⁹⁴³ Jefferson, *Writings*, 344.

⁹⁴⁴ Smith, *The First Forty Years*, 223.

⁹⁴⁵ Smith, *The First Forty Years*, 229.

⁹⁴⁶ Henry Tutwiler. *Address of H. Tutwiler, A.M., LL. D., of Alabama Before the Alumni Society of the University of Virginia, Thursday, June 29th, 1882* (Charlottesville: Charlottesville Chronicle Book and Job Office, 1882), 10.

approved of the speech, it was not well received by the remaining staff, who met the following day, agreeing that “no distracting question of state or national policy, or theological dispute should be touched in any address,” and to ensure no other similar speeches occurred, added that any further “speech had to be delivered in writing and unanimously approved by the faculty before it could be given publicly.”⁹⁴⁷

Conclusion

The conclusion of the research finds that as Jefferson was being molded by George Wythe, William Small, and Francis Fauquier during his time at William and Mary, he developed anti-slavery views. Once he began his professional career, he immediately implemented his anti-slavery views but not in his personal life. Jefferson was dependent on his slaves’ labor for his property, which gave him the status to implement change. If he forsakes his property, he forsakes his privilege, making him unable to implement change. Jefferson painfully learned that eradicating slavery was not something that could be easily done as nation-building took priority; following the Revolution, the nation had to deal with financial instability and inflation. Slaves and land were the only stable repositories of wealth left. He focused instead on building the nation over his idealistic emancipation notions.

Within his education endeavors, there was a flaw in his philosophy of “natural aristocrats,” and only through enlightenment could the “public mind” be influenced towards emancipation. In his letter to William Burwell in 1805, Jefferson explained that “there are many virtuous men who would make any sacrifices to affect it.” He continues, “many equally virtuous who persuade themselves either that the thing is not wrong.” Jefferson specifically counted on

⁹⁴⁷ Journal of the Chairman of the Faculty, 27 June 1832, and James M. Goode, “A Rowdy Beginning, an Unusual History: the Jefferson Society From 1825 to 1865.”

the “natural aristocrats” to be the “prodigies” who could maintain their virtue and principles against the corruption of slavery. Jefferson had long recognized the negative influence of slavery on society, lamenting its impact on the manners and behavior of both masters and slaves. He understood that the whole dynamic between master and slave perpetuated a cycle of domination and submission, which left an indelible mark on individuals from both sides. Children, Jefferson believed, learned from this oppressive environment, imitating the behaviors they witnessed. Thus, the corrosive effects of slavery extended to even the virtuous members of the “natural aristocracy.”

In the context of UVA, this influence became palpable. While Jefferson had envisioned the University as a beacon of self-sufficiency, liberty, and virtue, the institution was still deeply entwined with the institution of slavery. The labor of enslaved individuals was fundamental to the University's functioning, from construction to daily operations. The very foundation of the institution rested on an economic system that relied on the exploitation of enslaved labor. This contradiction between the ideals of the “natural aristocracy” and the reality of slavery at UVA was a source of profound moral conflict. Even the most virtuous members of the university community, who may have espoused principles of liberty and virtue, were inextricably connected to a system that perpetuated human bondage. Their daily lives and interactions were shaped by an institution that contradicted the very values they purported to uphold.

One of the conundrums that Jefferson recognized was that while he felt slavery would eventually be outlawed within the United States, the problem of racial equality was another matter. In his autobiography, Jefferson stated:

Nothing is more certainly written in the book of fate than that these people [slaves] are to be free. Nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion has drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation peaceably

and in such slow degrees, as that the evil will wear off insensibly; and their places be, *pari passu*, filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up.⁹⁴⁸

Jefferson remained optimistic towards solving the sphinx of his life. Jefferson wrote to Frances Wright expressing approval of her experiment with the Nashoba, Tennessee, settlement. In 1825, Wright 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.”⁹⁴⁹

Unfortunately, Jefferson himself was plagued with debt throughout his life after his presidency due to multiple construction projects on his Monticello plantation, a lavish lifestyle, the inherited debt from his father-in-law, John Wayles, imported goods, and supporting his daughter's large family following her separation from her husband.⁹⁵⁰ Due to his outstanding debt, primarily accumulated from the financial burdens of the Panic of 1819, his estate, including the remaining 130 slaves, was sold. He freed five of his slaves and appealed to the Virginia legislature “a confirmation 99 of the bequest of freedom to these servants.”⁹⁵¹ Jefferson's debt-ridden estate from both his lavish lifestyle as well as his efforts towards UVA and the laws of Virginia allowed him to do no more. He died on July 4, 1825, dismayed at the failure of his generation, his school, and himself to end slavery.

⁹⁴⁸ Brodie, *Thomas Jefferson: An Intimate History*. 441.

⁹⁴⁹ Jefferson to Wright, August 7, 1825.

⁹⁵⁰ Holowchak, *Thomas Jefferson*, 9.

⁹⁵¹ S. K. Padover, *The Complete Jefferson* (Duell, Sloan & Pearce, Inc., N. Y., 1943), 1297.

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