American Scripture

Making the Declaration of Independence

PAULINE MAIER

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better future so compelling that in its name men would sacrifice even life itself.

Congress's Declaration of Independence had to meet the same challenge, which it did in a somewhat different way, and under circumstances that were less than ideal for the creation of a political masterpiece.

CHAPTER III

Mr. Jefferson and His Editors

THE COMMITTEE Congress appointed to draft a declaration of Independence left no minutes of its proceedings, and the account of its work written nearest the event, Thomas Jefferson's "Notes of Proceedings in the Continental Congress," is succinct to a fault. Members of the committee, Jefferson said, "desired" or asked him to prepare it; "it was accordingly done, and being approved by them, I reported it to the house on Friday the 28th. of June when it was read and ordered to lie on the table."¹ Both Jefferson and John Adams later helped flesh out that bare-bones story. However, most of their testimony on the drafting process was written between a quarter and a half century later, which even at the time raised questions about its accuracy, and, it turns out, for good reason. What they said contains one mistake after another.

Fortunately, Adams's statements can be compared to Jefferson's, and both can be measured against shards of evidence that have survived from the 1770s. Piecing together the story demands sifting through contradictory clues with the care of a shrewd detective; indeed, a good part of the story involves evaluating evidence. So do detective stories, but they at least reveal by their endings exactly who did what and when, which is not the case here. Learning how the Declaration of Independence was written is more like assembling an immensely complex jigsaw puzzle in which some pieces are "teases," serving only to mislead, while others necessary to complete the picture have probably been lost forever. Whenever a new piece of the puzzle does appear, as still happens occasionally, it fills out the picture, adding or changing some details, which can affect interpretations of the document.

Despite those problems, the picture's subject—or the story of how
the Declaration was written—is reasonably clear. It includes not a single talented writer but a group of men working under tight time constraints to complete this one of many assignments the Continental Congress gave them. Adams and Jefferson dominate the scene in part because they lived long enough to tell the story to a generation of interested younger Americans, but also because they, in fact, played central roles in the Declaration’s development. They were a curious team, the short, stocky, feisty New Englander, who spoke his mind even more openly on paper than he did in Congress (which is one reason why Adams is eternally quoted), a doer who was well read, particularly on law and politics, and the somewhat younger Virginian, tall and slim, as shy and reserved as Adams was frank and open, and probably more thin-skinned than Adams, with whom he shared a love of reading, but on a broader range of topics. Both were deeply caught up in the controversy between Britain and its American colonies because it raised intrinsically interesting and important issues, and also gave capable young men a chance to earn a place in history, which Adams and Jefferson craved. In ordinary times, their lives would probably have been ordinary, their minds preoccupied with mundane problems of practicing law or running a plantation; but they lived in an extraordinary time which made extraordinary achievements possible. Adams’s main accomplishment was Independence itself; Jefferson wrote the Declaration with the encouragement of Adams, who later fought for its adoption. But the other committee members, particularly Connecticut’s Roger Sherman and Robert R. Livingston of New York, also contributed to the creation of the Declaration. So did Benjamin Franklin, although his involvement was late and brief. In the end, the efforts of these five men produced a workable draft that the Congress itself, sitting as the Committee of the Whole, made into a distinguished document by an act of group editing that has to be one of the great marvels of history.

What Jefferson did and how he worked remains a critical part of the story not only because he composed most of the draft, but because the chronicle of his labor shows what familiar human strategies he used in producing what would later seem a remarkable literary accomplishment. He was no Moses receiving the Ten Commandments from the hand of God, but a man who had to prepare a written text with little time to waste, and who, like others in similar circumstances, drew

on earlier documents of his own and other people’s creation, acting within the rhetorical and ethical standards of his time, and producing a draft that revealed both splendid artistry and signs of haste. In the end, considering its complex ancestry and the number of people who actively intervened in defining its text, the Declaration of Independence was the work not of one man, but of many.

I. The Drafting Committee

According to the Continental Congress’s official journal, the drafting committee was appointed on June 11. It probably met soon thereafter, either that day or the next, perhaps with Jefferson as its head. In his autobiography, written in 1805, John Adams said that the committee had “several meetings, in which were proposed the Articles of which the Declaration was to consist, and minutes made of them.” In other words, it outlined the document, dividing it into sections or “Articles,” probably decided in at least general terms what its various parts should say, and committed those conclusions to paper as “minutes” or instructions to its draftsman. Then the drafting committee—or “Committee of Five,” as it came to be called—had to decide who would write the document. As Adams told the story, the committee

appointed Mr. Jefferson and me, to draw them [i.e., the “Articles”] up in form, and cloath them in a proper Dress. The Sub Committee met, and considered the Minutes, making such Observations on them as then occurred: when Mr. Jefferson desired me to take them to my Lodgings and make the Draught. This I declined and gave several reasons for declining. 1 That he was a Virginian and I a Massachusettsian. 2. that he was a southern Man and I a northern one. 3. That I had been so obnoxious for my early and constant Zeal in promoting the Measure, that any draught of mine, would undergo a more severe Scrutiny and Criticism in Congress, than one of his composition. 4thly and lastly that would be reason enough if there were no other, I had a great Opinion of the Elegance of his pen and none at all of my own . . . He accordingly took the Minutes and in a day or two produced to me his Draught . . .

Adams repeated the story in a letter to Timothy Pickering on August 6, 1822. The committee met, he said, “discussed the subject, and then
appointed Mr. Jefferson & me to make the draught." Adams also restated the arguments by which he persuaded Jefferson to do the writing, including his insistence that "You can write ten times better than I can." ‘Well,’ said Jefferson, ‘if you are decided I will do as well as I can.’ ‘Very well, when you have drawn it up we will have a meeting.’ A Meeting we accordingly had, and conned the paper over."

The next year Pickering quoted passages from the Adams letter in a Fourth of July oration at Salem, Massachusetts. Pickering’s talk was subsequently published and came to Jefferson’s attention. In several details, Jefferson wrote his friend James Madison in August 1823, Adams’s memory was mistaken, which, “at the age of eighty-eight and forty-seven years after the transactions of Independence, ... is not wonderful.” At the time Jefferson was himself eighty years old, but, he claimed, he had “written notes, taken by myself at the moment and on the spot.” The Committee of Five met, he said, and “unanimously pressed on myself alone to make the draught. I consented; I drew it; but before I reported it to the committee, I communicated it separately to Dr. Franklin and Mr. Adams, requesting their corrections, because they were the two members of whose judgments and amendments I wished most to have the benefit, before presenting it to the committee. ... Their alterations were two or three only, and merely verbal. I then wrote a fair copy, reported it to the committee, and from them, unaltered, to Congress."

Whether or not Jefferson really had in hand notes he had taken “at the moment and on the spot”—and it seems likely that he did not—his account was right on some points, wrong on others. An entry in John Adams’s diary for June 23, 1779, which was, of course, much nearer the event, supports the assertion that Jefferson alone was appointed to draft the Declaration. It said that the committee “appointed [Mr.] Jefferson a subcommittee” to draw up a declaration, with no suggestion that Adams was also on that subcommittee. The drafting committee probably gave Jefferson responsibility for all the reasons Adams stated. The political advantages in having the Declaration written by a Virginian and a Southerner rather than a New Englander, and above all one from Massachusetts, were powerful: it would demonstrate that support for Independence went far beyond the “radical” children of the Puritans, who were sometimes accused of pulling the country in their preferred “democratical” or “anti-monarchical” di-

rection. Adams, moreover, had in fact been an outspoken defender of Independence in Congressional debates, perhaps to the point of obnoxiousness, while Jefferson, a notoriously weak speaker, remained silent. It could well be that the exchange Adams recalled between himself and Jefferson occurred as the committee debated who should be given responsibility for producing a draft—not later, within a subcommittee of two members, as Adams indicated in 1805 and 1822. Of all the writers in Congress, moreover, Jefferson was the best available. John Dickinson’s opposition to Independence disqualified him from this particular assignment (though Dickinson was appointed to the committee to draft the Articles of Confederation as well as that to propose model treaties with foreign nations), and Benjamin Franklin was suffering from a fit of gout so severe that he stopped attending Congress about a week before the drafting committee was appointed. As late as June 26—two days before the committee submitted its draft—he wrote a friend that he hoped “in a few days to be strong enough to come to town and attend my Duty in Congress.”

Franklin’s illness did more than disqualify him as a possible draftsman of the Declaration. It meant that only four people attended most and perhaps all meetings of the Committee of Five, a detail neither Adams nor Jefferson seems to have remembered. Jefferson did, however, submit his draft to Adams and Franklin, as he said in 1823. Part of the evidence that he did so lies in what Jefferson later called “the original rough draft” of the document. It was in fact not an “original rough draft,” but a copy Jefferson made from earlier compositional fragments to show members of the drafting committee. He then used that copy to record all subsequent revisions in the Declaration of Independence, including those Congress made in early July. The manuscript is therefore heavily interlined, incorporating several “generations” or layers of revisions. Some of the editorial changes seem to be in Adams’s and Franklin’s handwriting, although most were made by Jefferson. We also know that Jefferson submitted the manuscript to Adams because Adams made a copy for himself, which he kept. It shows the text at an early stage in its development.

Moreover, when Jefferson sent the draft to Franklin on a “Friday morn” in June, he attached a note whose significance seems to have gone virtually unnoticed, although it was published by Julian Boyd in the first volume of the modern Papers of Thomas Jefferson and again
thirty-two years later, in 1982, by the editors of the Papers of Benjamin Franklin. “The inclosed paper has been read and with some small alterations approved of by the committee,” it began. “Will Doctr. Franklin be so good as to peruse it and suggest such alterations as his more enlarged view of the subject will dictate? The paper having been returned to me to change a particular sentiment or two, I propose laying it again before the committee tomorrow morning, if Doctr. Franklin can think of it before that time.”

That description of the drafting procedure contradicts Jefferson’s 1823 account, by which he showed the draft to Adams and Franklin before submitting it to the committee, and the committee did nothing between appointing him draftsman and approving the text he submitted with two or three “verbal” adjustments suggested by Adams and Franklin. In fact, the committee met not only at the beginning and end of the drafting process, but in between. It took responsibility for the overall design of the Declaration if Adams was right, and, as Jefferson told Franklin, requested other revisions that seem to have gone beyond simple adjustments in wording (i.e., it asked him to change “a particular sentiment or two,” that is, some of the ideas it stated). Those revisions were probably recorded on the “original rough draft”—in Jefferson’s handwriting—before Franklin received it.

Not that the committee members had nothing else to do. On June 21, Congress put John Adams on both the committee to draft a declaration of Independence and another “to consider of a compensation to the secretary for his services.” The next day it placed Adams and Franklin—despite his illness—on a committee to prepare “a plan of treaties to be proposed to foreign powers,” and appointed Robert Livingston and Roger Sherman to the committee charged with preparing articles of confederation. On June 13 it also elected Adams and Sherman members of a committee “to form a Board of War and Ordinance,” which was a major assignment since the board was created to bring order to the administration of the army. It assumed responsibility for supplies and personnel, including appointments and promotions, and also for prisoners. Adams was probably delighted that Jefferson agreed to write the Declaration since Adams’s other assignments, particularly the creation of draft treaties and the “Board of War,” seemed substantially more important and so more worth the investment of his precious time.

Not even Jefferson—who, by Julian Boyd’s calculations, served on some thirty-four Congressional committees in a six-month period during 1775 and 1776—was given respite. On Saturday, June 15, Congress put him on a committee of four to “digest and arrange” a long list of resolutions concerning the Canadian campaign and to evaluate a complicated set of papers regarding a cartel for the exchange of prisoners that General Benedict Arnold had entered into at the Cedars, a point on the St. Lawrence above Montreal. On Monday, June 17, that committee submitted two reports, both in Jefferson’s hand. Their completion no doubt claimed one of the only two Sundays between the appointment of the Committee of Five and the submission of its draft Declaration of Independence, and Sunday was the one day of the week on which Congress did not regularly meet. As it happened, on the afternoon of Friday, June 21, Congress adjourned until Monday morning, giving Congress two days “off.” But if, as seems likely, that was the “Friday morn” on which Jefferson sent Franklin his manuscript of the Declaration to review, he had by then not only completed his draft but submitted it to Adams and other committee members for comments. By then, too, he had been appointed to another committee to draw up rules and regulations for Congressional debates (June 20), and on Monday, June 24, he and Sherman were made members of a committee “to enquire into the causes of the miscarriages in Canada,” which was granted the power to send for persons and papers to facilitate its inquiry.

Did Jefferson perhaps skip some Congressional sessions to get extra writing time? Normally the nonattendance of one delegate would have been of little consequence. However, after June 13, when Wyrhe and Lee left Congress, the Virginia delegation was relatively thin, which put more responsibility on those who remained. No surviving document records daily attendance at the Continental Congress. But anxiety over the fate of the Canadian campaign, which deeply concerned Jefferson, and the possibility that news of the British fleet’s movements might arrive and demand immediate attention probably kept him at his seat—perhaps with his “original rough draft” on the table before him so he could poke at it in dull moments, eliminating words and phrases, substituting others in their place. His physical presence at Congress might, in fact, help explain his appointment to so many committees.
In 1823 Jefferson took no exception to Adams's statement to Pickering—which Jefferson saw, since it appeared in the published version of Pickering's oration—that “We were all in haste; Congress was impatient.” That statement makes sense considering the many obligations members of the drafting committee had to acquit simultaneously. Because he worked in the midst of so hurried a situation, Jefferson did not have the luxury of, say, sixteen or seventeen days to write the Declaration, as one might assume considering the time between the appointment of the drafting committee and its submission of a draft to Congress. He had to sandwich that job in among his various other duties. Fortunately, Jefferson could write quickly. Adams claimed that he produced a draft in a day or two and, considering the rapidity with which Jefferson completed the two reports submitted to Congress on June 17, the statement is believable.¹⁵

Jefferson was fortunate in other ways, too. Writers forced to complete an assignment under great time pressure often look around for texts they can adapt for their purposes, and Jefferson managed to find two. One was the draft preamble for the Virginia constitution that he had just finished and which was itself based upon the English Declaration of Rights; the other, a preliminary version of the Virginia Declaration of Rights, had been drafted for the convention sitting in Williamsburg by George Mason, an older man whom Jefferson knew and respected. By modern lights, Jefferson’s use of texts by other authors might be considered to detract from his achievement. In the eighteenth century, however, educated people regarded with disdain the striving for novelty. Achievement lay instead in the creative adaptation of preexisting models to different circumstances, and the highest praise of all went to imitations whose excellence exceeded that of the examples that inspired them. Young men were taught to copy and often to memorize compelling passages from their readings for future use since you could never tell when, say, a citation from Cicero might come in handy. Jefferson had not only a good memory but, as his biographer Dumas Malone observed, “a rare gift of adaptation”: he creatively used Palladian models in designing his house at Monticello and struggled mightily to achieve the impression of an English landscape in the very un-English climate of Virginia. He applied the same gift in drafting the Declaration of Independence, which was as much in keeping with the values of his time as it facilitated the completion of his task under the constraints he faced in June 1776.¹⁶

2. Jefferson’s Draft: The Charges Against the King

Whatever written directions or “minutes” the Committee of Five gave Jefferson have long since disappeared. There is nonetheless good reason to think that the “articles of which the Declaration was to consist,” as Adams described them, included a set of charges against the King. The English Declaration of Rights and previous colonial documents of a similar sort had included such a set of claims, and it would have been difficult to justify American Independence without citing its causes. And so, when Jefferson took up his responsibility as draftsman of the Declaration of Independence, he turned to the preamble of his constitution for Virginia, numbering and then rearranging its charges against the King.¹⁷ Items in that list were meant to show how George III had endeavored to “pervert” the government of Virginia “into a detestable & insupportable tyranny.” In the Declaration of Independence, the various charges had essentially the same purpose: to demonstrate that the King had inflicted on the colonists “unremitting injuries and usurpations,” all of which had as a “direct object the establishment of an absolute tyranny.” Specific accusations catalogued those “injuries and usurpations”; they were the “facts” that the Declaration of Independence “submitted to a candid world.” Independence was justified only if the charges against the King were convincing and of sufficient gravity to warrant the dissolution of his authority over the American people. They were therefore essential to the Declaration’s central purpose, not subordinate to an assumed premise, as Carl Becker argued in one of the more tortured passages in his book on the Declaration.¹⁸

At the time, no one doubted the importance of the charges against the King. British and Loyalist critics of the Declaration, like good de-
fense lawyers, turned immediately to that part of the document, and had a field day ripping it apart. But first they had to figure out exactly what events lay behind the charges. Today most Americans, including professional historians, would be hard put to identify exactly what prompted many of the accusations Jefferson hurled against the King, which is not surprising since even some well-informed persons of the eighteenth century were perplexed. Thomas Hutchinson, a Loyalist historian and ex-governor of Massachusetts, began a pamphlet criticizing the Declaration by recalling the statement of a “Noble Lord”—Philip Yorke, the second Earl of Hardwicke—that he was “utterly at a loss [as] to what facts many parts of the Declaration of Independence published by the Philadelphia Congress referred, and... wished they had been more particularly mentioned” so he could “better judge of the grievances, alleged as special causes of the separation of the Colonies from the other parts of the Empire.”

Hutchinson proceeded to explain the more ambiguous of Jefferson’s charges, many of which, he argued in his *Strictures upon the Declaration of the Congress at Philadelphia* (1776), were “false and frivolous.” Many “facts... alleged to be the evidence of injuries and usurpation” were purposely stated in an obscure manner, he said, because if they were clear they would reveal the criminality of the American revolt rather than justify it. A writer in the *Scots Magazine* similarly remarked that the Americans’ effort to cite “some justifiable reasons of their separating themselves from G[reat] Britain” suffered for lack of “truth and sense” and so reflected “no honour” on their “erudition or their honesty.” John Lind’s *An Answer to the Declaration of the American Congress* (1776) again focused almost exclusively on the charges against the King, and came to much the same conclusion.

Hutchinson and Lind were closely connected with the British ministry, which helps explain why they wrote the two most sustained criticisms of the Declaration of Independence. That they opposed American Independence and the arguments advanced to justify it was therefore predictable, but not the way they criticized the Declaration. The charges of frivolousness and obscurity could hardly have been brought against most state and local declarations on Independence, which for the most part cited a few prominent events of undoubted seriousness—the King’s failure to respond to the colonists’ petitions, his consent to the Prohibitory Act, his use of slaves, Indians, and, finally, German “mercenaries” against them. Jefferson chose instead to construct a much longer and less selective list of accusations. His preamble to the Virginia constitution included sixteen charges against the King, one of which cited his consent to six different “pretended acts of legislation.” And in revising that document for the Declaration of Independence, Jefferson made an already long list even longer: the draft submitted to Congress included twenty-one charges against the King, and increased to nine the “pretended acts of legislation” in what became the thirteenth of those charges.

The accusations Jefferson leveled against George III fell into three general groups. The first, which is by far the most obscure and problematic, includes the first eight “by” clauses in the Virginia preamble. The King had attempted to establish a tyranny, they said,

1. by putting his negative on laws the most wholesome & necessary for the public good
2. by denying to his governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent & when so suspended, neglecting to attend to them for many years:
3. by refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the legislature:
4. by dissolving legislative assemblies repeatedly & continually for opposing with manly firmness his invasions on the rights of the people:
5. when dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any legislative head.
6. by endeavouring to prevent the population of our country & encouraging the import[ation] of foreigners & raising the conditions of new appropriations of lands: ...
7. by keeping among us in times of peace standing armies & ships of war:
8. by affecting to render the military independant of & superior to the civil power.

In preparing the committee’s draft Declaration of Independence, Jefferson rewrote these clauses, eliminating here, as in subsequent charges against the King, the “by” construction—and so distancing the American Declaration from its grandparent, the English Declaration
of Rights—and substituted a series of independent statements beginning “he has” that drummed home the King’s iniquity by attributing direct responsibility to him, point after point. He also added words or phrases to the spare language of the Virginia preamble in an effort to emphasize further the King’s infamy (i.e., he had neglected “utterly” to attend to American laws; the right of representation was a formidable danger “to tyrants only”; in refusing to call new legislatures George III had left the state “exposed to all the dangers of invasion from without, & convulsions within”). Four new charges against the King were inserted in this first part of the Declaration of Independence, which are numbers four and eight through ten below:

[1] he has refused his assent to laws the most wholesome and necessary for the public good:
[2] he has forbidden his governors to pass laws of immediate & pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has neglected utterly to attend to them.
[3] he has refused to pass other laws for the accommodation of large districts of people unless those people would relinquish the right of representation in the legislature; a right inestimable to them, & formidable to tyrants only:
[4] he has called together legislative bodies at places unusual, uncomfortable, & distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures:
[5] he has dissolved Representative houses repeatedly & continually, for opposing with manly firmness his invasions on the rights of the people:
[6] he has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annulling, have returned to the people at large for their exercise, the state remaining in the meantime exposed to all the dangers of invasion from without, & convulsions within:
[7] he has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither; & raising the conditions of new appropriations of lands:
[8] he has suffered the administration of justice totally to cease in

some of these states, refusing his assent to laws for establishing judiciary powers:
[9] he has made our judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries:
[10] he has erected a multitude of new offices by a self-assumed power, & sent hither swarms of officers to harrass our people, and eat out their substance:
[11] he has kept among us, in times of peace, standing armies and ships of war without the consent of our legislatures:
[12] he has affected to render the military independent of & superior to the civil power.

In his critique of the Declaration, Hutchinson noted that the first of these accusations was “general . . . without any particulars to support it,” which made it “fit enough to be placed at the head of a list of imaginary grievances.” In fact, the way Jefferson presented his charges suggests a continuing influence of the English Declaration of Rights, which also presented its charges in general terms. But when the Lords and Commons accused James II of “assuming and exercising a Power of dispensing with and Suspending of Lawes, and the Execution of Lawes without Consent of Parliament,” there was no doubt what they meant because the accusation rested on conspicuous public events, such as the King’s grant of toleration to Catholics without Parliament’s consent. That was not the case with Jefferson’s statement that George III had “refused his assent to laws the most wholesome and necessary for the public good.” What did he mean? Hutchinson guessed that the charge was inspired by laws restricting colonial legislatures from issuing paper currency, which did cause considerable distress. But this was only a guess.

There’s a real issue, of course, whether anyone should have to think hard about what Jefferson meant. Declarations in English law were supposed to be “plain and certain.” And some charges no doubt were—in specific colonies. The problem with this opening set of charges against the King, in short, was not just in the language with which they were stated, but in the fact that they referred to controversies over the King’s use of his executive powers that had often been played out on the provincial level, within individual colonies. The accusations Jefferson added to those in his Virginia preamble are partic-
ularly good examples; indeed, they were probably included because certain delegates wanted their province’s pet complaint put on the list. If a delegate was on the drafting committee he could make his point during its deliberations; others had to buttonhole Jefferson or some other committee member privately. John Adams almost certainly suggested the fourth charge, that the King had “called together legislative bodies at places unusual, uncomfortable, & distant from the depository of their public records.” It recalled the royal governor’s moving the Massachusetts House of Representatives to Cambridge in 1768 when, as Hutchinson said, the recent arrival of British troops and a “riotous, violent opposition to Government” in Boston seemed to make it unwise for the assembly to meet there. The eighth charge, that the King had “suffered the administration of justice totally to cease in some of these states,” was inspired by an extended controversy in North Carolina. The superior courts there were finally closed in 1773 because the assembly absolutely refused to exclude from its court bill a clause allowing the attachment of nonresidents’ property in prosecutions for debt, which the Crown considered contrary to the substance and spirit of English law.27

The ninth charge rested upon a broader base. Controversies over the independence of the colonial judiciary raged in Pennsylvania and New York beginning in the 1750s, then “exploded” in the next decade after an order of December 1761 from the King in Council permanently forbade the issuance of colonial judicial commissions for any term except “the pleasure of the Crown.” In England, judges had enjoyed tenure on good behavior since 1701, and in 1761 George III himself described the independence of the judiciary as “one of the best securities of the rights and liberties of his subjects.” Fears that the Crown sought to control the judiciary increased after the Townshend Act of 1767 suggested that it would soon begin paying judges’ salaries, as it did in Massachusetts six years later.28 The tenth accusation, that George III had sent “swarms of officers to harrass our people, and eat out their substance,” was probably prompted by the American Board of Customs Commissioners, which was located in Boston, and its dependents—clerks, surveyors, tide waiters and the like—whom the Bible-reading folk of Massachusetts considered much like an Old Testament plague of locusts.

There was good reason for referring to some of these cases in only the most oblique way. To examine them more closely confirms the adage that there are two sides to every story, and the colonists weren’t always clearly on the side of the angels. In North Carolina, for example, the royal governor, acting on instructions from the Crown, had tried to reestablish the courts, but the assembly refused to recognize his authority to do so or to pay the judges. Who, then, “suffered the administration of justice totally to cease”? The assembly’s intransigence might well have been justified; still, the situation was complex. The less said the better. As for the American Board of Customs Commissioners, could it honestly be alleged, Hutchinson asked, that “thirty or forty additional officers in the whole Continent” were “the Swarms which eat out the substance of . . . three millions of people”? And how outrageous was it that the governor moved the Massachusetts assembly to Cambridge? Harvard College had convenient public rooms in which the legislature could assemble, Hutchinson noted, and representatives could lodge in private houses, so Cambridge was “not uncomfortable.” Moreover, it was “within four miles of the Town of Boston, and less distant than any other Town fit for the purpose.” The assembly had in fact voluntarily adjourned to Cambridge when smallpox raged in Boston. To include this “unimportant dispute between an American Governor and his Assembly” as “a ground to justify Rebellion” seemed absurd to Hutchinson. John Lind found the allegation so “truly ridiculous” that “at first blush it looks as if inserted by an enemy . . . to throw an air of ridicule on the declaration in general.” To find it “gravely alleged” among the justifications of revolt “that the members of an assembly happened, once upon a time, to be straitened in their apartments, and compelled to sit on strange seats, and to sleep in strange beds,” Lind said, was “unexampled in the history of mankind.”29

But what of the other eight of this first group of charges—that is, those that Jefferson took from his Virginia preamble? It remains possible—as several historians have proven—to rummage through colonial history in search of events that could give substance to Jefferson’s charges, some of which are so buried in the remote history of colonies other than his own that Jefferson probably never heard of them.30 The question remains what Jefferson meant when he said, for example, that the King had “refused his assent to laws the most wholesome and necessary for the public good,” or neglected to give his consent to
laws of immediate & pressing importance," or attempted to retard American population growth by discouraging immigration. Luckily, Jefferson left important clues to the meaning of his opening charges against the King in a still earlier document of his composition, a set of draft instructions for Virginia's delegates to the First Continental Congress that he wrote in 1774.

Jefferson had not been asked to draft those instructions—he had a way of producing documents in the hope they might be adopted, which in this case did not happen. His friends nonetheless published his text as *A Summary View of the Rights of British America* (1774). Jefferson proposed, in short, that Congress send an appeal to the King "penned in the language of truth, and divested of those expressions of servility which would persuade his majesty that we are asking favors and not rights." A "freedom of language and sentiment," one free of subterfuge, seemed to him fitting for a free people: "Let those flatter, who fear: it is not an American art." Because Jefferson refused to be constrained by the conventions of British politics, including that which insisted "the king can do no wrong," *A Summary View* became the first sustained piece of American political writing that subjected the King's conduct to direct and pointed criticism. Jefferson not only raised all of the first eight charges against the King that he would later include in his draft preamble to the Virginia constitution, but discussed them in the same order they appeared in that document.31

The criticisms of the King in *A Summary View* were founded upon a theory of empire that was becoming ever more widely shared among Americans in 1774, and an understanding of early American history that remained controversial since it conveniently overlooked considerable conflicting evidence. The first colonists of British North America, Jefferson insisted, settled the country at their own expense and—despite the charters and patents for which they applied before leaving England—were as free of British authority as the Saxon migrants to England had been of German rule. After a time, however, the settlers decided to adopt the legal system of their mother country and to establish a continuing union with it by submitting themselves to "the same common sovereign." But while the King thereby became "the central link connecting the several parts of the empire," the colonists remained outside the jurisdiction of Parliament, whose power was confined to the British Isles. It followed that all exertions of Parliamentary power over the Americans were improper, and in *A Summary View* Jefferson called upon George III to reclaim the power of vetoing acts of Parliament—which the Crown had lost early in the eighteenth century—to prevent the passage of laws by any one legislature of the empire that violated "the rights and interests of another." He then went on to argue that in other ways, too, the King's exercise of power was open to criticism.32

"For the most trifling reasons, and sometimes for no conceivable reason at all," Jefferson asserted in *A Summary View*, "his majesty has rejected laws of the most salutary tendency," which some two years later became the first item in his preamble to the Virginia constitution. He gave one example: the King had blocked the efforts of colonial legislatures to discourage the slave trade "by imposing duties which might amount to a prohibition." Royal governors had vetoed acts to tax slave imports (which was not the same as ending slavery) in Virginia and several other colonies, including New Jersey and Massachusetts.33 *A Summary View* went on to criticize the King for having "permitted our laws to lie neglected in England for years," and condemned instructions to royal governors that allowed them to "pass no law of any moment" unless it had a suspending clause "so that, however immediate may be the call for legislative interposition, the law cannot be executed till it has twice crossed the Atlantic, by which time the evil may have spent its whole force" (charge two). Without providing more detail, Jefferson went on to attack at some length "a late instruction to his majesty's governor of . . . Virginia, by which he is forbidden to assent to any law for the division of a county, unless the new county will consent to have no representative in the assembly." That provided a basis for the third charge against the King in the Virginia preamble and, later, fortified by similar controversies over the extension of representation in New York, New Jersey, and New Hampshire, in the Declaration of Independence.34

Two long paragraphs in *A Summary View* covered the next two charges, that the King had dissolved representative bodies, as the Virginia preamble put it, "repeatedly & continually" for opposing invasions of their rights, and had refused to call others "for a long space of time," but, again, Jefferson gave no concrete examples from the colonial past.35 Next he discussed "an error in the nature of our landholdings," arguing that American land titles were alodial, like those of their Saxon ancestors, since "America was not conquered by William the Norman, nor it's lands surrendered to him or any of his succes-
sors,” and so remained free of the feudal duties William the Conqueror had introduced into Britain. Unfortunately, the first settlers were “laborers, not lawyers,” and were persuaded to accept as real the “fictitious principle that all lands belong originally to the king.” While the Crown continued to grant lands for small sums and on reasonable rents, there was little reason to “arrest the error and lay it open to the public view.” But the King, he said, had lately increased the terms of purchase and the fees to which lands were subject, “by which means the acquisition of lands being rendered difficult, the population of our country is likely to be checked.” That became the charge in the Virginia preamble that the King had “endeavoured to pervert the government of that colony into a tyranny “by endeavouring to prevent the population of our country & for that purpose . . . raising the conditions of new appropriations of lands” as well as by “obstructing the laws for the naturalization of foreigners,” and, in the Declaration of Independence, “refusing to pass [laws] to encourage [foreigners’] migrations hither.”

Finally, A Summary View charged that “his majesty has from time to time sent among us large bodies of armed forces, not made up of the people here, nor raised by the authority of our laws.” The King’s grandfather, George II, had asked Parliament’s permission before bringing Hanoverian troops into England, and George III was similarly bound, Jefferson argued, to get the permission of colonial legislatures before sending troops into their territories. “To render these proceedings still more criminal against our laws,” he continued, “in instead of subjecting the military to the civil power, his majesty has expressely made the civil subordinate to the military.” Again, he did not state when or where or how that was done. These assertions became clauses seven and eight in the Virginia constitution’s charges against the King, and then eleven and twelve in the committee’s draft Declaration of Independence.

The fact that in 1774 Jefferson had raised eight of the first twelve charges against the King that subsequently appeared in the Declaration of Independence is itself a sign of how different the Declaration was from state and local resolutions on Independence. In 1774, the colonists had not yet been converted to Independence; indeed, Jefferson’s Summary View was an overtly loyal document that urged George III to redress the colonists’ grievances, remove fears of “future incroachment” on American freedom, and “establish fraternal love and harmony thro’ the whole empire.” Clearly, then, the grievances in the Declaration were not meant to identify, as did the state and local declarations, precisely which events had reconciled Americans to separate nationhood. The grievances in the Declaration served a different purpose—not to explain the Americans’ change of heart but to justify revolution by proving that George III was a tyrant.

Jefferson’s statement of grievances in A Summary View was, of course, only slightly more specific in content than the Virginia preamble and the Declaration of Independence. But his failure to cite concrete examples to support the charges against the King did not mean they lacked historical foundation. The King had, for example, approved a suspension of the New York and Massachusetts assemblies for opposing Acts of Parliament (charge 5); British troops were sent to Boston in 1768 and again in 1774, when the Crown established military government there (charges 11 and 12). To have cited chapter and verse for charge after charge in the preamble and the Declaration would have been tedious in the extreme. In fact, from a literary point of view, Jefferson’s decision to cite his charges in general terms, as they had been stated in the English Declaration of Rights, was probably wise. Even his inclusion of grievances that sometimes pertained to a single colony in the Declaration of Independence is defensible: that all Americans felt aggrieved by the oppression of any among them testified to a sense of fellowship that confirmed their identity as a people.

Many of the charges in this opening section of the Declaration had, however, played a relatively inconspicuous part in the imperial controversy, which is why the Declaration left observers, then and now, scrambling to figure out what it was talking about. Thomas Hutchinson suggested as much when he asked whether the colonists had ever petitioned the King:

—To give his Assent to these wholesome and necessary Laws to which he had refused it?
—To allow his Governors to pass laws without a sus[pend]ing clause, or without the people’s relinquishing the right of Representation?
—To withdraw his instructions for calling legislative bodies at unusual, uncomfortable and distant places?
—To allow Assemblies, which had been dissolved by his order, to meet again?
—To pass laws to encourage the migration of foreigners?
—To consent to the establishment of judiciary Powers?
—To suffer Judges to be independent for the continuance of their offices and salaries?
—To vacate or disannul new erected offices?
—To withdraw his troops in times of peace, until it appeared that the reason for it was to give a free course to Rebellion?

In fact, individual colonies had submitted petitions or remonstrances against the acts that prompted some of these complaints, and the final three charges mentioned by Hutchinson had appeared as grievances in the First Continental Congress’s address to the King of October 1774. It remains nonetheless significant that all the allegations Hutchinson singled out for comment and described as “grossly misrepresented,” or founded on events “so trivial and insignificant as to have been of no general notoriety . . ., or mere contests between Governors and Assemblies, so light and transient, as to have been presently forgot,” came from the first group of charges against the King. Those that followed referred to far more familiar and widely contested events of the revolutionary era.\(^{39}\)

**NO ONE WOULD DESCRIBE** as trivial or insignificant the next group of charges against the King, which was based upon the ninth clause in Jefferson’s preamble to the Virginia constitution. The King had endeavored to establish a tyranny, the preamble said,

> by combining with others to subject us to a foreign jurisdiction giving his assent to their pretended acts of legislation

[1] for quartering large bodies of armed troops among us;
[2] for cutting off our trade with all parts of the world;
[3] for imposing taxes on us without our consent;
[4] for depriving us of the benefits of trial by jury;
[5] for transporting us beyond seas to be tried for pretended offenses;
[6] for suspending our own legislatures & declaring themselves invested with power to legislate for us in all cases whatsoever.\(^{40}\)

With a rewritten opening statement and the addition of three new subsidiary “for” clauses (numbers two, seven, and eight below), this became the thirteenth accusation in the Declaration of Independence as it emerged from the drafting committee:

> he has combined with others to subject us to a jurisdiction foreign to our constitutions and unacknowledged by our laws; giving his assent to their acts of pretended legislation,

[1] for quartering large bodies of armed troops among us;
[2] for protecting them by a mock-trial from punishment for any murders which they should commit on the inhabitants of these states;
[3] for cutting off our trade with all parts of the world;
[4] for imposing taxes on us without our consent;
[5] for depriving us of the benefits of trial by jury;
[6] for transporting us beyond seas to be tried for pretended offenses;
[7] for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example & fit instrument for introducing the same absolute rule into these states;
[8] for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;
[9] for suspending our own legislatures, & declaring themselves invested with power to legislate for us in all cases whatsoever.\(^{41}\)

The “others” with whom the King had combined were the members of Parliament. By the mid-1770s, Jefferson’s conception of the Empire as a set of separate political communities bound together under the King was shared by many other leading Americans, for whom the British Parliament was therefore a “foreign jurisdiction” with only a “pretended” power of legislation over the colonies. The framers of the Declaration, as Carl Becker noted, made it “a point of principle not on any account to pronounce the word Parliament”—and, in fact, the final version of that document did not use the word even once. We seem to hear the framers say, Becker went on, “Of course, our British brethren have their legislature, as we have ours. But with their legislature we have nothing to do, God forbid! The very name of the thing escapes us!”\(^{42}\) From the British point of view, that position was ridiculous, but since the colonists had repeatedly and vociferously contested acts of Parliament from the beginning of the Anglo-American controversy, these charges recalled conspicuous and readily identifiable public events.
two subsequent complaints in reverse order. His purpose, it seems, was to arrange this set of grievances in order of increasing political atrocity, and so to build rhetorical momentum, ending with the suspension of colonial legislatures—about as extreme an outrage as one independent legislature could commit on another—and the assertion of power to bind the colonists in “all cases whatsoever.” Those two acts alone, he observed in his draft of the Declaration on Taking Up Arms, formed “a basis broad enough whereon to erect a despotism of unlimited extent.”

IN THE THIRD and concluding group of charges against the King, Jefferson finally arrived at those recent events that were repeatedly and often exclusively cited in state and local resolutions on Independence. His first draft of the Virginia constitution charged that the King had attempted to erect a tyranny

[10] by plundering our seas, ravaging our coasts, burning our towns, & destroying the lives of our people:
[11] by inciting insurrections of our fellow subjects with the allurements of forfeiture & confiscation
[12] by prompting our negroes to rise in arms among us; those very negroes whom by an inhuman use of his negative he hath refused us permission to exclude by law:
[13] by endeavoring to bring on the inhabitants of our frontiers the merciless Indian savages whose known rule of warfare is an undistinguished destruction of all ages, sexes, & conditions of existence.
[14] by transporting at this time a large army of foreign mercenaries to compleat the works of death, desolation, & tyranny already begun with circumstances of cruelty & perfidy so unworthy the head of a civilized nation
[15] by answering our repeated petitions for redress with a repetition of injuries:
[16] and finally by abandoning the helm of government & declaring us out of his allegiance & protection.

Jefferson rearranged these provisions in preparing the Declaration of Independence, numbering the charges in his draft Virginia constitution, then inserting numbers between clauses to indicate that the
sixteenth charge would open rather than close this sequence, and that
the fourteenth and thirteenth charges would come after the tenth. He
also added a new charge after the eleventh, and radically expanded
what was originally the twelfth:
[14] he has abdicated government here, withdrawing his governors,
& declaring us out of his allegiance & protection:
[15] he has plundered our seas, ravaged our coasts, burnt our towns
& destroyed the lives of our people:
[16] he is at this time transporting large armies of foreign mercenar-
ies to compleat the works of death, desolation & tyranny, already
begun with circumstances of cruelty & perfidy unworthy the head of
a civilized nation:
[17] he has endeavored to bring on the inhabitants of our frontiers
the merciless Indian savages, whose known rule of warfare is an
undistinguished destruction of all ages, sexes, & conditions of
existence:
[18] he has incited treasonable insurrections of our fellow citizens,
with the allurements of forfeiture & confiscation of property:
[19] he has constrained others taken captives on the high seas to bear
arms against their country, to become the executioners of their
friends & brethren, or to fall themselves by their hands.
[20] he has waged cruel war against human nature itself, violating
it’s 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 infi-
del 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, by murdering
the people upon whom he also obstrued 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.
in every stage of these oppressions, [21] we have petitioned for redress
in the most humble terms; our repeated petitions have been answered
only by repeated injury. 

These changes gave Jefferson’s draft Declaration of Independence
a character or feeling different from that of his preamble to the Vir-
ga in constitution or, for that matter, the body of state and local reso-
lutions on Independence that had emphasized so many of the same
events. There was much to be said for concluding with the King’s for-
ma ly putting the Americans out of his protection by approving the
Prohibitory Act, as Jefferson had done in the Virginia preamble. Like
Parliament’s assertion of power to bind the colonies “in all cases what-
soever,” with which Jefferson concluded his list of “pretended acts of
legislation,” that act seemed to encapsulate the tendency of all the
charges that preceded it. For John Adams and others, the Prohibitory
Act provided a wholly sufficient justification for Independence since
the Americans had no obligation of allegiance to a King who publicly
promised to treat them like enemy aliens. Here, however, the King’s
abdication of government and declaring the colonists out of his pro-
tection seems to introduce the charges that follow, which list positive
acts of an increasingly heinous character—the burning of colonial
towns, turning slaves, Indians, and German mercenaries against them,
making American seamen fight against their countrymen.

Some dispassionate observers might object that royal governors
were sometimes forced from office, not withdrawn by the King, as the
fourteenth charge said, or ask whether any Americans had actually
been forced “to become the executioners of their friends & brethren,”
which the Prohibitory Act made theoretically possible. Still more pro-
found questions were raised by the elaborate charge at the end of the
list, which not only denounced George III for turning slaves against
their masters and blocking provincial efforts to tax the importation of
slaves (which Jefferson had, of course, already condemned in the very
first charge), but imposed upon him entire responsibility for the slave
trade, an accusation that one seeks in vain elsewhere in the literature
on behalf of Independence.

Jefferson obviously invested considerable effort in the passage and
meant it to be the emotional climax of his case against the King. But
his effort failed. The charge leaves a sense of “labored effort, of delib-
erate striving for an effect that does not come.”48 The problem is not,
I think, that Jefferson lacked passion, as Becker argued,49 a subsequent
section of the draft Declaration revealed passion in abundance. Jeffer-
son did, however, have difficulty expressing emotion. In his long pas-
sage on the slave trade, he described a form of “piratical warfare” that
he had personally witnessed, and attempted to convey its iniquity and that of the King by enlisting strong words such as “prostituted,” “murdering,” “execrable,” “assemblage of horrors.” The attempt foundered in part because the image of King George personally “captivating and carrying” innocent Africans into slavery was patently unbelievable. This complex passage, with its “twisted language and logic,” also invites misinterpretation. It does not call for the abolition of slavery, but, in its closing lines, actually condemns the King for opening the prospect of manumission to slaves if they supported his cause.50

And yet, curiously, John Adams liked what he called the “high tone” and “flights of oratory” in Jefferson’s draft, and particularly in the passage “concerning negro slavery,” which, however, he said in his 1822 letter to Pickering, “I knew his Southern brethren would never suffer to pass in Congress.” Adams then volunteered that “there were other expressions which I would not have inserted if I had drawn it up, particularly that which called the king tyrant. I thought this too personal; for I never believed George to be a tyrant in disposition and in nature; I always believed him to be deceived by his courtiers on both sides of the Atlantic, and in his official capacity only, cruel. I thought the expression too passionate, and too much like scolding, for so grave and solemn a document.” However, since the manuscript was still to be submitted to other committee members, Adams “thought it would not become me to strike it out,” and he “consented to report it, and do not now remember that I made or suggested a single alteration.” (In fact, Adams probably inserted two changes and Franklin five, all of which were essentially verbal.) Nor did he recall that the committee made any changes in Jefferson’s draft. It was then that he noted, “We were all in haste. Congress was impatient,”51 and, what he did not say, the members of the committee perhaps failed to spend more time than they did editing a document that seemed generally acceptable because they had their plates full with other business. For all those reasons, and, unless Adams’s memory failed, from an uncharacteristic diffidence on his part (and Adams could well have been the committee’s most cantankerous member), the draft Declaration presented to Congress was for the most part Jefferson’s work.

Adams’s criticism of the document remains striking. That Thomas Hutchinson, the Loyalist ex-governor of Massachusetts, or John Lind, a ministerial hack, was unconvinced by the Declaration of

Independence was to be expected. John Adams, on the other hand, was the foremost advocate of Independence in the Continental Congress, a man who would defend Jefferson’s text through the difficult debates of early July with the determination of a prizefighter. If even he remained unconvinced that George III was a tyrant, then Jefferson’s draft declaration had failed to prove a point central to its very purpose.

From a comparative perspective, it is difficult to avoid the conclusion that the states and localities had offered a more effective case for Independence by concentrating on a handful of specific events of 1775 and 1776 and arguing that they left Americans with no good alternative to separate nationhood. Jefferson agreed with that description of the Americans’ position.52 But in the Declaration of Independence he tried to show that Independence had become necessary—which implies that there was no reasonable alternative—in a different way. Groups of related documents, like the members of human families, can have different features and do similar things in different ways. The Declaration of Independence was distinguished from its American and English relatives in part by its effort to prove that George III was a tyrant,53 which led to other distinctions such as the extraordinarily large number of grievances it listed. The key to the document’s approach lies in the paragraphs that preceded and introduced the charges against the King and which were, in fact, themselves part of the document’s distinctiveness.

3. Jefferson’s Draft: A Revolutionary Manifesto

“One of the preamble [to the Declaration of Independence] I have taken little or no notice,” John Lind wrote in 1776. “The truth is, little or none does it deserve.” Hutchinson gave it scarcely more attention, devoting less than a paragraph to the Declaration’s opening paragraphs before moving on to “the facts which are alleged to be the evidence of injuries and usurpations.”54 Most prominent modern studies have taken the opposite course, devoting little serious attention to the charges against the King, whose origins too often lay in the obscure quarrels of provincial politics, and focusing instead on the document’s preface, or on words or phrases within it. From there they jump to the
more familiar and perhaps more congenial intellectual world of eighteenth-century Europe. Carl Becker’s landmark book of 1922, The Declaration of Independence, was subtitled A Study in the History of Political Ideas. Morton White’s The Philosophy of the American Revolution (1978) used phrases from the opening section of the Declaration to examine the “epistemology, metaphysics, philosophical theology, and ethics upon which the revolutionaries rested their claim to independence.” We cannot understand the revolutionaries’ use of concepts such as self-evident truths, or the equal creation of men, inalienable rights, or happiness, White said, “without detailed probing of their writings and of those writings from which they borrowed.” And in Inventing America: Jefferson’s Declaration of Independence (1978), Garry Wills again used phrases from the preface and also the closing paragraphs of Jefferson’s draft as chapter headings in a book that attempted to demonstrate the critical contributions of Scottish philosophers to Jefferson’s political thought.

The observation that Jefferson borrowed ideas from other writers was not original to the twentieth century. Richard Henry Lee, Jefferson recalled, said the Declaration had been “copied from Locke’s treatise on government,” and John Adams, in his 1823 letter to Timothy Pickering, asserted that there was “not an idea in it, but what had been hackneyed in Congress for two years before.” But then Jefferson had been appointed not as an author in the modern sense but as a draftsman to realize on paper a declaration outlined in general terms by the Committee of Five. It would, however, be a strangely inept politician who failed to seize such an opportunity to express his own deep-felt convictions, even those that were not yet generally shared, and attempt to secure their endorsement by the committee and then by Congress. Jefferson had tried unsuccessfully, for example, to write his historical views into Congress’s Declaration on Taking Up Arms, but then he had John Dickinson to contend with, which was no longer true, at least not in the drafting committee. In any case, Jefferson told Madison in 1823 that he “did not consider it part of my charge to invent new ideas altogether, and to offer no sentiment which had ever been expressed before.” Whether he had gathered his ideas from reading or reflection, he added, “I do not know. I know only that I turned to neither book nor pamphlet while writing it.”

There his memory was probably accurate. Words and phrases re-
which was particularly important for the charges against the King, and the other, which fed into the document’s opening paragraphs, was a draft of Virginia’s Declaration of Rights as written by George Mason and modified by a committee of the Virginia Convention. The committee version of Virginia’s Declaration of Rights appeared in the Pennsylvania Gazette on June 12, 1776, the day after the Committee of Five was appointed, and possibly the same day it first met. The document might have caught the approving eyes of committee members, who asked their draftsman to incorporate language like Mason’s into the Declaration of Independence; or perhaps Jefferson decided to do that on his own. In any case, his use of those particular texts suggests that the Declaration of Independence should be understood first and foremost not as a philosophical but, in the language of the day, as a constitutional document, that is, one that concerned the fundamental authority of government. The Committee of Five had been asked to compose a declaration “to the effect of [Richard Henry Lee’s] first resolution. . . . ‘That these United Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British Crown: and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved.’” Such a declaration would, as John Hancock later put it, provide “the Ground & Foundation of a future Government.”

Both Jefferson’s draft preamble to the Virginia constitution and Mason’s draft Declaration of Rights were direct descendants of another constitutional document, the English Declaration of Rights. The lineage is obvious in Mason’s case since the child bore its ancestor’s name, and a few other features as well. But Jefferson’s preamble corresponded to the first part of the English Declaration, which formally ended the reign of James I, while Mason’s Declaration fulfilled the second function of the English document in stating “which rights do pertain to us and our posterity, as the basis and foundation of government.” Mason’s Declaration was far more radical than its parent, which set out simply to reaffirm “antient rights and Liberties.” It began with three clauses that would preserve it forever from criticism as an unsatisfactory statement of political principle:

1. That all men are born equally free and independant, and have certain inherent natural rights, of which they cannot, by any compact, deprive or divest their posterity; among which are the en-

joyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived from the people; that magistrates are their trustees and servants, and at all times amenable to them.

3. That government is, or ought to be instituted for the common benefit, protection, and security of the people, nation or community. Of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

The draft Virginia Declaration of Rights also included provisions denouncing hereditary office-holding, affirming separation of powers and the importance of “frequent recurrence to fundamental principles,” and asserting a series of more specific rights and principles. Some of those specific provisions, such as that calling for “the fullest toleration in the exercise of religion,” went far beyond anything in its English ancestor. (And before ratifying the document, the Virginia Convention revised that provision so it asserted an even more radical right to “the free exercise of religion, according to the dictates of conscience.”) Family resemblances, however, remained. The draft Virginia Declaration of Rights included eighteen provisions, which the Virginia Convention later cut to sixteen, only a few more than the thirteen in the English document. Moreover, the wording of several provisions resembled others in the English Declaration, and its assertion “That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted,” which Mason added to the text during committee deliberations, was exactly the same except in spelling and punctuation. Mason also retained the English Declaration’s use of the verb forms “should” and “ought to,” as, for example, in the provision on bail. There was, of course, nothing in the English Declaration of Rights like Mason’s opening clauses. Nonetheless, the ideas and even language resembling Mason’s most
memorable phrases were familiar to colonial readers. For example, the fifty-ninth number of Cato's Letters, a set of newspaper essays published in England in the early 1720s and widely reprinted in America, asserted that "All men are born free ...."62

Jefferson began composing his draft Virginia constitution at about the same time that Mason and the committee of the Virginia Convention were laboring at their assignment. They were, of course, unaware of each other's work, and Jefferson, who acted on his own mandate, unlimited by instructions from the Virginia Convention, also wrote a statement of "Rights Private and Public" that was essentially a bill or "declaration" of rights for Virginia. In fact, his composition did everything the English Declaration of Rights had done: the preamble ended the old regime; a subsequent section declared the basic rights of Virginians, and the constitution itself established a new regime, much as the English document had done in giving the Crown to William and Mary. Jefferson's draft statement of rights was, moreover, even more radical than Mason's. Jefferson boldly proposed, for example, that "no person hereafter coming into this country shall be held within the same in slavery under any pretext whatsoever" and that in "descents" or inheritances "females shall have equal rights with males." Moreover, he abandoned the weak verb forms that Mason's Declaration shared with the English Declaration of Rights. Where Mason had written that "standing armies, in time of peace, should be avoided," Jefferson's draft constitution said, for example, that "There shall be no standing army but in time of actual war." Nowhere in Jefferson's draft constitution, however, was there a statement of those "fundamental principles" that Mason asserted in the first three provisions of his draft Declaration of Rights, and which found their way into the opening section of the Declaration of Independence.63

But why did the Declaration of Independence need a preface? It could have begun, like the English Declaration of Rights and Jefferson's preamble to his draft Virginia constitution, with a simple "whereas" clause stating that George III had endeavored to establish a tyranny or that he had violated Americans' fundamental rights and liberties, then gone on to present examples to substantiate that proposition, assert that by those acts he had forfeited authority over the Americans, and, finally, declare that the United Colonies were free and independent states. Many states followed that formula. Instead

Jefferson, whether under the direction of the Committee of Five or on his own inspiration, composed those first paragraphs that have attracted enduring attention and almost entirely explain descriptions of the Declaration of Independence as a document of "transcendent importance," "the foundation of American political philosophy," a statement of "immortal" principles, "the most sacred of all American political scriptures."64

He—or they—might have had in mind a previous "Declaration" issued by Congress. The Declaration on the Causes and Necessity of Taking Up Arms had begun with a preface drafted by John Dickinson that was, however, extraordinarily cumbersome. It opened with a long sentence that remains almost unreadable:

If it was possible for Men who exercise their Reason to believe, that the Divine Author of our Existence intended a Part of the human Race to hold an absolute property in, and an unbounded Power over others, marked out by his infinite Goodness and Wisdom, as the Objects of a legal Domination never rightfully resistible, however severe and oppressive, the Inhabitants of these Colonies might at least require from the Parliament of Great-Britain some Evidence, that this dreadful Authority over them has been granted to that Body.65

Old Colonel Rumbold had said much the same thing much more effectively. In 1775 Jefferson also improved on Dickinson, but not by much. His draft Declaration on Taking Up Arms started with an assertion that

The large strides of late taken by the legislature of Great Britain towards establishing over these colonies their absolute rule, and the hardness of the present attempt to effect by force of arms what by law or right they could never effect, render it necessary for us also to change the ground of opposition, and to close with their last appeal from reason to arms. And as it behoves those, who are called to this great decision, to be assured that their cause is approved before supreme reason; so it is of great avail that it's justice be made known to the world, whose affections will ever take part with those encountering oppression.66

He had not yet mastered the genre, but was on the right track.

A well-written preface should command the attention of its audience and begin to win them over to its message. But who was the intended audience? The Declaration of Independence claimed to be
written from “a decent respect to the opinions of mankind,” and submitted its “facts to a candid world,” which has generally been taken to mean that it was intended for persons outside British North America and, given the need for foreign aid that made Independence urgent, was probably meant to enlist French support. If that was the case, Congress acted in a most curious way after it finally adopted the document. To be sure, on July 8 a committee of Congress sent the Declaration to the American emissary in Paris, Silas Deane, with instructions that he should “immediately communicate the piece to the Court of France, and send copies of it to the other Courts of Europe,” and also suggested that “it may be well... to procure a good translation of it into French, and get it published in the gazettes.” It wrote Deane again on August 7, enclosing a copy of the earlier letter and another copy of the Declaration of Independence, which had by then been copied onto parchment and signed. But the original letter of July 8 was lost, and the later one arrived only on November 17, when news of American Independence, Deane said, “had been circulated thro’ Europe for two months before,” which made his “pretending” to inform the French Court of that development a somewhat awkward formality. To make matters worse, “two or three Lines from the Committee of Congress in a Letter” that was not even sealed seemed to Deane an embarrassingly cursory manner of announcing to “old and powerful States” the arrival of the United States of America among the established powers of the earth. To make up for the gaffe he told the French that, since the original letter was dated July 8, “the honorable Congress, had taken the earliest Opportunity of informing this Court, of the declaration of their Independency and that the variety of important affairs before the Congress with the Critical situation of the Armies, in their Neighborhood, & the Obstructions of their Commerce had prevented that Intelligence which had been wished for....”

In fact, on July 4, after finally approving the Declaration and ordering it “authenticated and printed,” Congress voted that copies “be sent to the several assemblies, conventions and committees, or councils of safety, and to the several commanding officers of the continental troops; that it be proclaimed in each of the United States, and at the head of the army.” France and the other nations of Europe were not mentioned. The situation in 1776 also gives strong reason to think that the Declaration of Independence was designed first and foremost for domestic consumption. Independence itself was critical to securing support from the French government, but the purposes of Independence and of the Declaration of Independence must be distinguished. The willingness of the French court to back the Americans was founded on its rivalry with Britain, not on any commitment to the justice of their cause. No American had any doubt about that; like the freeholders of Buckingham County, Virginia, they expected foreign nations to support the American cause only if it served “their own interest.” A document that cited the right of revolution in justifying American Independence and formally marked the end of monarchical authority could hardly have been designed primarily to awaken enthusiasm among the political servants of King Louis XVI. Within the United States, however, the Declaration of Independence had many practical uses: it provided a vehicle for announcing Independence to the American people, and, if properly framed, might evoke a deeply felt and widespread commitment to the cause of nationhood and, above all, inspire the soldiers who would have to win the Independence that Congress proclaimed. For those purposes Congress specifically directed that the Declaration should be sent not only to the state assemblies, congresses, and conventions that were its immediate constituents and to their Committees of Safety, but to the commanders of the Continental Army, and that it be proclaimed not only in all the states, but at the head of the army.

The Declaration was, moreover, to be disseminated by print—the printer John Dunlap produced a broadside version the day after it was adopted—and also read aloud at public gatherings. Whether or not, as Jay Fliegelman has argued, Jefferson “was expected to rise to the oratorical task of reading the text of the Declaration of Independence aloud” when it was presented to the Continental Congress on June 28, 1776—the Congress’s journal says only that the committee “brought in a draught, which was read,” and Jefferson’s notes on Congress’s proceedings are no more specific—he was clearly conscious of how the document would sound when read aloud, as it would be, before large public bodies. He inserted otherwise mysterious marks into the Declaration to indicate where a speaker would pause, which Dunlap at first mistakenly printed as if they were part of the text. Such attention to the cadences of language was natural for Jefferson, a committed violin-
ist fascinated with music. He had also studied classical oratory and rhetorical theory, employed several known rhetorical strategies in composing the Declaration, and wrote “for the ear as well as for the eye,” above all in the document’s eloquent preamble. He was, however, a poor orator, who probably added the markings to the Declaration to help him get through a public reading of the document; and, to this reader at least, Fliegelman’s rendition of how the Declaration would sound given Jefferson’s directions suggests how mightily he worked to be even a plodding speaker. But then a good playwright need not be an actor.

And no piece of prose written to be spoken aloud was likely to begin with a “whereas” clause, however appropriate that might be for instructions passed silently from meetings or assemblies to their representatives, or in a Declaration of Rights read aloud to a future King and Queen who had been consulted as the document evolved, and whose assent was no longer in doubt. The Virginia Convention, whose resolutions of May 15 were also read publicly, apparently tried to get around the problem by beginning with “Forasmuch as” instead of “Whereas.” Jefferson’s solution, as it emerged from the drafting committee, was far more successful:

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature & of nature’s god entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

That sentence—and it is a single sentence—immediately conveyed a sense of epic importance. It suggested, without saying so directly, that the emergence of the American people to a “separate and equal” station among “the powers of the earth” was an event of note “in the course of human events” on which, of course, mankind would have an opinion. That message must have offered some consolation to soldiers whose mole’s-eye vision suggested they were caught in a rather grubby, hand-to-mouth defense effort, with insufficient guns, ammunition, or food, and would soon be thrown against the most impressive army and fleet they’d ever laid their eyes upon. The appeal to “the laws of nature and of nature’s god”—a phrase whose rhythm adds grace to a sentence that would be prosaic without the redundant reference to “nature’s god,” whose laws were the same as the laws of nature—rather than to the “known laws and statutes” of Great Britain, to which the English Declaration of Rights had appealed, gave witness to the Independence that the Declaration announced. The opening sentence also announced a purpose of the document—to “declare the causes” of separation from Britain, the provocations that, indeed, had made Independence “necessary.” That admirably introduced the rest of the Declaration and captured listeners’ attention by intimating that an interesting story was about to be told.

The reference to Americans as “a people” has attracted some discussion of what might be described as a chicken-and-egg question: can a people issue a document that makes them a people? That was, however, no problem for Jefferson, whose Summary View described the Americans as a people from the moment of settlement, one that had been divided and dismembered only by the unjust acts of seventeenth-century British kings. As a practical matter, moreover, the colonists’ consistent expression of respect and deference toward the Continental Congress demonstrated that they were in fact a people, with a sense of common identity and even established political bonds, well before July 1776. It is more important here to recognize that Jefferson achieved the clarity and power of his opening sentence through a series of editorial changes that were made either on his own initiative or on the suggestion of other committee members. In an earlier draft the opening began, “When in the course of human events it becomes necessary for a people to advance from that subordination in which they have hitherto remained, and to assume . . . .” which was more awkward and also harder to say than the revised version. The earlier draft also referred to an “equal & independent station” rather than a “separate and equal” one, and, after inserting the latter phrase, Jefferson changed the final word so the sentence concluded with a reference to “the separation” rather than, as originally, “the causes which impel them to the change.”

Jefferson—perhaps with some help from Franklin—made the same kind of careful editorial adjustments in the opening lines of the next paragraph, which, as an examination of successive drafts of the document reveals, were based upon the first three provisions of the Mason/committee draft of Virginia’s Declaration of Rights. Jefferson
began with Mason’s statement “that all men are born equally free and independent,” which he rewrote to say they were “created equal & independent,” then (on his “original rough draft”) cut out the “& independent.” Mason said that all men had “certain inherent natural rights, of which they cannot, by any compact, deprive or divest their posterity,” which Jefferson compressed marvelously into a statement that men derived from their equal creation “rights inherent & inalienable,” then moved the noun to the end of the phrase so it read “inherent & inalienable rights.” Among those rights, Mason said, were “the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety,” which Jefferson again shortened first to “the preservation of life, & liberty, & the pursuit of happiness,” and then simply to “life, liberty, & the pursuit of happiness.”

Again, scholars have devoted considerable effort to understanding where Jefferson picked up the phrase “pursuit of happiness,” which, it turns out, appeared with sufficient frequency in earlier European writings that Jefferson almost certainly encountered it “in his multifarious reading” and, because the phrase “caught his fancy,” it lingered in his memory. In fact, references to happiness as a political goal are everywhere in American political writings as well, as anyone can see who bothers to look. What did Jefferson mean? The obvious answer is that he meant to say more economically and movingly what Mason started with some awkwardness and at considerably greater length. For Jefferson and his contemporaries, happiness no doubt demanded safety or security, which would have been in keeping with the biblical phrase one colonist after another used to describe the good life—to be at peace under their vine and fig tree with none to make them afraid (Micah 4:4). The inherent right to pursue happiness probably also included “the means of acquiring and possessing property,” but not the ownership of specific things since property can be sold and is therefore alienable. In this case, Jefferson perhaps sacrificed clarity of meaning for grace of language. In general, however, his rewriting of Mason produced a more memorable statement of the same content. Less was more.

Long essays have in fact been written on one phrase after another from the second paragraph of the Declaration. Unfortunately, no section of that document suffers more from a separation of parts from the whole, since its meaning lies in an escalating sequence of connected assertions. As reported by the Committee of Five, the paragraph began:

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with inherent and inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety & happiness.

This one long sentence, which was carefully worked over, asserted one right, the right of revolution, which was, after all, the right Americans were exercising in 1776. The point came at the end since, according to the historian Stephen Lucas, Jefferson used what the eighteenth century knew as the “Style Periodique,” presenting a series of linked propositions in such a way that “the sense of the whole is not brought out till the close.” That was considered an especially musical way of writing, notable for the dignity and gravity it conveyed. If so, and Lucas’s view accords well with what we know of Jefferson’s fascination with the rules that governed harmonious usages of language, removing individual phrases or groups of phrases from their appointed place unravels Jefferson’s artistry in composing the sequence.

In terms of substance, however, Jefferson’s assertion of the right of revolution summarized succinctly ideas defended and explained at greater length by a long list of seventeenth-century writers that included such prominent figures as John Milton, Algernon Sidney, and John Locke, as well as a host of others, English and Scottish, familiar and obscure, who continued and, in some measure, developed that “Whig” tradition in the eighteenth century. By the time of the Revolution those ideas had become, in the generalized form captured by Jefferson, a political orthodoxy whose basic principles colonists could pick up from sermons or newspapers or even schoolbooks without ever reading a systematic work of political theory. The sentiments Jefferson eloquently expressed were, in short, absolutely conventional among Americans of his time.

The opening assertions of “self-evident” truths concern men in a “state of nature” before government was established. That was even
clearer in earlier drafts where the description of men as "equal & independent" echoed an opening reference to the Americans' collective assumption of an "equal & independent station" among "the powers of the earth." The equal status of separate nation-states, who lack any common superintending authority except for "the laws of nature and nature's god," is essentially the same as that of individuals in a state of nature, a point, incidentally, that John Locke made explicitly in his Second Treatise of Government. The equality asserted in the Declaration was therefore compatible with differences. France, Luxemboug, and Russia are, for example, equal in status as self-governing nations despite substantial differences in population, landmass, and wealth. With regard to persons, equality meant simply that no one held authority over others by right of birth or as a gift of God. The same idea appeared in many other contemporary writings, including Common Sense, which said that "all men being originally equals, no one by birth could have a right to set up his own family in perpetual preference to all others for ever." Since no legitimate power came by right of inheritance, all rightful authority came from the people, who established and empowered governments to protect or "secure" their "inalienable rights" to life, liberty, and the pursuit of happiness. Those statements led directly to the "self-evident" point—and the term "self-evident" was perhaps Franklin's—that the people had a right to reclaim that original grant of power and start over if the governments they created failed to serve the purpose those governments were meant to fulfill.

English and American defenders of "revolution principles"—that is, those who justified the English revolutions of the seventeenth century—were never at home with anarchy. From the beginning they explained at length the preconditions of legitimate popular resistance and revolution, which became increasingly elaborate and emphatic in the eighteenth century. Resistance and revolution could not be provoked by magistrates' casual errors or private immoralties, nor could force be used except as a last resort, after all the "peaceful means of redress" had been exhausted. Legitimate opposition had to answer acts of misrule so serious and so protracted that they aroused the "Body of the People," which was itself understood as a restraining factor since the people were hesitant to act. Only after a "long train of abuses, Prevarications, and Artifices, all tending the same way," and making their "design visible to the People," Locke wrote, would the people

"rouze themselves, and endeavour to put the rule into such hands, which may secure to them the ends for which Government was at first erected." These ideas Jefferson restated in his next sentences:

prudence indeed will dictate that governments long established should not be changed for light & transient causes: and accordingly all experience hath shewn that mankind are more disposed to suffer while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. but when a long train of abuses & usurpations, begun at a distinguished period, & pursuing invariably the same object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such government, & to provide new guards for their future security.

The reference to "a long train of abuses" recalled Locke's phrase, but the same idea was stated in many other places by many other authors; and the phrase "begun at a distinguished period" had appeared earlier in Jefferson's Summary View.

Jefferson's point was more important than the sources of his language: where abuses persisted and led toward the same objective, "absolute Despotism"—a term Franklin, or Adams and Franklin, substituted for Jefferson's "arbitrary power"—it was not just the right but the duty of the people to "throw off such government" and establish another more likely to provide the security they sought. And that was precisely the situation of the Americans:

such has been the patient sufferance of these colonies; & such now is the necessity which constrains them to expunge their former systems of government. the history of the present king of Great Britain is a history of unremitting injuries and usurpations, among which appears no solitary fact to contradict the uniform tenor of the rest, but all have in direct object the establishment of an absolute tyranny over these states. to prove this, let facts be submitted to a candid world, for the truth of which we pledge a faith yet unsullied by falsehood.

Here Jefferson revealed how he would fulfill his opening promise to explain what had impelled the colonists "to dissolve the political bands" connecting them to the British people, and assume a "separate and equal station" among the powers of the earth. His explanation—the story he set out to tell—was different from that in the state and local declarations of Independence, and perhaps different from what readers of the Declaration's first paragraph expected and, to some ex-
tent, still expect. State and local declarations told how and why the colonists had decided to abandon their longstanding bonds with Britain and accept Independence. A handful of events from 1775 and 1776, when their change of heart occurred, was enough for that, and enough to make the point that, without declaring Independence and seeking outside help, they faced imminent destruction. Like the state and local declarations, Jefferson's draft Declaration spoke of a "necessity" that constrained or forced the colonists to "expunge" British authority, but the necessity he described was firmly based on "Lockean" contract principles. The most recent state documents—especially those that called themselves "Declarations"—had, of course, moved in that direction, and for good reason. Major public pronouncements were appropriately founded on the grand principles that justified revolution. But in setting out to prove that George III had attempted to establish an "absolute tyranny" over the Americans and so forced them to go their separate way, Jefferson incurred, under the terms he stated, an obligation to demonstrate that they had suffered "a long train of abuses and usurpations" over an extended period of time.

In fact, Jefferson went further than he had to, asserting that George III's injuries were "unremitting," that there was "no solitary fact" that was not aimed at establishing tyranny. A kindly prayer for his American subjects, a token contribution to some colonial charity, any harmless or well-meaning act might derail that argument. Could Jefferson ever have cited facts enough to make his point? After stating all of its twenty-one charges, his draft Declaration concluded that a prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a people who mean to be free. It was, it seems, not just the King's acts that were at issue—and under English Whig "revolution principles" they would have been enough to dissolve the Americans' contractual obligations to him and to the British state—but his character. Jefferson's draft Declaration of Independence did not, in short, blame the King merely because that was the English way of announcing that the state had forfeited its legitimacy, but because George III was personally responsible for the cruel acts attributed to him. "Future ages will scarcely believe," Jefferson wrote, "that the hardness of one man, adventured within the short compass of twelve years only, to build a foundation, so broad and undisguised for tyranny over a people fostered & fixed in principles of freedom." Here, it seems, John Adams differed with Jefferson: for

Adams (in 1822, at any rate) said that the King had acted outside the bounds of law on the basis of bad advice from his servants and so was cruel "in his official capacity only," without the private malevolence that would make him a tyrant "in disposition and in nature." On that point, however, Jefferson's lines echoed those state and local declarations of Independence that turned on the King not as a figurehead but as a man for whom the colonists had once held great affection, but who had forfeited their allegiance and their love by a persistent, personal hostility toward them.

It remained to explain why it had become necessary for the American people "to dissolve the political bands" that tied them to the British people. The "political bands" that bound the American and British peoples were severely limited under the theory of Empire that Jefferson and other colonists had espoused by 1776: both peoples were subject to the same King, and that was it. But those "bands" had been enough to bring together Englishmen—those of the City of London, for example—and colonists in a protracted effort to change the King's government and its policy toward America. Congress had appealed for support to the British people and so had the Massachusetts General Court, which sent its account of Lexington and Concord to England in the hope it would arouse the British people. There were also other, nonpolitical "bands"—of shared traditions, language, religion, and simple affection. But the support of the English people never emerged to the extent that the Americans had hoped. In recalling those ill-fated efforts to enlist the help of their fellow subjects in Britain, Jefferson further demonstrated that the Americans had not thrown off their ties with the Mother Country hastily or for "light and transient causes."

The penultimate section of the Declaration took up that subject. Garry Wills has attributed Jefferson's concern with the bands, above all of affection, that bound people together to the influence of eighteenth-century Scottish writers upon his thought. Wills's argument on the "influence" of the Scots, however, has been refuted by Ronald Hamowy, indeed, since some changes that appear on the "original rough draft" in Jefferson's handwriting were suggested by other committee members, as Jefferson's "Friday morn" letter to Franklin testified, it is not absolutely certain that the phrase "political bands" in the Declaration's opening sentence was Jefferson's personal contribution. More important, his long paragraph on the British peo-
minder that the colonists had addressed their "British brethren" and a statement of the empire's structure that had won wide acceptance among Americans. He slipped it in so inconspicuously that not every reader might catch its assertion that the colonists had settled America entirely at their own cost, "unassisted by the wealth or strength of Great Britain." The point was extremely important to Jefferson. He had written an entire treatise, which remained locked away in an unpublished notebook until the twentieth century, to refute a point in the speech on American affairs that George III delivered to Parliament on October 26, 1775. What had incensed Jefferson was not so much what incensed others, the King's assertion that American professions of loyalty and desire for reconciliation were only "meant to amuse," but his statement that the colonies had been planted by the British nation "with great industry, nursed with great tenderness," and, above all, "protected and defended at much expense and treasure." Against the "palpable untruth" that the colonies were established at British expense, Jefferson gathered an array of "facts" from Hakluyt's *Voyages*, then denounced a King who "can adopt falsehood [sic], and solemnize it from the throne." Such an act, he ominously suggested, "justifies the revolution of fortune which reduces him to a private station.""^99

But had the colonists "reminded" the British people of the "circumstances of our emigration & settlement" as Jefferson understood them? Not in Congress's address to them of 1774, nor in that of 1775."^100 And yet Jefferson heaped on the British people an anger like that he had invested in the King, an anger that took form in a flood of words. The passage above is coherent and complete: it recalled American appeals to the British and, in remarkable detail, how those "brethren" had taken another course, then drew a conclusion that tied "these facts" to the document's overall subject, American Independence. But Jefferson, it seems, couldn't let it go at that. In lines full of passion he went on—it almost seems he couldn't stop—overlapping natural pauses, heaping one denunciation on another:

we must endeavor to forget our former love for them, and to hold them as we hold the rest of mankind, enemies in war, in peace friends.

There was another natural ending. But no:

we might have been a free & a great people together; but a communication of grandeur & of freedom it seems is below their dignity.
others that remained overstated or overlong and so gave evidence of both its draftsman’s feelings and the “haste” with which the draft had been written. No doubt it was a promising text, one that would have been easily improved if the author could have put it aside for two weeks, then looked at it afresh.

Jefferson didn’t have two weeks. He had, however, the next best thing: an extraordinary editor.

4. Congress’s Declaration

On July 2, after unanimously affirming that “these United Colonies are, and of right, ought to be, Free and Independent States,” the Continental Congress resolved itself into a Committee of the Whole to consider the draft declaration of Independence submitted by the Committee of Five. At that point the official record of Congress’s proceedings falls silent until the Committee of the Whole reported later in the day that it needed more time to complete its work. Congress agreed, took up one small piece of business, then adjourned.91

Each of the next two days began much the same, as Congress dispatched items of pressing business and routine administrative matters—receiving letters, many of which included information on the military situation, settling accounts, responding as best it could to the breaking crisis. Then, having made what provisions it could for holding off the enemy, Congress set the war temporarily aside and, “agreeable to the order of the day,” again “resolved itself into a committee of the whole” to consider what it called the “declaration on independence.”92 Once again the curtain fell, concealing the delegates as they moved through the document, making changes as they went along, leaving no official record of their proceedings beyond its fruit—the Declaration that, reconstituted as the Continental Congress, they finally adopted. Even the private correspondence of delegates is remarkably silent on what the Committee of the Whole did and why. Only Jefferson’s notes on Congress’s proceedings discuss the subject in any detail, and Jefferson was anything but a dispassionate observer as the Committee of the Whole rewrote or chopped off large sections of his draft, eliminating in the end fully a quarter of his text.

How exactly did the Committee of the Whole execute its editorial

THE DECLARATION Jefferson and the Committee of Five delivered to Congress on June 28 was a mixture of beautifully crafted passages, some of which had begun with previously written prose, and
work? Did one or two delegates take charge, or did many voices feed into the process? We will never know. If there was only one copy, the handwritten "fair copy" submitted by the Committee of Five, how could the delegates examine the text, propose changes, or even understand the revisions others proposed? To that question, at least, the historian Wilfred J. Ritz provides some answers. Unless its members were "dunderheads," he argues, Congress must have had the committee draft printed, and distributed copies to the delegates. None of those copies seems to have survived, and Congress's journal says nothing about having the draft printed—but then the journal made no pretense of offering a complete record of everything Congress did. Perhaps Congress gathered up all earlier printings and destroyed them once it decided upon the Declaration's final form. In working on the Articles of Confederation later in July, it openly followed a very similar procedure. 93 Ritz's theory makes sense, and allows us to imagine the delegates bent over their texts, marking changes, debating whether to move an adverb, change a word, delete a passage here or insert another there.

That Congress was willing to devote such efforts to the document should have been a cause of satisfaction for Jefferson. The draft Declaration submitted to Congress was, as the New Hampshire delegate Josiah Bartlett put it on July 1, "a pretty good one," unlike the initial draft of the Declaration on Taking Up Arms, which in June 1775 Congress sent back to a reconstituted drafting committee for a thorough reworking. Time was also a factor. Congress needed to announce its adoption of Independence as quickly as possible, and in an appropriate way. In short, the relatively obvious character of changes needed in Jefferson's draft, the urgency of issuing a Declaration, and the immediate importance of that document all suggested that Congress should itself take on the task of editing the text. 94

Some of its changes were verbal. These are perhaps the most moving testament to the delegates' determination to make the Declaration as good as possible. They left most of the well-worked-over opening paragraphs untouched, except Jefferson's "inherent and inalienable rights" became "certain inalienable rights," which was better. ("Inalienable" seems to have become "inalienable" only later, in the course of printing the document.) At Jefferson's reference to "a long train of abuses and usurpations, begun at a distinguished period & pursuing invariably the same object," the delegates cut out "begun at a distinguished period &c," which was meant to emphasize that the King's actions had occurred over a long period of time, and so probably seemed of substantive importance to Jefferson, but the phrase made the sentence cumbersome. The delegates were so attentive to detail that at one point they changed "neglected utterly" to "utterly neglected."

More often, however, the delegates cut back or eliminated the more extreme and untenable assertions in the committee draft. In the statement that necessity forced the Americans to "expunge" their former systems of government, the delegates substituted "alter" for "expunge." There were, after all, some parts of their former governments worth keeping—representative assemblies, for example—so "alter" was more accurate. Where Jefferson had accused the King of "unremitting" injuries, the delegates charged him with "repeated" injuries, which was easier to prove, and then cut out the assertion that there appeared in the King's conduct "no solitary fact to contradict the uniform tenor of the rest." They also crossed out the phrase "for the truth of which we pledge a faith yet unassiled by falsehood" from the end of that paragraph, so it ended simply "to prove this let facts be submitted to a candid world." Did they dislike the tone of that assertion? Did they find it arrogant, or pretentious? Or was the problem that it invited silly quibbling over whether the colonists had ever said anything less than entirely truthful? In any case, the change made the connection between that and the next section of document, and so the Declaration's overall structure, more emphatic, which was all to the good.

What adjustments the committee made in the individual charges against the King were, with one exception, of the same sort. The exception concerned the King's "transporting large armies of foreign mercenaries" to America. There the delegates, reflecting the outrage of their constituents, made Jefferson's denunciation even harsher, describing the act as "scarcely paralleled in the most barbarous ages" and inserting "totally" before Jefferson's statement that it was "unworthy the head of a civilized nation." Everywhere else they moderated Jefferson's claims. Where the draft declaration accused George III of dissolving houses of representatives "repeatedly & continually," the delegates crossed out "& continually," which went too far. They tightened up the statement that the King "has suffered the administration of justice totally to cease in some of these states by refusing his assent
to laws for establishing judiciary powers," so it said he "obstructed the administration of justice by refusing his assent . . ." The complaint, remember, was mainly North Carolina's, so the reference to "some of these states" served curiously not to modify the charge but to reduce its accuracy. And the administration of justice there had not "totally" ceased since a political compromise allowed the inferior courts to continue functioning; only the superior courts were closed. The revised text was nearer the truth.

The delegates took the "our" out of the charge that the King had made "our judges dependent on his will alone," perhaps again for accuracy's sake. Judges, after all, had been Crown appointees, and so servants of the King. The delegates also cut the words "and ships of war" from the charge that the King had kept armies in the colonies without the permission of their legislatures, probably because the jurisdiction of those legislatures over the sea was open to dispute. In the end, the King stood accused of depriving the colonists of trial by jury "in many cases," not universally; he was not charged with withdrawing governors who had in fact often been forced from office, and he was said simply to have abdicated government by declaring the colonists "out of his protection"—which recalled the Prohibitory Act—and waging war against us.

Above all, however, the delegates eliminated entirely Jefferson's long passage on the slave trade. In the notes he kept of Congress's proceedings, Jefferson said that change was made "in complaisance to South Carolina & Georgia," which had never tried to restrain the slave trade and, indeed, wanted it to continue, with the consent of "Northern brethren" who had few slaves but were sensitive on the issue because they had been "pretty considerable carriers of them to others." Maybe so, but the very acknowledgment that colonists had been in the past or were at present willing participants in the slave trade undermined the assertion that "the Christian king of Great Britain" was alone responsible for that outrage on humanity. The Americans were destined to receive criticism enough for asserting the "inalienable" rights to "life, liberty, and the pursuit of happiness" while themselves owning slaves. Some people recognized the contradiction and were ready to move toward greater consistency between principle and practice, but so monumental a change as the abolition of slavery could not be accomplished in a moment. For the time being, it was wise at least not to call attention to the persistence of the slave trade and to the anomaly of American slavery.

The delegates did not, however, eliminate all reference to Lord Dunmore's effort to turn slaves against their masters, which, as the state and local resolutions testified, had powerfully alienated many colonists from British rule, and to which Jefferson referred at the end of his long passage on the slave trade. After omitting that charge and another, which accused the King of inciting "treasonable insurrections of our fellow citizens," the delegates inserted into the seventeenth charge, which castigated the King for turning Indians against the people of the frontiers, an accusation that he had "excited domestic insurrections among us," which covered both slaves and Loyalists. The final Declaration therefore included not twenty-one but nineteen charges against the King—surely enough to demonstrate a "long train of abuses" and a "history of repeated injuries." Moreover, having eliminated the old eighteenth charge on "treasonable insurrections" with its reference to "our fellow citizens," the delegates were free to use that phrase in place of "others" in the next charge, so the King was accused of constraining "our fellow citizens taken captive [Jefferson had said "captives"] on the high seas to bear arms against their country . . . ."

By then the delegates seem to have built up steam, and really ripped into the rest of the document. And, indeed, it badly needed editing; Jefferson had probably lacked time to work over the final portions of the document with the same care he devoted to its opening. His reference to the Americans as "a people who mean to be free" became "a free people." Much better: Jefferson's words suggested that Americans aspired to freedom but were not yet free, which was far from the general sense of their situation, and had a certain unfortunate petulant tone as well. Then out went the strained assertion that "future ages will scarce believe" that one man had "in only twelve years" attempted to found so "broad and undisguised" a foundation for tyranny over a people "fostered and fixed in principles of freedom." Again, less was more.

On that same principle, Congress reduced Jefferson's overlong attack on the British people to a more lean and constrained statement. Out went his claim that the Americans had settled the country without any British help; the remaining assertion that "we reminded them of the circumstances of our emigration and settlement here" then be-
came more justifiable. From the beginning of the conflict, the colonists had insisted that in coming to America their ancestors had yielded none of the rights of Englishmen. That could be construed as reminding the British people of the "circumstances of our emigration." Out went the detailed references to the British people's returning the parliamentary "disturbers of our harmony" to power and to their allowing the King to send mercenaries "to invade and destroy us." It was enough to say that they proved "deaf to the voice of justice and consanguinity," and that "we must therefore acquiesce in the necessity which denounces our separation"—cutting out the "eternal" before "separation"—to which the delegates added, "and hold them, as we hold the rest of mankind, enemies in war, in peace friends." Those words were Jefferson's, but their grace was lost in his own draft, buried as they were in the midst of false stops and restartings.

This was no hack editing job: the delegates who labored over the draft Declaration had a splendid ear for language. Jefferson, however, did not see it that way. The changes in the passages on the British people were made, he said, because "the pusillanimous idea that we had friends in England still keeping terms with, still haunted the minds of many." But the rewritten section remained severely critical of the British people. The language, however, was more restrained, the conclusion more eloquent, and the whole more in keeping with the economy of Jefferson's opening paragraphs.

Finally, Congress substituted the words of its own July 2 resolution—the composition of another Virginian, Richard Henry Lee—for much of Jefferson's conclusion, and eliminated his troubling suggestion, so out of keeping with the increasingly orthodox American conception of the Empire as a collection of otherwise independent communities bound together under the Crown, that the Americans might once have had a more direct political connection with the people or Parliament of Britain. It also added two references to God, which were conspicuously missing in Jefferson's draft, where God appeared only as the author of nature's laws and the endower of natural rights, and honor alone was "sacred." At the start of the final paragraph Congress inserted an appeal "to the supreme judge of the world" to affirm "the rectitude of our intentions," which echoed similar provisions in several state and local resolutions on Independence, and nearer the end of the document it also referred to the delegates "firm reliance on the protection of divine providence." Americans held strong religious beliefs in 1776, and the Declaration was meant to state the convictions of the country's "good people." The delegates retained, however, Jefferson's concluding sentences, including its memorable mutual pledge of "our lives, our fortunes, and our sacred honor."

The more alterations Congress made on his draft, the more miserable Jefferson became. He had forgotten, as has posterity, that a draftsman is not an author, and that the "declaration on independence," as Congress sometimes called it, was not a novel, or a poem, or even a political essay presented to the world as the work of a particular writer, but a public document, an authenticated expression of the American mind. Franklin, who was sitting nearby, "perceived that I was not insensible to these mutilations," Jefferson later recalled, and attempted to console him with the story of a young hatter, about to open his own shop, who proposed to have a fine signboard made with the words "John Thompson, Hatter, makes and sells hats for ready money" and the figure of a hat. First, however, he asked his friends for their advice. One proposed taking out "hatter" since it was redundant with "makes hats." Another recommended that "makes" be removed since customers wouldn't care who exactly made the hats. A third said "for ready money" was unnecessary since it was not the local custom to sell on credit. "Sells hats," a fourth commented; did Thompson suppose people thought he meant to give them away? In the end, the sign said simply "John Thompson," with a picture of a hat, which probably served its function quite well. Franklin said, however, that he had learned from that anecdote to avoid, "whenever in my power, ... becoming the draughtsmen of papers to be reviewed by a public body." Did Franklin understand how much Congress, like the relentless editors in his story, was practicing a technique that Jefferson had himself used to good effect when he compressed Mason's language until it gained in power far more than it lost in length?

Others seem to have shared Jefferson's preference for the committee draft over the version Congress adopted. So strong was his conviction on that issue that Jefferson laboriously copied the earlier version several times over—by hand, of course, which made it a tedious, time-consuming task—and sent those copies to friends so they could judge for themselves, as he wrote Richard Henry Lee, "whether it is the better or worse for the Critics." Lee responded that he "sincerely" wished,
“as well for the honor of Congress, as for that of the States, that the Manuscript had not been mangled as it is,” and years later John Adams also said that Congress “obliterated some of the best” of the draft declaration “and left all that was exceptional, if any thing in it was.” Obviously the two versions were strikingly different in the opinion of contemporary observers. And what generations of Americans came to revere was not Jefferson’s but Congress’s Declaration, the work not of a single man, or even a committee, but of a larger body of men with the good sense to recognize a “pretty good” draft when they saw it, and who were able to identify and eliminate Jefferson’s more outlandish assertions and unnecessary words. So successful an exercise of group editing probably demanded a text that required cutting, not extensive rewriting. Congress’s achievement was remarkable nonetheless. By exercising their intelligence, political good sense, and a discerning sense of language, the delegates managed to make the Declaration at once more accurate and more consonant with the convictions of their constituents, and to enhance both its power and its eloquence.

FINALLY, on July 4, the Committee of the Whole reported that it had agreed upon a Declaration. Congress’s journal says that the text was then read and that Congress accepted it, ordered it to be authenticated and printed under the supervision of the drafting committee, and provided for its distribution and proclamation. Jefferson’s notes on Congress’s proceedings for once added more detail. After devoting “the greater parts of the 2d, 3d, & 4th July” in debating the declaration, he said, those deliberations were finally “in the evening of the last closed. the declaration was reported by the committee, agreed to by the house, and signed by every member present except Mr. Dickinson.” Careful research has been devoted to determining when exactly the Declaration was approved—late morning, not evening, seems most likely—and whether the document was in fact signed on the 4th by anyone except Congress’s President, John Hancock, whose name appeared as the sole signer on the published broadside. There remains a remote possibility that delegates signed a copy of the Declaration that has since been lost, but probably Jefferson was wrong there, too. The Journals of the Second Continental Congress say only that on July 19, after New York’s approval became known, Congress resolved “that the Declaration passed on the 4th, be fairly engrossed on parchment, with the title and style of ‘The unanimous declaration of the thirteen United States of America,’ and that the same, when engrossed, be signed by every member of Congress,” and that on August 2 “the declaration of independence being engrossed and compared was signed,” although some members added their signatures at later times.

Why, however, was it signed at all? Only John Browne, Parliament’s clerk, signed the English Declaration of Rights. Moreover, according to Lois Schwoerer, the members of England’s seventeenth-century Parliaments did not customarily sign instruments they presented to the King, nor were declarations and petitions signed by their drafters elsewhere in Europe. “Of documents comparable to the Declaration of Rights,” she says, “only the Declaration of Independence of the American colonies was signed by its framers.”

The Declaration of Independence was not the only Congressional document that was signed by the delegates. Members of the First Continental Congress had affixed their signatures to the Continental Association and to their petition to the King, but not to the addresses they sent the inhabitants of Great Britain and of the American colonies, “The Bill of Rights [and] A list of Grievances,” or, finally, their letter to the inhabitants of Quebec, which was simply signed “By order of the Congress, Henry Middleton, President,” on October 26, 1774. The Second Continental Congress signed its “Olive Branch Petition” to the King but no other document previous to the Declaration of Independence, although some were, again, signed by John Hancock as President of the Congress.

In the absence of any direct testimony on why some documents were signed and others not, the answer or answers to that riddle must lie in the texts themselves. The Association set up a colony-wide non-importation, non-exportation, and non-consumption agreement. Since the First Continental Congress had no independent legislative authority, the document’s binding character could come only from the consent of those who were parties to it. The text made that clear and also mandated that delegates sign: “... we do solemnly bind ourselves and our constituents,” it said, “... to adhere to this association....” The signing of petitions to the King, contrary as it was to Parliament-
tary practice, is somewhat more difficult to explain. Again, the documents were written in a way that made delegates' signatures necessary. "We your majesty's faithful subjects of the colonies of New Hampshire, Massachusetts-Bay, Rhode-island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, the counties of New-Castle Kent and Sussex on Delaware, Maryland, Virginia, North-Carolina, and South Carolina," began the petition of 1774, "in behalf of ourselves and the inhabitants of these colonies who have deputed us to represent them in General Congress, by this our humble petition, beg leave to lay our grievances before the throne." Its successor of 1775 began in an almost identical way, except that the opening statement entreated "your Majesty's gracious attention to this our humble petition."106

But why were the petitions written in that way? Probably out of respect for the King, and to enhance the petitions' persuasiveness. Unlike the convention Parliament of 1689, Congress had no place in British constitutional tradition. It was new, and the Crown did not recognize its legitimacy. By affixing their signatures, the delegates signaled that each of the colonies mentioned supported the petition, and also founded it upon their own personal authority and dignity. This was, they seemed to say, not the work of an inconsequential faction of colonists, as their critics in England so often alleged, but the voice of the American people and of the men of consequence they selected to speak for them. Since, moreover, the petitions were conspicuously loyal statements from the King's "faithful subjects," there was no particular reason not to sign.

The Declaration of Independence was altogether different. It was not loyal; it was an avowal of revolution. From the viewpoint of those who opposed its message, the Declaration was nothing less than a public confession of treason. And conviction for treason meant death and confiscation of estate. Surely there was cause enough for fear: opponents in England had long since begun urging the King to prosecute the colonists for treason. In 1776, the supporters of Independence suspected that some colonies had adopted a "settled policy to keep in the rear of the confederacy, that their particular prospect might be better even in the worst event."107

Signing the Declaration was no way "to keep in the rear." Nonetheless, the delegates adopted a document that, like the Associa-

*Mr. Jefferson and His Editors*
Appendix C

A Declaration by the Representatives of the UNITED STATES OF AMERICA in General Congress assembled.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature’s god entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with inherent and inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence indeed will dictate that governments long established should not be changed for light & transient causes, and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, begun at a distinguished period, & pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, & to provide new guards for their future security. Such has been the patient sufferance of these colonies; & such is now the necessity which constrains them to

1 In the printed version, “inalienable” became “unalienable.” Becker, a. 1 at p. 175, suggests that “unalienable” might have been “the more customary form in the eighteenth century.”

After, their former systems of government, the history of the present king of Great Britain, is a history of repeated injuries and usurpations, among which appear no solitary fact to contradict the uniform tenor of the rest, but all have in direct object the establishment of an absolute tyranny over these states, to prove this let facts be submitted to a candid world, for the truth of which we pledge a faith yet unalloyed by falsehood.

He has refused his assent to laws the most wholesome and necessary for the public good.

he has forbidden his governors to pass laws of immediate & pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has neglected utterly to attend to them.

he has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, & formidable to tyrants only.

he has called together legislative bodies at places unusual, uncomfortable, & distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

he has dissolved Representative houses repeatedly & continually, for opposing with manly firmness his invasions on the rights of the people.

he has refused for a long time after such dissolutions to cause others to be elected whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining in the meantime exposed to all the dangers of invasion from without, & convulsions within.

he has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither; & raising the conditions of new appropriations of lands.

he has affected to render the administration of justice totally to cease in some of those states, refusing his assent to laws for establishing judiciary powers.

he has made his judges dependent on his will alone, for the tenure of their offices, and the amount & payment of their salaries.
he has erected a multitude of new offices, by a self-ensued power, & sent hither swarms of officers to harrass our people, and eat out their substance.

he has kept among us, in time of peace, standing armies and ships of war, without the consent of our legislatures.

he has affected to render the military independant of, & superior to, the civil power.

he has combined with others to subject us to a jurisdiction foreign to our constitutions and unacknowledged by our laws; giving his assent to their acts of pretended legislation

for quartering large bodies of armed troops among us;

for protecting them by a mock-trial from punishment for any murders which they should commit on the inhabitants of these states;

for cutting off our trade with all parts of the world;

for imposing taxes on us without our consent;

in many cases for depriving us, of the benefits of trial by jury;

for transporting us beyond seas to be tried for pretended offences;

for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government and enlarging it's boundaries so as to render it at once an example & fit instrument for introducing the same absolute rule into these states.

for taking away our charters abolishing our most valuable laws, and altering fundamentally the forms of our governments;

for suspending our own legislatures, & declaring themselves invested with power to legislate for us in all cases whatsoever.

he has abdicated government here, withdrawing his governors, & declaring us out of his allegiance and protection.

he has plundered our seas, ravaged our coasts, burnt our towns, & destroyed the lives of our people.

he is at this time transporting large armies of foreign mercenaries, to compleat the works of death, desolation & tyranny, already begun with circumstances of cruelty & perfidy, unworthy the head of a civilized nation.

he has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes & conditions of existence.

he has incited reasonable insurrections of our fellow citizens, with the allurements of forfeiture & confiscation of property.

he has constrained, others, taken captives on the high seas to bear arms against their country, to become the executioners of their friends & brethren, or to fall themselves by their hands.

he has waged cruel war against human nature itself, violating it's most sacred rights of life & liberty in the persons of a distant people, who never offended him, captiving and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither; this pitiful warfare, the appellation of infidel powers, to 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 opposing every legislative attempt to prohibit or to restrain this execrable commerce and that this assemblage of horrors might yet be no话 of distinguished die, he now is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by 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.

2Boyd, in The Declaration of Independence: The Evolution of the Text, Princeton, N.J., 1944, argues that Congress substituted "states" for "colonies," and so restored Jefferson's original wording, which had been changed either by Jefferson or the drafting Committee. (p. 30 and n. 57, p. 33 and n. 60.) Becker did not include this among Congress's changes, nor have I, since the Lee copy says "states."

3Boyd, Declaration of Independence, 33, does not seem to include this among Congress's changes. I have followed Becker, who explained his position in n. 2 at p. 166. The change is clearly shown on the Lee draft. The Lee copy is now in the possession of the American Philosophical Society, which published it, with background information on the manuscript by L. Minis Hays, in its Proceedings, vol. XXXVII (1928), pp. 88-97 (pass. on 163-167).
In every stage of these oppressions, we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury: a prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people. We mean to be free. Future ages will scarce believe that the harshness of one man ventured within the short compass of twelve years only, to build a foundation, so broad and undisguised, for tyranny over a people fostered and fixed in principles of freedom.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend a jurisdiction over these our states. We have reminded them of the circumstances of our emigration and settlement here, no one of which could warrant so strange a pretension; that these were effected at the expense of our own blood and treasure, unassisted by the wealth or the strength of Great Britain; that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league and amity with them; but that submission to their parliament was no part of our constitution, or ever in idea, if history may be credited, and we, appealed to their native justice & magnanimity, as well as to the ties of our common kindred, to disavow these usurpations, which were likely to interrupt our connection, & correspondence, they too have been deaf to the voice of justice and of consanguinity; and when occasions have been given them, by the regular course of their laws, of removing from their council the disturbers of our harmony, they have by their free election re-established them in power. At this very time too, they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch and foreign mercenaries to invade and destroy us; these facts have given the last stab to agonizing affection; and many a spirit bids us to renounce forever these unfeeling brethren: we must endeavor to forget our former love for them, and to hold them, as we hold the rest of mankind, enemies in war, in peace friends; we might have been a free & great people together, but a communication of grandeur and

of freedom, it seems, is below their dignity; be it so, since they will have it, the road to happiness and to glory is open to us too; we will climb it apart from them, and hold them, as we hold the rest of mankind, enemies in war, in peace friends, and acquiesce in the necessity which denounces our eternal separation.

We therefore the Representatives of the United states of America, in General Congress assembled, do, in the name and by authority of the good people of the colonies, solemnly publish and declare, that these united colonies are and of right ought to be free and independent states; that they are absolved from all allegiance to the British Crown, and that Great Britain, & all others who may hereafter claim by, through, or under them, we utterly dissolve all political connection which may herefore have subsisted between us, and the parliament or people of Great Britain; and finally, we do assert [and declare] these colonies to be free and independent states, & that as free & independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, & to do all other acts and things which independant states may of right do. And for the support of this declaration, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

"Becker added the words "and declare" from Jefferson's "Rough Draft," assuming that Jefferson had mistakenly left it out of the Lee copy. Becker also reversed "parliament or people" in conformance with the Rough Draft. There I chose to remain consistent with the Lee copy. See Becker 170, n.4."