

## Is Slavery the Founding's Fault?

There is another angle of attack on the American Founding that is proving to be potent. Unlike what we have dealt with so far, this version of the poison-pill thesis concerns the matter of slavery. No one in the United States any longer favors slavery, which was banned by the Thirteenth Amendment in 1865. Therefore, if the Founders can be tagged as supporters of this odious practice, ipso facto, they stand condemned. More than any other issue today, slavery is used to limn the American Founding as corrupt in its origins. The most often repeated charge, especially from the Left, is that the United States was rooted in racism from the beginning, actually even before the beginning. Just as Patrick Deneen and Michael Hanby represent the conservative Christian view of a fatally flawed Founding, *The New York Times Magazine's* 1619 Project, which has proven to be so popular, can serve as the general representative for the slavery critique. It claims that racism “runs in the very DNA of this country”.<sup>1</sup> Is this true? The 1619 date was chosen because that is when Dutch traders brought African slaves to Virginia to sell to the English colonists. This was supposedly “the beginning of American slavery”. Only it wasn't.

First of all, here's the missing context: for all recorded history there was slavery. Slavery was the *norm*, not the exception. For millennia, conquerors enslaved the conquered. The 1619 Project could more accurately have said that slavery was in the world's DNA, rather than ours. Remarkably, it says nothing about the slavery that the Native Americans were practicing for centuries well before the English arrived and for long afterward. Didn't those slaves count?

<sup>1</sup> Nikole Hannah-Jones, “The 1619 Project”, *New York Times Magazine*, August 14, 2019, 21, <https://www.nytimes.com/interactive/2019/08/14/magazine/1619-america-slavery.html>.

That consideration would not have suited its purpose of “refram[ing] American history” around imported African slaves.

Native Americans lived in tribes and, like almost all tribal peoples, as indicated at the beginning of chapter 2, regularly enslaved their defeated enemies. It is ironic that the Supreme Court recently decided (*McGirt v. Oklahoma*, July 9, 2020) to give the eastern part of Oklahoma back to the Native American tribes there. One objection to their doing so is the fact that those tribes sided with the Confederacy in the Civil War, because they had slaves in their tribal territories and wanted to keep them. Therefore, an argument against giving that part of Oklahoma back is that they gave up their sovereign rights by siding with Confederacy, which lost the war.

So, Native Americans, in general, saw no problem with slavery. It is unlikely they would have agreed with Abraham Lincoln when he said, “If slavery is not wrong, nothing is wrong.”<sup>2</sup> Like any prephilosophical people, they did not have the moral vocabulary with which to object to slavery (see pages 19–21). It had not occurred to them that “all men are created equal.”

## What Ended Slavery?

The existence of slavery is not the puzzle. The real puzzle is its elimination in the very nation in whose DNA it supposedly resided. *The New York Times* should have asked: How did *that* happen? After all, you are not supposed to be able to change your DNA. What ideas made the abolition of slavery possible, and from where did they come? As Princeton historian Sean Wilentz writes, “As a spiritual as well as political endeavor, it is one of the most, if not the most astonishing unfolding of the unforeseen in all of recorded human history.”<sup>3</sup> Historian of the American founding era Bernard Bailyn stated, “What is significant in the historical context of the time is not that

<sup>2</sup> Abraham Lincoln to Albert G. Hodges, Washington, D.C., April 4, 1864, in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler (New Brunswick, N.J.: Rutgers University Press, 1953), 7:281, <http://quod.lib.umich.edu/l/lincoln/>.

<sup>3</sup> Sean Wilentz, “American Slavery and ‘the Relentless Unforeseen’”, *New York Review*, November 19, 2019, <https://www.nybooks.com/daily/2019/11/19/american-slavery-and-the-relentless-unforeseen/>.

the liberty-loving Revolutionaries allowed slavery to survive, but that they—even those who profited directly from the institution—went so far in condemning it, confining it, and setting in motion the forces that would ultimately destroy it.”<sup>4</sup>

It should be duly noted that it was in Western civilization, and *only* in Western civilization, that moral objections to slavery arose—no matter how unfortunately long that took—because it alone had developed the moral compass by which it came to be seen as a great evil. (See pages 59–63 for Christian denunciations of slavery beginning in the fourth century.) Nothing comparable happened in any Islamic, African, or Asiatic civilization. The 1619 Project neglects to inform its readers that the Dutch traders who brought the African slaves to Virginia bought them from African tribes that had raided other African tribes to obtain them. Thomas Sowell states that “even at the peak of the Atlantic slave trade, Africans retained more slaves for themselves than they sent to the Western Hemisphere.”<sup>5</sup>

The Declaration of Independence provided the moral principle of human equality for the ultimate extirpation of slavery in the United States. With the background in the biblical revelation that man is made in the image and likeness of God, that principle was stated with the force of natural reason’s apprehension of the “Laws of Nature and Nature’s God”. The declaration that “all men are created equal” does not seem to bear out the DNA theory of racism at America’s origin, though there is no question that the Founding was contaminated by the gross injustice of slavery. Of course, it was only as this principle of equality suffused society and the political order that the elimination of the great evil of slavery became possible.

## Was the United States a Lie?

However, the organizer and lead essayist of The 1619 Project, journalist Nikole Hannah-Jones, writes, “Our founding ideals of liberty and equality were false when they were written.” She states that “the

<sup>4</sup>Bernard Bailyn, *Faces of Revolution* (New York: Vintage Books, 1992), 222.

<sup>5</sup>Thomas Sowell, *Black Rednecks and White Liberals* (New York: Encounter Books, 2005),

United States is a nation founded on both an ideal and a lie. Our Declaration of Independence . . . proclaims that 'all men are created equal' and 'endowed by their Creator with certain unalienable rights.' But the white men who drafted those words did not believe them to be true for the hundreds of thousands of black people in their midst."<sup>6</sup> The Declaration, according to her, meant equality *only* for white people.

The most impressive thing about this view is how much one would have to not know in order to hold it. It is singular in how much history it ignores. For instance, well before the Founding, in 1764 James Otis wrote, "The colonists are by the law of nature free born, as indeed all men are, white and black. . . . Does it follow that it is the right to enslave a man because he is black?"<sup>7</sup>

### The Founders on Slavery

One of "the white men" on the drafting committee of the Declaration of Independence who purportedly did not believe its words was Benjamin Franklin. He held that slavery was such "an atrocious debasement of human nature" that he formed a Society for Promoting the Abolition of Slavery and raised funds for the "relief of free negroes unlawfully held in bondage".<sup>8</sup> In 1790, Franklin sent a letter to Vice President John Adams transmitting a petition from the Society for the Abolition of Slavery, which also went to Congress. In it, he declared, "Mankind are all formed by the same Almighty being, alike objects of his Care, and equally designed for the Enjoyment of Happiness . . . and the Political Creed of America fully coincides with the Position." Therefore, he called for "the Restoration of liberty to those unhappy Men, who alone, in this land of Freedom, are degraded into perpetual Bondage." He advocated "for removing this Inconsistency from the Character of the American People". "The

<sup>6</sup>Hannah-Jones, "1619 Project", 16.

<sup>7</sup>James Otis, *The Rights of the British Colonies Asserted and Proved*, in *Pamphlets of the American Revolution 1750–1776*, ed. Bernard Bailyn (Boston: Belknap Press, 1965), 439–40.

<sup>8</sup>Benjamin Franklin, "An Address to the Public, from the Pennsylvania Society for Promoting the Abolition of Slavery, and the Relief of Free Negroes, Unlawfully Held in Bondage" (Philadelphia, November 9, 1789), <https://www.loc.gov/resource/rbpe.14701000/>.

blessings of liberty”, he said, “ought rightfully to be administered, without distinction of Colour.”<sup>9</sup>

John Adams, another of “the white men” on the drafting committee, considered slavery a “foul contagion in the human character”. He said, “Negro slavery is an evil of colossal magnitude.” He concluded, “Every measure of prudence, therefore, ought to be assumed for the eventual total extirpation of slavery from the United States. . . . I have, through my whole life, held the practice of slavery in . . . abhorrence.”<sup>10</sup>

Likewise, drafting committee member Roger Sherman said in his address to the Constitutional Convention that “the abolition of slavery seemed to be going on in the United States and that the good sense of the several states would probably by degrees complete it.”<sup>11</sup>

Committee member Robert R. Livingston, when he served as a member of New York’s Council of Revision in 1785, helped to veto a bill passed by the state legislature that prohibited blacks from voting and holding office. He insisted that freed slaves could not “be deprived of those essential rights without shocking the principle of equal liberty” fundamental to the New York Constitution. He declared, “Rendering power permanent and hereditary in the hands of persons who deduce their origins from white ancestors only” would lead to a “malignant . . . aristocracy”.<sup>12</sup>

No doubt Hannah-Jones would consider the principal villain in her critique the very author of the words “all men are created equal.” She states that “neither Jefferson nor most of the founders intended to abolish slavery.”<sup>13</sup> Yet, even though he was a slaveholder, Thomas Jefferson, like *all* the major Founding figures, considered slavery evil. In 1774, in *A Summary View of the Rights of British America*, Jefferson made clear that the ultimate goal was slavery’s abolition. In his condemnation of George III for vetoing legislation, he wrote:

<sup>9</sup> Benjamin Franklin to John Adams, Philadelphia, February 9, 1790, <https://catalog.archives.gov/id/306388>.

<sup>10</sup> *Selected Writings of John and John Quincy Adams*, ed. Adrienne Koch (New York: Knopf, 1946), 209–10.

<sup>11</sup> James Madison, *Debates in the Federal Convention*, 1787, [https://college.cengage.com/history/ayers\\_primary\\_sources/debates\\_federal\\_convention.htm](https://college.cengage.com/history/ayers_primary_sources/debates_federal_convention.htm).

<sup>12</sup> Quoted in George Dangerfield, *Chancellor Robert Livingston of New York, 1746–1813* (New York: Harcourt and Brace, 1960), 451n.

<sup>13</sup> Hannah-Jones, “1619 Project”, 18.

The abolition of domestic slavery is the great object of desire of those colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have hitherto been defeated by his majesty's negative: Thus preferring the immediate advantage of a few [British] corsairs to the lasting interests of the American states, and to the rights of human nature, deeply wounded by this infamous practice.<sup>14</sup>

Hannah-Jones neglects to say, or simply does not know, that in 1779 Jefferson proposed a law for gradual emancipation in Virginia. In addition, in Congress in 1784, "he proposed the law, which came within one vote of adoption, that would have banned slavery from the entire Western territory of the United States."<sup>15</sup>

In Jefferson's original draft of the Declaration, he had written that George III "has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him", which was a condemnation of Great Britain's participation in and perpetuation of the slave trade. According to Jefferson, this sentence was removed at the insistence of South Carolina and Georgia. Ironically, in earlier colonial times, Georgia had been overruled in London when it tried to ban slavery.

In regard to American slavery, Thomas Jefferson wrote, "Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever. . . . The Almighty has no attribute which can take side with us in such a contest. . . . The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other."<sup>16</sup> In 1807, President Jefferson applauded the approaching congressional measure to forbid the foreign slave trade "to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so

<sup>14</sup>Thomas Jefferson, *A Summary View of the Rights of British America* (New York: Digital History, 2019), [https://www.digitalhistory.uh.edu/disp\\_textbook.cfm?smtID=3&xpsid=113](https://www.digitalhistory.uh.edu/disp_textbook.cfm?smtID=3&xpsid=113).

<sup>15</sup>Thomas G. West, *Vindicating the Founders* (Lanham, Md.: Rowman and Littlefield Publishers, 1997), 3.

<sup>16</sup>Thomas Jefferson, *Notes on the State of Virginia* (New York: W. W. Norton, 1972), 163.

long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country have long been eager to proscribe".<sup>17</sup>

In his *Autobiography*, he wrote, "Nothing is more certainly written in the book of fate than that these people are to be free."<sup>18</sup> How would that happen? Jefferson was not sure. Like many others, he presumed that slavery would peacefully die out over the course of time. He said, "We must be contented to hope they will force their way into every one's mind. I think a change already perceptible, since the origin of the present revolution. The spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of heaven, for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation."<sup>19</sup> Jefferson freed two slaves during his lifetime, allowed three others to leave Monticello with his tacit consent, and manumitted five more in his will. Why not more? Robert F. Turner explains that "the reason Jefferson did not free but five of his own slaves in his will is simple: Under Virginia law at the time, slaves were considered 'property,' and they were expressly subject to the claims of creditors. Jefferson died deeply in debt."<sup>20</sup> In fact, Jefferson took on a sizable debt that came with his inherited estates and accrued more debt when he cosigned a large loan for a friend who subsequently defaulted. Jefferson's debts were not entirely paid off until three years after the death of his grandson and executor, Thomas Jefferson Randolph, in 1875. This is not to gainsay the fact that Jefferson practiced slavery and benefitted from it. Nonetheless, in 1823, he wrote that slavery was "a hideous blot" and that he was "happy in believing that the conviction of the necessity of removing this evil gains ground with time".<sup>21</sup>

<sup>17</sup> Thomas Jefferson, Sixth Annual Message to Congress (Washington, D.C., December 2, 1806), [https://avalon.law.yale.edu/19th\\_century/jeffmes6.asp](https://avalon.law.yale.edu/19th_century/jeffmes6.asp).

<sup>18</sup> Thomas Jefferson, *Autobiography* (1829), <https://founders.archives.gov/documents/Jefferson/98-01-02-1756>.

<sup>19</sup> Thomas Jefferson, *Notes on the State of Virginia*, Query XVIII (New York: W. W. Norton and Company, 1972), 163.

<sup>20</sup> Robert F. Turner, "Jefferson and the Freeing of Slaves", *Wall Street Journal*, November 23, 2012.

<sup>21</sup> Thomas Jefferson to William Short, Monticello, September 8, 1823, <https://founders.archives.gov/documents/Jefferson/98-01-02-3750>.

Unfortunately, this was not to be so. The invention of the cotton gin by Eli Whitney made much larger cotton plantings profitable for Southern growers, who concomitantly increased their number of slaves. In half the nation, self-interest was overcoming principle.

Another man who desired to free his slaves, and did so in his will, was George Washington. He shared Jefferson's view, or hope, that slavery would eventually be abolished. In 1786, he wrote, "I can only say that there is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of [slavery]; but there is only one proper and effectual mode by which it can be accomplished, and that is by Legislative authority; and this, as far as my suffrage will go, shall never be wanting."<sup>22</sup>

At the Constitutional Convention, Gouverneur Morris inveighed against slavery and the attempts of slave states to count their slaves to gain a larger congressional representation: "Upon what principle is it that the slaves shall be computed in the representation? Are they men? Then make them Citizens and let them vote." He sarcastically asked, "Are they property?", and then answered, "Why then is no other property included?" He excoriated slavery as being "in defiance of the most sacred laws of humanity", which "damns them to the most cruel bondages".<sup>23</sup> In 1787, James Madison told the Convention: "We have seen the mere distinction of colour made in the most enlightened period of time, a ground of the most oppressive dominion ever exercised by man over man."<sup>24</sup>

John Randolph of Roanoke, a Virginia planter who spent three decades in Congress, was avidly against abolition but at the same time opposed the spread of slavery in the Missouri Compromise. A will drawn up in 1819 revealed his convictions: "I give my slaves their freedom, to which my conscience tells me they are justly entitled. It has long been a matter of the deepest regret to me, that the circumstances under which I inherited them, and the obstacles thrown in the way by the laws of the land, have prevented my manumitting them in my lifetime, which is my full intention to do so, in case I can

<sup>22</sup> *George Washington, A Collection*, ed. W. B. Allen (Indianapolis: Liberty Classics, 1989), 319.

<sup>23</sup> *The Records of the Federal Convention of 1787*, ed. Max Farrand (New Haven: Yale University Press, 1937), 1:135, [https://avalon.law.yale.edu/18th\\_century/debates\\_808.asp](https://avalon.law.yale.edu/18th_century/debates_808.asp).

<sup>24</sup> *Ibid.*



accomplish it.”<sup>25</sup> Another Virginia slave owner, George Mason, who drafted the Virginia Declaration of Rights in 1776, said that slavery “bring[s] the judgment of heaven on a Country”.<sup>26</sup> Alexander Hamilton objected that “the contempt we have been taught to entertain for the blacks, makes us fancy many things that are founded neither in reason nor experience.”<sup>27</sup> In 1785, he became one of the co-founders of the New York Manumission Society. Contrary to Hannah-Jones’ accusation of hypocrisy, John Quincy Adams declared:

The inconsistency of the institution of domestic slavery with the principles of the Declaration of Independence was seen and lamented by all the Southern patriots of the Revolution; by no one with deeper and more unalterable conviction than by the author of the Declaration himself. No charge of insincerity or hypocrisy can be fairly laid to their charge. Never from their lips was heard one syllable of attempt to justify the institution of slavery. They universally considered it as a reproach fastened upon them by the unnatural step-mother country, and they saw that before the principles of the Declaration of Independence slavery, in common with every mode of oppression, was destined sooner or later to be banished from the earth.<sup>28</sup>

Curiously, Senator Stephen Douglas, in his debates with Abraham Lincoln, took the same position on the Founding as does the 1619 Project. He said, “The signers of the Declaration of Independence never dreamed of the Negro when they were writing that document. They referred to white men, to men of European birth and European descent, when they declared the equality of all men. . . . When you say that the Declaration of Independence includes the Negro, you charge the signers of it with hypocrisy.”<sup>29</sup>

<sup>25</sup>Lemuel Sawyer, *A Biography of John Randolph, of Roanoke: With a Selection from His Speeches* (New York: Burgess, Stringer and Company, 1844), 108.

<sup>26</sup>Richard Brookhiser, *Founding Father* (New York: Free Press Paperbacks, 1997), 184.

<sup>27</sup>Alexander Hamilton to John Jay, Middlebrook, N.J., March 14, 1779, <https://founders.archives.gov/documents/Hamilton/01-02-02-0051#:~:text=The%20contempt%20we%20have%20been,of%20a%20scheme%20which%20requires>

<sup>28</sup>John Quincy Adams, “An Oration Delivered before the Inhabitants of the Town of Newburyport”, Newburyport, Mass., July 4, 1837 (Newburyport: Charles Whipple, 1837), 50.

<sup>29</sup>*The Lincoln-Douglas Debates*, eds. Rodney O. Davies and Douglas L. Wilson (Champaign, Ill.: University of Illinois Press, 2014), 184.

In a rebuttal that could serve as a rebuke to Hannah-Jones, Lincoln said that “from the date of the Declaration of Independence to within three years ago”, the record “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 (Jefferson) ever said so, that Washington ever said so, that any president ever said so, that any member of Congress ever said so . . . until the necessities of the present policy of the Democratic party, in regard to slavery, had to invent that affirmation.”<sup>30</sup>

### The 1619 Project Fails Again

One of the most persuasive witnesses giving the lie to the claims of the 1619 Project is none other than Confederate Vice President Alexander H. Stephens. In 1861, he accurately recounted, “The prevailing ideas entertained by him [Jefferson] 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.”<sup>31</sup> Stephens then added that the Founders’ ideas were “fundamentally wrong” because “they rested upon the assumption of the equality of the races.”

It is more than odd that Hannah-Jones and the 1619 Project not only reject the words of the Founders themselves but also ignore Stephens’ description of them, and instead assign to the leading Founders Stephens’ Confederate view that “the negro is not equal to the white man; that slavery subordination to the superior race is his natural and normal condition.” If the Founders had agreed with Stephens’ race theory, there would have been no need for the Confederate secession.

If the claims of the 1619 Project were true, why, for instance, in the decade between the Declaration and the Constitution, did

<sup>30</sup> *Political Debates between Hon. Abraham Lincoln and Hon. Stephen A. Douglas* (Columbus, Ohio: Follett, Foster and Co., 1860), 178.

<sup>31</sup> Quoted in W. E. B. Du Bois, *Black Reconstruction in America 1860–1880* (New York: Free Press, 1998), 49.

every state north of the Mason-Dixon Line, and north of the Ohio River, abolish slavery or pass measures leading to its abolition by 1804? And why did the Northwest Ordinance, passed by Congress in 1787, forbid slavery in the huge territory that would later comprise five Midwestern states (Ohio, Indiana, Michigan, Illinois, and Wisconsin)? Also, in 1780 “the Pennsylvania assembly approved the first legislatively enacted emancipation law in modern history.”<sup>32</sup> How did that happen?

Matthew Spalding provides a further litany of changes that would be hard to explain:

In 1774, Rhode Island had already passed legislation providing that all slaves imported thereafter should be freed. In 1776, Delaware prohibited the slave trade and removed restraints on emancipation, as did Virginia in 1778. In 1779, Pennsylvania passed legislation providing for gradual emancipation, as did New Hampshire, Rhode Island, and Connecticut in the early 1780s, and New York and New Jersey in 1799 and 1804. By the time of the U.S. Constitution, every state (except Georgia) had at least proscribed or suspended the importation of slaves.<sup>33</sup>

Additionally, in 1783 the Supreme Judicial Court of Massachusetts, utilizing the “Declaration of Rights” from the recently ratified state Constitution, declared that its proclamation that “all men are born free and equal” necessitated an end to slavery in that state.

Further complications arise for the 1619 Project with the following queries: Why did the U.S. Constitution contain a provision for allowing the passage of a law in 1808 to forbid the foreign slave trade, which Congress then passed at that time? It is true that the twenty-year delay in enacting such a law was a concession to the slave states; however in the interim, by 1798, every state outlawed the importation of slaves, with only South Carolina reneging in 1803. In 1820, Congress made it a capital crime.

Nonetheless, despite the abundant evidence, Hannah-Jones makes the extraordinary claim that “one of the primary reasons the colonists

<sup>32</sup> Wilentz, “American Slavery”.

<sup>33</sup> Matthew Spalding, “How to Understand Slavery and the American Founding”, Heritage Foundation, August 26, 2002, <https://www.heritage.org/american-founders/report/how-understand-slavery-and-the-american-founding>.

decided to declare their independence from Britain was because they wanted to protect the institution of slavery.”<sup>34</sup> How could it be otherwise from her point of view? Only it wasn't. Professor Wilentz responded that “this portion of the 1619 Project is simply untrue.” He explained, “Had the Americans not won their independence in 1783, it is almost inconceivable that the British government would have ended slavery in any of its colonies thereafter.”<sup>35</sup> Indeed, the British Empire was the lead slave trader in the world, and many of its colonies in the Western Hemisphere relied on slavery for their economic output and well-being. Legal scholar Paul Finkelman relates that “the British government gave special protection to the Royal African Company, which brought more slaves to the American colonies than any other single entity. Investors in the Royal African Company reached the highest echelons of British society, and included members of the Royal family.”<sup>36</sup>

Historians Oscar Barck Jr. and Hugh Lefler observed, “Some colonies, notably Georgia, Maryland, Massachusetts, Pennsylvania, South Carolina, and Virginia . . . attempted to curb the admission of Negroes, usually by placing import taxes upon them. In each instance, however, the British government disallowed the measures, for it regarded slavery as both a direct and indirect source of imperial wealth and tried to encourage the traffic.”<sup>37</sup> In 1769, Virginia raised taxes on the importation of slaves, but the Crown overruled it. In 1772, Virginia passed another law with a prohibitively high tax on the slave trade. The legislators appealed to the king that “[t]he importation of slaves into the colonies from the coast of Africa, hath long been considered as a trade of great inhumanity” and asked him to “remove all those restraints on your majesty's governors of this colony, which inhibit their assenting to such laws as might check so very pernicious a commerce.”<sup>38</sup> Once again, the British government overrode the law. As referred to earlier, Thomas Jefferson complained in 1774 of the Crown's interference in the colonies' efforts to end the transatlantic

<sup>34</sup>Hannah-Jones, “1619 Project”, 16.

<sup>35</sup>Wilentz, “American Slavery”.

<sup>36</sup>Paul Finkelman, “The American Suppression of the African Slave Trade”, *Akron Law Review*, January 1, 2009, 434.

<sup>37</sup>Oscar Theodore Barck Jr. and Hugh Talmadge Lefler, *Colonial America* (New York: Macmillan Company, 1958), 305.

<sup>38</sup>Finkelman, “The American Suppression of the African Slave Trade”, 437.

slave trade. Great Britain eventually passed legislation to end it in 1807, several weeks after the United States did.

Most disturbing to the 1619 Project thesis is the question: Why was a Civil War fought in which, according to the latest scholarship, nearly 400,000 Union soldiers lost their lives to preserve the Union and to end slavery? They went into battle singing, “As He died to make men holy, let us die to make men free”. What accounts for the self-sacrifice and the uncounted wealth that was paid to redeem the bondage that mocked “the Laws of Nature and of Nature’s God”?<sup>39</sup> If racism was America’s DNA, how could any of these things have happened? Yet, they did, and the United States, to its everlasting credit, eliminated slavery, albeit at a terribly high price—because in its actual DNA was the great moral principle that “all men are created equal.”

## Slavery and the Constitution

Nevertheless, it is still necessary to deal with the infamous slave clauses in the Constitution. Slavery is never mentioned in the Constitution, but not for the reason Hannah-Jones gives that the framers “did not want to explicitly enshrine their hypocrisy, so they sought to hide it”.<sup>40</sup> As is so often the case in what she writes about the Founding, it was quite the opposite. The word was not used because it was considered a term too odious to include. James Madison “thought it wrong to admit in the Constitution the idea that there could be

<sup>39</sup>In 1864, Union Lt. Ephraim Holloway wrote to his son that he was “endeavoring to secure for each and every American citizen of every race, the rights guaranteed to us in the Declaration of Independence.” James M. McPherson, *What They Fought For, 1861–1865* (New York: Anchor Books, 1995), 46. In the same year, Union Sgt. Phineas Hager wrote to his wife, “The more I learn of the accursed institution of Slavery, the more I feel willing to endure, for its final destruction.” *Ibid.*, 67. An Illinois farmer soldier, Robert Gooding, wrote in 1863: “It allwais has been plane to me that this rase must be freed befor god would recognize us . . . we bost of liberty and we Should not be Selfish in it as god gives us liberty we should try to impart it to others.” *Ibid.*, 67. Medal of Honor winner Sgt. Maj. Christian A. Fleetwood, a free black from Baltimore, explained why he joined the 4th U.S. Colored Infantry: “A double purpose induced me and most others to enlist, to assist in abolishing slavery and to save the country from ruin.” Mark Yost, “A Five-Star Museum Joins the Ranks”, *Wall Street Journal*, November 9, 2020, A17.

<sup>40</sup>Hannah-Jones, “The 1619 Project”, 18.

property in men",<sup>41</sup> and the delegates agreed. Thus, explained Abraham Lincoln many years later, "the thing is hid away, in the constitution, just as an afflicted man hides away a wen or a cancer, which he dares not cut out at once, lest he bleed to death; with the promise, nevertheless, that the cutting may begin at the end of a given time."<sup>42</sup> Frederick Douglass, the brilliant abolitionist leader who had himself escaped from slavery, was emphatic that the Constitution was not a proslavery document precisely because it did not mention slavery and thought it was "*a slander upon their memory*" to think otherwise of the Founders' intentions. In a Fourth of July oration in 1852, he said,

There is no matter in respect to which, the people of the North have allowed themselves to be so ruinously imposed upon, as that of the pro-slavery character of the Constitution. In that instrument I hold there is neither warrant, license, nor sanction of the hateful thing; but interpreted, as it ought to be interpreted, the Constitution is a glorious liberty document. Read its preamble, consider its purposes. Is slavery among them? Is it at the gateway? or is it in the temple? it is neither. . . . Let me ask, if it be not somewhat singular that, if the Constitution were intended to be, by its framers and adopters, a slaveholding instrument, why neither slavery, slaveholding, nor slave can anywhere be found in it.<sup>43</sup>

He concluded, "Now, take the Constitution according to its plain reading, and I defy the presentation of a single pro-slavery clause in it. On the other hand it will be found to contain principles and purposes, entirely hostile to the existence of slavery."

However, in order to reach ratification, the framers did include three compromises regarding slavery's existence in the Constitution. The "Importation Clause" of article I, section 9, which was briefly discussed above, prevented Congress from banning the importation

<sup>41</sup> *Records of the Federal Convention of 1787*, 2:417.

<sup>42</sup> Abraham Lincoln, "Speech on the Kansas Nebraska Act at Peoria, Illinois", October 16, 1854, *Teaching American History*, <https://teachingamericanhistory.org/library/document/speech-on-the-kansas-nebraska-act-at-peoria-illinois-abridged/>.

<sup>43</sup> Frederick Douglass, "The Meaning of July Fourth for the Negro", Rochester, N.Y., July 5, 1852, in *Frederick Douglass: Selected Speeches and Writings*, ed. Philip S. Foner (Chicago: Lawrence Hill, 1999), 188–206, <https://teachingamericanhistory.org/library/document/what-to-the-slave-is-the-fourth-of-july/>.

of slaves for a period of twenty years, though it did contain a provision, as James Wilson explained, “for a tax or duty [that] may be imposed on such importation, not exceeding ten dollars for each person; and this, sir, operates as a partial prohibition”.<sup>44</sup> This concession may seem egregious, but it was an improvement over the Articles of Confederation, which allowed states to import slaves for as long as they pleased. Wilson’s optimistic interpretation of this clause was that “if there was no other lovely feature in the Constitution but this one, it would diffuse a beauty over its whole countenance. Yet the lapse of a few years, and Congress will have power to exterminate slavery from within our borders.” In *Federalist* No. 42, James Madison explained, “It ought to be considered as a great point gained in favor of humanity, that a period of twenty years may terminate forever within these states, a traffic which has so long and so loudly upbraided the barbarism of modern policy; that within that period it will receive considerable discouragement from the federal Government, and may be totally abolished by a concurrence of the few States which continued the unnatural traffic, in the prohibitory example which has been given by so great a majority of the Union.”<sup>45</sup>

The “Three-Fifths Clause” of the Constitution (article I, section 2) for apportioning representation in the House of Representatives is often misunderstood as a denial that slaves were fully human because they each counted as only three-fifths a person. The purpose of the clause, however, was to *lessen* the power of the slave states and was not in any way premised on the belief that slaves were not fully human beings. Had the slave states been able to include the slaves in “the whole Number of free Persons”, it would have enhanced their power by increasing their number of representatives, which was determined by population.

In *Federalist* No. 54, Madison addressed the conundrum of this Janus-headed provision:

<sup>44</sup>James Wilson, speeches during the Pennsylvania Ratifying Convention, December 3–4, 1787, in *The Debates in the Several State Conventions on the Adoption of the Federal Constitution as Recommended by the General Convention at Philadelphia in 1787*, ed. Jonathan Elliot (New York: Burt Franklin, n.d.), 3:283, [https://press-pubs.uchicago.edu/founders/print\\_documents/a1\\_9\\_1s6.html](https://press-pubs.uchicago.edu/founders/print_documents/a1_9_1s6.html).

<sup>45</sup>Alexander Hamilton, John Jay, and James Madison, *The Federalist Papers* (New York: Signet Classics, 2003), 262–63.

But we must deny the fact, that slaves are considered merely as property, and in no respect whatever as persons. The true state of the case is, that they partake of both these qualities: being considered by our laws, in some respects, as persons, and in other respects as property. In being compelled to labor, not for himself, but for a master; in being vendible by one master to another master; and in being subject at all times to be restrained in his liberty and chastised in his body, by the capricious will of another—the slave may appear to be degraded from the human rank, and classed with those irrational animals which fall under the legal denomination of property. In being protected, on the other hand, in his life and in his limbs, against the violence of all others, even the master of his labor and his liberty; and in being punishable himself for all violence committed against others—the slave is no less evidently regarded by the law as a member of the society, not as a part of the irrational creation; as a moral person, not as a mere article of property.<sup>46</sup>

The so-called “Fugitive Slave Clause” (article IV, section 2) appears to be the most troubling of the compromises in the Constitution because it provided for the return of runaway slaves. It at least avoided the word “slave”, tellingly using “person” instead, in order to undercut condescension toward them as property. Dr. Spalding explains, “At the last minute, the phrase ‘Person legally held to Service or Labour in one state’ was amended to read ‘Person held to Service or Labour in one state, under the Laws thereof.’ This revision emphasized that slaves were held according to the laws of individual *states* and, as the historian Don Fehrenbacher has noted, ‘made it impossible to infer from the passage that the Constitution itself legally sanctioned slavery.’”<sup>47</sup>

Within what perspective should these compromises be understood? If they stand alone they can be, and were, seen as pro-slavery, particularly in the Southern slave states. However, within the broader perspective of the principles of the Founding, they are properly understood as prudential compromises necessary for there to be a United States in the first place. Paul R. DeHart states,

Natural law is certainly incompatible with a constitution that commands that wrong be done. Given the great wrong of slavery, natural

<sup>46</sup> *Ibid.*, 334.

<sup>47</sup> Spalding, “How to Understand Slavery”.



law would certainly be incompatible with a constitution that commanded the holding of slaves. But the Constitution never contained any such requirement; rather, it allowed an existing wrong to continue. Natural law is compatible with the allowance of wrongful acts when such allowance is, on balance, for the common good. These problematic provisions could be so construed as allowing slavery in order to secure the ratification of the Constitution by slave states, thereby establishing a Union, something essential for the elimination of slavery in North America.<sup>48</sup>

This was exactly the purpose of these compromises, which must be seen in the broader context, as indicated by Madison, when he said that the Constitution was grounded on “the fundamental principles of the revolution”, those being “the transcendent laws of nature and of nature’s God” and “the rights of humanity”.<sup>49</sup>

The argument from prudence also received support from Frederick Douglass. Though his remarks come from 1860, they could have easily applied to the situation facing the framers in 1787:

My argument against the dissolution of the American Union is this: It would place the slave system more exclusively under the control of the slaveholding states, and withdraw it from the power of the Northern states which is opposed to slavery. 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. . . . I am, therefore, for drawing the bond of the Union more closely, and bringing the Slave States more completely under the power of the Free States.<sup>50</sup>

This is exactly what the Constitution of 1787 at least partially achieved.

In 1863, Douglass delivered his verdict on the wisdom of the Constitution: “I hold that the Federal Government was never, in

<sup>48</sup> Paul R. DeHart, *Uncovering the Constitution’s Moral Design* (Columbia and London: University of Missouri Press, 2007), 196.

<sup>49</sup> Thomas G. West, *Vindicating the Founders*, 18.

<sup>50</sup> Quoted in Michael P. Johnson, *Reading the American Past* (Boston: Bedford/St. Martin’s, 2002), 1:271.

its essence, anything but an anti-slavery government. Abolish slavery tomorrow, and not a sentence or syllable of the Constitution needs to be altered. It was purposely so framed as to give no claim, no sanction to the claim, of property in man. If in its origin slavery had any relation to the government, it was only as the scaffolding to the magnificent structure, to be removed as soon as the building was completed.”<sup>51</sup>

## To Be or Not to Be

The question is still asked today: Would it have been better for the United States not to have existed or is it better that it was created—even with the “original sin” of slavery besmirching it—based on a universal moral principle that necessitated slavery’s elimination?

Apparently, there are a growing number of people, including the radical Left elements in the street demonstrations and demolitions of the summer of 2020, who think America should have been aborted, and who are willing to perform a retroactive abortion now. They seem to be animated by an ideology. Let us recall the prior socialist ideologies of Nazism and Communism, both of which denied that all people are created equal—the one because of its race theory of history, and the other because of its class theory of history. For Karl Marx, man is fundamentally determined by the material dialectic as it expresses itself in the economic conditions of class. By definition, people cannot think or act outside of the way they are materially determined to think or act. Any purported larger purpose is really just a screen for a class maintaining its economic dominance. Nazism simply substituted race for class, but otherwise functioned in much the same way. Grotesque dehumanization was the hallmark of both reductionist ideologies, which cost so many their freedom or their lives.

America was not based on a theory of history, but on “the Laws of Nature and of Nature’s God”, and it was the indispensable bulwark

<sup>51</sup> Frederick Douglass, “Address for the Promotion of Colored Enlistment”, Philadelphia, January 1, 1863, in *American Political Rhetoric*, eds. Peter Augustine Lawler and Robert Martin Schaefer (Lanham, Md.: Rowman and Littlefield, 2016), 256.

against these creeds of hatred, just as it has been more recently against Islamist totalitarianism. Today, however, we are witnessing the retribalization of society through so-called “identity politics”, which appears to be a *mélange* of the race and class theories of history jumbled together. Racist antiracism is just another way of denying a common humanity and has its source in a spiritual disorder similar to the ones animating the other ideologies.

The near-hysterical level of outrage expressed by many in the summer of 2020 street demonstrations, so far out of proportion to their purported causes, brings to mind a contrast to the Christians of the Founding era, as well as to those of today who believe the same things. Christians know that they are marred by original sin, as well as by their own personal sins, that they are at fault and accountable, and that they cannot save themselves. Therefore, they know that they must repent and seek forgiveness. They are certain that they cannot effect their self-perfection. There is no political solution to their condition. They can be made perfect only in Christ, by the gratuitous gift of his grace. *Christ* is their savior. In him alone hope resides—not in politics. This is the defining feature of Christian civilization. The effort to remove it absolutizes politics.

Many of the angry people in the streets seem to think that they should already be perfect and the reason they are not must be someone else’s fault, or some institution’s fault, or perhaps their country’s fault. This is what fires their sense of grievance and indignation. They seek redemption without repentance, exculpation without contrition (see the epilogue, pages 343–353). *They* are the revenging redeemers. So, they’re out to get those people, or to destroy those institutions, or perhaps even their own country.

For example, the Black Lives Matter (BLM) organization professed “What We Believe” on its webpage. It stated, “Inspired by the 31-day takeover of the Florida State Capitol by POWER U and the Dream Defenders, we took to the streets. . . . We are self-reflexive and do the work required to dismantle cisgender privilege. . . . We disrupt the Western-prescribed nuclear family structure requirement by supporting each other as extended families and ‘villages’ . . . . We foster a queer-affirming network. When we gather, we do so with the intention of freeing ourselves from the tight grip of heteronormative thinking.” When the circulation of the statement proved a public relations

problem for BLM, they scrubbed it from their website, although it can still be found on an Internet archive.<sup>52</sup>

In 2015, Black Lives Matter cofounder Patrisse Cullors revealed, "The first thing, I think, is that we actually do have an ideological frame. Myself and Alicia [Garza] in particular are trained organizers. We are trained Marxists. We are super-versed on, sort of, ideological theories."<sup>53</sup> The president of Greater New York Black Lives Matter, Hawk Newsome, said in an interview, "If this country doesn't give us what we want, then we will burn down this system and replace it. All right? And I could be speaking figuratively. I could be speaking literally. It's a matter of interpretation. . . . I just want black liberation and black sovereignty, by any means necessary."<sup>54</sup>

Similarly, the Disruption Project claims that "when mass numbers of people stand up and take action against the unjust systems of racial capitalism, the heteropatriarchy, white supremacy and settler colonialism, we have the ability to force ruptures and dismantle these systems . . . that uphold structural racism and win reparations for Black folks, win some sort of repatriation of land to indigenous people, create an open US border and an end to imperialism, and a just transition out of a destructive economy." This will result in "a different society where: everyone has what they need to live and adequate leisure time",<sup>55</sup> similar to the Marxian classless utopia where one can "hunt in the morning, fish in the afternoon, rear cattle in the evening, criticise after dinner",<sup>56</sup> just as one desires. As these ideas are similar, so will be their results.

This book has endeavored to show that the recognition of *nature*, at the heart of Western civilization and of the American Founding, means acknowledgment of moral constraints. Political philosopher Charles McCoy gave some idea of what happens when that recognition is withdrawn by aggrieved would-be saviors: "We have noted

<sup>52</sup> "What We Believe", *Black Lives Matter*, <https://archive.is/oARHo>.

<sup>53</sup> Yaron Steinbuch, "Black Lives Matter Co-founder Describes Herself as 'Trained Marxist'," *New York Post*, June 25, 2020.

<sup>54</sup> Victor Garcia, "Black Lives Matter Leader States if US 'Doesn't Give Us What We Want, Then We Will Burn Down This System'", *Fox News*, June 24, 2020, <https://www.foxnews.com/media/black-lives-matter-leader-burn-down-system>.

<sup>55</sup> The Disruption Project, <https://www.disruption-project.org/about>.

<sup>56</sup> Karl Marx and Frederick Engels, *The German Ideology* (New York: International Publishers, 2004), 53.

Aristotle's observation that human nature . . . may be said to be in a condition of bondage. This bondage produces in man a tendency to revolt and escape from his condition. But this type of emancipation—from the human condition itself—can lead only to the supremacy of force. Hence, true freedom, the 'political' freedom of man's very nature, is protected by an insistence on the primacy of theoretic truth concerning man's nature and end."<sup>57</sup> McCoy wrote this many years ago, but he saw what was coming, and it applies exactly to the situation today. What the members of the Disruption Project, BLM, and their like-minded allies are really complaining about are the terms of their own existence. Their war against *nature* is ultimately a war against God. Their success can be achieved only by dethroning the primacy of truth concerning man's nature and end. By substituting the primacy of will for the primacy of reason, we may be sure that force will follow, as was evident in the violent behavior of the mobs in the streets. The target is the United States and, more broadly, Western civilization itself. This is what the cancel culture is trying to cancel.

As the Civil War raged, Abraham Lincoln said, "We shall nobly save, or meanly lose, the last best hope of earth."<sup>58</sup> This is as true today as when he said it in 1862; maybe even more so, because it is clear that, currently, we are meanly losing that hope. "We must disenthral ourselves," urged Lincoln, "and then we shall save our country." And so must we disenthral ourselves if we hope to save the United States—disenthral ourselves from the ideologies that have distorted the American Founding of which we consider ourselves either the beneficiaries or the victims.

And finally we come to what draws together *all* of the poison-pill theses on the American Founding, whether they come from Right or Left, from conservative or liberal. As we saw earlier, Patrick Deneen and Michael Hanby, from the more conservative side, are principally concerned with the dangerous unleashing of private appetite as a "right", which they think was America's purpose to establish.

<sup>57</sup> Charles N.R. McCoy, *The Structure of Political Thought: A Study in the History of Political Ideas* (New York: McGraw-Hill, 1963), 47–48.

<sup>58</sup> Abraham Lincoln, Second Annual Message to Congress, December 1, 1862, <https://www.presidency.ucsb.edu/documents/second-annual-message-9>.

However, if the Founding of America was intended to liberate private interests from moral constraints rather than secure the common good as understood in the natural law, the Founders would obviously have secured the “right” to property in human slaves in the Constitution, just as the 1619 Project thinks it did. After all, the liberation of a person’s passions inevitably involves the exploitation of other persons, and what greater exploitation could there be than slavery? Dennis Teti remarks upon the irony that the critiques from the Left and the Right are basically the same critique:

In the Constitution of the Confederate States of America, it is striking how little difference there is with the U.S. Constitution. But there is one glaring difference which explains why they withdrew from the Union: the Confederate Constitution secures the right to own slaves *in perpetuity*. It could do so only because it rejected the natural law principles of the Declaration of Independence. If Deneen, Hanby, and “The 1619 Project” have all made the same blunder in misunderstanding the Founding of America, that blunder is to have unwittingly substituted the founding principle of the Confederate rebellion against the Union for the Founding of America itself.<sup>59</sup>

Both sides of the spectrum seem to think the Founding’s purported principle of equality was a smokescreen enabling some men to dominate others, as in “the satisfaction of *my* appetites requires the limitation of yours”, or as put by Lincoln, “you work and I eat, you toil and I will enjoy the fruits of it.”<sup>60</sup> In other words, both sides have indeed mistaken the cure (the Founding rightly understood) for the disease (the denial of the common good).

I close with a personal reminiscence. My grandparents came from Ireland, a land not nearly as distant in space or custom as the countries from which so many have come. The fact that my own family’s roots do not go back very far does not make me feel less American; it makes me feel more American. I think of my nearest neighbors, who are Vietnamese boat people. Across the street is a Russian physicist. All Americans now. During a summer day at a swimming pool

<sup>59</sup>Dennis Teti, private correspondence with the author, October 29, 2020.

<sup>60</sup>Abraham Lincoln, “Speech at Chicago, Illinois, July 10, 1858”, *Teaching American History*, <https://teachingamericanhistory.org/library/document/speech-at-chicago-illinois/>.

near my neighborhood, I saw several faces whose profiles could have come from ancient Inca figurines. These Latin American kids were playing with a brother and a sister of Asian origin. A young boy with the royal visage of a Benin bronze scampered up a chain link fence to help a child recover its toy. Nearby was a family originally from Portugal. My wife is from Spain. No one was the slightest bit self-conscious about this extraordinary *mélange*. I saw in concrete action what I have always deeply believed—"that all men are created equal". What other than that proposition could account for what I witnessed? What else could make it possible? We are all *beneficiaries*, not victims, of the American Founding. To fight racism today, the last thing anyone should try to do is tear down the nation premised on that principle. It is to the Founding principles themselves that we can turn to recover from the great evils afflicting us. That should be a measure of the gratitude we owe to our Founding Fathers for their magnificent achievement.