

*From the Here of Jefferson's  
Handwritten Rough Draft of the  
Declaration of Independence  
to the There of the Printed  
Dunlap Broadside*

**T**HIS PAPER CHARTS THE ROUTE THE CONTINENTAL Congress took in getting from the *here* of Jefferson's Rough Draft of the Declaration of Independence<sup>1</sup> to the *there* of the printed *Dunlap Broadside*.<sup>2</sup> It is not concerned with the substantive development of the text of the Declaration, already admirably covered by able authorities.<sup>3</sup> I do expect, though, to present a context for the development of the Declaration in Congress quite different from the one that traditionally has been used.

Consider first the practicalities of the matter. How would a body of some fifty men, the Continental Congress,<sup>4</sup> go about revising and

<sup>1</sup> It has been reproduced in facsimile a number of times. I am using and will cite Julian P. Boyd, *The Declaration of Independence: The Evolution of the Text as Shown in Facsimiles of Various Drafts by its Author, Thomas Jefferson* (Princeton, 1945). This and other facsimiles are also published in Julian P. Boyd, *The Drafting of the Declaration of Independence* (Washington, 1943).

<sup>2</sup> A census of copies and facsimile reproductions of the Declaration is to be found in Frederick R. Goff, *The John Dunlap Broadside: The First Printing of the Declaration of Independence* (Washington, 1976).

<sup>3</sup> In addition to Boyd, *Evolution*, see Boyd, "The Declaration of Independence: The Mystery of the Lost Original," *Pennsylvania Magazine of History and Biography* 100 (1976), 438-67, which differs from my account on several particulars; James Munves, *Thomas Jefferson and the Declaration of Independence: The Writing and Editing of the Document that Marked the Birth of the United States of America* (New York, 1978); and, for an excellent introduction to textual analysis of the document, James M. Davidson and Mark H. Lytle, *After the Fact: The Art of Historical Detection* (3rd ed., 2 vols., New York, 1992), 1:47-69 (especially 52-55).

<sup>4</sup> Inasmuch as attendance was not recorded and there were no roll call votes at that time, the exact number is not known. Fifty is a reasonable estimate of the number of members present on July 4, 1776. Unless otherwise noted, all citations to the Journals of the Continental Congress are to Worthington C. Ford, *Journals of the Continental Congress 1774-1789* (34 vols., Washington, 1904-1937; hereafter, *JCC*).

developing a final text from a four-page handwritten report? The common sense approach would have been to send a copy of the handwritten report (retaining the original to guard against loss) to a printer and have sufficient copies run off so that each member could have a copy, with a few extra copies for use as they might be needed. The need for secrecy would require careful accounting for each of these printed copies of the handwritten draft.

In developing a revised text the individual members of Congress made motions to strike language, add language, change language, and rearrange language.<sup>5</sup> Consequently, each member almost had to have the full text of the document before him in order to make and vote intelligently on such motions. If only the Secretary of the Congress had a handwritten version, or even if there were a few printed copies among the members, the result could only have been confusion compounded. And for what purpose? To save a few pennies? To maintain secrecy?

From its first session the Continental Congress used a printer not only to facilitate its operations but also to publicize its activities.<sup>6</sup> By definition a declaration is something to be declared publicly, an objective furthered by putting the text into type early in the process. If Congress did not put Jefferson's Rough Draft report into print, the members can only be called dunderheads. Because they were not, but rather were in the habit of employing a printer, it is highly probable that Congress had Jefferson's Rough Draft printed and copies distributed to the members before considering it.

True, there is no known print copy of Jefferson's Rough Draft, nor is there any recognized record in the Papers of the Continental Congress

<sup>5</sup> Many examples will be found in the *JCC*—e.g., Congress's consideration on Aug. 27, 1777, of the report of the committee on the mode of conducting the inquiry into the causes of the evacuation of Ticonderoga and Mount Independence (*JCC*, 8:681-85). On the development of the final text of the Articles of Confederation, see *JCC*, 9:776-907.

<sup>6</sup> The *JCC* has 614 numbered bibliographical notes listing and describing imprints issued by the Continental Congress. The number is understated. For other imprints see Charles Evans, *American Bibliography* (14 vols., Chicago, 1903-1959) and Roger P. Bristol, *Supplement to Charles Evans' American Bibliography* (Charlottesville, 1970). Evans is hereafter cited as Evans followed by the bibliographical number.

showing that such a print ever was issued.<sup>7</sup> These facts, however, should be evaluated in light of the situation in 1776. From the opening of the First Continental Congress in 1774, delegates operated under an obligation of secrecy. Yet, little is known beyond the fact that on November 9, 1775, Congress adopted the following resolution:

That every member of this Congress considers himself under the ties of virtue, honor & love of his country not to divulge directly or indirectly any matter or thing agitated or debated in Congress before the same shall have been determined, without leave of the Congress; nor any matter or thing determined in Congress which a majority of the Congress shall order to be kept secret, and that if any member shall violate this agreement he shall be expelled this Congress & deemed an enemy to the liberties of America & liable to be treated as such & that every member signify his consent to this agreement by signing the same.<sup>8</sup>

To prevent dissension, even after a matter was finally determined, it was necessary to maintain this obligation of secrecy as to the preliminary debates. Thus, it would have been reasonable for Congress to order its members to destroy the preliminary copies of the Declaration and for Congress to take any necessary steps, such as collecting the copies, to make the order effective.

That there is no known copy of the Rough Draft in print and no evidence in the Papers of the Continental Congress that such a printing was ever ordered or issued has led scholars to conclude that none existed. It is weighty evidence, but nonconclusive.

Scholars traditionally have visualized Congress as proceeding from the *here* of the handwritten Rough Draft to the *there* of the *Dunlap Broadside* by this route: Congress used Jefferson's single handwritten Rough Draft of the report of the drafting committee, but it is never made clear who actually held it in his hands. Whether it was Secretary Charles Thomson, President John Hancock, Chairman of the Commit-

<sup>7</sup> The Papers of the Continental Congress (National Archives) are, however, a huge cache. One cannot tell what might be found if thorough research were directed at this specific subject. As of now, no scholar has called attention to any record indicating that the Rough Draft was printed.

<sup>8</sup> The text quoted is copied from the resolution in the handwriting of Charles Thomson and in the Papers of the Continental Congress. The resolution is printed in *JCC*, 3:342-43. The resolution bears the signature of members, but not all of them. Five men who signed the Declaration never signed the secrecy resolution.

tee of the Whole Benjamin Harrison, or Chairman of the drafting committee Thomas Jefferson. Whether there might have been a multiplicity of transcribed copies used or only the single one is not adverted to. The mechanics of developing a final text are not described, only what changes were actually made. When Congress agreed upon a final text, Jefferson prepared a fair copy that was sent to Dunlap the printer, although this would seem to have been the duty of the Secretary and his staff rather than of a member, even a committee chairman.<sup>9</sup> Upon receiving Jefferson's fair copy, Dunlap for the *first time* set the text in type. It was proofed and several corrections were made; the copies that were run off became available on July 5. Because the time period for Dunlap's typesetting was short, it is assumed that this must have been a rush order.

Now consider the evidence that this was not the route taken, but that Congress worked instead from printed copies of the Rough Draft and that Dunlap produced his broadside by simply rearranging the type he already had set for the first printing of the draft.

On Friday, June 28, 1776, the committee appointed to prepare a declaration of independence brought in a draft that was read and ordered to lie on the table.<sup>10</sup> The following Monday, July 1, Congress resolved itself into a Committee of the Whole to consider Richard Henry Lee's Virginia resolution "respecting independency." At the same time, the previously tabled draft of a declaration was referred to the Committee of the Whole.<sup>11</sup> On July 2, Congress agreed to the resolution of independency and resolved to go into a Committee of the Whole again on the next day "to take into their farther consideration the declaration on independence."<sup>12</sup>

Only with the adoption of the resolution of independency on July 2 did it become evident that Congress would consider the committee

<sup>9</sup> Because Benjamin Harrison, not Jefferson, was the presiding officer in the Committee of the Whole, it could not have been in that capacity that Jefferson prepared the fair copy.

I leave aside here any discussion of whether this printer's copy was authenticated with the autograph signatures of John Hancock and Charles Thomson. Goff, *Dunlap Broadside*, 4. This subject is covered in Wilfred J. Ritz, "The Authentication of the Engrossed Declaration of Independence on July 4, 1776," *Law and History Review* 4 (1986), 179.

<sup>10</sup> *JCC*, 5:491.

<sup>11</sup> *JCC*, 5:504.

<sup>12</sup> *JCC*, 5:507.

report of a declaration of independence, for if the resolution of independency had been rejected, there would have been nothing to declare. Logically, then, it was on July 2 that printed copies of the committee report (i.e., of Jefferson's Rough Draft) would have been ordered from John Dunlap for use by Congress on July 3.

Before proceeding further it is appropriate to ask why the Journals do not show an order to print the Declaration. Asking such a question assumes that Congress required prior authorization of every printing order and entered every order in the minutes and that the actions of the Congress sitting as a Committee of the Whole were as fully minuted as when it was sitting "in Congress."

As to the first assumption, it seems rather more likely that Secretary Charles Thomson had some discretion in obtaining printed materials that would expedite the work of Congress. As to the other two, neither gives adequate recognition to the informality of proceedings in the Committee of the Whole. The printing activities and the minuting procedures of the Continental Congress, however, have not been sufficiently explored either to support or disprove these assumptions. Present evidence is merely inconclusive.<sup>13</sup>

If the Rough Draft was printed, each member of Congress would have had a copy when the Declaration was considered on July 3. After Congress had completed its consideration, one of the copies showing the amendments and corrections would have been sent to Dunlap to have a clean copy printed. This new copy would have been the final text of the Declaration, unless Congress saw fit to make some further changes.

The clean copy of the amended and corrected printed copy that was sent to Dunlap on July 3 is in existence. It is the Fragment of the *Dunlap Broadside* at the Historical Society of Pennsylvania (HSP), which is reproduced in *A Rising People*<sup>14</sup> and there described as "be-

<sup>13</sup> Some reports were "read by paragraphs and debated," as in the case of George Washington's commission as commander-in-chief. *JCC*, 2:96. This report was apparently handwritten, and it also was considered "in Congress" and not in a Committee of the Whole. The Journals do not show that the Declaration was similarly read by paragraphs and debated. It probably was not, since it was considered in the Committee of the Whole.

<sup>14</sup> *A Rising People: The Founding of the United States 1765-1789* (Philadelphia, 1976), 70-71. This publication, extensively illustrated with facsimiles, constitutes "A celebration from the collections of the American Philosophical Society, The Historical Society of Pennsylvania, [and] The Library Company of Philadelphia."

lieved to be uncorrected printer's proof." It is also reproduced as Number 7 in *The John Dunlap Broadside*, published by the Library of Congress under the editorship of Frederick R. Goff and similarly described therein as "the Proof Copy."<sup>15</sup>

The HSP Fragment, as I will call it to facilitate identification,<sup>16</sup> differs from the *Dunlap Broadside*. The Fragment contains sixteen quotation marks in the first two paragraphs<sup>17</sup> and an article *a* in line thirteen (hereafter referred to as the *errant a*). All were deleted before the final printing of the *Dunlap Broadside* without otherwise altering any individual line of the text.

The HSP Fragment is not a proof copy of the *Dunlap Broadside*; rather, it is a distinct printing of the Declaration that was made between the (now lost) first printing of Jefferson's draft Declaration and the final printing known as the *Dunlap Broadside*.

Inasmuch as Julian P. Boyd and Frederick R. Goff have both called the HSP Fragment a "proof copy," careful attention must be given to their reasons for that identification.

Goff writes in *The John Dunlap Broadside*:

Dr. Boyd believes that these inappropriate diacritical quotation marks were present in the fair copy—undoubtedly in Jefferson's hand and now lost—that the compositor had in hand as he set the type. Once detected they were eliminated, as was the article *a* in line 13. The lines were reset, slightly altering the placement of the type in these eleven lines and indicating clearly that the entire text of the Declaration had probably been set before they were detected; otherwise, these lines would have been reset more closely, with fewer open spaces to justify the altered lines.<sup>18</sup>

Boyd's explanation has two parts: one supposes how the quotation marks and the *errant a* got into the copy given to the printer and the other describes what the printer did about them. Boyd does not characterize these "discrepancies" beyond saying that the diacritical quotation marks were "inappropriate." Because either an opening or

<sup>15</sup> Goff, *Dunlap Broadside*, 32-33.

<sup>16</sup> I refer to it as the HSP Fragment even when referring to the complete broadside as it must once have existed.

<sup>17</sup> Goff, *Dunlap Broadside*, 8.

<sup>18</sup> *Ibid.*

closing quotation mark for four of ten quotations is missing, they were actually garbled as well as inappropriate.

There are several difficulties with Boyd's explanation of this garbling. As already noted, it is improbable that Jefferson prepared the fair copy for the printer himself, but if, as Boyd says, Jefferson prepared the printer's fair copy, he either unintentionally or intentionally inserted the quotation marks and the *errant a*. To have done so unintentionally would have been wholly out of character, for Jefferson was not a careless copyist. Similarly, to have done so intentionally means he could not handle quotations without garbling them.<sup>19</sup> Probably, then, it was not Jefferson but someone on Thomson's staff who prepared the fair copy for the printer—and garbled it.

If this is what happened, Congress took special care to see that the final printing of the *Dunlap Broadside* was not similarly garbled. It

<sup>19</sup> Boyd, "The Declaration of Independence," 455-62, points out that on page 3 of Jefferson's Rough Draft there are "similar diacritical marks," the purpose of which is unclear. The markings on the third page of Jefferson's Rough Draft do not appear to have been intended as quotation marks. Rather, they appear to have something to do with the rhythms of the language, as suggested by the following excerpt that uses double quotation marks to establish the length of the lines and single quotation marks at shorter intervals:

in every stage' of these oppressions"  
 we have petitioned for redress' in the most humble terms":  
 our repeated petitions' have been answered by repeated injuries".  
 a prince whose character is thus marked' by every act which may define the tyrant",  
 is unfit to be the ruler' of a people who mean to be free".  
 future ages will scarce believe' that the hardiness of one man",  
 adventured within the short compass' of twelve years only",  
 to build a foundation' so broad & undisguised",  
 for tyranny over a 'people' fostered & fixed in principles of liberty".

None of the single quotation marks coincides with a punctuation mark; all of the double quotation marks, except the first, do coincide with punctuation marks. The placement of the marks indicates that it was done subsequent to writing the text of the manuscript, for several are placed over the last letters of a word rather than over or after the punctuation marks. The two single quotation marks around the word *people* in the last line could be a mistaken first placement of the mark, followed by a correction.

Inasmuch as the part of the HSP Fragment, corresponding to page 3 of Jefferson's Rough Draft, has been lost, there is no way of knowing whether these same marks appear in the complete HSP Fragment. Because the quotation marks that do appear in the HSP Fragment are not in Jefferson's Rough Draft, the printer could not have been using either this Rough Draft or a faithful copy.

If double quotation marks similar to those on the third page of Jefferson's Rough Draft had appeared in the printer's copy used in setting the text for the HSP Fragment, a compositor would naturally have assumed that they were a part of the text to be set in type.

ordered "That the committee appointed to prepare the declaration, superintend and correct the press."<sup>20</sup> It is tempting to think that this order was made on the motion of Jefferson, anxious to ensure the integrity of his Declaration.<sup>21</sup> Nevertheless, there may be a still better explanation of how this apparent garbling got into the printer's copy.

First, printer's errors ought to be ruled out; there are no typical typographical errors in the HSP Fragment. Moreover, Julian Boyd apparently raised the whole issue of typographical errors in the HSP Fragment because he accepted the conventional notion that Dunlap was working under pressure. In a letter of July 2, 1975, to the Library of Congress Boyd wrote:

It has always been assumed, for obvious reasons, that the broadside was hastily produced. Under such pressing circumstances, especially with one or more members of the Committee of Five standing about to "superintend the press," it is very plausible to suppose that what printers often did in the face of urgency was done on this remarkable occasion—that is, that the copy was distributed among several compositors, allowing each enough to fill one or two composing sticks.<sup>22</sup>

Even if Boyd's is a tenable explanation of what printers do in making a few corrections, as distinguished from setting the text in type in the first place, there is no evidence that the "broadside was hastily produced." Haste would have been necessary only if the Declaration was not set in type until after the text was finally agreed to on July 4. If it already was standing in type, with only a few minor changes needed, there would have been no reason to resort to the techniques described by Boyd. It would have been a simple matter to make the few corrections and then to run off copies.

After the Declaration was agreed to on July 4, Congress ordered that it "be proclaimed in each of the United States."<sup>23</sup> Copies of the *Dunlap Broadside* were available on July 5 and were being sent out to

<sup>20</sup> *JCC*, 5:516.

<sup>21</sup> In fairness to Thomson, it would be surprising if he prepared the printer's copy himself and did the garbling. It seems more likely that it was a member of his staff, though Thomson did not use incompetent clerks.

<sup>22</sup> Boyd in Goff, *Dunlap Broadside*, 9.

<sup>23</sup> *JCC*, 5:516.



the states by John Hancock and others.<sup>24</sup> On Saturday, July 6, the Declaration was printed in *The Pennsylvania Evening Post*.<sup>25</sup> On July 8, in accordance with the order of Congress, the Declaration was proclaimed in Philadelphia in a public reading by John Nixon.<sup>26</sup> But none of these known events tells exactly *when and how* the text of the Declaration was *first* made public. Publication may have been authorized in advance by Congress, but the first publication actually may have been the result of an unauthorized leak of the document.

Charles Biddle recalled in his *Autobiography*:

On the memorable Fourth of July, 1776, I was in the Old State-House yard when the Declaration of Independence was read. There were very few respectable people present. General \* \* \* spoke against it, and many of the citizens who were good Whigs were much opposed to it; however, they were soon reconciled to it.<sup>27</sup>

Biddle wrote many years later, of course, perhaps not earlier than 1802.<sup>28</sup> But the passage of time is not conclusive on the accuracy of a recollection, and there is other confirmatory evidence that the Declaration was read in public on July 4. Deborah Logan wrote that while standing in her father's garden, "I distinctly heard the words of that instrument read to the people . . . the first audience of the Declaration was neither very numerous nor composed of the most respectable class of citizens."<sup>29</sup>

Henry Melchior Muhlenberg's *Journal* gives further support. Muhlenberg made these two successive entries:

<sup>24</sup> On July 5, John Adams wrote Joseph Ward: "Such a Declaration passed Congress Yesterday, and this Morning will be printed." Paul H. Smith, ed., *Letters of Delegates to Congress, 1774-1789* (18 vols. to date, Washington, 1976-), 390. See also John H. Hazelton, *The Declaration of Independence: Its History* (New York, 1906), 249 and notes 2-6.

<sup>25</sup> Whitfield J. Bell, Jr., *The Declaration of Independence: Four 1776 Versions* (Philadelphia, 1976). Michael J. Walsh, "Contemporary Broadside Editions of the Declaration of Independence," *Harvard Library Bulletin* 3 (1949), 31-43, contains a bibliography of newspaper printings.

<sup>26</sup> Hazelton, *Declaration of Independence*, 241.

<sup>27</sup> James S. Biddle, ed., *Autobiography of Charles Biddle* (Philadelphia, 1883), 86. The editor, assuming that the Declaration was not printed until July 5, says that "the author has given the date as the 4th of July instead of the 8th, the latter being doubtless the correct one" (p. 86 note).

<sup>28</sup> In describing events in 1780, Biddle indicates that he was writing the account in June 1802 (*ibid.*, 146), but a later reference shows that he was then writing in 1804 (*ibid.*, 220).

<sup>29</sup> *Ibid.*, 86, citing "Note at p. xlv. Penn and Logan Correspondence."

July 2 . . . It is said that the Continental Congress resolved to declare the thirteen united colonies free and *independent*.

July 4. Today the Continental Congress openly declared the united provinces of North America to be free and *independent* states.<sup>30</sup>

The differences in Muhlenberg's phraseology indicate that the entry for July 2 was based on rumor, whereas that for July 4 is based on an "openly declared" event. To be sure, this does not necessarily mean that the Declaration was read in its entirety, but it is consistent with such a public proclamation.

Turning now to the possibility that the first oral publication of the Declaration took place on July 4 as the result of an unauthorized leak, it is necessary first to move forward, to July 12, when the Journals of Congress show that Congress ordered the printing of the report of the committee on the confederation. After the report of the committee to prepare a form of confederation was delivered to Congress, it was read and then Congress:

Resolved, That eighty copies, and no more, of the confederation, as brought in by the committee, be immediately printed, and deposited with the secretary, who shall deliver one copy to each member.<sup>31</sup>

Congress further ordered:

That the printer be under oath to deliver all the copies, which he shall print, together with the copy sheet, to the secretary, and not to disclose either directly or indirectly, the contents of the said confederation; That no member furnish any person with his copy, or take any steps by which the said confederation may be re-printed, and that the secretary be under like injunction.<sup>32</sup>

<sup>30</sup> Theodore G. Tappert and John W. Doberstein, trans. and eds., *The Journals of Henry Melchior Muhlenberg* (3 vols., Philadelphia, 1942-1945), 2:721.

<sup>31</sup> *JCC*, 5:555.

<sup>32</sup> *JCC*, 5:555-56. This first draft was printed and delivered to Congress before July 22, for on this date Congress took the Articles into consideration. *JCC*, 5:600. This print is Evans 15148 and *JCC* bibliographical note no. 119 (*JCC*, 6:1123). The *JCC* reports that there are two copies in the Library of Congress, one in the Papers of the Continental Congress and the other in the Jefferson Papers (Library of Congress). The report was considered by the Committee of the Whole, which reported to Congress on August 20. *JCC*, 5:674. The report was read and another 80 copies ordered printed and delivered to the members under the same restrictions as had been applied previously. *JCC*, 5:689. This second report is Evans 15149 and *JCC* bibliographical note no. 123 (*JCC*, 6:1124). The *JCC* reports that there are three copies in the Papers of the Continental Congress.

Such detailed orders are more likely based on an unhappy past experience than on conjectural future problems. Probably the unhappy experience was that the HSP Fragment had been leaked either by a member of Congress or by someone from the print shop. Because the HSP Fragment was not in final form, one may infer that both it and its immediate predecessor, the printed copy of the Rough Draft, were confidential documents that should have been destroyed when the final text had been agreed to and publication authorized by Congress. Congress sought to make sure the same failure to destroy and resulting breach of secrecy did not happen again during the development of the Articles of Confederation.

The HSP Fragment bears an endorsement: "Found among the papers of John Nixon of Phila. & supposed to be the original from which he read the Declaration in public."<sup>33</sup> Nixon's famous reading took place on July 8, 1776, and probably did not involve the HSP Fragment as historian John Hazelton learned when he corresponded about the imprint with Charles Henry Hart of Philadelphia. After citing the endorsement, Hazelton quotes from Hart's letter of October 22, 1900:

The endorsement . . . is in handwriting of the late Frank M. Etting who died insane one of the most inexact and inaccurate of collectors & when I asked him the authority for it he had none whatever. The one owned by Mrs. C.C. Harrison is the veritable Nixon copy.<sup>34</sup>

If the Declaration was first read on July 4, however, there is no necessary contradiction between the endorsement on the HSP Fragment and Nixon's public reading on July 8 of the copy owned by Mrs. Harrison.<sup>35</sup> There were simply two different public readings, one on July 4 of the HSP Fragment and the second ceremonial proclamation on July 8 of Mrs. Harrison's copy of the *Dunlap Broadside*. It would hardly be surprising for John Nixon to have saved copies of both texts.<sup>36</sup>

<sup>33</sup> Hazelton, *Declaration of Independence*, 553. Goff, *Dunlap Broadside*, 32, gives the following additional information about endorsements: "Endorsed in ink on the verso, at upper right: 'From the / Etting Collection' pressmark in pencil, lower right: 'A, b / [1776]-25.'"

<sup>34</sup> Hazelton, *Declaration of Independence*, 553-54.

<sup>35</sup> This copy is no. 8 in Goff, *Dunlap Broadside*, 34-35, and is now at the Independence National Historical Park.

<sup>36</sup> Neither Hazelton nor Hart mentions this as a possibility, largely perhaps because they did not consider the possibility that the text of the Declaration was in type on July 4 so that it could have been read on that date.

Whether Nixon read from both or whether the HSP endorsement errs on this point is a separate unanswerable question. What is clear is that the HSP Fragment does exist, and there is no evidence of where it came from other than the endorsement.

A public reading of the Declaration on July 4, 1776, as described by Biddle and Logan, is a credible event. An almost wholly accurate text, the HSP Fragment could have been available for such a reading. It was not necessary to wait for copies of the *Dunlap Broadside* to come from the printer. In any event, the publication of the Declaration in *The Pennsylvania Evening Post* issue of July 6 deprives the later ceremonial reading on July 8 of any significance in terms of "publishing" the Declaration.<sup>37</sup>

<sup>37</sup> If, as I have argued, there were two printings of the Declaration earlier than the *Dunlap Broadside*, a reconsideration of the development of the text, as so thoroughly detailed by Julian P. Boyd, is probably called for. There may be something in the evolution of the text that either supports or contradicts a view that Congress was using printed copies of the Declaration.

Significance is to be found in one of the three changes that, according to Boyd, "apparently were contemplated during the discussions of the text in the Committee of the Whole on July 2, 3, and 4, but which were not made or were eliminated by larger excisions which included them" (Boyd, *Evolution*, 34). The two other alterations in question were the change of the word *climb* to *tread*, and the elimination first of the words "Scotch and other" and then a later elimination of the whole passage in which the words occur and the temporary insertion of the same words at another point.

The significant contemplated change referred to by Boyd was the deletion of the word *General* from the title, "A Declaration by the Representatives of the United States of America in General Congress Assembled." This deletion was not merely contemplated; it was made, even though the deletion is not reflected in the *Dunlap Broadside*. The word is omitted in the Corrected Journal transcription of the Declaration (see Record Group 360, Microcopy M247, Roll 16 [National Archives]; and Hazelton, *Declaration of Independence*, 306); and as so corrected it is printed in volume 2 of the *Journals of Congress: Containing the Proceedings In the Year 1776* (Philadelphia, 1777), 241, which states that it was "Published by Order of Congress." Subsequent early printings of the Declaration omit the word *General*, thus showing that they were based on the official text as set forth in the Journals, and not on the *Dunlap Broadside*. Furthermore, in the copy of the Declaration that Jefferson sent to Madison in 1783, Jefferson marked the word *General* in the title to show that it was one of "the parts struck out by Congress" (Boyd, *Evolution*, 45).

The conclusion must be drawn that the text of the Declaration (insofar as the title is concerned) that is printed in the 1776 Printed Journal, and not the *Dunlap Broadside*, is the "official" text of the Declaration.

The explanation for this apparent inconsistency is to be found in the different functions served by the body of the text and the title of legal instruments. The process by which the Declaration was developed and adopted is analogous to that involved in the adoption of a legislative act.

Under English practice in 1776, the title of a legislative act was not a part of the act. The viewpoint in Congress was probably the same. When the Journals report that Congress agreed

More would be understood about the HSP Fragment if the sources used by Charles A. Goodrich in 1829 and by Benson J. Lossing in 1852 to print the text of the Declaration could be identified. The *errant a* appears in both printings, and in Lossing's edition the word *General* is omitted from the title.<sup>38</sup> These departures from the text of the *Dunlap Broadside*, and in Lossing's case from the HSP Fragment as well, cannot rise out of random exercises of the editorial prerogative. For the time being, it is not possible to identify either source.

Although there is no known print copy of the Rough Draft, and it is extremely doubtful that one ever will be found, its existence in 1776 still can be established with reasonable certainty. Here the HSP Fragment and its *errant a* provide a crucial clue.

The *errant a* in the thirteenth line of the HSP Fragment is not just an inconsequential article. In context, it carries a meaning of potentially greater importance than any other word in the Declaration. The second paragraph of the *Dunlap Broadside* reads:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government.

The clause "and to institute new Government" is the same as in Jefferson's Rough Draft, except that he used the ampersand. On first reading the clause seems ungrammatical, or at least awkward. The

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to the Declaration on July 4, this is to be understood as meaning the text only. Inasmuch as the preparation of the title for a printed document involves not only text but also make-up and size of type, its development can best be left, at least initially, to the person or the committee supervising the printing. The Congress, according to Jefferson, struck out the word *General*. This was probably ordered at some later date, but before the Corrected Journal was transcribed.

<sup>38</sup> Charles A. Goodrich, *Lives of the Signers of the Declaration of Independence* (New York, 1829), 65; Benson J. Lossing, *Pictorial Field-Book of the Revolution* (2 vols., New York, 1852), 2:282-83; and Lossing, *ibid.* (2nd ed., New York, 1860), 76-77. Goodrich omits both the title and the order at the end, and Lossing also omits the order at the end. Neither print any of the garbled quotation marks.

The Declaration with the *errant a* continues to be published. See, for example, *The Lincoln Library of Essential Information* (13th ed., Columbus, 1974), 1391.

thought could be expressed more felicitously by using either the plural, "institute new Governments," or the singular, "institute a new Government."<sup>39</sup>

But either of those forms of expression changes the meaning. The plural "Governments" identifies the ones being instituted as those of the thirteen states and, perhaps, a new national government as well. On the other hand, "a Government" implies the establishment of a new national government. Jefferson avoided such identification by using the abstract "Government." Congress did likewise. It was premature to even suggest what the structure of the "new Government" would be.

A comparison of the HSP Fragment with the Engrossed Declaration now in the National Archives reveals that there is an unnecessarily large space, as though an erasure had been made, in the Engrossed Declaration at the same place where the *errant a* is found in the HSP Fragment.<sup>40</sup> If a scientific examination of the Declaration by the National Archives would establish the existence of an erasure at this point, it would be clear that both the Engrossed Declaration and the HSP Fragment are based on the same source—and that source is not Jefferson's handwritten Rough Draft. It then follows that after the Declaration was engrossed and after the HSP Fragment was run off and both were laid before Congress for comparison with what Congress had previously agreed to, the *errant a* was discovered or its significance recognized. Congress ordered it deleted from both the Engrossed Declaration and the *Dunlap Broadside*. It is difficult to imagine how the *errant a* could have appeared in the Engrossed Declaration as well as in the HSP Fragment unless the same source was used in preparing both. That common source almost certainly must have been an amended printed copy of Jefferson's Rough Draft.

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<sup>39</sup> It may be that whoever inserted the *errant a* in the printer's copy for the HSP Fragment thought this also.

<sup>40</sup> It would be interesting to learn from such a scientific examination whether there also were quotation marks in the Engrossed Declaration similar to those in the HSP Fragment, and which have been erased. This examination should also show whether the single and double quotation marks on page 3 of Jefferson's Rough Draft were carried over into the Engrossed Declaration and then erased.