The "Domestic Insurrections" of the Declaration of Independence

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THE "DOMESTIC INSURRECTIONS" OF THE DECLARATION OF INDEPENDENCE

Sidney Kaplan*

November 1774: "It is prudent such attempts should be concealed as well as suppressed." *June 1775:* "if we should be subdued, we shall fall like Achilles by the hand of one that knows that secret."

James Madison

Although the Declaration of Independence speaks plainly of "merciless Indian Savages," the word Negro or slave is nowhere in it. True enough, opponents of slavery, from Benjamin Banneker to Frederick Douglass, would read an anti-slavery sanction into some of its equalitarian rhetoric[1], but it has almost always been assumed that the Declaration, in its final form, is silent on the question of slavery. The main point of this note is to question and qualify that assumption.

The libertarian logic of the Declaration's opening lines moves swiftly to its revolutionary conclusion: ". . . 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 provide new Guards for their future security." And then the bill of indictment: "The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this let Facts be submitted to a candid world." The "Facts" that follow are twenty-seven charges against George III. The last charge is usually ignored in the euphoria of the bicentennial moment: "He has excited domestic insurrections amongst us, and has endeavoured 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 and conditions."[2] The tirade against the Indians is clear and painful enough. But what did

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[1]On August 19, 1791 the black astronomer wrote Jefferson an eloquent letter arguing the case for racial equality and citing the Declaration: ". . . you clearly saw into the injustice of a State of Slavery . . . you publickly held forth . . . 'We hold these truths to be Self-evident that all men are created equal? . . ." Yet Jefferson, noted Banneker, was the owner of slaves. On August 30, Jefferson replied, but, as Benjamin Quarles has recently remarked, he "pointedly ignored" Banneker's reference to the Declaration and to slavery. ("A Group Portrait: Black America at the Time of the Revolutionary War," *Ebony*, XXX [August, 1975], 50).

[2]Julian P. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, 1950), I, 414, 430-431; hereinafter cited as Boyd.

the Congress and Thomas Jefferson mean by "domestic insurrections"? Counter-revolutionary Tories? Rebellious black slaves? And if they meant the latter, why didn't the founding fathers say just that, as precisely as "merciless Indian Savages"? None of the standard works on the Declaration has touched on these questions.[3]

It is well known that in his original draft of the Declaration, submitted to Congress on June 28, 1776, Jefferson, with the approval of John Adams and Benjamin Franklin, accused George III of preventing the colonists from abolishing the African slave trade. This charge, the last and longest in the draft, was made up of two parts joined in a single paragraph:

> [1] he has waged cruel war against human nature itself, violating it's [sic] most sacred rights of life & liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of *infidel* powers, is the warfare of the *Christian* king of Great Britain, determined to keep open a market where MEN should be bought & sold; he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce: [2] 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 obtruded them; thus paying off further crimes committed against the *liberties* of one people, with crimes which he urges them to commit against the lives of another.[4]

Summarizing this passage, David Brion Davis, in his recent study of *The Problem of Slavery in the Age of Revolution*, correctly observes that Jefferson "made no

[3]Herbert Friedenwald, *The Declaration of Independence: An Interpretation and an Analysis* (New York, 1904); John H. Hazelton, *The Declaration of Independence* (New York, 1906); Carl Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (New York, 1922); *The Declaration of Independence: The Evolution of the Text as Shown in Facsimiles of Various Drafts. . .*, with an introduction by Julian P. Boyd, "The Drafting of the Declaration of Independence" (Washington, 1943), hereinafter cited as Boyd, *Declaration*; Dumas Malone, *The Story of the Declaration of Independence* (New York, 1954); Cecilia M. Kenyon, "The Declaration of Independence," in *Fundamental Testaments of the American Revolution* (Washington, 1973), 25-46; Henry Steele Commager, "The Declaration of Independence: An Expression of the American Mind," in his *Jefferson, Nationalism, and the Enlightenment* (New York, 1975).

[4]Facsimiles of "V. Jefferson's Rough Draft, page three" and "IV. John Adams' Copy of Jefferson's Original Draft, page three," in Boyd, *Declaration*. The "Rough Draft," all in Jefferson's hand, shows the revisions made by Congress. The "Original Draft" is the "Rough Draft" before revisions; this is verified by comparison with the copy of the "Original Draft" made by John Adams. Moncure Daniel Conway, in his *Life of Thomas Paine . . .* (New York, 1892, I, 80-81), states that the "allusion to the arming of negroes and Indians against America, and other passages, resemble clauses in one of the paragraphs eliminated from the original Declaration of Independence." Conway then cites a passage from *Common Sense* for January, 1776: "—that barbarous and hellish power, which hath stirred up the Indians and the Negroes to destroy us; the cruelty hath a double guilt, it is dealing brutally by us, and treacherously by them."

mention of emancipation but condemned King George for enslaving innocent Africans, for encouraging the 'execrable commerce' in men, and for inciting American Negroes to rise in arms against their masters." And he concludes: "Congress struck out the entire section."[5] With Davis' account most historians have concurred—some sympathizing with the chagrin later expressed by Jefferson and Adams,[6] others feeling that the Declaration, in style and substance, had been serendipitously improved by the deletion.[7]

Did Congress strike out the entire section? It did. But is it possible that this same Congress, in fact, contrived to retain the second part of the section, reformulating it in an abbreviated, euphemistic phrase, and then adding this phrase to another section of the Declaration? Half a century ago, John C. Fitzpatrick, after noting that Congress had "suppressed" the entire section, went on to suggest that "a hint of it remains in the twenty-seventh of the Declaration's charges: 'He has excited domestic insurrections amongst us."[8] More recently, Benjamin Quarles, in his *The Negro in the American Revolution*, has remarked that the passage "was stricken from the final draft," and that the "sentiment against slavery therefore found no direct expression in the Declaration of Independence; indeed, the only reference to slavery was the indirectly stated charge that George III has fomented domestic insurrection in America," concluding that "Jefferson dared not be specific and spell out the domestic insurrection charge. To have done so would have called attention to American slavery—an embarrassing topic in a document whose keynote was human freedom."[9]

What Fitzpatrick and Quarles seem to imply is that Jefferson's original draft of the Declaration, as initially reported to Congress, contained not only the long passage, subsequently deleted, but also the opening clause of the twenty-seventh charge in the final and approved document: "He has excited domestic insurrections amongst us"—and that Congress completely expunged the first while it

[5]Ithaca, 1975, p. 173; the same statement is in Davis' *Was Thomas Jefferson an Authentic Enemy of Slavery?* (Oxford, 1970), p. 6.

[6]To mention a few not already cited in note 3: George W. Williams, *History of the Negro Race in America* . . . (New York, 1882), I, 329; W. E. Burghardt DuBois, *The Suppression of the African Slave Trade* . . . (New York, 1896), 48-49; John Hope Franklin, *From Slavery to Freedom* . . . (New York, 1961), 128-129; Winthrop D. Jordan, *White Over Black* . . . (Chapel Hill, 1968), 301; Donald L. Robinson, *Slavery in the Structure of American Politics 1765-1820* (New York, 1971), 82; Fawn M. Brodie, *Thomas Jefferson: An Intimate Biography* (New York, 1974), 121, 513.

[7]An early opinion of this sort is in James Parton's *Life of Thomas Jefferson* . . . (Boston, 1874), 189-190. More recently Carl Becker has set the tone: "Congress omitted this passage altogether. I am glad it did . . . the discrepancy between the fact and the representation is too flagrant. Especially, in view of the subsequent history of the slave trade, and of slavery itself . . . these charges against the king lose whatever plausibility, slight enough at best, they may have had at the time . . . it is the part of the Declaration in which Jefferson conspicuously failed to achieve literary excellence." (214) Becker's view is echoed by Dumas Malone, *Jefferson the Virginian* (Boston, 1948), 222; Merril D. Peterson, *Thomas Jefferson and the New Nation: A Biography* (New York, 1970), 91-92; Commager, 80; and others.

[8]*The Spirit of the Revolution: New Light from some of the Original Sources of American History* (Boston, 1924), 6.

retained the second.[10] But that clause was not present in the original draft. As the delegates scrutinized Jefferson's proposal, line by line, subjecting it, as Adams remembered, to "Severe Criticism."[11] they voted to add and subtract. Jefferson marked these changes into his draft. One of the additions, in his own hand, approved by Congress, is the charge against George III: "He has excited domestic insurrections amongst us."

The existing manuscripts of the original draft and of the revised draft reveal all this clearly. But even if they did not exist, there is Jefferson's later corroboration. On June 1, 1783 he would write to Madison: "As you were desirous of having a copy of the original of the Declaration of Independance I have inserted it at full length distinguishing the alterations it underwent."[12] What Jefferson enclosed was an annotated copy of the Declaration with the following comment: "As the sentiments of men are known not only by what they receive, but what they reject also, I will state the form of the declaration as originally reported, the parts struck out by Congress shall be distinguished by a black line drawn under them; & those inserted by them shall be placed in the margin or in a concurrent column."[13] In the margin, next to the charge concerning "the merciless Indian Savages," Jefferson wrote the words "excited domestic insurrections amongst us"—so that the twenty-seventh charge against George III, as passed by Congress, would finally read: "He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose

[9]Chapel Hill, 1961, pp. 42-43. Staughton Lynd states that the "Declaration of Independence, when it appeared, voiced apprehensions of 'convulsions within' and 'domestic insurrections amongst us.' It would seem that the government-from-below evident in the ideas and actions of the New York Committee of Mechanics in the spring of 1776 was a sample of just what the drafters of the Declaration feared." (*Class Conflict, Slavery, and the United States Constitution: Ten Essays* [Indianapolis, 1967], 96-97). Although Jefferson, in his *Notes on Virginia*, used the word "convulsions" to describe slave rebellion, and it was so used during the debate on the Virginia Constitution in 1776, it is probable that in the Declaration the phrase "convulsions within," unlike "domestic insurrections," referred to the movements of mechanics and artisans in New York and elsewhere, for Jefferson links it directly to the charge that George III had dissolved certain colonial legislatures, "whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within." (*Notes on the State of Virginia*, ed. William Peden [Chapel Hill, 1955], 138; Edmund Randolph, *History of Virginia*, ed. Arthur H. Shaffer [Charlottesville, 1970], 253; Boyd, I, 430).

[10]Quarles apparently ignores the fact that Jefferson's charge in the original draft clearly called attention to American slavery. Philip S. Foner, in a recent volume, writes that the "first draft of the Declaration of Independence, as prepared by Jefferson, contained a sharp indictment of the slave trade . . . Thus far, and no farther, did the Declaration of Independence in its original form go with respect to the Negro. There is one reference to slavery, and that only indirectly in the additional charge that George III had fomented domestic insurrection in America." (*History of Black Americans: From Africa to the Emergence of the Cotton Kingdom* [Westport, 1975], 318-319). Foner does not mention the crucial anti-slave-revolt section of Jefferson's "sharp indictment," and he seems to imply that "domestic insurrections" was a part of Jefferson's original draft.

[11]Hazelton, 141.

[12]Boyd, I, 327; Boyd, *Declaration*, 7.

[13]Boyd, I, 315.

known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions."

Much later, Jefferson recalled to Madison the heat fanned up in Congress at this time: "during the debate I was sitting by Dr. Franklin, and he observed that I was writing a little under the acrimonious criticism of some of it's [sic] parts. . . ."[14] Forty years earlier, he had been more specific, spelling out his frustration at the major criticism: ". . . the clause too, reprobating the enslaving the inhabitants of Africa, was struck out in complaisance to South Carolina & Georgia, who had never attempted to restrain the importation of slaves, and who on the contrary still wished to continue it. Our Northern brethren also I believe felt a little tender under those censures; for tho' their people have very few slaves themselves yet they had been pretty considerable carriers of them to others."[15] It is to be noted that Jefferson deplores the deletion by Congress of the clause "reprobating the enslaving the inhabitants of Africa"—but he says nothing, and never would, about the deletion of the clause that came after it, which reprobates George III for fomenting revolt. And why should he, if, in fact, the addition of "exciting domestic insurrections amongst us" to the twenty-seventh charge—which he voted for with the rest of the signers—amounted to substantially the same thing?

And what of the Georgia delegates? Although they abominated Jefferson's attack on the slave trade, is there any reason to think they did not fervidly support his attack on the King for stirring up slave revolt? There is an entry in John Adams' diary for September 24, 1775 which suggests an answer: "In the evening. . . two gentlemen from Georgia, came into our room . . . These gentlemen gave a melancholy account of the State of Georgia and South Carolina. They say that if one thousand regular troops should land in Georgia, and their commander be provided with arms and clothes enough, and proclaim freedom to all the negroes who would join his camp, twenty thousand negroes would join it from the two Provinces in a fortnight. The negroes have a wonderful art of communicating intelligence among themselves; it will run several hundreds of miles in a week or fortnight. They say their only security is this; that all the king's friends, and tools of government, have large plantations and property in negroes; so that the slaves of the Tories would be lost, as well as those of the Whigs."[16] Almost half a century later, Adams would write to Timothy Pickering: "I have long wondered that the original draft has not been published. I suppose the reason is the vehement Phillipic against Negro slavery."[17] Not the whole reason, perhaps. It was only in 1829, three years after Jefferson's death, that the annotated copy of the Declaration he had sent to Madison in 1783, now embedded in his *Autobiography*, first saw print.[18] And it was only then that it became public knowledge that the

[14]Letter of August 30, 1823 (Hazelton, 145).

[15]Boyd, I, 314-315.

[16]Charles Francis Adams, ed., *The Works of John Adams . . .* (Boston, 1850), II, 428.

[17]Letter of August, 1822 (Hazelton, 180).

[18]Thomas Jefferson Randolph, ed., *Memoir, Correspondence and Miscellanies from the Papers of Thomas Jefferson* (Charlottesville, 1829), 16-21; the *Memoir* is Jefferson's autobiography.

deleted "vehement Phillipic against Negro slavery" also indicted George III for stirring up slaves, including Jefferson's, against their patriot masters.[19]

It is now time to repeat the opening question: What did Congress mean by "domestic insurrections"? The answer: slave revolt. But perhaps Congress, in fact, meant this phrase to refer to Tory counter-revolution. This is a crucial objection which can only be clarified by a further review of the pre-history of the Declaration.

In Jefferson's original draft, the penultimate charge against the King read as follows: "he has incited treasonable insurrections in our fellow-citizens, with the allurements of forfeiture and confiscation of our property."[20] Congress struck out this charge and Jefferson never complained. Isn't it possible that Congress transmuted "treasonable insurrections in our fellow-citizens" into "domestic insurrections amongst us"? And a corollary question: If this wasn't the case, why did Congress strike out the charge? It is hard to believe that in all the exegetical literature on the Declaration, these questions have never been raised.

In the absence of recorded debate or contemporary comment, a few speculations may plausibly be ventured. There can be no doubt that "treasonable insurrections in our fellow-citizens" must refer to Tories; slaves were not "fellow-'citizens"; they could be rebellious, insurrectionary and conspiratorial, but not "treasonable," and they are never referred to as such. Moreover, the phraseology of the charge directly reflects Lord Dunmore's proclamation of November 7, 1775, in which he fastened the stigma of treason on patriots: ". . . I do require every Person capable of bearing Arms to resort to His Majesty's Standard, or be looked upon as Traitors to His Majesty's Crown and Government, and thereby become liable to the Penalty the Law inflicts upon such Offences; such as forfeiture of Life, confiscation of Lands, &c."[21] Referring to slave revolt, Jefferson used different language in the original draft of the Declaration as well as in the Preamble of the Virginia Constitution, both of which he was working on at about the same time:[22] in the Declaration, "excited domestic insurrections *amongst us*"; in the Preamble, "prompting our negroes to rise in arms *among us*." (my emphasis). The connotation in both cases is obviously "against us."

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[19]Although there is no space here to explore the theme, a reasonable case might be made from Jefferson's writings that the dominant note in his thinking about Blacks was his fear of "domestic insurrections," both under slavery—and after the abolition of slavery unless colonization removed them from the country.

[20]Boyd, I, 425. In Jefferson's formulation of the charge, both in the Virginia Preamble and in his "Composition Draft" of the original draft of the Declaration, the word "treasonable" does not appear. Apparently he felt the need for a limiting definition of "insurrections" and added it in the document submitted to Congress. Both in the initial draft of the Preamble and in his original draft of the Declaration he significantly scratched out "fellow-subjects"—his first thought—and wrote in "fellow-citizens." (Boyd, *Declaration*, facsimiles "II. Jefferson's 'First Ideas' on the Virginia Consittution, page one" and "V. Jefferson's Rough Draft, page three"; Boyd, I, 338, 357, 378, 417-418, 420, 425, 428).

[21]Sidney Kaplan, *The Black Presence in the Era of the American Revolution 1770-1800* (Greenwich, 1973), 62.

Is it probable, however, that in the customary language of the time, the phrase "domestic insurrections" could signify slave revolt? Of course, the word "insurrection" was commonly, if not exclusively, employed for that purpose. (Benjamin Franklin's use of the word is well known: a few weeks after the adoption of the Declaration, during the debate in Congress on the question of representation, when a Southern delegate observed that if slaves were counted, sheep should also be counted, he replied that "Sheep will never make any Insurrections.")[23] But what of the adjective "domestic"—was it employed at this time to refer to slaves? To deal with this question, it will be useful to explore briefly a central issue of the year that led up to the Declaration.

A dramatic incident in the history of the colonial fear of slave revolt, and perhaps one of the crucial pressures swinging the Congress to outright revolution, was Lord Dunmore's plan to attract the slaves of patriots, in exchange for liberty, to the British cause. With his usual prescience, Thomas Paine, a short time after his arrival in America, had been one of the first to give pithy utterance to the patriot dilemma: "The great question," he hazarded, "may be—What should be done with those who are enslaved already? . . . Perhaps they may become interested in the public welfare, and assist in promoting it; instead of being dangerous as now they are, should any enemy promise them a better condition."[24] Dunmore's Proclamation in the fall of 1773, which indeed promised Virginia's slaves a better condition, was not simply to be an act of local desperation. While Lexington and Bunker Hill were being fought during the preceding spring, General Thomas Gage, British commander-in-chief and governor of Massachusetts Bay, was drawing large strategic conclusions for the struggle as a whole. Early in 1773 Boston slaves had directed three vigorous petitions for freedom to the governor and General Court, and a year later, during the spring of 1774, Gage had received two additional petitions from "a Grate Number of Blackes of the Province," as they called themselves, "held in a state of Slavery within a free and christian Country."[25] In September, Abigail Adams wrote to her husband: "There has been in town a conspiracy of the negroes. At present it is kept pretty private, and was discovered by one who endeavored to dissuade them from it . . . They conducted in this way . . . to draw up a petition to the Governor, telling him they would fight for him provided he would arm them, and engage to

[22]Boyd, I, 338-339. On April 3, 1825 Jefferson wrote to Augustus B. Woodward: "I was then at Philadelphia at Congress; and knowing that the Convention of Virginia was engaged in forming a Plan of government, I turned my mind to the same subject; and drew a sketch or outline of a constitution, with a preamble . . . the Constitution, with the preamble was passed on the 29th of June, and the Committee of Congress had only the day before that reported to that body the Draft of the Declaration . . . both having the same object, of justifying our separation from Great Britain, they used necessarily the same materials of justification: and hence their similitude." (Boyd, I, 384).

[23]L.H. Butterfield, ed., *Diary and Autobiography of John Adams* (Cambridge, 1961), II, 246.

[24]"African Slavery in America," *Pennsylvania Journal and the Weekly Advertiser*, March 8, 1775, in Philip S. Foner, *The Complete Writings of Thomas Paine* (New York, 1945), II, 19.

[25]And six months after the Declaration these same Boston slaves submitted still another petition. (Kaplan, 11-14, 22-23).

liberate them if he conquered."[26] In Maryland, in April 1775, after a visit from a group of planters who asked for arms and ammunition to suppress the looming insurgency of their slaves, Governor Robert Eden requisitioned 400 stands of arms for four counties.[27] For Gage these were straws in the wind. On May 15 he wrote to the Earl of Dartmouth that news had come to him of Dunmore's plan: "We hear that a Declaration his Lordship has made, of proclaiming all the Negroes free, who should join him, has startled the Insurgents."[28]

What Gage had heard was linked to the furor of Virginia patriots late in April over Dunmore's seizure of their powder in the Williamsburg magazine. A witness reported Dunmore's reaction the next day: he "seemed exceedingly exasperated by the People's having been under Arms" and "swore by the living God . . . that if any injury or insult was offer'd . . . he would declare freedom to the slaves & reduce the City of Williamsburg to ashes." Moreover, he had boasted that in the event of a civil war "all the Slaves" would be "on the side of Government . . . ." A few days later, another witness was "informed by the Governor . . . that some Negroes . . . had offered to join him & take up arms"—as in Boston the previous September—"but that his answer . . . was to order them to go about their business."[29] On May 1, Dunmore wrote to Dartmouth that "with a supply of arms and ammunition," he would be able "to collect from among the *Indians*, negroes, and other persons, a force sufficient, if not to subdue rebellion, at least to defend Government . . . ."[30]

On June 8, 1775 Dunmore quit Williamsburg and took refuge aboard a man-of-war off Yorktown, a move he had been thinking about for three weeks. The House of Burgesses now declared that "A Scheme, the most diabolical, had been meditated, and generally recommended, by a Person of great influence, to offer Freedom to our Slaves, and turn them against their Masters."[31] Four days later, General Gage wrote to Lord Barrington, the secretary at war, that "Things are now come to that Crisis, that we must avail ourselves of every resource, even to

[26]Charles F. Adams, ed., *Letters of Mrs. Adams, The Wife of John Adams* (Boston, 1841), II, 24.

[27]John Thomas Scharf, *History of Maryland* (Baltimore, 1879), II, 179. For similar rumor, plot and resistance in Georgia, the Carolinas, New Jersey, New York and Massachusetts from 1772 to 1776, see Lorenzo Johnston Greene, *The Negro in Colonial New England* (New York, 1942), 163; Herbert Aptheker, *American Negro Slave Revolts* (New York, 1943), 200-205; Quarles, *The Negro in the American Revolution*, 14.

[28]Quarles, *The Negro in the American Revolution,* 21-22.

[29]"Deposition of Dr. William Pasteur . . ."; "Deposition of John Randolph . . ." *Virginia Magazine of History and Biography*, XIII (July, 1905), 48-49; XV (October, 1907), 150. The patriot historian, Edmund Randolph, in his *History of Virginia*, wrote that "it was believed at the time, and more strongly suspected from what happened afterwards that he designed, by disarming the people, to weaken the means of opposing an insurrection of the slaves . . . for a protection against whom in part the magazine was at first built." (219).

[30]Peter Force, ed., *American Archives* . . . (Washington, 1837-1853), 4th ser., III, 6; Dartmouth here repeats part of a letter written to him by Dunmore on May 1, 1775.

[31]Quarles, *The Negro in the American Revolution,* 22; John Pendleton Kennedy, ed., *Journals of the House of Burgesses of Virginia, 1773-1776* (Richmond, 1905), 256.

raise the Negroes in our cause."[32] By June 19, James Madison was echoing Gage: "It is imagined our Governor has been tampering with the Slaves & that he [Dunmore] has it in contemplation, to make great Use of them in case of a civil war in this province. To say the truth, this is the only part in which this Colony is vulnerable; & if we should be subdued, we shall fall like Achilles by the hand of one that knows that secret."[33]

On July 6, 1775 the Congress issued its Declaration of the Causes and Necessity of Taking Up Arms. The word slave or Negro does not appear in its list of grievances, but they are nonetheless present as a threat of black rebellion exploited by the British generals and feared by Madison. "We have received certain Intelligence, that General Carleton, the Governor of Canada, is instigating the People of that Province and the Indians to fall upon us," complained the delegates in Philadelphia, "and we have but too much reason to apprehend, that schemes have been formed *to excite domestic enemies against us*." (my emphasis). These "domestic enemies" were potentially insurrectionary slaves.[34]

During the following six months what had been spectre became fact. ". . . Letters mention that slaves flock to him in abundance, but I hope it is magnified," wrote Edmund Pendleton to Richard Henry Lee a few weeks after Dunmore's Proclamation.[35] Benjamin Quarles, in a memorable chapter, has vividly described the dimensions of this uprising of "domestic enemies": "By early December he was arming them 'as fast as they came in.' Negro privates took part in a skirmish

[32]Clarence Edwin Carter, ed., *The Correspondence of General Thomas Gage with the Secretaries of State* . . . (New Haven, 1933), II, 684.

[33]Letter to William Bradford, in William T. Hutchinson and William M.E. Rachal, eds., *The Papers of James Madison* (Chicago, 1932), I, 153.

[34]Boyd, I, 212. The word "domestic," in connection with slave resistance, had earlier and later usage. Of South Carolina, during the winter of 1766, Pauline Maier writes: "The most serious menace came from the slaves, whom Bull called a 'numerous *domestic* Enemy' . . . In January 1766 some black men paraded through the streets calling out 'Liberty,' and the town was under arms for a week. . . ." ("The Charleston Mob and the Evolution of Popular Politics in Revolutionary South Carolina 1765-1784," *Perspectives in American History,* IV [1970], 176). Or another related formula: Joseph Galloway, Philadelphia loyalist, in January 1778 wrote to the Earl of Dartmouth: "The Negroes may all be deemed so many, *Intestine Enemies*. . . ." (Benjamin F. Stevens, ed., *Facsimiles of Manuscripts in European Archives Relating to America, 1773-1783* [London, 1889-1895], XXIV, No. 2079). (my emphasis).

Two further points may be made by comparing the slavery charges in the Virginia Preamble with those in the original draft of the Declaration, both penned by Jefferson. Each charge is composed of two parts, anti-slave-trade and anti-slave-revolt, a priority probably related to the actuality of black insurrection in Virginia. In the Preamble the two-part charge is immediately followed by the charge concerning the "merciless Indian Savages," the latter a duplicate of the Indian charge in the Declaration. In this respect the Preamble and the approved Declaration run parallel in substance and style.

There had been, of course, a long history of slave conspiracy and resistance in Virginia and elsewhere. (see Greene, 162-163; Aptheker, 19-23; Peter H. Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* [New York, 1974]). But the flight of slaves from patriot plantations into British ranks was recent, massive, and successful.

[35]Letter of November 27, 1775, in David John Mays, ed., *The Letters and Papers of Edmund Pendleton 1734-1803* (Charlottesville, 1967), 133.

at Kemp's Landing in which the colonials were routed; indeed, slaves captured one of the two commanding colonels. In the encounters preceding the action at Great Bridge, two runaways who were taken prisoner testified that the garrison was manned by thirty whites and ninety Negroes, and that "all the blacks who are sent to the fort at the Great Bridge, are supplied with muskets, Cartridges and etc. strictly ordered to use them defensively and offensively.' By the first of December the British had nearly three hundred slaves outfitted in military garb, with the inscription, 'Liberty to Slaves,' embroidered across the breast of each. The Governor officially designated them 'Lord Dunmore's Ethiopian Regiment'."[36]

A puzzling question remains. Why did Congress eliminate the anti-Tory charge from Jefferson's original draft of the Declaration? Strangely enough, neither Jefferson nor any other signer ever commented on this deletion.

The stigma of treason was doubtless a focal anxiety for patriots considering revolution. When, during the summer of 1774, the Virginia Convention instructed its delegates in Congress, one passage of its advice dealt with this anxiety: "The Proclamation issued by General Gage . . . declaring it Treason for the Inhabitants of [Massachusetts] to assemble themselves to consider their Grievances and form Associations . . . is the most alarming Process . . . ."[37] Two years later, in shaping the anti-Tory charge both for the Virginia Preamble and the original draft of the Declaration, Jefferson adroitly turned the tables as he levelled the charge of treason against the adherents of the King. Now he was reacting directly to Dunmore's Proclamation,[38] which had castigated patriots as "Traitors to His Majesty's Crown and Government." Jefferson's fellow Virginians responded to Dunmore's challenge with the same sense of urgency and included the anti-Tory charge in the Virginia Preamble without debate.[39]

Yet, although six months earlier, in December 1775, Congress had flayed Dunmore for "tearing up the foundations of civil authority and government," on the following fourth of July it dropped Jefferson's anti-Tory charge from his original draft of the Declaration.[40] The reasons are not clear. Did it finally seem to the

[36]Quarles, *The Negro in the American Revolution*, 27-28; the chapter is adapted from his article, "Lord Dunmore as Liberator," *William and Mary Quarterly*, XV (October, 1958), 494-507.

[37]Boyd, I, 141-142.

[38]As did Washington, in two letters from Cambridge: to Joseph Reed, December 15, 1775; and to Richard Henry Lee, December 26, 1775: "If, my dear Sir, that man is not crushed before spring, he will become the most formidable enemy America has; his strength will increase . . . and faster, if some expedient cannot be hit upon to convince the slaves and servants of the impotency of his designs." A week after the signing of the Declaration, Washington began a letter to the Massachusetts legislature: "At a Crisis like the present, when our Enemies . . . have excited Slaves and Savages to Arms against us. . . ." (John C. Fitzpatrick, ed., *The Writings of George Washington* . . . [Washington, 1931-32], IV, 167, 186; V, 26).

[39]It should be noted, however, that Jefferson did not include the word "treasonable" in the Virginia Preamble. The Virginia Convention, at this point speaking for the colony rather than for the nation, softened his demand that the King be "immediately deposed" to a statement that "the Government of this Country, as formerly exercised under the Crown of Great Britain is totally dissolved. . . ." (Boyd, I, 338-379 *passim*).

[40]*Journals of the Continental Congress 1774-1789* (Washington, 1905), III, 403.

revolutionists in Philadelphia that in a manifesto calling a new nation into existence, to complain of being denounced as treasonable rebels might be something of a paradox? Might such a grievance, at that moment, seem to confirm a repudiated or outmoded colonial status? The records of the debate in Philadelphia are silent and we must make do with surmise. What seems clear is that the necessity of the moment was to pin the badge of treason on those Americans who supported the King and to threaten *them* with forfeiture and confiscation of *their* lives and property (including slaves)[41]—a program which, indeed, would become a part of the revolutionary agenda.

It should be plain by now that the old assumption that the Declaration of Independence is flawed by its silence on the question of slavery must be sharply qualified. To be sure, there is nothing in it that explicitly objects to black bondage in the new nation. But in its final charge against George III—"He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian Savages.". . . .—an indictment of the monarch for stirring up an enslaved and an oppressed people to seek their freedom from freedom-seeking revolutionaries,—the Declaration is perhaps doubly flawed.[42]

But why didn't Congress write it plain for all to read—as "domestic insurrections of the slaves," or "of the Negroes," or even "of a distant people,"—the guarded phrase that Jefferson employed in his deleted charge? From the start, patriots would be sensitive to the British jibe in the style of Samuel Johnson: ". . . how is it that we hear the loudest yelps for liberty among the drivers of negroes?"[43] During the fall of 1774, James Madison had written from Virginia to William Bradford in Philadelphia: "If [sic] america and Britain should come to an

[41]Patriots stressed this view time and again during the last half of 1775. For example: on July 6, in its Declaration on the Causes and Necessity of Taking Up Arms, Congress assailed Gage's pronouncement of June 12, which contrived to "declare them all . . . to be Rebels and Traitors. . . ." (Boyd, I, 217). In a letter dated at Williamsburg on November 30, the writer argues: "Whoever considers well the meaning of the word Rebel, will discover that the author of the Proclamation is now himself in actual rebellion, having armed our slaves against us, and having excited them to an insurrection . . . there is a treason against the State, for which such men as Lord *Dunmore*, and even Kings, have lost their heads." On December 13 the Declaration of the Virginia Convention repeats the argument, lambasting Dunmore for promising "freedom to the servants and slaves of those he is pleased to term *Rebels* . . . whom he hath considered in a *rebellious* state, but who know nothing of *rebellion* except the name." (Force, 4th ser., III, 1387-1388; IV, 81). This argument might have seemed archaic in Philadelphia in July of 1776.

[42]In the patriot alarums of the months prior to the Declaration, there is frequent coupling of menacing Blacks and Indians; for example: ". . . we have been threated with an invasion of savages and an insurrection of slaves." (Force, 4th ser., III, 1388). In their efforts to win France to an alliance, the American negotiators, including Benjamin Franklin, repeated the twenty-seventh charge against George III (spelling out "domestic insurrections") "of exciting Slaves to rise against their Masters, and Savages to assassinate and massacre. . . ." (American Commissioners to the Count de Vergennes, Jan. 5, 1777, "Memoir . . ." Stevens, VI, 614; cf. Silas Deane, "Memoir . . . December 31, 1776," *ibid.*, VI, 607).

[43]*Taxation no Tyranny; An Answer to the Resolutions and Address of the American Congress (1775)*, in Arthur Murphy, ed., *The Works of Samuel Johnson* (London, 1810), VIII, 204.

hostile rupture I am afraid an Insurrection among the slaves may and will be promoted. In one of our Countries lately a few of those unhappy wretches met together and chose a leader who was to conduct them when the English Troops should arrive—which they foolishly thought would be very soon and that by revolting to them they should be rewarded with their freedom. Their Intentions were soon discovered and proper precautions taken to prevent the Infection." And then Madison's revealing advice: "It is prudent such attempts should be concealed as well as suppressed."[44]

Was an unambiguous statement about insurrectionary Blacks (already threatened in Virginia with execution, and without benefit of clergy) too plain to print in a document that would be read in every corner of the land, too plain for the former slave, black poet Phillis Wheatley in Boston, who in February 1774 had written to her friend Samuel Occom, the noted Indian preacher, that "in every human Breast, God has implanted a Principle, which we call Love of Freedom; it is impatient of Oppression, and pants for Deliverance; and by the Leave of our modern Egyptians I will assert, that the same Principle lives in us." Too plain for slaves north and south, who might hold the balance of power in the coming struggle, deciding which side to choose?[45] A passage in Edmund Randolph's early *History of Virginia* may hint at an answer. Describing the debate on the Virginia Constitution, a few weeks before Jefferson reported his draft of the Declaration to Congress, Randolph, who was present at the debate, exposed a bone of contention: "The declaration in the first article of the bill of rights that all men are by nature equally free and independent was opposed by Robert Carter Nicholas, as being the forerunner or pretext of civil convulsion. It was answered, perhaps with too great an indifference to futurity, and not without inconsistency, that with arms in our hands, asserting the general rights of man, we ought not to be too nice and too much restricted in the delineation of them; but that slaves, not being constituent members of our society, could never pretend to any benefit from such a maxim."[46]

It is obvious that in the literature of class and race political euphemism has frequently been a mask of social guile and guilt. A decade after the Declaration the artificers of the Constitution would face the same "dilemma" and act out the same charade. "But we *know* why the Founders did not use the word 'slave' and 'slavery' in the Constitution," observes Staughton Lynd. "Paterson of New Jersey stated in the Convention that when, in 1783, the Continental Congress changed its eighth Article of Confederation so that slaves would henceforth be included in apportioning taxation among the States, the Congress 'had been ashamed to use the term "Slaves" and had substituted a description.' Iredell, in the North Carolina ratifying convention, said similarly that the fugitive slave

[44]Letter of November 26, 1774 (Hutchinson and Rachal, I, 129-130).

[45]Declaration of the General Convention of Virginia, December 14, 1775 (Kaplan, 32, 63); Charles W. Akers, "'Our Modern Egyptians': Phillis Wheatley and the Whig Campaign against Slavery in Revolutionary Boston," *Journal of Negro History*, LX (July, 1975), 406-407.

[46]p. 253.

clause of the proposed Constitution did not use the word 'slave' because of the 'particular scruples' of the 'northern delegates'; and in 1798 Dayton of New Jersey, who had been a member of the Convention, told the House of Representatives that the purpose was to avoid any 'stain' on the new government. If for Northern delegates the motive was shame, for Southern members of the Convention it was prudence."[47] Might it not be that shame and prudence operated even more compellingly in the naming of "domestic insurrections" in the Congress of the Declaration?

Exchanging ideas in their old age during the winter of 1821, John Adams responded to Jefferson's perennial fear of slave rebellion with fears of his own, and with a suggestive insight into the mood of the signers as they worked over Jefferson's draft during the first days of July: "Slavery in this Country I have seen hanging over it like a black cloud for half a Century. If I were as drunk with enthusiasm as Swedenborg or Wesley, I might probably say I had seen Armies of Negroes marching and countermarching in the air, shining in Armour. I have been so terrified with this Phenomenon that I constantly said in former times to the Southern Gentlemen, I cannot comprehend this object: I must leave it to you. I will vote for forcing no measure against your judgements."[48]

[47]p. 159.

[48]Letter of February 3, 1821 (Lester J. Cappon, ed., *The Adams-Jefferson Letters: The Complete Correspondence between Thomas Jefferson and Abigail and John Adams* [Chapel Hill, 1959], II, 571).