GENEALOGICA & HERALDICA XXXV

REFORMATION REVOLUTION RESTORATION

CAMBRIDGE
2022

© The Heraldry Society and the authors for their individual articles, 2023

ISBN 978-0-904858-07-5

The responsibility for the accuracy or completeness of the information published herein, including the source and legitimacy of the illustrations lies exclusively with the respective authors, and the Heraldry Society denies any liability in relation thereto

Congress logo by Tania Crossingham

Photographs on the rear cover: Congress banners in Clare College Scholars' Garden by Jack Sain, plaque created for the Congress baton by Paul A. Fox

Printed in Great Britain by 4word Ltd, Bath

Correspondence to coatofarms@theheraldrysociety.com

www.theheraldrysociety.com

THE GENEALOGY OF THE AMERICAN DECLARATION OF INDEPENDENCE OF 1776, AND WHY IT HAS NO RELATIONSHIP TO THE ARBROATH LETTER OF 1320

Dr. BRUCE DURIE, A.I.G.

Abstract

The 1320 Baron's Letter of Arbroath is commonly but wrongly called the *Declaration of Arbroath*. It was never 'declared', but was a private letter to the Pope in Avignon. Nor was it any kind of statement of individual rights, and it does not concern itself with individual 'freedom'. The 1776 American Declaration of Independence is also widely misunderstood: in particular, it has no connection with or influence from the 1320 Arbroath Letter. In fact, Thomas Jefferson, author of the 1776 Declaration, did not even like the Scots.

Tartan Day and Tartan Week, U.S.A

Each year on 6 April, and in the surrounding week, North America holds a celebration of Scottish heritage. The date is that on which the Barons Letter from Arbroath (popularly but wrongly called the *Declaration of Arbroath*) was signed in 1320. Although the best-known celebration is the one held in New York, there are a number of other Tartan Days and Tartan Weeks around the U.S.A., notably Tartan Day South, held across various locations in South Carolina and North Carolina.

The idea actually originated in Canada in the mid-1980s as 'Tartan Day in Nova Scotia' and within sixteen years it had been approved as a special day in every Provincial Assembly in Canada. Meanwhile, in the U.S.A. in 1998 a coalition of Scottish Americans successfully lobbied the Senate for the designation of 6 April as National Tartan Day "to recognize the outstanding achievements and contributions made by Scottish Americans to the United States". Reference was made to the predominance of Scots among the Founding Fathers, and it was claimed that the American Declaration of Independence was "modelled on" the Declaration of Arbroath.[1] This was stimulated by communications within and among the Scottish-American community asking everyone to write to their Senators to support the National Tartan Day proposal. To explore this contention, we must first explore the genesis of the Arbroath Letter of 1320 and the part played in it by Robert I, King of Scots ('Robert the Brus') and his coterie.

1314 was a momentous year

Robert Brus (1274–1329) was King of Scots from 1306. He became involved in the resistance to the English King Edward I (1239–1307, ruled from 1272) in his attempt to rule Scotland via the puppet king John Balliol (c. 1249–late 1314, ruled 1292–1296, and finally repelled Edward I's son Edward II at the Battle of Bannockburn, in the shadow of Stirling Castle (June 23–24, 1314). Bannockburn did not secure a lasting peace – complete victory would not be secured until 14 years later with the Treaty of Edinburgh–Northampton of 1328[2] – and the path of Brus and Scotland to the events known as the "First War of Independence" was far from straightforward. In brief, Brus was not the

unalloyed patriot-hero of popular imagination. He was focussed on securing what he saw as his family's and his own birthright as King, vacillated over his support for the various factions, changed sides five times, and in the process managed to get himself (and by extension the whole of Scotland) excommunicated for his part in the murder of John Comyn III of Badenoch, nicknamed the Red Comyn, a nephew of the rival Balliol competitor, in Greyfriars Church, Dumfries in 1306 (**Figure 1**). He was excommunicated again in 1317 for disobeying the Pope's demand for a truce with England. However, by 1306 Brus was King, at least in the eyes of his own supporters, although there was still a considerable pro-Balliol and pro-English faction in Scotland.

Figure 1: An example of Victorian romanticism: Felix Philippoteaux's imagined "Death of Comyn in the Greyfriars church in Dumfries"–Bruce and Roger de Kirkpatrick are wearing kilts, which they would not have at that time. The "great kilt" with over-the-shoulder plaid (*feileadh mòr*) developed over the course of the sixteenth Century. The story of the murder, and the participants, is variously told by different contemporary and near-contemporary historians. Source: *Cassell's Illustrated History of England, vol. 1.*

Apart from Robert Brus's defeat of Edward II at Bannockburn, a number of other tides turned in 1314:

1. The death of John Balliol, puppet King of Scots from 1292 to 1296, in exile in Picardy as a Papal prisoner. Balliol had been a prisoner in the Tower of London until allowed to go to France in July 1299 into the custody of Pope Boniface VIII, on condition that he remained at a papal residence. In fact, he was released around the summer of 1301 to live at his family's château at Hélicourt, Picardy, and died in late 1314. Edward II of England wrote to King Louis X of France that he had heard of Balliol's death and requested the fealty and homage of his son, Edward Balliol, who struggled to maintain a foothold in parts of Scotland until 1356.[3]
2. Pope Clement V died. He it was who had excommunicated Brus. He was from Bordeaux, and therefore a subject of England; had suppressed the order of the Knights Templar; and had been less than keen on the claims of the Scots. He was replaced by Pope John XXII.
3. The death of Philip IV 'The Fair', King of France and of Navarre, Pope Clement's close personal friend, and Edward II's father-in-law. Philip IV expropriated outright the Templars' French estates and their vastly wealthy bank, abolished slavery, and emphasised the 'liberty' of people and nations. He was replaced briefly by his son Louis X, then by his other son Philip V 'the Tall'.
4. As a consequence of all this and parallel developments, good relations were established between France and Flanders. France started harassing Edward II over his rule of Aquitaine and Gascony. Robert Brus's brother Edward was set to become High King of Ireland, the Auld Alliance between Scotland and France (1295) was in play, and Brus had begun raids into northern England, initially Carlisle and Berwick, then further south, into Lancashire and Yorkshire.
5. The consequences included: England lost influence in Europe and with the Holy Roman Empire.Edward II felt threatened by France in the south, Scotland in the north, Ireland in the west, Flanders in the south-east, and was faced with the possible loss of Wales. England might have been left as a rump state, riven by Civil War and economic problems, with bad weather and famine until 1321 affecting trade and finances, plus internal revolts in Lancashire and Bristol in 1315, and in Glamorgan and the Welsh Marches, culminating in the Despenser Wars (1321).

The time was ripe for a Scottish charm offensive with the Pope

At this point, Brus was still excommunicated, despite absolution granted by his friend and supporter Bishop Robert Wishart. He had been crowned at Scone in 1306 – twice, in fact. The first was by a bishop, then the next day by Isabella, Countess of Buchan. She was the sister of the Earl of Fife (Donnchadh IV MacDuff), who had the right of coronation,

but he was a minor at the time, and in the hands of the English. The politics of this are interesting, as Isabella was the wife of the 3rd Earl of Buchan, a cousin of the murdered John Comyn, and a Balliol supporter. However, these coronations were without Papal sanction or unction, a major issue for a Catholic king in Catholic Europe. Therefore, Brus wanted Pope John XXII to recognise him as a king, to cancel the excommunication, and to tell England to recognise himself as King of a non-vassal Scotland. In order to bring all this about, certain members of the Scottish nobility and clergy who were of the Brus faction submitted a letter to the Pope in Avignon in 1320. The nature and contents of this letter are addressed below, but among its *sequelae* were:
1324 – the Pope recognised Robert Brus as king of an independent Scotland;
1326 – the Franco-Scottish alliance was renewed in the Treaty of Corbeil;
1327 –Edward II was deposed in favour of his son, Edward III (1312–1377), whose youngest sister, Joan, had married Brus's eventual successor David II in 1321 when he was four years old and she was seven;
1328 – peace was concluded between Scotland and England with the Treaty of Edinburgh–Northampton and Edward III renounced all claims to sovereignty over Scotland;
1328 – the Pope eventually cancelled Brus's excommunication, in October of that year;
1329 – Robert Brus died in June, and not of leprosy, as is often stated.
Six days later, Brus's posthumous triumph was complete when papal bulls were issued granting the privilege of unction at the coronation of future Kings of Scots. His viscera were interred in the chapel of Saint Serf, Dumbarton, his body was buried in Dunfermline Abbey, and his heart was removed and taken his friends Sir James Douglas ('the good'), Sir William St. Clair of Rosslyn, Sir Simon Locard and others to be buried in Jerusalem, thus fulfilling, in spirit at least, Brus's promise to go on a Crusade. In the event, they got as far as Spain, where they fought the Moors at the Battle of Teba alongside Alfonso XI of Castile. The heart was thrown into the fray, the Scots chased after it and won the day. The heart (or at least *a* heart) was recovered, and returned to be buried at Melrose (rediscovered in 1921 and 1998). Sir James Douglas died, but Locard survived and changed the family name to Lockhart, in reference to the locked reliquary box containing the heart of the King.

The Barons' Letter from Arbroath 1320

The famous letter was dated 6 April 1320, possibly actually composed at Newbattle Abbey after a meeting of the Brus faction. The main actor was Bernard of Linton (or of Kilwinning), Abbot of Arbroath and Chancellor of Scotland. The final version was possibly written at Arbroath Abbey, which kept Brus's chartulary (and the equivalent of a national archive). Brus at the time was living at nearby Montrose.

The authorship is uncertain. The man who drafted it was certainly a Latin scholar and an experienced writer of narrative prose. Although the text would have been approved by the Chancellor, Bernard of Linton, that does not mean that he actually wrote it. He may

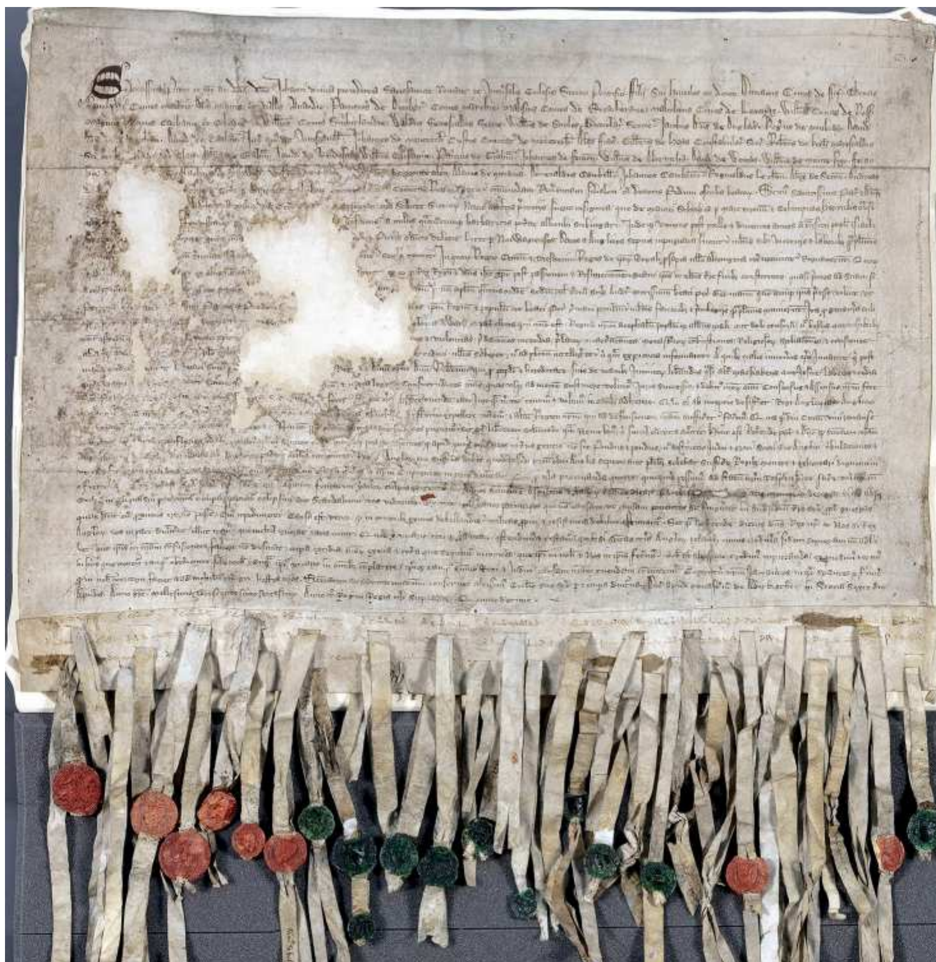

Figure 2: The Arbroath Letter of 1320, National Records of Scotland, SP13/7
© Queen's Printer for Scotland.

have. Another suggestion is Alexander Kinninmonth, one of the emissaries who took the Declaration to the Pope. He would need to have known in detail what the text said, and the thinking behind it. Likely, we will never know.

The letter bore the seals of 51 Scottish magnates, nobles and barons attached to pre-cut slits with their names above (see the list at the end of this article). Only two copies of the letter ever existed – one kept in Scotland (**Figure 2**), the other sent to Pope John XXII in Avignon (now lost).[4]

In essence, it was the response of Robert Brus's friends and supporters to his excommunication for disobeying the Pope's demand in 1317 for a truce with England. It also asserted the antiquity of the Kingdom of Scotland (complete with a fake origin story) and denounced English attempts at subjugation. It was one of several such communications. The letter opens with a list of 39 nobles sending devout greetings to the

Pope. It is formally presented as written in the voice of these individuals and 'the other barons, freeholders and the whole community of the realm of Scotland'.

There then follows a mythologised, recent and unhistorical account of where the Scots came from…

> "among the other great nations of course, our nation of Scots has been described in many publications – that crossing from Greater Scythia, via the Tyrhennian Sea and the Pillars of Hercules, and living in Spain among the fiercest tribes for many years".[5]

… a direct counter to the British-English origin myth, that the nation was founded by Brutus of Troy, and how they arrived in Scotland and took over the country after they had "destroyed" the Picts (not exactly how the Gaels and Picts came together) and:
"as the histories of ancient times bear witness, it has held them free of all servitude ever since".
…and that the Scots, "even though settled in the uttermost ends of the earth", were among the first to become Christian through St Andrew, brother of St Peter (a signal to the Pope that they should be taken seriously, even though St Regulus or St Rule by tradition brought St Andrew's relic-bones to Kilrymont (which became St. Andrews) from Patras in Greece via Constantinople at some point after 345 CE; Christianity may already have existed in southern Scotland, courtesy of the Romans.
The Scots [we are told], lived in freedom and peace until Edward I "came in the guise of a friend and ally to invade them as an enemy" at a time when the Scots were without a king; "innumerable outrages" by Edward are listed.

The Scots were saved by the efforts of Robert Brus who was made king (i) "by divine providence", (ii) after "succession to his right according to our laws and customs which we will maintain to the death", and (iii) with the due consent and assent of "us all". (We will return to the meaning of "us" in this context.)

The most-quoted passage is:

> "For as long as a hundred of us remain alive, we will never on any conditions be subjected to the lordship of the English; for it is not for glory, nor riches, nor honours that we fight, but for freedom alone, which no good man gives up except with his life".

As was first pointed out by G. W. S. Barrow, Professor of Scottish history at the University of St Andrews, and subsequently of the University of Edinburgh,[6] this is a direct lift from *De coniuratione Catilinae* (63 BCE) by Sallust, Roman historian and politician, partisan of Julius Caesar. However, it is not mere plagiarism – the idea was to show the Papal scribes and scholars that the Scots knew their classics and Roman law, and understood certain of Sallust's concepts, notably *libertas*. Although usually rendered into English as 'freedom', *libertas* actually meant, in Sallust's formulation, the condition of not being a vassal. Roman *libertas* was "an aristocratic concept, which signified the unhindered operation of a system of hierarchical institutions, and the freedom of members of a noble elite to compete equally and openly for political honours".

The Letter is a statement of the State's right to rule, not of the rights and liberties of individual citizens. In this context it means one nation not being in homage to another, i.e., Scotland as feudal vassal to England. It says nothing of individual 'freedom' of individual Scots.

The much-touted "a hundred of us" cannot be taken to mean 100 Scotsmen, as the idea of anything involving the collective feeling of the common herd would not even

occur to the mediaeval aristocratic mind. It refers to 100 of the knights, nobles and others of the Brus faction, who were keen to assert and cement their authority over Scotland. A few months later there was the Soulis conspiracy against King Robert, including at least four of those who had appended their seals to the Arbroath Letter.

What the Arbroath Letter of 1320 is not

It is not a 'Declaration'. It was never 'declared' or made public – read out at town crosses, nailed to church doors, etc. It was written expressly for one person, the Pope, and his advisers. Further, it is not an expression of the 'Rights of the Common Man' or 'Sovereignty of the People' both of which would have been unthinkable to the aristocrats and churchmen responsible. Finally, it is not about freedom in the sense of individual freedom– rather, it is a contractual theory of monarchy within a nation-state not ruled by or in homage to another.

What the Arbroath Letter of 1320 really is

On its surface, it is a letter to the Pope asking for Scotland and its chosen king to be taken seriously, a justification of the legitimate rule of Brus *vs* Balliol, and an agreement to abide by the Pope's wishes. It also contains a veiled threat that if the Pope does not agree, the consequences "will, we believe, be surely laid by the Most High to your charge". The subtext, as stated above, is an attempt by a group of aristocrats in the Brus faction to secure Scotland's relationship with the Church, and thereby their own positions, powers and lands, and an assertion of the rights of the prominent and the landed to determine the fate of the nation. It includes a promise to go on a Crusade, which all Christian kings should, if only the war with England would allow it. It also contains an appalling piece of self-deprecatory sentiment when it asks the Pope to defend those "living in this poor little Scotland" (*in exili degentes Scocia*)

The Arbroath Letter was almost forgotten

To hear people speak of the *Declaration of Arbroath* now, it is possible to get the impression that it has been in the forefront of Scottish consciousness for 700 years. This is misleading. It was largely forgotten for 350 years, or considered an antique curiosity, then rediscovered in the late seventeenth century by Sir George McKenzie of Rosehaugh the noted lawyer, antiquarian and (incidentally) brutal anti-Covenanter,[7] and given a single and inaccurate mention by Sir Walter Scott. The Latin text was printed for the first time in the 1680s, and was only translated into English in the aftermath of the 'Glorious Revolution' of 1689,[8]and sometimes described as a 'declaration of independence' after that time.[9] Then it was almost forgotten again, right through the Enlightenment – there is not a hint of it in the writings of Adam Smith, David Hume and others, who might have been expected to discuss it or at least acknowledge its existence. It did not form part of Scottish consciousness until 1947, when it was 'translated' by Sir James Fergusson, who did not even have the entire document to work from, although he was able to consult various conflicting transcripts. It was re-popularised in the 1970s, with the rise of Scottish Independence and the commemoration that marked the 650th Anniversary of 1320.

It was not called a declaration until well into the twentieth Century, except for one little-known nineteenth century instance – a mention by a local history society of the Tay

region, which includes Arbroath. It certainly had no influence whatsoever on the 1776 American Declaration of Independence.

Declaration of Independence – the process

A committee of five was charged by the Second Continental Congress to produce a draft. These were: John Adams, Benjamin Franklin, Thomas Jefferson, Robert Livingston, and Roger Sherman, who sat, in theory, from 11 June to 5 July 1776 (**Figure 3**). Franklin made some suggestions, none of which was adopted, so he left the other four to get on with it. The three remaining – Adams, Livingston and Sherman – decided that Jefferson could produce a draft by himself. Jefferson did so, producing various initial drafts in the process,[10] and presented his final version in late June. Congress voted on 2 July to declare independence, and John Adams wrote to his wife that "The Second Day of July 1776, will be the most memorable *Epocha* in the History of America". That day has now been overshadowed by the 4th of July, the date an Irish immigrant printer in Philadelphia called Dunlap was asked to print 200 copies of a broadside which were widely distributed and read to the public, the version most people know, although it lacks the famous John Hancock signature.

Jefferson's draft was largely influenced by the writings of his philosophical hero, John Locke (1632–1704) together with the works of Burlamaqui and Vattel. The precursors for the text were:

– Jefferson's own draft of a proposed Constitution for Virginia, part of which was adopted on 29 June 1776;

– George Mason's Declaration of Rights, which became the Virginia Bill of Rights, adopted on 12 June 1776 – also largely built on the works of Locke. The first paragraph of Mason's Declaration reads:

> "That all men are born equally free and independant (sic) and have certain inherent natural Rights, of which they cannot, by any Compact, deprive or divest their Posterity; among which are the Enjoyment of Life and Liberty, with the means of Acquiring and possessing property, and pursuing and obtaining Happiness and Safety".

George Mason (1725–1792), who had family origins Worcestershire and Yorkshire, England, was an advocate of popular sovereignty and inherent natural rights (**Figure 4).** Other nations held the belief that the state granted its citizens their rights, but Locke (and Jefferson) believed these rights were always held by people, and that it was the job of the State to protect them, not to grant them. Mason declared the axiomatic concepts of government as being:

– sovereign power rests in the people;

– officials of government exist for common benefit and security;

– when any government was found unworthy of its trust, a majority of the community "hath an indubitable, inalienable and indefensible Right to reform, alter or abolish it"

The concept that sovereign power rests in the people is completely at odds with the sentiments of the Arbroath Letter of 1320, and with the British concept of Parliamentary sovereignty ("The King in Parliament is Sovereign"). So is the very idea that there exists common (i.e., universal) "benefit and security". Thus, the 1776 American Declaration was all about indicting a king and replacing him with democratic institutions, whereas the 1320 Arbroath Letter had been about cementing the power of a king and his friends,

Figure 3: An engraving on a two-dollar note, taken from John Trumbull's 1819 painting *A Declaration by the Representatives of the United States of America, in General Congress assembled*. It depicts the Committee of Five presenting the final draft of the Declaration to Congress on 28 June 1776.

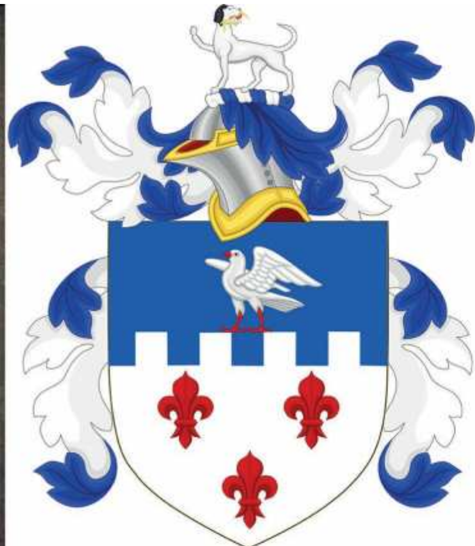

Figure 4: Left: George Mason (1725–1792) was a Virginia planter, politician, delegate to the U.S. Constitutional Convention of 1787 and "Founding Father of the Bill of Rights". Mason was one of three delegates who refused to sign the Constitution. Along with large parts of the Fairfax Resolves of 1774 and the Virginia Declaration of Rights of 1776, Mason wrote *Objections to this Constitution of Government* (1787). This opposed ratification of the Constitution, and influences American political thought to this day. The Virginia Declaration of Rights (of which Mason was the main author) were the basis for the US Bill of Rights of 1789. Right: like many Americans of proximal English descent, Mason bore 'his' coat of arms.

and asking a greater emperor – in this case the Pope, not the people – for sanction to govern.

Various drafts exist – some sent by Jefferson to others for comment, and some copies made by others – and have been compared. From close study of these, it is clear that Congress made a few minor changes to Jefferson's draft before adopting it – mostly in phraseology. But there were two major deletions. The first was the removal of a 168-word passage condemning slavery as "one of the evils foisted upon the colonies by the British Crown". Jefferson explained decades later in his autobiography that this was:

> "struck out in complaisance to S. Carolina & Georgia, who had never attempted to restrain the importance of slaves & who on the contrary still wished to continue it. Our northern brethren also, I believe, felt a little tender under those censures; for tho' their people have very few slaves themselves, yet they had been pretty considerable carriers of them to others".

This is a wry observation that even in the 'non-slaving' States, there was considerable profit to be made from the slave trade. The other notable striking out was Jefferson's evident dislike of the Scots. His draft had said that King George had sent over:

> "not only soldiers of our own common blood but Scotch & foreign mercenaries to destroy us invade and deluge us in blood"

Jefferson did not regard the Scots as being of the same "common blood" as Americans. He wrote in a letter to Robert Walsh on 4 December 1818, that:

> "The words "Scotch and other foreign auxiliaries" excited the ire of a gentleman or two of that country… altho' the offensive expressions were immediately yielded, these gentlemen continued their depredations on other parts of the instrument."

These other "depredations" the Scots-born might have made to the draft Declaration were minor, and only subtractive. They added nothing. Further, their influence on the initial draft was minimal, if any. Nor does the 1320 Arbroath letter get a single mention in any discussion or document leading up to the drafting of the 1776 Declaration.

As for the 1689 English Bill of Rights, Jefferson saw this as persuasive of the dangers of religion in government. The American First Amendment (1791) starts by prohibiting "the making of any law respecting an establishment of religion". In Jefferson's own notes about influences on the emerging 'American Mind', he obviously took in Thomas Paine's massively popular pamphlet, *Common Sense*, and (as described above) the Virginia Declaration of Rights. Jefferson was concerned with the Common Man, or at least the free white English-origin American adult male. Further, America was not looking for a new king, or seeking permission to be independent, so the 1320 Letter was not any sort of template for the emerging American Mind.

"A gentleman or two of that country…"

It is often claimed, as a way of substantiating some influence of Scottish thinking, and therefore of some lingering influence of the 1320 Arbroath Letter, that almost half the signatories of the U.S. Declaration of Independence were of Scottish origin. Well, obviously that means over half were not, and in any case only two were born and grew up in Scotland, and had any influence whatsoever–John Witherspoon and James Wilson, the "gentleman or two" whom Jefferson singled out.

John Knox Witherspoon (**Figure 5a**) born in Yester, East Lothian, some twenty miles due east of Edinburgh, Scotland, was a Scottish American educator, Presbyterian

minister, farmer, slaveholder, and a Founding Father of the United States, particularly its university system. Witherspoon brought the concepts of Scottish common sense realism[11] during his time as President of the College of New Jersey (1768–1794), now Princeton University, and truly based the university's structure and syllabus on those of the University of Edinburgh and the four other Scottish universities. He was a delegate from New Jersey to the Second Continental Congress and a signer of the Declaration of Independence – the only College President active clergyman to sign the Declaration. He later also signed the Articles of Confederation, and supported ratification of the Constitution of the United States. In 1789 he was the Convening Moderator of the initial General Assembly of the Presbyterian Church in the U.S.A. Witherspoon frequently spoke against the abolition of slavery, but in his *Lectures on Moral Philosophy* he advocated the humane treatment of workers and servants, including slaves, and disapproved of the slave trade as such. [12] He baptised, educated and even privately tutored slaves and free Africans. Much is made of his Scottish birth, although Witherspoon himself seems to have ignored it. A friend said of him that he was fully American the moment he stepped ashore, and Witherspoon rejoindered that no, it had actually taken about three months.

James Wilson (**Figure 5b**) the other native-born Scot who came in for Jefferson's scorn was born into a farming family at Carskerdo, near Cupar in Fife, Scotland. He studied at the universities of St Andrews, Glasgow and Edinburgh, but never graduated.

He emigrated to Philadelphia in 1766 at the age of 24 and initially was a teacher at the College of Philadelphia, which fine body awarded him an honorary M.A. (and later, in 1790, an honorary LL.D.). After studying law there under John Dickinson and being admitted to the bar, Wilson set up legal practice in Reading, Pennsylvania and took up farming. Among his early writings were a pamphlet - well-received, apparently – on the premise that the British Parliament's taxation of the Thirteen American Colonies, and

Figure 5: left, 5a: John Witherspoon (1723–1794), proponent of Scottish common sense realism; right, 5b: James Wilson (1742–1798), noted legal scholar, jurist and politician.

indeed passing any laws at all concerning America, was illegal because the colonies lacked representation in Parliament ("No taxation without representation").[13] He was elected to the Continental Congress in 1775, signed the Declaration of Independence the next year (after objecting to Jefferson's portrayal of the Scots as 'foreign') and yet held that the populace owed their allegiance to the British king, George III, although a firm advocate for independence. In a very real sense, Wilson designed both the Presidency (he has been called "principal architect of the executive branch") and the Supreme Court.[14] Yet he is rarely spoken of when Founding Fathers are discussed.[15]

There is no evidence whatsoever that Jefferson, Mason, John Adams, John Hancock, Witherspoon, Wilson or anyone else who could have influenced the text, had any knowledge of the 1320 Arbroath Letter. The author (B.D.) has explored the library catalogues of Jefferson himself, of William and Mary College where he studied, and other resources to which Jefferson might have had access. There is no hint of a copy of the Arbroath Letter – or any book having even a partial transcript of it, or a discussion of its contents. Euan Hague, a scholar at Syracuse University, New York, has also examined sources used by the drafters of the Declaration of Independence, as well as records of their personal libraries, and concluded:

> "…the Declaration of Arbroath is conspicuous only by its total absence".[16]

That view is shared by any number of American and Scottish historians and cultural scholars.

Summary

- There is no influence of the Letter from Arbroath of 1320 on the Declaration of Independence of 1776.
- The Arbroath Letter was not common philosophical or constitutional currency during the Scottish Enlightenment.
- A greater influence on the constitutional basis of Scotland was the "Claim of Right" at the Revolution settlement of 1689 and in 1988 - the concept of the "sovereignty of the people of Scotland", as opposed to the English "absolute sovereignty of Parliament".
- The Arbroath letter came to be popularly called "The Declaration of Arbroath" in the 1970s – in emulation of the American Declaration of 1776.
- If Jefferson even knew of the Arbroath Letter, he never mentioned it in any of his writings.
- The true influences on the 1776 Declaration of Independence were Locke, and Scottish common sense realism.
- The main propositions in the 1320 Letter and the 1776 Declaration are in many ways polar opposites – philosophically, legally and socially. The 1320 Letter is completely counter to the egalitarian spirit of the USA.
- The two signatories "of Scottish origin" only influenced the Declaration of 1776 in the negative as to the Scots.
- Jefferson himself considered the Scots as being not "of our *own* common blood" and "foreign" – why then would he acknowledge Scottish political philosophies?

Appendix
Those named in the 1320 Letter from Arbroath

At the start of the document there are 39 names – eight earls and 31 barons – all of whom may have sent their seals to be appended, probably over the space of some weeks. The folded foot of the document shows at least eleven additional barons and freeholders (not noble), not listed on the head but associated with the letter. On the extant copy of the letter there are only nineteen seals, and of those only twelve are named within the document. At least eleven more seals than the original 39 might have been appended.

Actual signatories – those in italics are of doubtful loyalty, or later went against King Robert I and the Brus faction.

Duncan, Earl of Fife (changed sides in 1332)
Thomas Randolph, Earl of Moray (nephew and supporter of King Robert although briefly fought for the English after capture, Guardian of the Realm after Robert the Brus's death)
Patrick Dunbar, Earl of March or Earl of Dunbar (changed sides several times)
Malise, Earl of Strathearn (King Robert loyalist)
Malcolm, Earl of Lennox (King Robert loyalist)
William, Earl of Ross (earlier betrayed King Robert's female relatives to the English)
Magnús Jónsson, Earl of Orkney
William de Moravia (Moray), Earl of Sutherland
Walter, High Steward of Scotland (King Robert loyalist)
William de Soules, Lord of Liddesdale and Butler of Scotland (later imprisoned for plotting against the King)
Sir James Douglas, Lord of Douglas (one of King Robert's leading loyalists)
Roger de Mowbray, Lord of Barnbougle and Dalmeny (later imprisoned for plotting against King Robert)
David, Lord of Brechin (later executed for plotting against King Robert)
David de Graham of Kincardine
Ingram de Umfraville (fought on the English side at Bannockburn but then changed sides to support King Robert)
John de Menteith, guardian of the earldom of Menteith (earlier betrayed William Wallace to the English)
Alexander Fraser of Touchfraser and Cowie
Gilbert de la Hay, Constable of Scotland (King Robert loyalist)
Robert Keith, Marischal of Scotland (King Robert loyalist)
Henry St Clair of Rosslyn
John de Graham, Lord of Dalkeith, Abercorn & Eskdale
David Lindsay of Crawford
William Oliphant, Lord of Aberdalgie and Dupplin (briefly fought for the English)
Patrick de Graham of Lovat
John de Fenton, Lord of Baikie and Beaufort
William de Abernethy of Saltoun
David Wemyss of Wemyss
William Mushet

Fergus of Ardrossan
Eustace Maxwell of Caerlaverock
William Ramsay
William de Monte Alto, Lord of Ferne
Alan Murray
Donald Campbell
John Cameron
Reginald le Chen, Lord of Inverugie and Duffus
Alexander Seton
Andrew de Leslie
Alexander Straiton

Names not in the document text, but written on seal tags, and the seals are present
Alexander de Lamberton (became a supporter of Edward Balliol after the Battle of Dupplin Moor, 1332)
Edward Keith (subsequently Marischal of Scotland; d. 1346)
Arthur Campbell (Brus loyalist)
Thomas de Menzies (Brus loyalist)
John de Inchmartin (became a supporter of Edward Balliol after the Battle of Dupplin Moor, 1332; d. after 1334)
John Duraunt
Thomas de Morham

---

[1] Senate Resolution 155, March 20, 1998. Senator Chester Trent Lott (Republican, Mississippi), who was largely responsible for this, repeated and popularised the myth when he stated "By honouring April 6, Americans will annually celebrate the true beginning of the quest for liberty and freedom… Arbroath and the declaration for liberty". It is worth noting that while serving in the Senate, Lott consistently opposed and voted against a number of Civil Rights measures.
[2] Signed in March 1328, ratified by the Parliament of England on 1 May. See Scott, Ronald McNair, *Robert the Brus King of Scots* (London, 1982).
[3] G. P. Stell, 'John [John de Balliol] (c.1248x50–1314)', in *DNB*.
[4] The Barons' Letter is the sole survivor of three created at the time which all made similar points, and were part of the same political campaign. The others were a letter from four Scottish bishops, and one from Robert himself as King of Scots.
[5] The account of where the Scots originated is taken mainly from Henry of Huntingdon's *Historia Anglorum*, written in the twelfth century at the behest of Bishop Alexander of Lincoln to commemorate the accession of Henry II in 1154. Henry was responsible for a number of enduring but fanciful myths, such as King Canute failing to turn back the tide by royal command, and Henry I dying of eating "a surfeit of lampreys" against his physician's advice.
[6] G.W.S. Barrow, 'The idea of freedom', *Innes Review* 30 (1979), pp. 16–34; reprinted in G. W. S. Barrow, *Scotland and its Neighbours in the Middle Ages* (London, 1992), chapter 1.
[7] Other antiquarians knew of is existence, including Sir James Balfour of Denmilne and Archbishop John Spottiswoode.
[8] This was partly as a justification of the deposing of the Catholic James VII & II in favour of the Protestant William and Mary.
[9] 'Arbroath, declaration of', in John Cannon and Robert Crowcroft (eds.), *A Dictionary of British History* 3rd (Oxford, 2015).
[10] These can be read in J.P. Boyd, and G.W. Gewalt, *The Declaration of Independence: The Evolution of a Text* (Monticello, 1999).
[11] He had read the works of Thomas Reid and two of his followers Dugald Stewart and James Beattie.
[12] See https://slavery.princeton.edu/stories/john-witherspoon
[13] 'Considerations on the Nature and Extent of the Legislative Authority of the British Parliament', in C.P. *Smith, James Wilson, Founding Father, 1742–1798 (Chapel Hill, NC, 1956).*

[14] M.W. McConnell, ‘James Wilson’s Contributions to the Construction of Article II’, In R.E. Barnett (ed.), *The Life and Career of Justice James Wilson* (Washington, D.C., 2019).
[15] N. Pederson, ‘The Lost Founder: James Wilson in American Memory’, in *Yale Journal of Law & the Humanities* 22.2 (January 2010).
[16] E. Hague, ‘National Tartan Day: Rewriting history in the United States’, in *Scottish Affairs*, vol. 38 (First Series), no. 1 (February 2002), pp. 94–124.