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# Wrestling with Jefferson: The Struggles of a Biographer

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## WRESTLING WITH JEFFERSON: THE STRUGGLES OF A BIOGRAPHER

R. B. BERNSTEIN\*

### INTRODUCTION

As you stand before the family cemetery at Monticello, separated from the tree-shaded graveyard by a plain iron fence, the central tombstone draws your gaze. An obelisk of gray stone, it bears a simple inscription:

HERE WAS BURIED  
THOMAS JEFFERSON  
APRIL 2, 1743 O.S. - JULY 4, 1826  
AUTHOR OF THE DECLARATION OF INDEPENDENCE  
AND OF THE VIRGINIA STATUTE FOR RELIGIOUS FREEDOM,  
AND FATHER OF THE UNIVERSITY OF VIRGINIA.

Today's monument was erected in the 1880s to replace the original, which had eroded badly – due partly to the souvenir-lust of generations of visitors armed with pocketknives. The inscription, however, is the same one that Thomas Jefferson composed in the last year of his

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\* Adjunct Professor of Law, New York Law School. This Essay is a revised and expanded version of a talk delivered at Faculty Presentation Day, New York Law School, 3 April 2002; I have worked into the text some of my responses to questions from the audience following the original talk. I am deeply grateful to my co-panelists, Professors Edward A. Purcell, Jr. (my participation was his idea), Annette Gordon-Reed, and James Simon, for their comments on the subject and on this Essay. Special thanks also to Felice J. Batlan, Department of History, New York University, Professor Charles Zelden, Nova Southeastern University, Benjamin Irvin, Department of History, Brandeis University, and Kristen A. Bryant, who all have read my Jefferson biography-in-progress (from which this Essay is drawn) with extraordinary care and have given much-valued constructive criticism and encouragement to the project; to Prof. Joanne B. Freeman of Yale University, who has taught me so much about Jefferson and “the guys” and who read the first version of this Essay and my biography with patient care; and to Nancy E. Toff of Oxford University Press, my vigilant and long-suffering editor on the Jefferson biography. I am grateful also to Dr. Gaspare J. Saladino of the *Documentary History of the Ratification of the Constitution and the Bill of Rights*, and to Phillip A. Haultcoeur. Finally, I thank Tamar Raum, Library Director and Director of Information Services at JPMorganChase, and her staff, Ricky Ali, John Fenimore, Gesner Mondelas, Anna Sabatino, Alla Starobinsky, and Tamara Volpert. Charles Heller and Lisa Rini of Heller Information Services; and Ned Fatterman, Stanley Fogel, Yuval Ganz, Jim Leopard, Monica

life, listing the achievements “by which I most wish to be remembered.”<sup>1</sup>

The cemetery is a peaceful place. The tourists who descend on it draw silent as they approach the fence. That silence was not only what Jefferson had in mind for his grave, but also what he professed to crave in life. Amid the tumult of politics and the clangor of war, Jefferson always claimed to yearn for a life of tranquil contemplation, spent with his books, his architectural drawings, and his researches in science – known, in his era, as “natural philosophy.”

In life, Jefferson never found the quiet that surrounds him in death. As a politician and statesman, he was embroiled in controversy, subjected to waves of criticism and ridicule, wounded so often and so deeply that he never recovered. Perhaps for this reason he omitted his political offices from his epitaph. The words he chose, however, are as notable for what they say as for what they leave out. He presented himself to posterity as a man concerned above all with ideas. Each of the achievements he listed on his tombstone speaks to that concern. He first claimed authorship of the American Revolution’s fundamental political testament, the most eloquent statement of the new nation’s core principles and of a dream that had swept the world.<sup>2</sup> He next declared himself author of his era’s most revolutionary statute, which denied government the authority to dictate what human beings can and cannot believe in matters of religion.<sup>3</sup> Finally, he proclaimed himself father of a university allied with no religion or church – a home for the life of the mind that would serve his beloved Virginia and be a model to the world.<sup>4</sup> In sum, Jefferson wanted posterity to see him as he saw himself – as spokesman for a revolution of ideas that would make the world over again. That is the central theme of the biography I am writing.

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Haivston, Amanda Brown-Inz, Erin Rogers, Emily Lordi, and Richard Grundy of Heights Books, Inc.

I dedicate this Essay to Molly Myers, for many reasons.

1. Thomas Jefferson (Epitaph), circa March 1826, *reprinted in* THOMAS JEFFERSON: WRITINGS 706-707 (Merrill D. Peterson ed., 1984) (page 707 reproduces the original manuscript).

2. On the Declaration, *see generally* PAULINE MAIER, AMERICAN SCRIPTURE: MAKING THE DECLARATION OF INDEPENDENCE (1997); CARL L. BECKER, THE DECLARATION OF INDEPENDENCE: A STUDY IN THE HISTORY OF POLITICAL IDEAS (1922) (rev. ed. 1942).

3. *See generally* THE VIRGINIA STATUTE FOR RELIGIOUS FREEDOM (Merrill D. Peterson & Robert A. Vaughan eds., 1988); Edwin S. Gaustad, SWORN ON THE ALTAR OF GOD: A RELIGIOUS BIOGRAPHY OF THOMAS JEFFERSON (1996).

4. *See generally* GARRY WILLS, MR. JEFFERSON’S UNIVERSITY (2002).

In this essay, I sketch, first, the problems confronting any biographer of Jefferson, and, second, the historiographical and biographical contexts within which the modern Jefferson biographer must work – and against which, in some key ways, the modern Jefferson biographer must react. I conclude by seeking to explain why Jefferson still exerts fascination over Americans and others nearly two centuries after his death – and, in particular, why, in the wake of the events of 11 September 2001, we should pay attention to him and his ambiguous legacies.

## I. THE CHALLENGES

Let us leave aside the challenge of summing up in fewer than 200 manuscript pages a life to which Jefferson's classic biographer, Dumas Malone, devoted six volumes and some 3,300 pages, written over a span of more than half a century.<sup>5</sup> The tests that any serious Jefferson biographer confronts may be summarized as follows: evidence, context, intellectual scope, the public/private distinction (so beloved of legal scholars), and contradictions.

### A. Evidence

Jefferson made many problems for his biographers – some deliberate, some not. In his recent life of *Crazy Horse*, the famed novelist and essayist Larry McMurtry noted that writing a biography can be hard because there is so little to go on.<sup>6</sup> In Jefferson's case, writing a biography is hard because there is so much to fit into a coherent frame. His surviving letters number over 18,000 (written in response to over 28,000 letters he received). Also, he wrote more extensively and brilliantly than any of his contemporaries, seeming to display his thoughts and feelings on the page. Yet he mostly showed himself as he wanted to be seen. A guarded, deeply private man who presented a series of versions of himself to friends and colleagues, admirers and adversaries, he rarely wrote with the self-criticism or introspection that, for example, characterized John Adams. We must work by indirection, sifting tantalizingly cryptic clues, looking beneath the surface of his words for meanings that he might not have known were there. Jefferson was a human kaleidoscope. Though the elements of his thought and charac-

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5. DUMAS MALONE, *JEFFERSON AND HIS TIME* (6 vols. 1948-1981). The other two leading biographies are MERRILL D. PETERSON, *THOMAS JEFFERSON AND THE NEW NATION* (1970); NOBLE E. CUNNINGHAM, JR., *IN PURSUIT OF REASON: THE LIFE OF THOMAS JEFFERSON* (1987).

6. See LARRY MCMURTRY, *CRAZY HORSE* 1-11 (1999).

ter are always present, they assume different configurations from encounter to encounter, crisis to crisis, moment to moment. No wonder generations of scholars have confessed bewilderment.<sup>7</sup>

### B. Context

Although Jefferson and his ideas still exert profound influence on posterity, they have their roots in specific times and places. As a biographer, therefore, I must set him in context – as a Virginia gentleman farmer, a skilled lawyer, a defender of democratic revolution, a talented politician, an inquisitive and learned man who tried to make all knowledge his province, and the finest writer of his era. Most important, I must remember always that Jefferson was a man of his time – the late eighteenth and early nineteenth centuries. To what extent are the things that dismay or appall us about him unique to Jefferson, and to what extent are they features of his era – features that he may well have shared with his contemporaries, who did not leave written traces of their views? Is it fair or just for us to hold him to standards that simply were not part of the context of his times? To lift him out of his context – to treat him ahistorically, or to sit in judgment upon him in some timeless tribunal – does violence to past and present alike.

### C. Intellectual Scope

As I struggle to come to terms with Jefferson, I also must grapple with the range of his interests and pursuits, extraordinary even in a time when men and women thought that all knowledge was open to them. An eager participant in the intellectual world of the Enlightenment, that vast and varied body of ideas and arguments that dominated the Atlantic world for over a century, Jefferson let his mind voyage far and wide.<sup>8</sup> He was a talented architect, a skilled violinist, a venturesome student of religion, a devoted amateur scientist and sponsor of scientific research, a connoisseur of food and wine, and an en-

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7. One notable example is JOSEPH J. ELLIS, *AMERICAN SPHINX: THE CHARACTER OF THOMAS JEFFERSON* (1997).

8. See generally HENRY STEELE COMMAGER, *THE EMPIRE OF REASON: HOW EUROPE IMAGINED AND AMERICA REALIZED THE ENLIGHTENMENT* (1977); HENRY STEELE COMMAGER, *JEFFERSON, NATIONALISM, AND THE ENLIGHTENMENT* (1975); HENRY F. MAY, *THE ENLIGHTENMENT IN AMERICA* (1976). On Jefferson as a thinker and an Enlightenment figure, see DANIEL J. BOORSTIN, *THE LOST WORLD OF THOMAS JEFFERSON* (University of Chicago Press 1981) (1948); ADRIENNE J. KOCH, *THE PHILOSOPHY OF THOMAS JEFFERSON* (1943); GARRETT WARD SHELDON, *THE POLITICAL PHILOSOPHY OF THOMAS JEFFERSON* (1991).

thusiastic tinkerer who loved to improve upon new inventions. (Each of Jefferson's interests and pursuits has generated at least one major monograph, and a host of articles and other specialized studies.)<sup>9</sup> Ranging more freely than his friends James Madison and John Adams or his adversary Alexander Hamilton, Jefferson most resembles Benjamin Franklin, who similarly dazzles us with his spectrum of abilities and interests.<sup>10</sup> The problem is that, too often, Jefferson gets credit for creativity that he neither claimed nor deserved. Though widely read and energetically curious, he was not the "American Leonardo" of popular legend. He was a brilliant adapter and interpreter of his era's ideas rather than a figure of towering originality.

#### D. *The Public/Private Distinction*

Next, I must weave discussion of Jefferson the private man together with the familiar narrative of his life as politician and thinker. Too many scholars have treated him as a solitary philosopher-politician, walling him off from his roles as slaveholder, planter, husband, father, and lover. In so doing, they unwittingly follow his lead; he tried to sort his life into tidy compartments, ignoring how his public and

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9. Two superb overviews are *JEFFERSONIAN LEGACIES* (Peter S. Onuf ed., 1993); *THOMAS JEFFERSON: A REFERENCE CYCLOPEDIA* (Merrill D. Peterson ed., 1986). For specific studies, see, e.g., EDWARD J. DUMBAULD, *THOMAS JEFFERSON AND THE LAW* (1978); FRANK J. DEWEY, *THOMAS JEFFERSON, LAWYER* (1986); BERNARD SCHWARTZ, BARBARA WILCIE KERN & R. B. BERNSTEIN, *THOMAS JEFFERSON AND BOLLING V. BOLLING: LAW AND THE LEGAL PROFESSION IN PREREVOLUTIONARY AMERICA* (1997); EDWARD J. DUMBAULD, *THOMAS JEFFERSON: AMERICAN TOURIST* (1946) (travel); KARL LEHMANN, *THOMAS JEFFERSON, AMERICAN HUMANIST* (1960) (classics); JAMES L. GOLDEN & ALAN L. GOLDEN, *THOMAS JEFFERSON AND THE RHETORIC OF VIRTUE* (2002) (rhetoric); JAY FLIEGELMAN, *DECLARING INDEPENDENCE: JEFFERSON, NATURAL LANGUAGE, AND THE CULTURE OF PERFORMANCE* (1993) (rhetoric); DONALD JACKSON, *THOMAS JEFFERSON AND THE STONY MOUNTAINS: EXPLORING THE WEST FROM MONTICELLO* (1981) (geography, ethnography, exploration); WILLIAM HOWARD ADAMS, *THE EYE OF THOMAS JEFFERSON* (University of Missouri Press 1992) (1976) (visual arts); JACK McLAUGHLIN, *JEFFERSON AND MONTICELLO: THE BIOGRAPHY OF A BUILDER* (1989) (architecture); SILVIO J. BEDINI, *THOMAS JEFFERSON, STATESMAN OF SCIENCE* (1991) (science); HERBERT E. SLOAN, *PRINCIPLE AND INTEREST: THOMAS JEFFERSON AND THE PROBLEM OF DEBT* (University Press of Virginia 2001) (1995) (debt and economics); DREW R. MCCOY, *THE ELUSIVE REPUBLIC: POLITICAL ECONOMY IN JEFFERSONIAN AMERICA* (1980) (economics); EDWIN S. GAUSTAD, *SWORN ON THE ALTAR OF GOD: A RELIGIOUS BIOGRAPHY OF THOMAS JEFFERSON* (1996) (religion).

10. See generally, JAMES CAMPBELL, *REDISCOVERING BENJAMIN FRANKLIN* (1999); EDMUND S. MORGAN, *BENJAMIN FRANKLIN* (2002). For a fine comparison of the two men, see the companion volume to the Metropolitan Museum of Art's 1976 bicentennial exhibition, OFFICE OF CHARLES & RAY EAMES, *THE WORLD OF FRANKLIN AND JEFFERSON* (1976).

private selves spilled over the edges and blended together. By contrast, I hope to portray a man whose views of Blacks, women, and Native Americans collided with his professed devotion to equality, whose conduct clashed with his expressed beliefs. In particular, I draw on the recent scholarship on Jefferson's relations with Sally Hemings, and on the agonized controversy that that issue has sparked.<sup>11</sup>

### E. Contradictions

Finally, I must explore the contradictions of his life, which bedevil all who study him. Jefferson was an advocate of liberty who owned slaves; abandoning his opposition to slavery, he became a troubled apologist for the institution, justifying it by racist theories that, he claimed, were based on science.<sup>12</sup> A champion of limited government who wanted power to rest with the states, he became a President who devised creative, expansive uses of national power – sometimes bordering on the tyrannical.<sup>13</sup> A private man who claimed to loathe politics, he became his era's dominant politician. A man of aristocratic habits and tastes, he became a symbol of American democracy, and its most eloquent voice. A cultivated Virginia gentleman of the late eighteenth century, he became a timeless theorist of liberty, democracy, and the rights of man.

In particular, Jefferson's character has always been an issue. Thus, his biographers must grapple with the charge of dishonesty that his foes – and many scholars – have leveled against him. Sometimes, he said and did different things because his ideas evolved over time. For example, he based his vision of a good society on agriculture, which he saw as the most virtuous way of life, but he experimented with manufacturing, founding a grist mill and a nail factory at Monticello (and hoping to make a profit from them). Some seeming inconsistencies reflect differences in values between his era and ours. For example, he

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11. On this subject, see ANNETTE GORDON-REED, *THOMAS JEFFERSON AND SALLY HEMINGS: AN AMERICAN CONTROVERSY* (1997; expanded ed., 1999); SALLY HEMINGS & THOMAS JEFFERSON: *HISTORY, MEMORY, CIVIC CULTURE* (Jan Ellen Lewis & Peter S. Onuf eds., 1999). See also notes 12, 23, and 25 *infra* and accompanying text.

12. See WINTHROP D. JORDAN, *WHITE OVER BLACK: AMERICAN ATTITUDES TOWARDS THE NEGRO 1550-1812* 429-81 (1968); JOHN CHESTER MILLER, *THE WOLF BY THE EARS: THOMAS JEFFERSON AND SLAVERY* (1977); PAUL FINKELMAN, *RACE AND SLAVERY IN THE AGE OF JEFFERSON* (rev. ed., 2001); see also *supra* note 11.

13. See generally ROBERT E. JOHNSTONE, JR., *JEFFERSON AND THE PRESIDENCY* (1978); NOBLE E. CUNNINGHAM, JR., *THE PROCESS OF GOVERNMENT UNDER JEFFERSON* (1978); DAVID N. MAYER, *THE CONSTITUTIONAL IDEAS OF THOMAS JEFFERSON* (1994).

claimed to hate politics but allowed his name to be put forward for high political office. Was he dishonest? Or was he an 18th-century gentleman, who knew that naked ambition was dishonorable and that a candidate was supposed to deny ambition and to accept office reluctantly? In a more troubling example, his arguments for human equality clash with his opinions about racial inequality and about the differences supposedly fitting men for, but excluding women from, politics and government.

Jefferson's personality was rife with contradictions. He defended freedoms of speech and press, but he was willing to use draconian legal measures against those who attacked him or disputed his views of democracy.<sup>14</sup> Also, he could voice friendship for someone – only to criticize him harshly to others. He even could deny inconvenient facts in writing to President George Washington, while admitting them to his ally James Madison. His circle of correspondents was so wide that he could write conflicting things to different people with slight risk that the inconsistencies would emerge in his lifetime. When those conflicts did surface, and they sometimes did, he found the resulting uproar mortifying. We must recall a warning that Madison, his shrewdest friend, penned after his death. Like "others of great genius," Madison noted in an 1832 letter to his protégé Nicholas Trist, Jefferson had a habit "of expressing in strong and round terms, impressions of the moment."<sup>15</sup> That is, Jefferson wrote so much, so often, that he regularly contradicted himself as he wrote under the sway of a specific preoccupation.

Consider one final, agonizing contradiction. In 1826, Jefferson was aged, feeble, despairing of his country's future, and crushed under a burden of debt he had struggled to carry for over half a century. Yet, in his last letter, declining an invitation to attend the commemoration of the fiftieth anniversary of the Declaration of Independence, he penned an eloquent, hopeful "farewell address" to his countrymen:

All eyes are opened, or opening, to the rights of man.  
The general spread of the light of science has already laid  
open to every view the palpable truth, that the mass of  
mankind has not been born with saddles on their backs,  
nor a favored few booted and spurred, ready to ride them

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14. See LEONARD W. LEVY, *JEFFERSON AND CIVIL LIBERTIES: THE DARKER SIDE* (Ivan R. Dee 1989) (1963).

15. James Madison to Nicholas P. Trist, May 1832, *reprinted in* JAMES MADISON: *WRITINGS* 859-860 (Jack N. Rakove ed., 1999).



legitimately, by the grace of God. These are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them.<sup>16</sup>

Note that this hymn of praise to liberty is written by a man who owns slaves.<sup>17</sup>

## II. HISTORY AND HISTORIOGRAPHY

No modern Jefferson biographer can be indifferent to – let alone unaware of – the extraordinary record of Americans' scholarly and popular fascination with his life, deeds, and words. Indeed, that record itself has generated scholarship of great richness and enduring value.<sup>18</sup>

On 17 February 1826, ailing and debt-ridden, Jefferson wrote to Madison: "To myself you have been a pillar of support through life. Take care of me when dead, and be assured that I shall leave with you my last affections."<sup>19</sup> Succeeding generations of Americans have found various ways to take care of Jefferson and to understand his complex, ambiguous legacy. The story of "what history has made of Thomas Jefferson" (a phrase coined by the historian Merrill D. Peterson) falls into four stages.<sup>20</sup>

### A. 1826 to 1865

From Jefferson's death in 1826 until the end of the Civil War in 1865, the controversy that swirled around him in life continued unabated. In an age of increasing devotion to organized religion, Americans hailed Jefferson as a champion of religious freedom – or damned him as a godless enemy to all true faith. So, too, in an era increasingly torn by sectional antagonism over slavery and its expansion, Americans in the North and West praised Jefferson as a staunch defender of lib-

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16. Thomas Jefferson to Roger C. Weightman, 24 June 1826, *reprinted in* JEFFERSON: WRITINGS, 1516-1517 (Merrill D. Peterson ed., 1984).

17. See Richard B. Bernstein, *Afterword in*, ROOTS OF THE REPUBLIC: AMERICAN FOUNDING DOCUMENTS INTERPRETED 441-48 (Stephen L. Schechter ed., 1990).

18. MERRILL D. PETERSON, THE JEFFERSON IMAGE IN THE AMERICAN MIND (University Press of Virginia 1998) (1960). *See also* JEFFERSONIAN LEGACIES (Peter S. Onuf ed., 1993).

19. Thomas Jefferson to James Madison, 17 February 1826, *reprinted in* JEFFERSON: WRITINGS, 1512-1515, 1515 (Merrill D. Peterson ed., 1984).

20. MERRILL D. PETERSON, THOMAS JEFFERSON AND THE NEW NATION, at vii (1970).

erty and equality – or denounced him as a dangerous advocate of slavery and inequality, while Americans in the South praised him as a champion of state sovereignty – or denounced him as a fuzzy-minded idealist for his writings on the evils of slavery. Finally, when issues clustered around slavery posed urgent challenges to the Union, Jefferson was the spokesman of American nationalism – or the father of state sovereignty, nullification, and secession.

### *B. 1860s to 1920s*

From the 1860s through the 1920s, Jefferson's historical reputation sank to its lowest ebb, an indirect casualty of the Civil War. Abraham Lincoln had claimed Jefferson as his intellectual hero and declared that, as President, he would be guided by Jeffersonian principles. In the decades following Lee's surrender to Grant at Appomattox Courthouse, however, many historians denounced Jefferson as the inventor of secession, charging that his ideas had inspired John C. Calhoun, Jefferson Davis, and the Confederacy. An increasingly urban and industrial America found dwindling relevance in the prophecies of the man who dreamed of a rural republic of yeoman farmers, and whose papers teemed with attacks on cities, manufacturing, and centralized government power. For them, Hamilton – not Jefferson – captured the essence of America. Also, as more of Jefferson's papers became available in libraries and published editions, scholars found growing evidence of what they called his dishonesty. In the early twentieth century, Progressive historians praised Jefferson's critiques of moneyed wealth and the corrupting alliance of business and government, and his championing of "the many" against "the few." Even so, they still disdained him as, in the words of President Woodrow Wilson, "not a great American."

### *C. 1930s to 1960s*

The third era of Jefferson's reputation had its roots in the widespread popular revulsion against the excesses of the "Roaring Twenties." The 1929 stock market crash and the Great Depression sent the historical seesaw tilting back Jefferson's way. President Franklin Delano Roosevelt embraced Jefferson – hailing his predecessor's combat against "malefactors of great wealth," his championing of the rights of the common man, and his criticism of an unelected Supreme Court's use of judicial review. Some mocked Roosevelt's attempts to cast himself as Jefferson's heir, arguing that the "big government" associated

with the New Deal would have horrified Jefferson. Roosevelt and his supporters answered that they were using Hamiltonian means (activist, vigorous national government) to achieve Jeffersonian ends (liberty and justice for the great body of the people and restraint of the power of concentrated wealth). The coming of the Second World War in 1939 and American entry into that war in 1941 accelerated Jefferson's return to heroic stature. Roosevelt declared that Jeffersonian democracy – as understood in the era of the New Deal – was the cause for which Americans were fighting Nazi and Fascist tyranny. That the nation marked the bicentennial of Jefferson's birth in 1943, during one of the darkest times of the Second World War, further enshrined Jefferson as the heroic advocate of liberty and democracy. In the 1940s, with the beginnings of the "cold war" against the U.S.S.R., the United States was desperate for an ideology to pit against Communism. Thus, American leaders and educators embraced Jeffersonian democracy as reimagined by scholars of the 1930s. Growing battles over religious liberty and separation of church and state from the 1940s to the 1960s confirmed Jefferson as the defining symbol of American values.

It was in this era that Jefferson acquired his five great monuments. First, he joined Washington, Lincoln, and Theodore Roosevelt on Gutzon Borglum's titanic sculpture on Mount Rushmore in South Dakota's Black Hills. Second, around the same time, in 1938, the Jefferson nickel, which depicts Monticello on the reverse, supplanted the Indian Head or buffalo nickel in the nation's coinage. Third, on 13 April 1943 (Jefferson's two-hundredth birthday), Franklin D. Roosevelt dedicated the Jefferson Memorial in Washington, D.C. Its design echoed the dome of Monticello and the Palladian architecture that Jefferson admired; the Jefferson quotations on its walls portray him as the champion of democracy for the modern world. Fourth, in 1948 Dumas Malone published the first of what would be six volumes of an encyclopedic, sympathetic biography, concluding his labors in 1981. Finally, in 1950, President Harry S Truman ordered that the federal government fund a great national program to put the primary sources of the history of American democracy within the reach of every American who had access to a major research library. The centerpiece of this enterprise was the comprehensive edition of *The Papers of Thomas Jefferson* based at Princeton University. Founded by Julian Boyd, the *Jefferson Papers* project continues to this day, promising to fill 75 to 100 volumes. The "documentary editing revolution" led by such projects as

the *Jefferson Papers* transformed the face of American historical scholarship.<sup>21</sup>

#### D. 1960s to the Present

In the 1960s, a fourth, more critical stage in the history of Jefferson's reputation began to emerge – spurred, ironically, by the fruits of the “documentary editing revolution” launched by *The Papers of Thomas Jefferson*. Now that so much evidence of Jefferson's life was becoming readily available, scholars could pose troubling questions shaped by the concerns of a new era.<sup>22</sup> The struggle for racial equality unleashed a host of inquiries into Jefferson's views of blacks and slavery. Scholars pursuing these topics cast bleak light on Jefferson's record as a slaveholder, a racial theorist, and a faltering opponent of slavery.<sup>23</sup> New study of Native American history began to raise its own set of doubts about Jefferson – so long hailed as a champion of the rights of Indian nations.<sup>24</sup> The rise of women's history exposed Jefferson's less than enlightened view of women's abilities and his blunt reluctance to extend his democratic ideology to embrace women.

Finally, and most dramatically, there is the case of Sally Hemings.

At first, the charges first made public in 1802 by James Thomson Callender were brushed aside as the vicious lies of a drunken dealer in rumor and slander.<sup>25</sup> Jefferson's daughter, Martha Jefferson Randolph; his grandson, Thomas Jefferson Randolph; his granddaughter, Ellen Jefferson Coolidge; and his authorized biographer, Henry S. Randall, all denied Callender's claims. Abolitionists cited them repeatedly in the years before the Civil War, however, and they inspired the first major African-American novel, William Wells Brown's *Clotel, or the*

21. See generally WILLIAM W. FREEHLING, *THE REINTEGRATION OF AMERICAN HISTORY: SLAVERY AND THE CIVIL WAR* ch. 1 (1994).

22. Compare THOMAS JEFFERSON: A REFERENCE CYCLOPEDIA (Merrill D. Peterson ed., 1986), with JEFFERSONIAN LEGACIES (Peter S. Onuf ed., 1993). See also PETER S. ONUF, *JEFFERSON'S EMPIRE: THE LANGUAGE OF AMERICAN NATIONHOOD* (2000).

23. See *supra* notes 11-12.

24. BERNARD SHEEHAN, *SEEDS OF EXTINCTION: JEFFERSONIAN PHILANTHROPY AND THE AMERICAN INDIAN* (1973); ANTHONY F. C. WALLACE, *JEFFERSON AND THE INDIANS: THE TRAGIC FATE OF THE FIRST AMERICANS* (1999); PETER S. ONUF, *JEFFERSON'S EMPIRE* (2000) (*passim*).

25. On Callender, see generally MICHAEL DUREY, *WITH THE HAMMER OF TRUTH: JAMES THOMSON CALLENDER AND AMERICA'S EARLY NATIONAL HEROES* (1990).

*President's Daughter*.<sup>26</sup> In 1873, in an interview with an Ohio newspaper, the *Pike County Republican*, Madison Hemings, now in his sixties and retired from a life as a master carpenter, insisted that he and his brothers and sisters were Jefferson's children. In this article, Hemings gave a detailed account of his mother's life and his own observations of Jefferson – an account backed up by another ex-slave, Israel Jefferson, who was interviewed by the same newspaperman. Scholars ignored these autobiographical accounts for nearly a century.

In 1968, Winthrop D. Jordan's *White Over Black*, a pathbreaking examination of white Americans' ideas about blacks, was the first major historical study to take the Hemings story seriously and to tilt in its favor.<sup>27</sup> In 1974, Fawn Brodie's *Thomas Jefferson: An Intimate History* made the most sustained argument to date that Jefferson had a sexual relationship with Sally Hemings.<sup>28</sup> Critics mocked her book's sweeping use of the psychological theories of Sigmund Freud and her occasional historical errors. Also in that year, a collection of essays by a revered figure in American scholarship seemed to refute the Hemings story. *Fame and the Founding Fathers: Essays of Douglass Adair* included Adair's unfinished essay, *The Jefferson Scandals*, naming Jefferson's nephews Peter and Samuel Carr as the fathers of Sally's children.<sup>29</sup> Adair's reputation for historical detective work, plus his fame as a leading scholar of the Revolutionary generation, stamped his essay as the last word on the controversy.

There matters rested until 1997, when Professor Annette Gordon-Reed of New York Law School, a specialist in the law of evidence, revisited the issue. Her *Thomas Jefferson and Sally Hemings: An American Controversy* presented a thorough analysis of the evidence and the ways that scholars had treated it.<sup>30</sup> First, she showed that generations of Jefferson scholars had dismissed the Hemings claims because of their unexamined assumptions about historical evidence and credibility (such as "slaves lie," "black people lie," and "white people tell the truth"). Second, cross-checking the Hemings' oral traditions supporting the rela-

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26. WILLIAM WELLS BROWN, *CLOTEL, OR THE PRESIDENT'S DAUGHTER* (New York: Bedford/St. Martin's Press, 2000) (1853). This edition is edited by Robert A. Levine, Professor of English and Director of Graduate Studies at the University of Maryland.

27. See generally WINTHROP D. JORDAN, *WHITE OVER BLACK* 429-481 (1968).

28. FAWN BRODIE, *THOMAS JEFFERSON: AN INTIMATE HISTORY* (1974).

29. Douglass Adair, *The Jefferson Scandals*, in *FAME AND THE FOUNDING FATHERS: ESSAYS OF DOUGLASS ADAIR* 160-91 (Trevor Colbourn, ed., 1974).

30. See GORDON-REED, *THOMAS JEFFERSON AND SALLY HEMINGS* (1997; expanded ed., 1999) (*passim*).

tionship with documentary evidence not available to them, she demonstrated that these two bodies of historical evidence confirmed each other. She thus convinced many readers – and most historians – that Sally Hemings had a sexual relationship with Thomas Jefferson, and had children with him.

Soon after the appearance of Gordon-Reed's study, a team of geneticists launched a research project using the new technique of DNA analysis. They secured DNA samples from people in direct male line of descent from five men – Thomas Jefferson's uncle, Field Jefferson; Eston Hemings (Sally Hemings's youngest son); Peter and Samuel Carr; and Thomas Woodson (another of Jefferson's slaves who, his descendants insist, was the first son of Thomas Jefferson and Sally Hemings). In November 1998, the geneticists published an article in the distinguished British science journal *Nature* explaining the results of their tests.<sup>31</sup> They concluded that Eston Hemings was the child of a male member of Jefferson's family; that neither Peter nor Samuel Carr could have fathered Eston Hemings; and that Thomas Woodson was not descended from Thomas Jefferson. Putting together the historical evidence and the DNA results, the authors of the *Nature* study concluded that the person most likely to have fathered Eston Hemings was Thomas Jefferson himself. Finally, in January 2000, Frasier Nieman, a statistician on the staff of the Thomas Jefferson Memorial Foundation analyzed the odds that the pattern first noticed by Winthrop Jordan – Jefferson's presence on the scene nine months before each time that Sally Hemings gave birth, and the lack of proof of any other person's presence as a potential father all those times – would mean anything other than that Jefferson was the father. He concluded that the odds in favor of Jefferson's being the father were 10,000 to one.<sup>32</sup>

Rarely in the writing of American history has the conventional wisdom about a debate reversed course so completely. The new consensus that the Jefferson-Hemings relationship did exist rests on three pillars – (1) the close analysis of circumstantial evidence and oral tradition in Annette Gordon-Reed's book; (2) the DNA study published in

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31. Eugene A. Foster et al., *Jefferson Fathered Slave's Last Child*, *NATURE*, Nov. 5, 1998.

32. Frasier D. Neiman, *Coincidence or Causal Connection? The Relationship Between Thomas Jefferson's Visits to Monticello and Sally Hemings's Conceptions*, *WILLIAM & MARY Q.*, No. 57-3, at 198-210 (2000). This article was the last in a valuable symposium, *Forum: Thomas Jefferson and Sally Hemings Redux*, *id.* at 121-210, including contributions by Jan Ellen Lewis, Joseph J. Ellis, Lucia Stanton, Peter S. Onuf, and Annette Gordon-Reed.

*Nature*; and (3) the statistical analysis published by the *William and Mary Quarterly*. Recent attempts by “Jefferson defenders” to substitute Jefferson’s brother Randolph as the father, or to suggest that Sally Hemings had sexual relationships with more than one man (none of them being Jefferson), are notable for the heat with which their supporters argue them, but not for the light that they shed on this controversy.<sup>33</sup>

These developments raised further troubling questions about Jefferson’s character. It was bad enough that Jefferson owned slaves. Worse still, he had presented, in *Notes on the State of Virginia*, an appalling, racist case against sexual relations between blacks and whites, and an equally disturbing argument that freed slaves should be deported to Africa or the Caribbean. What then are we to make of Jefferson’s sexual relationship with one of his slaves? Was it rape – a slaveholder’s exercise of his “right” to use a female slave as he saw fit, with her having no say in the matter? Was Jefferson’s bitter attack on interracial sex (in *Notes on the State of Virginia*) an expression of racism, an act of profound hypocrisy, or both? Could the relationship between Jefferson and Sally Hemings have been loving, as well as sexual, rather than rape? How did Jefferson’s two families at Monticello – one white (his daughter Martha, her husband, and their children) and one black (the Hemingses) – coexist? It is difficult, if not impossible, to answer these questions, because there is so little evidence.

Thus, as we have seen, previous writers have veered between the poles of these contradictions, praising Jefferson for his aspirations or damning him for his failures. By contrast, I seek a balanced understanding – moving beyond the “prophet of disunion” attacked from the 1860s to the 1920s, the “god of democracy” celebrated from the 1930s to the 1960s, and the puzzling, Sphinx-like Jefferson described by scholars for the past forty years.

#### CONCLUSION

What are we to make of Thomas Jefferson? He was caught, I think, between past and future, between his origins and his aspirations for himself and the American nation, between who he was and what he

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33. Jefferson-Hemings Scholars Commission, *Report on the Jefferson-Hemings Matter* (April 12, 2001), at <http://www.geocities.com/tjshcommission/> (last visited Sept. 3, 2002); THE JEFFERSON-HEMINGS MYTH: AN AMERICAN TRAVESTY (Eyler Robert Coates, Sr. ed., 2001). But see Alexander O. Boulton, *Review: The Monticello Mystery: Case Continued*, WILLIAM & MARY Q., No. 58-3, at 1039-1047 (2001).

wanted to be. The reasons for his ruin lay in part in what he hoped posterity would deem his most enduring legacy – the American Revolution, which he had helped to lead. The new democratic world he envisioned had dwindling room for the dignified, elegant, free-spending gentlemen-farmers who, he had hoped, would lead that world. Indeed, the forces he helped to set in motion ground him and his hopes for his family's fortunes to pieces. And yet he succeeded beyond his hopes, for his identification with the Revolution and with what posterity saw as its core principles – principles that he voiced with surpassing eloquence – defines his image to this day. In some ways he succeeded too well, for in later eras those predisposed to denounce hypocrisy and pretence have targeted Jefferson as a focus of their wrath. They take him to task because he could not resolve the conflicts that his soaring words helped to define – conflicts that plagued his life, polarized his thought, envenomed his politics, and haunted his last years. They cannot forgive “the god of democracy” for being vulnerably, painfully human

In 1874, Jefferson's biographer James Parton wrote, “If Jefferson was wrong, America is wrong. If America is right, Jefferson was right.”<sup>34</sup> Parton had in mind Jefferson's writing of the Declaration of Independence. The core document of the American political tradition and a classic statement of democratic values, it became a model for the first great modern statement of feminist principles, the 1848 Seneca Falls Declaration and Resolves, and for Ho Chi Minh's 1945 “Declaration of Independence of the Republic of Vietnam.” It has inspired democratic revolutionaries in the former U.S.S.R. and in South Africa, and democracy activists in the People's Republic of China.

As Abraham Lincoln, the only man rivaling Jefferson in Americans' hearts, argued, Jefferson's principles are “the definitions and axioms of free society.”<sup>35</sup> When we seek to understand liberty, equality, progress, constitutional governance, separation of church and state, and the meaning of the American Revolution, we do so in contexts framed by Jefferson's words. Whatever we think of him as a person or as a politician, we can never take away from him his remarkable gift as a writer, or his ultimate claims to fame. He achieved his intention to express “the American mind” and became the leading spokesman for

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34. JAMES PARTON, *LIFE OF THOMAS JEFFERSON, THIRD PRESIDENT OF THE UNITED STATES* 3 (J. & R. Osgood 1874).

35. Abraham Lincoln to Henry L. Pierce and others, April 6, 1859, *reprinted in* 3 *THE COLLECTED WORKS OF ABRAHAM LINCOLN* 374-376 (Roy P. Basler ed., 1947).



the revolution of ideas that changed, and continues to change, the face of America and the world. His words mean not only what he might have intended them to mean, but also what succeeding generations of Americans have read into them. Thus, whether he would even comprehend the United States in the first years of the twenty-first century, Jefferson's shadow looms large over us, thanks to the conflicting influences of his thinking, doing, and – most important – his writing. That truth alone requires each generation to reacquaint itself with his life and work, and to grapple with his ambiguous legacies.

I was putting the finishing touches on my biography when the events of 11 September 2001 intervened. One key change in American life wrought by the tragedies at the World Trade Center and the Pentagon was the shattering, once and for all, of the idea of American invulnerability – an idea that found eloquent expression in the writings of Thomas Jefferson and Abraham Lincoln.

In his First Inaugural Address, delivered on 4 March 1801, Jefferson pointed out to his countrymen that they were “[k]indly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe. . . .”<sup>36</sup> So, too, on 27 January 1838, the young lawyer Abraham Lincoln told his neighbors assembled in the Springfield, Illinois, Young Men’s Lyceum:

Shall we expect some transatlantic military giant, to step the Ocean, and crush us at a blow? Never! All the armies of Europe, Asia and Africa combined, with all the treasure of the earth (our own excepted) in their military chest; with a Buonaparte for a commander, could not by force, take a drink from the Ohio, or make a track on the Blue Ridge, in a trial of a thousand years.

At what point then is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time, or die by suicide.<sup>37</sup>

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36. Thomas Jefferson, First Inaugural Address, March 4, 1801, in *JEFFERSON: WRITINGS* 492-496 (Merrill D. Peterson ed., 1984).

37. Abraham Lincoln, Address before the Young Men’s Lyceum of Springfield, Illinois, Jan. 27, 1838, in *1 COLLECTED WORKS OF LINCOLN* 108-115, 109 (Basler ed., 1953).

What the Japanese attack on Pearl Harbor in 1941 could not do, what nearly half a century of the Cold War could not do, the events of 11 September accomplished. The destruction of the World Trade Center, the attack upon the Pentagon, and the crash of Flight 93 in rural Pennsylvania, have combined to bring this era of trust in American invulnerability to an end.<sup>38</sup>

In light of these unsettling new realities, we might well ask, what possible relevance does the life of Thomas Jefferson have to the events of 11 September? We now live in what we assure one another is an era of unprecedented crisis. And yet, as one sifts the letters of Jefferson and his contemporaries, one finds that they lived their lives in a constant atmosphere of crisis.<sup>39</sup> First, they had to weather the decade-long dispute with Great Britain over the American colonists' rights and responsibilities under the unwritten English constitution. Next, they had to contend with a nearly decade-long struggle to declare and then to win American independence in an unprecedented war against one of the most formidable military and naval powers in the history of the world. Then they undertook another complex, unprecedented struggle, also lasting nearly a decade, to devise new forms of government to secure the fruits of that Revolution. Even with the framing and adoption of the Constitution, their work and their endurance of crisis was not at an end. Now they faced yet another series of struggles, spanning the rest of their lives, to make their new systems and institutions of government work, to conduct politics within a new and untried constitutional framework, to test whether political conflict and factional strife could be contained within the matrix of the Constitution. Even in retirement, Jefferson and his colleagues were besieged by questions, pleas, demands for advice and guidance.<sup>40</sup>

Throughout their lives, then, Jefferson and his contemporaries were always aware of the fragility of their endeavors, and that awareness of fragility and risk fed and fanned their sense of crisis. Not only were they aware of these risks, they were committed to combating them. Their commitment – and their willingness to pay the price of hard, grinding toil and often of heartbreak that it exacted from them – ought to reassure us and to challenge us. Jefferson and the other members of the Revolutionary generation (a group that actually

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38. See generally JAMES CHACE & CALEB CARR, *AMERICA INVULNERABLE: THE QUEST FOR ABSOLUTE SECURITY FROM 1812 TO STAR WARS* (1988). NOAM CHOMSKY, 9/11 (2001).

39. See generally Joanne B. Freeman, *The American Republic, Past and Present*, *CHRONICLE OF HIGHER EDUCATION*, 28 Sept. 2001, at B6.

40. See, e.g., WESLEY FRANK CRAVEN, *THE LEGEND OF THE FOUNDING FATHERS* (1956); DREW MCCOY, *THE LAST OF THE FATHERS: JAMES MADISON AND THE REPUBLICAN LEGACY* (1989).

spanned three generations)<sup>41</sup> were forced by their circumstances to learn on the run, and their most remarkable exercises of creative adaptation should inspire us and challenge us to do likewise.

Bridging the gap between the past and the present, while at the same time preserving a sense of the inescapable differentness of the past, is the ultimate challenge facing the historian and the biographer. Few historical figures pose this challenge in terms more exacting and agonizing than Thomas Jefferson does. In wrestling with Jefferson, then, we should be fair to him and to ourselves. As historians and biographers, we should offer neither defensive praise nor unsparing censure. As the English biographer and literary critic Victoria Glendinning wrote in her recent life of Anthony Trollope:

Rebecca West once said that to understand is not to forgive, it is simply to understand. It's not an end but a beginning. Knowledge is power.<sup>42</sup>

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41. See PETER CHARLES HOFFER, *REVOLUTION AND REGENERATION: LIFE CYCLE AND THE HISTORICAL VISION OF THE GENERATION OF 1776* (University of Georgia Press 1983).

42. VICTORIA GLENDINNING, *ANTHONY TROLLOPE* at xxiii (Alfred A. Knopf 1993).