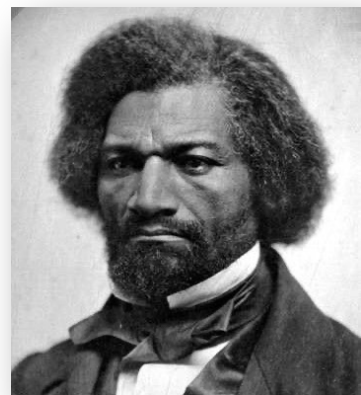
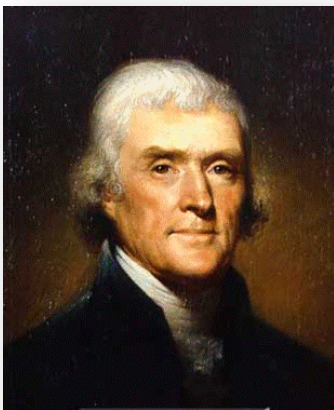
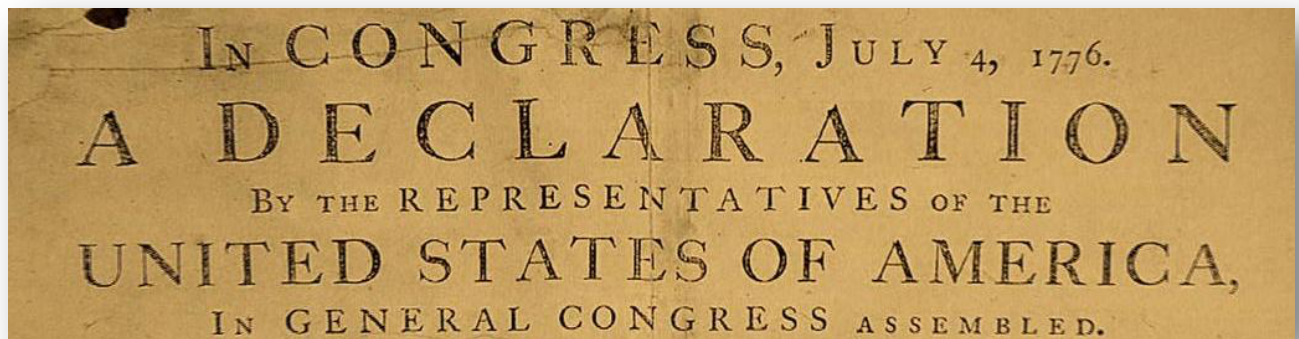


ALL MEN ARE CREATED EQUAL
America's Defining Creed



By: J. David Gowdy

THE GEORGE WASHINGTON CENTER
FOR CONSTITUTIONAL STUDIES

A stylized, cursive signature of George Washington in a light gray color.

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NOTE: "All men" as used herein refers to all individuals, without respect to race, color, nationality, gender, self-identification, etc. As Thomas West explains, "the word 'men' in the Declaration [of Independence] means mankind, human beings, male and female, of whatever color or race."¹ Alexander Hamilton stated, "Natural Liberty is a gift of the beneficent Creator to the whole human race."² While this essay focuses primarily on equality in regard to race and slavery, the related issues of women and the right to vote, property rights, citizenship and immigration (as well as slavery), are discussed at length in Thomas West's excellent treatment of these subjects in his book titled *Vindicating the Founders* (cited in footnote 1).

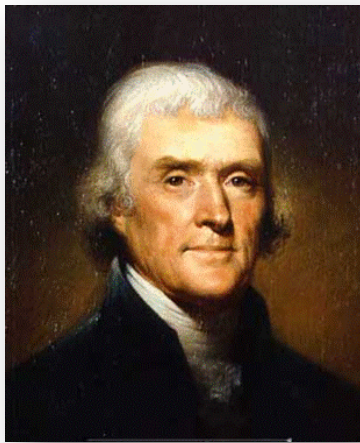
¹ West, Thomas, *Vindicating the Founders* (Rowman & Littlefield, New York, Oxford, 1997), p. 73. ("*Vindicating*").

² "Address to the People of Great Britain," *Journals of the Continental Congress*, Ford, Worthington C., ed. (Government Printing Office, Washington D.C., 1904-37) 1:82, 89.

Preface

On a recent visit to Thomas Jefferson's Monticello near Charlottesville, Virginia with some friends, while walking along the lower level of the South Pavilion, I overheard a tour guide talking with another couple about that very topic – racial equality – and the Declaration of Independence. Surprisingly, the guide stated that Jefferson did not really mean in the Declaration that all men were created equal, just “all white men.” Having previously read and studied the matter, I was deeply troubled, and interjected saying, “That is not true. There is much evidence to the contrary.”

Our nation has been and continues to be in the throes of a debate and conflict, sometimes violent, over the history and meaning of that very phrase in our founding document, which declares that, “all men are created equal, that they are endowed by their Creator with certain unalienable Rights.” The author of that language, Thomas Jefferson, is also under attack – both his character and legacy – as well as his image forged and carved into statues and monuments. This Essay is written in an effort to address those questions and defend against those assaults, while hopefully providing helpful evidence, answers, and insights, that we might yet embrace and uphold America's “defining creed.”



I. THOMAS JEFFERSON

As most Americans know, on July 4th, 1776, the Second Continental Congress affirmed to Great Britain and to all nations in the Declaration of Independence that “all men are created equal.” Drafted by Jefferson and edited and approved by the “Committee of Five,” consisting of John Adams, Thomas Jefferson, Benjamin Franklin, Roger Sherman and Roger Livingston, the Declaration was adopted as the official proclamation of the thirteen American Colonies and later signed by fifty-six delegates. Did Jefferson, the Committee of Five, the signers, and those men and women patriots of the American Revolution who sacrificed for the “glorious cause” of liberty really believe that “all men” are created equal? If Jefferson and the founders believed that this was a “self-evident truth,” did they betray that principle by allowing slavery to continue? Of course, declaring to the world the equal rights of ‘all men’ was a strike at the concept of nobility, and the ‘divine right’ of kings to rule in monarchies, which was the condition of most of the Western world in the 18th century. But it also confronted head-on the master/slave relationship. Jefferson referred to slaves as “MEN” in his first draft of the Declaration (which was later rejected by the Congress):

[The King of England] has waged cruel war against human nature itself, violating its 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 to restrain this execrable commerce: and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, & murdering the people upon whom he also obtruded them; thus paying off former crimes committed against the liberties of one people, with crimes which he urges them to commit against the lives of another.³

Jefferson bemoaned the exclusion of this language from the Declaration in his own notes on July 2nd, 1776, recording, "The clause...reprobating the enslaving the inhabitants of Africa, was struck out in compliance to South Carolina and Georgia, who had never attempted to restrain the

³ *The Papers of Thomas Jefferson*, Julian P. Boyd, Julian P., ed. (Princeton University Press, Princeton, NJ, 1950) 1:243-247 (“PTJ”). (Capitalization in original).

importation of slaves, and who on the contrary still wished to continue it. Our Northern brethren also I believe felt a little tender under these censures; for tho' their people have very few slaves themselves, yet they had been pretty considerable carriers of them to others."⁴

What did Thomas Jefferson go on to do? As a preeminent scholar on Jefferson and slavery, Lucia Stanton convincingly summarized:⁵ "Throughout his entire life, Thomas Jefferson was a consistent opponent of slavery. Calling it a "moral depravity"⁶ and a "hideous blot,"⁷ he believed that slavery presented the greatest threat to the survival of the new American nation.⁸ Jefferson also thought that slavery was contrary to the laws of nature, which decreed that everyone had a right to personal liberty.⁹ These views were radical in a world where unfree labor was the norm." Jefferson probably did more than any other founder to advance his belief in equal rights and to eradicate slavery during his lifetime. Stanton continues, "At the time of the American Revolution, Jefferson was actively involved in legislation that he hoped would result in slavery's abolition.¹⁰ In 1778, he drafted a Virginia law that prohibited the importation of enslaved Africans.¹¹ In 1784, he proposed an ordinance that would ban slavery in the Northwest territories.¹² But Jefferson always maintained that the decision to emancipate slaves would have to be part of a democratic process; abolition would be stymied until slaveowners consented to free their human property together in a large-scale act of emancipation. To Jefferson, it was anti-democratic and contrary to the principles of the American Revolution for the federal government to enact abolition or for only a few planters to free their slaves."¹³

Finally, Stanton states, "Jefferson's belief in the necessity of ending slavery never changed." "From the mid-1770s until his death, he advocated the same plan of gradual emancipation. First, the transatlantic slave trade would be abolished.¹⁴ Second, slaveowners would 'improve' slavery's most violent features, by bettering (Jefferson used the term 'ameliorating') living conditions and moderating physical punishment.¹⁵ Third, all born into slavery after a certain date would be declared free, followed by total abolition.¹⁶" Unfortunately, Jefferson's multiple anti-slavery efforts were rebuffed and rejected time and time again by entrenched, pro-slave forces in the Virginia legislature and in Congress. However, by 1804 most of the northern 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, fulfilling the intent of the framers in the Constitution.¹⁷

⁴ In *PTJ*, 1: 309–329.

⁵ "Jefferson's Attitude towards Slavery," <https://www.monticello.org/thomas-jefferson/jefferson-slavery/jefferson-s-attitudes-toward-slavery/> (accessed 12-19-2015). See also: Stanton, Lucia. *Slavery at Monticello* (Thomas Jefferson Memorial Foundation, Charlottesville, 1996); Stanton, Lucia. *"Those Who Labor for My Happiness": Slavery at Thomas Jefferson's Monticello* (University of Virginia Press, Charlottesville, 2012).

⁶ Jefferson to Thomas Cooper, September 10, 1814, in *PTJ* 7:652.

⁷ Jefferson to William Short, September 8, 1823, *Thomas Jefferson Papers*, [Earl Gregg Swem Library](https://www.earlgreggswemlibrary.org/collections/2Fcontrolcard&id=7409), College of William and Mary. <https://scrcguides.libraries.wm.edu/?p=collections%2Fcontrolcard&id=7409>

⁸ Jefferson to John Holmes, April 22, 1820, *Thomas Jefferson Papers*, Special Collections, University of Virginia Library. ("Letter to Holmes"). <https://small.library.virginia.edu/collections/featured/the-thomas-jefferson-papers/>

⁹ Thomas Jefferson, *Notes on the State of Virginia* (Lilly and Wait, Boston, 1832), 170.

¹⁰ Virginia Constitution, Second Draft by Jefferson [before June 13, 1776], in *PTJ*, 1:353.

¹¹ A Bill concerning Slaves, June 18, 1779, in *PTJ*, 2:470-73.

¹² Report of the Committee, March 1, 1784, in *PTJ*, 6:604.

¹³ *Letter to Holmes*

¹⁴ See Draft of Instructions to the Virginia Delegates in the Continental Congress (MS Text of A Summary View, &c.), [July 1774], in *PTJ*, 1:130

¹⁵ Jefferson to Thomas Mann Randolph, February 18, 1793, in *PTJ*, 25:230

¹⁶ See Jefferson's Draft of a Constitution for Virginia, [May–June 1783], in *PTJ*, 6:298.

¹⁷ The Act Prohibiting Importation of Slaves of 1807 (2 Stat. 426, enacted March 2, 1807) took effect on January 1, 1808, the earliest date permitted by the United States Constitution. Article 1 Section 9 of the Constitution protected the international slave trade for twenty years from federal prohibition (1788).

Why didn't Jefferson free his own slaves? This is not an easy question to answer. He freed his French trained cook, James Hemings, only to learn years later of his employment in a Baltimore tavern, his drinking, and eventual suicide (at age 36), which troubled Jefferson deeply. Granted, as Elizabeth Langhorne explains in her book *Monticello: A Family Story*,¹⁸ to a large degree the answer may be summed up in two words: (1) *chattel*, and (2) *law*. Unlike Washington, who freed his slaves in his Will at his death was not a debtor, for most of his adult life Jefferson was burdened by debt. These debts were secured by his lands and estate, including his slaves, through the time of his death (and afterward). Langhorne states, "The answer ... is in that brutally unadorned word: *chattel*... In terms of property, slaves were as important as land [to his creditors]." Additionally, while the 1792 Virginia law on Manumission allowed for the freeing of slaves, she writes, "Even if Jefferson's estate had been free of any liens whatsoever... by the *law* passed in 1806 all slaves must leave the state of Virginia within a year of obtaining their freedom. Edward Coles, for example, had been able to free his slaves only by conducting them personally to Illinois [where he obtained a post in the territory] ... at no time was such a choice [practically] open to Jefferson."¹⁹

Thomas Jefferson consistently believed in what he wrote – that all men are created equal, and that human equality is founded in natural law. One of the quotes of John Locke that informed Jefferson's belief and reasoning on this subject is found in his *Second Treatise on Government*:

Though I have said above... That all men by Nature are equal, I cannot be supposed to understand all sorts of Equality: Age or Virtue may give Men a just Precedency: Excellency of Parts and Merit may place others above the common level: Birth may subject some, and Alliance or Benefits others, to pay an Observance to those to whom Nature, Gratitude or other Respects may have made it due; and yet all this consists with the Equality which all men are in, in respect of Jurisdiction or Dominion one over another, which was the Equality I there spoke of... being that equal Right that every Man hath, to his natural Freedom, without being subjected to the Will or Authority of any other Man.²⁰

In other words, men are unequal in many ways: age, place of birth, family, talents, wealth, etc., yet all men are equal in their natural rights – or "natural freedom." This principle formed the basis of Jefferson's language in the Declaration, that we are *created equal*. This "self-evident" truth he always asserted and never denied, including its application to negroes or blacks. (Despite recent exertions, including biographies, studies, and books, etc. that allege the contrary, Thomas Jefferson was a moralist and pursued virtue in both his belief as well as his conduct).²¹ Near the end of his second term as President in 1809, he wrote, "whatever may be the degree of talent it is no measure of their rights," since no man has a natural right "to be lord over other persons."²² As Lincoln so forcefully wrote, "All honor to Jefferson--to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and so to embalm it there, that to-day, and in all coming days, it shall be a rebuke and a stumbling-block to the very harbingers of re-appearing tyranny and oppression."²³

¹⁸ Langhorne, Elizabeth, *Monticello: A Family Story* (Algonquin Books, Chapel Hill, NC, 1987), p. 253.

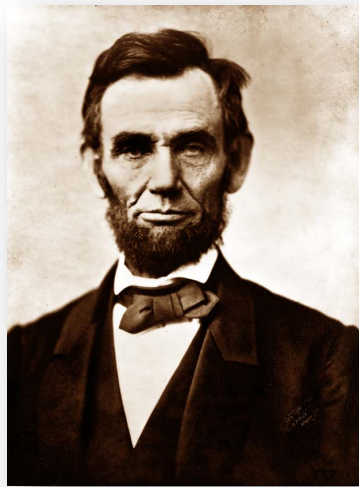
¹⁹ *Id.* (Emphasis added).

²⁰ Locke, John, "Essay Concerning the True Original, Extent, and End of Civil-Government," *Two Treatises of Government* (Awnsham & John Churchill, London, 1698), Chapter 6, sec. 54.

²¹ See, e.g., Holowchak, Mark Andrew, *Thomas Jefferson: Moralism* (McFarland, 2017); Gowdy, J. David, "Thomas Jefferson and the Pursuit of Virtue" (April 11, 2015) <http://www.liberty1.org/TJVirtue.pdf>; <https://www.tjheritage.org/>

²² Jefferson to Henri Gregoire, February 25, 1809, *The Writings of Thomas Jefferson*, A. Lipscomb and A. Bergh, ed. (Library Edition, The Thomas Jefferson Memorial Association, Washington D.C., 1903), XII: 255. ("ME").

²³ Abraham Lincoln to Henry L. Pierce, et. al, April 6, 1859, *The Collected Works of Abraham Lincoln*, Roy P. Basler, ed. (Rutgers University Press, New Brunswick, New Jersey, 1953), 3:376. ("CWAL").



II. ABRAHAM LINCOLN

Abraham Lincoln said: “I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence.”²⁴ He felt that Jefferson’s principles are “the axioms of free society” and that in the Declaration, Jefferson introduced “an abstract truth, applicable to all men and all times...”²⁵ From his youth Abraham Lincoln greatly admired Thomas Jefferson.²⁶ Where were the roots of Lincoln’s sentiments? “He read diligently,” Sarah Lincoln said. Young Lincoln studied in the daytime but did not study much at night. He went to bed early, got up early, and then read. She recalled that, “Abe read all the books he could lay his hands on; and, when he came across a passage that struck him he would write it down on boards if he had no paper and keep it there till he did get paper.” Then he would re-write it, looked at it, and repeat it. Like Thomas Jefferson, he kept a notebook of his early readings, but it has not survived. Lincoln also read histories and biographies. Thus, “[I]n the pristine woods of Indiana Lincoln began to idolize Washington and Jefferson. The founding fathers, and the documents of American liberty became an integral part of Lincoln’s entire life, political career, and even his own death and funeral.”²⁷

It may have been while young Lincoln was in Troy, near the Anderson River where Lincoln helped operate a ferry, and not far from where the Lafayette party had suffered the great Ohio River disaster in 1825, that Lincoln was introduced to a new field of reading; newspapers. “A friend of the Lincoln’s, John Romine, later related that he had loaned young Lincoln a paper which contained an editorial on Thomas Jefferson. When the boy returned it, Romine declared, ‘it seemed he could repeat every word in that editorial and not only that but could recount all the news items as well as all about the advertisements’ This particular issue may have been published in July, 1826, when newspapers were filled with editorials and articles commemorating the fiftieth anniversary celebration of the signing of the Declaration of Independence, and the sudden deaths, a double apotheosis, of the penman and the congressional advocate, Thomas Jefferson and John Adams, on the very day July 4, 1826. This unusual occasion of both men dying on the fiftieth anniversary of

²⁴ Speech at Independence Hall, February 21, 1860, *American Patriotism*, S. Hobart Peabody, ed. (American Book Exchange, New York, 1880), p. 507; See: <http://wjmi.blogspot.com/2014/08/abraham-lincoln-and-declaration-of.html>

²⁵ In *CWAL*, 3:375-76.

²⁶ Rietveld, Ronald D., “*Abraham Lincoln’s Thomas Jefferson*” (White House Studies, NOVA Science Publishers, Inc., New York, 2005). See also: Morel, Lucas E., *Lincoln and the American Founding* (Univ. of Illinois Press, 2020).

²⁷ Douglas L. Wilson and Rodney O. Davis, eds., *Herndon’s Informants* (Urbana and Chicago: Univ. of Illinois Press, 1998), p. 107; Noah Brooks, *Abraham Lincoln and the Downfall of American Slavery* (G.P. Putnam’s Sons, New York, 1894), pp. 23-24; “Address to the New Jersey Senate at Trenton, New Jersey, February 21, 1861,” in *CWAL*, 4:236.

American's Charter of Liberty made a lasting impression on Abraham Lincoln. He recalled that event thirty-seven years later after a July 4th celebration in the middle of civil war, and a significant northern military victory at a place called Vicksburg, Mississippi.”²⁸

During the political campaign of 1858, Lincoln engaged in a series of formal debates with the incumbent Senator, Stephen A. Douglas, in a contest for one of Illinois' two United States Senate seats. Although Lincoln lost the election, these debates launched him into national prominence which eventually led to his election as President of the United States. The main theme of the Lincoln–Douglas debates was slavery, particularly the issue of slavery's expansion into the territories. Preceding the debates, in 1857, the U.S. Supreme Court in an opinion authored by Chief Justice Taney, held that that negroes or African-Americans, “had no rights which the white man was bound to respect.”²⁹ The question of the equal rights of “all men” was on the mind of almost all citizens. The long-held and simmering disagreements related to this question, and to slavery itself, led not only to great debates, but to great divisions among the American people.

In these “Great Debates” with Douglas, Lincoln frequently referred to the language in the Declaration that “all men are created equal” and effectively placed those lofty words in historical context. “I think the authors of that notable instrument [the Declaration of Independence] intended to include all men, but they did not mean to declare all men equal in all respects. They did not mean to say all men were equal in color, size, intellect, moral development or social capacity. They defined with tolerable distinctness in what they did consider all men created equal — equal in certain inalienable rights, among which are life, liberty and the pursuit of happiness. This they said, and this they meant. They did not mean to assert the obvious untruth, that all were then actually enjoying that equality, nor yet, that they were about to confer it immediately upon them. In fact, they had no power to confer such a boon. They meant simply to declare the right so that the enforcement of it might follow as fast as circumstances should permit.”³⁰ Lincoln understood and believed that the founders meant what they said, but did not have power to miraculously change their society and culture to adopt the divine standard. Achieving such equality would require faith, labor, sacrifice and time. “They [the Founders who issued the Declaration] meant to set up a standard maxim for free society which should be familiar to all,—constantly looked to, constantly labored for, and even, though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people, of all colors, everywhere.”³¹

In the candidates’ debate held on October 7, 1858 at Knox College in Galesburg, Illinois, Abraham Lincoln replied, “The judge [Douglas] has alluded to the Declaration of Independence, and insisted that negroes are not included in that Declaration; and that it is a slander upon the framers of that instrument to suppose that negroes were meant therein; and he asks you: Is it possible to believe that Mr. Jefferson, who penned the immortal paper, could have supposed himself applying the language of that instrument to the negro race, and yet held a portion of that race in slavery? ... I believe the entire records of the world, from the date of the Declaration of Independence up to within three years ago, may be searched in vain for one single affirmation, from one single man, that the negro was not included in the Declaration of Independence; I think I may defy Judge Douglas to show that he ever said so, that Washington ever said so, that any President [including Jefferson] ever said so, that any member of Congress ever said so, or that any living man upon the whole earth ever said

²⁸ John Romine to William H. Herndon, September 14, 1865, in Herndon-Weik MSS, Library of Congress; Louis A. Warren, *Lincoln's Youth: Indiana Years, Seven to Twenty-One, 1816-1830* (Appleton-Century-Crofts, Inc., New York, 1959), pp. 168-169; in *CWAL*, 6:319-20.

²⁹ *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857).

³⁰ Debate at Alton, October 15, 1858, in *CWAL*, Volume III, p. 283-325.

³¹ *Id.*

so, until the necessities of the present policy of the Democratic party in regard to slavery had to invent that affirmation.” Lincoln, through his own lengthy research in the records and archives in Washington D.C., could emphatically state that no founder, no signer of the Declaration, and no member of the Continental Congress, ever said or wrote that “all men” did not include negroes or blacks.

Lincoln repeated this same powerful argument in the next debate held on October 15, 1858, at Alton, Illinois: “[T]here never had been a man, so far as I knew or believed, in the whole world, who had said that the Declaration of Independence did not include negroes in the term “all men.” I reassert it today. I assert that Judge Douglas and all his friends may search the whole records of the country, and it will be a matter of great astonishment to me if they shall be able to find that one human being three years ago had ever uttered the astounding sentiment that the term “all men” in the Declaration did not include the negro. Do not let me be misunderstood. I know that more than three years ago there were men who, finding this assertion constantly in the way of their schemes to bring about the ascendancy and perpetuation of slavery, *denied the truth of it*. I know that Mr. Calhoun and all the politicians of his school denied the truth of the Declaration. I know that it ran along in the mouth of some Southern men for a period of years, ending at last in that shameful, though rather forcible declaration of Pettit of Indiana, upon the floor of the United States Senate, that the Declaration of Independence was in that respect “a self-evident lie,” rather than a self-evident truth. But I say, with a perfect knowledge of all this hawking at the Declaration without directly attacking it, that three years ago there never had lived a man who had ventured to assail it in the sneaking way of pretending to believe it, and then asserting it did not include the negro. I believe the first man who ever said it was Chief Justice Taney in the *Dred Scott* case, and the next to him was our friend Stephen A. Douglas. And now it has become the catch-word of the entire [Democratic] party.”

After Lincoln’s election as President in 1860, a few weeks preceding the outbreak of the Civil War, the new Confederate States’ Vice President, Alexander H. Stephens, in his “*Cornerstone Speech*,” in Savannah, Georgia, declared that the Confederacy stood for the proposition that Jefferson and the Founders were fundamentally wrong in declaring that “all men are created equal” and that the white and black races are fundamentally unequal. Remarkably and sadly, Stephens proclaimed:

The new [Confederate] constitution has put at rest, forever, all the agitating questions relating to our peculiar institution African slavery as it exists amongst us the proper status of the negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson in his forecast, had anticipated this, as the “rock upon which the old Union would split.” He was right... The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old constitution, were that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. It was an evil they knew not well how to deal with, but the general opinion of the men of that day was that, somehow or other in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the constitution, was the prevailing idea at that time... Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error... Our new government is founded upon exactly the opposite idea; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery subordination to the superior race is his natural and normal condition....”³²

³²Alexander H. Stephens Speech, March 21, 1861, In *Public and Private: With Letters and Speeches, Before, During, And Since The War*, Cleveland, Henry, ed. (National Publishing Co., Philadelphia, Chicago, 1886), pp. 717-729.

Thus, in seceding from the Union, the Confederate states actually stood *against* Jefferson and the signers of the Declaration, basing their constitution on the philosophy and policy of inequality. And, in reply to critics, Thomas West significantly noted, “Abraham Lincoln, Stephen Douglas and Alexander Stephens [all] agreed on one thing: the cause of the civil war was slavery.”³³

As President of the ‘United’ States, now divided, Lincoln’s first object in the Civil War was to preserve the Union, but as he so eloquently stated in his *Gettysburg Address*, he came to the conviction that the greater cause of the war was equality: “Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure.”³⁴ To Lincoln, “all men are created equal” is the main proposition, ideological conception, and dedicatory cause of the nation of America.

Discovered after his death, Lincoln’s secretary found a private record of the President’s that was never published. Reflecting on the relationship of the Declaration of Independence to the Constitution, Lincoln wrote the following personal meditation on Proverbs 25:11 – “A word fitly spoken *is like* apples of gold in pictures of silver.”

“[The prosperity of the United States] is not the result of accident. It has a philosophic cause. Without the *Constitution* and the *Union*, we could not have attained the result; but even these are not the primary cause of our great prosperity. There is something back of these, entwining itself more closely about the human heart. That something, is the principle of “Liberty to all” -- the principle that clears the *path* for all -- gives hope to all -- and, by consequence, *enterprise* and *industry* to all.

The expression of that principle, in our Declaration of Independence, was most happy, and fortunate. *Without* this, as well as *with* it, we could have declared our independence of Great Britain; but *without* it, we could not, I think, have secured our free government and consequent prosperity. The assertion of that *principle*, at *that time*, was the word “*fitly spoken*” which has proven an “apple of gold” to us. The *Union*, and the *Constitution*, are the *picture* of *silver*, subsequently framed around it. The picture was made, not to *conceal*, or *destroy* the apple; but to *adorn* and *preserve* it. The *picture* was made for the apple -- *not* the apple for the picture.

So let us act, that neither *picture*, or *apple* shall ever be blurred, bruised or broken ... That we may so act, we must study, and understand the points of danger.”³⁵

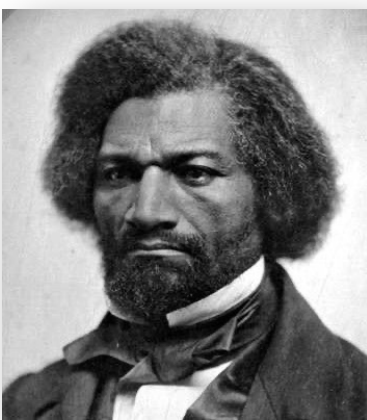
Abraham Lincoln lived, and in one sense, died, for these principles: first, that liberty and equality are the natural rights of all men, and second, that the timeless principles enshrined in the Declaration form the heart and soul of the American Constitution. To ignore these principles, he said, is to deny universal freedom – and allow the apple of gold to be “blurred, bruised or broken.” As he stated in his speech at Chicago, “*We hold these truths to be self-evident: that all men are created equal... That* is the electric cord in that Declaration that links the hearts of patriotic and liberty-loving men together, that will link those patriotic hearts as long as the love of freedom exists in the minds of men throughout the world.”³⁶

³³ In *Vindicating*, p. 35.

³⁴ *Gettysburg Address*, November 19, 1863, in *CWAL*, 7:22-23.

³⁵ In *CWAL*, 4:168 (*italics* in original).

³⁶ Speech at Chicago, July 11, 1858, in *CWAL*, 2:500 (*emphasis in original*).



III. FREDERICK DOUGLASS

Frederick Douglass (1818-1895) was an American social reformer, abolitionist, orator, writer, and statesman. After escaping from slavery in Maryland, he became a national leader of the abolitionist movement. As a former slave he became an articulate spokesman for the equal rights of his people most of whom were still in bondage. In the 1840's he argued that "Liberty and Slavery – opposite as Heaven and Hell" are both in the Constitution.³⁷ However, as he distanced himself from abolitionist William Lloyd Garrison, who called the Constitution a "Covenant with Death" and publicly burned the Constitution because he believed it a pro-slavery document, Douglass changed his views. In 1851, "after an ongoing dialogue with New York abolitionist Gerrit Smith, Douglass came to agree with Smith that the Constitution actually had anti-slavery implications."³⁸

On March 26, 1860, Douglass spoke to the Scottish Anti-Slavery Society in Glasgow, Scotland on the topic, "*The Constitution of the United States: Is It Pro-Slavery or Anti-slavery?*" Douglass was debating American and Western European abolitionists about whether or not the U.S. Constitution supported human inequality. He began his speech with an analogy: "[T]he American Government and the American Constitution are spoken of in a manner which would naturally lead the hearer to believe that one is identical with the other; when the truth is, they are distinct in character as is a ship and a compass. The one may point right and the other steer wrong. A chart is one thing, the course of the vessel is another. The Constitution may be right, the Government is wrong. If the Government has been governed by mean, sordid, and wicked passions, it does not follow that the Constitution is mean, sordid, and wicked."

Thus, it matters not, Douglass says, "whether slavery existed in the United States at the time of the adoption of the Constitution; [or] whether slaveholders took part in the framing of the Constitution; [or] whether those slaveholders, in their hearts, intended to secure certain advantages in that instrument for slavery..." The main question, he frames, is whether, "the United States Constitution guarantee[s] to any class or description of people in that country the right to enslave, or hold as property, any other class or description of people in that country?"

³⁷ "Oath to Support the Constitution," *The North Star*, April 5, 1850, in *The Life and Writings of Frederick Douglass*, Foner, Phillip S., ed. (WW Norton & Co, New York, 2007) 2:118. ("LWFD").

³⁸ Cohen, Robert, "*Was the Constitution pro-Slavery? The Changing View of Frederick Douglass*," in *Social Education* 72(5) (National Council for Social Studies, 2008), p. 248.

Addressing this question, Douglass discusses the provisions in the Constitution used by its opponents that they argue favor slavery, including the three-fifths clause, the fugitive slave clause, and the twenty-year interval on ending the importation of slaves into the United States. Concerning the three-fifths clause in Article 1, section 2, Douglass does not agree that the Constitution stands for the idea that a black man is 3/5ths of a white man, but argues that the issue is a question of “political power” that strengthened the free Northern states over the Southern slave states in Congress. He states, “A black man in a free State is worth just two-fifths more than a black man in a slave State, as a basis of political power under the Constitution. Therefore, instead of encouraging slavery, the Constitution encourages freedom by giving an increase of “two-fifths” of political power to free over slave States. So much for the three-fifths clause; taking it at its worst, it still leans to freedom, not slavery.”

Pursuant to Article I, section 9, Congress could not ban the slave trade for twenty years and Douglass states that the founders were not protecting the slave trade by this clause, and thus slavery, but were actually “providing for the abolition of the slave trade.” Douglass says that the clause “looked to the abolition of slavery rather than to its perpetuity,” and that the founders’ intentions “were good, not bad.” Douglas confirms that, “[British abolitionists] Wilberforce and Clarkson, clear-sighted as they were, took this view... and the American statesmen, in providing for the abolition of the slave trade, thought they were providing for the abolition of the slavery.” In fact (as mentioned earlier in this Article), twenty years to the day, on January 1st, 1808, “The Act Prohibiting Importation of Slaves of 1807,” Public Law 9-22 went into effect. This legislation was signed by President Thomas Jefferson (who called for its enactment in his 1806 State of the Union Address and had promoted the idea since the 1770’s).

Douglass also examines the natural rights principles of the Constitution and argues that they do not support slavery, directing attention to the Preamble, “The objects here set forth are six in number: union, defence, welfare, tranquility, justice, and liberty. These are all good objects, and slavery, so far from being among them, is a foe of them all.” He continues, “Its language is ‘We the People;’ not we the white people...” and, “This, I undertake to say, as the conclusion of the whole matter, that the constitutionality of slavery can be made out only by disregarding the plain and common-sense reading of the Constitution itself.” He concludes by stating, “Slavery is essentially barbarous in its character. It, above all things else, dreads the presence of an advanced civilization. It flourishes best where it meets no reproving frowns, and hears no condemning voices. While in the Union it will meet with both. Its hope of life, in the last resort, is to get out of the Union. I am, therefore, for drawing the bond of the Union more completely under the power of the Free States.” Finally, he asserts that he is a reformer, not a destroyer: “My position now is one of reform, not of revolution. I would act for the abolition of slavery through the Government — not over its ruins.”

Eight years earlier, on July 5, 1852, Douglass spoke to the Rochester Ladies’ Anti-Slavery Society on the subject, “*What to a Slave is the Fourth of July?*”³⁹ Although slavery remained entrenched in the southern states and millions of his fellow men were in bondage, Douglass expresses hope and “consolation in that thought that America is young,” because, “Great streams are not easily turned from channels, worn deep in the course of ages.” He recounts his own experiences as a slave, and the horrors of the slave trade, having watched from the wharves as a child, “the slave ships in the Basin, anchored from the shore, with their cargoes of human flesh.” Douglass proceeds to charge his listeners:

³⁹ *Frederick Douglass: Selected Speeches and Writings*, Foner, Phillip S., ed. (Lawrence Hill, Chicago, 1999), pp. 188-206.

You hurl your anathemas at the crowned headed tyrants of Russia and Austria, and pride yourselves on your Democratic institutions, while you yourselves consent to be the mere *tools* and *body-guards* of the tyrants of Virginia and Carolina...

You glory in your refinement and your universal education yet you maintain a system as barbarous and dreadful as ever stained the character of a nation...

You discourse eloquently on the dignity of labor; yet, you sustain a system which, in its very essence, casts a stigma upon labor...

You declare, before the world ... that you "*hold these truths to be self evident, that all men are created equal*" ... and yet, you hold securely, in a bondage which according to your own Thomas Jefferson, "*is worse than ages of that which your fathers rose in rebellion to oppose,*" a *seventh part* of the inhabitants of your country."

Douglass goes on to argue that the glaring issue and contradiction of his time was the failure of the government, of politicians, of churches, of ministers, and of the people of America, to live up to those principles. "Nobody doubts," said Douglass, that the slave is "a man" and "entitled to liberty;" conversely, the nations' great moral challenge is to, "*let the weight of twenty millions [to] crush and destroy [slavery] forever!*"

At the same time, in his remarks Douglass honors the signers of the Declaration of Independence as "brave men" and "great men too – great enough to give fame to a great age." He states that they, "were statesmen, patriots, heroes..." and "for the good they did, and the principles they contended for," he united with all "to honor their memory." He avows that the Declaration "is the ring-bolt to the chain of [our] nation's destiny, and that the "principles contained in that instrument are saving principles." Douglass then enjoins everyone to, "Stand by those principles, be true to them on all occasions, in all places, against all foes, and at whatever cost..."⁴⁰

Douglass' view was essentially the same as that held by Martin Luther King, Jr. – that the principles of the Declaration are indeed true and exemplary, but their full application in American society frequently has been (and is) seriously lacking. In his well-known "*I Have a Dream Speech*"⁴¹ delivered on the footsteps of the Lincoln Memorial in Washington, D.C., August 28, 1963, King praises the "architects of our republic" who wrote the "magnificent words of the Constitution and the Declaration of Independence." "King then takes America to task for the ensuing one hundred years of racism since 1863 as ample proof that black Americans were not actually enjoying their God-given rights."⁴² But later he shares his conviction that, "I have a dream that one day this nation will rise up and live out the true meaning of its creed: "*We hold these truths to be self-evident: that all men are created equal,*" and dreams "that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood." Like Frederick Douglass, Martin Luther King, Jr. believed in, and upheld, America's creed of equality and brotherhood, but rebuked those who ostensibly believe in equal rights, but hypocritically fail to put the principle into effect.

⁴⁰ Id.

⁴¹ Martin Luther King, Jr., *I Have A Dream: Writings and Speeches that Changed the World* (Harper, San Francisco, 1986).

⁴² Williams, Tony, "Martin Luther King, Jr., "I Have a Dream," and American Founding Principles" <https://wjmi.blogspot.com/2013/08/martin-luther-king-jr-i-have-dream-and.html> (accessed 8-1-2020).



(“Thus Always to Tyrants” -- Virtue conquering Tyranny: Seal of the Commonwealth of Virginia)

IV. PUBLIC VIRTUE

Human nature is imperfect. Human imperfections, individual and societal, do not alter or change the meaning and value of true principles. Each of us must learn to govern ourselves, and as fellow citizens in a Constitutional Republic we must learn and live the principles of self-government, including honoring the natural right of human equality. As James Madison wrote in *Federalist No. 51*, “what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.”⁴³ Self-government then, or a democratic republic such as ours, can only be perpetuated by a people who are self-governed. Henry Ward Beecher said: “There is no liberty to men who know not how to govern themselves.”⁴⁴ And, Goethe stated: “What is the best government? -- That which teaches us to govern ourselves.”⁴⁵

The Founding Fathers of the United States of America understood this, and fundamentally believed that the ability to govern ourselves rests with our individual and collective virtue (or moral character). John Adams stated it this way, “Public virtue cannot exist in a Nation without private Virtue, and public Virtue is the only Foundation of Republics.”⁴⁶ In this regard, the revolutionary war was as much a battle against moral tyranny and “the corruption of 18th century British high society,”⁴⁷ as it was against taxation and financial oppression. While the Founders and American colonists were very concerned with their civil liberty and economic freedom, demanding “no taxation without representation,” they were equally concerned with their religious liberty, particularly in preserving their rights of individual conscience and public morality.⁴⁸ They understood that liberty and equality are co-equal rights, founded on virtue. And, with respect to the vital need for public and private virtue in order to both establish and maintain a republic, and to assure that equal rights are respected and maintained, the Founders were in complete harmony:

⁴³ *Federalist Papers*, No. 51 (McLean Edition, New York, March 17, 1788).

⁴⁴ *Proverbs from Plymouth Pulpit, Selected from the Writings and Sayings of Henry Ward Beecher*, Drysdale, William, ed. (D. Appleton & Co., New York, 1887), p. 72.

⁴⁵ Johann Wolfgang von Goethe, *The Maxims and Reflections of Goethe*, translated by Bailey Saunders (MacMillan & Co., New York, 1906), Maxim No. 225.

⁴⁶ John Adams to Mercy Otis Warren, April 16, 1776. A. Koch and W. Peden, eds., *The Selected Writings of John and John Quincy Adams* (Knopf, New York, 1946), p. 57.

⁴⁷ Marvin Olasky, *Fighting for Liberty and Virtue* (Regnery Publishing, Washington D.C., 1996) p. 142.

⁴⁸ See, e.g., *Id.*, Olasky, *Fighting for Liberty and Virtue*; Vetterli, Richard and Bryner, Gary, *In Search of the Republic: Public Virtue and the Roots of American Government* (Rowman & Littlefield, New Jersey, 1987).

Benjamin Franklin said: “Only a virtuous people are capable of freedom.”⁴⁹

James Madison stated: “To suppose that any form of government will secure liberty or happiness without any virtue in the people, is a chimerical [imaginary] idea.”⁵⁰

Thomas Jefferson wrote, “No government can continue good but under the control of the people; and ... their minds are to be informed by education what is right and what wrong; to be encouraged in habits of virtue and to be deterred from those of vice ... These are the inculcations necessary to render the people a sure basis for the structure and order of government.”⁵¹

Samuel Adams said: “Neither the wisest constitution nor the wisest laws will secure the liberty and happiness of a people whose manners are universally corrupt. He therefore is the truest friend of the liberty of his country who tries most to promote its virtue.”⁵²

Patrick Henry stated that: “A vitiated [impure] state of morals, a corrupted public conscience, is incompatible with freedom.”⁵³

John Adams stated: “We have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry would break the strongest cords of our constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.”⁵⁴

And, George Washington said: “Virtue or morality is a necessary spring of popular government,”⁵⁵ and “*Human rights* can only be assured among a virtuous people.”⁵⁶

This “Virtue” spoken of encompasses characteristics of goodwill, tolerance, kindness, mutual respect, forgiveness, humility, gratitude, courage, honor, industry, honesty, chastity, and fidelity. These timeless precepts serve as the cornerstones for both individual and societal governance, ennobling individual character and lifting society as a whole. Furthermore, virtue eschews all forms of prejudice and discrimination, confirming that we are all equal in the eyes of our Creator, equal in our natural rights, and equal before the law. This grand truth and noble standard, that “*all men are created equal*,” is the “*apple of gold*,” and, as imperfect as we and our history may be, it is *America’s Defining Creed*. By it we rise or fall. Our Founders pledged their lives, fortunes, and their sacred honor to defend the principles of the Declaration of Independence, including the natural rights of liberty and equality. As Frederick Douglass stated, may we “*stand by those principles, be true to them on all occasions, in all places, against all foes, and at whatever cost.*”

⁴⁹ *The Writings of Benjamin Franklin*, Sparks, Jared, ed. (Tappan, Whittemore and Mason, Boston, 1840), 10:297.

⁵⁰ *Speech in the Virginia Ratifying Convention, June 20, 1788*, in *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*, Elliot, Jonathan, ed. (J. B. Lippincott Company, Philadelphia, 1891) 3:536.

⁵¹ Thomas Jefferson to John Adams, 1819. ME 15:234.

⁵² Wells, William V., *The Life and Public Service of Samuel Adams* (Little, Brown, & Co., Boston, 1865), 1:22.

⁵³ Edwards, Tryon, D.D., *The New Dictionary of Thoughts - A Cyclopedia of Quotations* (Hanover House, Garden City, NY, 1852); revised and enlarged by Catrevas, C.H., Ralph Emerson Browns and Jonathan Edwards, 1891 (The Standard Book Company, New York, 1955, 1963), p. 337.

⁵⁴ John Adams to the officers of the First Brigade of the Third Division of the Militia of Massachusetts, October 11, 1798, *The Works of John Adams, Second President of the United States*, Adams, Charles Francis, ed. (Little, Brown, and Co., Boston, 1854), 9:229.

⁵⁵ *Washington’s Farewell Address*, Paltsits, Victor Hugo, ed. (The New York Public Library, 1935), p. 124.

⁵⁶ Washington to Marquis De Lafayette, February 7, 1788, *The Writings of George Washington*, John C. Fitzpatrick, ed. (U. S. Government Printing Office, Washington D. C., 1939), 29:410. (*Emphasis added*).