

THE FOUNDERS' RECORD

Six Documents the Archive Almost Lost

Six primary-source documents from the American founding era that were deleted, expunged, struck, refused, or nearly lost — reproduced in full, exactly as written, from the institutional archives that hold them.

- 01** The Passage Congress Removed — Jefferson's deleted draft, 1776
- 02** The Plan Struck From the Record — Galloway's Plan of Union, 1774
- 03** The Amendment the Senate Struck — Bill of Rights, 1789
- 04** "The Great Rights of Mankind" — Madison's speech, June 1789
- 05** The Petition That Used the Revolution's Words — 1777
- 06** Franklin's Last Public Act — abolition memorial, 1790

Every document is reproduced verbatim from a named institutional archive.
Founders Online • Library of Congress • National Archives • Massachusetts
Archives

thefoundersrecord.com
foundersrecords.substack.com

01

The Passage Congress Removed

THE DOCUMENT

From Thomas Jefferson's "original Rough draught" of the Declaration of Independence, June 1776. Library of Congress.

WHAT THE RECORD SHOWS

In his draft, Jefferson included among the charges against King George III a condemnation of the Atlantic slave trade. Between July 1 and July 4, 1776, the Continental Congress struck the passage in its entirety. Jefferson later recorded that delegates from South Carolina and Georgia, and some northern members whose constituents profited from carrying enslaved people, objected to it. The words below appear in the rough draught; they are absent from the Declaration as adopted.

IN THEIR OWN WORDS

he has waged cruel war against human nature itself, violating it's 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. this piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian king of Great Britain. determined to keep open a market where MEN should be bought & sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce.

Source: Thomas Jefferson, "original Rough draught" of the Declaration of Independence, 1776. Thomas Jefferson Papers, Library of Congress. Text per Julian P. Boyd, ed., The Papers of Thomas Jefferson, Vol. 1.

Read the episode: thefoundersrecord.com/the_record_on_03_founders_slavery.html

02

The Plan, and the Debate, Struck From the Record

THE DOCUMENT

From John Adams' Notes of Debates in the Continental Congress, September 28, 1774, recording Joseph Galloway's proposed Plan of Union.

WHAT THE RECORD SHOWS

Joseph Galloway of Pennsylvania proposed a plan for a permanent constitutional union between Great Britain and the colonies, with an American legislature whose assent would be required for colonial measures. After debate, the motion to consider it was tabled six colonies to five. On October 22, 1774, Congress rejected it again — and ordered the plan and the record of its debate expunged from the Journal. The proceedings survive because John Adams kept private notes. Below is Galloway's argument as Adams recorded it, in part.

IN THEIR OWN WORDS

Mr. Galloway. The Proposal I intended to make having been opposed, I have waited to hear a more effectual one... To explain my Plan I must state a Number of facts relative to Great Britain, and relative to America...

I am as much a friend of Liberty [as] exists — and No Man shall go further, in Point of Fortune, or in Point of Blood, than the Man who now addresses you... There must be an Union of Wills and Strength. Distinction between a State and a Multitude. A State is animated by one Soul.

As We are not within the Circle of the Supream Jurisdiction of the Parliament, We are independent States. The Law of Great Britain dont bind us in any Case whatever... We want the Aid and Assistance and Protection of the Arm of our Mother Country. Protection And Allegiance are reciprocal Duties...

I propose this Proposition. The Plan. — 2 Classes of Laws. 1. Laws of Internal Policy. 2. Laws in which more than one Colony were concerned, raising Money for War. — No one Act can be done, without the Assent of Great Britain. — No one without the Assent of America. A British American Legislature.

Source: Notes of Debates in the Continental Congress, 28 September 1774, Diary of John Adams. Founders Online, National Archives. (Editorial annotations © Massachusetts Historical Society are not reproduced.)

Read the episode: thefoundersrecord.com/context_series_10_galloway_plan_of_union.html

03

The Amendment the Senate Struck

THE DOCUMENT

Madison's proposed amendments as passed by the House (August 24, 1789) and revised by the Senate (September 1789). National Archives and the Annals of Congress.

WHAT THE RECORD SHOWS

The House of Representatives passed seventeen amendments on August 24, 1789. Among them was Article the Fourteenth, restraining the states themselves from violating the rights of conscience, the press, and trial by jury — the only proposed amendment that would have bound state governments. The Senate met September 2–9 behind closed doors. It kept a Journal of its votes and actions, but recorded no account of its debates. On the Senate's working copy of the amendments, beside Article the Fourteenth, a single notation appears in the margin: “dele” — delete. The article was struck. No provision of the Bill of Rights would bind a state government until the Fourteenth Amendment in 1868.

IN THEIR OWN WORDS

ARTICLE THE FOURTEENTH, as passed by the House — marked “dele” on the Senate copy:

No State shall infringe the right of trial by Jury in criminal cases, nor the rights of conscience, nor the freedom of speech, or of the press.

From the Senate proceedings, September 7, 1789, as recorded in the Annals of Congress (Gales & Seaton):

On motion to adopt the fourteenth article of the amendments proposed by the House of Representatives: it passed in the negative.

Sources: House Resolution of August 24, 1789, with Senate markings, Records of the U.S. Senate, RG 46, National Archives (SEN1A-C1). Senate proceedings, September 1789, Annals of Congress, Gales & Seaton.

Read the episode: thefoundersrecord.com/the_record_on_02_second_amendment.html

04

“The Great Rights of Mankind”

THE DOCUMENT

From James Madison's speech to the House of Representatives introducing the amendments, June 8, 1789. The Papers of James Madison.

WHAT THE RECORD SHOWS

On June 8, 1789, Madison rose in the First Congress to introduce the amendments that would become the Bill of Rights — against considerable reluctance from members who thought the matter premature. Among his proposals was the state-restraint clause that the Senate would later strike. He defended the whole project as the securing of “the great rights of mankind.” His own words on why the amendments mattered:

IN THEIR OWN WORDS

It cannot be a secret to the gentlemen in this house, that, notwithstanding the ratification of this system of government by eleven of the thirteen United States... yet still there is a great number of our constituents who are dissatisfied with it; among whom are many respectable for their talents, their patriotism, and respectable for the jealousy they have for their liberty...

We ought not to disregard their inclination, but, on principles of amity and moderation, conform to their wishes, and expressly declare the great rights of mankind secured under this constitution.

I think there is more danger of those powers being abused by the State Governments than by the Government of the United States... I should therefore wish to extend this interdiction, and add... that no state shall violate the equal right of conscience, freedom of the press, or trial by jury in criminal cases; because it is proper that every government should be disarmed of powers which trench upon those particular rights.

Source: James Madison, Speech in the House of Representatives, 8 June 1789. The Papers of James Madison Digital Edition, ed. J. C. A. Stagg (University of Virginia Press, Rotunda). Congressional Series, Vol. 12.

Read the episode: thefoundersrecord.com/the_record_on_02_second_amendment.html

05

The Petition That Used the Revolution's Own Words

THE DOCUMENT

The Fourth Freedom Petition, submitted to the Massachusetts General Court, January 13, 1777. Massachusetts Archives.

WHAT THE RECORD SHOWS

Between 1773 and 1777, a group of free and enslaved Black men in Boston petitioned the Massachusetts legislature repeatedly for the abolition of slavery, using the Revolution's own arguments. This petition of January 13, 1777, is the fourth and best preserved. On the back are the names of its signers, among them Prince Hall. Below is the fair copy, in full, exactly as written.

IN THEIR OWN WORDS

To the Honorable Council & House of Representatives for the State of Massachusetts-Bay in General Court assembled January 13th 1777 — The Petition of a great number of Negroes who are detained in a state of Slavery in the Bowels of a free & Christian Country Humbly Shewing —

That your Petitioners apprehend that they have, in common with all other Men, a natural & unalienable right to that freedom, which the great Parent of the Universe hath bestowed equally on all Mankind, & which they have never forfeited by any compact or agreement whatever — But they were unjustly dragged, by the cruel hand of Power, from their dearest friends, & some of them even torn from the embraces of their tender Parents — From a populous, pleasant & plentiful Country — & in Violation of the Laws of Nature & of Nations & in defiance of all the tender feelings of humanity, brought hither to be sold like Beasts of Burthen, & like them condemned to slavery for Life...

They can not but express their astonishment, that it has never been considered, that every principle from which America has acted in the course of her unhappy difficulties with Great-Britain, pleads stronger than a thousand arguments in favor of your Petitioners —

They therefore humbly beseech your Honors, to give this Petition its due weight & consideration, & cause an Act of the Legislature to be passed, whereby they may be restored to the enjoyment of that freedom which is the natural right of all Men — & their Children (who were born in this Land of Liberty) may not be held as Slaves after they arrive at the age of twenty one years... And your Petitioners, as in Duty Bound shall ever pray.

Signed on the reverse: Lancaster Hill • Peter Bess • Brister Slenser • Prince Hall • Jack Pierpont • Nero Funelo • Newport Sumner • Job Lock

Source: "Petition of Lancaster Hill," Massachusetts Archives Collections, Vol. 212, Revolutionary Resolves, Boston.
Transcription per Grant Stanton, Early American Studies, Vol. 22, No. 2 (2024). An earlier draft survives in original phonetic spelling.

Read the episode: thefoundersrecord.com/context_free_black_americans_founding.html

06

Franklin's Last Public Act

THE DOCUMENT

Memorial of the Pennsylvania Abolition Society to the United States Congress, signed by Benjamin Franklin as President, February 3, 1790. National Archives.

WHAT THE RECORD SHOWS

Two months before his death, Benjamin Franklin signed this memorial to the First Congress as president of the Pennsylvania Society for Promoting the Abolition of Slavery. It asked Congress to use the full extent of its constitutional powers against the slave trade. The memorial provoked a bitter debate; the House ultimately tabled it, declining to act. It was among the last public acts of Franklin's life. His signed words:

IN THEIR OWN WORDS

The Memorial of the Pennsylvania Society for promoting the Abolition of Slavery, the relief of free Negroes unlawfully held in bondage, & the Improvement of the Condition of the African Race, Respectfully Sheweth —

That mankind are all formed by the same Almighty being, alike objects of his Care & equally designed for the Enjoyment of Happiness the Christian Religion teaches us to believe, & the Political Creed of America fully coincides with the Position.

From a persuasion that equal liberty was originally the Portion, & is still the Birthright of all Men, & influenced by the strong ties of Humanity & the Principles of their Institution, your Memorialists conceive themselves bound to use all justifiable endeavours to loosen the bands of Slavery and promote a general Enjoyment of the blessings of Freedom.

They earnestly intreat your serious attention to the Subject of Slavery, that you will... devise means for removing this Inconsistency from the Character of the American People, that you will promote mercy and justice towards this distressed Race, & that you will Step to the very verge of the Powers vested in you for discouraging every Species of Traffick in the Persons of our fellow Men.

Philadelphia, Feb. 3, 1790 — B. Franklin, President of the Society

Source: Memorial of the Pennsylvania Society for the Abolition of Slavery, signed B. Franklin, 3 February 1790. Records of the U.S. House of Representatives, National Archives.

Read the episode: thefoundersrecord.com/principal_founders_franklin_part2_scientist_diplomat_founder.html

The Archive Is Open

Every document in this collection is held at a public institutional archive and is freely available to read in full. The Founders' Record exists to put readers in direct contact with the primary sources of the American founding — with no interpretation standing between you and the document.

52 episodes • 347 primary documents • 30 founders documented

Browse the full archive:

thefoundersrecord.com

New episodes by email — free:

foundersrecords.substack.com

Support the archive:

buymeacoffee.com/contacttheyf

The archive is open. The documents speak. You decide.