

Whose America? With Kermit Roosevelt

Online Course: Thursdays, 10/10, 11/14, 12/12, 1/9, 6:00-7:30 pm ET

Are we living in the America the Founders designed? If not, how did we come to depart from their vision? And is our different America better or worse?

Kermit Roosevelt explores the America the Founders designed, and the America that came to be, through the documents and books in the Rosenbach's American history collection, such as the first printing of *The Federalist Papers*, a draft of the *Declaration of Independence*, materials related to the election of 1800, and writings from Lincoln and Jefferson about the concept of liberty. Participants will read these original documents and discuss the ways they have transformed American history and thought. How have our understandings of basic American ideals such as liberty and equality changed over time? How are these changes visible in our history and constitutional structure?

The Rosenbach will provide links to the texts of all documents used in the class, as well as digital scans of other unique original materials from the American history collection.

First meeting: October 10

United States, Declaration of Independence: Manuscript Copy [ca. 1794]

This manuscript draft of the Declaration of Independence contains the original wording proposed by Thomas Jefferson. The accompanying letter suggests that the omissions dilute its impact.

We do not know whose penmanship we are looking at in either the letter or the draft. Jefferson wrote several copies of his draft of the Declaration of Independence and sent one to Richard Henry Lee, a fellow signer from Virginia. While "manuscript" means handwritten, which this document clearly is, this draft was not written by Jefferson's hand. The Rosenbach draft (possibly only the copy of the cover letter) is copied from Lee's copy of Jefferson's original, as noted at the bottom of the letter.

Second meeting: November 14

***The Federalist: a collection of essays, written in favour of the new Constitution...* New-York: Printed and sold by J. and A. M'Lean, 1788**

First published in newspapers as 77 essays by "Publius," but written by Alexander Hamilton, James Madison, and John Jay, these writings and eight others were later compiled into a two-volume collection and published as *The Federalist*. The intention of the authors was to influence the vote in favor of ratifying the new Constitution, particularly in New York, where these essays were initially published.

Third meeting: December 12

Materials related to the election of 1800, including letters and newspaper accounts.

The letters between congressmen participating in the tie-breaking votes and their constituents as the ongoing voting is taking place, colorfully end with “Burn this.” There is also a vote count that appears on the reverse of one of the letters, so it’s clear how the voting was taking place among the candidates for president. Period newspaper accounts record changes in American electoral history.

Fourth meeting: January 9

Thomas Jefferson (1743-1826), Paris: Autograph letter signed to David Humphreys (1752-1818), 18 March 1789

**Abraham Lincoln, Baltimore address: holograph manuscript
[not after 18 Apr. 1864]**

Jefferson, while central to the writing of the Declaration of Independence, was absent from the Constitutional Convention and the crafting of the Bill of Rights. He served during this latter period as minister to France. He did keep in close touch with friends like David Humphreys and James Madison to follow developments and contribute ideas.

Here, in a letter to Humphreys about the ongoing arguments for a Bill of Rights, Jefferson addresses “the rights of thinking, and publishing our thoughts by speaking or writing: the right of free commerce: the right of personal freedom.” Although he doesn’t use the term “privacy,” per se, he is listing the rights that belong to the individual, similar to those that would become law through parts of the first, fourth, and fifth amendments, and which scholars see as some of the bases of modern privacy rights.

Lincoln often looked to the Founding Fathers as the basis for his thought and in The Baltimore Address, he wrestles with the concept of liberty promised in the Declaration of Independence. As he puts it, “We all declare for liberty; but in using the same word we do not all mean the same thing.” In this speech, Lincoln used the opposing concepts of liberty to contrast being personally free with being free to impose your will on another person; he and others in the period would use this formula as the basis of arguments against slavery. Today, we hear similar semantic constructions used in rhetoric surrounding contemporary issues including gun policy, reproductive rights, and others.

About the Professor

Kermit Roosevelt works in a diverse range of fields, focusing on constitutional law and conflict of laws. His latest academic book, *The Nation that Never Was* (University of Chicago, 2022) offers an alternative American origin story. His prior book, *The Myth of Judicial Activism: Making Sense of Supreme Court Decisions* (Yale, 2006) sets out standards by which citizens can determine whether the Supreme Court is abusing its authority. He has also published in the *Virginia Law Review*, the *Michigan Law Review*, and the *Columbia Law Review*, among others. He has represented a detainee in the detention center at Guantánamo Bay, Cuba. He also is the author of two novels, *Allegiance* (Regan Arts, 2015) and *In the Shadow of the Law* (Farrar, Straus & Giroux, 2005). Professor Roosevelt spoke at the Rosenbach as part of the Federalist Papers series in Spring 2018 and taught a course on presidential history in support of the Rosenbach’s 2023 exhibition *Succession: Why Presidential History Matters Now*.