

Solving a 239-Year Old Mystery about the Authorship of a Long-Lost Continental Congress Document

Michael D. Hattem
Yale University

Note: This was a talk given at “An Evening at the Morris-Jumel Mansion” sponsored by the Archivists’ Roundtable of Metropolitan New York in on January 30, 2014.

Good evening, Ladies and Gentleman. I am honored to have been invited to speak at this Archivists’ Roundtable event. Like Emilie, I did my undergraduate work not far from here at City College, and perhaps the best thing to come out of the finding and auctioning of the document is the fact that this fantastic place will now be financially secure for years to come.

So I am here to talk a little bit in-depth about how the process of the research and analyses of the Livingston document went, especially since this is one of the few crowds that would actually care about that. I started out by going back to the Continental Congress, primarily the journals of the Congress. From them, I was able to identify who had been assigned to the committee to draft the address—Robert R. Livingston, Richard Henry Lee, and Edmund Pendleton. Once I had that I began working on the handwriting and the background of the address pretty much concurrently.

In terms of the background of the address, I went looking for pretty much anything I could find. Any mention of the address in published paper collections. In something like this, unfortunately, the amount of time that you have really precludes any kind of serious large-scale examination of various manuscript collections. The whole thing was done on a very truncated schedule. I had only about 4 weeks to do the research, analyze the handwriting, analyze the text,

AND write the essay. All while I was carrying a relatively large amount of teaching responsibilities as well as my various other academic commitments.

So what I found in these published collections was quite interesting. First of all, in the *Letters of the Delegates to Congress*, which was edited by Paul Smith and published in 1976 by the Library of Congress. And so in there I came across an entry titled, “Richard Henry Lee’s Draft Address to the People of Great Britain.” And it was dated June 27 1775 (albeit with a ?). Now the committee was named on June 3. And the annotation by Smith read: “The Lee draft does not appear to have been utilized in drafting the final version of the address. There is marked contrast in the organization and style of the two documents, but apparently no other drafts of the address survive. [. . .] Nothing is known about the work of the committee after the address was recommitted and the authorship of the final draft has not been established.” And Smith was right, Lee’s original draft resembles neither the document that had been hiding in this building for 100 years nor the final version approved by Congress.

First of all, it’s quite brief. It is approximately 1500 words. The final version approved by Congress ran to just shy of 3,300 words. So Lee’s draft was literally less than half the length of the final version. But there’s a similarly stark contrast in the tone of the documents. Lee has a reputation of having been early among the radical faction in the Continental Congress. Meanwhile, Livingston has long been portrayed as having been a quite reluctant revolutionary, very much a latecomer to supporting independence. However, the best word I’ve come up with to describe Lee’s draft is perfunctory. Generally speaking it makes the standard rhetorical arguments about British tyranny, the corruption of Parliament, it effectively goes through a brief list of the injustices suffered by the colonists at the hands of Parliament and the King’s corrupt

ministers. Rhetorically it's sound but far from inspiring or rousing, in any sense. And this would seem to be out of character or inconsistent with our general perception of Lee. I've thought about it a lot and the only thing I can think of is that his heart and his attention was not really in this draft. Lee, like the other most active members of Congress, served on many many committees, remember war had already broken out two months before, he was also engaged in the constant politicking between the radical and conservative factions in the Congress. And also remember that this is actually the 2nd letter from the Congress to the people of Great Britain. Congress had sent one in late 1774. That letter had failed to have the desired effect, which was to sway public opinion in Britain in favor of the colonial resistance.

So it seems to me that Lee was most likely overextended in his commitments in the Congress and that out of all his responsibilities drafting a 2nd address to the people of GB when the first had been unsuccessful probably was not very high on his list of priorities. And so it appears that Lee's draft was rejected. Unfortunately, I can't say whether it was rejected by the committee or whether it was presented to Congress on June 27, when the committee first reported.

After doing this research, I got to the point where I was making headway on the handwriting and textual analyses. And to me this is really the most important aspect of what I did with the document. 18th-century handwriting is quite distinct—distinct overall and distinct on the level of the individual. Handwriting in the 18th century, like spelling, was not standardized. The teaching of it was not standardized. And so individuals developed unique forms of penmanship. And it was very much a status marker for elite men. Elaborate ornamentation and flourishes in one's handwriting signaled to the reader that the writer was a gentleman, a man of

leisure or at least with the means to have the time to develop and perfect such an ostentatious style of handwriting. It's in the name "penmanship," like "swordsmanship" or "horsemanship." These are elite skills. And because of this elite men in the 18th c developed pretty individual styles of handwriting. As an historian of early America and as a Research Assistant at the PBF, I have a good deal of experience with 18th-century handwriting. And so the way that I approached it was to go through the document and identify what looked to me to be the unique defining characteristics of the handwriting in the document. And to do this I didn't so much read the document as I read the writing. So I looked at the more common words like "the" and "an," "and." I looked at uppercase forms because these were where 18th-century writers really expressed their individuality. I also looked at common combinations of letters. So for example, how does the writer write the combination of T and H or E and D. And so I picked out those things that looked to my eye to be the most identifiable. And I can tell you some of them were the uppercase forms of F, C, B, the word "the," the combination of T and H (this writer combined the two letters and drew the line for the T clear through the H), the combination of L-E-T with an uppercase L, the writer had a specific way of writing a "d" when used at the end of a word where the stem was rounded with an exaggerated slope at the top. I also looked at the angle of the hand. Many 18th century writers wrote their hand angled to the right to varying degrees. I also looked at the writer's style of capitalization. As many of you know it was standard for much of the eighteenth century for writers to capitalize all nouns. This writer did not do that as a rule. I also looked at the frequency and placement of the medial (or so-called) long "s." This writer only used them as a rule as the first of two consecutive "s"'s. For example he used it in words like "Congress" and "address."

So after doing all that I went to the Franklin Papers and pulled from our files a number of letters to Benjamin Franklin from each of the committee members. Now in my research into the address I found numerous references to the address in various published papers collections. And the ones that addressed the question of authorship tended to think Lee was the author of the final version. A 19th century author printed the entire final version of the address in his biography of Lee accompanied by a headnote that read: “The dignity of the reproaches of this last address to the people of Britain; its bold and exalted sentiments of reliance on heaven, and the sword drawn in self-defence; the eloquence of its expostulations; the deep pathos of its parting warnings, do justice to the occasion, and to those in whose name the draughtsman wrote! This address is indeed an imperishable monument to the genius and eloquence of Mr. Lee.” But even more recent, more scholarly editors have assumed it was Lee. In the Madison Papers there is a letter from William Bradford in which he enclosed a printed copy of the address for the young Madison and the annotation says: “Richard Henry Lee was probably the main draftsman.”

So I had this list of identifying features of the handwriting and I looked at Lee first. No match. And then I looked at the letters from Livingston. And it was like a slap in the face. EVERY one of the identifying features, the uppercase letters, the combinations, the swooping d at the end of a word, the long S in Congress, the combinations of TH and LET (with the uppercase L), etc.... All matched. It was just so plainly clear.

After that, I began the textual analysis and the main question here was not about the meaning of the words but what could the text itself and the document as a whole tell me about what exactly this paper written by Robert R. Livingston was. And again it became pretty clear pretty quick that it was indeed a first draft. You see Livingston start a paragraph on the first page

with a phrase and then he decides that he doesn't like that and he crosses it out and tries another. And he does it again before finally settling on a keeper. And all these edits are *inline*. They're not crossed out with the edits written above the text. They are all inline; that is to say, he's making these changes as he's writing the document. You don't do that if you're copying a document from another copy. And that was one of the potentialities. This could just be a copy by Livingston of the draft that Lee wrote in the committee.

But there was another key feature besides the inline edits that led me to determine that it was indeed a first draft. There was a large margin on the left, the width of which was almost a quarter of the page. This was a technique used by draftsmen who knew their documents were going to be edited extensively, especially in a committee of the whole. That space was used to record all the edits that would inevitably be suggested by members of Congress when the committee reported the draft.

To really understand the significance of what was found here, you have to understand the circumstances in which the Congress found itself in June of 1775. At this time, the Congress is essentially a schizophrenic body. On the one hand, it is undertaking serious military measures by effectively creating a proto-national army and directing the siege of the King's troops at Boston. On the other hand, it is trying to decide on the best way to seek reconciliation with the King and Britain. And what they settled on was a number of petitions and addresses. And so at the beginning of June, the Congress named committees to draft the Olive Branch Petition to the King (professing their loyalty to him and their desire to remain within the British empire), the Declaration of the Causes and Necessity of Taking Up Arms (in an effort to justify to the King

why they had been forced to undertake military measures), this address to the people of GB as well as addresses to the people of Jamaica and Ireland, and a letter to the Lord Mayor of London.

These documents—these efforts from early June through early July 1775—represent the Congress’s last great effort at reconciliation with Britain. War had already broken out in Massachusetts. And they’d already had their first overtures toward reconciliation rejected at the end of 1774. There was a palpable sense that the potential avenues toward reconciliation were being exhausted. And so in early June of 1775, the Congress decided to go “big.” A last gasp at reconciliation. They commissioned the petitions and addresses I mentioned before. And within one week in early July, they approve these six documents all aimed at reconciliation with Britain. The final version of the address was approved by Congress on July 8th. And you get an idea of the perception of Congress at the moment when Benjamin Franklin writes to Jonathan Shipley on July 7th and says, “The Congress will send one more Petition to the King which I suppose will be treated as the former was, and therefore will probably be the last; for tho' this may afford Britain one chance more of recovering our Affections and retaining the Connection, I think she has neither Temper nor Wisdom enough to seize the Golden Opportunity.” Now the rest of Congress wasn’t necessarily as cynical or pessimistic as Franklin but they did share in the sense that they had “one more” chance to “retain the Connection” with Britain. In fact, Livingston himself originally writes at the very beginning of the draft, “we entreat your serious attention to this our second and last attempt to prevent [the] dissolution” of ties with Britain. But the “and last” in that phrase is crossed out. It’s actually crossed out with a jagged line whereas Livingston regularly used just a straight line through words to delete them. Read into that what you may.

But this draft of the address is part of that “last attempt,” the “one more chance.” It is part of a moment at which the Congress and colonists were beginning to realize that reconciliation was not inevitable. Beginning to think of what it might mean to have no “connection” with Britain. Until less than a decade earlier, the colonists had been proud subjects of the British crown and the British empire. In 1766, after the repeal of the Stamp Act, grateful New Yorkers had erected a lead statue of King George III on Bowling Green. Exactly one year and one day from the day this address was approved by Congress that statue would be torn down by a crowd of New Yorkers now independent from Britain. In the early summer of 1775, the Congress and colonists were in the early stages of what I think of as an existential crisis. Who are we? Are we British subjects? Are we just colonists? Or are we something else, something different? If we’re not British subjects (equal to the King’s subjects in Britain) then what are we? Who are we? How do we define the “what?” How do we define the “who?” In these very early stages, there was nothing approaching consensus on any of these questions, neither in the Congress nor out in cities, towns, and villages of the colonies. Individuals had to decide how they defined themselves in relation to the political situation in which they now found themselves. The hashing out of answers to these questions occurred on an individual level and on an institutional level in the Congress. We see that play out in the debates in Congress and, perhaps more fascinatingly, we see it play out in this document. Colonists and the Congress itself, whether they realized it or not, were in the process of transforming the ways in which they thought about themselves, a process which would see them go from being imperial subjects to republican citizens, from being Britons to Americans, and in this document we actually get to see that process for the struggle that it was on the Congressional level. Thank you.