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Civics 101

Founding Documents: Declaration of Independence

Adia Samba-Queen: [00:00:00] Civics 101 is supported in part by the Corporation for Public Broadcasting.

1776: [00:00:08] We are about to brave the storm in a skiff made of paper. And How it shall end, god only knows.

Nick Capodice: [00:00:16] I don't know how shall end. But this. This was our beginning July 4, 1776. This was the moment that we became we.

Nick Capodice: [00:00:39] About a month earlier Richard Henry Lee of Virginia read the following resolution before the Continental Congress. "That these United Colonies are and of Right ought to be free and independent states; that they are Absolved from all Allegiance to the British Crown and that all political connection between them and the State of Great Britain is and ought to be totally dissolved.

Nick Capodice: [00:01:07] A committee of five was appointed to draft a statement for the world to declare the reason for such an action. Lee's resolution was debated and adopted by 12 of the 13 colonies on July 2nd 1776. New York abstained. And on the fourth the Declaration was adopted. It was sent to a young Irish immigrant, John Dunlap official printer of the Congress, to be turned into about 200 broadsides to be sent around the colonies. 26 of these, called the Dunlap broadsides, are known to exist today. These weren't printed to sit in glass cases or hang on the walls of state. These were printed to be read out loud. To assemblies, to committees, on Town Hall steps, to the commanders and troops who had already been at war for over a year. Copies were made for the colonists in German and French. And one Dunlap broadside was put on a ship to England where it would be read by King George himself. So whether we're celebrating the successes or examining the flaws of this great democratic experiment, this was the moment that they became our successes. Our flaws. This is the reason I'm a little nervous investigating our literal founding document. And there's one more reason that I hesitate to mention.

1776: [00:02:41] Vote yes

Nick Capodice: [00:02:46] When I'm trying to do a levels check for a guest on this very show. Instead of asking them the industry standard question which is "what did you have for breakfast?" I really like to ask "what is the movie that you watched more than any other in your youth".

Nick Capodice: [00:03:02] Did you have a tape that got played more than any other in your household?

Byron Williams: [00:03:06] A video?

Nick Capodice: [00:03:07] Yeah.

Byron Williams: [00:03:07] Oh absolutely.

Nick Capodice: [00:03:08] What was it.

Byron Williams: [00:03:08] Casablanca.

Hannah McCarthy: [00:03:12] I watched Casablanca for the first time last year.

Byron Williams: [00:03:14] Are you serious.

Hannah McCarthy: [00:03:15] Yeah.

Byron Williams: [00:03:15] It is the greatest movie ever made.

Hannah McCarthy: [00:03:18] It's incredible.

Byron Williams: [00:03:18] It, Let's be honest it is a major piece of propaganda.

Nick Capodice: [00:03:23] That's Byron Williams we'll hear from him a little later. He loved a major piece of propaganda, but so did I.

1776: [00:03:30] Good God what in the hell you waiting for!

Nick Capodice: [00:03:36] I've seen the movie 1776, a musical about our Founding Fathers singing and dancing their way towards the signing of the Declaration independence hundreds, maybe even a thousand times. My childhood wish was to one day play Ben Franklin. Old Ben F.

Hannah McCarthy: [00:03:54] Your childhood wish.

Nick Capodice: [00:03:57] Just like I was born to play that part. So when working on this episode and I was able to get in contact with Danielle Allen, one of the top Declaration of Independence scholars in the world.

Danielle Allen: [00:04:08] I'm James Bryant Conant university professor at Harvard. I'm a political philosopher so I'm a kind of all around Declaration of Independence person; history, text, the impact of it and so forth.

Nick Capodice: [00:04:20] I held my breath and asked her for thoughts on the movie.

Nick Capodice: [00:04:25] Did you have any feelings about the film 1776 and its

accuracy of depicting the situation.

Danielle Allen: [00:04:29] I'm embarrassed to say, I, yeah I still have not actually seen it.

1776: [00:04:37] Oh Sweet Jesus

Hannah McCarthy: [00:04:40] Oh Nick.

Nick Capodice: [00:04:40] I know.

Hannah McCarthy: [00:04:40] You sounded so nervous.

Nick Capodice: [00:04:40] I know, of course she hasn't seen it, cool people do not see it. Nobody's seen it.

Hannah McCarthy: [00:04:44] Well I've seen it. After you made me see it.

1776: [00:04:48] Does anybody care?

Nick Capodice: [00:04:49] Alright, I promise I will be more judicious about my use of clips from 1776 but a few sneak their way in. I'm Nick Capodice.

Hannah McCarthy: [00:05:01] I'm Hannah McCarthy.

Nick Capodice: [00:05:02] And today on Civics 101 we're exploring the greatest breakup letter of all time, the Declaration of Independence. What it says, what it doesn't say.

Nick Capodice: [00:05:18] To start, you should read it. It's not that long.

Danielle Allen: [00:05:21] It's short it's only 1337 words.

Nick Capodice: [00:05:24] That's Danielle Allen again.

Danielle Allen: [00:05:26] Yet it had the biggest possible of jobs. It had the job of justifying one of the most consequential political decisions ever taken, the decision of the colonists to declare independence from Britain and formally undertake a revolution.

Nick Capodice: [00:05:41] And we might take this for granted now. But there was no precedent for this.

1776: [00:05:46] It's never been done before. No colony has broken from it's parents stem in the history of the world!

Danielle Allen: [00:05:51] So think of that you're trying to justify the creation of a new

nation. You're trying to justify a war. All in a little more than 1300 words. You don't do that with small ideas you do that with big ideas.

Hannah McCarthy: [00:06:04] Big ideas like people have rights and the government should protect those rights.

Nick Capodice: [00:06:09] Yes. And the biggest of all that if a government fails to do that the people have a responsibility to fix it. Danielle called this a theory of revolution.

Hannah McCarthy: [00:06:19] So where do we even start.

Nick Capodice: [00:06:21] Well there are four parts of the Declaration. There's a preamble, a statement of human rights, a long list of grievances, and then the action; Lee's resolution. We therefore are doing this.

Danielle Allen: [00:06:34] The question to answer for the declaration is what on earth could justify steps of that magnitude. The rest of the declaration as an answer to that question. So I think it's good to start at the end because that way you know what question the whole text is supposed to answer. How on earth could you possibly make the case that it's reasonable to just call yourself a new nation that it's reasonable to declare yourself no longer loyal to, obedient to your king.

Hannah McCarthy: [00:07:01] If you're going to say that you are no longer beholden to the laws of your country you better have a pretty good reason.

Nick Capodice: [00:07:08] There were good reasons and there were many. There are 27 very specific grievances in the Declaration. These are acts of the king that demonstrate his tyranny and therefore justify a revolution. Concord and Lexington, the first battles of the Revolutionary War, happened over a year before the declaration had been written. But I want to take it back even further and start with civics teacher Cheryl Cook Kallio who boiled it all down to one sentence.

Cheryl Cook-Kallio: [00:07:38] No matter how hard they tried, the English were never going to look at them as being equals. Many people don't think about the salutary neglect that happened in the colonies for 150 years before we started to see the beginnings of unrest.

Hannah McCarthy: [00:07:56] What is salutary neglect?

Nick Capodice: [00:07:58] It was how England governed these colonies. It wanted access to their raw materials. But that is all they wanted. Nobody was enforcing trade laws, nobody was mandating British rule. The colonies were pretty much left to govern themselves.

Cheryl Cook-Kallio: [00:08:14] They just ignored that the colonies even were there. And so you had this large vast amount of land where people from Great Britain would

come or people from England would come and recreate their lives. And some would liken the beginning of that period is being a just a blank slate. This idea that you could go in and create a government. Of course they did because they were three months away and 3000 miles away from Parliament and so they were very used to direct democracy.

Nick Capodice: [00:08:46] But then this system of salutary neglect is reversed in the 1750s when England needs a ton of money to do the Seven Years War. This is a massive war and involves all the powers of Europe and this extends to the British fighting the French who are allied with the native tribes. In the colonies it's called the French and Indian War. So England starts to tax. And England start showing up.

Emma Bray: [00:09:10] There is a whole kind of line of increasing hostilities that starts happening.

Nick Capodice: [00:09:16] This is Emma Bray. She's the executive director at the American Independence museum.

Emma Bray: [00:09:20] The British start coming to the colonies. They're being quartered here. And it's not like today where military troops are on bases or have their own homes provided for them. They were being quartered within residents homes here in the colonies. We're getting taxed on goods that we're producing, raw goods that we're creating, giving to England, they then produce it and then we're taxed on them coming back to us. Everything is now getting taxed. So it's not just your sugar, it's your paper it's the Stamp Act, it's every thing. It's tea. It's all of these commodities that you need to live. And at a certain point it just starts to become too much and people are starting to get fed up with it.

1776: [00:10:03] Stamp Acts, Townshend Acts, Sugar Acts, Tea Acts

Nick Capodice: [00:10:07] But it's more than just the money. There are stories of individuals radicalizing.

Cheryl Cook-Kallio: [00:10:14] One of the pieces of discontent was that colonial commissions were considered beneath any level of British commission. So if you were a colonel in the colonial army you were still considered to be below any British commission that was fighting the French and Indian War.

Nick Capodice: [00:10:34] Cheryl told us documented story of one lieutenant colonel who wanted a British Commission and was promised one by General Braddock head of the British army in the colonies.

Cheryl Cook-Kallio: [00:10:43] During a particularly bad battle I mean fierce, General Braddock was killed.

Nick Capodice: [00:10:50] The lieutenant colonel steps up.

Cheryl Cook-Kallio: [00:10:52] He led the surviving soldiers. His horse was shot out from under him twice. He's got musket balls in his jacket. He has really become the epitome of what you think a good British Army officer would look like and he saved the day for those people that were trying to get away because many many many British soldiers were killed during this battle.

Nick Capodice: [00:11:15] He thought this must be sufficient evidence to get that coveted British commission. So he traveled all the way to Boston.

Cheryl Cook-Kallio: [00:11:23] And met with the acting General for the troops in in the colonies and asked for this commission and said I was promised this by General Braddock and was pretty much laughed at.

Nick Capodice: [00:11:34] Maybe by now you figured out who this lieutenant colonel was.

Cheryl Cook-Kallio: [00:11:39] For me that really was one of the scenes that caused George Washington to become radicalized.

Woody Holton: [00:11:49] If you asked me what turned people in New England from mere rebels and protesters into wanting independence I'd say Lexington and Concord.

Nick Capodice: [00:12:00] This is Woody Holton history professor at USC.

Woody Holton: [00:12:03] But if you ask me what turned white Southerners from merely protesting to wanting independence the answer is this informal alliance that African-Americans initiated with the British government. You know that in South Carolina where I live now the majority of the people were enslaved. In Virginia where Jefferson and Washington were 40 percent of the people were enslaved. Enslaved Americans start seeing this battle between the groups that were later going to call loyalists and rebels, enslaved Americans see that split among whites. And they say you know in this gap between one group of whites another group of whites that's an opportunity for us. And they literally go and knock on the door of the governor's palace in Colonial Williamsburg to tell the governor you just give us our freedom we'll help you win this war. And he initially turns them away, as do other colonial governors, but they keep coming. And eventually British officials who had very few white supporters started accepting these black supporters and in fact they issued Emancipation Proclamations very similar to the one that Lincoln would issue. That infuriated whites. One guy referred to it as aiming a dagger at our throats through the hands of our slaves.

Cheryl Cook-Kallio: [00:13:24] The Stamp Act was passed the Coercive Acts were passed. You know at one point the colonial government tried to seat someone in Parliament and they were refused. They sent an Olive Branch petition trying to work things out.

Nick Capodice: [00:13:38] And the king responds by officially declaring the colonies in rebellion.

John Adams: [00:13:46] Those who persist in their treason, the punishment shall be death by hanging.

Hannah McCarthy: [00:13:54] You introduced this as a breakup letter Nick but it sounds like a messy bloody drawn out divorce.

Nick Capodice: [00:14:03] Yeah. You don't respect me. I've tried hard to make this work. We created a Continental Congress expressly to work with you and you have done nothing. Enough. And we get to Lee's resolution and the formation of a committee of five to write a declaration.

Hannah McCarthy: [00:14:22] So I've been taught that Thomas Jefferson was the author of the Declaration of Independence but it was co-written by this committee.

Nick Capodice: [00:14:30] Jefferson wrote the Declaration to be sure but the committee made significant changes and you can even see copies of his first drafts with their edits. On the committee of five are some big names you've probably heard before. Ben Franklin, John Adams, Thomas Jefferson himself, but also Robert Livingston from New York and Roger Sherman from Connecticut. Their final draft was presented to Congress on June 28th where over 80 edits were made. But then there were two final changes made to the declaration after Lee's resolution had been adopted. They were made on July 3rd. The first was a removal of reference to the British people as they wanted to place the blame solely at the feet of the king. But the second was the removal of a grievance that becomes a central plot point in 1776.

1776: [00:15:22] He has waged war against human nature itself and the persons of a distant people who never offended him. Captivating and carrying them into slavery in another hemisphere. Determined to keep open a market where men should be bought and sold...

Byron Williams: [00:15:34] It was a stinging critique on the slave trade.

Byron Williams: [00:15:39] I'm Byron Williams. I'm an author national columnist, adjunct professor at Wake Forest University and the host of the NPR-affiliated The Public Morality.

Nick Capodice: [00:15:49] The declaration almost had a section that denounced the practice of slavery but it was removed.

Byron Williams: [00:15:54] The argument for that has been that the primary reason for coming together was independence. They did not want to get bogged down in secondary issues, slavery being one of them, or more to the point that it wasn't a time to discuss the efficacy of human bondage if you will.

Nick Capodice: [00:16:19] Now you might think that this was a fight between the north and the south. But it was actually a coalition of southern slave owners and northern merchants who profited from the slave trade. This is a huge moment in the movie when South Carolina Representative Edward Rutledge just takes the North to task.

1776: [00:16:37] Our northern bretheren. Feeling a bit tender towards our slaves. They don't keep slaves, oh no. But they're willing to be considerable carriers of slaves to others.

Danielle Allen: [00:16:54] First of all important to realize that already in 1776 opinion about slavery was split. So the committee of five that drafted the Declaration was not composed solely of slaveholders. Thomas Jefferson who chaired the committee was a slaveholder. John Adams was not, he always thought slavery was a bad thing and never owned slaves. Benjamin Franklin had been a slave owner earlier in the eighteenth century but by this point he had liberated his slaves and had become somebody who was committed to abolition. So the question of where slavery fit in the document was complicated. In fact the phrase life liberty and pursuit of happiness is a compromise phrase that takes the language from the antislavery position. The fact that the language is about happiness not property was an antislavery choice.

Hannah McCarthy: [00:17:43] Life, liberty and property. That's John Locke right. That was his idea. These things that government is supposed to protect. This is what you have a right to. So how is striking property and making it happiness and antislavery pursuit.

Nick Capodice: [00:17:59] So that word 'property' and the desire to protect it had become code. Code for defending the institution of slavery.

Danielle Allen: [00:18:08] So when you look closely at the text of the declaration you can see both the antislavery voices in the phrase The Pursuit of Happiness. And you see the proslavery voices in that erasure of the text condemning King George for the slave trade. But even with the clause about slavery removed, that line that all men are created equal became a rallying cry for abolitionists after independence was declared. So in January of 1777 Prince Hall, a free African-American in Boston, quotes from the language of the declaration and submitting a petition to the Massachusetts General Assembly seeking the abolition of slavery. And the language factors in for other abolitionists as well. And by 1780 slavery has been abolished in Massachusetts, Pennsylvania, and Vermont. So we fail to recognize actually that the Declaration of Independence was also the moment that the project of abolition is crystallized in the U.S. So the document is not just about what slave owners wrote and thought. It is also about what those who were opposed to slavery wrote and thought.

Byron Williams: [00:19:08] And we see it through the abolitionists you know to do Frederick Douglass and others. And Angelina Grimke. People always pushing for this notion of freedom and so to be a country that is formed on this idea and part of that idea

is freedom; to hold some in bondage is incongruent.

Hannah McCarthy: [00:19:34] That is something that Americans have wrestled with from Frederick Douglass to my 8th grade social studies class. How on earth can a document say all men are created equal but not include women African-Americans the Native Nations, everyone else in the country.

Nick Capodice: [00:19:54] Well Hannah, one potential and disputed reason for this could be that maybe they didn't even really mean it. Woody Holton even called it a throwaway line.

Woody Holton: [00:20:05] The yada yada phrase. All men are created equal is the yada yada phrase. And of course it's I don't think it's that now. That's how we can change the meaning of a document.

Woody Holton: [00:20:14] The fundamental right that the Declaration of Independence asserts you know it's mostly just a list of complaints. No one ever reads a complaints except NPR once a year. But it's the fundamental right that they were contending for was the right of secession. All of stuff about all men are created equal. They're say that's a build up to saying, "well OK everybody is equal and we've got certain rights and one of those rights is to create governments but then also to get rid of governments if we don't like them and we don't like the government of George the Third in parliament. So we're gone." But before the year 1776 was out Lemuel Haynes, who was an African-American soldier in the Continental Army, wrote an essay unpublished at the time called Liberty Further Extended where he said, "Hold on a second, that phrase that you kind of rushed through Mr. Jefferson, all men are created equal. Let's stop and talk about that a little bit." Others did that as well culminating in Lincoln at Gettysburg saying this country was not formed by the Constitution it was formed by the Declaration. And so what all of those Americans beginning with Lemuel Haynes in 1776 did was transform a an ordinance of secession into a universal declaration of human rights.

Nick Capodice: [00:21:38] This relationship between the declaration and slavery is frequently addressed. But Danielle brought up a grievance that's very rarely talked about it was glossed over when I was in school it's not in 1776.

Danielle Allen: [00:21:50] And this is really for me the worst moment in the Declaration the one piece of the Declaration that still I think really hurts. And this is where they say that they complained that the king has excited domestic insurrection amongst us and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian Savages whose known rule of warfare is an undistinguished destruction of all ages sexes and conditions. And that, the treatment of Native Americans by the colonists really was was reprehensible and we still haven't fully acknowledged that fact. Whereas in fact you can see antislavery voices in the declaration you can't say the same thing about the treatment of Native Americans, you can't see a moment of sort of positivity in the Declaration on that front. And for me there's a deep lesson there because it means that as we think about the values of the Declaration in the 21st century we have the job

of folding into those values a true principle of inclusion. A true principle that embraces all the peoples of this continent in a vision of how to achieve safety and happiness for all of us.

Byron Williams: [00:23:02] Thomas Jefferson said he wanted to write an expression of the American mind. He achieved that in my view in a single sentence, you know we hold these truths to be self-evident that all men are created equal endowed by their Creator with certain rights among them life liberty and the pursuit of happiness. So right there in that single sentence he's enjoining liberty and equality as part of the American narrative. I mean that I mean that is, so right there. Not based on religion, not based on homogenisation, liberty. This idea that we would be a country based on liberty and equality. That in and of itself is profoundly radical. Has not done has not been achieved before or since. That a country would be formed on an idea. And quite frankly I think it's a radical idea. And the proof of how radical the idea is we're still struggling with it in the 21st century. I mean each day we can pick up a newspaper or go to our blog of choice and see where liberty and equality at some point are in tension. And That is the genesis of the declaration.

Nick Capodice: [00:24:18] So Byron Williams calls it a radical document. Woody Holton has referenced it as an ordinance of secession. Jefferson called it an expression of the American mind. And Danielle Allen says it's a masterclass in political philosophy and a universal declaration of human rights.

Hannah McCarthy: [00:24:36] Sounds like everybody is potentially correct here. Right?

Nick Capodice: [00:24:40] Yeah I watched the six hour video of a panel talk at the National Archives and Danielle Allen was on the panel and Woody Holton was on it. And the two of them got into a disagreement about the Declaration and what he said to me was, "well you know the thing is we were both right."

Nick Capodice: [00:24:57] This, this is a document that was built on tension and compromise. And it meant something different to each man who signed it. Each person who heard it, to all who read it.

Nick Capodice: [00:25:16] So! We got ourselves a new country. Only question is, how are we gonna run it? That's Next time on Civics 101.

Nick Capodice: [00:25:30] Today's episode is produced by me Nick Capodice with Hannah McCarthy.

Hannah McCarthy: [00:25:34] Our staff includes Jacqui Helbert, Daniela Vidal-Alee and Ben Henry. Erika Janik is our executive producer.

Nick Capodice: [00:25:40] Maureen McMurray is in charge of supplying both saltpeter and pins.



Nick Capodice: [00:25:44] Special thanks to loyalist scholar Maya Jasanoff, The Declaration Resources Project at Harvard, and the American Independence museum in Exeter New Hampshire.

Hannah McCarthy: [00:25:52] Super Special Thanks to Jesse Kratz, historian at the National Archives. She offered to tour us around both the archives and the Library of Congress and show us these documents in person. We could not go because the government shut down.

Nick Capodice: [00:26:07] Music for this episode by Blue Dot sessions, Scott Gratton Kevin McCleod Kai Engel, Makiah beats and Electroswing. And from 1776 the greatest movie musical ever made.

Hannah McCarthy: [00:26:20] Civics 101 is a production of NHPR, New Hampshire Public Radio.