The Story of the U.S. Constitution: Past and Present

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[00:00:04.6] Tanaya Tauber: 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 Tanaya Tauber, the Senior Director of Town Hall Programs. In this episode, three acclaimed scholars joined National Constitution Center President and CEO Jeffrey Rosen for a sweeping conversation about the US Constitution and the debates that have shaped America from the Founding era to today. Akhil Amar and David Blight of Yale University and Annette Gordon-Reed of Harvard Law School and President of the Organization of American Historians, explore transformative moments in American history. This program was recorded live in Philadelphia on June 23, 2025. It is presented in partnership with the Sandra Day O'Connor Institute and the Organization of American Historians. Here's Jeff to get the conversation started.

[00:01:07.6] Jeffrey Rosen: Hello friends, and welcome to the National Constitution Center.

[applause]

[00:01:17.3] Jeffrey Rosen: Please join me in welcoming three of America's greatest historians, Annette Gordon-Reed, David Blight, and Akhil Amar. I'm so excited to welcome them to the NCC. I couldn't wait to introduce them before asking you to recite the NCC's mission statement. So we're now going to do that so we can further sanctify this important discussion we're about to have here at the National Constitution Center, which is, come on, we can do this together. The only institution in America chartered by Congress to increase awareness and understanding of the US Constitution among the American people on a nonpartisan basis.

[00:01:59.6] Akhil Reed Amar: On a nonpartisan basis.

[00:02:02.1] Jeffrey Rosen: Beautiful, Akhil, you were especially inspiring with that motto. This is such an exciting time at the NCC. We have a bunch of great programs coming up at the end of this season, and then we're going to prepare for an amazing fall that includes the launching of the interactive Declaration and Civic Toolkit. Friends, we're assembling some of America's greatest historians, including Akhil, who is annotating the entire Declaration of Independence clause by clause, so you can understand the historical roots of each of its paragraphs. You'll also find essays on the big ideas of the Declaration of Independence and the Constitution. Liberty, equality and government by consent, separation of powers, federalism, and the Bill of Rights. There'll be a podcast series that Ken Burns and I are doing on the pursuit of of happiness that's pegged to his great new film, *The American Revolution*. And all of this wonderful light and learning will be online so that learners of all ages across America can learn

about, debate and celebrate the big ideas of the Declaration and the Constitution. Our panel tonight is a kind of warm up for that amazing Civic Toolkit, as we're calling it, and we've convened three of America's greatest historians to talk about how the Declaration has been viewed over time.

[00:03:31.2] Jeffrey Rosen: At each of the significant anniversaries of America, there's been contestation about the meaning of the Declaration. Think of John Quincy Adams and his reflections on the declaration in 1826, the year his father, John Adams, and Thomas Jefferson died, on the same day, the 50th anniversary of the Declaration. Think of 1876, when Frederick Douglass is eulogizing Abraham Lincoln. And looking back on the failures of Reconstruction. Think of 1926, Calvin Coolidge talking about the Puritan roots of the American Founding. Gerald Ford in 1976, after Watergate talking about healing. And of course, today we're having a significant debate about the meaning of the Declaration. On the one hand, there are protests around the country crying no kings and invoking the list of grievances.

[00:04:23.3] Jeffrey Rosen: And on the other, President Trump and his supporters insist that they are defending the legacy of Thomas Jefferson and trying to prevent his statues from being torn down. So what we've got is these three great historians to talk about what the debate was at each of those major turning points. And I just can't wait to learn from them. So here we go. Annette Gordon-Reed. I should say, because I jumped right in with the introductions, that Annette Gordon-Reed is the Carl Loeb University Professor at Harvard. She's the Pulitzer Prize winning author of *The Hemingses of Monticello: An American Family*. And her most recent book, *On Juneteenth,* is acclaimed as well. She's currently the president of the Organization of American Historians. And that in around 1920... 1826, the death of Adams and Jefferson, the Declaration's been invoked in the 50 years before then. Tell us about the nature of the debate. Who is saying what and what is the stature of the Declaration in the American imagination?

[00:05:25.1] Annette Gordon-Reed: Well, it gained a huge amount of stature because they happened to die on the 50th anniversary of the signing of the Declaration of Independence. It was something that meant a great deal to people who were looking to have changes in American society. Sort of the beginning of an abolitionist movement. People are beginning to think about the institution of slavery after the Missouri crisis and so forth. Certainly people in the African American community had always taken the Declaration as an ideal that should be lived up to, that they were not living up to. So there was a great... There was a moment to, to point out the hypocrisy of saying the words all men are created equal when there was a slave system.

[00:06:09.0] Annette Gordon-Reed: David Walker, one of the great near misses of history. David Walker's appeal a couple of years after this, a little bit after this, takes Jefferson to task for not living up to the ideals of the Declaration. Praising the Declaration as a human rights document, that's not how... It really started out, as a diplomatic document to basically tell that you're leaving Great Britain and starting your own country. But it came to be seen as a statement about human rights. And so the people who were really going to start agitating about the institution of slavery were looking to it to say, to sort of... You know, to make people see that this was a basis for making a change in American society.

[00:06:50.4] Jeffrey Rosen: So powerful. Thank you for calling out and recommending Walker's appeal and setting the stage so well. David Blight, you and I have just recorded an astonishingly illuminating podcast about Frederick Douglass and his deep reading. And of course, he reads, as you just told me, both the Bible and the Declaration, which informs his "What to a Slave is Your Fourth of July" speech. Tell us about Douglass in the antebellum period and his invocations of the Declaration.

[00:07:22.2] David Blight: While Douglass loved the Declaration of Independence in its principles and creeds, he was not as fond as some of the practices that it had been put to. And of course, in his most famous speech, the "What to the Slave Is the Fourth of July?" Douglass, in a brilliant work of oratory, uses the hypocrisy... I mean, this is a classic move, but he uses the hypocrisy about the four first principles, the creeds of the Declaration, as his theme. But he weaves it first through a great respect for the Founders. I mean, that whole speech opens by honoring the Founders. He calls the Declaration the "ringbolt" of American liberty. The ringbolt. And then about a third of the way through, it's as though he brings down a hammer on the lectern and says, "Pardon me, why have you invited me here to speak on your Fourth of July?" And then he uses the word your over and over and over and over again, dozens and dozens of times. It's your Declaration, it's your country, it's your creeds.

[00:08:42.5] David Blight: And then, in the end, nevertheless lets the audience back up. After some masterpieces of rhetoric, he lets the audience back up. It's like he hands out towels and lets them wipe off after the hailstorm, he's just rained on them. And he said, "But don't be too concerned. Your country is young, he says. "It's still malleable. It's still susceptible to change if you abide by these creeds." Douglass many times paid great honor to Jefferson for the principles of the Declaration, not unlike Lincoln did. Lincoln was always saying the Declaration was his... He called it his political Bible. Douglass... I don't know that Douglass ever put it quite that way, but he could have. So the Declaration, because of the creeds, was so important, and not just to Douglass. Abolitionists generally pointed to the creeds of the Declaration and made utmost use of them. Of course, so did pro slavery writers for opposite reasons.

[00:09:56.2] Annette Gordon-Reed: Oh yeah. For opposite reasons, yeah.

[00:09:59.5] David Blight: So Jefferson was kind of always there in their craw, you know.

[00:10:04.9] Jeffrey Rosen: Absolutely superb to emphasize that. And I should say that in addition to *Frederick Douglass*, which is the definitive biography of Frederick Douglass, David's most recent book is *Yale and Slavery: A History*. And he's the past president of the Organization of American Historians, with whom we are co-sponsoring this wonderful summer series of educator institutes with the Sandra Day O'Connor Institute and the Organization for American Historians. Akhil Amar, the Sterling professor of Law and Political Science at Yale, my dear teacher and mentor, is the author of landmark works, including the one that's going to come out, which he's going to launch here the day before Constitution Day on September 16th, *Born Equal: Remaking America's Constitution 1840–1920*. Akhil, I can't wait to launch and discuss this pathbreaking book with you. You start the book in 1840. What's the nature of the debate over the Declaration then? And tell us about some of your major figures in that early antebellum period, including the great John Quincy Adams.

[00:11:15.7] Akhil Reed Amar: So it's great to be back here at the National Constitution Center. I helped launch this place way back when, and it's always a homecoming for me. I brought my We the People National Constitution Center socks. You see, you can get stuff like this at the gift store, and it was closed today. But I got to get new socks. So...

[00:11:33.9] Jeffrey Rosen: For you, we can open it to give you more socks whenever you need them.

[00:11:36.3] Akhil Reed Amar: And I'm walking around with my copy. I have many pocket constitutions, but this one's from the National Constitution Center and it features the Declaration as well as the Constitution and the great essay co-authored by Jeff. Do want to say one thing just to begin with. We've been talking a lot about Jefferson, and Annette has actually had a career all about Jefferson. And this guy is named Jeff. And David has invoked Jefferson, but John Adams would be very disappointed in certain ways because he was there, too, and so was Franklin. And I think it's a mistake to too tightly link the Declaration of Independence to one man and one state Immediately after. And Trumbull avoids that mistake with his painting in the Capitol rotunda, where it's the three of them, really three of the five. They're the five members of the committee that draft it. But especially, okay, Jefferson's hand is on the quill. Okay, but there's Ben Franklin right there. There's John Adams right there. In the middle of the painting actually, where the diagonals cross, it's actually John Adams breast right in the middle. Because he is the atlas of Independence. It is, as Annette told you most of all in the moment about independence. We are free and independent states.

[00:12:58.3] Akhil Reed Amar: They have some other language, but this created equal stuff, if you just associate with Jefferson and Virginia, you're going to get one view. But when you understand that immediately afterward that language appears in the Pennsylvania Constitution, all men are born free and independent. And that's Ben Franklin, who's kind of presiding over that constitution in Pennsylvania, 1776. And shortly thereafter, the Massachusetts constitution says all men are born free and equal. And that's John Adams at the head of that convention which is going to lead in Massachusetts to the abolition of slavery in cases called *Holmes v. Jennison* and *Quock Walker*. Okay. And in Pennsylvania, it's going to lead to statutes that provide for gradual abolition.

[00:13:51.4] Akhil Reed Amar: So here's one point that the Declaration and its state constitutional counterparts immediately lead to an abolitionist project in the north. And so they're contested readings. The Deep south doesn't do this, South Carolina. But the north is reading this free and equal provision and its state constitutional counterparts to launch an abolitionist project. And old man, eloquent John Quincy Adams is going to be a very big part of that. By 1840, he's been voted out of the presidency after one term, just like his dad. And so that frees him up to actually criticize slavery more. 'Cause he doesn't have to kiss slavery's ring. 'Cause he's now just back in Massachusetts as a congressional congressperson railing against actually the slavocracy in ways that he didn't do as president. But I just wanna tell you one other thing. Because since you mentioned 1826 and, and July 4, 1826, it didn't just happen that they died this day. And I don't think it was just totally providential and miraculous. They were waiting to die on that day. And do you know how hard it is to keep living for a certain day and then to die on that day?

[laughter]

[00:15:17.1] David Blight: I've never done it.

[00:15:19.4] Akhil Reed Amar: So they are... And they're not... It's not about their birthday or their wedding anniversary, the day that their spouse died or their kid died. They think this project is hugely important. And John Adams thinks he was cheated of some of the glory of the thing. And Jefferson has stolen some of this. And he's got Jefferson on the brain. Jefferson still lives. But they would want us, okay, to remember their contributions because they think this is an extraordinary thing. But they actually have moved in different directions. Jefferson has gotten worse on slavery as time has passed, and Adams has gotten better, his son, better still. And then we're going to talk now about the legacy going forward of Lincoln. But it is astonishing, just the force of will of these people who are associating their own personal life force with the birth of this country. And you write very powerfully about their private lives, their understanding of happiness and all the rest, but fundamentally, their personal happiness is very much connected up with the American project.

[00:16:32.1] Akhil Reed Amar: It's what they lived for. It's what they kind of died for. And it is astonishing, you see, that they manage to actually... John Adams is living for years just to die on that day. And he dies on that day without hemlock, which is very impressive. Very impressive. I say that because... And it's funny. Thomas Jefferson has a little bit of medical intervention. He wakes up and says, "Is this the fourth?" And it actually wasn't quite. And he didn't wake up and say, “is this the third?” “Is this the second?” “Is it the first?” He was trying to get to that day, and they were giving him laudanum to keep... But then when he find... And they say falsely to him, yes, it's the fourth. In fact, it was like 10 P.M. but they just want... He's an old man. They were just trying to give him peace and. But he makes it into the day. And now it is the fourth. And his last words are... Because they offer him more laudanum, he says, "No, Doctor, no more." He wants to die on that day. It would not be great to die on the fifth or the sixth or the seventh. Okay? So they want us to remember them, and they want us to remember them most of all for this extraordinary thing that they do called the Declaration of Independence.

[00:17:44.8] Jeffrey Rosen: Thank you so much for that, for reminding us of the difficulty of planning your moment of death [laughter] and for resurrection debate that...

[00:17:53.2] David Blight: In case you are planning.

[00:17:54.9] Jeffrey Rosen: Don't try it at home, please.

[00:17:56.3] Akhil Reed Amar: Oh, and he says, "Jefferson still lives." He's so obsessed by this, which wasn't true of course.

[00:17:59.9] Jeffrey Rosen: And he's wrong. They didn't have email. He couldn't find out.

[00:18:01.8] Akhil Reed Amar: Yes, exactly.

[00:18:03.7] Jeffrey Rosen: We've been having a debate, Akhil, you and I, since law school, about the role of Jefferson. You recently appeared on the We the People podcast and said you were breaking up with Jefferson. And I'm about to come out with a new book, *The Pursuit of Liberty: How Hamilton Vs. Jefferson Ignited the Lasting Battle Over Power in America*. And the argument is that the competing arguments of Jefferson and Hamilton are like golden and silver threads woven throughout American history and invoked by both sides at all the crucial inflection points. And it's remarkable around the Civil War, which is our next round, how both sides are invoking Jefferson as a protean figure, to use one historian's phrase. Lincoln stands in front of Independence hall in 1861 and says, "I would rather be assassinated on this spot than abandon the principles of Declaration."

[00:18:54.1] Jeffrey Rosen: You can see the actual flag that flew over Independence Hall downstairs in the Reconstruction Gallery. And Lincoln is embracing the Declaration even as he embraces a vigorous vision of federal power that would have made Jefferson cringe. And at the same time, as all of you have mentioned, John Calhoun is insisting that slavery is a positive good and he wants to repudiate the Declaration as a self-evident lie. And the slavocracy is repudiating Jefferson. So, Annette, there's a lot going on during the Civil War and then of course during Reconstruction as Andrew Johnson re embraces the Jefferson of limited government rather than natural rights. Tell us about the debates over the Declaration during the Civil War and Reconstruction.

[00:19:41.0] Annette Gordon-Reed: Well, the Confederacy obviously is interested in states rights and the idea that this was a compact and they could leave when they wanted and this was fulfilling their natural right to liberty. And that's how they saw it. They thought the words of the Declaration about all men are created equal were problematic because he understood that whether Jefferson believed them or not, or whether any of those people believed them or not, they were powerful words. Certainly, I should have said, or we were talking about 1826. But the way people constructed... People who were interested in doing away with slavery, enslaved people themselves and African Americans constructed this as a human rights document.

[00:20:20.4] Annette Gordon-Reed: So those words meant something. And so it was important for the Confederacy to not... As you know, in the Cornerstone speech, when basically vice president of the Confederacy basically says by name, repudiates Jefferson, saying that those words are not true. We believe that the African is not equal to the white man. And so therefore the notion of the people could not include African Americans. So Jefferson is seen on the part of some as putting these dangerous notions into the water. On other side he said, no, he's on our side because he's saying that the states should predominate and should control. So he's a champion for both of these people. And after it's over, certainly his star goes down a bit because people aren't really sure about where he actually stood on these matters. So it was a conflict over him.

[00:21:16.5] Jeffrey Rosen: Remarkable. And David, by 1876, Douglass gives a remarkable speech about the legacy of Lincoln. Tell us about that speech, their complicated relationship and their joint embrace of the principles of the Declaration.

[00:21:38.3] David Blight: Well after Lincoln was assassinated, Douglass mourned Lincoln deeply, but then created different kinds of Lincolns over time as he spoke about Lincoln the rest of his life. In 1876, at the unveiling of the Freedman's Memorial. That's the monument in Lincoln Park in Washington D.C. The standing Lincoln and the kneeling slave. Lincoln breaking the slave's chains, holding the Emancipation Proclamation, etcetera. That was unveiled by President Grant. And no Black American had ever had the audience that Douglass had that day at that unveiling. He had the president, members of the Supreme Court, members of Congress. It was declared a federal holiday in the District. And Douglass gave a brilliant, I think.. People like to debate this, a brilliant speech where he employs, in effect two different Lincolns.

[00:22:45.1] David Blight: The first part of the speech is where he famously says, "Lincoln was tardy, he was overly cautious. My fellow white Americans," Douglass says, "you are Abraham Lincoln's children. I and my people are his stepchildren." That's quite a metaphor. And he repeats stepchild two more times. And he says Lincoln was not our friend at the beginning of the war with his policies. Then there's a pause in the speech. You can almost feel it on the page. And the second part of the speech... It's not a very long speech, but the second part of the speech is very different. Douglass nevertheless says, "But as emancipation came, it was necessary that it came through the caution, the timing and the method that Abraham Lincoln used." It was the only way, Douglass was saying, politically and militarily that this could happen.

[00:23:59.5] David Blight: He says his beautiful metaphors about how Lincoln tarried long in the mountain, but he did finally come down. And in the end, the speech honors Lincoln for debate right or wrong, but it honors Lincoln for the skill of managing the timing and the nature of emancipation. Now, Douglass didn't particularly like that statue and a lot of people haven't since, the kneeling slave. You know, although the kneeling slave was a very, very common image in anti-slavery iconography, had been since the late 18th century. He didn't like the statue necessarily, but he was thrilled that the government was acknowledging this through such a huge statute of Lincoln. Although the government didn't pay for it, black people paid for it. Black people raised the money for this event and this monument.

[00:25:13.4] David Blight: Just a quick word on all the endless uses of the Declaration. Annette is so right that pro slavery writers for years, right up until the war, would just explicitly argue Jefferson was wrong. All men are not created equal. Just explicitly. In fact, Jefferson became their foil as pro slavery Southerners. And don't ever underestimate this stuff, because by the late 1850s, I don't remember who the publisher was, but someone compiled two huge volumes of pro slavery writings, 1858 or '59. It added up to nearly 900 pages of pro slavery writings. And much of it, not all of it, but much of it was directed at this idea. Yeah, the founding American creeds, especially sovereignty, are good things. Liberty is a good thing. They're always for liberty, liberty for themselves. But many of these essays, and they're usually essays, take this question of human equality directly and denounce it. It's worth remembering that none of these things are just put in motion in American history and they all somehow eventually come out okay. It's not quite the way history happens. Yeah, but the Declaration was, and it still is it's the precious ore that we will debate forever.

[00:26:54.2] Annette Gordon-Reed: Yeah, I mean...

[00:26:55.3] David Blight: That's a mixed metaphor, ore and debate.

[00:26:56.5] Annette Gordon-Reed: Can I jump in?

[00:26:57.0] Jeffrey Rosen: Please.

[00:26:57.6] Annette Gordon-Reed: Now you said even today, I mean, there's a... I mean, Vance was arguing, the vice president, that this notion of a creed, that America is an idea that comes from the Declaration, is wrong. America is about community. It is about the soil. It is about a group of people. And so that's... I mean, it makes sense for them to take that tack because this is the easiest way to sort of suggest that these people that we're enslaving don't belong in the polity. Even if they're free, they still can't be a part of it because they're not... They're not equal. They're not human in the same way.

[00:27:37.7] Jeffrey Rosen: Fascinating. And that debate about whether our rights come from natural rights and God or from the soil and from tradition was worked out in Jefferson himself, who starts off insisting that our rights come from the mystic shires of ancient Wales and the Saxon rights of Englishmen. And then once that fails to justify the revolution, turns his gaze to natural rights and universal equality. Akhil, 1876. Jefferson's image is hotly contested. President Grant has just sent his statue back from the White House to Congress. Polk had brought it to the White House and his stock has crashed after the Civil War. And that's because he has not been central in the debate over the Reconstruction Amendments. The hero of John Bingham, the framer of the 14th Amendment, is John Marshall and Alexander Hamilton, all of whom insisted that we are one nation and that secession was unconstitutional. And the Jefferson of the Virginia and Kentucky resolutions should be repudiated. Tell us, this is so much of a core of your central story. How was the Declaration and Jefferson invoked in the debates over the Reconstruction Amendments and how is it reflected in the constitutional text or not.

[00:28:55.4] Akhil Reed Amar: Well, we should go back to how the Civil War begins. And it's a debate about what America means and these two great texts and their relation. Declaration of Independence, Annette says, can be read in a state sovereignty way. The states are free and independent states, even of each other. It's a mere confederation, a league of treaty. I actually think that's the better reading of the thing. But the Constitution creates an indivisibility that the Declaration in how we move from a treaty to the law of the land, full stop. But we're in Philadelphia. Just a few blocks from here is Independence Hall. And two great texts emerge. What's the relationship between the two? The Declaration, the Constitution. So on his way on a train to Washington, President Elect Lincoln, stops here. You mentioned this. And it's actually Washington's birthday, which there were only two national holidays at the time, 4th of July and Washington's birthday. They don't have Thanksgiving as a national holiday yet. Christmas isn't a national holiday. We're way far away from Juneteenth. We're talking about what should be the holiday. Lincoln should be... Actually, he didn't know he was supposed to give a speech. He just comes here in Philadelphia and it's Washington's birthday.

[00:30:10.9] Akhil Reed Amar: And so we should be talking about Washington. But no, he can't do any... He has to talk about the Declaration. 'Cause for him, the Declaration is the foundation for the Constitution. So it's really interesting. That's just impromptu. And he does this

again and again and again. And you see, they think... You know, they might say, "Well, God ordained the deaths of Adams and Jefferson on the 50th anniversary. It's divine providence." So now there's this debate between the states rights interpretation of the Declaration and that all men are created equal, meaning whites and Blacks. And when did they fight? On the first week of July, 1863. And God gives the victory, many people think, you see at both Gettysburg and Vicksburg. It's July 2nd to 4th, both places gives the victory to the Union. And Lincoln gives his first inaugural address, actually from the White House commenting on this, commenting on the deaths of Adams and Jefferson on July 4th. Okay, so they think they are debating the meaning of the Founding. And we can see it even in their names. Jefferson Davis on one hand, you mentioned the Confederate vice president who gives a thing called the Cornerstone speech and is saying, oh, it's all about slavery is our cornerstone.

[00:31:31.5] Akhil Reed Amar: His name, you all know, is Alexander Stevens. But what you might not know is his name is Alexander Hamilton Stevens. Okay? And Jefferson Davis, they're naming their children and their grandchildren... But it's a debate. Is it about states rights? Is it about all men are created equal? And yes, some people are saying it's a self evident lie. And Calhoun says it's a lie because men aren't born, children are born, okay, so infants are born. So all men are created... And then they say, oh, it's only about White men, it's not about Black men. And Lincoln says, no, they didn't say any of those things. Okay? And Stephen Douglas, you made up this meme. It's a big lie. Five years ago he says in some debates no one in America thought it was only about White people. And now the entire party is professing a big lie that the election was stolen. Oh no, I'm getting confused [laughter] about big lies. And he says that can happen politically. Someone puts something out and then all the party sort of salutes and says the emperor really is fully clothed when the emperor has no clothes.

[00:32:37.9] Akhil Reed Amar: So there's this big, big debate about what all men are created equal really means. Does it mean white as well as Black? Is it just about state sovereignty... Free and equal states? So we need to understand all of that before we get to 1876, because what happens in between is there's a war about the meaning of the Declaration in the Constitution. I'm on Lincoln's side. I hope you are too. And we have three amendments that codify Lincoln's party's understanding of the Declaration. Traveling through these state constitutions in places like Pennsylvania and Massachusetts, and we're going to get rid of slavery. That's the 13th Amendment. And the first sentence of the 14th Amendment says everyone born under the flag is born a citizen, is born an equal citizen. We're all born equal. We're all created equal. This is the Lincolnian interpretation of Jefferson. And you have an interactive Constitution, the National Constitution website on the Constitution.

[00:33:47.5] Akhil Reed Amar: And I was... You were nice enough to let me write about that one sentence, which means a lot to me because I'm born a U.S. citizen under that sentence because I'm born in Ann Arbor, Michigan. Oh, and my parents weren't citizens the day I was born. They happened to be here legally, but they weren't citizens. And today there's a debate about whether actually I'm really a citizen or not. And I say yes, the 14th amendment says so I'm born under the flag. This is Lincoln's and his party's reinterpretation of created equal. That's why the book, the new book is called *Born Equal*. It's Lincoln riffing on the Declaration, but especially seen through the eyes of a Jefferson and a Franklin and of course... I'm sorry, of an

Adams and a Franklin. And who is his ally? It's John Adams's grandson, Charles Francis Adams, who's John Quincy Adams' son.

[00:34:49.7] Akhil Reed Amar: So they have a northern interpretation of all this. It goes through John Adams, John Quincy Adams, Charles Francis Adams, Abraham Lincoln, Free Soil Party, Republican Party and the big idea. Finally, we're all born equal. Black and white, male and female, Jew and gentile. Whether you're born in wedlock or out of wedlock, like Alexander Hamilton, whether you're first born in your family or fifth born, whether you're born to citizen parents or non-citizen parents, even whether you're born to slave parents, you are still born equal and you're created equal. And it goes beyond Jefferson in certain ways. And that's what we're celebrating in 1876. But we're about to lose it all in the next generation, as you're going to remind us, because all these things that are put in the Constitution are actually washed away in practice and will be rediscovered by people like MLK and Hugo Black in the 20th century.

[00:35:56.3] Jeffrey Rosen: Absolutely. And I can't wait to talk about your new book here in September, and to talk about that, the generations that lost that allegiance to the Declaration. So you mentioned Charles Francis Adams, the great John Quincy's son. John Quincy says, that unless Americans cleave to the principles of the Declaration and the Constitution will lose the rule of law and descend into civil war. His son initially embraces those principles, but then after the Compromise of 1876 betrays them and the liberal Republicans sell out African American civil rights, devote themselves to civil service reform. Charles Francis Adams descends into racism like his son Henry Adams, the great historian called...

[00:36:43.9] Annette Gordon-Reed: Well...

[00:36:46.2] Jeffrey Rosen: Well, let me just set this up and then you can say... I was so struck by the historian Richard Hofstadter who called Henry Adams a vicious anti-Semite, which really is something that comes through his writings. And Annette, what do you think of the proposition?

[00:37:01.4] Annette Gordon-Reed: Well, I was gonna say...

[00:37:01.9] Jeffrey Rosen: That it was because of abandoning the devotion to the Declaration that that generation of Adamses, along with the whole Reconstruction generation, abandoned the principles of the Constitution as well.

[00:37:14.7] Annette Gordon-Reed: To step in to say, I mean, the racism part of it is a little bit more complicated than that. John Quincy was a vicious racist. I mean, terrible racist. I mean, he was good on principles. I mean, that's the complexity of all of these things, thinking about people's personal views. And we tend to, after Freud and the new biography, where we focus in on people's personal lives as opposed to the things that they actually do. I was just stepping in to say that it's not like Charles Francis, out of nowhere, just popped out as a racist. I mean, John Quincy was pretty bad himself. He had the right principles that mattered, and that's what you care about. Then there are plenty of people who are not, maybe not racist, but who are ineffectual, who don't do things that actually move us forward. But I was just suggesting that that's... That this is a family, and Abigail as well. This is a family thing that's going on here.

[00:38:10.2] Jeffrey Rosen: That's a crucial claim. And Louisa is, of course, from the South.

[00:38:14.3] Akhil Reed Amar: She is.

[00:38:14.8] Jeffrey Rosen: And that's an important complication of this complicated story.

[00:38:18.1] Akhil Reed Amar: And until he becomes an ex-president, he has to kiss the ring of the South. His vice president is John C. Calhoun, of course. And so it's only... So after the presidency that it's even possible for him to embrace abolitionists like Theodore Dwight Weld and Angelina Grimke and others. So the life arc of some of these folks is really interesting. Who gets better as they age? I would say Washington. Who gets worse as they age? I'm disappointed by Jefferson. The life arc.

[00:38:58.0] Jeffrey Rosen: Annette, take us up from 1876 to at least 1926. 1926, the 150th is the year that Calvin Coolidge gives a speech embracing a Puritan vision of the Founding and seeing America as the fulfillment of God's kingdom on earth and insisting that we need to claim and cling to those Puritan ideals in a kind of jeremiad, or we'll fall. But before... There's a lot happened between 1876 and 1926. Tell us about the subversion...

[00:39:29.1] Annette Gordon-Reed: That's a lot of stuff there Jeff.

[00:39:30.7] Jeffrey Rosen: The subversion of Reconstruction, the horrors of redemption and the betrayal of the promise of the Reconstruction Amendments.

[00:39:38.1] Annette Gordon-Reed: But it's a fertile time for resistance to that. We get the beginning of the NAACP around the turn of the 20th century, and we have the example of Woodrow Wilson, who basically resegregates DC. Tries to do all of that. So I mean, it's a tough time. But Du Bois... You have movements, people are beginning to mount what will eventually become the second American Revolution from this time period. So you have a reaction against some of the efforts that had been made during Reconstruction, the redemption, as you mentioned. And so people... The people fight back against all of that. So it's a bad time, but it's a time when people and also African Americans finally decide or are going to escape the south. You have the beginning of the great migration north, which wasn't coming to the promised land, but it was better than it was in the south with the lynching.

[00:40:38.2] Annette Gordon-Reed: Lynching got to the point where people just couldn't... I mean, just couldn't stay there and they left. So it's an amazing time in thinking about what the Declaration means and whether people were taking it seriously or not, because you had the forces of reaction. It's a real conflict that's going on in that period. So you look at it as a bad time, but it was also the beginning of something that would actually come to fruition after, it'll take after the post the Second World War. But it was a fertile time for people to think about trying to make change.

[00:41:12.9] Jeffrey Rosen: It's so crucial to remember the heroes as well as the disappointments. Just last week on Juneteenth, I had the incredible honor of interviewing David

Levering Lewis, the great biographer of Du Bois, who reminded us of Du Bois' remarkable lifelong reading and his determination that with lifelong learning equality could be possible. David, take us up to 1926. Douglass, of course, is a champion for lifelong learning and for self-reliance throughout those difficult years. And others are invoking the promise of the Declaration, including women and other minority groups.

[00:41:55.4] David Blight: Well, but Frederick Douglass was also aware that he was losing the argument. Reconstruction is less something that declined or eroded than it was defeated. I mean, it was defeated by the revival, by the redemption, by the revival of the white south, by the revival of the Democratic Party and by the revival of the political uses of violence. It also is defeated in part by a terrible economic depression which sets in in 1873. The great triumph of these three amendments out of emancipation, Civil War and Reconstruction is just that. It's a great triumph. It's a recrafting of the Constitution. It's a second founding, but that second founding all but... It didn't collapse, it's still there. But it was defeated by white supremacy.

[00:42:53.4] David Blight: It was defeated by the white south and their allies, such that by the turn of the 20th century, a whole new resistance movement is necessary, possible. I'm writing a new biography of James Weldon Johnson, who became the executive director of the NAACP from the teens through the 1920s. A poet, novelist, writer, lawyer, and many other things. But he's born in Reconstruction, just like Du Bois. They were born only four years apart. So he grew up in Jacksonville, Florida, with watching this defeat of Reconstruction, although he was fortunate to grow up in an educated household that even had a piano. So he became a lyricist as well as many other things. But he lives this whole career of Jim Crow, first in the south and eventually in the north, and runs this organization that exists to try, try, try through law, through legalism, to destroy Jim Crow. He will not live to see that by any means, because he dies in an auto accident in 1937.

[00:44:14.4] David Blight: But it's important to understand that Reconstruction didn't just end when the Compromise of 1876 happens in Washington in the Wormley Hotel, it's been defeated on the ground long before that. And parts of it will hang on indeed, particularly in a state like North Carolina until the late 1890s when a literally a coup d' etat by the white supremacist elements of the Democratic Party in North Carolina took over the state in the so called Wilmington Riot or Wilmington Coup. We've had previous coups in America, several. So this is... Fertile is a nice word for this period of time when it comes to race and race relations. But it's generations of people from the generation of emancipation, Black and White in the whole country, especially the south, the generations of Reconstruction people bred in that era, like a Du Bois and a James Weldon Johnson and many others.

[00:45:24.9] David Blight: And then the generations into the 20th century who are inheriting this difficult, brutal problem of Civil War memory and emancipation memory. The country never gets over this. I mean, that's part of the point about Civil War memory. And we're still not. I mean, in any complete... Every time we think we are, we're not. We thought we were doing real fine until June of 1915 and the massacre occurred in the AME Church in Charleston. And that then caused just a wave of efforts to take down Confederate monuments and flags and so on and so on and so on. And suddenly Donald Trump was elected. And right after Obama, that seemed like just history was just jarring us in a way. It was like slamming us with doors or something.

But that's what history does. It never is an escalator that is smoothly working up or down or flat. It never is.

[00:46:38.0] David Blight: And there's so many... I mean, I'll make the last point. There's so many, what one scholar once called robust events, big events that nobody sees coming. Pearl Harbor, 9/11 parts of the '60s, assassinations, even the passage of the Voting Rights Act. Who thought that would really happen five years before it happened, 10 years before it happened? And then Obama gets elected and half the country is weeping for one reason, the other half is weeping for another. And, oh, the millennium was supposed to come. The millennium didn't quite make it. It took a break. And then Donald Trump gets elected and people are either shocked or thrilled. So events move history as well. I don't know if Jefferson and Adams willed their deaths on that day, but I do sense, Akhil, that you might have been there. Were you covering this for *The New York Times*?

[laughter]

[00:47:45.2] Jeffrey Rosen: Well...

[00:47:45.6] David Blight: I wondered, were you interviewing somebody there?

[00:47:47.7] Jeffrey Rosen: Akhil, in addition to answering that, you need to take us in just a few concise, beautifully crafted paragraphs, as you always do, to 1920, which is when your book ends. Lots happened then, including the invocation of the Declaration by women to pass the Women's Suffrage Amendment. What was the constitutional story and the role of the Declaration up to 1920?

[00:48:14.9] Akhil Reed Amar: All humans are created equal. And birth equality, I said, is equality not just if you're born black or white, but or Jew or gentile, anti Semitism or in wedlock or out of wedlock, or born male or female. And Frederick Douglass is a great feminist and he's there at Seneca Falls and pushing for women voting. And Seneca Falls Declaration is word for word, the Declaration of Independence with just a little tweaking. It says, "We hold these truths to be self-evident, that all men and women are created equal." Elizabeth Cady Stanton is a brilliant polemicist, and she's using as her template for her Declaration of Sentiments, which is a rhyming title, the Declaration of Independence. And her big ally there is Frederick Douglass, who shows up and he'll tell you that Frederick Douglass' newspaper, the motto is right is of no sex, truth is of no color. We're all God's brethren and we're all God's children.

[00:49:21.4] David Blight: Something like that.

[00:49:22.8] Akhil Reed Amar: Yeah, but, but right is of no sex, truth is of no color. Okay? And he dies actually the day at a woman suffrage convention where he's actually, he's been seated next to Susan B. Anthony and he's a crusader for women's rights till the day he dies. And he's inspiring black women like Ida B. Wells. You know, you mentioned lynching. And she sees herself as like a next Frederick Douglass in this period putting her face on a pamphlet. That's very brave the way he put his face out there. So yes, in 1920 we have the completion to some degree of the Lincolnian project. It does for women what the 15th... The 19th amendment does,

what the 15th amendment did for blacks. Now there's equality of voting rights on the basis of race, the 15th Amendment. But now sex and that's 1920. And the book ends. I start in 1840, the world's first anti-slavery convention in London.

[00:50:32.4] Akhil Reed Amar: And the first thing that happens, the most philanthropic, egalitarian reformers in the world, meeting in the great capital of world. And the first thing they do on day one is kick out the women, okay? And Elizabeth Cady Stanton is not amused. And she and Lucretia Mott said, damn it, we're going to have our own convention. And that becomes Seneca Falls in 1848. That's how the book begins. And Frederick Douglass is there in 1848. And it ends with the last living woman from Seneca Falls who was a teenager at Seneca Falls. She's the only one left. And she's in, she lives in a city you might have heard of, it's called Philadelphia. And she's in her 90s and she sees women voting everywhere across America for the first time and she was there at Seneca Falls. So that's... So this period, the birth equality idea isn't just we're born equal, black and white, but we're born equal, male and female. I would say Jew or gentile, gay or straight. It's a deep, profound idea. A Lincolnian riff not just on Jefferson, but on John Adams and Ben Franklin. And we're still trying to live up to it.

[00:51:41.9] Jeffrey Rosen: We are indeed. And we have just a few minutes left. We got up to 1920, which is an achievement. And I want to ask each of you in your final thoughts to reflect on the invocations of the Declaration in that intervening 20th century to today. What is the importance of the declaration from 1926 to 2026 and what's the nature of the debate today? Annette?

[00:52:11.0] Annette Gordon-Reed: Well, when I think about the Declaration today, I think about the grievances, the list of grievances against the king. Pardon me? Against the king. Some of the things that are going on today in the country that to my mind are attacking or going to the heart of who we are as a democratic society. So I mean, we mainly focus on the first part. We hold these truths to be self-evident. That's always important. I always think of that. But for the first time I've had... I think I have an occasion to think about the list of things that sort of usurpations that are going on that put me in mind of what's going on in the 1770s.

[00:52:59.6] Jeffrey Rosen: David, what are your reflections about the debate over the Declaration today?

[00:53:07.0] David Blight: Well, your question, Jeff, it's a great question. Made me go right to King's Dream speech, the opening of it. The promissory note came back labeled...

[00:53:23.0] Jeffrey Rosen: Insufficient funds.

[00:53:23.7] David Blight: Yeah, insufficient funds. How does King begin the Dream speech? Not unlike Douglass began his Fourth of July speech in 1852, reminding the country, you have not lived up to this. The promise is there, the execution is not. But I'm with Annette on this one. These creeds of the Declaration are still with us. They're right there in front of us. They're as important as ever. And so many parts of the Constitution we hope are surviving, especially that Bill of Rights and that Section 1 of the 14th Amendment. Birthright citizenship. We've been debating that now for three months. Debating. There's no... Well, there is a debate. There

shouldn't be, but it's a set of creeds that are nice and they're wonderful and they're transformative, but some Americans don't believe in them.

[00:54:35.2] Jeffrey Rosen: Thank you for that. Akhil, you're going to annotate the Declaration on our interactive Declaration. What are your thoughts about the debate over the Declaration today?

[00:54:43.2] Akhil Reed Amar: It's ours. And we Americans don't have very much in common. Not race, not religion, not first language, not politics, not geography. We have these great texts, the Declaration of the Constitution, the story behind them. That's what makes us Americans. That is our story. And this is originalism. And originalism you've been taught, some of you is a conservative idea. No, actually, the great originalists included liberals as well as conservatives who have claimed this. Hugo Black, for example. But the greatest originalist ever was Abraham Lincoln. And it's there in everything he ever says, he's saying at Gettysburg. Go back to the Declaration four score and seven years ago. Go back to 1776. Let's... Actually, Gandhi was once asked what he thought of Western civilization, and he paused and smiled and said, "I think it would be a good idea."

[00:55:42.5] Akhil Reed Amar: And that's what Lincoln's saying, like, let's do this. This is a good idea. The Declaration of Independence. Let's be true to that. That's what an originalist thinks. Let's be faithful to this American creed. It's what we have in common, black and white, Jew and gentile of every generation. And it's not just... And I'm so glad you mentioned MLK, that he's claiming the Declaration of the Constitution. And he says stuff very famously like, somewhere I read. And then he quotes from these great texts. Somewhere I read. How does he begin what we call The Dream speech, which only... He talks about the dream only at the very end when Mahalia Jackson is behind him.

[00:56:18.5] David Blight: And that's extemporaneous.

[00:56:19.7] Akhil Reed Amar: Yes. Oh, he's ad-libbing because he's a preacher man and actually a preacher man knows, actually with the choir behind him, there's a kind of back-and-forth resonance. And Mahalia Jackson says, "Tell them about the dream, Martin." And he goes off text and starts talking about this. But how does he begin? Because he begins very carefully. How would you begin In Washington, DC in front of the Lincoln Memorial in 1963. And he's... I'm standing next... I'm sitting next to the guy who's all about memory. Of course, you would begin by invoking 1863. And here are your first words five score years ago, because he's riffing on Gettysburg Address, which is riffing on the Declaration of Independence. Four score and seven years ago, our fathers brought forth upon this continent a new nation conceived in liberty and dedicated to the proposition that all men are created equal.

[00:57:17.4] Akhil Reed Amar: So there's this story, and you need to know it, because it's the only thing that holds us together is our national story. And Lincoln knew it. And he had a reading of it. It's contested. Jefferson Davis had a different reading and Alexander Stephens. But Lincoln knew the story. He was an originalist, okay? And Hugo Black knew the story. This is a former Klansman from Alabama who, when he gets on the Supreme Court, says, let's actually fulfill the promises of the 14th Amendment. Voting rights, racial equality, robust freedom of speech and

racial equality. And one of the greatest actually originalist, you might not know this, you might think it's Scalia and Bork and others. The greatest is MLK. And at this moment, he's claiming these texts as his own. Five score years ago, okay? Building on Lincoln, building on the Declaration. Not just Jefferson, but Jefferson, Adams and Franklin. That's the American story. That's the story that this institution tries to tell on axis, as it is three blocks from the Independence Hall, which is hallowed ground, which is where both of these iconic texts originated, both the Declaration and the Constitution.

[00:58:39.7] Akhil Reed Amar: And Jeff, big shout out to you because I think this is an amazing organization that you are leading. And one of the things for the audience out there, the C-SPAN audience. Because I'm so grateful you all are here. The Interactive Constitution and this new Interactive Declaration of Independence that is still in the... You can actually access that and read these texts for yourself and read what scholars have said about them. This is a non partisan basis because the Interactive Constitution has what a liberal... You know how a liberal reads each clause and how a conservative reads each clause where they agree, where they disagree. And then you get to decide because it's a great debate about is Jefferson Davis' reading of the Declaration, right? And Alexander Stevens or is Lincoln. Spoiler, I'm with Lincoln. But you get to decide these things, and this place is actually trying to equip you to do that. So all honor... Lincoln very famously said all honor to Jefferson. All honor to Jeff.

[00:59:39.6] Jeffrey Rosen: Definitely not. No, no, no.

[00:59:47.1] David Blight: I agree with everything you said as a story, but to your Hugo Black point.

[00:59:52.1] Akhil Reed Amar: Uh-oh.

[00:59:52.8] David Blight: Unless we have law and the enforcement of law and the rule of law and accountability, our stories...

[01:00:01.8] Annette Gordon-Reed: Don't matter.

[01:00:02.5] David Blight: Don't matter.

[01:00:03.1] Annette Gordon-Reed: And that's why...

[01:00:04.7] Akhil Reed Amar: And this is...

[01:00:06.1] David Blight: The law has to be enforced.

[01:00:07.6] Annette Gordon-Reed: And that's why I mentioned the grievances. That's why I mentioned the grievances because until those kinds of things are resolved, the other stuff is not going to work.

[01:00:19.2] Jeffrey Rosen: Well, this is the very debate.

[applause]

[01:00:27.4] Jeffrey Rosen: This is the very debate that... This is the very debate that all of us will continue as the anniversary year 2026 approaches. Akhil, thank you for the shout out to the Interactive Constitution. I'm so grateful to you who kindled my love of the Constitution and interest in studying history. And in a moment I'm going to ask our audience to thank these three great teachers and scholars of history. But first, I want to thank all of you, because gathered here at the National Constitution Center are teachers from across the country who are gathered to learn about the teaching of history and to share your discoveries. And I am grateful every day for my great teachers of history in high school and college and law school and grad school. They're with me and they inspire me. And I travel across the country and see people whose lives are transformed by their studies of history.

[01:01:27.8] Jeffrey Rosen: And we've been talking about great Americans like Frederick Douglass and Abraham Lincoln, whose greatness arose from their deep reading in history. And it was Douglass' deep daily reading in the Founding and throughout American history and Lincoln that made him a lifelong learner. And we have discovered that the pursuit of happiness means being a lifelong learner. And it requires learning and growth and reading and being inspired by history. And that's exactly what all of you are doing. You're doing the most important, transformative job in the world. We're so grateful to you and and also to our scholars. Thank you so much.

[01:02:11.1] Tanaya Tauber: This episode was produced by Bill Pollock and me, Tanaya Tauber. It was engineered by Dave Staats, Greg Sheckler, and Bill Pollock. Research was provided by Samson Mostashari, Griffin Richie, Cooper Smith, Gyuha Lee, and Tristan Worsham. Check out our full lineup of exciting programs this summer 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 Tanaya Tauber.