

THE JEFFERSON IMAGE

JEFFERSON and SLAVERY

Slavery in Virginia

The first record of people in a form of servitude in the American colonies were 20 blacks brought to Jamestown in 1619 by a Dutch ship, who were exchanged for tobacco. It is unclear whether they were treated as indentured servants since the term "slaves" does not appear in the Virginia records until 1656. In 1661 the General Assembly legalized slavery and in 1662 declared that all children born of a slave mother were slaves.

The manumission by slave owners began sometime prior to 1691. In that year, an act provided that "no Negro or mulatto" could be set free unless the person emancipating provided that the freed man was sent out of the country within six months. After a 1723 law, emancipation could only be granted by the governor and council. By 1680 slaves were treated as chattel, property that could be bought, sold or willed to another and had no legal rights, such as owning property or voting.

Virginia passed its first anti-miscegenation law in 1691 forbidding intermarriage between a free "white man or woman... (and) any negroe, mulatto, or Indian man or woman bond or free," on pain of banishment. In the development of "black codes," slaves were declared to be real estate in 1705, in order to facilitate inheritance. After the War of Spanish Succession, the Treaty of Utrecht in 1713 awarded the Spanish slave trade to Great Britain which made it the dominant slave trader in the western hemisphere. At the time of Thomas Jefferson's birth in 1743, slavery was pervasive throughout the Atlantic world.

Jefferson's Early Efforts Against Slavery

As a member of the General Assembly in 1769, Jefferson was able to influence an older member to propose the emancipation of the slaves. Jefferson recorded later in his autobiography that he "made one effort... for the permission of the emancipation of slaves, which was rejected."

Early in Jefferson's legal career he represented Samuel Howell, a man of mixed race who was bound out (placed in servitude) under a 1705 law. This law provided that a child born out of wedlock to a white woman and a negro or mulatto would be bound out to the churchwardens until the person reached 31 years. A subsequent amendment in 1723 provided that if such a person in servitude also had a child out of wedlock, that child shall also be "bound out." Howell's grandmother had been bound out, and when 18 she gave birth to an out of wedlock daughter, who at 19 gave birth out of wedlock to Howell. Jefferson argued that the law did not extend to the third generation. However, the court decided against Howell. Although this was not a slave case, Jefferson's argument did encompass the law designating whether a child was slave or free depended on the condition of the mother. He also commented, "(U)nder the law of nature, all men are born free, every one comes into the world with a right to his own person..."

Jefferson's law practice lasted about eight years. Soon after he retired in 1774, he wrote a *Summary View of the Rights of British America*, which was submitted to the first Continental Congress. He presented a detailed legal and historical argument that

British Americans were entitled to all of the civil rights of British citizens developed in the long conflict with the English crown. He provided a catalogue of the usurpations of power by George III, including a condemnation of the slave trade. "The abolition of domestic slavery is the great object of desire in those colonies...and to the rights of human nature, deeply wounded by this infamous practice." That year the Continental Congress did place a ban on imports/exports with Great Britain that included the slave trade in order to force a rescission of the Intolerable Acts.

Jefferson submitted a draft in 1776 for the new Virginia Constitution, which was not adopted. It contained the phrase "No person hereafter coming into this country shall be held within the same in slavery under any pretext whatever."

Jefferson's draft of the Declaration of Independence in 1776 restated his condemnation of George III. "He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere." Georgia and South Carolina would not agree to this language and it was removed. In 1782, Virginia provided a general right of manumission without approval of the governor or Council. Many Virginians were not in favor of the law and launched a vigorous, but unsuccessful, campaign to repeal it in 1785.

When Jefferson left Congress to return to the Virginia legislature, he was appointed to a committee for the revision of the colonial laws. The committee retained the existing laws on slavery and there was no reference to future emancipation. In his 1821 autobiography, Jefferson explained that "it was found that the public mind would not yet bear the proposition, nor will it bear even at this day. Yet the day is not distant when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate than that these people are to be free."

Jefferson also noted in his autobiography that he had brought a bill to prevent the "further importation" of slaves in 1778. "This passed without opposition, and stopped the increase of the evil by importation, leaving to future efforts its final eradication." He later noted in "a memorandum (Services To My Country) as one of those services: "the act prohibiting the importation of slaves."

Notes on the State of Virginia

In 1780 Francois Marbois, Secretary of the French legation to the United States, distributed a list of 22 questions to various persons, one of whom was Joseph Jones, a member of the Continental Congress and the uncle of James Monroe. Jones thought Jefferson, then governor of Virginia and also a member of the young American Philosophical Society, was best suited to respond. Jefferson worked on this project over the next several years, through the death of his wife in 1782, and his move to Paris. It was there in 1785 that he published his research as *Notes on the State of Virginia*. This book contains the most detailed account of Jefferson's feelings about slavery and its affect on the slave owning society. Jefferson doubted that

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slavery could endure. He felt that freedom for the slaves was inevitable, but he was never clear how their emancipation could be structured.

His anguish is apparent in Query XVIII: "And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever"

Jefferson discusses in Query XIV the revision of the colonial laws, and states that one of the "variations" was "to emancipate all slaves born after passing the act." Jefferson explains that this was an amendment to be prepared, which included their education at public expense, to declare them "a free and independent people" and provide for their emigration to other countries. He explained why integration of the slaves into the current society was not possible. "Deep rooted prejudices entertained by the whites; 10,000 recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances, will divide us into parties, and produce convulsions which will probably never end but in the extermination of one or the other race."

Jefferson only manumitted two slaves during his life, and five more in his will, all men he felt had the skills to support themselves. He sold slaves during his life and at his death those who remained at his several properties were sold into further slavery to satisfy his debts.

Northwest Ordinance

As a member of the Continental Congress, Jefferson drafted and submitted a Report on the Government of the Western Territories which has been referred to as the Northwest Ordinance of 1784. This provided that the existing states would not be expanded but that new states would be added. The Report provided that "after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude... otherwise in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty." This prohibition would not have applied to the original 13 colonies, but would have abolished slavery in the rest of the United States.

The Articles of Confederation required the affirmative vote of seven states, but a delegate from New Jersey was ill and that state's vote could not be cast. In his 1821 autobiography Jefferson remembered: "The voice of a single individual of the state which was divided ... would have prevented this abominable crime from spreading itself over the new country. Thus, we see the fate of millions unborn hanging on the tongue of one man, and Heaven was silent in that awful moment! But it is to be hoped it will not always be silent, and that the friends to the rights of human nature will in the end prevail." In the same year that the Constitutional Convention met in Philadelphia, the Continental Congress adopted the Northwest Ordinance of 1787.

When the 13th amendment was added to the Constitution in 1865, the language was lifted from the Northwest Ordinance. "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Slave Uprisings

In the year of Jefferson's election to the presidency, Virginia experienced one of its worst fears – a slave uprising. Gabriel, a free black, organized a band of slaves and devised a plan to attack Richmond, slaughter the residents, burn the city, and escape to the west. Someone revealed the plot and hundreds of slaves were quickly arrested and more than 30 executed. By 1802 the slave uprising in San Domingo (Haiti) had driven Napoleon's army from the island and the white population was slaughtered. There was no further talk of emancipation for the slaves of Virginia. In 1806, the Virginia General Assembly amended the manumission law of 1782 to require freed blacks to leave the state within one year.

Jefferson sensed that the opportunity for emancipation had passed. He wrote, "I have long since given up the expectation of any early provision for the extinguishment of slavery among us. [T]here are many virtuous men who would make any sacrifices to affect it, many equally virtuous persuade themselves either that the thing is not wrong or that it cannot be remedied."

Many of the states had banned the importation of slaves, and in 1808, in one of his last acts as president, Jefferson signed a bill banning importation into the United States.

Jefferson continued to write and express his hope that a method could be found for emancipation. Jefferson commented in his autobiography in 1821 "nothing is more certainly written in the book of fate, then these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion, have drawn indelible lines of distinction between them."

Missouri Compromise

Missouri was to be cut out of the Louisiana Territory. Slavery had existed throughout the Louisiana Territory before it was acquired by the United States, but opposition arose over the admission of Missouri as a slave state. It was argued that the Founding Fathers did not intend the extension of slavery beyond the original states, since Congress had banned slavery in the Northwest Territory in 1787. Up to this time, slavery had been a state issue, not a condition for admission to the Union. By tradition, new states had been admitted with the same privileges as the original states.

Anti-slavery groups in free states raised the threat of secession. At this time, the northern portion of Massachusetts sought admission as the new state of Maine. This provided a compromise to admit Missouri with no restrictions on slavery, and Maine as a free state. The balance in the Union would be kept equal - twelve slave and twelve free. It was agreed that future states carved from the rest of the Louisiana Territory north of 36°36' N (Missouri's southern border) would be free.

Thomas Jefferson heard the Missouri Compromise as a "fire bell in the night." To him, it was "the knell of the Union." In spite of his earlier effort to ban slavery by the Northwest Ordinance, he now opposed a line that would divide the United States into free and slave territories. He continued to feel that "a general emancipation and expatriation could be effected; and gradually, and with due sacrifices, I think it might be. But as it is, we have the wolf by the ear, and we can neither hold him nor safely let him go."

By Richard E. Dixon