

Was the Declaration of Independence Better Before the Edits?

Amid contention, criticism, and compromise, a divided nation had to present a unified front. It came at a cost.

By Jill Lepore

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Congress went through Jefferson's version of the document, eliding adverbs, altering verbs, and slashing whole paragraphs. Historians have suggested that a passage condemning slavery was deleted because it was so patently hypocritical as to be embarrassing.

Red-headed, spindle-shanked Thomas Jefferson was thirty-three years old when he drafted the Declaration of Independence, in 1776; he was so young and, as it turned out, so long-lived that he had another fifty years to think about what it meant. Over that half century, during which he served as a foreign minister, state legislator, governor of Virginia, member of Congress, Secretary of State, Vice-President, and President (twice), he was often asked why he held it to be so true as to be self-evident that all men are created equal and that governments are instituted among men to secure rights that include life, liberty, and the pursuit of happiness. Happiness! On these questions, he had a great deal to say. This year marks two centuries since Jefferson's death and two hundred and fifty years since the United States declared its independence by issuing arguably the most important piece of prose in modern history. Jefferson thought that it began the world anew. What does it mean now that it's old?

The story of how the Declaration of Independence came to be written has been told many times but remains disputed, if not hotly, then lukewarmly. On June 11, 1776, the Continental Congress appointed Jefferson to serve on a committee charged with drafting a statement declaring independence, along with John Adams, Benjamin Franklin, Roger Sherman of Connecticut, and Robert Livingston of New York.

“They unanimously pressed on myself alone to undertake the draught,” Jefferson later wrote. Is this true? Adams, forever jealous of Jefferson, recorded in his diary that the committee had given Jefferson an outline of key points and that all that Jefferson had done was to “cloath them in a proper Dress.” Franklin, who was the best writer on what became known as the Committee of Five, said that he declined to write the draft because, as an old man and a wise man and, above all, a man of many rules, he refused to write anything fated to be edited by committee. Adams, a man of tart and ready opinions and of emotions that extended only so far as the short span between envy and bitterness, insisted that he’d have written it himself if he hadn’t thought it necessary that a Virginian should write it; also, as the famous Massachusetts curmudgeon admitted, everyone found him “obnoxious.” One thing lies apparently beyond dispute: no one entertained even for a minute the possibility that Sherman or Livingston, both lacklustre prose stylists, should wield the pen. In any event, the task fell to Jefferson, who was said to have written his draft in “a day or two.” (In fact, it took seventeen.)

There was a war on. Much haste was called for. But alacrity was possible because drafting the Declaration required no study. “I turned to neither book or pamphlet while writing it,” Jefferson later told James Madison. “I did not consider it as any part of my charge to invent new ideas altogether & to offer no sentiment which had ever been expressed before.” Jefferson could be quite fulsome on this point. The whole American Revolution, he explained to another correspondent, defied the deference to history implied by such research: “we were free to write what we pleased. we had no occasion to search into musty records, to hunt up Royal parchments, or to investigate the laws & institutions of a semi-barbarous ancestry. we appealed to those of nature, and found them engraved in our ~~breasts~~ hearts.” He meant the Declaration to express only “the genuine effusion of the soul of our country.” He was surpassingly proud of his authorship of the Declaration. He ordered that “Author of the Declaration of American Independence” be engraved on his tombstone, but did not wish it to

mention that he was ever President. Again and again, Jefferson insisted that his purpose had been “not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject.” In sum, “neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind.”

The soul, the breast, the heart, the mind. Readers at the time did not find the Declaration to be original, either. Richard Henry Lee said that the document was “copied from Locke’s treatise on government.” Adams fumed that there was “not an idea in it, but what had been hackneyed in Congress for two years before.”

Maybe so, but think of how badly Congress had stated those hackneyed ideas. In June, 1775, Jefferson had been saddled with the Pennsylvania delegate John Dickinson as a co-author of another declaration, the Declaration of the Causes and Necessity of Taking Up Arms, a mealy-mouthed explanation of why the Americans, having been attacked by the British Army at Lexington and Concord and at Bunker Hill, were fighting back. The preamble, written by Dickinson, begins:

If it was possible for men, who exercise their reason, to believe, that the Divine Author of our existence intended a part of the human race to hold an absolute property in, and an unbounded power over others, marked out by his infinite goodness and wisdom, as the objects of a legal domination never rightfully resistible, however severe and oppressive, the Inhabitants of these Colonies might at least require from the Parliament of Great Britain some evidence, that this dreadful authority over them, has been granted to that body.

The preamble of the Declaration of Independence expresses similar sentiments not only less timidly—a year of war had made Congress bolder—but with both more eloquence and more precision:

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.

To say that the ideas in the Declaration were not original to Jefferson isn't to say that the writing shows no evidence of his hand. Jefferson may have consulted no books, but he certainly consulted his memory, after a lifetime of reading. His draft of the Declaration begins Biblically. If not "In the beginning God created the heavens and the earth," then at least "When in the course of human events." Its political theory is Lockean, and also republican and radical: "We hold these truths to be sacred & undeniable; that all men are created equal & independant, that from that equal creation they derive rights inherent & inalienable, among which are the preservation of life, & liberty, & the pursuit of happiness." Its style reflects Jefferson's literary taste. One of his favorite books was "Tristram Shandy"—it was so dear to him that he and his wife shared excerpts as she was dying—and parts of the Declaration have the quality of Sternean exasperation. "When one runs over the catalogue of all the cross-reckonings and sorrowful *items* with which the heart of man is overcharged, 'tis wonderful by what hidden resources the mind is enabled to stand it out, and bear itself up," Sterne wrote. Here's Jefferson: "All experience hath shewn that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

Aside from Adams, no member of the Continental Congress was a better student of history than Jefferson was, and, aside from Franklin, none was a better scientist. The Declaration's list of grievances against George III marries the moralism of history to the empiricism of science: "The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world." But, even as he declared the independence of the United States and asserted the rights of Americans, Jefferson nonetheless feared the sovereignty of Native nations, whom he called

“merciless Indian savages,” and, though he was himself a slaveowner, he denounced, in his draft, the “assemblage of horrors” that was slavery, and blamed the King for having opened “a market where MEN should be bought & sold” and then for having promised liberty to enslaved Africans willing to fight for the British. Finally, Jefferson, who had been admitted to the bar in 1767, also included in the Declaration a few lawyerly, I-rest-my-case zingers: “A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a people who mean to be free.”

But, beyond all his influences and all that he borrowed, Jefferson was, of course, not the only author of the Declaration of Independence. Once he’d written the draft, he gave it to Adams and Franklin (“the two members of whose judgments and amendments I wished most to have the benefit”), who made suggestions in their own handwriting. It is widely believed that Franklin changed Jefferson’s “We hold these truths to be sacred & undeniable” to “We hold these truths to be self-evident,” which was tidier, less captious, and more secular. Then, on July 2nd and again on July 3rd, Congress met as a committee of the whole to revise the draft submitted by the Committee of Five. Thus began every writer’s nightmare.

The Declaration of Independence is not brief. If you were to cut it down to the length of the shortest short story—“For sale: baby shoes, never worn”—you’d get something like “Hear ye! Men are free! Mostly!” Congress struck out a few hundred words from Jefferson’s rough draft, but it never got as short as that.

The dozens of edits that Congress made have been minutely examined by historians and literary scholars. Pauline Maier, the author of “American Scripture,” lauded those congressional edits, which included swapping “neglected utterly” for “utterly neglected” and “a people who mean to be free” for “a free people” and changing the description of the injuries committed by the King from “unremitting” to “repeated.” But Jefferson found the experience of sitting there while lesser writers

messed with his prose unbearable. He wrote to Richard Henry Lee, sharing both his original and Congress's revision, to ask "whether it is the better or worse for the Critics." He was sure it was worse.

Congress's biggest change was to eliminate a paragraph that blamed George III for the institution of human bondage from which Jefferson's own wealth was derived, and that charged the King with having "waged cruel war against human nature itself, violating its most sacred rights of life & liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither," and with having defeated the colonists' "every legislative attempt to prohibit or to restrain this execrable commerce." If included, this passage would have been the twenty-eighth grievance, and the longest in the document. Jefferson maintained that the deletion was made at the behest of delegates from South Carolina and Georgia; historians have suggested that it was necessary because the passage was so patently hypocritical as to be embarrassing. But it was also, as the historian David Armitage has remarked, the climax of the story Jefferson's draft told—the worst thing of which he accused the King. And its erasure marked the beginning of centuries of political attempts to pretend that slavery never happened. (Eleven years later, delegates to the Constitutional Convention used all manner of circumlocution to avoid putting the words "slave" or "slavery" into the nation's frame of government.)

While Congress went about its edits, eliminating adverbs, altering verbs, and slashing whole paragraphs, Franklin tried to distract the miserable Jefferson by telling him a story about why he had his rule about never writing something that other people would revise. When he was a printer, Franklin said, a friend who was about to open a hat shop wanted to hire a painter to make him a sign: a picture of a hat and the words "John Thomson, Hatter, makes and sells hats—for ready money." Before setting the painter to the task, Thomson asked his friends for their advice on the design. The first suggested striking out the word "hatter," as "tautologous, because followed by the words 'makes hats.'" The

second proposed “that the word ‘makes’ might as well be omitted, because his customers would not care who made the hats.” The third said “the words ‘for ready money,’ were useless as it was not the custom of the place to sell on credit.” And the fourth pointed out that what was left—“John Thomson sells hats”—was wordy, too. Why “sells hats,” he asked, given that “nobody will expect you to give them away”? In the end, all that was left was a picture of a hat and the words “John Thomson.”

And that, with no little irony, has been the fate of the Declaration of Independence, too.

The Declaration had many ancestors. It also has many descendants. A better picture than a hat might be a bow tie. The Declaration itself is the knot—*the soul, the breast, the heart, the mind*. The wings on either side of the knot are what came before and what came after, models for what Jefferson wrote and imitations of it.

What came before are English declarations of rights that can be traced back to the twelfth century, including, most notably, the 1689 Declaration of Rights, which charged that James II, with “the Assistance of divers evil Counsellors, Judges, and Ministers, employed by him, did endeavour to subvert and extirpate the Protestant Religion, and the Lawes and Liberties of this Kingdom.” In America, colonists had been collectively declaring their rights since the Stamp Act crisis of the seventeen-sixties. More immediately, by Maier’s count, Jefferson’s draft followed declarations of independence issued by at least ninety American towns, counties, states, militia units, and groups of mechanics between April and July of 1776, including Pennsylvania’s “Declaration on the subject of the Independence of this Colony of the Crown of *Great Britain*,” issued on June 24, 1776. It begins with language quite similar to the part of Jefferson’s Declaration in which he lists the injuries inflicted on the colonies by the King: “Whereas, *George* the Third, King of *Great Britain*, &c., in violation of the principles of the *British* Constitution, and of the laws of justice and humanity, hath,

by an accumulation of oppression unparalleled in history, excluded the inhabitants of this, with the other *American* Colonies, from his protection.” *The soul, the breast, the heart, the mind.*

On the other side of the bow-tie knot, what came after the Declaration includes what Armitage has called a “contagion of sovereignty”: more than a hundred declarations of independence issued since 1776, many borrowing from the language of the American one. The first surge came in the age of revolutions. Later waves followed the collapse of empires after the First World War, the great era of decolonization after the Second, and the breakup of the Soviet Union. Ho Chi Minh, who wrote Vietnam’s Declaration of Independence in 1945, called the 1776 text an “immortal statement.”

Yet there are other declarations of human equality, freedom, and rights whose principles inspired Jefferson but whose implications he refused to entertain. In 1764, in “The Rights of the British Colonies Asserted and Proved,” the Boston lawyer James Otis argued that “the colonists are by the law of nature free born, as indeed all men are, white or black.” What would it have meant if Jefferson had written, “all men, white or black, are created equal”? What if he had written into the Declaration the language found in petitions of enslaved Black people seeking emancipation, such as one signed by a number of men from Massachusetts who, in 1773, declared that they “have in comon with other men a naturel right to be free,” or another group who, the following year, proclaimed, “We are a freeborn Pepel and have never forfeited this Blessing by aney compact or agreement whatever.” What if, instead of blaming the King for having “*waged cruel war against human nature itself*” by enslaving Africans, Jefferson—and Congress—had declared, in their Declaration, an end to it?

This question highlights a broader omission in the writing of history, and in the memory of the nation’s founding. Lost in the red, white, and blue fireworks of America 250 is the fact that it marks the anniversary of the first state constitutions, too—the anniversary, that is, of American

constitutionalism itself. New Hampshire, whose royal governor simply walked off the job, became the first former colony to write a constitution, in January, 1776. South Carolina followed in March, establishing itself as a republic. John Adams, thrilled at a spirit of independence that he described as an “Electric Fire,” composed a letter instructing eminent men on how to draft constitutions. It was at this point that his wife urged him to reconsider what elements he included in any new code of laws. “Do not put such unlimited power into the hands of the Husbands,” she wrote. “Remember all Men would be tyrants if they could.” He ignored her.

John Adams’s letter on what constitutions needed was published in April, 1776, as “Thoughts on Government.” He advised his countrymen to throw themselves into the task of “beginning Government anew” and argued that “the Happiness of the People, the great End of Man, is the End of Government.” He favored governments run by popularly elected representative assemblies, weak executives, and independent judiciaries—what he called governments “of Laws and not of men.” In Philadelphia, on May 10th, Adams urged all the states to write constitutions, and Congress passed a resolution to that effect.

Jefferson arrived from Virginia four days later and immediately sent a copy of that resolution back to Virginia’s legislature, which was meeting in Williamsburg as a convention, pointing out that devising new state governments was “the whole object of the present controversy.” He then devoted himself, for weeks—harried, frantic—to composing multiple drafts of a constitution for Virginia. Meanwhile, George Mason wrote Virginia’s Declaration of Rights, after which he, too, turned his attention to drafting Virginia’s constitution, John Adams having sent Richard Henry Lee his “Thoughts on Government” for just this purpose. Though Mason’s draft of the state constitution was somewhat more democratic than what Adams had favored (the upper house of the legislature was to be elected by the people, rather than appointed by the lower house), Adams conceded that “Virginia has done very well.”

On June 12, 1776, the day after the Committee of Five was appointed, the *Pennsylvania Gazette* printed Virginia's Declaration of Rights. It begins by stating "that all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety." Jefferson, now working on the Declaration of Independence, nicely tightened that up.

He was also busy writing a document he cared about far more. Not knowing how far along the writing of the Virginia constitution was, Jefferson sent to Williamsburg his own draft. He completed a third draft of the state constitution sometime before June 13, 1776. It included a number of radical provisions, including the complete abolition of slavery ("no person hereafter coming into this country shall be held within the same in slavery under any pretext whatever") and the stipulation that, at least as concerned inheritance, "females shall have equal rights with males." Like "ready money" and "sells hats," "no slavery" and "equal rights for women" were edited out. Didn't the picture of the hat say it all?

Jefferson's draft having arrived too late, the Virginia delegates set it almost entirely aside, though they retained Jefferson's list of grievances against the King, placing the list between the document's Declaration of Rights and its framing of the new government. The Committee of Five presented the draft Declaration of Independence to Congress on June 28th. Virginia declared independence from England and adopted its new constitution on June 29th. And then Benjamin Franklin told Thomas Jefferson a tall tale about a hatmaker's sign.

If there are many more befores to the Declaration of Independence than most Americans are wont to consider, there are also a great many more afters. The original parchment was rolled up and stored in the office of the secretary of the Continental Congress, but was then moved around a

fair amount during the war—bouncing around towns and cities in Pennsylvania, Maryland, and New Jersey before ending up, in 1785, in New York. It then moved with the national capital: back to Philadelphia, in 1790, and then to Washington, ten years later. It was first displayed to the public only in 1841, in what was then the U.S. Patent Office. In 1876, the document's centennial, it was carried back to Philadelphia, where it was exhibited at Independence Hall, considerably yellowed and faded—a decay that occasioned much concern and public outcry and led to decades of largely unsuccessful efforts to preserve the parchment before it was put on display at the Library of Congress, in 1924. Not until 1952 was the Declaration, with the Constitution, moved to its current home, in the National Archives, under armed guard.

The parchment lay largely hidden for more than fifty years, but printed versions circulated immediately. John Dunlap, the Continental Congress's printer, issued the first typeset copies of the Declaration of Independence on July 4, 1776, fitting it all on a page, a giant broadside. Jonas Phillips, a Jewish merchant in Philadelphia who kept a drygoods store on Market Street, folded up a copy and tucked it into a letter he sent to Amsterdam. "The enclosed is a declaration of the whole country," Phillips wrote. "How it will end, the blessed God knows!" Phillips's letter was among the bags of mail that were seized by British warships as they stopped American vessels during the war; it never reached its destination. But, in 1787, Phillips petitioned the Constitutional Convention for a provision to be made in the new federal Constitution which would guarantee religious liberty. He wrote to George Washington, who presided over the Convention, "I solecet this favour for my Self my Children and posterity and for the benefit of all the Israelites through the 13 united States of america." (In 1834, Phillips's grandson Uriah Phillips Levy purchased Monticello, Jefferson's mountaintop home, and turned it into a private monument dedicated to religious liberty. In 1923, a year before the Library of Congress displayed the Declaration of Independence for the first time, Jonas Phillips's descendants sold Monticello to a foundation, which opened it to the public.)

When Phillips mailed his copy of the Declaration of Independence to Europe, he added a bit of commentary. Other Americans offered their own edits. Sometime in 1776, Lemuel Haynes, a Black soldier who had served as a minuteman in Massachusetts and then enlisted in the Continental Army, wrote a meditation on the Declaration—essentially an amendment to it—that he titled “Liberty Further Extended,” arguing that “Men were made for more noble Ends than to be Drove to market, like Sheep and oxen,” and insisting that “a Negro may justly challenge, and has an undeniable right to his Liberty. Consequently, the practice of Slave-keeping, which so much abounds in this land is illicit.” Shortly before the Constitution was written, Haynes would become the first Black minister ordained in the United States.

That act, of amending Jefferson’s original draft, edit upon edit, has been the story not only of new nation-states declaring their independence but also of people within nation-states. In the U.S., that tradition found expression, beginning in the eighteen-twenties—the jubilee anniversary—in declarations of independence issued by groups of workingmen, of women, of farmers, of socialists. No nineteenth-century tradition was more influential than that of Black abolitionists. In Boston, Maria W. Stewart, a Black lay preacher, published a series of essays and sermons in *The Liberator*, insisting to white audiences that “our souls are fired with the same love of liberty and independence with which your souls are fired.” In 1829, the North Carolina-born Black writer David Walker, a close friend of Stewart’s, wrote a tract titled “Appeal to the Colored Citizens of the World,” asking Americans to compare the language “extracted from your Declaration of Independence, with your cruelties and murders inflicted by your cruel and unmerciful fathers and yourselves on our fathers and on us.” Building on this Black-abolitionist reading of the Declaration of Independence, Frederick Douglass would famously ask, in 1852, “What, to the American slave, is your Fourth of July?” He continued, “Are the great principles of political freedom and of natural justice, embodied in that Declaration of Independence, extended to us?” The answer was no. “This Fourth July is yours, not mine. You may rejoice, I must mourn.” He did far more than mourn. He

organized a political movement, he published a newspaper, he influenced elections, and he fought to amend the Constitution.

In 1789, in the First Congress, James Madison had tried and failed to get his reworded version of the preamble of the Declaration of Independence inserted into the Constitution, as its first amendment. Instead, it was Black abolitionists who, in the decades before the Civil War, achieved that fusion by insisting that the Constitution could not be read without the Declaration. In 1848, women meeting at the nation's first women's-rights convention, in Seneca Falls, New York, drafted and adopted an amended Declaration of Independence, the Declaration of Sentiments. Elsewhere, Southern defenders of slavery offered up their own edits of the Declaration, excising the phrase "all men are created equal" (which John C. Calhoun considered to be an error) and eliminating natural rights (which, in 1863, George Fitzhugh described as a "bombastic absurdity"). In 1860, South Carolina became the first state to secede from the Union, declaring its independence while insisting on the "right of property in slaves." What pro-slavery Southerners valued in the Declaration of Independence was a single element: the right of "one people to dissolve the political bands which have connected them with another." The call to revolution turned into a right to secession.

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"We can leave whenever we want" was the Confederacy's six-word summary of the Declaration of Independence. And that idea thrives in the fractures and furies that drive American politics in the twenty-first century, the hatreds and the violence, the appetite for division, and the ongoing campaigns—they have never stopped—for schemes of schism (the Republic of Texas, Greater Idaho, an independent California, a proposed state called Jefferson). Disunion is as rich a vein in American political history as union is.

Abraham Lincoln tried in vain to disavow the Confederacy's interpretation of the Declaration as rendering the Constitution meaningless. In his first Inaugural Address, on March 4, 1861, with seven states having already seceded from the Union, Lincoln proclaimed

the essence of secession to be anarchy. But it was in a speech he gave less than two weeks earlier, on February 22, 1861, at Philadelphia's Independence Hall, that Lincoln sought to say what the Declaration really meant. "It was not the mere matter of the separation of the Colonies from the motherland; but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but, I hope, to the world, for all future time," he said, speaking from a flag-draped wooden platform in front of the building's brick façade.

In the winter cold, men climbed leafless trees to see the President-elect speak. Soldiers stood in a row, keeping back the shivering crowd.

"It was that which gave promise that in due time the weight would be lifted from the shoulders of all men," Lincoln went on.

And then he asked, "Now, my friends, can this country be saved upon that basis? If it can, I will consider myself one of the happiest men in the world, if I can help to save it. If it cannot be saved upon that principle, it will be truly awful. But if this country cannot be saved without giving up that principle, I was about to say I would rather be assassinated on this spot than surrender it."

He said he hoped there would be no war, and no bloodshed. And his hopes were dashed. But Lincoln was the Declaration's most pitiless and most brilliant editor. At Gettysburg, fourscore and seven years after Jefferson drafted the document, Lincoln cut its principles down to a "For sale: baby shoes, never worn" ten words: "government of the people, by the people, for the people." That, plus a picture of Lincoln's stovepipe hat, remains its best abridgment. Whether the principles of the Declaration, abridged or unabridged, endure is a question that only the course of human events will determine. ♦

This is drawn from "Declare: A Civic Gospel."

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