

In Defense of Jefferson

Nick Gillespie's editorial "The Slave and the Intern" (January) omits a number of relevant facts.

First, Sally Hemings was the half-sister of Thomas Jefferson's late and much loved wife. Having children by her was a way of continuing his late wife's heredity. While this does not excuse a sexual relationship in which one party could not legally give or withhold consent, it is certainly mitigating. Sally Hemings spent her time in the Jefferson household and nursed both his wife and daughter through terminal illnesses. She was more a family member than a slave, and it is likely that the relationship was de facto consensual.

Thomas Jefferson did consider freeing his slaves, but the commonwealth of Virginia mandated that slave owners put up a bond for each slave freed so that no former slave would be on the public dole. Jefferson was land poor and could not comply.

Jefferson and the other Founding Fathers realized that a stand against slavery would have at that time prevented or significantly delayed the formation of a United States. They were anxious to form

a nation with a derivative sense of nationhood. Absent that, the colonies might prove easy prey for European powers.

Thomas Jefferson did not commit perjury nor did he obstruct justice vis-à-vis his affair with Sally Hemings. There is no analogy with our current president. When Jefferson ran for his second term, his opponents made liberal use of his affair to attack him. It was no secret. I suspect that the timely appearance of the article in *Nature* was motivated more by its political spin than by any other factor.

Gloria M. Stewart
 Thousand Oaks, CA
 gstewart@gte.net

I expect more of REASON than editorials based on *New York Times* and *Washington Post* editorials. Had Nick Gillespie chosen to do his research elsewhere, he might have found that our third president has no acknowledged living direct descendants. The DNA samples used in the study were taken from descendants of Mr. Jefferson's uncle, Field Jefferson. Eugene A. Foster, the head of the team of geneticists who conducted the study, told *The Washington Times* that "the simplest, most easily explained, and most probable explanation of our data is that Thomas Jefferson was the father of Eston Hemings Jefferson."

The last three sentences of the *Nature* article suggest the weakness of this conclusion. "We cannot completely rule out other explanations of our findings based on illegitimacy in various lines of descent. For example, a male-line descendant of Field Jefferson could possibly have illegitimately fathered an ancestor of the presumed male-line descendant of Eston. But in the absence of historical evidence to support such possibilities, we consider them to be unlikely."

Given the times, the lack of evidence is hardly surprising. Based on a career as a criminal investigator, the only possible summation of this evidence I could report would be that the evidence proves it is more likely than not that someone in the Jefferson family was the father of Eston Hemings. There is no evidence that any

male Jefferson had greater access to Sally Hemings than Thomas Jefferson, but neither is there evidence that no other Jefferson male had access to Sally Hemings. Hearsay evidence does exist that a nephew of Thomas Jefferson visited Monticello with some frequency and resided there for some period. The precise timing of such visits and residence is not established.

The first charge that Thomas Jefferson sired a child by Sally Hemings was published on September 1, 1802, in the *Richmond Recorder*. Staff writer James Callender alleged that Jefferson fathered Sally's eldest son, Tom. It should be noted that the *Recorder* was as much a foe of Thomas Jefferson's presidency as *Salon* is a friend of William Jefferson Clinton's presidency.

Callender's article further stated that Thomas Woodson's looks bore a "striking though sable resemblance to those of the president himself." Jefferson did not personally respond to these charges, but he never responded to attacks on his character by newspapers on principle. He later did make statements that indirectly denied Callender's charges. The *Nature* study showed that the known descendants of Thomas Woodson do not carry the distinctive Y chromosome and are not the descendants of any Jefferson. Callender died in 1803; Eston Hemings was not born until 1808 and could not have been the child Callender referred to.

As Dr. Foster told *The Washington Times*, reporters "went too far" in the conclusions they reported. Geneticist Carl Ladd, supervisor of the DNA unit of the Connecticut State Police, told the *Times*

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the study “doesn’t mean bingo as to whether Jefferson is or is not the father.” As for the accompanying *Nature* article by MIT geneticist Eric S. Lander and Mt. Holyoke historian Joseph J. Ellis, Dr. Foster rejected their conclusions, telling the *Times*, “They unnecessarily politicized something that was intended to be a piece of scientific work.”

The reporting of this issue served the purposes of some. To see your publication adopt the lack of critical thinking which characterizes the “major media” belies the title of the magazine and disappoints me.

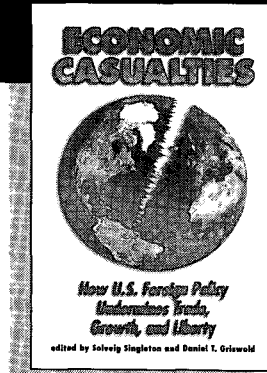
Edward F. Haertel
Scurry, TX
efhaert@ultravision.net

It’s disappointing to see REASON join the ranks of such media sources as *U.S. News & World Report* and National Public Radio in falsely reporting that a recent DNA study proves that Thomas Jefferson fathered at least one child with his slave Sally Hemings. Contrary to Nick Gillespie’s assertion, the DNA study reported in *Nature* does not provide “irrefutable evidence,” nor does it “settle” the matter of the paternity of Hemings’ children. Rather, the *Nature* article is only the latest chapter of a nearly 200-year-old story of how the allegation has been used by various groups to exploit Jefferson symbolically to advance their own partisan agendas.

The paternity allegation against Jefferson originated in 1802 as a libel raised by James Callender, a hatchet journalist and disappointed job seeker, and spread by Jefferson’s political opponents in the bitterly partisan Federalist press. The story then was resurrected about 50 years later by abolitionist Whig and Republican newspapers that found in the oral tradition of the Hemings descendants a convenient vehicle for bashing Jefferson and the Democratic Party.

Today, as Nick Gillespie notes, the supposed confirmation of the Hemings story is being used by Bill Clinton’s apologists as part of their “every President has done it” defense. In fact, what the genetic study by Eugene Foster found was a match in Y chromosome DNA between descendants of Sally Hemings’ youngest male child, Eston, and descendants of Field Jefferson, Thomas Jefferson’s paternal uncle. By itself, the

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THE SPOONERS



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study suggests only that a lineal male descendant of Thomas Jefferson's paternal grandfather was the father of Eston Hemings. Genetically, the test results cannot positively show paternity by Thomas Jefferson; it's equally possible that the father was Thomas's brother, Randolph, or one of Randolph's six sons, who were frequently at Monticello and for whom there's at least as strong circumstantial evidence of paternity as there is for Jefferson himself.

The possibility that Randolph Jefferson or one of his sons was the true father of Eston Hemings has been overlooked by virtually all scholars who have written about the Sally Hemings story, including historian Joseph Ellis and law professor Annette Gordon-Reed, who devotes much of her book, *Thomas Jefferson and Sally Hemings: An American Controversy*, to casting doubt on the claim by various Jefferson scholars that the real father of Hemings' children was one of Jefferson's nephews, Peter and Samuel Carr, the sons of Jefferson's sister. Dr. Foster's study weighs against paternity by the Carr brothers, just as it also finds no Jefferson DNA match with the descendants of Sally Hemings' oldest son, Thomas Woodson, who was the subject of the original allegation. Undeterred, Woodson's descendants have noted that the DNA evidence could have been lost through subsequent illegitimacy in the Woodson line—the fundamental flaw that casts doubt on all the results of Foster's study, including the findings of no match with Carr descendants as well as the match with Field Jefferson descendants.

In short, the DNA tests prove nothing. It's understandable why Hemings' descendants so passionately wish the DNA study to confirm the oral tradition they've taken as a matter of faith. It's even understandable why leftist historians today might want to use the story of Jefferson's "slave mistress" somehow to defend Bill Clinton's use of presidential power for sexual gratification. What's less clear is why so many other Americans—including many reputable scholars—continue to be so obsessed with the Sally Hemings story. Is it just because it adds additional tragedy to the irony that Jefferson, author of the Declaration of Independence and champion of individual rights, was himself a

slaveowner? Or could it be that by focusing on Jefferson's private life, they'd like to distract us from his public legacy, including the clear, undisputed evidence of Jefferson's ideas about limited constitutional government?

David N. Mayer
Columbus, OH
dmayer@law.capital.edu

Nick Gillespie plays somewhat fast and loose with the historical record in his portrayal of the affair between Thomas Jefferson and Sally Hemings. First, Mr. Gillespie insinuates that Jefferson coerced Hemings into having this relationship. What evidence is there for this? Surely not the bare fact that Hemings bore Jefferson a child, for a child can be the product of consensual sex. While Hemings' status as a slave suggests the possibility that she was raped, there is also the possibility that human passions may have stirred the hearts of Thomas and Sally to transcend the roles of master and slave, and face each other as lovers instead. We just don't know enough about their relationship to condemn the sexual aspects of it as exploitative.

Mr. Gillespie further argues that the failure of Jefferson and the other Founding Fathers to abolish slavery is a "moral failure of the first rank" in view of the fact that abolition was widely debated during Jefferson's lifetime but not adopted. However, Mr. Gillespie neglects to tell his readers that Jefferson was engaged in this debate on the abolitionist side. Specifically, Jefferson advocated gradual emancipation coupled with a return of ex-slaves to Africa, a process he hoped would keep the peace and minimize dislocations in the economy. It is clear that he had no desire to deny the fruits of liberty to Sally's descendants; the opprobrium for that falls on those contemporaries of Jefferson who refused to support the various plans put forward for emancipation.

To be sure, Jefferson's advocacy of emancipation doesn't excuse his own failure to compensate and manumit his own slaves. However, this particular moral shortcoming was well known long before Jefferson's paternity of one of Hemings' children was proven. The confirmation of the Jefferson-Hemings affair does not diminish Jefferson further, though it does

seem to unduly provoke certain modern observers who are uncomfortable with the reality of interracial relationships.

Vincent Cook
Berkeley, CA
epicurus@mail.creative.net

Nick Gillespie replies: There is some verbal slippage in my editorial about Thomas Jefferson and Sally Hemings. In the first paragraph, I wrote of "seemingly irrefutable evidence" that Jefferson fathered at least one of Hemings' children. In my second paragraph, however, I eschewed any qualifications whatsoever, a conclusion not fully supported by the genetic analysis published last year in *Nature* by pathologist Eugene A. Foster.

Edward F. Haertel is right that Foster has taken journalists to task for their less-than-careful interpretation of his work. While Jefferson's paternity has not been proven beyond all doubt, it remains, I think, the most likely interpretation of the available data, both genetic and historical. As Foster himself wrote in a letter to *Nature* that criticized the journal's sensationalistic presentation of his findings, "When we embarked on this study we knew that the results could not be conclusive, but we hoped to obtain some objective data that would tilt the weight of the evidence in one direction or another. We think we have provided such data and that the modest, probabilistic interpretations we have made are tenable at present."

In any case, as I emphasized in my piece, Jefferson's probable parental status only adds to what I called the "scandalous paradox" of his life: simultaneously articulating universal human rights while owning slaves. As I made clear in my editorial, I find historian Joseph J. Ellis and geneticist Eric S. Lander's cheap, partisan use of Foster's study to somehow exonerate Bill Clinton nothing short of grotesque. But I disagree emphatically with David N. Mayer that dwelling on Jefferson's paradox is only a means by which historians can "distract" us from Jefferson's notions of limited government.

Such a motive hardly exhausts the reasons why people might brood over such a massive contradiction in one of the most important figures in U.S. history. Slavery, as Arthur A. Ekirch Jr. and others have

pointed out, "stood out as the most direct challenge to American liberalism" and it remains intriguing and disturbing that Jefferson—of all people—could have participated so actively in it even as he acknowledged its absolute illegitimacy. I feel no need to save Jefferson from his own hypocrisy even as I recognize that he articulated the rights by which his actions could be fully condemned (or, for that matter, a slave revolt justified). If nothing else, his life underscores the need to be a nation of laws and not of men. Indeed, Gloria M. Stewart and Vincent Cook suggest reasons why Jefferson did not free his slaves that do little more than illustrate his unwillingness to sacrifice his material well-being and position for his ideals.

Stewart suggests that the Jefferson-Hemings "relationship" was "de facto consensual," which may well have been the case. But it hardly seems a feather in Jefferson's cap that he may have only bedded those slaves who wanted to sleep with him. Cook's suggestion that continued attention to the relationship is due to "modern observers" who are "uncomfortable with the reality of interracial relationships" similarly ignores the fact that the troubling aspect of the relationship has nothing to do with race and everything to do with slavery.

Contra-dictions

Glenn Garvin's "Hooked on Fantasies" (January) hit the mark. Besides being one of the few serious journalists to write objectively about the contras, he is almost certainly the one who has been most painstaking in his research on the whole Central American scene from the early 1980s to the present. The history of that period has been so distorted by Sandinista apologists that it will remain for another generation of historians to separate fact from fiction. Garvin's writings on the subject will be a good place to start.

Gary Webb's *Dark Alliance: The CIA, the Contras and the Cocaine Explosion*, apart from being pure poppycock, has served a sinister purpose. It launched another internal investigation within the CIA of the type that usually results in some poor middle-level chief of station losing his job. In this case, however, nearly all of the

station and base chiefs who served in Central America during this period had already been hounded out of the agency by other liberal-inspired witch hunts of one kind or another. The real sin of these officers was to offend congressional liberals and their supporters by running successful programs which forced fair elections in Nicaragua that the Sandinistas could not win.

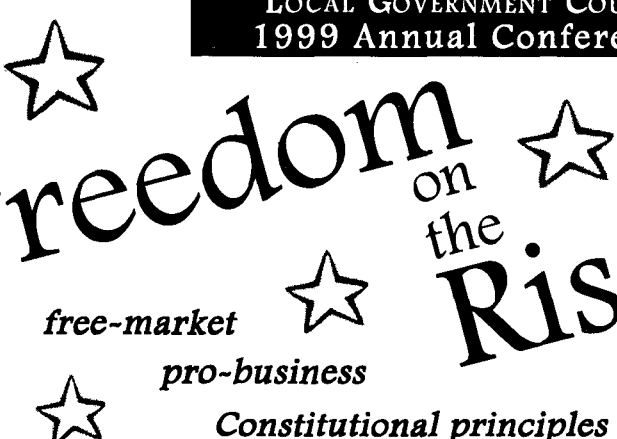
Their reward for this service has been

humiliation and early retirement. Enough already.

James L. Adkins
Retired CIA Officer
Huntington, WV

Special Letters Section

A special letters section responding to the "Dense Thinkers" (January) article begins on page 48.



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Damned Revenuers

By Ryan H. Sager

Why do people hate the IRS? With the delivery of the annual report of the Internal Revenue Service's own national taxpayer advocate to Congress, let us count the ways.

For the third year running, the report cites the mind-numbing complexity of federal tax laws as the biggest cause of bad feelings. Even the most basic aspects of the law, such as filing status and exemptions, "contain exceptions and special rules that many taxpayers do not understand," the report's principal author told *The Wall Street Journal*. Other major gripes include the length of the tax process, the IRS's lack of responsiveness, an incomprehensible phone answering system, and employees' generally rotten attitudes toward taxpayers.

So what kind of fix does the advocate advocate? Eschewing bold, sweeping moves, he opts instead for a slew of "simplification" proposals, such as a clearer definition of a qualifying child for the Earned Income Tax Credit. While such measures may mollify Congress—which regularly passes "paperwork reduction" acts and

other simplification schemes—they seem unlikely to stop the hate.

Tax Nightmares

By Mariel Garza

If the mere act of filing your annual tax return isn't unsettling enough, here's something else to keep you tossing at night: The Internal Revenue Service is doing a lousy job of protecting your annual filings, including your payments and your personal information.

That's the conclusion of a recent General Accounting Office study that documents how the IRS screws up in some astounding ways. During peak filing months, for instance, the agency hires thousands of temps to handle millions of dollars worth of receipts but doesn't get background check results until well after the workers are gone. Between 1995 and 1997, says the GAO, 12 thefts

at IRS service centers were committed by temps with arrest records. The GAO also notes that one district office used a bike messenger to deliver daily deposits of up to \$100

million. Another courier reportedly left a deposit of more than \$200 million unattended in an open vehicle.

So what does this mean to the taxpayer? The GAO warns you can get hurt by this lax tax system in two basic ways. First, your payments can be



Balance Sheet

By Jeff A. Taylor

ASSETS

▲ **Missing Link.** Real science, persistence, and a little luck combine to tell researchers that the HIV virus likely started out 50 years ago as a virus that infects chimpanzees. A key piece of evidence comes from a chimp which was a NASA test subject, a concrete case of animal testing producing tangible benefits. Best of all, the new data may help point toward a cure for AIDS.



▲ **Premium Blend.** A simpler name would be "vouchers" or even "Medistamps," but we are stuck with Medicare Premium Support. Sen. John Breaux (D-La.) and the bipartisan Medicare Reform Commission want to route federal dollars directly to patients, who would use the money to buy their own health coverage. A sure sign that the proposal moves in the right direction: The Clinton administration hates it.

▲ **Privacy—What A Concept.** After scads of negative publicity, including thousands of nasty comments filed with federal agencies, a plan to deputize banks in the federal war against money laundering, i.e., the unmonitored use of money, is losing steam. (See "Lost in the Wash," Mar.) The American Bankers Association backs away from "know your customer" regs, and Congress is looking askance at the idea.

▲ **The Little O.S. That Could.** Linux, the do-it-yourself flavor of the Unix operating system that runs on desktop PCs, gets backing from big boys Dell and IBM. This provides another choice for the Windows haters of the world. But this market process goes unnoticed by the Department of Justice, which still has Bill Gates sweating under a bare bulb in a dank room somewhere.

stolen by check cloning operations (that's what happened when a bad employee sent checks to members of a New York crime ring). Second, criminals can use your sensitive personal information—bank account numbers, addresses, signatures, and Social Security numbers—to perpetrate identity fraud. Pleasant dreams.

Voucher Victory

By Michael W. Lynch

In April 1997, the Arizona legislature passed a \$500 tax credit for donations to private scholarship programs. Predictably, the Arizona Education Association, the Arizona School Board Association, People for the American Way, and other special-inter-

est groups allied with the educational establishment sued. "We think it's a voucher [plan] in disguise," then-AEA President Kay Lybeck told REASON. "But I must admit that it is well written and it will be difficult to counter." (See "Educating Arizona," July 1997.)

Lybeck was right, at least on those last two points. This January, the Arizona Supreme Court deemed the tax credit constitutional. The "primary beneficiaries of this credit are taxpayers who contribute to [the scholarship funds] and parents who might otherwise be deprived of an opportunity to make meaningful decisions about their children's educations, and the children themselves," said the court. It also had the temerity to rule that a tax