



The Founding Fathers and Slavery

William W. Freehling

The American Historical Review, Vol. 77, No. 1 (Feb., 1972), 81-93.

Stable URL:

<http://links.jstor.org/sici?sici=0002-8762%28197202%2977%3A1%3C81%3ATFFAS%3E2.0.CO%3B2-C>

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/about/terms.html>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

The American Historical Review is published by American Historical Association. Please contact the publisher for further permissions regarding the use of this work. Publisher contact information may be obtained at <http://www.jstor.org/journals/aha.html>.

The American Historical Review
©1972 American Historical Association

JSTOR and the JSTOR logo are trademarks of JSTOR, and are Registered in the U.S. Patent and Trademark Office. For more information on JSTOR contact jstor-info@umich.edu.

©2003 JSTOR

The Founding Fathers and Slavery

WILLIAM W. FREEHLING

ONLY A FEW YEARS AGO, in a historical age now grown as arcadian as Thomas Jefferson himself, no man needed to defend the Founding Fathers on slavery. However serious were their sins and however greedy seemed their pursuits, the men who made the American Revolution were deemed to have placed black slavery at bay. Patriots such as George Washington, historians used to point out, freed their slaves. If Jefferson emancipated few of his, the condemnation of Jeffersonian ideology and the curse of a declining economy were fast driving Virginia's slavery to smash. Only the fabulous profits made possible by Whitney's invention of the cotton gin and the reactionary abstractions perpetuated by Calhoun's repudiation of Jefferson breathed life into the system and waylaid the Fathers' thrust toward peaceful abolition.

This happy tale, once so important and so widely believed, now lies withered by a decade of attack. Scholars such as Robert McColley, Staughton Lynd, William Cohen, and Winthrop Jordan have assaulted every aspect of the old interpretation.¹ Some revisionists write to correct excesses in the former view. Others are driven by a New Leftist contempt for reformers who repudiate radicalism and a modern-day repugnance for liberals contaminated by racism. Whatever their separate reasons and however qualified their individual positions, these scholars, taken together, have hammered out a new image of the Founding Fathers. The image is not attractive. In an era of racial turmoil the racist taints portrayed by Jordan seem even more grotesque than the grasping materialism described by Beard.

The Declaration of Independence, it is now argued, was a white man's

Earlier versions of this article were read before the Johns Hopkins History Seminar and at the annual meeting of the American Historical Association, Dec. 30, 1970. Benjamin Quarles, James Banner, Jr., Cecelia Kenyon, and especially David Donald offered cogent criticisms on those occasions. Others made helpful suggestions after reading written drafts: Alison Freehling, the late Adrienne Koch, R. Nicholas Olsberg, C. Vann Woodward, Eric Foner, Arthur Zilversmit, William Cohen, Bernard Bailyn, Robert McColley, John Shy, Bradford Perkins, and especially Kenneth M. Stampp. My thanks to them all.

¹ Robert McColley, *Slavery and Jeffersonian Virginia* (Urbana, 1964); Staughton Lynd, *Class Conflict, Slavery and the United States Constitution* (Indianapolis, 1968); William Cohen, "Thomas Jefferson and the Problem of Slavery," *Journal of American History*, 56 (1969): 503-26; Winthrop D. Jordan, *White Over Black: American Attitudes Towards the Negro, 1550-1812* (Williamsburg, 1968). For the fullest summation of the position, see Donald L. Robinson, *Slavery in the Structure of American Politics* (New York, 1971).

document that its author rarely applied to his or to any slaves. The Constitution created aristocratic privilege while consolidating black bondage. Virginia shrank from abolition, for slave prices were too high and race fears too great. Jefferson himself suspected blacks were innately inferior. He bought and sold slaves; he advertised for fugitives; he ordered lashes well laid on. He lived in the grand manner, burying prayers for freedom under an avalanche of debt. In all these evasions and missed opportunities Jefferson spoke for his age. For whatever the virtues of the Founding Fathers, concludes the new view, they hardly put slavery on the road to ultimate extinction. It seems fitting, then, that when Southerners turned their backs on the Declaration and swung toward reaction in the wake of the Missouri crisis, the sage of Monticello himself helped point the way.

Many admirers of Jefferson, aware of a brighter side, scorn this judgment and yearn for a reassessment. The following essay, while in sympathy with their position, is not written for their reasons. More is at stake than Thomas Jefferson; indeed Jefferson's agonized positions on slavery are chiefly important as the supreme embodiment of a generation's travail. Moreover, the historian's task is not to judge but to explain; and the trouble with the new condemnatory view is not so much that it is a one-sided judgment of the Founding Fathers as that it distorts the process by which American slavery was abolished. The new charge that the Founding Fathers did next to nothing about bondage is as misleading as the older notion that they almost did everything. The abolitionist process proceeded slowly but inexorably from 1776 to 1860: slowly in part because of what Jefferson and his contemporaries did not do, inexorably in part because of what they did. The impact of the Founding Fathers on slavery, like the extent to which the American Revolution was revolutionary, must be seen in the long run not in terms of what changed in the late eighteenth century but in terms of how the Revolutionary experience changed the whole of American antebellum history. Any such view must place Thomas Jefferson and his contemporaries, for all their ironies and missed opportunities, back into the creeping American antislavery process.

IF MEN WERE EVALUATED in terms of dreams rather than deeds everyone would concede the antislavery credentials of the Founding Fathers. No American Revolutionary could square the principles of the Declaration with the perpetuation of human bondage. Only a few men of 1776 considered the evil of slavery permanently necessary. None dared proclaim the evil a good. Most looked forward to the day when the curse could be forever erased from the land. "The love of justice and the love of country," Jefferson wrote Edward Coles in 1814, "plead equally the cause of these people, and it is a moral reproach to us that they should have pleaded it so long in vain."²

² Thomas Jefferson to Edward Coles, Aug. 25, 1814, in Paul Leicester Ford, ed., *The Works of Thomas Jefferson* (New York, 1904-05), II: 416.

If the Founding Fathers unquestionably dreamed of universal American freedom, their ideological posture was weighed down equally unquestionably with conceptions of priorities, profits, and prejudices that would long make the dream utopian. The master passion of the age was not with extending liberty to blacks but with erecting republics for whites. Creative energies poured into designing a political City on the Hill; and the blueprints for utopia came to be the federal Constitution and American union. When the slavery issue threatened the Philadelphia Constitutional Convention the Deep South's ultimatums were quickly met. When the Missouri crisis threatened the Union Jefferson and fellow spirits beat a retreat. This pattern of valuing the Union more than abolition—of marrying the meaning of America to the continuation of a particular government—would persist, producing endless compromises and finally inspiring Lincoln's war.

The realization of the Founding Fathers' antislavery dream was blocked also by the concern for property rights articulated in their Declaration. Jefferson's document at once denounced slave chains as immoral and sanctioned slave property as legitimate. It made the slave's right to freedom no more "natural" than the master's right to property. Liberty for blacks became irrevocably tied to compensation for whites; and if some proposed paying masters for slaves, no one conceived of compensating South Carolina planters for the fabulous swamp estates emancipation would wreck.

The financial cost of abolition, heavy enough by itself, was made too staggering to bear by the Founding Fathers' racism, an ideological hindrance to antislavery no less important than their sense of priorities and their commitment to property. Here again Jefferson typified the age. As Winthrop Jordan has shown, Jefferson suspected that blacks had greater sexual appetites and lower intellectual faculties than did whites. This racism was never as hidebound as its twentieth-century varieties. Jefferson kept an open mind on the subject and always described innate differences as but his suspicion. Still it is significant, as Merrill Peterson points out, that Jefferson suspected blacks were inferior rather than suspecting blacks were equal.³ These suspicions, together with Jefferson's painfully accurate prophecy that free blacks and free whites could not live harmoniously in America for centuries, made him and others tie American emancipation to African colonization. The alternative appeared to be race riot and sexual chaos. The consequence, heaping the cost of colonization on the cost of abolition, made the hurdles to emancipation seem unsurmountable.

Jefferson and the men of the Revolution, however, continually dreamed of leaping ahead when the time was ripe. In 1814, while lamenting his own failure, Jefferson urged others to take up the crusade. "I had always hoped," he wrote Edward Coles, "that the younger generation receiving their early impressions after the flame of liberty had been kindled in every breast . . . would have sympathized with oppression wherever found, and proved their

³ Jordan, *White Over Black*, 429-81; Merrill D. Peterson, *Thomas Jefferson and the New Nation: A Biography* (New York, 1970), 263.

love of liberty beyond their own share of it." As late as 1824, five years after his retreat in the Missouri crisis, Jefferson suggested a federally financed postnati abolition scheme that would have ended slavery faster than the plan proposed by his grandson, Thomas Jefferson Randolph, in the famed Virginia slavery debate of 1832.⁴

The ideological stance of Jefferson and other Founding Fathers on slavery, then, was profoundly ambivalent. On the one hand they were restrained by their overriding interest in creating the Union, by their concern for property rights, and by their visions of race war and miscegenation; on the other hand they embraced a revolutionary ideology that made emancipation inescapable. The question is, How was this theoretical ambivalence resolved in practical action?

The answer, not surprisingly, is also ambivalent. Whenever dangers to Union, property, or racial order seemed to them acute the Founding Fathers did little. In the short run, especially in those Deep Southern states where the going was stickiest, they did almost nothing. But whenever abolition dangers seemed to them manageable Jefferson and his contemporaries moved effectively, circumscribing and crippling the institution and thereby gutting its long-range capacity to endure.

The revisionist view of the Founding Fathers is at its best in emphasizing slavery's short-run strength in Jefferson's South. In Virginia both secure slave prices and frenzied race fears made emancipation a distant goal. Jefferson as legislator did no more than draft abolitionist resolutions, and his revisions of the Virginia slave code did little to ease the lot of slaves and something to intensify the plight of free blacks. Jefferson's proposed clause, requiring a white woman who had a black child to leave the state within a year or be placed "out of the protection of the laws," speaks volumes on why abolition came hard in Virginia. South of Virginia, where percentages of slaves and profits from staple crops ran higher, abolition was more remote. Planters who worked huge gangs of slaves in pestilential Georgia and South Carolina's lowlands never proposed peacefully accepting the end of their world.

The federal Constitution of 1787 also reflected slavery's short-run strength. Garrison's instinct to consign that document to the flames was exactly right, for the Constitution perpetually protected an institution the Fathers liked to call temporary. Safeguards included the three-fifths clause, destined to help make the minority South political masters of the nation for years, and the fugitive slave clause, destined to help return to thralldom men who had risked everything for freedom. Moreover, to lure Georgia and South Carolina into the Union, the Fathers agreed to allow any state to reopen the African slave trade for twenty years. When South Carolina seized the option from 1803 to 1807 the forty thousand imported blacks and their hundreds

⁴ Jefferson to Coles, Aug. 25, 1814, Jefferson to Jared Sparks, Feb. 4, 1824, in Ford, *Works of Jefferson*, 11: 416, 12: 335-36.

of thousands of slave descendants paid an awesome price for the creation of the white man's republic.

After the Constitution was ratified slavery again showed its strength by expanding over the West. "The years of slavery's supposed decline," Robert McColey points out, "were in fact the years of its greatest expansion."⁵ In the age of Jefferson black bondage spread across Kentucky and engulfed Alabama and Mississippi. Furthermore, Jefferson as president acquired slave Louisiana, and Jefferson as elder statesman gave his blessings to the resulting diffusion of the system. If in the 1780s Jefferson had believed, as he did in 1819, that diffusing slavery made it more humane, the antislavery clause in the Northwest Ordinance might have been scotched and this essay could not have been written.

Slavery showed its strength not only in Jefferson's Virginia legislature, Philadelphia's Constitutional Convention, and Louisiana's black deltas but also at Monticello itself. By freeing their slaves George Washington and John Randolph lived up to Revolutionary ideals. These men, however, were exceptions. Thomas Jefferson, who freed nine while blithely piling up debts that precluded freeing the rest, was the rule. The plantation life style, with its elegant manner and extravagant tastes, lessened the chance of reducing debts and allowing quick manumission on a massive scale. That life style, in Virginia and throughout the South, was as integral a part of slavery as was South Carolina's hunger for Africans and the Southwest's commitment to cotton.

The master of Monticello, finally, revealed the towering practical strength of slavery in the notorious case of Sally Hemings, his mulatto house servant. Those who enjoy guessing whether Jefferson sired Sally's many offspring can safely be left to their own speculations. The evidence is wildly circumstantial and the issue of dubious importance. Of greater significance is the way Jefferson and his contemporaries handled the ugly controversy. Alexander Hamilton could cheerfully confess to illicit relations with a white woman and continue with his career. Jefferson's supporters had to ward off all talk of the embarrassing Sally, for interracial sex would ruin anyone's reputation. Nor could Jefferson handle the problem resolutely in the privacy of his own mansion. Firm action would, as Dumas Malone points out, "have looked like a confession that something was wrong on the mountain."⁶ Better to look the other way as Sally's light-skinned children multiplied. Better to keep blacks enchained for a time than risk a nation polluted by allegedly lascivious Sallys. Better, in short, to live uneasily in a corrupted City on the Hill than blurt out the full horror of America's nightmare.⁷

The old view, then, that slavery was dying in Jefferson's South cannot

⁵ McColey, *Slavery in Jeffersonian Virginia*, 3.

⁶ Dumas Malone, *Jefferson the President: First Term, 1801-1805* (Boston, 1970), 498.

⁷ See the stimulating comments on the matter in Jordan, *White Over Black*, 468, and Eric McKittrick, "The View from Jefferson's Camp," *New York Review of Books*, Dec. 17, 1970, p. 37.

withstand the revisionist onslaught. The system was strong and, in places, growing stronger; and the combination of economic interest, concern for the Union, life style, and race prejudice made emancipationists rare in Virginia and almost nonexistent in South Carolina. Jefferson, no immediate emancipationist, refused as president to endorse an antislavery poem that had been sent to him for his approval. He could not, he said, "interpose with decisive effect" to produce emancipation. To interpose at all was to toss away other reforms.⁸ Here as always Jefferson reveals himself as the pragmatic statesman, practicing government as the art of the possible. An idealist might fault him for refusing to commit political suicide by practicing utopian politics. But all the evidence of Robert McColley shows that as a practical politician Jefferson accurately gauged impassable obstacles. The point is crucial: long before Garrison, when Jefferson ruled, peaceful abolition was not possible.

What could be done—what Jefferson and his contemporaries did—was to attack slavery where it was weakest, thereby driving the institution south and vitiating its capacity to survive. In a variety of ways the Founding Fathers took positive steps that demonstrated their antislavery instincts and that, taken together, drastically reduced the slavocracy's potential area, population, and capacity to endure.

The first key reform took place in the North. When the American Revolution began slavery was a national institution, thriving both north and south of the Mason-Dixon line. Slaves comprised 14 per cent of the New York population, with other figures ranging from 8 per cent in New Jersey to 6 per cent in Rhode Island and 3 per cent in Connecticut and Pennsylvania. In these states, unlike Virginia, percentages of slaves were low enough to permit an unconvulsive variety of reform.

Still, prior to 1776, abolitionists such as John Woolman found the North barren soil for antislavery ideas. As John Jay recalled, "the great majority" of Northerners accepted slavery as a matter of course, and "very few among them even doubted the propriety and rectitude of it."⁹ The movement of 1776 changed all this. The humanitarian zeal of the Revolutionary era, together with nonslaveholder hatred of slave competition and universal acknowledgment that the economy did not need slavery, doomed Northern slavery to extinction. In some states the doom was long delayed as Northern slaveholders fought to keep their bondsmen. Slavery was not altogether ended in New York until 1827 and in New Jersey until well into the 1840s. By 1830, however, less than one per cent of the 125,000 Northern blacks were slaves. Bondage had been made a *peculiar* institution, retained alone in the Southern states.¹⁰

⁸ Jefferson to George Logan, May 11, 1805, in Ford, *Works of Jefferson*, 10: 141-42.

⁹ Jay to Granville Sharp [1788], in Henry P. Jackson, ed., *The Correspondence and Public Papers of John Jay* (New York, 1890-93), 3: 342.

¹⁰ Arthur Zilversmit, *The First Emancipation: The Abolition of Slavery in the North* (Chicago, 1967).

No less important than abolition in old Northern states was the long and bitter fight to keep bondage from expanding. In 1784 Jefferson drafted a congressional ordinance declaring slavery illegal in all Western territories after 1800. The proposed law, keeping bondage out of Alabama and Mississippi no less than Illinois and Indiana, lost by a single vote, that of a New Jerseyite ill in his dwelling. Seldom has a lone legislator lost so good a chance to turn around the history of a nation. "The fate of millions unborn," Jefferson later cried, was "hanging on the tongue of one man, and heaven was silent in that awful moment."¹¹

Three years later, in the famed Northwest Ordinance of 1787, Congress decreed slavery illegal immediately in the upper Western territories. The new law left bondage free to invade the Southwest. But without the Northwest Ordinance slavery might have crept into Illinois and Indiana as well, for even with it bondage found much support in the Midwest.

In the years before 1809 Indiana settlers, led by William Henry Harrison and the so-called Virginia aristocrats, petitioned Congress again and again to allow Midwestern slavery. Indiana's pro-Harrison and anti-Harrison parties were both proslavery; they disagreed only on the tactical question of how to force Congress to budge. When Congress refused to repeal the ordinance, the Indiana legislature in 1805 passed a black indentured servitude act, in effect legalizing slavery. Indiana census takers, more honest than the legislature, counted 237 slaves in the territory in 1810 and 190 in 1820.

In 1809, when the part of Indiana that was most in favor of slavery split off as the new territory of Illinois, the battleground but not the issue shifted. The climax to the territorial phase of the Midwestern quest for slavery came in the Illinois Constitutional Convention of 1818, when proslavery forces, after winning a bitterly contested election to the convention, settled for a renewal of the territorial indentured servitude law because they feared that an explicit slavery law might jeopardize statehood.

With statehood secured the battle over slavery in Illinois continued in the 1820s. The hero of the antislavery forces was Edward Coles, an enlightened Virginian deeply influenced by Madison and Jefferson. Coles, who came to Illinois to free his slaves and stayed to protect the Northwest Ordinance, narrowly defeated his proslavery rival for governor in 1822. In 1824 he helped secure, by the close vote of 6,640-4,973, final victory in a referendum on a proslavery constitutional convention. With Coles's triumph slavery had again been restricted to the South.¹²

The crusade for slavery in Illinois and Indiana, lasting over a quarter of a century and so often coming so close to victory, forms a dramatic example of the institution's expansive potential in the age of the Founding Fathers. The

¹¹ Quoted in Peterson, *Jefferson*, 283.

¹² The Indiana-Illinois story can best be followed in Jacob P. Dunn, Jr., *Indiana: A Redemption from Slavery* (Boston, 1888); Theodore Calvin Pease, *The Story of Illinois* (Chicago, 1949), 72-78; and Adrienne Koch, *Madison's "Advice to My Country"* (Princeton, 1966), 144-51.

proslavery drive was turned back in part because of race phobias and economic desires that obsessed nonslaveholding Midwestern farmers. But in an area where victory came so hard no one can deny the importance of the Northwest Ordinance and Edward Coles's crusade in keeping slavery away.

A third antislavery victory of the Founding Fathers, more important than Northern abolition and the Northwest Ordinance, was the abolition of the African slave trade. This accomplishment, too often dismissed as a non-accomplishment, shows more clearly than anything else the impact on anti-slavery of the Revolutionary generation. Furthermore, nowhere else does one see so clearly that Thomas Jefferson helped cripple the Southern slave establishment.

The drive to abolish the African slave trade began with the drafting of the Declaration of Independence. Jefferson, with the concurrence of Virginia and the upper South, sought to condemn King George for foisting Africans on his colonies. South Carolina and Georgia, less sure they had enough slaves, demanded the clause be killed. Jefferson acquiesced. Thus was prefigured, at the first moment of national history, the split between upper and lower South that less than a century later would contribute mightily to the disruption of the republic.

At the Constitutional Convention, as we have seen, lower South delegates again postponed a national decision on slave importations. This time a compromise was secured, allowing but not requiring Congress to abolish the trade after twenty years. A year before the deadline Jefferson, now presiding at the White House, urged Congress to seize its opportunity. "I congratulate you, fellow citizens," he wrote in his annual message of December 2, 1806, "on the approach of the period when you may interpose your authority constitutionally" to stop Americans "from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country have long been eager to proscribe." Although the law could not take effect until January 1, 1808, noted Jefferson, the reform, if passed in 1807, could make certain that no extra African was dragged legally across the seas.¹³ In 1807 Congress enacted Jefferson's proposal.

The new law, although one of the most important acts an American Congress ever passed, did not altogether end African importations. Americans illegally imported approximately one thousand blacks annually until 1860. This is, however, a tiny fraction of the number that could have been imported if the trade had been legal and considered legitimate. Brazil imported over a million and a half slaves from 1807 to 1860, and the Deep South's potential to absorb bondsmen was greater. South Carolina alone imported ten thousand blacks a year in the early nineteenth century, before the law of 1808 went into effect. Louisiana creole planters sought unsuccessfully to

¹³ James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents* (Washington, 1910), 1: 396.

make Jefferson's administration grant them the same privilege.¹⁴ The desire of Virginia slaveholders to keep slave prices high no doubt helped feed the abolition of the trade, just as the desire of Illinois nonslaveholders to keep out blacks helped give Edward Coles his triumph. In both cases, however, the Revolutionary generation's conception of slavery as a moral disaster was of undeniable significance.

The law that closed the trade and saved millions of Africans from servitude on new Southwestern plantations also aided slaves already on those plantations. The great Southwestern boom came after the close of the African trade. Slaves could not be "used up," no matter how fantastic yearly profits were, for the restricted supply kept slave prices high. By mid-nineteenth century, moreover, almost all blacks were assimilated to the Southern way, making possible a paternal relationship between master and slave that could ease exploitation. One does not have to romanticize slave life or exaggerate planter paternalism to recognize that bondage would have been crueler if millions of Africans had been available in Mississippi and Louisiana to escalate profits. The contrast with nineteenth-century South America, where the trade remained open, makes the point with precision. Wherever Latin Americans imported so-called raw Africans by the boatload to open up virgin territories, work conditions reached a level of exploitation unparalleled in the New World. Easy access to fresh recruits led to using up laborers; and the fact that slaves were unassimilated foreigners precluded the development of the kind of ameliorating relationship that was possible between master and bondsman in North America.¹⁵

The law profoundly affected North American whites as well as blacks. Most notably, it shut off the South's importation of labor during the period when immigrants were pouring into the North and the two societies were locked in mortal combat. If the trade had remained open, the operation of the three-fifths clause would have given the South greater congressional representation, and a massive supply of Africans might well have helped Southerners to compete more successfully in the race to Kansas and the campaign to industrialize. As it was, with the trade closed, fresh immigration fed the Northern colossus by the hour while Southerners fell ever more desperately behind.

Perhaps the most important long-run impact of closing the trade was to help push bondage deeper into the South, thereby continuing the work the Fathers had begun with Northern abolition and the Northwest Ordinance. Now that African markets were closed the new Southwest had to procure its slaves from Northern slave states. By 1860 the resulting slave drain had significantly reduced percentages of slaves and commitments to slavery throughout the border area stretching from Delaware through Maryland and

¹⁴ Philip D. Curtin, *The Atlantic Slave Trade: A Census* (Madison, 1969).

¹⁵ See the judicious remarks in C. Vann Woodward, *American Counterpoint: Slavery and Racism in the North-South Dialogue* (Boston, 1971), 97-106.

Kentucky into Missouri. Whereas in 1790 almost 20 per cent of American slaves lived in this most northern tier of border slave states, the figure was down to 10 per cent and falling by 1860. On the other hand, in 1790 the area that became the seven Deep South states had 20 per cent of American slaves and by 1860 the figure was up to 54 per cent and rising. During the cotton boom the shift was especially dramatic. From 1830 to 1860 the percentage of slaves in Delaware declined from 4 to 1 per cent; in Maryland from 23 to 13 per cent; in Kentucky from 24 to 19 per cent; in Missouri from 18 to 10 per cent; and in the counties to become West Virginia from 10 to 5 per cent.¹⁶

By both reducing the economic reliance on slavery and the psychic fear of blacks this great migration had political consequences. Antislavery politicians, echoing Hinton R. Helper's appeals to white racism, garnered thousands of votes and several elections, especially in Missouri, during the 1850s.¹⁷ It was only a beginning, but it was similar to the early stages of the demise of slavery in New York.

While the end of the slave trade indirectly drained slaves from the border South another Revolutionary legacy, the tradition of individual manumissions, further weakened the institution in the Northern slave states. Although Jefferson did not live up to his dictum that antislavery planters should free their slaves many upper South masters followed precept rather than example in the antebellum years. The Virginia law of 1806, forcing freed slaves to leave the state in a year, did not halt the process as absolutely as some have supposed. Virginia laws passed in 1819 and 1837 allowed county courts to grant exceptions. The ensuing trickle of manumissions was a festering sore to the Virginia slave establishment.¹⁸

Meanwhile, in two border states, manumission sabotaged the institution more insistently. Delaware, which had 9,000 slaves and 4,000 free blacks in 1790, had 1,800 slaves and 20,000 free blacks in 1860. Maryland, with 103,000 slaves and 8,000 free blacks in 1790, had 87,000 slaves and 84,000 free blacks in 1860. These two so-called slave states came close to being free Negro states on the eve of Lincoln's election. Indeed, the Maryland manumission rate compares favorably with those of Brazil and Cuba, countries that supposedly had a monopoly on Western Hemispheric voluntary emancipation.¹⁹

The manumission tradition was slowly but relentlessly changing the character of states such as Maryland in large part because of a final Jeffersonian legacy: the belief that slavery was an evil that must some day be ended.

¹⁶ U.S. Census Bureau, *The Statistics of the Population of the United States: Ninth Census—Volume I* (Washington, 1872), 3–8.

¹⁷ Helper is too often treated as a lone voice crying in the wilderness when in fact he was the man who summed up in book form an argument heard constantly in the upper South. See, for example, the files of the *St. Louis Democrat*, *Baltimore Patriot*, and *Wheeling Intelligencer* during the 1850s.

¹⁸ See, for example, John C. Rutherford, *Speech of John C. Rutherford of Goochland, in the House of Delegates of Virginia, on the Removal from the Commonwealth of the Free Colored Population* (Richmond, 1853).

¹⁹ James M. Wright, *The Free Negro in Maryland, 1634–1860* (New York, 1921).

Particularly in the upper South, this argument remained alive. It informed the works of so-called proslavery propagandists such as Albert T. Bledsoe; it inspired Missouri antislavery activists such as Congressman Frank Blair and the mayor of St. Louis, John M. Wimer; and it gnawed at the consciences of thousands of slaveholders as they made up their wills.²⁰ Jefferson's condemnation of slavery had thrown the South forever on the defensive, and all the efforts of the George Fitzhughs could never produce a unanimously proslavery society.

In summary, then, the Revolutionary generation found slavery a national institution, with the slave trade open and Northern abolitionists almost unheard. When Jefferson and his contemporaries left the national stage they willed to posterity a crippled, restricted, peculiar institution. Attacking slavery successfully where it was weakest they swept it out of the North and kept it away from the Northwest. They left the antebellum South unable to secure more slaves when immigrants rushed to the North. Most important of all, their law closing the slave trade and their tradition concerning individual manumissions constituted a doubly sharp weapon superbly calculated to continue pushing slavery south. By 1860 Delaware, Maryland, Missouri, and the area to become West Virginia all had fewer slaves than New York possessed at the time of the Revolution, and Kentucky did not have many more. The goal of abolition had become almost as practicable in these border states as it had been in the North in 1776. As the Civil War began, slavery remained secure in only eleven of the fifteen slave states while black migration toward the tropics showed every capacity to continue eroding the institution in Virginia and driving slavery down to the Gulf.

If the Founding Fathers had done none of this—if slavery had continued in the North and expanded into the Northwest; if millions of Africans had been imported to strengthen slavery in the Deep South, to consolidate it in New York and Illinois, to spread it to Kansas, and to keep it in the border South; if no free black population had developed in Delaware and Maryland; if no apology for slavery had left Southerners on shaky moral grounds; if, in short, Jefferson and his contemporaries had lifted nary a finger—everything would have been different. Because all of this was done slavery was more and more confined in the Deep South as the nineteenth century progressed.

No one spied these trends better than the men who made the Southern revolution of 1860–61. Secessionist newspaper editorials in the 1850s can almost be summed up as one long diatribe against Jeffersonian ideology and the policy to which it led. Committed lower South slaveholders knew the world was closing in on them at the very time the more Northern slave states could not be relied on. Seeing the need not only to fight off Republicans

²⁰ The Wimer-Blair position is best laid out in the *St. Louis Democrat*. See also Albert T. Bledsoe, *An Essay on Liberty and Slavery* (Philadelphia, 1856), and the ambiguities omnipresent in such upper South newspapers as the *Baltimore American* and *Louisville Courier* throughout the fifties.

from without but also to halt erosion from within, radical Southerners applauded the movement to re-enslave free blacks in Maryland; many of them proposed reopening the slave trade so that the Gulf states' hunger for slavery could be fed by imported Africans instead of black Virginians; and they strove to gain Kansas in large part to keep Missouri.

When this and much else failed and Lincoln triumphed, lower South disunionists believed they had reached the moment of truth. They could remain in the Union and allow the noose to tighten inexorably around their necks. They would then watch slavery slowly ooze out of the border South and permit their own domain to shrink to a handful of Gulf and lower Atlantic states. Or they could strike for independence while the upper South retained some loyalty to bondage, thereby creating a confrontation and forcing wavering slave states to make their choice. This view of the options helped to inspire the lower South's secession, in part a final convulsive effort to halt the insidious process the Founding Fathers helped begin.²¹

When war came the lower South's confrontation strategy was half successful. Four of the eight upper South states seceded in the wake of Sumter. But four others remained loyal to the North. In the most Northern slave states, Delaware, Maryland, Kentucky, Missouri, and the area to become West Virginia, the slave drain and manumission processes had progressed too far. When the crunch came, loyalty to the Union outweighed loyalty to slavery. Abraham Lincoln is said to have remarked that while he hoped to have God on his side he had to have Kentucky. The remark, however apocryphal, clothes an important truth. In such a long and bitter war border slave states were crucial. If they, too, had seceded, the Confederacy might have survived. The long-run impact of the Founding Fathers' reforms, then, not only helped lead lower South slavocrats to risk everything in war but also helped doom their desperate gamble to failure.

ANY JUDGMENT OF THE FOUNDING FATHERS' record on slavery must rest on whether the long or the short run is emphasized. In their own day the Fathers left intact a strong Southern slave tradition. The American Revolution, however, did not end in 1790. Over several generations, antislavery reforms inspired by the Revolution helped lead to Southern division, desperation, and defeat in war. That was not the most desirable way to abolish slavery, but that was the way abolition came. And given the Deep South's aversion to committing suicide, both in Jefferson's day and in Lincoln's, perhaps abolition could not have come any other way.

²¹ I hope to demonstrate at length the positions outlined in the last two paragraphs in my forthcoming *History of the South, 1850-61*, to be published by Harper and Row. The best sources on fire-eater positions in the 1850s are the *Charleston Mercury*, *New Orleans Delta*, and *DeBow's Review*. The clearest statements of the connection between lower South secession and upper South wavering are in John Townsend, *The South Alone Should Govern the South* (Charleston, 1860), and Henry L. Benning, *Speech . . . November 6, 1860* (Milledgeville, Ga., 1860). For a preliminary estimate of how the same thinking affected the Virginia Secession Convention, see William W. Freehling, "The Editorial Revolution, Virginia, and the Coming of the Civil War: A Review Essay," *Civil War History*, 16 (1970): 64-72.

This conclusion would have brought tears to the eyes of Thomas Jefferson. Jefferson wrote St. George Tucker in 1797 that "if something is not done, and soon done" about slavery, "we shall be the murderers of our own children."²² In 1820 he saw with a prophet's eye how that murder would take place. The Missouri crisis, coming upon him like "a Firebell in the Night," almost caused him to shrink from even his own antislavery actions. The "momentous question," he knew, was the "knell of the Union," if not in his own time inevitably soon enough. "I regret that I am now to die in the belief," he wrote John Holmes,

that the useless sacrifice of themselves by the generation of 1776, to acquire self-government and happiness in their country, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I live not to weep over it.²³

No sadder note survives in American literature than this scream of failure from one of the most successful of the Founding Fathers. The irony is that the ambiguous antislavery posture of Jefferson and his contemporaries helped place the nation, unintentionally but perhaps irrevocably, in lockstep toward the blowup. In the late eighteenth century a statesman had two ways to lessen the chance of a civil war over slavery. He could ease the racial, sexual, and materialistic fears that made the lower South consider emancipation anathema. Or he could scotch the antislavery idealism the slavocracy found disquieting. Jefferson, mirroring his generation and generations yet unborn, could do neither. Both his antislavery beliefs and his fear of the consequences of those beliefs went too deep. He was caught up too completely in America's most anguishing dilemma. The famed wolf he complained of holding by the ears was his own revolutionary tradition no less than blacks chained in violation of that tradition.

Like reluctant revolutionaries before and since, Jefferson sought to have it both ways. He succeeded, as such men will, in starting something destined to get out of hand. He helped protect slavery where it was explosive and helped demolish it where it was manageable. Meanwhile, he helped give informal sanction to the lower South's worst racial fears at the same time that he helped intensify those fears by unintentionally driving more blacks toward the tropics. Over a seventy-five year period the Founding Fathers' reforms added claustrophobia to a lower South psyche inflamed enough in 1787. When that happened the day of the soldier was at hand.

If in 1820 Jefferson pulled back shuddering from the horror he saw ahead, his imperfect accomplishments had taken on a life of their own. And less than a half century later, though hundreds of thousands lay slain by bullets and slaves were but half freed, mournful bells in the night would herald the realization of his most radical dream.

²² Jefferson to St. George Tucker, Aug. 28, 1797, in Ford, *Works of Jefferson*, 8: 335.

²³ Jefferson to John Holmes, Apr. 22, 1820, in *ibid.*, 12: 158-60.