

Introduction

TOM JEFFERSON AS TOM SAWYER: A FRONTIER GENIUS

“Mr. Jefferson tells large stories,” wrote John Quincy Adams, commenting on Thomas Jefferson’s boast that he learned Spanish in nineteen days. Adams, who was a splendid linguist in his own right, commented, with a touch of ambiguity, “You can never be an hour in this man’s company without something of the marvelous.” By all accounts, Jefferson was a gifted raconteur, and dinner at his table was, in the words of Benjamin Latrobe, “an elegant mental treat.” It is said that he was a poor orator, who kept his silence in public debates, but he was pleasing and persuasive in conversation, and he knew how to tell a story to his advantage.¹

In early childhood he displayed the qualities of a Tom Sawyer, according to his own family’s tradition. His grandson, Thomas Jefferson Randolph, reports that he once tried to pull a fast one on his father, who sent him into the forest with a gun to practice self-reliance. “Inexperienced, he was unsuccessful: finding a wild turkey caught in a pen, he tied it with his garter to a tree, shot it and carried it home in triumph.” But is a turkey caught in a pen free for the taking? Was this pen on someone’s property? Is a bird tied to a tree a legitimate sportsman’s

¹ *Memoirs of John Quincy Adams, Comprising Portions of his Diary from 1795 to 1848*, ed. Charles Francis Adams (Philadelphia: Lippincott, 1874–77), vol. I, p. 317, journal entry, November 1804, “As to Spanish, it was so easy that he had learned it, with the help of a *Don Quixote* . . . in the course of a passage to Europe, on which he was but nineteen days at sea. But Mr. Jefferson tells large stories”: <https://archive.org/details/memoirs/JohnQuincyAdams> Also see Julian P. Boyd, *The Papers of Thomas Jefferson* (Princeton University Press, 1953), vol. VII, p. 383. Benjamin Latrobe quoted in Merrill Peterson, *Thomas Jefferson and the New Nation* (Oxford University Press, 1970), p. 727. On his silence in debates on the Declaration of Independence, see Dumas Malone, *Jefferson and His Time*, 6 vols. (Boston, MA: Little, Brown, 1948), vol. I, *Jefferson the Virginian*, p. 219.

trophy? Is a boy old enough to be trusted with a gun old enough to trouble himself with such niceties? We have here the makings of a story to rival Mark Twain's "lie worthy to hold up its head and march down through history breast to breast with George Washington's lauded truth about the hatchet!"²

The fable of George Washington's hatchet is more famous than the story of Jefferson's turkey hunt, although the latter seems more authentic. No one knows the origins of the cherry tree legend, which was recorded for the first time by Parson Weems, years after Washington's death, although, for all we know, it may be true. The turkey story's source is known: Jefferson's remarkably candid grandson could not resist passing along an amusing anecdote of resolution and independence, despite every inclination to sanitize his grandfather's biography. The cherry tree story, whatever its source, is a parable, with the purpose of preaching "Truth, the loveliest quality of youth" to nineteenth-century schoolboys. The lad who hopes to become president, and an American hero, must realize early that "honesty is the best policy." The Jefferson turkey story carries no such burden; it is merely the portrait of a resourceful 10-year-old. "It is good to be shifty in a new country," says Captain Simon Suggs, the model for Mark Twain's comment.³

Jefferson never took up arms in the American Revolution, and he drafted the Declaration of Independence, more than a year after the battles of Lexington, Concord, and Bunker Hill, and almost four months after George Washington forced the British evacuation of Boston; but Jefferson deserved, and was determined to claim, his rank among the Founders. While writing his own epitaph, in which he decided not to mention his presidency, he chose words that were somehow even more imposing:

HERE WAS BURIED THOMAS JEFFERSON AUTHOR OF
THE DECLARATION OF AMERICAN INDEPENDENCE OF THE
STATUTE OF VIRGINIA FOR RELIGIOUS FREEDOM AND
FATHER OF THE UNIVERSITY OF VIRGINIA

² The turkey story is in *Memoirs of T. J. Randolph*, p. 3, Edgehill Randolph Papers, University of Virginia, cited by Dumas Malone in *Jefferson the Virginian*, p. 46, and Fawn Brodie in *Thomas Jefferson: An Intimate History* (New York: Norton, 1974), p. 35. In Mark Twain's *The Adventures of Tom Sawyer*, Tom lies to protect Becky Thatcher after she damages her schoolmaster's anatomy book, and takes a beating in her place. Judge Thatcher, Becky's father, chortles in joy at the beamish boy's heroism.

³ "Johnson Jones Hooper," Steven H. Gale, ed., *Encyclopedia of American Humorists* (New York: Routledge, 1988), p. 231.

Was it modesty that led him to omit his eight years as president of the United States from his epitaph, or was it his Virginia Nationalism? His “frequent references to himself as ‘a Virginian’ and to Virginia as ‘my own country’” have not escaped the notice of such historians as Jack Greene.⁴ His purpose in the Declaration, in his epitaph, and throughout his entire life, public and private, was to place himself at the birthplace of American ideology, at the center of Virginia’s life of the mind, and above the suspicious world of parties and politics. Even on his tombstone, Jefferson was a smooth, Machiavellian tactician, not contented with presenting himself merely as the third president of the United States, but aiming at something ostensibly even higher, making himself the intellectual father of his country.

OWNING THE DECLARATION OF INDEPENDENCE

He was proud of his work on and possessive of the Declaration of Independence – the document essential to his claims as an Enlightenment philosopher, and the Promethean kindler of Revolutionary fires. Over the years he became increasingly protective of his reputation as its author and insistent on the most picayune details related to its drafting.⁵ He was particularly deceptive in claiming the

⁴ Jack P. Greene, “The Intellectual Reconstruction of Virginia” in Peter Onuf, ed., *Jeffersonian Legacies* (Charlottesville, VA: University of Virginia Press, 1993), p. 225. Brian Steele, *Thomas Jefferson and American Nationhood* (Cambridge University Press, 2012), p. 39.

⁵ Even a superficial discussion of the bibliography on the Declaration of Independence would require a book-length treatment. The basics are in Boyd, *The Papers of Thomas Jefferson*, vol. I, and Dumas Malone’s *Jefferson the Virginian*. For nuanced discussions, see the notes to Pauline Maier’s *American Scripture* (New York: Knopf, 1997). A quick start is provided in “Suggestions for Further Reading” in Joseph Ellis, *What Did the Declaration Declare?* (Boston, MA: Bedford, 1999). There, p. 16, Ellis says “the Declaration is more a creature of mythology than history.” For Jefferson’s possessiveness, see Robert E. McGlone, “Deciphering Memory: John Adams and the Authorship of the Declaration of Independence,” *The Journal of American History*, 85, no. 2 (September, 1998), 411–438 note 2; Robert M. S. McDonald, “Thomas Jefferson’s Changing Reputation as Author of the Declaration of Independence: The First Fifty Years,” *Journal of the Early Republic*, 19, no. 2 (summer, 1999), 169–195. There are discrepancies in the most “authentic” drafts of the Declaration, i.e. that in Jefferson’s manuscript *Autobiography*, in his *Notes of the Proceedings*, and in the original rough draft in Jefferson’s handwriting in the Library of Congress, in which one sees the crossing-out of “sacred and undeniable,” not indicated in the *Autobiography*’s version. Carl Lotus Becker, in his *The Declaration of Independence: A Study on the History of Political Ideas* (New York: Harcourt, Brace and Company, 1922), credits Franklin with this alteration, but his view is contested in Julian P. Boyd, *The Declaration of*

influences of Aristotle and Locke. He insisted that his authorship be engraved on his tombstone, having labored to ensure that he would have no competitors as the nation's original apologist. Prematurely, John Adams had imagined that Richard Henry Lee's "Declaration of Independency," July 2, would be forever commemorated as the nation's Foundation date. Adams predicted it would be "the most memorable Epochal, in the History of America ... celebrated, by succeeding Generations, as the great anniversary Festival." But this was not to be. July 4 came to be remembered as the birth date of the Republic, and the marker of Jefferson's importance in history. Adams wrote in 1805 to Benjamin Rush, asking rhetorically, "Was there ever a Coup de Theatre, that had So great an Effect as Jefferson's Penmanship of the Declaration of Independence?" And in 1811 Adams wrote to Rush again:

The Declaration of Independence I always considered as a Theatrical Show. Jefferson ran away with all the Stage Effect of that, i.e. all the Glory of it.

But Adams admired the showmanship, and gave Jefferson all due glory. Although initially tempted, he dismissed a charge that later arose that Jefferson had copied the Declaration from the 1775 Mecklenburg Resolves, a spurious document that suddenly appeared in 1819 and was deficient in that it contained nothing approaching the philosophical significance of Jefferson's preamble. Jefferson was less concerned with the attack on his originality, something he would never claim, than with the question of the Mecklenburg declaration's authenticity, about which he expressed doubts. Adams, seemingly convinced it was a fake, wrote

Independence: The Evolution of the Text as Shown in Facsimiles of Various Drafts by Its Author: Issued in Conjunction with an Exhibit of These Drafts at the Library of Congress on the Two Hundredth Anniversary of the Birth of Thomas Jefferson (Washington, DC: Library of Congress, 1943). Pauline Maier accepts the possibility that the alteration was Franklin's in *American Scripture*, p. 136. Garry Wills, *Inventing America: Jefferson's Declaration of Independence* (New York: Doubleday, 1978), seems willing enough to attribute the revision to Jefferson and traces it to the influence of Thomas Reid's *Inquiry into the Human Mind* (1764), pp. 180, 190. Walter Isaacson's *Benjamin Franklin: An American Life* (New York: Simon and Schuster, 2003) accepts Becker's thesis concerning Franklin's alterations. Other notable works include John H. Hazelton, *The Declaration of Independence: Its History* (Boston, MA: De Capo Press, 1970); William Hogeland, *Declaration: The Nine Tumultuous Weeks When America Became Independent, May 1, - July 4, 1776* (New York: Simon and Schuster, 2010); David Armitage, *The Declaration of Independence: A Global History* (Cambridge, MA: Harvard University Press, 2007); Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2007). For some oversights, I must offer Dr. Johnson's famous excuse, "Ignorance, madam, pure ignorance."

Jefferson to declare his belief “that the Mecklenburg Resolutions are a fiction.”⁶

The Declaration’s opening paragraph, with its core of “self-evident” truths and its triad of “inalienable rights,” is the foundation of Jefferson’s claims as a political thinker, although, as he admitted, its phraseology was not original with him, and it was drafted in committee consultation with others.⁷ This he admitted, while at the same time jealously insisting that he be remembered as its author. But the Declaration would be of little importance as the “exclusive property” of one man, or of one republic, a light hidden under a bushel, so he was eager to transmit its illumination to posterity. He aspired to enlighten the world, as he later revealed with the following brilliant metaphor:

If nature has made any one thing less susceptible than all others of exclusive property, it is the action of the thinking power called an idea, which an individual may exclusively possess as long as he keeps it to himself; but the moment it is divulged, it forces itself into the possession of every one, and the receiver cannot dispossess himself of it. Its peculiar character, too, is that no one possesses the less, because every other possesses the whole of it. He who receives an idea from me, receives instruction himself without lessening mine; as he who lights his taper at mine, receives light without darkening me.⁸

He fancied himself – with a complicated mixture of hubris and humility – not only as a Prometheus to the Republic, but as a Light-Bearer to all nations. He was willing enough to acknowledge that he had lit his taper from the sacred fires of Olympus, and he was supremely generous in passing the flame. He finally explained everything in an

⁶ John Adams to Abigail Adams, July 3, 1776. John Adams to Benjamin Rush, September 30, 1805; John Adams to Benjamin Rush, June 21, 1811. McDonald, “Thomas Jefferson’s Changing Reputation,” considers the Mecklenburg document inauthentic. John Adams to Jefferson, July 21, 1819. John Phillip Reid, “The Irrelevance of the Declaration” in Hendrik Hartog, ed., *Law in the American Revolution and the Revolution in the Law* (New York University Press, 1981), pp. 46–89. William Henry Hoyt, *The Mecklenburg Declaration . . . is Spurious* (New York: Knickerbocker Press, 1907). Adams’ letter to William Bentley, July 15, 1819, indicates that he probably accepted the Mecklenburg declaration’s authenticity on first seeing it.

⁷ Becker, *Declaration of Independence*, p. 175 note 1, speculates that Jefferson’s “inalienable” was changed to “unalienable” by John Adams. Robert M. S. McDonald, *Confounding Father: Thomas Jefferson’s Image in His Own Time* (Charlottesville, VA: University of Virginia Press, 2016), pp. 7, 8, addresses such matters as Jefferson’s temporary and decorous anonymity as author of the Declaration and the charge of plagiarizing John Locke. “To underscore this point this book begins with a prologue describing how Jefferson’s signature achievement, his ‘authorship’ of the Declaration of Independence, for years remained unknown.”

⁸ Jefferson to Isaac McPherson, August 13, 1813.

1825 letter to Henry Lee, asserting that he was neither an erudite copycat nor an entirely original writer, but the transmitter of universal verities. As Emerson would have put it, he had simply “confided himself childlike to the genius of his age.”⁹ Thomas Jefferson wrote:

Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion. All its authority rests then on the harmonising sentiments of the day whether expressed in conversations, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, Etc.¹⁰

The attention of many scholars is drawn to the name of John Locke on this list, since it is known that Jefferson paid tribute to him as one of the three greatest men who had ever lived, but it is often observed that the Declaration’s phrase, “life, liberty and pursuit of happiness,” differed dramatically from the phrase “life, liberty, and estate,” which Locke employed in his *Second Treatise of Government*. Merrill Peterson noted that the phrase “pursuit of happiness” did appear in Locke’s *Essay Concerning Human Understanding*, where he said “the highest perfection of intellectual nature lies in a careful and constant pursuit of true and solid happiness.” Jack Rakove suggests a more esoteric and more forgettable source, Jean-Jacques Burlamaqui.¹¹ Although the French “Declaration of the Rights of Man” is supposed to have been so profoundly influenced by Jefferson, it referred to rights of life, liberty, and “property,” a word closer to Locke’s “estate” than to Jefferson’s “pursuit.”

Whatever the source of “pursuit of happiness,” Jefferson acknowledged debts to Locke and others in his letter to Lee, but he did so with

⁹ Ralph Waldo Emerson, “Self Reliance” [1841], in Emerson, *Essays and Lectures* (New York: Library of America, 1983), p. 260.

¹⁰ Anthony Gottlieb, *The Dream of Enlightenment: The Rise of Modern Philosophy* (New York: Liveright, 2016), p. 114, says that “Jefferson rather exaggerated the influence of Locke on his fellow revolutionaries,” without denying that Locke’s ideas were in the air and having their effects on both Revolutionaries and Royalists of the epoch. Jefferson to Henry Lee, May 8, 1825. Ellis, *What Did the Declaration Declare?*, p. 109, indicates some controversies concerning the intellectual origins of the Declaration, which I mention later. Jefferson dismissed Aristotle as a “mystic” in Jefferson to Benjamin Waterhouse, October 13, 1815.

¹¹ Merrill Peterson in *Thomas Jefferson and the New Nation*, p. 94. See Peter H. Nidditch, *Essay Concerning Human Understanding* (Oxford University Press, 1975), Book 2, Chapter 21, Section 51. Jack N. Rakove, in *Revolutionaries: A New History of the Invention of America* (Boston, MA: Houghton Mifflin Harcourt, 2010), says the phrase “arguably owed more to Jefferson’s reading of the Swiss jurist Jean-Jacques Burlamaqui than it did to his manifest debt to John Locke,” p. 300.

such intentional vagueness that a mountain of scholarship bears witness to the scholarly problem of identifying these philosophers' specific influences. Carl Becker's learned discourse of 1922, noting that scholarly treatments were already legion by that date, sometimes mildly ironic in tone, places Locke's influences within the context of Jefferson's own abstruse equivocations, but gives Locke primary credit for the ideas expressed in the Declaration.¹² Becker's treatise has often been a point of departure for subsequent discussions. Jefferson never claimed that his draft of the document was intended to duplicate the sentiments of Locke. Although he said he had "aimed at no originality," he specifically denied the charge of copying from him, while reminding more than one interlocutor that Locke's ideas were in the air of the times. There were, however, several instances over the years in which Jefferson did use the vocabulary of Locke or variations on it. We return intermittently to the matter of vocabulary and to Jefferson and Locke's notions of liberty and property, which are entwined, but not inextricably so.¹³

More than even Adams was aware, Jefferson nurtured the ideas not only that his Declaration of Independence sparked the American Revolution, but that it provided the model for the French "Declaration

¹² Becker wrote, "If the Declaration has not been forgotten, if it has been much criticized, much denounced and much applauded," in his *Declaration of Independence*.

¹³ Becker says "Most Americans had absorbed Locke's works as a kind of political gospel," but also notes that Jefferson denied copying Locke in a letter to James Madison, August 30, 1823. He simultaneously confessed to and denied the charge in Jefferson to Henry Lee, May 8, 1825. Much earlier, he wrote to Madison, August 28, 1789, using the phrase, "life, liberty, property or reputation." Jefferson to J. B. Colvin, September 20, 1810 used "life, liberty, property." Jefferson in a letter to Doctor John Manners, June 12, 1817 spoke of "our right to life, liberty, the use of our faculties, the pursuit of happiness." Jefferson to Monsieur A. Coray alluded to "the protection of the life, liberty, property, and safety of the citizen." Jefferson to the General Assembly of Virginia, February 16, 1809 used "life, liberty and property." Jefferson's "Draft Declaration and Protest of the Commonwealth of Virginia," December 1825, spoke of "the enjoyment of life, liberty, property, and peace." James Tully, *A Discourse on Property: John Locke and His Adversaries* (Cambridge University Press, 1982). Scholars have asserted the primacy of Grotius, Vattel, the Scottish Enlightenment, Civic Humanism derived from Machiavelli, or other influences. Ari Helo remarks on Jefferson's erudition with respect to political authors ancient and modern, while strangely attributing to him a "stoic disregard for theory," in *Thomas Jefferson's Ethics and the Politics of Human Progress: The Morality of a Slaveholder* (Cambridge University Press, 2013), p. 5. Joseph Ellis, on the contrary, sees Jefferson as very much a theorist, in *American Sphinx: The Character of Thomas Jefferson* (New York: Knopf, 1997), p. 139, but sees him as more radical than Locke, p. 59. Staughton Lynd asserts that Jefferson and his contemporaries hijacked and radicalized Locke, in *Intellectual Origins of American Radicalism* (New York: Vintage, 1968), pp. 18–20.

of the Rights of Man.” While modestly denying originality, he exploited the widely held perception of his masterpiece as radical and revolutionary. He enjoyed his burgeoning reputation as a world-historical figure and the fact that his preamble had come to be viewed as a universal statement of human rights. For, although its body was a list of grievances against one particular king, its preamble was aimed at monarchy in general. The English-speaking peoples did, after all, have an ancient tradition of bringing monarchs down a peg, and the American Revolution might be seen as one occurrence, if hardly the most overwhelming, in that tradition. The Whig interpretation of history, which Jefferson accepted, was the progressive teleology of liberty, equality, reason, and democracy. Jefferson’s theory of history self-consciously placed his life and his Declaration within the world pageant of the progress of those forces.¹⁴

Jefferson’s preamble was a brilliant display of “forensic and rhetorical skill,” as David Armitage notes, and, as he says, it is “the beginning of a genre,” for its words have been adapted to other declarations of national independence.¹⁵ To that I would add that it is often cited entirely outside the context of any struggle for national independence, as a concise declaration of human equality and natural rights. The substance of the preamble is sufficiently malleable to have served divers political purposes for more than two centuries. Few persons, with the notable exception of John Adams, who participated in its creation, have dared to contest its postulate that “all men are created equal.” And even Adams, although he noted the obvious fact that we all manifest unequal endowments of physique, mind, and character, believed, as I do, that every person shares in a common human dignity, despite whatever biological, mental, or socio-economic handicaps, and even despite discrepancies in moral rectitude.

As a declaration of the colonies’ right to national independence, Jefferson had previously described their material grievances in his *Summary View of the Rights of British America* (1774). The Declaration, if stripped of its philosophical preamble, would be no

¹⁴ Jefferson’s Whig historiography is treated in Douglas L. Wilson, “Jefferson vs. Hume,” *The William and Mary Quarterly*, 46, no. 1 (January, 1989), 49–70. Also see H. Trevor Colbourn, *The Lamp of Experience: Whig History and the Intellectual Origins of the American Revolution* (Chapel Hill: University of North Carolina Press, 1965).

¹⁵ David Armitage, in “The Declaration of Independence and International Law,” *The William and Mary Quarterly*, 59 (January, 2002); Armitage, *The Declaration of Independence*, notes the influence of the Declaration on liberation rhetoric from Haiti, to Vietnam, to Venezuela, to Rhodesia.

more than a list of protests against police actions taken by the Crown against the colonies, along with some very legitimate political complaints. But it barely alluded to the economic causes of discontent, such as restrictions on money supply, obstructions of trade, and the stifling of industrial development. As for the preamble, the nineteenth-century Southern political theorist, John C. Calhoun, made a valid observation on some of its philosophical claims. Rights do not exist in some hypothetical state of nature, which “never did nor can exist,” and man’s “natural state is the social and political.” Brian Steele is rightly appalled by the white-supremacist assertions of Calhoun’s commentary on the Declaration of Independence, as he is by those of George Fitzhugh. But black intellectuals Alexander Crummell and W. E. B. Du Bois criticized the “individualistic philosophy of the Declaration of Independence” and argued, as had Aristotle and Calhoun, for the organic state.¹⁶

REVOLUTIONARY WAR ERA

The Count of Monticello was fiddling in his mansion, hosting chamber music concerts and feasting with German aristocrats, while George Washington was wintering at Valley Forge. Years later, he attempted to pressure Henry Lee to suppress the record of his embarrassing performance as wartime governor of Virginia. Richard Brookhiser has starkly portrayed Jefferson’s jealousy and the “pride of a snob” he directed at Alexander Hamilton, the upstart artillery captain who was charging into gunfire while “Squire Jefferson” was at his Philadelphia writing-desk. Jefferson’s unpublished autobiography, with its foreword called the *Anas*, was calculated to shape the historical memory of himself as the true father of his country, while Washington was blinded by the philistine Colonel Hamilton. He was eager to deploy the most spurious second-hand rumors concerning his rival. Repeatedly, he revealed a situational ethic, and in many instances, the contrast between his public pronouncements and his private life lent credence to Hamilton’s opinion of him as a “contemptible hypocrite.”¹⁷

¹⁶ Steele, *Thomas Jefferson and American Nationhood*, p. 300 note 50. Alexander Crummell, “The Assassination of President Garfield” in *The Greatness of Christ and Other Sermons* (New York: Thomas Whittaker, 1882), p. 325. W. E. B. Du Bois, “The Conservation of Races,” *American Negro Academy Occasional Papers*, no. 2 (1898), p. 7. See G. R. G. Mure, “The Organic State,” *Philosophy*, 24, no. 90 (July, 1949), 205–218.

¹⁷ Richard Brookhiser, *Alexander Hamilton, American* (New York: Free Press, 1999). Alexander Hamilton to James Bayard, January 16, 1801.

As did most gentlemen of his class, Jefferson almost automatically held a commission in the Virginia militia at the beginning of the Revolution, but he never saw action, and, more or less informally, he abandoned the title of Colonel to succeed Patrick Henry as wartime governor of the State. Of his governorship of Virginia, John Quincy Adams wrote, “it is evident he reflected with no satisfaction upon that portion of his life.” When Patrick Henry accused him of malperformance as governor of Virginia, he invited James Madison to join him in prayers for Henry’s death. Even the sympathetic historian Frank Cogliano feels hesitantly compelled to entitle a paper “The Cowardice of Thomas Jefferson.”¹⁸

A Machiavellian refinement of policy was evident in his attempt to expurgate his poor showing as military governor of Virginia from the published memoirs of Henry Lee. Cogliano and other scholars have correctly observed that no one expected Jefferson to lead a kamikaze charge against the British forces in defense of Richmond. While comparisons are odious, Jefferson’s failure to offer any resistance to Benedict Arnold’s invasion invites comparison to the performance of the American General Benjamin Lincoln, who withstood the siege of Charleston for six weeks before surrendering under heavy bombardment. The treatment received by General Lincoln, who was paroled after his defeat, but later returned honorably to the field and took part in the Yorktown campaign, leads us to sober reflection on what might have happened to Jefferson had he attempted to defend Richmond. Jefferson’s slave Isaac, who was just a child at the time, recalled that:

The British said they didn’t want anybody but the Governor; didn’t want to hurt him, only wanted to put a pair of silver handcuffs on him; had brought them along with them on purpose.¹⁹

Benedict Arnold commanded the army that searched for him, and one must wonder whether that embittered man would have handled a Jefferson in uniform as a fellow officer or as a captured “traitor.” If the treatment of General Benjamin Lincoln provides any historical

¹⁸ *Memoirs of John Quincy Adams*, vol. VIII; <https://archive.org/details/memoirsofjohnquincyadamsuoft> Frank Cogliano, typescript published online, “The Cowardice of Thomas Jefferson,” Inaugural Lecture, St. Cecilia’s Hall, University of Edinburgh, May 12, 2009. Also see Frank Cogliano, *Emperor of Liberty: Thomas Jefferson’s Foreign Policy* (New Haven, CT: Yale University Press, 2014), p. 41.

¹⁹ Silver handcuffs: see “Isaac Jefferson’s Recollections” in James Adam Bear, ed., *Jefferson at Monticello: Recollections of a Monticello Slave and a Monticello Overseer* (Charlottesville, VA: University of Virginia Press, 1967), p. 9.

parallel, we cannot think that a hypothetical “Colonel Jefferson,” wearing the continental buff and blue, would have been led off in handcuffs. If Jefferson had surrendered after defending and losing a city, his fate would very possibly have been similar to that of General Lincoln. Jefferson was no pacifist: he called on others to lay down their lives in 1776, and in 1812, and his appallingly cold-blooded endorsement of the French Reign of Terror was anything but pacifistic. In 1815, he wrote a highly critical letter to Marie-Joseph-Paul-Yves-Roch-Gilbert du Motier, the Marquis de Lafayette, concerning the performance of American military commanders in the late war and joined in the scapegoating of General William Hull, accusing him of treason. Jefferson could not refrain from questioning the bravery of Hamilton on a later occasion, or generally dismissing as “a want of forethought” the courage of African Americans.²⁰

His remarkably gracious treatment of captured Hessians, while perhaps within the scope of eighteenth-century norms, raises our modern eyebrows. During the winter of 1779 he entertained Hessian officers with concerts and minuets while Hamilton was enduring a rough winter in Middlebrooks, New Jersey. He saw to it that his British and German prisoners of war were ensconced in mansions, complete with African American servants. Persons of color were working at Monticello when he received a Hessian commander, Major General Baron Friedrich Adolph Riedesel, along with his baroness and three daughters, joining them in dancing, dining, and playing music for strings, but the idea of African Americans being asked to join his German guests at table would have seemed the height of absurdities. The historical memory of most Americans is closely associated with the suffering of Washington’s troops at Valley Forge, not with Jefferson’s entertaining Hessian officers while dancing minuets and playing chamber music, perhaps with the lovely Betsy Hemings, the mother of Sally, pouring

²⁰ In a letter to Lafayette, February 14, 1815, Jefferson joined in the scapegoating of William Hull, the twice-commended Revolutionary war hero who lost a son in the War of 1812, as “the traitor Hull” for abandoning Detroit, ill prepared for war, on August 16, 1812. Hull was convicted of treason and sentenced to death, but President Madison commuted his sentence. In 1825, Lafayette reportedly visited and embraced Hull, saying, “We have both suffered contumely and reproach; but our characters are vindicated; let us forgive our enemies and die in Christian love and peace with all mankind.” *Publications of the Colonial Society of Massachusetts, Transactions 1904–1906* (Boston, MA: The Colonial Society of Massachusetts, 1907), vol. X, pp. 368–369. The remarks on Hamilton are in Jefferson to James Madison, September 8, 1793; on the courage of African Americans, Thomas Jefferson, *Notes on the State of Virginia*, ed. David Waldstreicher (Boston, MA: Bedford Books, 2002), p. 176. In these chapters I make much use of this edition of the *Notes* – reliable, readily available, containing an excellent introduction, and endorsed by several experts in the field.

the wine. The scene presaged things to come when, during World War II, German prisoners, being transported under the supervision of African American MPs, could eat in railroad dining cars where their guards in American uniform could not be seated.

The universal entitlement to human rights must not be chained to any claim that “all men are created equal,” for that is neither factual nor fair. If all people were created equal, there would be no need for handicapped parking. There would be no need for public programs in health, education, or social security.²¹ There would be no need to pay elected officials for public service in any of these realms.²² Of course there would be no need for labor unions, or any other efforts on behalf of wage-earners, such as those that Thomas Paine promoted while he was a public employee in England and for decades thereafter.²³ John Elway, a legendary National Football League quarterback and Stanford University economics graduate, stated that he was a Republican because “I don’t believe in safety nets.” It may be true that the strong man has no need of a safety net. But life does not belong only to the strong. People do not enter life’s competition with an equal set of talents, and it is impossible for any society to offer everyone an equal chance to pursue happiness. The African American feminist Sojourner Truth, without making the least concession of inequality, raised a crucial issue in an 1852 speech: “If my cup won’t hold but a pint, and yours holds a quart, wouldn’t you be mean not to let me have my little half measure full?”²⁴

²¹ The International Covenant on Economic, Social and Cultural Rights views access to free education, including higher education, as a basic human right. By contrast, in the presidential campaign of 2010, Mitt Romney asserted that every citizen had a right to “all the education they can afford.”

²² Benjamin Franklin wrote to William Strahan, August 19, 1784:

You do not “approve the Annihilation of profitable Places, for you do not see why a Statesman who does his Business well, should not be paid for his Labour as well as any other Workman.” Agreed. But why more than any other Workman? The less the Salary the greater the Honor. In so great a Nation there are many rich enough to afford giving their time to the Public, And there are, I make no doubt many wise and able Men who would take as much Pleasure in governing for nothing as they do in playing Chess for nothing.

²³ Eric Foner, *Tom Paine and Revolutionary America* (Oxford University Press, 1976), pp. 216–220. Paine was installed as an excise clerk and published “The Case of the Officers of Excise” in 1772. He continued to defend the workplace rights of government employees in *The Rights of Man* (1792).

²⁴ Sojourner Truth speech “Ain’t I A Woman?” Delivered at the 1851 Women’s Convention, Akron, Ohio. John Elway to Fox News: quoted in www.democraticunderground.com/1251351983

Sojourner Truth was an imposing woman, big and strong enough to do the work of a prime male field hand.²⁵ She had higher intelligence than most white people, greater daring than most black people, and more imagination than the majority of either. And she was wise enough to know that no one's dignity should be determined by their giftedness. While human dignity is something that must be fought for, it does not belong only to the person who is strong enough to overwhelm all opposition. Nor is it limited to the person who has the brains to escape the squalor of a New York slum or the shackles of a slave plantation. Courage and perseverance are gifts of Providence no less than good looks, mathematical aptitude, or loving parents. Thomas Jefferson's Creator gave him superior endowments of bodily strength, mental genius, and social status. When it came to the gifts of intellectual and moral consistency, he was no more fortunate than most of us.

²⁵ During this speech, according to legend, when a heckler in the audience questioned whether Truth was actually a woman, she is said to have bared her breasts and asked him if he cared to suck. Nell Painter, in her biography of Sojourner Truth, has questioned the accuracy of this story.