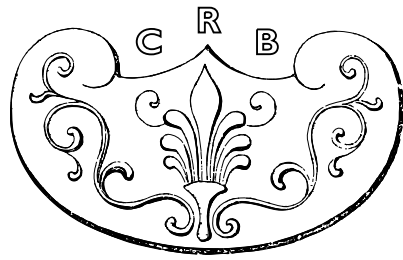




CLAREMONT REVIEW OF BOOKS
SPECIAL EDITION



THE CASE OF JEFFERSON AND HEMINGS

Book Review by Kathryn Moore and D. M. Giangreco

In Defense of Thomas Jefferson: The Sally Hemings Sex Scandal, by
William G. Hyland, Jr., Thomas Dunne Books, 2009, 320 pages

The Hemingses of Monticello: An American Family, by
Annette Gordon-Reed. W. W. Norton, 2008, 798 pages

WAS THOMAS JEFFERSON THE FATHER of slave children? If so, was one of his household slaves Sally Hemings a willing partner in a 38-year love affair or forced into an extensive sexual liaison by her master? Did modern DNA analysis on family members actually produce evidence that Jefferson was the father of Hemings's children, or did the press run with a misreported story?

Allegations of an affair between Thomas Jefferson and Sally Hemings began in the early 1800s, shortly after Jefferson's presidency. New analysis of the historical data, including a 1998 DNA study of the Jefferson line, reignited the debate during the Clinton years. With the near-simultaneous publication of two recent books on the scandal, readers are presented with dueling authors—both practicing attorneys—arguing each side of the Jefferson-Hemings controversy.

The first to accuse Jefferson of having an affair with Hemings was James Callender, an enemy of Jefferson during the bitter political contest of the 1800s. (Other accusations by Callender included the charge that John Adams was “a British spy” and that George Washington “authorized the robbery and ruin of his own army.”) Despite the acrimony between the Jeffersonians and Alexander Hamilton's Federal-

ists during the birth of the two-party system, Callender's allegations were thought to have so little credibility that they were not added to the Federalists' arsenal. The charges briefly resurfaced in the 1870s when abolitionist newspapers reached in desperation for any angles that might promote their cause, but they soon died away again because of their lack of substance.

The story made a comeback during the racially charged 1970s, but it wasn't until the publication of DNA testing results in 1998—when a sitting president was having some very real problems with his sexual escapades in the Oval Office—that the story took off. The shocked authors of the DNA study immediately complained that the title given to their published findings by the British scientific journal *Nature*—“Jefferson Fathered Slave's Last Child”—was highly misleading. The DNA testing demonstrated only that a Jefferson fathered the fifth child of Sally Hemings—not *which* Jefferson.

The *Washington Post's* response was typical, and the paper's retraction after more than a half-dozen articles on the subject might as well have been printed in invisible ink. Ombudsman E.R. Shipp conceded that reporters couldn't help “finding irresistible the possibility of a 200-year-old presidential sex scandal on a par

with President Clinton's” and that they failed to distinguish fact from speculation. Shipp also recounted how the study's principal author, Dr. Eugene A. Foster, had “tried to rein in these stories but to no avail.”

IN THE AFTERMATH OF THE DNA TESTING, author Annette Gordon-Reed, an attorney by training and a professor at New York Law School and Rutgers University, resisted the temptations that claimed the press. In the new introduction to her 1997 book *Thomas Jefferson and Sally Hemings*, she was careful to note that “the DNA test does not prove that the descendant of Eston Hemings [Sally's youngest child] was a direct descendant of Thomas Jefferson,” and she maintained this disclaimer all the way through the most recent printing in 2009. But in her newest book, *The Hemingses of Monticello* (2008), she succumbs, returning again and again to the assumption that Thomas Jefferson fathered *all seven* of the Hemings children.

Gordon-Reed never did make it clear how she moved from Point A (the test does not prove Jefferson's paternity) to Point B (Jefferson fathered all of the Hemings children) in concurrent books. Yet *The Hemingses of Monticello* garnered publishing's “triple crown”—a Pulitzer Prize for History, a National Book Award for



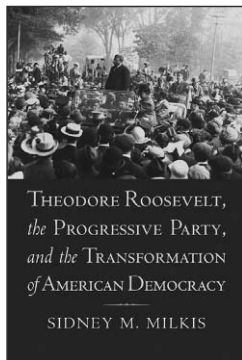
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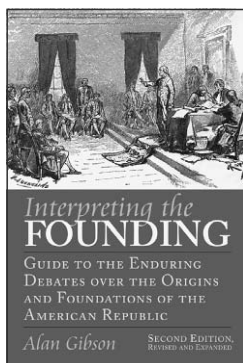
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Enter William G. Hyland, Jr., and his *In Defense of Thomas Jefferson: The Sally Hemings Sex Scandal* (2009). Hyland became a state prosecutor in Tampa, then a trial attorney after leaving the Arms Control and Disarmament Agency. His father, long-time *Foreign Affairs* editor William G. Hyland, also had a deep interest in the matter, and the two co-authored "A Civil Action: Sally Hemings v. Thomas Jefferson" in the *American Journal of Trial Advocacy*. Gordon-Reed and Hyland take very different approaches, and their cases are difficult to build because there is little direct "he said" from Jefferson the defendant, and virtually no "she said" from Sally Hemings the alleged plaintiff, who apparently spoke to no one about the rumors in the nine years between her master's death and her own.

GORDON-REED UNDERSTANDS QUITE WELL that the jury has only a vague idea of 18th-century society, let alone the inner workings of a Virginia plantation. Into this void, she can pour almost anything and be reasonably certain that the jury will not notice her tricks. She sets up straw man after straw man to be easily demolished, and her 798-page book is bulked up with lengthy ruminations on the history of Virginia and the South, expending, for example, several pages on only marginally relevant subjects like William Beverly and the Treaty of Lancaster. Generalizations and assumptions about slave life abound. Gordon-Reed discusses the Hemings family in as much detail as she can muster, but she finds it difficult to be concrete; and when discussing the suicide of Sally Hemings's brother James, she admits that he "had his own private world...that we simply cannot retrieve."

She has no such hesitancy when it comes to Jefferson and Hemings. For Gordon-Reed, there are numerous ways to explain their nearly four-decade relationship, including psychological coercion by the powerful master, a sexual "treaty" between the two, and rape. Either because she is a romantic or doesn't want to be perceived as a critic of Jefferson, Gordon-Reed maintains that there was another possibility. The 30-year difference in their ages notwithstanding, she is convinced that theirs was a form of love and that his freeing of her apparently white children (she was one-quarter black) proved that they had "meant something" to each other. Gordon-Reed especially bristles at the idea that rape was involved and states that "opponents of racism and slavery" inadvertently find "common ground" with racists of the period who called all sex "across the color line" "debased" and "degraded."

One aspect of the book that is guaranteed to raise red flags with scholars is Gordon-Reed's fixation with the "special" treatment bestowed upon the Hemings women. She repeatedly implies that the family's close relationship with its household slaves was unique to the Monticello household. But every plantation had domestic servants who were in close contact with the family and therefore considered special by their owners.

The Jeffersons' household slaves were accorded special status even before Sally was born; Martha Jefferson inherited the Hemings family when her father died shortly after she was married. Gordon-Reed exaggerates the status of slaves in the Jefferson household, crediting them with making it possible for Martha Jefferson to manage Monticello during her husband's long absences. Perhaps, but the responsibility of running the household was still Martha's. In fact, the person who helped Martha the most in terms of sharing the responsibility was her sister-in-law Martha Carr, who is mentioned exactly once in Gordon-Reed's book as having "sometimes lived at Monticello with her sons."

Gordon-Reed also implies that Sally received special treatment when she was the 14-year-old servant and companion of Jefferson's youngest daughter in Paris (where the liaison with Jefferson was alleged to have begun). Gordon-Reed spills much ink over the fine clothes Sally was given by Jefferson, but she seems oblivious to the fact that Sally represented the family of America's minister to King Louis XVI just as much as his own daughters. As for the child said to have been born to Hemings and Jefferson in Paris, Gordon-Reed is unimpeded by the absence of any documentary evidence on the question. She simply chooses which of the conflicting oral histories she likes best. The story she relays comes from a claimed descendent of Jefferson whom the DNA study proved had no connection at all: "My own analysis of the matter tended to support [that] Sally Hemings had a child in 1790, but that child did not live." After all, says Gordon-Reed, the situation was "highly conducive" to a sexual relationship.

The author periodically laments that Jefferson, his daughters, and others rarely mention Sally in letters (and when they do, it is no different from the matter-of-fact references to other house servants), and then ventures an explanation: a multi-faceted cover-up by Jefferson's family. "There is no reason," she writes, "to think that members of the family who were willing to create documents to hide the truth about Hemings and Jefferson would have paused for a second over destroying documents that dealt with her in any substantive way."

One could go on in this vein, bringing up the careless mistakes that run through the book. There is the reference to Ellen Randolph



Coolidge as the *daughter* of Maria Jefferson Eppes instead of her *niece*, and the passage, hilarious to native Virginians, about Jefferson riding “off into the mountains” from Richmond to “spen[d] the night at Tuckahoe.” (The plantation is just up the James River Valley from Richmond, with no mountains in sight.) But suffice it to say that some consider *The Hemingses of Monticello* to be the gold standard on the question of Thomas Jefferson’s paternity, though one suspects that they haven’t actually read the tome or know enough of the history to separate the wheat from the chaff.

TO THEM, IT IS HYLAND, WHO, ACCORDING to one reviewer, “fails to see the historical context of the evidence or to provide a balanced assessment of the known facts.” So what is Hyland’s case for the defense? He argues that Jefferson’s accusers “have turned the accusation into a political and morality play, exonerating or condemning races and genders and the nation by proxy,” and that the more likely candidates for the fatherhood of the Hemings children—all close relatives of Thomas Jefferson—are allowed to escape blame because they can’t “be made a symbol for America.” Hyland assembles the most effective arguments and documentation from a variety of scholarly sources, material that critics of Jefferson work diligently to ignore. He zeroes in on key issues, producing a core text that, excluding the extensive appendices and the standard front and back materials, is but 172 pages.

Hyland’s book closes with a chapter entitled “Final Argument: An Innocent Man.” In it he states:

The Hemings case against Jefferson rests, essentially, on three skeletal pieces of evidence, framed by a selective exclusion of all the exculpatory evidence pointing to Jefferson’s innocence: (1) hearsay testimony of Sally’s son Madison; (2) the unreliable documentation of Jefferson’s physical presence at the time of conception of Sally’s children; and (3) the misleading DNA [evidence].

Beginning with an examination of the original charges by James Callender (an unsavory character who left a rather robust paper trail), Hyland moves quickly into the myriad problems with the DNA analysis and how it was presented to the public. Dissecting an interview of Madison Hemings, recorded when he was nearly 70 years old by a staunchly abolitionist newspaperman, Hyland recounts the problems with the interview identified by eminent Jefferson historians before it became politically expedient for them to look the other way.

The transcript is utterly unreliable. Among other things, the semiliterate Madison atypically uses phrases such as “compunctions of conscience” and drops words like “viz” and “enciente” into his account which, by strange coincidence, manages to closely parallel Callender’s charges. Madison is quoted as claiming that he was named by Dolley Madison, who supposedly left her busy schedule as President Jefferson’s hostess to make the difficult trip to Monticello in the dead of winter just to be present at his birth. In addition, he reputedly makes the bizarre statement that Jefferson, who was famous as an amateur botanist, had “little taste in agricultural pursuits.”

Hyland reveals that the oft-repeated claim that Jefferson was at Monticello at the time of each Hemings child’s conception failed to stand up under scrutiny even before it was discovered that Sally was not at the plantation throughout the entire period. (It is now known, through the incidental remarks found in various correspondences, that she was periodically hired out to other households and spent time away from the plantation with her mistress Maria.) Interestingly, the Hemings boy that was reputed to look the most like a Jefferson, Beverly Hemings, was the least likely to have been fathered by Jefferson, as that would have required a pregnancy short of a normal gestation period.

OF THE 25 JEFFERSON FAMILY MALES WHO both shared the Y-chromosome tested in the DNA study and lived near Monticello during the period of Sally’s pregnancies, Hyland points to Thomas Jefferson’s brother Randolph as the likely father of Eston,

the single Hemings with a proven connection to the Jefferson line. Twelve years younger than his brother Thomas, Randolph Jefferson was much closer to Sally’s age and fathered children by his own slaves. There is contemporary testimony from Isaac Jefferson, a former slave at Monticello, that Randolph “used to come out among black people, play the fiddle and dance half the night.” Correspondence shows that he was expected at Monticello at the time when Eston was conceived in August 1807 and—perhaps most tellingly—to return to Monticello for the birth. Five days after Eston was born, and with Thomas in attendance at Monticello, Randolph Jefferson made a will “leaving his estate to his five Legitimate sons, apparently severing any future paternity claims.”

Lawyers will be lawyers, and Hyland also raises the issue of Jefferson’s health to question whether Jefferson, at the age of 64 and suffering grievously rheumatoid arthritis, sciatica, osteoarthritis, or some combination of these ailments, was capable of fathering Eston. Conception occurred during the period in which Jefferson was known to be experiencing migraines that he described as “violent” and “blinding.”

Looking at the presentations of these dueling attorneys, Hyland’s *In Defense of Thomas Jefferson* seems to prove that Annette Gordon-Reed and other Jefferson accusers base their charges not on actual evidence, but the “pyramiding of inferences, wild speculation, conjecture, and witnesses whose credibility and memories have been severely impeached.” Hyland’s defense should win hands down, but when the verdict comes in we will have a hung jury. This will come as a surprise to neither author nor anyone else who has followed the sad chain of events since the initial misreporting of the Jefferson DNA findings.

Kathryn Moore is the author, most recently, of The American President: A Complete History: Historical Timelines, Detailed Biographies, Inaugural Speeches (Barnes & Noble Books). D.M. Giangreco is the author, most recently, of Hell to Pay: Operation DOWNFALL and the Invasion of Japan, 1945–1947 (Naval Institute Press).