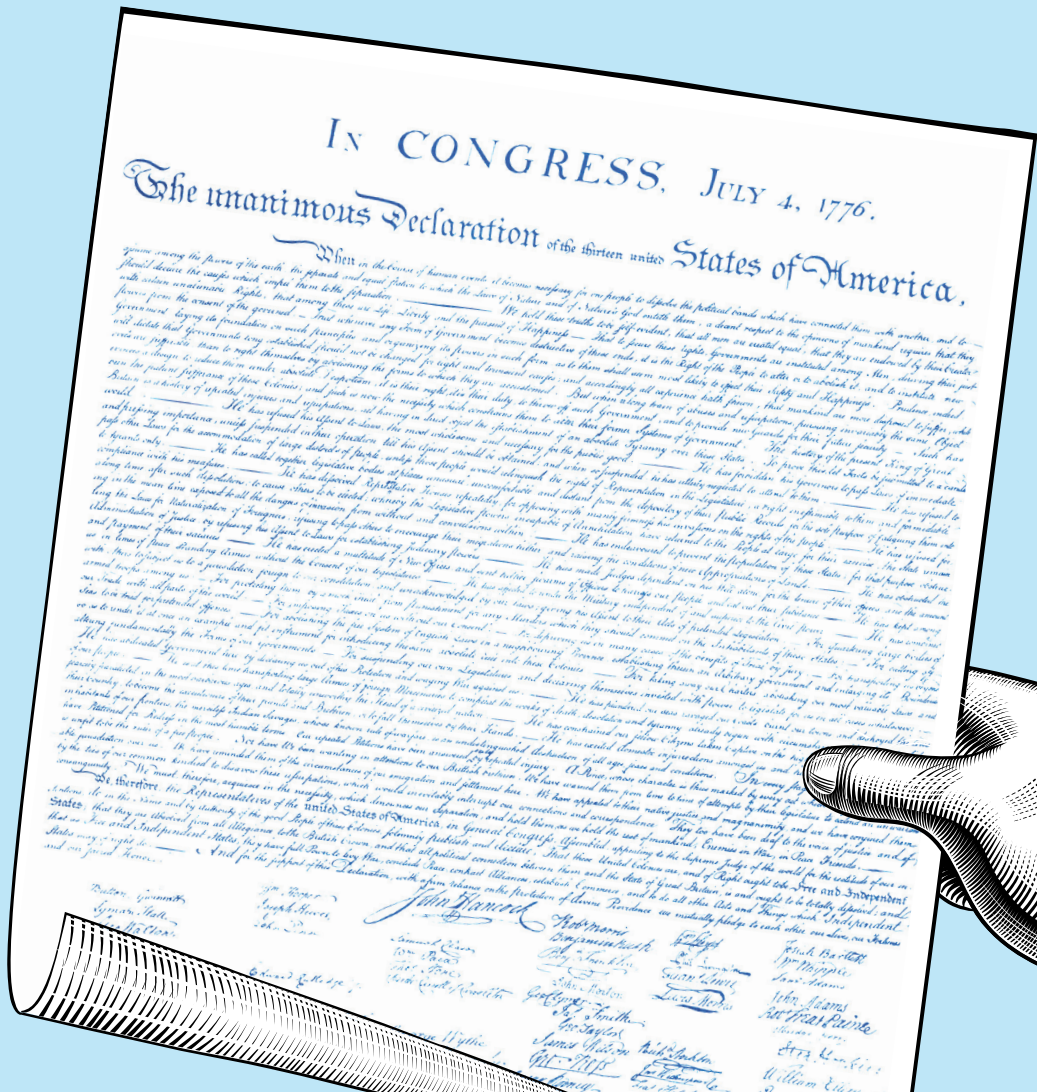


# THE ESSENTIAL Declaration of Independence



THE ESSENTIAL

# Declaration of Independence

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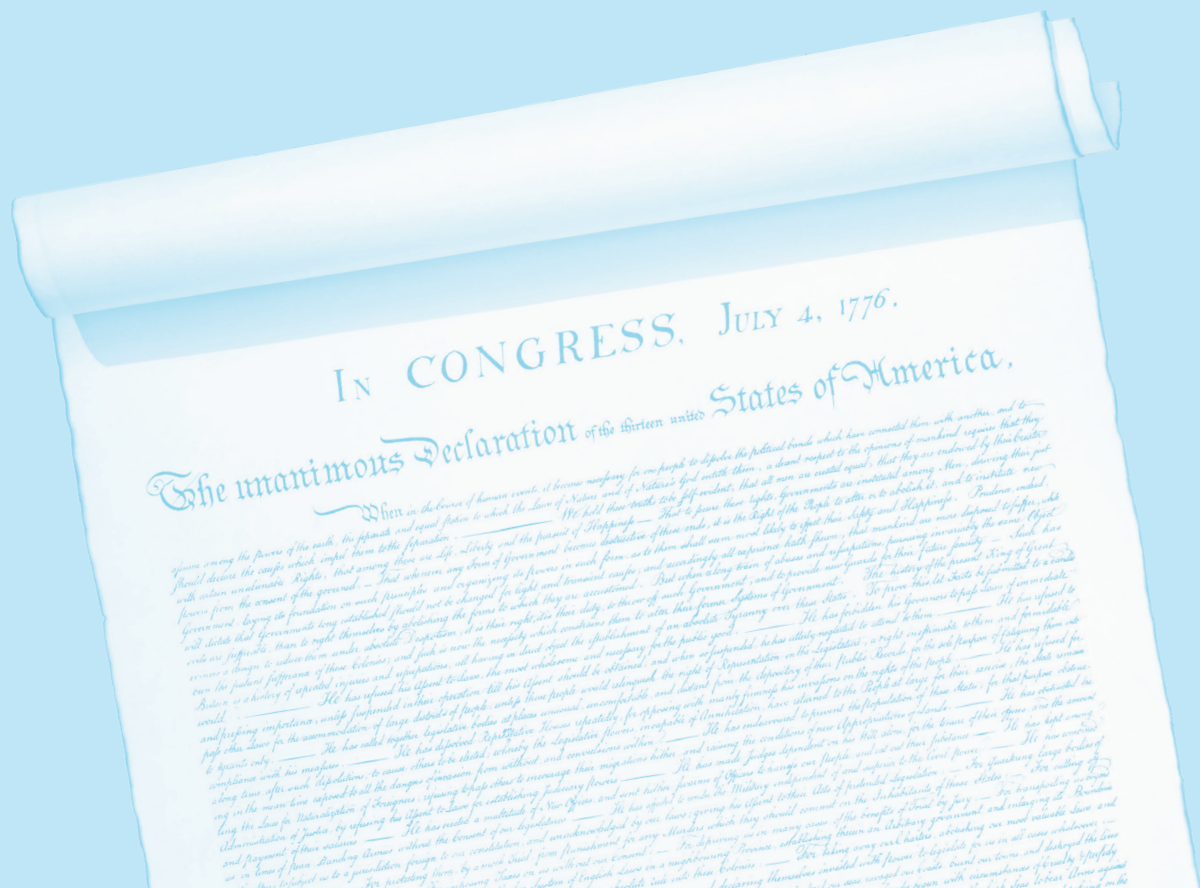
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“

WE hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.”

—THE DECLARATION OF INDEPENDENCE



# Declaring Independence

The Declaration of Independence confidently announces that America is now a separate nation from Britain and declares the new nation’s purpose, making it essential to our Founding. To understand and conserve the American nation, we must therefore begin with the Declaration of Independence. America is certainly a home, but more than this, America has been defined by the richness of this document and what it teaches us about our rights and duties as citizens. It contains a clear statement of the principles of politics, lawful government, the divine ground of liberty, the self-governing practices of the colonists, and why they were reclaiming their right to govern themselves in the face of a settled pattern of abuse by the British government.<sup>1</sup>

The Declaration proclaims that the “thirteen united States of America” now “assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them.” The Declaration is a statement about the type of politics and order under which the “United Colonies” would live and why they were rejecting Britain.

The Americans believed there were certain “self-evident” “truths” about the rights of human beings and that a government derives its “just powers from the consent of the governed.” They also believed if they were subjected to “any Form

of Government” that was “destructive of these ends”—and the colonists concluded this described the British monarchy—it was “the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them seem most likely to effect their Safety and Happiness.”

The Declaration announces the political principles worthy of free and virtuous people and concludes that these principles had been violated. The actions of the British King evidenced a settled design of despotic ambition, and the colonists of right and duty determined they would not bow down to it and would instead declare their independence as a people. God—“the laws of nature and of Nature’s God”—warranted this bold action.

Realizing that affixing their names to this document would be tantamount to signing their death warrants if the British prevailed, 56 brave individuals from all 13 colonies signed the Declaration of Independence, stating that “with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.” Although tested at times throughout our nation’s history, the spirit of independence and the principles of the Declaration remain true today.

# Who were the men who signed the Declaration of Independence?

- ★ There were **56 signers to the Declaration of Independence**. The youngest was Edward Rutledge from South Carolina at 26 years old. The oldest was Benjamin Franklin at 70 years old.
- ★ Only a handful signed both the Declaration of Independence and the Constitution; they include: Benjamin Franklin, George Read, Roger Sherman, Robert Morris, George Clymer, and James Wilson.
- ★ They were men of means and well educated. They had security, but valued liberty more and risked everything for it. About half were lawyers or judges. The others were an assortment of merchants, shippers, doctors, ministers, politicians, and farmers and landowners. All but two had families.
- ★ By signing the Declaration, the men knew they were putting their lives and their families in jeopardy. Benjamin Franklin even quipped when putting his quill down, “We must indeed, all hang together, or most assuredly we shall hang separately.” One-third of the signers would go on to serve as militia officers during the war. Nine of the signers of the Declaration died before the American Revolution ended in 1783. None would rescind the pledge they made in the Declaration of Independence.

## WAS SUCH A BOLD ACTION WARRANTED?

One of the most consequential Supreme Court jurists in American history, Chief Justice John Marshall—whose tenure on the Court lasted from 1801 to 1835, during which he wrote influential opinions on vital constitutional questions in the early republic—reflected upon the Declaration in a letter to Edward Everett, then a member of the U.S. House of Representatives and later President of Harvard:

**Our resistance was not made to actual oppression. Americans were not pressed down to the earth by the weight of their chains nor goaded to resistance by actual suffering.... The war was a war of principle against a system hostile to political liberty, from which oppression was to be dreaded, not against actual oppression.<sup>2</sup>**

Americans had become well-versed in political liberty for more than 150 years as English colonists in North America, where they had been self-governing in colonial assemblies and law courts and had gained experience with the practices and rights of living under a common law constitution. The phrase “salutary neglect,” coined by Edmund Burke in Parliament in 1775, aptly describes this period of loose regulation of the colonists’

internal affairs and commerce in return for their loyalty to Britain. During this period, the colonists had learned to be self-governing, establishing an array of commercial, professional, civic, and religious relationships and ordering their lives separate from government. The question became unavoidable: Why did the colonists, who had learned they could govern themselves and thrive, need the British government?

The colonists were not anarchists: far from it. Their collective experiences evince a double meaning for the term “self-government” to which Thomas Jefferson of Virginia gave a rational, elegant, and timeless voice in the Declaration. Believing that self-government involved the ability to act in concert with others through voluntary arrangements that stemmed from the natural and moral inclinations of the human person, the colonists chose to be self-governing in a republican political order with limits and checks on government power, thereby ensuring the voluntary arrangements of civil society could occur without undue interference at the hands of an arbitrary sovereign who could reduce them to a servile condition. This crucial separation between state and society forms a bedrock premise of our constitutional order and its insistence on balanced and limited government.<sup>3</sup>

The Declaration is a practical document written by practical men facing the gravest decision of their lives. All decisions, if they are any good, are the fruit of a marriage between principles and circumstances. Most of the Declaration explains the circumstances that led the Founders to break with Britain.

One sentence in the second paragraph gives us five self-evident truths, building one upon another. The Declaration claims they are “self-evident.” This does not mean they are obvious, but rather that they carry their own evidence within themselves. It is self-evident that triangles are composed

of three lines, because to be a triangle is to be composed of three lines; once we know what a triangle is, we know it is made of three lines. The Founders claimed that the five truths upon which they risked their lives, fortunes, and sacred honor were truths of this sort.

The first, upon which all the others rest, is that “all men are created equal.”<sup>4</sup> Is this so? It is very easy to think of ways in which we are not equal. Some are strong, others weak. Some are wise, others foolish. Some are good, others wicked. In many times and places, such differences have been politically decisive: People have claimed the right to rule because they were the strongest, the wisest, the most virtuous, or the possessors of some other superlative quality.

But there is one way in which all *human beings* are equal: We are all equally human beings. This is self-evident: If you and I are both human, then we are *equally human*. Whatever it is that makes one human can be said with equal truth of us both. As John Adams once explained to his son:

**[The Declaration’s first claim] really means little more than that We are all of the same Species: made by the same God: possessed of Minds and Bodies alike in essence: having all the same Reason, Passions, Affections, and appetites. All Men are Men and not Beasts: Men and not Birds: Men and not Fishes. The infant in the Womb is a Man, and not a Lyon.... All these are Men and not Angells: Men and not Vegetables, etc.... The Equality of Nature is a moral Equality only; an Equality of Rights and Obligations; nothing more.<sup>5</sup>**

All human beings are equally human, but what is it exactly that we all share from the moment of our creation? The definition of *man* to which the Founders subscribed, and with it the Western tradition extending back to its beginnings, taught that man is a “rational animal.”

Because man, like the beasts and birds, is a body made of matter, he has certain needs: food to continue his body in being, protection to ward off other animals who would tear him apart, and a partner to help him continue his lineage. Like all animals, he is hardwired with powerful instincts to help him achieve these things. And like all animals, his needs can bring him into conflict with others of his own species whose needs are just as compelling.

Yet man, unlike all other animals, is also rational. One sign of this is his ability to use words to say what things are in themselves and not just emit noises to express his own pleasure, pain, desire, or anger. Man, unlike any other animal, can transcend his own needs and urges. He can see others not as mere objects for his use, but as persons to be known and loved. He can look up toward the summit of all desire, at that greatest good that lies beyond any particular object, and choose to give up the satisfaction of his immediate needs to obtain it.

To live in this way is to do something higher and more beautiful than any other animal can do: Achieve happiness. That word today means something like gladness or contentment, an affair of the feelings. At the time of the Founding, it meant something much greater. To be happy was to thrive as much as it was possible to thrive so things could not go better. Life and liberty are necessary for happiness—we cannot become happy if we are not alive and free to pursue it—but it is more than these things; it fills life and liberty as a child fills a womb.

The Declaration's breathtaking claim is that *all* human beings have the right to pursue happiness. No human is merely material for the happiness of another; every single one of us—strong and weak, wise and foolish, virtuous and wicked—

exists to become happy and thus has a right to pursue happiness and the life and liberty that are its prerequisites. To trample on these rights is to quarrel with our Creator who destined each for happiness by making him human.

To see what it means to truly thrive as a human being is to see that it must be the aim of our every action and so the aim of our political life. A government faithful to its proper purpose aims at the happiness of each of its citizens—but sometimes governments are not faithful. Rulers have the same needs and instincts all other men have, and these can corrupt their judgment. One great reason governments derive their “just powers” from the “consent of the governed,” as the Declaration claims, is that governments cannot be kept faithful except by the people's free choice of their rulers. But there is also another reason: Humans have the capacity to discriminate among the bad, the good, and the best, and this capacity is at the heart of politics. Each human being has the right to put this capacity to work by contributing his best practical wisdom to the community's deliberations.

What follows from these truths is the fifth and crowning claim of the Declaration: that men have the right to throw off their government and found a new one when necessary to protect the rights that a just government exists to serve. That, of course, is what the Founders did in the Declaration and what they made good with their blood and toil in the Revolution that had already broken out. The rest of the document is devoted to showing that the dissolution of their loyalty to the British Crown was, in fact, necessary to preserve their rights because of the circumstances in which they found themselves.

These self-evident truths teach us what the Declaration has to say about man and are crucial

to understanding the document. The document, though, must be read as a whole if we are to understand its full nature, purpose, and meaning. While much of the rest of the Declaration is comprised of a list of Grievances, there are “Principles” at stake in those Grievances that are also of tremendous importance.



## British Acts Before the Declaration of Independence

# 1765

**The Stamp Act** met with unified colonial resistance because this direct tax imposed on the colonies by Parliament was a novel tax, meant to collect revenue. Numerous forms of communication—newspapers, almanacs, pamphlets, and other official documents—would need a stamp to circulate, so the tax imposed a heavy cost on the well-read colonists.

# 1767

**The Townshend Duties of 1767** taxed goods like lead, glass, paper, dye, and tea, imported into the colonies from England. Parliament tried to distinguish external from internal taxes, arguing that this small but vigorously enforced tax was not an act of interference on colonial assemblies. Parliament repealed the Townshend Duties but kept the tax on tea and then required the colonists to purchase tea from the East India Company, sparking the Boston Tea Party of 1773.

# 1774

**The Intolerable Acts of 1774** followed the Boston Tea Party and were meant to isolate Massachusetts and compel obedience to Britain. Notable restrictions included: (1) Closed the Port of Boston; (2) Nullified the Massachusetts Charter; (3) Restricted town meetings; (4) Royal officials charged with capital offenses could remove their trial to Britain; (5) Ordered owners of private dwellings to accommodate British soldiers.

# Why Independence?

The Declaration is best understood as the final act in a drama between British loyalists and patriot Americans. We must understand the assumptions about the nature of political power and the sources of liberty that both sides articulated if we are to understand the “American mind” that Jefferson sought to express in the Declaration. This was not merely a debate between one branch of Whigs (patriots) who favored more local and popularly representative assemblies and another branch (loyalists) who sought to preserve the authority of Parliament.

The original English Whig critique had been set against monarchical abuses of power, a Crown that governed apart from Parliament with no accountability. The culmination of this struggle was the Glorious Revolution (1688–1689), which witnessed the rise of Parliament that limited boundless monarchical rule. However, the subsequent increase in parliamentary strength at the expense of the King was accompanied by the decline of the Whigs’ original concern with power as they came to embrace Parliament as the seat of power and saw Parliament’s law as

the seedbed of social order. In the words of Founding-era historian Hans Eicholz, “the ‘new’ Whigs set their support for Parliament on a Tory foundation, substituting legislative supremacy for the divine right of kings. However, the Old Whigs, both in England and in America, continued to hold that social order stemmed not from the government, but from the various institutions of society that had developed spontaneously in law, custom, and the market.”<sup>6</sup>

The loyalists were new Whigs who upheld the parliamentary authority of government. The patriots were Old Whigs who supported limited government and opposed abuses of power. Loyalists thought Parliament’s power was limitless and that its rejection would invite social chaos. Patriots insisted that opposition to the monarch and Parliament—and even independence from Britain—were not sources of social disorder. On the contrary, it was the abuse of power, not resistance to it, that bred social chaos. If the law had a foundation in natural rights, then it had a basis of authority independent of the state, and state officials were not creators of the law but its stewards.

After the conclusion of the French and Indian War (1754–1763), Parliament turned its sights toward more active regulation of the colonists. Britain had incurred great debts to evict the French from North America, and it looked to the colonists to help repay this debt. But this is only one part of the story. British imperial designs on the colonies had existed for decades, stretching back to 1747 under Prime Minister Henry Pelham’s administration. After a period of inattention, there was mounting anxiety in Britain that the colonists were growing in wealth and population. Many feared that the mother country would lose control of the colonists if such a course was left unchecked.<sup>7</sup> A contemporary, David Ramsay, judged that “British politicians saw, or thought they saw, the seeds of disunion, planted in the too widely extended empire.”<sup>8</sup>

This debate did not ultimately turn on the types of taxes imposed or whether the British government was interfering a bit too much in the colonies. Rather, this was a contest for the very meaning of constitutional liberty. The colonists were right when they claimed in the Declaration that, by design, the British were “pursuing invariably the same object” to “reduce them under absolute Despotism.”

If Britain’s plan to control the colonies began decades before the end of the French and Indian War, American cognizance of this change registered fully with Parliament’s passage of the Stamp Act in 1765. The Stamp Act met with unified resistance. Numerous forms of communication—newspapers, almanacs, pamphlets, and other official documents—would need a stamp to circulate, so the tax imposed a heavy cost on the well-read colonists. The colonists (particularly attorneys and merchants) resented the increased cost, but they resented even more Britain’s imposition of the tax without their consent and by force. Another issue emerged: The legislation called for disputes to be resolved in Admiralty Courts, which meant that a royal judge would

determine the application of the law without a jury. The Stamp Act struck at the heart of a free and self-governing people.

Richard Bland’s 1766 pamphlet *An Inquiry into the Rights of the British Colonies* was one of the most notable responses to the Stamp Act. Bland articulated the American colonists’ legal, historical, and philosophical arguments against British power. His pamphlet, notably, influenced Thomas Jefferson’s *Summary View of the Rights of British America*,<sup>9</sup> an essay published in 1774 that in turn heavily influenced the Declaration of Independence. Bland’s position was that the colonies could not be virtually represented in Parliament and taxed without their consent. Bland invoked both custom and the natural right of all men to leave one society and establish a new one. He contended that the colonists had never consented to Parliament’s rule but rather had quit English society, no longer believing it conducive to their happiness, and had entered a contract with the King to form new societies in North America. The monarch recognized this, he argued, by appealing only to their general assemblies for needed revenue. If Bland’s colony, Virginia, consented to Parliament’s passing the Stamp Act, it would be contrary to natural rights and law, placing Virginians “even below the Corporation of a petty Borough in England.”<sup>10</sup> The colonies, in other words, would be represented in a manner below that of an unpopulated “petty Borough” district of Parliament, which at least would have *some* kind of representation.

The colonists entered compacts to cease importing and exporting British goods, among other measures, to prevent the Stamp Act from having an effect. Although the act was repealed in July of 1765, Parliament had no intention of ending its policy of imposing controls and taxes on the colonists. Accordingly, Parliament soon introduced the Townshend Duties of 1767 that taxed goods like lead, glass, paper, dye, and tea imported into the colonies from England.

Parliament argued this small but vigorously enforced tax was an external tax, not an act of interference with colonial assemblies, but John Dickinson's *Letters from a Farmer* directly countered this reasoning. Yes, the colonists had recognized regulation of trade that could limit or even prohibit certain goods from being traded as a matter of the common good, but the Townshend Duties were taxes, again levied without consent, to raise revenue. Dickinson reasoned that if Parliament's insistence that colonies pay tax on Britain's exports to America was recognized, the next logical step would be to prohibit the colonists from manufacturing those items so they would have to purchase them from Britain as a taxed good, in which case "the tragedy of American liberty is finished."<sup>11</sup>

Dickinson's point was not about the types of taxes imposed, but about the fundamental disposition and control of property that Parliament's measures rendered insecure. Dickinson emphatically stated that:

**[W]e cannot be happy without being free—that we cannot be secure in our property, if, without our consent, others may, as by right, take it away—that taxes imposed on us by parliament, do thus take it away—that duties laid for the sole purpose of raising money are taxes—that attempts to lay such duties should be instantly and firmly opposed...."**<sup>12</sup>

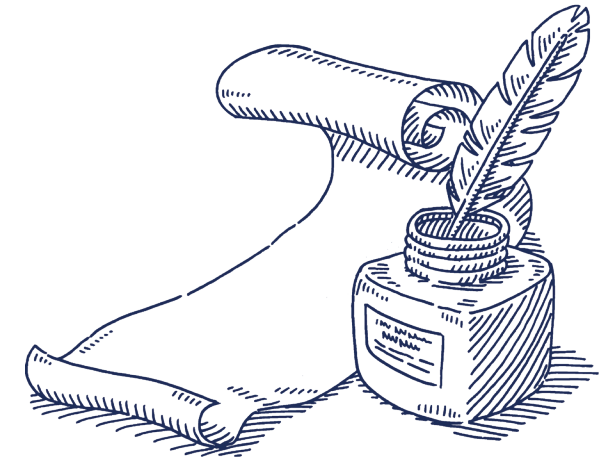
The British abandoned the Townshend Duties in 1770, concluding the revenue it generated was low and assessing levies on British products on such a broad scale undercut their position vis-à-vis the colonists. The tax on tea, however, remained, and its consequences would prove Dickinson's point.

In 1773, Parliament granted the East India Company the power to be the sole provider of tea to the colonies. The company's fortunes

were fading, but members of Parliament had invested heavily in its operations. They sought a return on their investment and were determined the colonists should provide it. Parliament had once again imposed a tax without the colonists' consent, ending American liberty by "compelling Americans to buy only taxed goods." Dickinson's warning had come true. Americans reacted emphatically on December 16, 1773, dressing as Indians, boarding the ships carrying East India tea cargo, and emptying an estimated £10,000 of tea into Boston Harbor.

In 1774, Parliament reacted harshly with measures that punished Massachusetts by (1) closing the Port of Boston until compensation was provided to the East India Company; (2) nullifying the Massachusetts Charter; (3) restricting town meetings and increasing the power of the Royal Governor to make appointments; (4) authorizing royal government officials charged with capital offenses to remove their trials to Britain; (5) ordering owners of private dwellings to accommodate British soldiers; and (6) affirming Quebec's nonuse of the English jury system, which had the effect of leading the colonies to believe that Parliament could abolish the jury in each of their colonies. Collectively, these acts became known among the colonists as the "Intolerable Acts."

Although intended to isolate Massachusetts, these prohibitions soon united the colonies, which sent aid to Massachusetts and formed Committees of Correspondence that provided the backbone of the revolutionary movement. Massachusetts and Virginia rebelled against their royal governors' orders, declaring that Massachusetts' fate was every colony's fate. Both states announced they would send delegates to a Continental Congress, the first representative intercolonial assembly. They would petition for relief from the Intolerable Acts and draw up a list of grievances.



## Forming the Declaration

The main objectives of the Declaration of Independence were to announce a cause of action and formally justify the Continental Congress's July 2, 1776, decision to separate from Great Britain. The Declaration explained the decision for independence by clarifying the causes that drove the "united States" to separate and form itself into a new political entity. Jefferson and the drafting committee did not start with a blank slate in fulfilling the charge given to them by Congress. A significant number of documents, including the Magna Carta of 1215, the Petition of Right of 1628, and the Declaration of Rights of 1689, had listed Crown abuses against the rights of subjects and had successfully sought reform.

Jefferson found the Declaration of Rights significant because it listed the charges against King James II and secured the rights the next king was bound to protect. This led to the English Bill

of Rights of 1689, which Jefferson relied upon in writing his *Summary View of the Rights of British America*, which he used to shape his initial draft of the Declaration of Independence.

Jefferson's *Summary View* was similar to the English Bill of Rights with one crucial difference. While the English document relied on legal history and grievances alone to make its argument, Jefferson united the grievances that the colonies had suffered with an invocation of natural rights and natural law. Jefferson rejected any claims of authority by Parliament over the colonies based on history and natural rights. The Americans, like their Saxon ancestors who left various parts of continental Europe to come to England, did not owe loyalty to their previous masters. According to Jefferson, this basic right, "which nature has given to all men," permitted the Americans to depart "from the country in which chance, not choice, has

# Primary Documents that Influenced the Declaration

## EARLY STATE CONSTITUTIONS OF



New Hampshire



South Carolina



Virginia

**VIRGINIA CONSTITUTION'S PREAMBLE**, written by Jefferson, and the **Declaration of Rights**, written by George Mason, June 1776



**SUMMARY VIEW OF THE RIGHTS OF BRITISH AMERICA**, written by Thomas Jefferson, 1774



**SECOND TREATISE OF GOVERNMENT**, written anonymously by John Locke, 1689

placed them, of going in quest of new habitations, and of there establishing new societies, under such laws and regulations as to them shall seem most likely to promote public happiness.”

The Declarations and Resolves passed by the First Continental Congress in 1775 drew heavily on Jefferson’s grievances in the *Summary View*. It announced that the colonies held rights of life, liberty, and property “by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts....” The Crown rejected the document, and violence soon erupted in Lexington and Concord when American arsenals came under British attack. That prompted the Second Continental Congress to issue the Declaration of the Causes and Necessity of Taking Up Arms detailing why the colonists had reached this state. The document states that “[b]y one statute it is declared, that parliament can ‘of right make laws to bind us in all cases whatsoever’ [a reference to the Declaratory Act, passed by Parliament in 1766]” and asks, “What is to defend us against so enormous, so unlimited, a power?”

The conflict continued, and on June 11, 1776, Congress resolved to form a committee to draft a declaration of independence. Members of the drafting committee included Jefferson, John Adams of Massachusetts,

## Did you know?

- ★ On June 11, 1776, the Second Continental Congress assigned five delegates to write the first draft of the Declaration of Independence. The Committee included Thomas Jefferson from Virginia, John Adams from Massachusetts, Benjamin Franklin from Pennsylvania, Roger Sherman from Connecticut, and Robert Livingston from New York. Jefferson was the youngest of the delegates at only 33 years old and would emerge as the principal author of the draft.
- ★ Benjamin Franklin served as an editor of the original draft. Recognizing the genius of Jefferson’s prose, he had minimal edits but one was of particular significance. Jefferson’s original phrasing of the opening line of the Preamble was “We hold these truths to be sacred and undeniable.” Franklin suggested the more appropriate phrasing we all know, “We hold these truths to be **self-evident**.”
- ★ The Continental Congress made 86 changes to Jefferson’s draft, including shortening the overall length by more than a fourth. Jefferson’s original Declaration draft condemned slavery and the slave trade as “execrable Commerce” and a “cruel war against nature.” This passage was removed due to pressure from delegates who had economic interests in maintaining slavery.
- ★ The house of Jacob Graff in Philadelphia was the residence where Jefferson drafted the Declaration of Independence. He rented the entire second floor and completed the first draft over the span of 17 days, between June 11-28, 1776.



Benjamin Franklin of Pennsylvania, Roger Sherman of Connecticut, and Robert Livingston of New York. Adams later said Jefferson initially wanted him to draft the document but that he declined for various reasons, the most important being that “I had great Opinion of the Elegance of his pen and none at all of my own.”<sup>13</sup>

Jefferson would draw from his *Summary View*, his preamble to the draft constitution for Virginia (which was placed into the ratified state constitution on June 22, 1776), and the Virginia Constitution’s Bill of Rights, which had been drafted by George Mason and adopted

10 days before Jefferson’s preamble. The resemblance between certain passages of these documents, particularly Jefferson’s preamble to the Virginia Constitution, and the Declaration is undeniable. Mason’s Virginia Bill of Rights is also strikingly similar:

**That all men are born equally free and independent and have certain inherent natural Rights, of which they cannot, by any Compact, deprive or divest their Posterity; among which are the Enjoyment of Life and Liberty, with the Means of Acquiring and possessing property, pursuing and Obtaining Happiness and Safety.**

Jefferson said the “similitude” of the Declaration to Mason’s Bill of Rights lies in the object of both documents: “justifying our separation from Great Britain.”

John Adams recorded that Jefferson’s initial draft went to the committee, which made various changes before forwarding the document to Congress, where more substantial alterations

were made. The committee mostly slimmed down the prose, but Congress’s modifications were more substantial.<sup>14</sup> Congress deleted Jefferson’s reference to the slave trade, in which he blamed the King for compelling the importation of Africans. Also added were references to a personal God intervening in the affairs of men (“the Supreme Judge of the World”) and their “firm Reliance on the Protection of divine Providence.”



## Declaration Trivia



In an extraordinary coincidence, Thomas Jefferson and John Adams both died on July 4, 1826, the 50th anniversary of the Declaration of Independence. Not knowing that Jefferson had died mere hours earlier, Adams’s last words were, “Jefferson still lives.” Their lifelong correspondence provides deep insight into the philosophical debates that shaped early American governance and reveals a complex relationship between the two friends-turned-rivals, who reconciled in later years. In yet another strange coincidence, exactly five years later, on July 4, 1831, former U.S. President James Monroe died.



A widely held misconception about the Declaration of Independence is it was signed on July 4, 1776. It was actually formally declared on July 2, 1776, with John Adams stating he believed that date would be “the most memorable epocha in the history of America.” Then on July 4, 1776, Congress approved the final text of the Declaration and on August 2, 1776, the document

was officially signed by the 56 delegates in the Pennsylvania State House. John Hancock’s signature was prominently featured in the center, signifying his status as the President of the Congress.



On July 8, 1776, Colonel John Nixon gave the first public reading of the Declaration of Independence when the clock struck noon in the State House Yard in Philadelphia. The location is now known as Independence Square. Bells would toll across the city well into the night in celebration.



After the Declaration was approved on July 4, 1776, John Dunlap, the official printer of the Continental Congress, was charged with making copies. He made about 200 copies, known as Dunlap Broad sides. Only 26 copies of that first printing have survived, with two located at the National Archives. The Continental Congress ordered copies sent to the British Crown in London, as well as other governmental authorities and military commanders.

# Reading the Declaration as a Whole

In drafting the Declaration, Jefferson said he did not aim “at originality of principle or sentiment” but had merely given “an expression of the American mind.” John Adams observed the Declaration voiced the common views of the day and praised it for that reason. The Declaration’s uniqueness rests in its rhetorical elegance, separation of the Americans from Britain, creation of a new model that is universally valid for building political societies, and elucidation of who Americans are as a people. In defining America’s basic values and commitments, the Declaration becomes the first part of our national compact, making it essential to the Founding of the United States.

How then should the Declaration’s opening two paragraphs be understood, and what should the reader make of the 28 grievances against the King before reaching its stirring conclusion? How should we read this document of elegant, inspirational lines matched with common law grievances and appeals to the providential God for guidance and judgment?

The title and the first paragraph affirm that the document’s main objective is to announce the separation of the Americans from the British and to delineate and justify the causes for that separation. The colonists are now the Americans who assume “the separate and equal Station to which the Laws of Nature and of Nature’s God entitle them....” We have an act of one people, but significantly, it is not a unanimous people, at least not initially. On July 4, while the majority of the people acted to dissolve all ties to Britain, Pennsylvania and South Carolina voted against independence, Delaware was divided, and New York abstained. That would change on July 19 when unanimity was reached, and that fact was added to the Declaration.

The second paragraph famously announces, “We hold these Truths to be self-evident ...” and lists those truths in memorable language, declaring, for example, “that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.” Another of

these truths is that governments “deriv[e] their just powers from the consent of the governed,” from which it follows that “it is the Right of the People to alter or abolish” any government that becomes “destructive” of the ends of liberty. The people can then create a new government capable of securing their “Safety and Happiness.”

The self-evident truths in the Declaration are very limited. The first self-evident truth is equality, which the Americans would have understood as basic equality under God, who gave man his life as a moral creature. We are all equal with one another in basic moral claims: life, liberty, and happiness.

“Life, Liberty, and the pursuit of Happiness” are gifts from God that enable us to lead a life of freedom and virtue apart from any comprehensive or absolutist order by the government. The Declaration affirms that freedom is the moral condition of man, and the ground of freedom is virtue, not vice. Freedom must be pursued in definite ways to achieve happiness. John Adams spoke for the Founders when he stated:

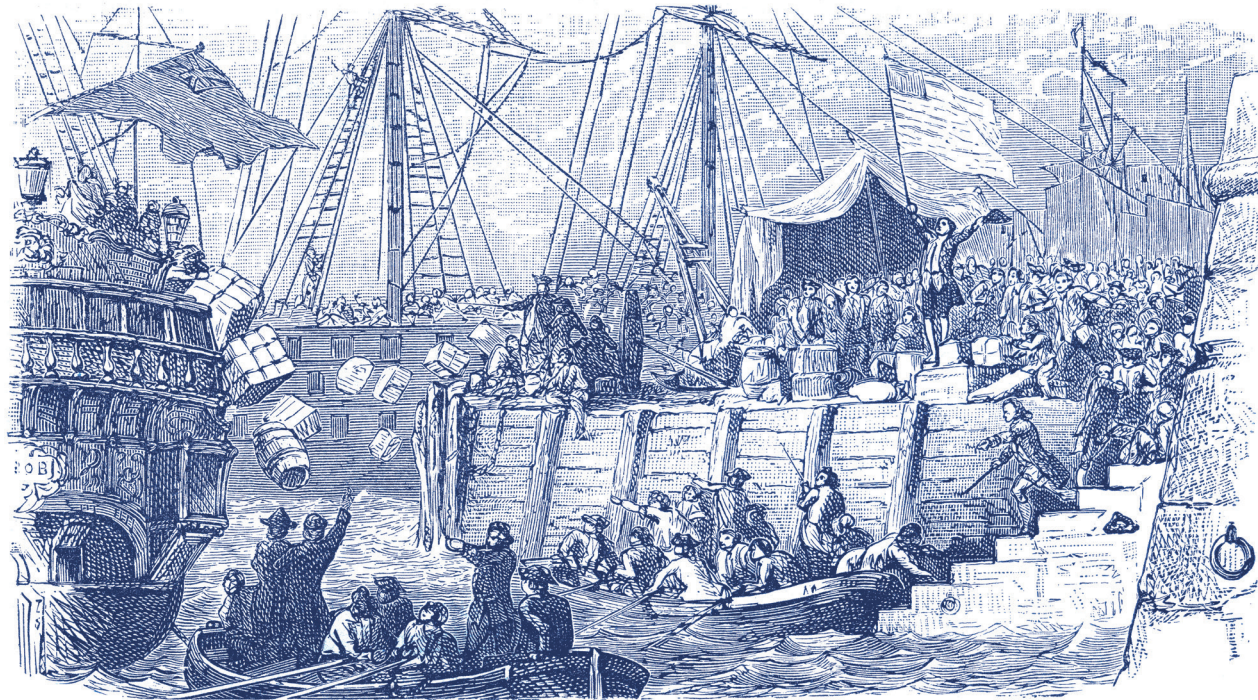
[T]he happiness of society is the end of government, as all divines and moral philosophers will agree that the happiness of the individual is the end of man.... All sober inquirers after truth, ancient and modern, pagan and Christian, have declared that the happiness of man, as well as his dignity, consists in virtue.<sup>15</sup>

The pursuit of happiness, or happiness as the measure of a free country, was well known inside the colonies and was frequently a subject of revolutionary pamphlets. It requires the proper establishment of civil society that secures, protects, and defines how it will guard the unalienable rights men have by nature and bring into government. It crucially involves property rights, as John Locke had recognized, but encompasses more than this, entailing

the ability to pursue the good unmolested by arbitrary government.

Minister and revolutionary Daniel Shute implored his flock in 1768, “Civil government among mankind is not a resignation of their natural privileges, but that method of securing them; to which they are morally obliged as conducive to their happiness.” Mason’s Virginia Bill of Rights, which Jefferson had in hand while drafting the Declaration, defined “inherent rights” as “the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.” The state was made to serve citizens and further man’s social capacity to engage in commerce and build relationships and associations with others. The government itself could become corrupt and had to be designed to prevent this from occurring. Civil society could then be happy when private and public acts of violence were restrained. Here, then, is American happiness.





# Grievances

The Declaration argues that government is created by the consent of citizens who are equal in their rights, and the protection of these rights fundamentally limits that government. The grievances prosecute the case against the King's repeated violations of the colonists' long-standing rights under English law. The closing two sentences of the second paragraph link the self-evident truths of the Declaration to the list of grievances against the King by asserting "The History of the Present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these states. To prove this, let Facts be submitted to a candid World." The Americans announce that the history of the King's acts is despotic and that he aims to

reign tyrannically over the states. This is more than injustice or abuse of power; it is absolute despotism, and the bill of grievances will prove it.<sup>16</sup>

Although the grievances have fallen into obscurity, they are "the reason the Declaration was written and promulgated—to justify the severing of the political bands with Britain..." Historian Pauline Maier has illuminated this section of the document because it demonstrates what the Americans believed were the ethical limits of power and presented their brief to the world as justification for separating from Great Britain.<sup>17</sup>

The grievances are all listed in support of a single proposition: That the "history of the present King of Great Britain is a history of repeated injuries

and usurpations, all having in direct object the establishment of an absolute Tyranny over these States." Absolutism, the Founders would have said, has an opposite: The rule of law that is made by the wisdom of the whole community. The rulers of Great Britain, they saw, purposed to rule the colonists without the benefit of law, by their own will alone.

The Second Continental Congress, which approved the Declaration of Independence, listed 28 grievances as a matter of common law argument that these allegations were backed by substantial proof. Most of the grievances (24 of the 28) were derived from the newly formed state constitutions. New Hampshire's Constitution contains five of the charges in the Declaration, and South Carolina's and Virginia's each list 19. Jefferson did not have to look far to find the necessary material for these charges.

These general abuses and usurpations, committed at different times against one or more states, do not immediately establish tyranny. The tyranny and the outrage against the King's actions come from "a hidden premise": The English constitutional tradition, which the Americans claimed as their rightful heritage. These abuses were of such significance that nearly every grievance in the Declaration is addressed and prevented by a specific provision in the Constitution and Bill of Rights. The grievances add political substance to the abstract formulations that compose the self-evident truths; while they do not add to the ontological reality of natural rights, without them, it is hard to understand how natural rights alone would justify a revolution. The upshot is that the grievances prevent arbitrary recourse to destructive rebellions because they specifically answer the question of why the British government should be thrown off and do so by tethering natural rights to ancient common law rights.<sup>18</sup>

The revolution remained justifiable precisely because the natural rights claims were joined to the English tradition's common law rights and liberties. The self-evident truths of the Declaration, Professor James Stoner argues, by themselves never gave effect to a wide-ranging social and cultural revolution:

The Declaration justifies a political revolution, to be sure, but the constitutional dispute with England gave our revolution its distinctive form and contributed to its success. That revolution was not without its lawless moments, but on the whole its spirit was to reinvigorate old forms of self-governance and to reinforce protection for property and social order. Its self-evident first principles were soon to challenge some of these forms—restrictions on the suffrage, for example, and in some of the states, slavery, itself unknown at common law—but it is no more an accident that these challenges were approached in a spirit of constitutional compromise than that the revolution culminated in a Constitution. There, after all, in the middle division of the middle part of the Declaration, is mention of an unwritten "Constitution" which the Americans already assert to be their own.<sup>19</sup>

While a detailed investigation of each grievance would go far beyond the limits of this brief study, the "repeated Injuries and Usurpations" that led to "the Establishment of an absolute Tyranny" can be grouped into three categories: "Injuries," which are acts by the King that were not inherently unjust but were performed in an abusive manner (I–XIII); "Usurpations," which are powers that were exercised but not sanctioned by anything in the English constitution (XIV–XXII); and malicious acts whose aim was "absolute Tyranny" (XXIII–XXVII). Finally, grievance XXVIII summarizes these charges and brings to a crescendo the overall purpose of the Declaration: "A Prince, whose



## ABUSES/CONSTITUTIONAL VIOLATIONS

**He has refused** his Assent to Laws, the most wholesome and necessary for the public good.

**He has forbidden** his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

**He has refused** to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

**He has called** together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

**He has dissolved** Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

**He has refused** for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

**He has endeavoured** to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

**He has obstructed** the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

**He has made** Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

**He has erected** a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

**He has kept** among us, in times of peace, Standing Armies without the Consent of our legislatures.

**He has affected** to render the Military independent of and superior to the Civil power.

**He has combined** with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

## USURPATIONS

**For Quartering** large bodies of armed troops among us:

**For protecting** them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

**For cutting** off our Trade with all parts of the world:

**For imposing** Taxes on us without our Consent:

**For depriving** us in many cases, of the benefits of Trial by Jury:

**For transporting** us beyond Seas to be tried for pretended offences:

**For abolishing** the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

**For taking** away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

**For suspending** our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

## ACTS OF WAR

**He has abdicated** Government here, by declaring us out of his Protection and waging War against us.

**He has plundered** our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

**He is at this time transporting** large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

**He has constrained** our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

**He has excited** domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

*In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.*

GRIEVANCES

GRIEVANCES

Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.” The Americans, they said, had offered at every point to remain a deliberative people “who Petitioned for Redress in the most humble Terms” only to be answered by further “Injury.” When read in this manner, the grievances move toward a necessary conclusion.

The first seven items bear upon the King’s relationship to legislative power: Specifically, the legislatures of the colonies. Attacking legislatures prevents a sovereign people from being a self-governing people. This was the King’s chief misdeed.

The next two items deal with the King’s relationship to the judiciary. The monarch has not permitted the judicial protection of the people and has abolished the independence of the judiciary. “He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers” and “has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.” The Declaration stated the King wanted to bend the judicial power to his will. These are the actions of an aspiring tyrant.

Next come problems of administration and defense, key parts of a monarch’s office, but those portray a “Design” of subjugation of the colonies. The list is short but telling: (1) “He has erected a multitude of New Offices, and sent hither swarms of Officers to Harass our people, and eat out their substance.” (2) “He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.” (3) “He has affected to render the Military Independent of and superior to the Civil Power.” The executive aims to despoil the people with “swarms of Officers” and has placed the military over civil government. We were now in wartime, but it was still peacetime when those

actions began. The King now exercised his powers in destructive ways.

Next, the Declaration lists nine usurpations by the King in league “with others.” Parliament had been complicit in the King’s violation of the “constitution” that governed relations between the colonies and the Empire: “He has combined with others [Parliament] to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation.” Nine specific instances of Parliament’s “pretended Legislation” are detailed, with the final charge being a direct hit on the heart of the American colonies’ self-government: “pretended Legislation” aimed at “suspending our own Legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever.”

The final section of the indictments refocuses on the King and the war stance of his actions. He had removed his protection from the colonies and reinaugurated a state of nature between them and himself by waging war against the colonies. His conduct included “transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny,” “exciting domestic insurrections amongst us,” and enlisting Indian tribes to wage war against “all ages, sexes, and conditions.” He also made citizens captured at sea fight against their country and brethren. Who sows such discord among citizens and turns them against one another? Tyrants do.

After carefully considering these grievances, the Declaration might be restated as follows: There are principles of politics that are worthy of free and virtuous people, and they have been violated. Here are the actions of the King, which evidence a settled design of despotic ambition, and the colonists, out of a sense of right and duty, determine they will not bow down to it but will instead declare their independence as a people.

## The Confident Mind of the Declaration



There is confidence in the Declaration of Independence and the arguments made by the patriots in the years leading up to 1776. Leading loyalists or new Whigs warned of dreadful consequences that would follow any resistance to Britain. This was premised not only on the power of Britain to crush the colonists, but also on their view that law and government were the sole source of order in society. Take that away, and night would fill the void. But the classic Whig synthesis that inspired our Founders, which found within history, philosophy, and law the record of liberties articulated and at times achieved in the British and Western constitutional tradition, also discovered in natural law a foundation for liberty that the government did not create but must support with its laws. Just as significant, natural

law reasoning provided clear bounds to power, making it clear when the government overstepped its authority.

Jefferson’s response to the question of the originality of the Declaration of Independence frames its essence:

Neither aiming at originality of principle or sentiment, nor yet copied from any particular or previous writing, it was intended to be an expression of the American mind.... All its authority rests then on the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc.<sup>20</sup>

## ARISTOTLE

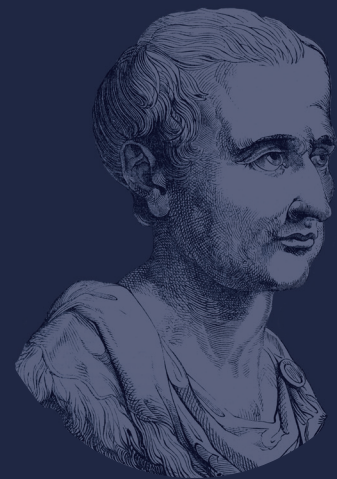
(384–322 BC)

An ancient Greek philosopher who wrote influential works in a range of disciplines—politics, physics, ethics, economics—that had a striking influence on Western thought.



## MARCUS TULLIUS CICERO (106–43 BC)

A Roman lawyer and statesman who resisted the rise of dictatorship in the late Republic.



## ALGERNON SIDNEY

(1622–1683)

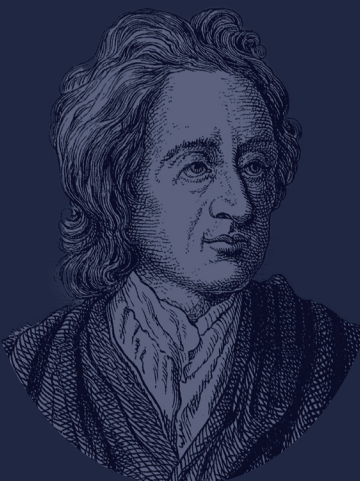
A foundational English republican political theorist.



## JOHN LOCKE

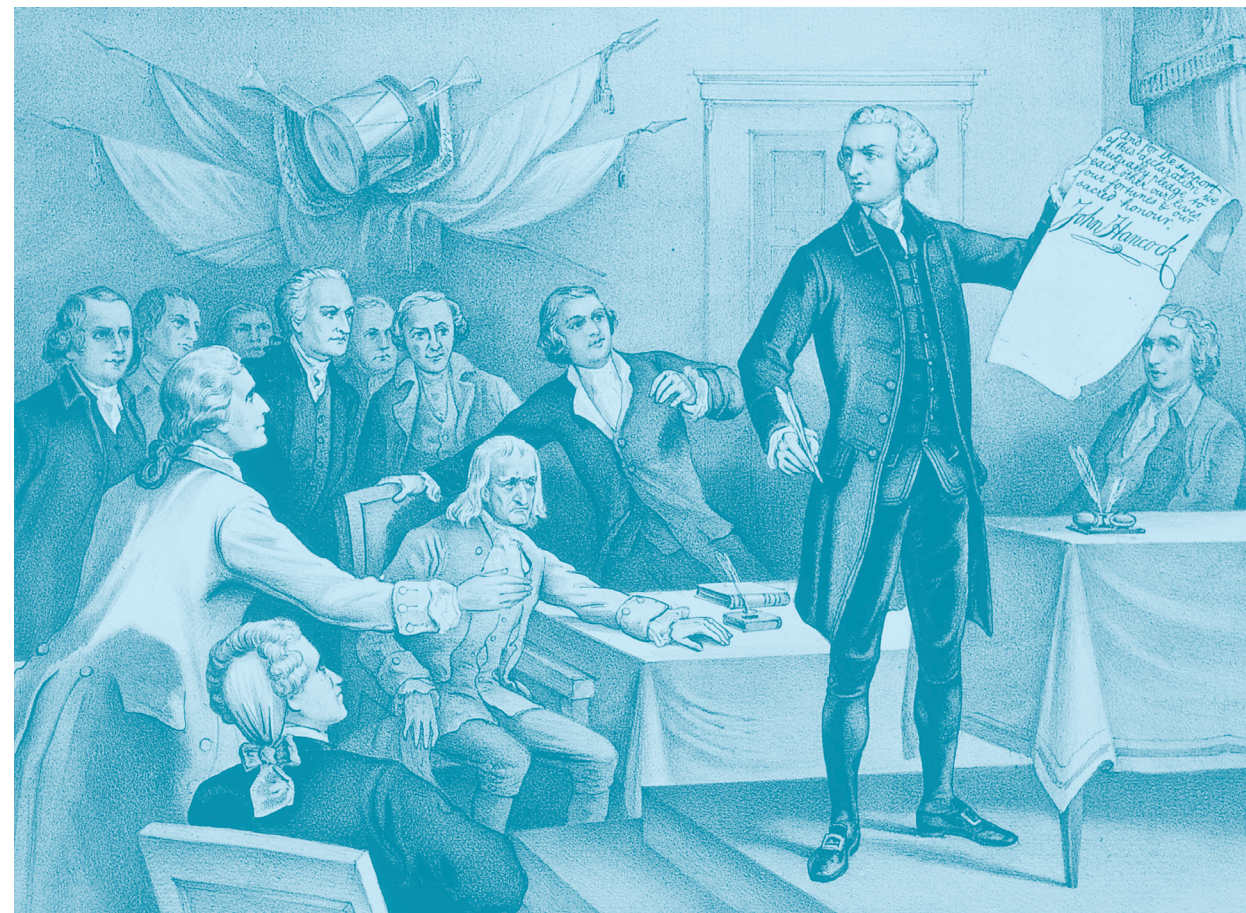
(1632–1704)

An English philosopher of the Enlightenment and the founder of classical liberalism. In *Two Treatises of Government* Locke rejects the divine right of kings, affirms the idea of natural rights, and argues for limited constitutional government.



Such confidence was heavily influenced by the early Enlightenment theorist John Locke, who gave the Founders the ideas and language of political and economic freedom, the protection of which rested in republican and limited government among a citizenry of equals. Locke articulated a natural social and economic order that vindicated for Jefferson and many other colonists the individual exercise of rights and reinforced conceptions of liberty separating a private order of voluntary arrangements from a public order of government that prevented force and fraud. This conception of liberty that issues from the inherent sociability of man forms the basis for a free economy and limited government as expressed in Locke's monumental *Second Treatise of Government* (1690). The similarities in language between Locke's appeal to the natural social order and the Declaration's preamble are unmistakable. Locke did not invent this conception of rights and liberties, but he did contribute mightily to its ongoing development and expression.

Other scholars find a civic communitarianism in colonial revolutionary rhetoric that upheld public virtue, reflecting ancient sources in Athens and Rome that discoursed on political power's inherent capacity to corrupt human beings. Statesmen must possess civic virtue, but such virtue alone was not enough to prevent corruption: The composition of the government was the crucial ingredient. The solution was balanced government, separating the offices of government (executive, legislative, judicial) from one another. This civic republicanism reviewed



history to discover examples of a well-ordered society displayed in government where power did not flow untrammelled from an elite to govern the masses. The different elements of the political order had some measure of representation and the ability to check power. Part of this tradition is evident in Jefferson's correspondence with his references to Aristotle and Cicero as part of the harmonizing elements of the "American mind." To them, add Polybius and Tacitus, along with the high Renaissance tradition, to the Founders' historical tableau, who concluded that limited, balanced government presented the best opportunity for public virtue to emerge.

Other scholars list appeals in revolutionary pamphlets and sermons to biblical authorities for the confidence to challenge Britain.<sup>21</sup> Americans cited biblical authorities during the revolutionary period far more than they cited Locke, Montesquieu, and Sir William Blackstone, the

most frequently cited liberal and legal theorists. They took inspiration from Moses, as the early Americans also desired to lead themselves out of tyranny and into the promised land. From Samuel, they learned Godly leadership and its blessings. These biblical authorities revealed to them a divine ground for liberty, a journey to freedom, resistance to tyrants, and the duties of citizenship and government authority.<sup>22</sup>

English legal practice relied on the covenant tradition, which the colonists brought to North America. The "covenanting" tradition in the Mayflower Compact (1620), among many other early framing documents in North America, joins God's authority and His guarantees to any contract or association that is established. The compact tradition replaced much of the covenant tradition in the colonies and became the dominant form adopted in the new state constitutions of 1776. Here the people organize themselves, create a

government, set forth their basic values, and describe the institutions for decision-making, but they do so without an explicit appeal to God as the guarantor and judge of their efforts. The Declaration of Independence accomplished many of the objectives of a compact, with the Articles of Confederation and, later, the Constitution forming the government that would make political choices.

The Declaration contains four references to divinity. “The Laws of Nature and of Nature’s God” provide the “equal station” of the “thirteen united States of America,” enabling them to resist tyranny and build a free political existence. Their “unalienable Rights” are endowed by their Creator. In the final paragraph, they appeal to the “Supreme Judge of the world” to judge the “rectitude of our intentions” and state their “firm reliance on the protection of divine Providence” as they “pledge to each other our Lives, our Fortunes, and our Sacred Honor.” The Declaration, therefore, exists somewhere between a compact and a covenant, reflecting the wisdom of deeply religious people who also drafted a document that purely secular citizens could comprehend and adopt as a compact.

The Scottish Enlightenment’s “moral sense” was formulated by 18th century Scottish thinkers and provided a crucial ingredient to the American mind. Jefferson recommended the work of Lord Kames—one of that tradition’s leading thinkers—in correspondence in 1771.<sup>23</sup> Individuals, Kames taught, knew right from wrong and could exercise justice in their social and commercial relationships. This moral sense was like the other senses. Every person possesses it, and it gets stronger with use but darkened by error and disordered acts. Thus, the moral sense argument meant individuals could know right from wrong. It reinforced the Lockean teaching that in the state of nature, individuals were not wolves devouring one another; they were capable of trading and peaceably associating with each other. Admittedly, there were some exceptions, but in general, establishing a government bound by law could enable the moral

sense to guide citizens in their relations and lead to their greater flourishing.

Another historical tradition that influenced the colonists was the full record of common law liberty that had shaped Britain and which they had brought to their colonies and adapted. England’s legal and constitutional history reflected competing powers, and its judges ingeniously blended these traditions. This law emerged to manage the complexity of English society—its towns, cities, landowners, and merchants—and became the English common law.

The establishment of a largely independent legal system was crucial to those who opposed absolute monarchical power. Unlike the Tories, who were the party of the British monarchy and supported its absolutist pretensions, the colonists looked to custom, precedent, and the evolution of institutions not to validate the King and royal prerogative, but to understand how power had been limited and to inform the means for limiting it now. The common law judge claimed to discover, not make, law by reviewing precedent and referring “to practices and rights of immemorial origin, expressed through the ages by the practices of the whole kingdom, rather than to the power of the monarchical decree.”<sup>24</sup> “[T]he liberty, the unalienable, indefeasible rights of men,” wrote John Adams in a letter to the Boston Gazette in 1763, “the honor and dignity of human nature... and the universal happiness of individuals, [were] never so skilfully and successfully consulted, as in that most excellent monument of human art, the *common law of England*.”<sup>25</sup> Now this balance was being undone by Parliament, which was behaving in an absolute manner, providing yet another reason for the colonists to oppose British designs on their liberty.<sup>26</sup>

History and the common law, however, were not enough to make the argument for separation from Britain because they were not ultimately the source of the people’s rights. The final source that explains the Americans’ confidence is the



natural and divine order that was the ultimate source of natural rights. This order set bounds on government and could define transgressions of power when they were committed. These rights did not come from written law or custom; they came from nature and were held inalienably by all people.

Natural law has a pedigree stretching back to Plato and Aristotle, the Stoics, and the Scholastics. Natural law and natural rights discourse had long been part of colonial opposition to Britain and the assertions of parliamentary supremacy over the colonists. In 1763, leading colonial attorney James Otis proclaimed that “[t]here can be no prescription old enough to supersede the law of nature, and the grant of God Almighty, who has given to all men a natural right to be free.”<sup>27</sup> Otis further addressed the problem of parliamentary absolutism as a problem of authority and natural law:

To say the Parliament is absolute and arbitrary, is a contradiction. The parliament cannot make 2 and 2, 5; Omnipotency cannot do it.... Parliaments are in all cases to declare what is parliament that makes it so: There must be in every instance a higher authority, viz. GOD. Should an act of Parliament be against any of his natural laws, which are immutably true, their declaration would be contrary to eternal truth, equity and justice, and consequently void....<sup>28</sup>

In 1765, John Adams wrote “liberty must at all hazards be supported. We have a right to it, derived from our Maker.”<sup>29</sup> Further:

Let it be known, that British liberties are not the grants of princes or parliaments, but original rights...coequal with prerogative and coeval with government.—That many of our rights are inherent and essential, agreed on as maxims and establish’d as preliminaries, even before a parliament existed.<sup>30</sup>

In 1775, Alexander Hamilton wrote “[t]he sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sun beam, in the whole volume of human nature, by the hand of the Divinity itself; and can never be erased or obscured by mortal power.”<sup>31</sup>

*Considerations on the Nature and the Extent of the Legislative Authority of the British Parliament*, by James Wilson (one of six men who signed both the Declaration and the Constitution), impressed Jefferson greatly. The colonies, Wilson said, aim for “the enjoyment of those rights, to which we are entitled by the supreme and uncontrollable laws of nature.” He observed that “[a]ll men are, by nature, equal and free” and that “[a]ll lawful government



# The Declaration and the American Political Conversation

Professor Paul Seaton observes in his book *Public Philosophy and Patriotism* that the Declaration is an American epic poem that speaks to the depths of our political soul:

The Declaration makes clear that even revolutionary action can be warranted. But it also lays down strict criteria for such action. It thus cautions boldness to tether itself to principled, prudential reason, while challenging reason to entertain thoughts of both the worst and the boldest. Possible despotism is perhaps the greatest challenge for political reason. The Declaration wants us to get it right.<sup>33</sup>

A document of such magnitude and range contains immense potential to shape the public conversation in decisive ways, and the Declaration has performed that feat in American history. However, a word about slavery is in order.

Many note the Declaration was silent about slavery, a practice buttressed by public law in most of the colonies at the time the Declaration was approved. The Founders proclaimed liberty

and the equality of persons, some contend, but did not confront this practice, thereby permanently marring the Declaration. But did the Second Continental Congress possess the power to overturn slavery? What were its powers to intervene in the legal and economic affairs of each state? None. To have exercised power not legally held would have been a usurpation of authority, making their efforts on behalf of independence fruitless. The immediate objective was the independence of legally unconnected states which had come together for a common political purpose.

To have included aspirational language calling for an end to slavery would have been ill-suited to a document whose objective was to make the case for separation from Great Britain. Jefferson's reference to the slave trade, later stripped from the document, merely recited that the King had been responsible for forcing this practice on the colonies. However, as Professor Gordon Wood has observed, in the aftermath of the Revolution, the "appeal to liberty but with its idea of citizenship of equal individuals...made slavery in 1776 suddenly seem anomalous to large numbers of Americans."

is founded on the consent of those, who are subject to it: Such consent was given with a view to ensure and to increase the happiness of the governed..." This language sounds like that used in the Declaration. One paragraph from Wilson that Jefferson noted in his journal inquired, "Will it ensure and encrease the happiness of the American Colonies, that the parliament of Great-Britain should possess a supreme irresistible uncontrolled authority over them?" If so, he answered, the colonists "are, every moment, exposed to slavery." This mirrors the Declaration's phrasing of "absolute Despotism" and "absolute Tyranny."<sup>32</sup>

These citations from Revolution-era literature, which are mere samples of an incredibly rich discourse, underline how reason, nature, divinity, and law led Americans to conclude they were increasingly the targets of despotic action. This encapsulates how the Whig tradition synthesized history, philosophy, law, and religion to direct the appeal to "the Laws of Nature and of Nature's God" to bind government ("That to secure these Rights, Governments are instituted among Men") and defined the transgressions justifying revolution ("that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or abolish it").



Moreover, “[b]y 1804 all the Northern states had legally ended slavery, and by 1830 there were fewer than 3,000 black slaves remaining out of a Northern black population of over 125,000.”<sup>34</sup> Ending slavery and providing constitutional rights to freed slaves and their descendants was a complicated process, marked by moral failings and public wrongs.

The knowledge that we possess about slavery and race as it has coursed through the history of this republic was not possessed by the Founders. They, like us, did not know the future. Their view was slavery was on a course for “ultimate extinction,” in Lincoln’s words.<sup>35</sup> They were wrong on that front for economic and political reasons. We might approach slavery and the study of history, more generally, with prudence and humility. None of us knows the future, but we do have moral principles, virtues, and the good habits and practices they should form. These elements of intellect and heart allow us to shape the always unknowable and unwieldy future in a manner that accords with the dignity of the human person. We can confidently proclaim that the principles in the Declaration and the self-governing habits these principles formed enabled this country to overcome slavery.

Abraham Lincoln forever sanctified in our constitutional discourse the principles of the Declaration in his debates with Stephen Douglas in 1858 over the legal status of slavery and his prosecution of the Civil War. Lincoln’s fundamental contribution was to ensure the equality of the human person would become the guidepost of the American polity. Lincoln’s words and statecraft connect the Declaration to justice by appealing to it as unshakeable truth and lifting our country above its failings. Slavery was finished by the end of the Civil War, and the Declaration was the form and spirit of that monumental task.

Some years later, President Calvin Coolidge built on Lincoln’s foundation in his address honoring the 150th anniversary of the Declaration by

underscoring that its words on the equality of human persons were the final word. The country was built on unchanging moral principles. “Amid all the clash of conflicting interests,” Americans can stand on the bedrock of the Declaration and the Constitution. As Coolidge explained:

About the Declaration there is a finality that is exceedingly restful. It is often asserted that the world has made a great deal of progress since 1776, that we have had new thoughts and new experiences which have given us a great advance over the people of that day, and that we may therefore very well discard their conclusions for something more modern. But that reasoning cannot be applied to this great charter. If all men are created equal, that is final. If they are endowed with inalienable rights, that is final. If governments derive their just powers from the consent of the governed, that is final. No advance, no progress can be made beyond these propositions.<sup>36</sup>

Coolidge warned against progressive notions that truth is evolutionary and that the present generation’s ideas are superior to those of each generation that precedes it, including the Founding generation. Dispensing with the Declaration of Independence would be a degradation, not an advancement.

On August 28, 1963, Martin Luther King, Jr. delivered his famous “I Have a Dream” speech on the steps of the Lincoln Memorial. King argued that 1963 was “five score years” after Lincoln had signed the Emancipation Proclamation establishing that “all men are created equal.” This work, however, is not completed; the promise of the Declaration is yet unfulfilled. He intoned:

When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note



was a promise that all men, yes, black men as well as white men, would be guaranteed the “unalienable Rights” of “Life, Liberty, and the Pursuit of Happiness.”<sup>37</sup>

The American story did not end at the Founding, King reminded Americans dramatically and compellingly. Here are the words of the Declaration, King said, that demonstrate who we are as a people, and their meaning needed to unfold further in the middle of the 20th century.

King’s words are a permanent rebuke to *The 1619 Project: A New Origin Story*, originally a journalistic endeavor by *The New York Times*, that aims to replace 1776 with 1619, the date the first slaves were allegedly brought to America. The 1619 Project argues that the Founders fought the Revolution to protect slavery. Leading historians have unequivocally rejected their assertion.<sup>38</sup>

America’s Declaration and Constitution do not amount to a slave-owning republic, as the 1619 Project erroneously states. Those looking for such a republic need only read the Confederate States of America Constitution of 1865, in which the supposed right to own human beings was explicitly enumerated.<sup>39</sup>

The overall aim of this postmodern history project is to provide a new story of America’s Founding. According to The 1619 Project and adherents of Critical Race Theory, America is irrevocably and irredeemably racist; slavery is our political foundation and our continuing legacy. The only solution, they contend, is to cancel American history and constitutionalism and to replace them with a socialist racialism that will make everyone equal in outcome along racial lines. Such spurious claims must be repeatedly refuted with real history and ideas.

## Conclusion

The Declaration of Independence founded the United States on a revolutionary footing without further committing America to continuous revolution. The document stands on the equality of human persons in their nature as rational beings to abolish their ties to one government when it becomes a menace to their “Life, Liberty, and the pursuit of Happiness.” The Declaration was built on centuries of law, history, philosophy, and theology that inspired the Second Continental Congress in ratifying and promulgating the document. The Congress’s courage and wisdom are forever reflected in the Declaration of Independence, establishing America as a new people dedicated to liberty and law.

The ideas and arguments in the Declaration are not limited by time and circumstance; they remain true across each generation of Americans. They are our inheritance and a source of pride and living memory that must—and will—continue to guide us as we live our lives as citizens of this great country.

## Endnotes

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- 5 John Adams’ Letter to Charles Adams, February 24, 1794.
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- 11 Quotations from Dickinson’s Letters from a Farmer can be found in Jack P. Greene, ed., *Colonies to Nation 1763–1789: A Documentary History of the American Revolution* (New York: W.W. Norton and Co., 1975), p. 133. See also A Farmer [John Dickinson], *Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies* (Philadelphia, 1774), [https://ia801406.us.archive.org/9/items/DKC0004/DKC\\_0004.pdf](https://ia801406.us.archive.org/9/items/DKC0004/DKC_0004.pdf) (accessed October 4, 2024).
- 12 Greene, *Colonies to Nation 1763–1789*, p. 128.
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