

Quest Paper

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The Evolution of Liberty
from the Declaration of Independence
to The 13th Amendment

"The arc of the moral universe is long, but it bends toward justice."

Theodore Parker, The present aspect of slavery in America and the immediate duty of the North: a speech delivered in the hall of the State house, before the Massachusetts Anti-Slavery Convention, on Friday night, January 29, 1858

Thanks to Judge Roger Cosbey for suggesting this topic. It is his idea, which I hope will be followed by the Quest Club, to further discuss the Evolution from 1865 to the present. That will probably take at least two papers.

I would like to further thank Judge Cosbey for arranging to have Steven Spielberg direct and release an entire motion picture on Abraham Lincoln centered on the 13th Amendment, and having John Meacham visit IPFW to present a lecture centered on his new biography of Thomas Jefferson. Doris Kearns Goodwin and her biography of Lincoln – Team of Rivals – also having visited the Lincoln Library in Fort Wayne recently amplified that work for me. David McCullough's biography of John Adams and the HBO series by Tom Hanks based on the book, made my research a true delight. As a further bonus since my bachelor's degree from Butler is in History and Political Science I was allowed to relive much of my youth,

even to the point of visiting Hinkle Fieldhouse for their final game before a renovation of that venerable Cathedral of Indiana Basketball.

The terms in the title beg for comment. First, Liberty is defined by Merriam Webster as, the power to do as one pleases; freedom from physical restraint; freedom from arbitrary or physical control; the power of choice – or if time permitted we could read Libertarian Ron Paul’s book on 50 essential issues affecting our freedom, but IU plays at four o’clock and I do not want to miss the game.

For our purposes today, we will negatively define liberty as the independence of a state derived from not being a colony of another state, or for a person living in a country that does not allow the ownership of one person by another. Universal suffrage is assumed in both cases.

Evolution is too weak a word to describe the dedication and often the violence which always seems to accompany the acquisition of Liberty. The long Revolutionary War that carried on through the War of 1812 and the Civil War serve as two bookends to the Declaration of Independence and the 13th Amendment to the Constitution.

As a child, my mother took my brother and me to downtown Indianapolis along Meridian Street to watch the troops coming home from WW II. They marched and bands played. Every time a flag came by, Mom would get us up to salute. I have deep personal feelings about this country, but I promise not to sing today. Nevertheless, many of the words I use and the

feelings I emote could very well move me to tears. In fact there are those who would say I make John Boehner seem like a stoic.

First, slavery would seem to be the only focus of the discussion of Liberty, but between 1776 and 1865, but there was another event which must be recognized and is part of the arc of Liberty. In 1848 a group of women met, with a few brave men, in Seneca Falls New York in what is recognized as the beginning of the nationwide women's suffrage movement. *Seneca Falls played a prominent role in the Women's Rights Movement. Elizabeth Cady Stanton, one of the organizers of the 1848 Seneca Falls Women's Rights Convention and recognized as "the philosopher and chief publicist of the radical wing of the 19th century women's rights movement" lived in Seneca Falls from 1847 to 1863. Abolitionist causes against slavery were popular in Seneca Falls.*

Elizabeth Cady Stanton and other women's rights leaders organized the influential Women's Rights Convention, also known as the Seneca Falls Convention, held in 1848 at the Wesleyan Methodist Chapel. A "Declaration of Sentiments" was adopted, drafted which included support for women's suffrage. Frederick Douglass, a former slave and publisher of a Rochester, New York, abolitionist newspaper, attended the convention. His eloquent support for the women's suffrage resolution was instrumental in its passage. Nearby Waterloo was the planning location for the convention, which is commemorated by the Women's Rights National Historical Park in the two villages.

The women's suffrage movement achieved success with the passage of the 19th Amendment in 1920. No wars were fought. The change came about after over 70 years of marches, protests, arrests, hunger strikes and an

unknown number of domestic confrontations. In 1923 the National Woman's Party celebrated the 75th anniversary of the 1848 Seneca Falls convention. *Alice Paul presented the draft of the Equal Rights Amendment, referred to as "the Lucretia Mott Amendment", for the delegates' approval at the general conference held at the First Presbyterian Church in Seneca Falls.* As of today, the ERA has fallen short by three votes (three states) to pass the necessary three quarters of the States. Supporters have not given up. Stay tuned.

The Declaration of Independence

John Adams in his early visits to Philadelphia wrote often to his wife Abigail about his findings in a city he had never visited and other colonists he had never met. He said of his newly acquired friends from Virginia that in Virginia, "all geese were swans." Such was the high regard in which Adams held Jefferson and the other Virginians: their clothes, their grooming, and their bearing. Adams was a plain spoken farmer/lawyer from Massachusetts. But he was bright, hard-working, and determined. He spoke with force like a long practiced courthouse lawyer. He was persistent. He could have well drafted the Declaration, but he recognized what he called Jefferson's "peculiar felicity of expression." was the best choice for drafting.

The task fell to Jefferson. Both Adams and Ben Franklin performed the first edit. They used the apartment rented by Jefferson in which the first draft was produced. Adams wrote to Abigail, " I was delighted with its high tone and flights of oratory with which it abounded, especially that

concerning Negro slavery, which I knew his southern brethren would never suffer to pass in Congress, I would certainly never oppose." John Adams hand copied the original and sent it to Abigail. Few changes were made by the three. But when the draft was presented to the Congress, Jefferson hated being edited by such a large group. He fairly writhed as he sat in the Pennsylvania State House, listening to member after member wanting to change this and cut that. Franklin tried to soothe his young colleague, to whom every suggestion and demand on the floor was a fresh agony directed not at the document but at Jefferson himself. Franklin told Jefferson that, "I have made it a rule to avoid becoming the draftsman of papers to be reviewed by a public body." Yet however many changes came in, it was still Jefferson's voice at the core of the enterprise. That "peculiar felicity of expression, "a term quoted by both McCullough and Meacham belonged to Jefferson.

IN CONGRESS, July 4, 1776.

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a

decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness. – it goes on and on

On Tuesday July 2, 1776 delegates voted to adopt the resolution for Independence. Two days later they ratified it. What they had done was a hanging office and they were well aware of the seriousness of their action. The men who met in Philadelphia in the time prior to 1776 were young and vigorous. Jefferson was born in 1743 and so 33 when the declaration was adopted. Adams, born in 1735 was 41. It was a nervous time. Jefferson loved the grim levity of a story about the fat Benjamin Harrison of Virginia and the wispy Elbridge Gerry of Massachusetts. “Gerry, when the hanging comes, I shall have the advantage; you’ll kick in the air for half an hour after it is all over for me.”

Adams wrote to Abigail a passage that is now quoted at many 4th of July celebrations, before countless concerts and fireworks. “This day will be the most memorable in the history of America. I am apt to believe it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the Day of Deliverance by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations

from one end of this continent to the other from this time forward and forevermore.”

Women and Negro slavery were left out of the Declaration. When we got to the Constitution our southern brethren saw things another way. They wanted to count the slaves in the census, but not allow them to vote. The compromise was to count each slave as 3/5 of a person for apportioning the representatives, but not to allow a slave to vote. Compromises are not perfect. What it shows is what our priorities were. Condoleezza Rice recently called it America’s birth defect.

Once we finished with the British, we started to argue with each other about that birth defect – leading to disagreements about both slavery and nullification. These disagreements and their resolutions fill volumes. Great Americans built their reputations. Andrew Jackson confronted the banking system, the British at New Orleans, and treated native Americans like slaves. John Adams son, John Quincy served the US in many posts including Secretary of State under James Monroe, wrote the Monroe Doctrine, became President, opposed slavery convinced it would end by the South giving in or a revolt by the slaves, but did not foresee the Civil War. John served in the Congress for seventeen years after he was defeated for President by Andrew Jackson. Studying the life of John Quincy Adams sheds light of much of what happened in this country between his birth in 1767 and death in 1848. We were a growing and dynamic country. And we still are.

But let me touch on a few things that took place at the end of the first fifty years. The election of 1800 between John Adams and Thomas Jefferson was, without doubt, the nastiest campaign in the history of this country. Abigail Adams never forgave Jefferson for the things which he and his supporters promulgated about her husband. The three had been close during the days they spent in Paris before Independence and during the Washington's first term. Jefferson was tall, handsome, and a social delight. He knew how to entertain and have a great time with people. John Adams did not.

Although Adams and Jefferson had been close, this election strained all friendship. It was an ideal time for his enemies to bring up Jefferson's relationship with Sally Hemings. Jefferson's wife, Patty, having been unhappily raised by two different step mothers, extracted a promise from Jefferson when on her early deathbed that he not take another wife and thus subject their children to her unhappiness.

At her death, she gave him a small ceramic bell she had used to call Sally Hemings. Sally was her half-sister by her father with a slave owned by Patty's family named Elizabeth Hemings. Such arrangements were not uncommon in slave-owning states. It was said that "Any lady is able to tell who is the father of all the mulatto children in everybody's household but her own. Those she seems to think drop from the clouds." Research over the years and now DNA has proven that Sally Hemings and Jefferson had six such children dropping from the clouds. Four survived. Jefferson never remarried. Sally died in 1835.

Adams left Washington DC after his loss, never to return. He turned bitter saying that Jefferson would be known for the Louisiana Purchase and the Declaration of Independence while he would be remembered for the Alien and Sedition Acts. In 1812 Dr. Benjamin Rush reconciled the two old patriots, and a correspondence resumed which lasted until July 4, 1826, the fiftieth anniversary of the Declaration, on which day both men died. Each thought the other had survived him. In fact Jefferson passed a few hours before Adams, whose last words were, "Thomas Jefferson lives."

The 13th Amendment

"The arc of the moral universe is long, but it bends toward justice."

January 29, 1858

From the birth of our nation until the passage of the 13th Amendment we lived with that birth defect. Slavery. Legislative compromises based on and the status of new states - Free or slave occupied much of the time of Congress. As we progressed westward, the battles just expanded and were driving us apart. Then there was the question of nullification. Some northern states argued that states did not have to follow all the laws passed by the government of the United States. Later on the southern States argued the same only stronger and longer.

Does this sound familiar to anyone???????

The 13th amendment stated - Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have

been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

The passage of the Amendment solved the problem of the legality of the Emancipation Proclamation, which would never be approved of by legislatures in the then anticipated United States after the Civil War. President Lincoln and other Republicans were concerned that the Emancipation Proclamation, which in 1863 declared the freedom of slaves in ten Confederate states then in rebellion, would be seen as a temporary war measure, since it was based solely on Lincoln's war powers. The Proclamation did not free any slaves in the border states nor did it abolish slavery. Because of this, Lincoln and other supporters believed that an amendment to the Constitution was needed. So to free the slaves permanently, the constitution must be amended before the war ended. The North was in no hurry to end the war or to recognize the States of the confederacy as a separate country.

In his second inaugural address Lincoln suggested that God had given “to both North and South, this terrible war” as punishment for their shared sin of slavery. Not a defect, but a shared sin. More men died in the Civil War than any other American conflict, and two-thirds of the dead perished from disease.

Over 625,000 men died in the Civil War, more Americans than in World War I, World War II, the Korean War and the Vietnam War combined. If the names of the Civil War dead were arranged like the names on the Vietnam Memorial, it would stretch over 10 times the wall's length. Two percent of the population died, the equivalent of 6 million men today.

Certainly "punishment for a shared sin" is a most accurate description.

Neither the War itself nor the 13th Amendment solved the long term problem of the relationship between the races. Goodwin does an excellent analysis of the problem at the time.

"My first impulse, "Lincoln had said before, "would be to free all the slaves, and send them to Liberia – their own native land." Lincoln had long supported the same implausible plan endorsed by Edward Bates and Henry Clay, the notion of compensating slave owners and returning freed slaves to their homeland. Lincoln noted the staggering administrative and economic difficulties of moving 3 million slaves to Liberia and compensating their owners, when the overwhelming majority of slaves had no desire to go to Africa. They were here to stay. What then? Lincoln asked. Free them all and keep them among us as underlings? Is it quite certain that this betters their condition? Freed could they be made politically and socially our equals? My own feelings will not admit of this; and if mine would, we well know that those of a great mass of white people will not. Whether this feeling accords with justice and sound judgment, is not the sole question -- a universal feeling, whether well or ill-founded cannot be safely disregarded.

Lincoln understood that the greatest challenge for a leader in a democratic society is to educate public opinion. With public sentiment nothing can fail, without it

nothing can succeed. Stephen Douglas, Lincoln's great debate partner in Illinois, argued blacks were not included in the Declaration of Independence. He was molding history and bending it the wrong direction.

Lincoln hoped to penetrate the human soul until as he said all this quibbling about this man or the other man – this race and that race and the other race being inferior should be discarded and Americans could unite as one people throughout the land providing true meaning to the phrase “all men are created equal.”

History demonstrates that Lincoln and his contemporaries were not overestimating the depth of racial bigotry in America. A century would pass before legal apartheid was outlawed in the South, before separate schools were deemed unconstitutional, before blacks were finally guaranteed the right to vote – that particular right may be slipping away.

Consider that Jefferson and other slave owners treated their own mulatto offspring not as their own children, but as their other slaves were treated.

Let me make a few comments about the movie Lincoln that related to the subject of this paper. First, Mary Todd Lincoln did not sit in the gallery with her dressmaker maid. Second the names were called alphabetically by person and not by State. Hundreds of tally sheets were passed out so that everyone was keeping track. I remember many local elections where homemade tally sheets were used. Friends on both side of the isle can regale you with story after story of the arm twisting during various elections often followed by the epitaph – lying bastard - mumbled during the roll call.

The most interesting character was Thaddeus Stevens played by Tommy Lee Jones. When I studied history in the 1950s, Stevens was not a hero. Scholarly views of Stevens have swung sharply since his death as interpretations of Reconstruction have changed. Historians of the Dunning School (1890s–1940s) held Stevens responsible for demanding harsh treatment of the white South and violating American traditions of republicanism, depicting Stevens as a villain for his advocacy of harsh measures in the South such as disfranchising all ex-Confederates. This highly negative characterization held sway into the 1950s. The rise of the neo-abolitionist school led to a strong positive appreciation of Stevens' work on civil rights for Freedmen. A recent biographer characterizes him as, "The Great Commoner, savior of free public education in Pennsylvania, national Republican leader in the struggles against slavery in the United States and intrepid mainstay of the attempt to secure racial justice for the Freedmen during Reconstruction, the only member of the House of Representatives ever to have been known as the 'dictator' of Congress.

The famous Lincoln Scholar Harold Holzer an advisor on the movie, who spoke at IPFW a few years back actually refers to Stevens as the Old Liberal Lion of the House. Thaddeus Stevens lived for several decades with his common law wife, who was mulatto. He died on August 11, 1868, in Washington, D.C. Stevens' coffin lay in state inside the Capitol Rotunda, flanked by a Black honor guard (from the District of Columbia). Twenty thousand people, one half of whom were African American, attended his funeral in Lancaster, PA. He chose to be buried in the Shreiner-Concord

Cemetery, because it was the only cemetery that would accept people without regard to race.

Stevens wrote the inscription on his headstone that reads: "I repose in this quiet and secluded spot, not from any natural preference for solitude, but finding other cemeteries limited as to race, by charter rules, I have chosen this that I might illustrate in my death the principles which I advocated through a long life, equality of man before his Creator."

Spielberg's Thaddeus Stevens summarizes the extraordinary events of the day the amendment passed the House, with this remarkable quote: the most liberating constitutional amendment in history, he alleges, handing the official tally sheet to his wife, had been "passed by corruption, aided and abetted by the purest man in America."

Spielberg's comment after the release of the film at Gettysburg asserts "It's a betrayal of the job of the historian, to explore the unknown. But it is the job of the filmmaker to use creative "imagination" to recover what is lost to memory. Unavoidably, even at its very best, "this resurrection is a fantasy ... a dream." As Spielberg neatly put it, "one of the jobs of art is to go to the impossible places that history must avoid." Harold Holzer comments there is no doubt that Spielberg has traveled toward an understanding of Abraham Lincoln more boldly than any other filmmaker before him.

BIBLIOGRAPHY

Biographies by Doris Kerns Goodwin - Team of Rivals - summary in italics
of Lincoln's views on status of Negroes

By David McCullough of John Adams

By John Meacham of Thomas Jefferson

Miscellaneous citations from Wikipedia on Seneca Falls, life and historical
changes in views of Thaddeus Stevens, quote from Harold Holzer on
Spielberg movie.

