

National Treasure: How the Declaration of Independence Made America

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[00:00:04.9] Tom Donnelly: Welcome to Live at the National Constitution Center, the podcast sharing live constitutional conversations and debates hosted by the center in-person and online. I'm Tom Donnelly, a Law Professor at the University of Richmond and Lead Scholar at this wonderful institution. The National Constitution Center is a nonpartisan nonprofit chartered by Congress to increase awareness and understanding of the Constitution among the American people. In this episode, Michael Auslin of Stanford University joins to discuss his new book, *National Treasure: How the Declaration of Independence Made America*, which is a sweeping and vivid history of the Declaration of Independence from its drafting to its enduring role in American life today. Tracing the remarkable journey of this iconic document from a Philadelphia boarding house to wartime hiding places and its place as a national symbol, Auslin explores how its ideals of liberty and equality have inspired generations of Americans and continue to shape the American experiment. Misha, thank you so much for joining us here.

[00:01:06.0] Michael Auslin: Thank you for having me, Tom.

[00:01:08.2] Tom Donnelly: So, let's begin just with the genesis of your book. There are obviously a ton of books on the Declaration of Independence. What inspired you to write this one?

[00:01:17.9] Michael Auslin: Well, the truth is that I was doing a different study, a different project on the history of Washington D.C., and I was down at the [National] Archives to learn about its history in terms of urban history. It's an important building and an important part of the city, the Federal Triangle. I was talking with the then-archivist, and she's telling me all these stories about the Declaration. I realized I didn't know anything. So I thought I'd go buy a book on the Declaration. And when I got to the bookstore, there wasn't one, and there wasn't one that

I wanted to read. And I did a little bit of due diligence and found out that there had actually been no general history of the Declaration, its whole lifespan, written. There've been other books, lots of wonderful books on the philosophy and the symbolism and theory, I'm sure we'll talk about some of that, but something that really talked about essentially the history of America through the document or the relationship of Americans to the Declaration through our history, something, honestly, I wanted my parents to read—it wasn't there. And I realized we were about two years out from the semiquincentennial. Before I knew it, I was off to the races.

[00:02:24.0] Tom Donnelly: One of the things that I love about your book, and we're going to dig into it in some detail in our discussion, hopefully, is its focus on the physical object of the Declaration of Independence. And as a kid, I remember buying one of those crinkly copies of the Declaration of Independence at the National Archives, and I cherished it. Now I have kids, they similarly, I think at Monticello, we bought some and they cherish it as well. Can you talk a little bit about your decision to focus on that and the importance of the Declaration as physical parchment?

[00:02:56.7] Michael Auslin: Yeah, that is a huge part of the book. I actually started off because I was at the National Archives. I thought I was going to do a quick and dirty book on just the parchment, why it survived for 250 years. And when you go, and if you live in Washington, you're sort of privileged, you can drop in anytime you want, right? And when you go, at one level, we take it for granted it's there, but at another level, this question's always in the back of my head, like, 'How did this thing survive?' And so I was just going to do a quick book on that, why... Sort of talk about the things that the conservators talk about and the archivists talk about. And it's an incredible adventure story. I mean, by all rights, it shouldn't exist. We should be, in essence, celebrating an empty shrine because the thing should have been either burned or torn or stolen or... And I go through all of this in the book, all the sort of near runs. If the document is like a cat and it has nine lives, it's gone through at least four of them by now. And so it's really an incredible adventure story

[00:04:02.4] Michael Auslin: ... and an incredible scientific story. How do you preserve a quarter-millennial-old piece of animal skin so that all of us and our children, and hopefully our grandchildren and their grandchildren can see it? That's part of the book. Another part, which also gets to your question, is that the Declaration—and these are two of the three lives that I discuss in the book—has taken on this unique cultural role, this cultural object. And you mentioned the crinkly copies that we put on our walls. I had one, my son has one. We do that with really no other document. And when I say we do it, I mean we've been doing it for 200 years, that we've been making and selling these artistic reproductions, these paintings of the document, the faithful facsimiles. Sometimes it's really kitschy stuff, like it's a print of the document on a T-shirt or a medallion or a scarf. But I think it plays a crucial role in keeping the

Declaration in front of us, in front of our eyes, in our hearts, in our minds, its words on our lips, that it becomes part of our lives. When you're a kid and you put it up in your bedroom, it links you not only to that moment, which is critical and crucial, but it actually links you to all these generations of Americans who did the same thing. And I go through that in the book, and I talk about at different points in our history what was available, how it was sold, how it was distributed, who was putting it up on their walls and the like. And I think that's a wonderful... To me, it's a very humanizing element of the document, right? You can go look at it, [and] it's incredible, eternal, universal philosophy. You can go look at it sort of statically sitting there in the archives. But it has a very, if I can put it this way, human history. And I think that the way that we've made it part of our cultural inheritance has helped humanize it.

[00:06:01.8] Tom Donnelly: Absolutely. And I mean, maybe let's begin digging into some of that history of the document and maybe just begin in the most natural place of all and rewind back to 1776. Throughout your book, you recurrently try to take on certain myths about the Declaration of Independence, things that we think we know but in fact are not true. And one of those is persistent myths surrounding July 4th itself. So maybe take us back there and give us a sense of what we know now about the timeline of sort of the framing, approval, and importantly, finally, the signing, that physical signing, that memorable part of the Declaration of Independence?

[00:06:43.6] Michael Auslin: Yeah. I mean, when you go and you look at the document today, right on the top, and one of the very few things you can still read says, "in Congress, July 4th." And so everyone thinks that this parchment was adopted, written out, and signed on July 4th. And of course, it wasn't. It was actually... independence itself was declared two days earlier, July 2nd. That was the day that most Congress members thought would be critical and important. And then the actual parchment that we consider now the official Declaration wasn't even written out and signed until starting in August. It was a month later, because they were doing other things, they were busy. So there's all these myths that have grown up about when it was signed, who wrote it, what were the influences—was there an original copy that was signed on July 4th and this was a later copy? And scholars have gotten all into trying to figure out the sort of mysteries. It's a little bit like the movie National Treasure, there are mysteries connected with the Declaration. And even some of the founders thought that. Very quickly, July 4th becomes the day, right? It becomes the day when Americans celebrate independence, i.e., thinking this was the day that we declared independence, also the day that they think this document was signed and was made official.

[00:08:02.0] Michael Auslin: Later in life, Thomas Jefferson, John Adams, and Ben Franklin all said, "Yes, we signed the document on July 4th." And of course, that wasn't the case. But very quickly, the official record of the Congress showed or stated that it was signed on July 4th. And

one of the founders, I talk about him, a somewhat irascible Delawarean named Thomas McKean, would write these letters later in life to people saying, “Somebody’s lying. There’s a conspiracy here. They’ve changed the date. They’ve changed history.” And it’s really amazing how much they cared about it. But I think that goes to the point that the document was becoming this iconic element of American history, which for its first 50 years, it really wasn’t. For almost 50 years, it was largely ignored because it had done its job, and then we moved on. We moved on to, first of all, winning the war, and then we moved on to the Articles of Confederation, which failed, and then we moved on to the Constitution. The Declaration really was not a major part of American life until starting after the War of 1812. And that’s when these debates [take place] between John Adams and Thomas Jefferson: Who’s really responsible? Whose thoughts are important or not? And of course, Adams is saying Jefferson didn’t do anything original, and Jefferson’s actually saying, “You know what? He’s right, but don’t take away from what I did do.” But all of that is happening at this later period when, at that point in time, now the Declaration is becoming seen by Americans as the statement of their birthright, which it really hadn’t been for at least four decades.

[00:09:41.0] Tom Donnelly: And so just thinking about that Declaration itself, I definitely want to talk more about the history—physically—of the document. But when we think about the Declaration and its message, you suggest there’s important things that it can teach us. And one of those is, in a way, the most basic, which is, as we’re celebrating America 250, [we’re] just reflecting on why we declared independence at all, why we created this new nation. Just in taking the Declaration itself as a document, what can we learn about the relative role of big principles on the one hand, so what you would find in the preamble of the document, versus what you emphasize a lot, which is also what we can learn from the grievances, which mattered so much to the revolutionary generation and often slips away from public memory today?

[00:10:30.2] Michael Auslin: It’s fascinating. You’re exactly right. The things that we take as most important today, which is not to say that they are not the most important today, but the things we take [as] most important, [are in] the preamble, right? “We hold these truths to be self-evident, all men are created equal.” And then the famous concluding lines, “we pledge to each other our lives, our fortunes, and our sacred honor.” None of that was considered nearly as important back in the day. It was sort of window dressing. What was important were the 27 charges against King George and the unnamed Parliament, because that was the justification for what had already happened. The Declaration itself wasn’t a plea for rights, because the colonists and the leaders, signers, founding fathers, all thought, these were our rights that are being taken away; number one, they believed that this was a defense of a way of life that was threatened, not that they were trying to create a new world, as Thomas Paine said. They were trying to preserve their old world. And of course, the Declaration itself wasn’t a statement that we now declare ourselves free in this sense, because that had already happened. This was the legal case for why

the action of July 2nd had been taken. And so these charges, which Jefferson certainly took some liberties with, some of them were overwrought. Congress toned down a lot of them, took out some—of course, the famous condemnation of the slave trade, as well as a personal condemnation of the British people. They tightened up the document.

[00:12:05.0] Michael Auslin: These were the things that were seen as so critical. But over time, our understanding, our relationship to the document changed so that the preamble, particularly as you get to Abraham Lincoln, becomes the universal and eternal justification of this document. What I think is, at least to be honest, what I learned for myself and the way I came to think of it over time, is that traditionally the historians or political scientists or whomever have looked at the Declaration in one of two ways. They've looked at it in terms of the equality claim, "all men are created equal," and the liberty claim, "consent of the governed" and the fact that we have a right to be free and independent. And of course, that's correct. And to Jefferson and the signers, those were two sides of the same coin. To them, you couldn't have liberty if some were unfree. And this was liberty [and equality], we need to remember, in terms of a political environment. The liberty is to act equally within a political community, which is why, of course, it does not address everyone in the colonies at the time. The greatness of the document is that later it encompasses all of those, and all of those groups appeal to the document in a way that the signers initially either could not or would not entertain. But there's often been sort of a tension between the two. If you give everyone liberty, you may take away the equality of some to act in ways that they feel make them equal because you're ensuring liberty. And of course, if you ensure equality, you may impinge on the liberty of others. That's been a debate that has gone on back and forth.

I would say for us, probably since the civil rights movement in particular, we've seen the document as an equality document. It's certainly how, when you actually read Martin Luther King's words, he's very clear that equality is a means to an end, and that end is liberty. And he is quoting from the document in that way. But what I came to understand, at least in my own way of approaching the document, is that as important and true as both the liberty and equality claims are, over them, I see another feature of the document, another claim, and that is a unity claim. That this is really our great statement of unity as Americans. That, in fact, if you read it, the very first line says, "when in the course of human events, it becomes necessary for one people to declare independence." Jefferson originally wrote, "a people," and most likely we believe it was Ben Franklin who changed that to "one people." But he didn't write that it becomes necessary for 13 colonies to declare independence or a country to declare independence. He says, ultimately, "one people to declare independence." I think from the beginning, the message of the Declaration, and that's the message for today, to go back to your question, is one of unity. And it's why, by the way, near the end, the signers pledged to each other their lives, their fortunes, and their sacred honor. They didn't pledge it to the new country. They didn't pledge it to their

sovereign states. They pledged it to each other. And so I think from the beginning, there was a message of civic unity and civic assimilation. And that's what I believe remains incredibly relevant for us today.

[00:15:39.4] Tom Donnelly: And I mean, you've already gestured towards this in our conversation, but at 250 years, as an American today looking at the Declaration of Independence, how much should we look at it as Thomas Jefferson's document versus Adams', Franklin's, versus the committee's, versus Congress's? Obviously, this is the eternal debate that Jefferson and Adams themselves couldn't resolve. But having now studied it and written this book, how do you think about that 250 years later?

[00:16:11.7] Michael Auslin: That's a great question. Pauline Maier's wonderful book, *American Scripture* ... is about 30 years old now, which was responding to Garry Wills's book on Jefferson. And then Wills was responding to Carl Becker's book in 1926, which basically said it was all John Locke that inspired Jefferson. And Wills says it's not John Locke, it's really the Scottish Enlightenment. And then Maier comes along and says, you know what? It's really the American mind. That it's these 90 different declarations that had been happening at different times and places. And of course, Jefferson himself says this is meant to be an expression of the American mind. And there's no question—look, he's influenced by the Bible because they all were influenced by the Bible. He's influenced by concepts of natural rights. He's influenced by George Mason's Virginia Bill of Rights. He basically takes that opening “life, liberty, and happiness” and he changes it, he condenses it. He's influenced by the English Bill of Rights. He's influenced, of course, by his own set of charges in the draft constitution of Virginia. But there were all these other statements that had been coming out. John Adams points it out. He says, look, this was nothing that hasn't been said for the past five years or so, including in the 1772 Boston pamphlet. I'm in Boston right now, so they still talk about the Boston pamphlet. Colonists have a right to life, liberty, property, happiness, and so on and so forth. And that can be traced back to the early 1700s, the Reverend John Wise, who basically says the same thing.

So at one level, Jefferson says, “Look, I didn't mean to write anything new.” And what he means by that is that if he had written something new, it would not have resonated and appealed to Americans in the way that arguments that they had already been having, whether it was pulpit preachers or street rabble-rousers like Tom Paine or Sam Adams and the like, all of this was to bring it to fruition. But the words and the genius ultimately were Jefferson's. They were edited, they were tightened, they were made a little bit better. But I think at the end of the day, you have to say that if Jefferson had been sick or not put on the committee or refused the commission of drafting it, and let's say John Adams had done it, we would have had an incredibly powerful, legally, extraordinarily strong document that may not, maybe likely not, would have had the same emotional appeal both at the time, but particularly afterwards. It's the enduring power of

Jefferson's words that allowed it to be appealed to by Frederick Douglass and Susan B. Anthony and immigrants at the turn of the 20th century all the way to today.

[00:19:04.9] Tom Donnelly: Now, I could discuss the Declaration conceptually and theoretically for days, but I'd love to turn to the adventure story that you talked about, sort of the story of the physical parchment and, more broadly, your story of the Declaration of Independence's role in civic life throughout American history. And maybe beginning with the American Revolution itself... The beginning of the story, in many ways, for the physical Declaration is that December 1776 of Charles Thomson sort of packing it away, crumpling it. Maybe talk about what happened to the Declaration of Independence, the parchment itself, through the Revolutionary War. It did a lot of traveling.

[00:19:48.8] Michael Auslin: Yeah. So again, we think of it first of all as the... As I call it, the national treasure, the icon, especially if you're old enough to remember the old National Archives setup before 2001 when it was taken down. So, 25 years ago, it was in the shrine of the wall. It was a center altar there above the Constitution. The power was extraordinary. So we think of it in those terms, a secular Ten Commandments, so to speak. Back in 1776, this was an administrative paper. It was a task that had to be done. Now, it was also secret. It was a state secret. Right? Nobody knew for over six months who had actually signed the document because the original printings—these broadside block texts done by John Dunlap on the night of July 4th, 1776, and then copied throughout the colonies, the states—didn't have any names on it except John Hancock, who was the President of Congress, and Charles Thomson, who was a very powerful and unfortunately unknown secretary of the Congress. The actual parchment, once it was written out by Timothy Matlack, inscribed and then signed starting in August, almost no Americans knew of because, again, this was secret. So it's rolled up, it's carried around with Congress. They're fleeing the British. So nobody's thinking, are we going to display this? Or how do we preserve it for eternity? They're rolling everything up, throwing it into chests or bags and putting it onto carts. They're rushing away from the British down to Baltimore. They're in different parts of Philadelphia. They're in New Jersey. They're doing it in all sorts of different weather.

And parchment, of course, is still a living material. And so it's contracting, it's expanding with heat and humidity and cold. And almost from the beginning, the toll is being taken in a way that today would horrify us, but back then was sheer necessity. Even after the war, even when it's no longer at risk of capture as either a war prize or to be destroyed, the government isn't settled until 1800 and, quite frankly, even after that, in Washington D.C., we don't have permanent buildings. So it's being moved constantly from building to building with all of these other papers. They're just throwing it into chests. They're putting it up in attics. These are crowded buildings. They're temporary buildings. It rests in New York for about five years. But again,

nobody has an idea that we should really treat this in a special way. And even if they did, they didn't know how to do it. So the parchment, by the early 1800s, is already very worn.

Then it becomes popular. It becomes popular because it survives by the skin of its teeth being destroyed when the British burn Washington in August of 1814. It escapes the British by less than 24 hours. And by the way, it's thrown into a linen sack, it's carted up into the Virginia countryside and thrown on the floor of a cellar, a brick cellar of this empty house, and left there for weeks unattended because they didn't want the British to figure out where the important papers were, Declaration, Constitution, and others. And that's in the middle of a Washington humid summer, right? So the toll on the document's incredible. Then the story gets out that this document, which most Americans didn't even know existed, had survived. Now people want to see it. And it's a very informal world back then. If you knew the Secretary of State who held the document or you could get to the Secretary of State, you'd just ask him, and he'd unroll the document for you. So it's being rolled and unrolled I don't know how many times, but enough so that it's actually commented on that we're rolling and unrolling it all the time. So finally, in 1841, Secretary of State Daniel Webster, the great Daniel Webster, once and future senator from Massachusetts, decides that he is going to send it to the new, old... When I call it the old, it's now called the old, but it was the New Patent Office. We now call it the Old Patent Office. It's the National Portrait Gallery in Washington where there is a museum. It's the forerunner of the Smithsonian. And it's a museum that has 5,000 different objects. But they now decide they're going to hang it in a frame for everyone to see. And this is the first time that a critical historical artifact, document, paper of state, was ever displayed. They didn't know what they were doing, so they basically tied it to a frame. They put holes in the document and tied it with twine to a frame and then hung it up, as is often said, in the sunlight. I mean, when you go there and you look, it's not actually in the sunlight, but it would have reflected sunlight and a lot of light, which wasn't good for it. And so even when they were doing what they thought was best...

[00:24:38.8] Michael Auslin: Get it away from being rolled and unrolled, put it up away so nobody can touch it, and put it up in a frame for people to see. It's also damaging the document. So really, the truth is that it's a miracle that this thing survived all these years until really, 1951 is the first time that true scientific conservation could be brought to it, preservation could be brought to it. And during World War II, when it was secretly rushed out of Washington and hidden in Fort Knox, was the first time that actual conservators from Harvard's Art Museum could actually get down to help repair the document. Because by that time, it was cracking, the corners were separating, there were holes in the document. It was in really bad shape. And so not until the 1940s and 1950s, almost 200 years after it was signed, could you actually begin to start preserving it from all this damage, conserving it, repairing it, and protecting it from the hand of time.

[00:25:43.9] Tom Donnelly: So much to dig into there in that history. And there is this interest... I love [that] there's the public viewing, there's from the attic to public view story, which you've sort of laid out in that response, which is totally fascinating. There's the conservation story, which similarly is an absolutely fascinating story. There's also, beginning between the War of 1812 up to, as you say, Daniel Webster having the first public shrine created for the Declaration, there's the rise of the Declaration in popular culture. And we think here of the famous John Trumbull painting, which I used to look at at the Yale Art Gallery when I was in law school and feeling particularly Romantic and poetic, or you say the Philly printer John Binns and others trying to create a version of the Declaration that can be seen in homes, in public spaces. Maybe talk about some of that antebellum story: the rise of the Declaration as a cultural artifact [and] cultural symbol?

[00:26:49.7] Michael Auslin: Absolutely. That's a big part of the book. I love that part of the Declaration's history. And as I said before, I think it really helps humanize it. And it's the perfect marriage of civics and commerce. Trumbull paints this magnificent painting, which is not Congress voting or declaring independence, but it's actually... our Declaration, it's actually the date when Jefferson gives it to the Congress. It's a completely mythologized view because it doesn't happen at all that way. And of course, it was done, by the way, at Thomas Jefferson's suggestion, which of course makes him the central figure in this, but which John Adams didn't like. But when Trumbull does this, he's doing it because it's going to make him money, and it makes him a lot of money. It makes him thousands upon thousands of dollars, which is real money back then. Right? And he immediately works with an engraver to sell high quality engravings of this to subscribers, and then they do cheap engravings of it. Same thing with these, they're called facsimiles, but what they really are are artistic representations of the document that have lots of artistic flourishes around them. The first guy to propose it is John Binns, but he wants to do such a complicated one that he's actually beaten by someone else called Benjamin Owen Tyler, who comes up with his own. Both of them very faithfully reproduce the signatures, which fascinates Americans because, remember again, nobody had seen the original document. So suddenly they see the signatures of the signers, and this to them is a revelation. But the actual text, famously, what's today a famous text, is not very well reproduced. But again, they're making subscriptions to sell these things. But they say, on the one hand, we're going to make money, but on the other hand, they say, look, this is your birthright. This is where your freedom comes from. Put it up on your wall, tell your children to read it. And to me, it's a very American thing to do. And I love the story.

[00:28:52.9] Michael Auslin: And this starts off this industry of representations, whether purely artistic like Trumbull, or sort of documentary representations, we might call it, of people like Binns and Tyler. Through the 19th century, there are over 100 different types of artistic representations of the Declaration where they vary the print. They sometimes use it to make

pictures like a portrait of George Washington. They're doing it for the centennial. They're also just selling straight up merch. They're putting it on medallions or putting it on scarves. It's an incredibly popular and profitable industry. Today, when you look at the Declaration, you mentioned that crinkly copy, when you look at that or any reproduction of the engrossed, handwritten Declaration, it comes from what's called the stone engraving, which was commissioned by John Quincy Adams in 1821. It takes three years to do it, or 1820 to 1823, done by an engraver named William Stone. And Adams, in this very far-sighted way says, 'We're only at the 45th anniversary, [and] the document is fading and disappearing.' He essentially says, 'We're not gonna have it in another generation. So what's the best thing we can do?' Well, we can do the equivalent of taking a high resolution photograph of it, a high resolution scan, which is in essence what they do. It turns out that actually harms the document more because it lifts off some of the ink in order to transfer it to a copper plate. But this is what we see today. And without it, we really would have a very limited idea of the beautiful calligraphy of Timothy Matlack and the sort of boldness and grandeur of the document itself. And everything that's printed, when you buy these crinkly copies, these antiqued copies, it's coming from that. Or even if you buy a high quality one, it's coming from that.

And by the way, if you're in Washington D.C., this summer, which I highly encourage everyone to go, you're going to see two incredible things. Well, one is going to be a permanent exhibit now at the National Archives. It's part of their "American Story" exhibit. That original William Stone copper plate, the engraved copper plate itself, is on display, and they've cleaned it up. It's beautiful, so you can see it. And right next to it, David Rubenstein donated one of his original Stone copies that were struck from the copper plate on parchment. So you see these two things together. You should definitely go and see that. But in addition, if you go to the Library of Congress starting in July, you will be able to see Thomas Jefferson's handwritten rough draft, which hasn't been shown in public for like 50 years. It was shown at the bicentennial. I don't really... I haven't found that it was shown after that, but it's being shown now. So you'll be able to see Thomas Jefferson's own handwritten, hand-notated, hand-edited draft of the Declaration. And then you can go over to the National Archives, of course, [and] see the engrossed Declaration, but [also] see the Stone print. And right now, in their new "Free and Independent" exhibit that just opened up in the National Archives, they have not only a John Dunlap broadside printed on July 4th, but they have the very one that Charles Thomson put into the journals of Congress because he didn't take time to rewrite it. In fact, we don't have that original final copy of the Declaration that Congress approved. It disappeared when it went to the printing house. So what he did, instead of rewriting what the actual Declaration was, they took what John Dunlap had printed and they wafered it into the journals of Congress. And that's the one that you can actually see. So there's a lot of things to see that are part of this material history and this cultural history of the Declaration.

[00:32:59.2] Tom Donnelly: And another key legacy of the Declaration you raised at the beginning of this conversation was the ability of future generations and new groups to lay claim to the broad promise of the Declaration—these really broad principles. And as you note in your book, we see a lot of this happening from the very beginning of American history, leading all the way up to the Civil War. And so we see key abolitionist voices going all the way from James Forten of Philadelphia up through Frederick Douglass and beyond. We see the suffragists with Elizabeth Cady Stanton and the Declaration of Sentiments and then later Susan B. Anthony and many of their colleagues pushing for women’s suffrage, drawing on the principles of the Declaration. Maybe talk a little bit about that part of the Declaration story as part of American civic life?

[00:33:49.8] Michael Auslin: Yeah, I think that is the greatness of the document. Its capaciousness, [so] that what we might call 18th-century silences could later be filled in. Of course, we know that the Founding Fathers, even the slaveholders among them—almost all of them deplored the practice. They didn’t know how to get rid of it. They couldn’t get rid of it, but they deplored it. They wrote about it extensively, Thomas Jefferson among them writing about this “sleeping serpent” that is waiting to strike... He fears for the future of America, but they can’t square the circle. Certainly, women are not included in terms of the political process because it’s not a governing document, but it is a political document. Who will have rights in this community as they’re expressing their rights as Englishmen and British Americans. But that’s not where it stops. And so very early on, it becomes appealed to. As you mentioned, some of the abolitionists, David Walker as well, who says, ‘You are not living up to what your fathers wrote.’ And of course, they didn’t live up to it, either. Frederick Douglass, “What to the Slave is the Fourth of July?”—his famous oration where he says [that] he doesn’t despair because of the Declaration of Independence. The women suffragists, as you mentioned, Elizabeth Cady Stanton and Susan B. Anthony, explicitly patterning their own claim for equality on the document. Socialist groups doing the same thing. These are pre-Soviet, pre-even Marx, Karl Marx socialist groups. These are very early socialist utopians saying, you’ve forgotten about the agricultural worker. You’ve forgotten about the nascent industrial worker, and that continues up well into the industrialized period. What are their rights and freedoms in this system as well? The temperance movement... everyone’s appealing to it.

That, I think, is the greatness of the document, but it’s also why I stated before [that] I think it’s our great unity document. Not one of all of these groups that we’ve just mentioned is using the document to separate from the country, to say, ‘We don’t want to be part of it.’ It’s just the opposite. They’re using the document to become fully Americans in their view, to claim the rights that they believe are theirs, just as the colonists were trying to preserve the rights that they thought were theirs. This wasn’t to separate or to have ethnic or racial or gendered or economic enclaves. It was to say everyone has a claim on these promises to be an American. Of course, in

the 20th century, Dr. Martin Luther King calls it the promissory note that still needed to be fully lived up to. But that's why I think it is our great statement of unity. It is appealed to by all these groups. There is, of course, one group in particular that appeals to it not for unity, and that is the Confederate South.

[00:37:03.1] Michael Auslin: But that also to me shows the power of the document because they latch on to what in 1776 may have been the most important claim. The all men are created equal claim was a lead-in to the broader claim that government can only rest on consent of the governed. And if the consent of the governed is withdrawn, then the government is not legitimate and they have every right to create a new government. That's what the colonists were saying in 1776, and that's what the Confederates are saying in 1860, 1861. And even Northern newspapers are agreeing with them. And I quote some of them that say that the South is right. If the consent of the governed is not there, they have a right to withdraw. They must do it peacefully, however. And that, of course, was the nub. It couldn't be done peacefully, and so we get into the war. That understanding of the document is essentially altered by the Civil War.

Lincoln's claim to preserve the Union is that that takes precedence over this illegitimate consent of the governed. Why is it illegitimate? This is where the competing claims come in, because it is denying equality. And equality is at the heart of the document. In Lincoln's interpretation, it's what he calls "the apple of gold." And so for the South, it is a... And I find it very... It's very... It's tragic, it's compelling what happens. It's, of course, still our greatest tragedy, one whose scars we live with. But their understanding of the document is refuted thoroughly and bloodily in the Civil War. And so for those in the South who appealed to the document, and they have their own declarations of independence at the time of secession, in 1865 and onward, they now must come to a new engagement and understanding of the document. And that's a powerful part of American history. But Lincoln's interpretation that this is a document of equality and that equality is what ensures liberty is the one that dominates American history from that moment forward. And it's what in many ways makes the civil rights movement possible, [and] why there is so much appeal back to Lincoln in the civil rights movement because of what he states is the proper reading of the document. And it is still very moving and very powerful to read Lincoln's words and understand that in 1861, on the way to his inauguration, he stops in Philadelphia at Independence Hall and says, "I would rather be assassinated than give up these principles." And then we know that he is assassinated for living up to the principles of the Declaration and not surrendering them in a way that many Northerners actually were willing to surrender. Let the South go, let the country split apart. These are two irreconcilable systems. And Lincoln says, "No, they're not." So it is extraordinarily powerful, I think.

[00:40:10.7] Tom Donnelly: Absolutely. And as you note in your book, Lincoln had been reflecting on the nature of the Founding beginning with his earliest public speech in his 20s,

which is astounding to me. He was so young when he gave his Lyceum address. But thinking about the Founding and its passing from lived experience to public memory as James Madison passes away in the 1830s, Charles Carroll passes away, so we lose our final figure at the Constitutional Convention and final signer of the Declaration of Independence. And so Lincoln powerfully reflecting on the nature of America's founding principles and how they needed to guide us through the pre-Civil War period, through the Civil War, and all the way through to Lincoln's assassination and beyond. As we get to the back end of our conversation here, Misha, another key area of focus when it comes to the physical parchment that you talk about is this battle over the physical custody of the document. One of my favorite flashpoints is the centennial of the Declaration of Independence and this battle between Philadelphia and Washington D.C. over who has a rightful claim to the Declaration of Independence. Maybe tell that story?

[00:41:27.2] Michael Auslin: Yeah, it's great. Who owns the Declaration? It's a weird question, right? The American people own it, but somebody has to have custody. And so yeah, I'm very interested. Of course, the NCC is a Philadelphia institution and I'm assuming a lot of folks, hopefully from around the country, are watching, but probably a decent chunk [are] from Philadelphia. So I don't know if there's still any ill feelings, but in 1876, it is true [that] the Declaration, the original engrossed parchment, after a lot of negotiations, is sent back up to Philadelphia. A very prominent Philadelphian of the time, Frank Etting—who was the chair of the committee to preserve Independence Hall, to really refurbish it—comes up with this idea not just get it back into shape, but to actually make it look as if the Continental Congress were still sitting there. That's his idea. He's the first one to come up with this idea of a living history exhibit. And the cherry on the top of that for him is bringing the Declaration back for the 1876 centennial. And there's a lot of back and forth. It turns out he does get this with a lot of almost some backroom dealing. Gets the Declaration brought back up.

After 1876, millions of people came to the... I have a whole chapter on it. Millions of people come up to the centennial. Nine million go see the Centennial Exposition. And though there aren't turnstiles, probably a good couple million at least go to see the Declaration in all the months of the exposition. And then Philadelphia doesn't want to give it back. And there's a good argument, and the argument is it was born here and it should stay here. We have a wonderful space for it, we have a safe, and we can keep it in Independence Hall, and people are going to come to Independence Hall to see how it looked at the time, and here's going to be the Declaration. So there's a couple of different city councils at the time in Philadelphia that are passing resolutions saying this, [and] the Philadelphians keep it for months, actually into 1877. They haven't returned it. Meanwhile, in Washington D.C., the Department of the Interior, which has the immediate custody of it because it's been in the Old Patent Office, is now battling with the State Department, which has the formal official custody of it, over who gets it. And the Interior Secretary is saying, "Well, we've had it for so long, it's really ours." And the State

Department's saying, "No, it's really ours, and we have a new building, what's today the Eisenhower Executive Office Building, that's fireproof and we should be putting it in there." So you've got these different levels, sort of like three-dimensional chess, of people fighting over who gets to control the Declaration.

Well, the president is Ulysses S. Grant, and he's having none of it. He doesn't care about any of these arguments, and he orders it to go back to the State Department. So Philadelphia, very quickly, months later, but very quickly once they get this order, sends it back to the Interior Department, who really quickly rushes it over with this very apologetic note to the State Department saying, "Blame the Philadelphians, but here it is. Sorry you haven't had it." And it's a sort of crazy story for us to think about today that people are fighting over it, but it happens again. In 1921, the State Department sends it over to the Library of Congress, again, because there's a newer, better fireproof building, the new Library of Congress building, which is then about 20 years old. The library has it for what they think is in perpetuity because Congress gives money for a permanent shrine in the Library of Congress. That's the first real shrine, a beautiful marble shrine. And by the atomic era, right after World War II, the library isn't safe. It's why it was actually rushed away in World War II, because if Nazi bombers had been able to reach Washington, they felt the Library of Congress wouldn't stand up to it. Now, with atomic warfare, it really is not going to be able to protect the Declaration.

[00:45:24.2] Michael Auslin: But back in the '30s, the National Archives building had been built. And when President Herbert Hoover lays the cornerstone, he says, "In this building will be our founding documents, the Declaration of Independence and the Constitution." The problem is that the Librarian of Congress—the incredibly powerful and incredibly long-lived Herbert Putnam—has no intention of giving the Declaration back. And even Franklin Roosevelt is not going to cross him on this. So they have to wait until he retires, they have to wait until after World War II, but there's still a bit of a struggle. Can the library give it back? Should it give it back? Does Congress have to order it? Ultimately, it's resolved fairly amicably, but it was uncertain for a while. Would it stay at the library? Would it go to the National Archives? And in 1952, it's finally enshrined in that beautiful center shrine, what's called the altar or the shrine, for half a century of Americans.

And so there is this question through parts of our history: who owns it? When Charles Thomson had to give it up, Congress owned the document originally. And in 1789, when the State Department was created, there was an order that all papers of state should go to the State Department. Charles Thomson didn't want to give it up, but he ultimately did. But again, I think it goes to this point that the document, either personally or communally, is so important through our history that people want to, in essence, have control over it, to decide should it be shown, how it should be shown, how do we celebrate it? And there's great pride among the Library of

Congress folks and among the National Archives people today for being the custodians of our founding document.

[00:47:16.3] Tom Donnelly: One final beat here on the physical parchment before we turn to today and our closing part of the discussion here. You note that the document, the parchment itself, was imperiled during the War of 1812 and it was saved. You've a couple of times referenced World War II and the danger there, and how it wound up in Fort Knox. And then finally, there's also the danger from 9/11 as well, another time in which the Declaration may have been imperiled. You've told us about the War of 1812 story. I can't help but ask you to go into a little more detail about World War II and Fort Knox, and then maybe a beat finally on 9/11, and finally just how we get the Declaration as we have it now sitting in the altar we have now in the National Archives?

[00:48:06.8] Michael Auslin: Yeah, so it's interesting. [In] World War II, they had been preparing before Pearl Harbor, because it's a new type of war, right? It's an air war in many cases where they're watching the bombings of cities even before we get into the war. They're looking at the Blitz in London, they're looking at Coventry in England and the like. And the idea that you could range a bomber across the ocean is new and terrifying. But the Nazis are trying that. They have these really big, heavy four-engine bombers. And so even before Pearl Harbor, the Librarian of Congress—Archibald MacLeish, who succeeds Herbert Putnam—is trying to figure out what are we going to do with our greatest treasures, at the top of which is the Declaration, but [also] the Constitution, the journals of the Continental Congress, and by the way, the best copy of England's Magna Carta, which had been sent here for safekeeping precisely because of the air war, because they didn't think they could keep it safely somewhere. So they send it over to the library, which takes custody of it during the war. And they're trying to think... there are train tunnels underneath Washington D.C., [so] should we put it there? Should we dig a new vault? And finally, they come up with the idea that really the only safest place is going to be Fort Knox, 400 miles into the interior, surrounded by an Army garrison.

[00:49:28.7] Michael Auslin: The day after Christmas 1941, the Declaration first and then the Constitution are taken out of the shrine. They are put in very secure boxes, wrapped and then secretly rushed over to Union Station, where they're put on a train and they're ridden out to Louisville, Kentucky. And from there, they're met, and they're guarded by armed Secret Service agents on the train. Nobody knows what's in these gigantic crates, but they're in just a sleeper compartment. And then they're met by more armed Secret Service agents and basically a company of army infantrymen. And it's driven down to Fort Knox and put into the vault. So it's the Declaration, the Constitution, Magna Carta, and some other things. And then other documents are secreted in other parts of the country just for safekeeping. And it's there again that the first real preservation or repair of the document is done. It's brought back once during

World War II, and that's for the dedication of the Jefferson Memorial. President Franklin Roosevelt really wants it back. And so it's actually brought back again in secret. There's a great picture in the book of the marines struggling to carry this incredibly heavy case up the steps and Roosevelt does his dedication and then it stays there. It stays there for about a week and then again [was] secretly sent back to Fort Knox until October of 1944. And that's finally when it's clear that the Nazis are not going to be able to reach America. They're on the ropes more or less. And so it's brought back to the Library of Congress. So it's an incredible moment.

Now one of my favorite parts is the Cold War story of moving it to the [National] Archives. So the Archives is a sturdier building, but it's still not going to survive an atomic bomb blast directly. So what happens is that as they're preparing to move the documents into the Archives, [and] they build the famous Mosler vault, which is an atomic bomb proof vault underneath the shrine. So every night the Declaration and the Constitution are lowered into this bomb-proof vault. The doors close over it, and it's done every single night throughout the entire Cold War, after the Cold War, and even to today. Now today there's a different set of vaults because it's a different arrangement. But this was the ultimate guarantor. So I was not able to find out... I talked with folks at the National Archives and we couldn't find any evidence that the Declaration and Constitution were lowered into the vault during the Cuban Missile Crisis for the duration. Which I thought might have been a time that they would have said, "Just in case, let's get it into..." I still think it was probably likely, but there's no record that we found... Probably need to dig a little bit more to find that. That would be one.

The second, of course, would have been 9/11, except on 9/11 the documents were already gone. They were already in College Park at what's called Archives II for preservation. The last time anyone touched them was in 2001. It was opened up and they were cleaned and repaired a little bit. And the entire rotunda was redone. As I was mentioning, that central shrine for the Declaration was taken down. It was brought lower onto the floor—part of it was [for] ADA compliance, but also part of it was because it was not good for the Declaration to be in this vertical position going up and down. It was a lot of wear and tear on the document going up and down every single night. And so today what you have is a very different configuration that is in many ways much more intimate. You get much closer to the Declaration. You get right up to the Declaration. And in the old days, especially if you were a kid, you're looking up at this thing; it's hard to see, but it did have an undeniable power. So it's very different today. And it's a tradeoff. I miss the old one because again, I just think it was a civic shrine. Today you get right up as close as you possibly can. But in 9/11, they certainly would have, when the planes tragically were coming into Washington, they certainly would have lowered it in the case, had it been in the case, but it wasn't. It was already safely 10 miles away in a different vault in College Park.

[00:53:56.3] Tom Donnelly: Excellent. And so as we get to the end of our discussion here, Misha, I'd love just for your reflections on the Declaration today, because as we've learned, each generation seems to turn to the Declaration of Independence to help think through how best to address the challenges of its own time. And I'm sort of curious, based on your study of the Declaration, thinking a ton about it over the last couple of years, how should we think about the Declaration today? How might Americans draw on the Declaration, its ideas, its history, in thinking through how best to address the challenges of our own time?

[00:54:34.1] Michael Auslin: I touched on it a little bit before and I do think it's very important. I think it's important all the time. I think it's particularly important at these anniversaries. And at each anniversary, the presidents or the great speakers of the day have always referred back to the document and encouraged Americans to live up to it. And so in 1951, President Truman calls for a rededication to the principles of the Declaration. And in 1976, President Ford does the same thing. I think that's powerful. I think one of the important reasons to be very grateful that the parchment itself exists is that, first of all, I think we need shared symbols. We need physical symbols. All peoples do, and they have them in other countries. And this is one of our central ones, if not the central one.

And it's a time machine in many ways. It takes us back to the moment of our founding. We can look at that piece of paper, so to speak—it's parchment—but that the Founding Fathers signed, that John Hancock signed and John Adams and Sam Adams and Ben Franklin and Thomas Jefferson. And it links us with them. It links us with all those generations that also appealed to it. And we've been talking about them, whether it's Frederick Douglass or Susan B. Anthony or immigrants at the turn of the 20th century. We're linked with them because we all were reading the Declaration, we all were translating it, we all were trying to understand its meaning for today. And so I think today, as I mentioned briefly, what I really think is important is that it is a document of civic unity and civic assimilation, that we come together as a people to govern ourselves using a set of principles and a set of historical traditions and experiences that is based on the spirit of this document that is then translated later into the Constitution and the Bill of Rights and in many ways, all of our laws. But it begins with the Declaration. And again, its invocation of one people is pledging to each other our lives, our fortunes, and our sacred honor. And I think that's incredibly powerful today. I hope it's incredibly powerful today. And it's the way I wish that we talked about the Declaration to young people. I know you do a lot of that at the National Constitution Center. This is our birthright, from it flows everything. And so I think we should unironically honor it, be grateful that the parchment exists, honor the principles, and honor the fact that it has kept us united even through the Civil War and even through these terrible times that we've lived through as a country. But its promises are always there. And as long as those are there, then I think we will stay as that one people that Jefferson envisioned.

[00:57:35.1] Tom Donnelly: Well, Misha, I can't think of a better note to end our conversation on. So for teaching us so much about the Declaration of Independence as it gets ready to turn 250 years old. Thank you so much for joining us.

[00:57:48.2] Michael Auslin: Thanks, Tom, for having me. I appreciate it.

[music]

[00:57:54.9] Tom Donnelly: This program was streamed live as part of the NCC's Book Club Series on May 6th, 2026. This episode was produced and mixed by Bill Pollock, with production support from Scott Bomboy and Charles Sahn. Research was provided by Anna Salvatore, Trey Sullivan, and Tristan Worsham. Check out our full lineup of exciting programs and register to join us virtually at constitutioncenter.org. As always, we'll publish those programs on the podcast, so stay tuned here as well. Or watch the videos; they're available in our media library at constitutioncenter.org/medialibrary. Follow Live At The National Constitution Center on Apple Podcasts, Spotify, or your favorite podcast app. On behalf of the National Constitution Center, I'm Tom Donnelly.