

INTERVIEWER: Welcome, everyone, to our last event of the semester, "An Original Document For Every Song In *Hamilton*." Today, we're honored to be joined by Judge Charles Eskridge of the US district court for the Southern District of Texas. Judge Eskridge was appointed to the bench in 2019. He also serves as an adjunct professor at the University of Houston Law Center, teaching on the origins of the Constitution and as a member of the American Law Institute.

JUDGE CHARLES ESKRIDGE: Thank you. Thank you very much, and I'm so glad to be here and to have had the invitation to speak to the University of Virginia. I have done this presentation on *Hamilton* many times at many different law schools, and I have to say that doing it for the University of Virginia, which has obviously such a close connection to Thomas Jefferson but also geographically to James Madison and George Washington, that plays such a big role, each of them in this show, that this really does have extra meaning for me.

So now, I wouldn't necessarily say that I'm obsessed with *Hamilton*, but I was all over the soundtrack when it came out. And then-- let me get the share screen started here. And then, my wife noticed a Facebook meme that year and said it applied to me.

My thoughts have been replaced by *Hamilton* lyrics, and it was not just a few lyrics, mind you. 20,520 words to be precise. That works out to about 140 words per minute in the show. And in "Guns and Ships," at one point, Lafayette is clocking them in at 6.3 words per second.

So put that in some perspective. *The Phantom of the Opera*-- 6,799 words. The founding fathers were taken on in another musical called *1776* in the year 1969, and that had some words of 2,735. So this show is just different.

Lin-Manuel Miranda takes on the sweep of life, focused through a lens of politics. And the songs come in cycles on universal themes of ambition, love, betrayal, loss, legacy. And I try to break that down and collect it for you looking at some original documents with each song.

So let's begin. Now, when the greatest show in Broadway history opens with a question, the question deserves an answer. How does a bastard orphan, son of a whore-- there will be no singing or dancing during this presentation, mind you-- Scotsman dropped in the middle of a forgotten spot in the Caribbean by providence. Listen to everything that's being stacked up against our hero.

In the mid-18th century, impoverished, in squalor, how could that person grow up to be a hero and a scholar? I submit that the show answers that question with three responses. Each is a virtue.

But like any great tragedy, when mixed with pride and taken to an extreme, it's the root of hubris and downfall. The first is ambition, a scrapper born at the bottom, yearning to make a mark. But ambition is not enough without determination, relentless pursuit of a worthy goal.

But without the final key piece, education, even ambition and determination will fall short. Madison attended Princeton, Jefferson William and Mary, and Hamilton King's College, which is now Columbia. We will see a real war in this show with shots fired in anger. The post-Renaissance, post-Enlightenment-- they knew that it was the battle of ideas that was the real front of the war.

Now, I believe Chloe circulated to everyone a document that I put together that sort of gathers an original extract with each of the songs. I'll be referring to that as I go along. For this first song, you'll see that it references Noah Webster. Noah Webster discussed how to arm ourselves for that war of ideas in 1788, in the year between the drafting and ratification of the Constitution.

And yes, it is that Webster of America's first dictionary. He was a friend of Hamilton's, and in the 1790s edited New York's leading Federalist newspaper. He said in an essay on the education of youth in America, but every child in America should be acquainted with his own country. He should read books that furnish him with ideas that will be useful to him in life and practice.

As soon as he opens his lips, he should rehearse the history of his own country. He should listen to the praise of liberty and of those illustrious heroes and statesmen who have wrought a revolution in her favor. Here, every class of people should know and love the laws. The knowledge should be diffused by means of schools and newspapers, and an attachment to the laws may be formed by early impressions upon the mind.

But as I said, Miranda also answers his opening question with ambition. We'll turn fully to Mr. Burr in just a second. But the song, "Aaron Burr, Sir" introduces them both and lays bare beyond Hamilton's ambition upon arrival in New York.

With this song, Miranda also makes his first explicit link to actual words from an original source text. God, I wish there was a war, he sings. The letter I have paired is Hamilton at age 14, still on the island of Nevis, already clear on the arc that he has planned for his life and the source from whence opportunity might arise.

Ned, my ambition is prevalent, that I condemn the groveling and condition of a clerk, to which my fortune et cetera condemns me. And I would willingly risk my life, though not my character, to exalt my station. Neddy, we have seen such schemes successful when the projector is constant. I shall conclude saying, I wish there was a war.

There's not simply Hamilton's ambition that animates the show. It's the clash of that ambition with that of Jefferson and Madison, and most importantly, Aaron Burr. These three together are Hamilton's nemesis in Act 2.

Now, a remarkable thing about the show is that Miranda paints no one as pure villain. Even Burr, who concludes the opening song with the classic line, "me, I'm the damn fool who shot him," is treated with understanding and indeed a measure of kindness. "Wait For It" is a song purely about Burr's own ambition rolling into the Revolutionary War.

This one sets the tone that he wrote to General Washington during the war. Burr was upset that some younger officers had been promoted over him, and in July 1777 wrote to Washington saying, I would beg to know whether there was any misconduct in me or extraordinary merit or services in them which entitled the gentleman lately put over me to that preference. I would wish equally to avoid the character of turbulent or passive, and I am unhappy to have troubled your Excellency with a matter which concerns only myself. But as a decent attention to rank is both proper and necessary, I hope it will be excused in one who regards his honor next to the welfare of his country.

So ambitious, yes. But has even Burr recognized, he was being a little bit whiny about it. Back to song 3, in "My Shot," Miranda adds determination to the education and ambition trifecta. By the song's end, we are introduced to all of our Act 1 heroes, each of whom goes on to play a conflicted role in Act 2.

Hercules Mulligan, the hulking tailor's apprentice and spy who goes on to portray James Madison, the sleek Marquis de Lafayette, who goes on to be the equally smooth Thomas Jefferson, and John Laurens, Hamilton's best friend, will die before Act 1 concludes and will go on to be the equally doomed Philip Hamilton of Act 2. By the way, there will be slight spoilers as I go through this talk. For instance, Burr will kill Hamilton in a duel.

I know that this is a great shock to you, but since we're talking about things 250 years in the past, you could have paid more attention in your American history class in high school, or at least have listened to the soundtrack by now. In any event, my shot shifts the next group of songs to ones on revolution. In 1774, our founders wanted to be more British, not less.

They believed themselves born to an enlightened England, deserving of all the rights that the English had obtained through patient struggle from Magna Carta in 1215, through the Petition of Right and 1628, to the English Bill of Rights and 1689. And the Declaration and resolves of the First Continental Congress in October of 1774 could not have been more direct, speaking in strong terms while trying to maintain a veneer of allegiance to the Crown. We are entitled to life, liberty, and property, and we have never ceded to any foreign power whatever, a right to dispose of either without our consent.

Our ancestors who first settled these colonies were at the time of their immigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural born subjects within the realm of England. Now, the story of tonight would be only a classic drinking song among buddies in a bar who, were it not for the message that Miranda gives, are heroes. Raise a glass to freedom, something they can never take away, no matter what they tell you.

Now, George Mason, also of Virginia, is not a character in *Hamilton*. But he was one of the great thinkers and orators on freedom, liberty, and our founders' belief in natural law and principles of reason that connect them. In June of 1776, he would be the primary draftsman of the Virginia Declaration of Rights.

The year before, he was already right on target in his remarks to the annual elections for the Fairfax Independent Company. And he was warning how difficult it is to keep the flame of liberty and freedom ablaze. We came equals into this world, and equals shall we go out of it.

All men are by nature born equally free and independent. Every society, all government, every kind of civil compact therefore is or ought to be calculated for the general good and safety of the community. The history of all nations who have had liberty and lost it puts these facts beyond doubt.

Now, with our heroes properly introduced, it's time to meet our heroines in the time of revolution, the Schuyler sisters, Angelica, Eliza-- say it with me-- and Peggy. Their song notes the different treatment of men and women in these times. We hold these truths to be self-evident, that all men are created equal. When I meet Thomas Jefferson, I'm gonna compel them to include women in the sequel. Work.

Now, Miranda paid attention to not just this disparity, but again and again to the slavery and unjust treatment of Blacks in America. Three months before the Declaration of Independence, Abigail Adams also gave her own healthy earful to her husband, John. She wrote, I long to hear that you have declared an Independence, and by the way, in the new code of laws, which I suppose it will be necessary for you to make, I desire that you would remember the ladies and be more generous and favorable to them than your ancestors. Remember, all men would be tyrants if they could.

Song 6 is titled "Farmer Refuted," and it sources literally to a political track that brought *Hamilton* to prominence in New York. The elaborate title of my speech today is in fact a message to *Hamilton's* own full title, and that is a picture of it there on your screen. The farmer had argued that loyalty and patient submission were the colony's only option.

Hamilton exploded that notion in "Farmer Refuted," which itself provides a basis and structure for the aspirations of the preamble. It has long been the fifth document that I teach in my class on origins of the federal Constitution. It is a lengthy address. The sweep and scope of thinking and the absolute confidence with which it is asserted is profound.

And it also makes clear why our man is going to meet his fate in a duel. Because when Hamilton sets pen to paper, he shows no mercy. In his opening, he writes, the spirit that breathes throughout your letter is so rancorous, illiberal, and imperious, the argumentative part of it so puerile and fallacious, the misrepresentations of facts so palpable and flagrant, the criticism so illiterate, trifling, and absurd, the conceits so low, sterile, and splenetic, that I will venture to pronounce that one of the most ludicrous performances, which has been exhibited to public view during all the present controversy.

Now, you can use that whenever you'd like in your next moot court competition. But for those of you who consider yourself to be legal geniuses, and you may well be, do bear in mind that that is Hamilton writing at the age of 19. Now, the last of the songs, "Revolution" is the first of three appearances by King George III.

Each time, all alone, he takes center stage and genuinely commands the audience. "You'll Be Back" is a kind of vampy, glam breakup song, petulant sorrow being spurned by his colonies that must now be compelled to love him. Think of him as a creepy global stalker in the centuries before Facebook.

Not everyone in England agreed with this view. And so I paired his song with Edmund Burke's famous speech to parliament on conciliation with the colonies. Burke proves various reasons why what he calls a fierce spirit of liberty has grown up in the colonies, including ancestry linked to English rights, representation in parliament, religion with respect for rules and law, education and, in particular, education in the law, and remoteness of situation. We have been on our own, taking care of ourselves for well over 100 years.

Taking note of this flame that is ready to consume us, Burke notes the real question at hand. I do not mean to commend either the spirit in this excess or the moral causes that produce it. The question is not whether their spirit deserves praise or blame, but what in the name of God shall we do with it.

And King George in the song provides his ready retort. I will send a fully armed battalion to remind you of my love. This takes us to the first cycle of songs in the Revolutionary War itself, on themes of struggle and deprivation.

And it is at this point that we meet the General, George Washington and right-hand man. He enters wracked by self-doubt, and yet, the consummate leader, aware that the weight of war and a new way of life rests on his shoulders. Can I let down my guard and tell the people how I feel this second?

The elephant is in the room. The truth is in your face when you hear the British cannons go boom. In "My Shot," Miranda has Hamilton saying, this is not a moment. It's the movement.

But in 1783, at the verge of ultimate success, Washington sent what was called the Circular to the States. This, he said, was the moment to claim the real prize for which we had been fighting. When we consider the magnitude of the prize we contended for, the doubtful nature of the contest, and the favorable manner in which it has terminated, we shall find the greatest possible reason for gratitude and rejoicing.

The foundation of our empire was not laid in the gloomy age of ignorance and superstition, but at an epocha when the rights of mankind were better understood and more clearly defined than any former period. At this auspicious period, the United States came into existence as a nation. And if their citizens should not be completely free and happy, the fault will be entirely their own.

Let's jump to song number 14, to see what Washington meant by the doubtful nature of the contest. "Stay Alive" is a song of the suffering and sacrifice through that long winter at Valley Forge-- a harsh winter, no clothes, little food. In the song, Washington sings, the cavalry's not coming, and Hamilton pens, we have resorted to eating our horses.

In Washington's plea to Congress, he, through Hamilton as his aide de camp, warns of suffering and starvation and the fear of mutiny and ultimate loss. For some days, there has been little less than a famine in camp. A part of the army has been a week without any kind of flesh, and the rest, three or four days.

Naked and starving as they are, we cannot enough admire the incomparable patience and fidelity of the soldiery, that they have not been before this excited by their sufferings to a general mutiny and dispersion. But our forces endure a string of losses or, at best, stalemates and a loss of confidence. With ten dual commandments, General Charles Lee fails at the Battle of Monmouth, is replaced by the Marquis de Lafayette, and then he starts talking smack about Washington.

So John Laurens steps up with Hamilton as his second for the duel. Now, Burr serves as Lee's in the show. That is dramatic license to place Burr and Hamilton together on the dueling ground in Act 1, where they will meet again at the conclusion of Act 2.

The song sets out 10 rules for duels, but there was apparently an eleventh. The seconds will agree to a narrative of what is called an affair of honor. The circumstances will be explained as voluntary conduct among gentlemen, and so hopefully no charge of murder will issue regardless of outcome.

I include the narrative penned by Alexander Hamilton and Major Evan Edwards after this duel. There is also one for the Hamilton Burr affair written 25 years later by their seconds, which you can easily also find. Already by this point, amidst the struggles of the Revolutionary War, with song 12, Hamilton chafes at being sidelined from the action.

He is Washington's right-hand man, so to speak. So in that sense, he's not throwing away his shot. But he still wants to be in that war that he wished for as a child on Nevis. Hamilton tells Burr in the song, I wish I had your command instead of manning George's journal.

And in a letter to General Philip Schuyler, who by February of 1781 would be Hamilton's father-in-law, he writes, I always disliked the office of an aide de camp as having in it a kind of personal dependence. Ambition and determination always. And it sets up a conflict with Washington himself.

With song 16, "Meet Me Inside," Hamilton needs to be his own man to earn his own place and level of respect, and that comes between him and Washington. Miranda places their break dramatically as the result of the Laurens-Lee duel. The actual history hasn't quite the same flair, but Hamilton does recount it with a bit of overwrought drama as an inadequate showing of mutual respect.

He wrote, the great man and I have come to an open rupture. Proposals of accommodation have been made on his part but rejected. Without a shadow of reason on the slightest ground, he charged me in the most affronted manner with treating him with disrespect.

I answered very decisively, Sir, I'm not conscious of it. But since you have thought it necessary to tell me so, we part. And so, a break. And amidst the war, we have an interval.

Young men are in combat, and another cycle of songs arises on the theme of love. In a winter's ball, Burr is jealous of Hamilton's ascendancy, but he's smart enough to ask, what do we have in common? We're reliable with the ladies.

By 1779, John Laurens had decamped to fight the war in South Carolina. Hamilton sent the included letter deputizing Laurens to find him a wife, one that shows the depths of their friendship and more than a hint that Hamilton will prove to be a difficult husband. He writes, in politics, I am indifferent what side she may be on. I think I have arguments that will easily convert her to mine.

As to religion, a moderate stock will satisfy me. She must believe in God and hate the saint. But as to fortune, the larger stock of that, the better.

But amidst the winter's fall, Hamilton meets the two great loves of his life, Elizabeth and Angelica Schuyler, both daughters of the great general and later New York Senator, Philip Schuyler. In a later song, deep in Act 2, Eliza recounts the power of Hamilton's love letters to her. She sings, your sentences left me defenseless. You built me palaces out of paragraphs.

And he did, indeed. I quote from the one that I paired there at the end. My heart overflows with everything for you, that admiration esteem and love can inspire. I would this moment give the world to be near you, only to kiss your sweet hand.

Believe what I say to be truth, and imagine what are my feelings when I say it. Let it awaken your sympathy, and let our hearts melt in a prayer to be soon reunited, never more to be separated. Now, I would suggest just copying that and using it in your own love letters.

But as good law students, you would probably feel the need to drop a footnote, and then have proper citation, and it would lose all of its force. So oh, well. But we also have Hamilton's intellectual kinship with Angelica. She serves as the perfect complement for Hamilton's ambition and gives him a confidant throughout the show.

The letter I've included is of no real import, apart from a conclusion, which shows their affinity. Hamilton writes, I have a great opinion of your discernment, and therefore I ventured to rant. If you read this letter in a certain mood, you will easily divine that in which I write it.

Now, woo having been successfully pitched, the Revolutionary War remains to be won. And our songs of war move on to a theme of victory. By the end of "Guns and Ships," Washington has brought Hamilton back into the fold and finally given Hamilton his shot at command and glory.

But before this, history has brought Washington and Lafayette and the colonies and France together in the fight for independence. The first letter I've prepared is just to show the genuine admiration Washington has for his new friend, Lafayette, and his attention to what he calls the cause of liberty. But the meaning of the second letter cannot be mistaken.

Washington writes, the arrival of the Marquis de Lafayette opens a prospect which offers the most important advantages to these states if proper measures are adopted to improve it. He announces an intention of his court to send a fleet and army to cooperate effectually with us, an army and a fleet, and as the song goes, guns and ships, and so the balance shifts. Again and again, Miranda links a historical turn of phrase to the ideas that animate these songs.

"History Has its Eyes on You" is a deceptively simple song, and it is perhaps my favorite in the entire show. It sums up all that was George Washington and why in my estimation, he is the single irreplaceable founder of what America would become. Ambitious but not personally ambitious, he laid down power three times, where any other individual would have seized it or kept it. At the conclusion of the Revolutionary War, he returns his sword to Congress.

On the collapse of the Articles of Confederation, he leads efforts at the Constitutional Convention so that he is not simply named King, and after eight years as president, peacefully turns over power to the people and their next chief executive. Let me tell you what I wish I'd known when I was young and dreamed of glory. You have no control, who lives, who dies, who tells your story.

We return to that line with the show's final song. I present it here with Washington's general orders to the troops, literally two days before the Declaration of Independence was signed. And I say that it is a war speech that rivals William Shakespeare and Henry V before the Battle of Agincourt, or Mel Gibson in *Braveheart* before the Battle of Stirling Bridge, or even John Belushi in *Animal House* before the homecoming parade.

Washington writes, the fate of unborn millions will now depend under God on the courage and conduct of this army. Our cruel and unrelenting enemy leaves us no choice but a brave resistance or the most abject submission. This is all we can expect. We have therefore to resolve to conquer or die.

The general recommends to the officers great coolness in time of action, and to the soldiers a strict attention and obedience with a becoming firmness and spirit. Not bad. And finally, victory at the Battle of Yorktown, when the world turned upside down.

I sent out letters and Journal entries from Hamilton in Washington at the conclusion of the difficult siege that was waged from June to October in 1781. Words simply cannot do justice to the song in the show. It is the showstopper.

For the war, it was also the showstopper. Hamilton speaks in his letter to Lafayette of the rapidity and immediate success of the final assault. Washington's journal notes in colorful language that Cornwallis beat a parlay and asked for a 24-hour delay to negotiate terms, to which Washington replied that he would like to, quote, spare the further effusion of blood, and granted him a two-hour reprieve by which to send down terms, which he did. And so came the beginning of the end of war.

But as so often with turns of events in this show, with great victory comes a bitter loss. John Laurens is cut down in his home state of South Carolina in one of the final skirmishes of the war. It is said that Hamilton wrote just this once of the death of his dear friend and never again. I feel the deepest affliction at the news we have just received of the loss of our dear and inestimable friend Laurens. His career virtue is at an end.

The world will feel the loss of a man who has left few like him behind, in America of a citizen whose heart realized that patriotism of which others only talk. I feel the loss of a friend I truly and most tenderly loved, and he, one of a very small number. And with the war won, King George again stalks to center stage and asks, what comes next?

And to signal our next big transition to songs of creation, the King sings, do you have a clue what happens now? And it turns out, we didn't. The Articles of Confederation loosely amalgamated the newly freed states, and they were a speedy and abject failure precisely because we lacked an energetic national government-- no chief officer, no supreme judicial body, essentially no ability to take any action without unanimity among all the states. And good luck with that.

Here is where we begin to look at several of the Federalist Papers. To establish the need for the Constitution required absolute proof of the impending collapse of the current government. And on that score, Hamilton delivers in Federalist Number 15, we may indeed with propriety be said to have reached almost the last stage of national humiliation. There is scarcely anything that can wound the pride or degrade the character of an independent nation which we do not experience.

Here my countrymen impelled by every motive that ought to influence an enlightened people, let us make a firm stand for our safety, for our tranquility, for our dignity, and for our reputation. After independence, difficult work lay ahead. Miranda reduces the task to very human terms with the birth of Burr's eldest daughter and Hamilton's eldest son in "Dear Theodosia," a perfect lullaby that provides a metaphor for the birth of our new country.

If we lay a strong enough foundation, we'll pass it on to you. We'll give the world to you, and you'll blow us all away. The reason that the Federalist Papers are so persuasive is because Hamilton never soft-pedaled or nuanced his intent. He declared it in the plainest terms, knowing that he and his fellow framers were creating an entirely new form of government, which had to be adaptable to the exigencies in the hands of later and hopefully trusted representatives of the people.

In Federalist Number 34, he gives flight to that vision. In pursuing this inquiry, we must bear in mind that we are not to confine our view to the present period, but to look forward to remote futurity. Constitutions of civil government are not to be framed upon a calculation of existing exigencies but upon a combination of these, with the probable exigencies of ages, according to the natural and tried course of human affairs.

There ought to be a capacity to provide for future contingencies as they may happen. And as these are illimitable in their nature, it is impossible safely to limit that capacity. Jumping back to song 17, in the midst of the war and Hamilton's break with Washington, Hamilton was already mapping out what this new government needed to be and what it needed to be able to do. "That Would Be Enough" is actually Eliza's great love song to Hamilton.

And within it, she understands the man that she has married. She sings, I don't pretend to know the challenges you're facing, the worlds you keep erasing and creating in your mind. All the way back in 1780, with a lengthy letter to a friend in the Continental Congress, Alexander Hamilton outlined the defects in the conduct of the war, and he foresaw the solution.

I have only skimmed the surface of the different subjects I've introduced. Should the plans recommended come into contemplation in earnest and you desire my further thoughts, I will endeavor to give them more form and particularity. If a convention is called, the minds of all the states and the people ought to be prepared to receive its determinations by sensible and popular writings, which should conform to the views of Congress. There are epics in human affairs when novelty even is useful. Hamilton remembered these lessons and taught them well seven years later, beginning in 1787.

So with song 24, we have the Constitutional Convention and the Federalist Papers themselves. "Non-stop" brings the curtain down on Act 1, another showstopper. For reference, I simply set out the opening passage from *Hamilton* in Federalist Number 1 and his closing words in Federalist Number 85. The man is non-stop. Miranda says that of Hamilton many times, for good reason.

The Federalist Papers are not simple reads. They are works of unrelenting political genius. And do note this.

The Constitutional Convention ended on September 17, 1787. Hamilton published Federalist Number 1 on October 27, barely a month later. And then, he published on November 14, 17, 20, 21, 24, 27, and 28. And then, on December 1, 4, 5, 12, 14, 18, 19, 21, 22, 25, 26, and 28-- that's twenty. And then, he published another 31 papers before May 28, 1788.

If New York, the Center of Trade and Commerce, had said no, the Union would have failed, with the United States split geographically in half. Hamilton engineered the Federalist Papers to deliver that vote. In July of 1788, the New York delegates ratified by the count of 30 to 27, a three-vote margin, non-stop.

The last of our songs of creation brings Thomas Jefferson home in the first song of Act 2. He asks, what did I miss while away as minister to France? Jefferson was not at the Constitutional Convention, but he followed the work closely and communication with his protege and ally, James Madison. The first of the letters from Jefferson to Madison sets out his approval but concern about the new Constitution.

Let me add that a bill of rights is what the people are entitled to against every government on Earth, general or particular, and what no just government should refuse or rest on inference. And the second letter sets out Jefferson's hope that the Constitution would be quickly ratified, but then immediately amended to include a bill of rights. And by a declaration of rights, I mean one which shall stipulate freedom of religion, freedom of press, of commerce against monopolies, trial by juries in all cases, no suspension of habeas corpus, no standing armies. These are fetters against doing evil, which no honest government should decline.

And obviously, James Madison in fact led the first Congress to do just that. With this, we move into a first cycle on politics on a theme of aspiration during the Washington years. OK. It is amazing enough that two major songs in a Broadway show enact serious policy debates at our founding, and they're not the theatrical equivalent of setting C-span to verse.

Songs are swaggering, trash-talking rap battles between Hamilton and his nemesis, Jefferson. With cabinet battle won, Miranda literally sets to music their competing views on the constitutionality of establishing the National Bank. Hamilton won the debate in terms later adopted by John Marshall in *McCulloch versus Maryland*.

If the end be clearly comprehended within any of the specified powers, and if the measure had an obvious relation to that end and is not forbidden by any particular provision of the Constitution, it may safely be deemed to come within the compass of the national authority. What's more, the federal government with this assumed the war debts by the states, which meant that the wealthy who had loaned money to their states to fight the Revolutionary War now had to rely on the national government for repayment of that debt. Suddenly, the most powerful had a vested interest in wanting the new government to succeed.

So with The Federalist Papers, Hamilton put the new Constitution on its feet with a fighting chance. And with this new financial system, he gave it the means to endure. Now, jumping ahead for a moment to "Cabinet Battle No. 2," we see the great debate that consumed much of Washington's second term.

This concerned what was known as the quasi-war between England and France. France by treaty had given us crucial support in our Revolutionary War, but the horrors of the guillotine were not lost on Americans. On the other hand, how could we trust and align with England?

Washington determined to follow a course of neutrality and avoid any entangling alliance. Hamilton defended this position under the pseudonym Pacificus, evoking peace. Jefferson dragooned Madison into replying as Helvidius. And so barely six years after they had joined their pens as Publius in The Federalists, they now pitted their eloquence against one another.

From Hamilton, if the legislature have a right to make war on the one hand, it is on the other the duty of the executive to preserve peace till war is declared. And from Madison, if there be a principle that ought not to be questioned within the United States, it is that every nation has a right to abolish an old government and establish a new one. Now, I for one would have been happy to have the show run to like four and 1/2 or five hours, but Miranda didn't have room for everything.

And it's not as if Miranda shied away from the topic of slavery. It is there in the opening song, and "In My Shot," and "Yorktown" and even in "Cabinet Battle No. One." but he also toyed with the idea of a third cabinet battle devoted specifically to slavery. Even though that debate on slavery hit the cutting room floor, he published the lyrics.

The larger point is this. The entire show, by its casting of mixed races to play our very white founders, spotlights the obvious problem and inconsistency. And here's the fact. The compromise to secure the entry of all 13 states into the new Constitution also imparted a painful lesson, that although history will set straight the path, it should always be today's task.

George Mason specifically recognized and expressed this at the convention itself. He said, every master of slaves is born a petty tyrant. They bring the judgment of heaven on a country. As nations cannot be rewarded or punished in the next world, they must be induced by an inevitable chain of causes and effects. Providence punishes national sins by national calamities.

Now, song 27 returns us to the policy debates in Washington's first term. Jefferson and Madison were trying to keep power closer to the states, and insinuations began creeping out that Hamilton with his expansive view of national power actually favored an American monarchy. And even as I say that, I wonder, how is this not the dorkiest show of all time?

But it's not. It's compelling. It's an important conflict in the show.

"Take a Break" has Hamilton equate his plight to that of Macbeth. And we begin to see Hamilton's great learning turn a bit towards paranoia and conspiracy. He writes at that time, it was not till the last session that I became unequivocally convinced of the following truth, that Mr. Madison cooperating with Mr. Jefferson is at the head of a faction decidedly hostile to me and my administration and actuated by views, in my judgment, subversive of the principles of good government and dangerous to the union, peace, and happiness of the country.

But it was not just Hamilton that became a bit paranoid about the competition between himself and Jefferson. It was there for Jefferson, too. In song 32, he frets, it must be nice. It must be nice to have Washington on your side.

And the divisions within the cabinet were plain to all. He sings, every action has its equal and opposite reaction. Thanks to Hamilton, our cabinet's fractured into factions.

Jefferson looked back on this after his own presidency and invoked the spirit of Washington's cabinet that Miranda captures so well via his rap battles. In these discussions, Hamilton and myself were daily pitted in the cabinet like two cocks. We were then but four in number and according to the majority, which of course was three to one, the president decided. The pain was for Hamilton and myself, but the public experienced no inconvenience.

Favor, esteem, power, control. The room where it happens is about the art of political compromise and who gets to participate in the decision. Thematically, Miranda sets up resentment by Burr that Hamilton keeps on keeping him out of that room.

But historically, the song deals with the Compromise of 1790. Hamilton gets his national bank approved, and at the same time, he gave the capital city essentially to Virginia with the support then of the two Virginians, Jefferson and Madison. The anti-Federalists predicted an overall centralization and dominance of the new national government, but without being able to offer a plausible alternative to the new constitution, they lost the overall debate.

But during the ratification debates, the concept of a seat of government for the new national government came with a colorful warning. It shall come to be the place where men are to live without labor upon the fruit of the labors of others-- this political hive where all the drones in the society are to be collected to feed on the honey of the land. How dangerous the city may be and what its operation on the general liberties of this country, time alone must discover. But I pray, God, it may not prove to this western world what the city of Rome, enjoying a similar Constitution, did to the eastern. Alas.

"Schuyler Defeated" is a very brief song about the rise of the two-party system in American politics, and about the fact that Aaron Burr used it to depose Hamilton's father-in-law as Senator in New York. Unlike Burr, Schuyler was a celebrated general in the Revolutionary War. Apart from laying bare Burr's naked political ambition, it showed that in the battle of ideas, the best person may not always prevail.

Madison warned, even in *The Federalist*, of the dangers of faction in his famous *Federalist Number 10*, which I have paired there. And even today, we project a vain hope that the dangers of excesses in this regard will abate, but they never seem to do so, or at least not for very long. And "One Last Time" marks the exit of George Washington from the stage.

The song is nothing other than the drafting and delivery of Washington's farewell address, and yet still, another showstopper. We know as students of history that it is one of the classic political statements of all time, and we know as well that Hamilton's pen took the first draft. How far I have succeeded, you will judge, Hamilton writes to Washington in his transmittal letter.

In the show, the final two paragraphs are literally sung through by Hamilton first until he's joined by and overtaken to the finale by Washington. I anticipate with pleasing expectation that retreat which I promised myself to realize without alloy, the sweet enjoyment of partaking in the midst of my fellow citizens, the benign influence of good laws under a free government, the ever-favored object of my heart and the happy reward as I trust of our mutual cares, labors, and dangers. "One Last Time," and George Washington is going home.

With his exit, the new but never seen President rises. John Adams-- or as you and I have come to know him, Paul Giamatti. And really, if you haven't seen the HBO miniseries on John Adams, the depiction of the smallpox plague in the late 1770s in episode two is now an interesting point of comparison with COVID-19 in 2020.

Now, Adams comes in for no love in this show, and King George positively disses him, evoking that classic scene from the miniseries. That's that little guy who spoke to me all those years ago. But in fairness here, Adams' light should shine a little. He was a man of strong ideas and great principle, a key mover of both the Declaration of Independence and Constitution.

And as lawyers and students of the law, I think we can revere his belief in the rule of law. In his defense of the Constitution of the government of the United States, he writes, it is the laws alone that really love the country, the public, the whole, better than any part. And that form of government which unites all the virtue, honor, and fear of the citizens and a reverence and obedience to the laws, is the only one in which liberty can be secure. That is the government for which we plead.

Now, with this we are on to another cycle of songs on a theme of betrayal. Adams and Hamilton were both federalists, and they should have been natural allies against Jefferson and Madison, but they weren't. The quasi-war between England and France led Adams to back the Alien Sedition Act of 1798. Hamilton, the immigrant, disapproved.

They determined to take each other down politically. Who won? Well, as Burr sings in an earlier song, Hamilton's skill with quill is undeniable.

Hamilton's track was titled, concerning the public conduct and character of John Adams. Going into the election of 1800, it was a 35-page screed hauling out slights accumulated over decades. Hamilton by then was at a bitter point. Let's catch up on an earlier song to understand why.

Hamilton's downfall traces back to song 28 earlier in Act 2, to the summer of 1792 in his affair with Maria Reynolds. James Reynolds, her husband, learned of the affair. Reynolds was involved in land speculation with other acquaintances of Hamilton. An unsavory character, he then blackmailed Hamilton.

The affair and Hamilton's concealment payments were found out almost immediately, but it was James Monroe, not Aaron Burr, as in the show, who confronted Hamilton about this that same year. Hamilton proved to Monroe the nature of the payments, that they were not embezzled public funds to settle land losses, but blackmail for silence on a personal matter from personal funds. Hamilton hoped it was all behind him. It was not.

And to understand the reckoning, I paired this with a letter that Hamilton wrote Eliza years earlier, in the midst of the Revolutionary War, while they were courting. Pardon me, my love, for talking politics with you. I was once determined to let my existence and American liberty end together. My Eliza has given me a motive to outlive my pride. I had almost set my honor, but America must not be witness to my disgrace.

But with song 37, in "We Know," we see the plot unfold to keep Hamilton from ever advancing to the presidency. Leaked to the press are Hamilton's concealment payments, which demand explanation. Hamilton was confronted by Jefferson, Madison, and Monroe, Virginians who would go on to be the third, fourth, and fifth presidents of the United States over the next 24 years.

That, my friends, is an effective political week. In the show, of course, it's Burr standing in with Jefferson and Madison. Historically, though, it was Monroe. And as his caustic letter shows that I paired there, there was no love lost between him and Hamilton. And a duel between them was only very narrowly averted.

In any event, this forces Hamilton on the choice of not whether but which disgrace to endure-- speculation and corruption in office as Treasury Secretary, or pinning the scarlet A on his own lapel. Miranda uses the lyrical metaphor of the hurricane that destroyed the island of Nevis where Hamilton was born. Hamilton at age 17 wrote an account of the hurricane that was picked up in newspapers around the world.

It's actually what brought him to attention and got him to New York. He wrote, good God, what horror and destruction. It seemed as if a total dissolution of nature was taking place. The roaring of the sea and wind, fiery meteors flying about it in the air, the prodigious glare of almost perpetual lightning, the crash of falling houses, the ear-piercing shrieks of the distress-- it was sufficient to strike astonishment into angels.

Miranda returns Hamilton to that point, connecting it all to Hamilton's ability to write and to persuade and thus win the battle of ideas-- revolutionary writings, love letters to Eliza, defense of the Constitution, creation of the financial systems. I wrote my way out, he sings. But at the turn of a new century, it was not to be.

Hamilton chooses personal over professional humiliation in what was titled, "The Reynolds Pamphlet." Hamilton lays it pretty bare and pulls no punches, especially on himself. He knows Eliza's love will be irretrievably damaged, and yet he proceeds.

I can never cease to condemn myself for the pain which it may inflict in a bosom eminently entitled to all my gratitude, fidelity, and love. But that bosom will approve that even at so great an expense, I should effectually wipe away a more serious stain from a name which it cherishes with no less elevation than tenderness. The Reynolds Pamphlet is the epitome of hubris, with pride going, as it always does, before the fall. And it was hard on Eliza.

"Burned" is her literal torch song, committing his love letters to an on-stage trash can bonfire. Hamilton's letters, in the year after the Reynolds Pamphlet, shows their personal struggle. The first I have there is on the pain of separation. I've been extremely uneasy, my beloved Eliza, at the state of health and state of mind in which you left me. I earnestly hope that there's been a change of both for the better-- and the second, for perhaps a new future.

You are my good genius, of that kind which the ancient philosophers called a familiar. And you know very well that I'm glad to be in every way as familiar as possible with you. Heaven ever bless you and me in you.

But the stage is set to move on to tragedy and the songs of loss. Hamilton's shame leads to the death of his eldest son, Philip, who dies 19 in a duel defending his father's honor. On stage, Hamilton goes over the rules of honor with Philip in advance. Hamilton appears to have had a stern but loving relationship with his children-- six sons, two daughters.

Set out for reference are what he titled his Rules for Philip Hamilton, to follow for success in the study of law. In a nutshell, read the law constantly, and don't do much else. It's pretty good advice, by the way.

I think it's little writings like this by Hamilton that humanize him, that make him more relatable. But this is the kind of the school contracts that we reach with our own kids to this day, or at least that I did with mine. But Philip is lost.

Even with all that Hamilton has overcome and withstood, and that is young Philip there. It is Philip's death that he calls an event, beyond comparison, the most afflicting of my life. Hamilton was comforted in his grief by his good friend, Benjamin Rush, the surgeon general of the Continental Army, signer of the Declaration of Independence, leader at his state's ratification convention.

Hamilton writes to him, my loss is indeed great. The highest as well as the eldest hope of my family has been taken from me. And you estimated him rightly. He was a truly fine youth.

But why should I repine? It was the will of heaven, and he is now out of the reach of the seductions and calamities of a world full of folly, full of vice, full of danger, of least value in proportion as it is best known. And then follows, it's quiet uptown. Devastated anguish, pure and simple.

There is little direct reference to God and religion in Hamilton. Hamilton did not take his religion for granted, but he did keep that part of his thoughts largely private. With the loss of Philip, he sings, I take the children to church on Sunday, a sign of the cross at the door, and I pray. That never used to happen before.

Hamilton in later years turned more towards the comfort of religion. But this being Hamilton, he of course fused it with politics. In the attached letter, he proposes to form the Christian Constitutional Society to support the Christian religion and the Constitution of the United States.

He also gives what could be considered one of the first nods towards what we today call originalism. Although at the time, he was probably just calling it, you know, that thing we wrote and ratified about 25 years ago. He writes, in my opinion, the present Constitution is the standard to which we are to claim.

Under its banners, bona fide, must we combat our political foes, rejecting all changes but through the channel itself provided for amendments. Final song of loss is one for Aaron Burr. His loss to Jefferson for the presidency hastens the beginning of the end of his political career.

Let's just leave it that before the 12th Amendment, there was the theoretical potential for a tie. And with Adams losing decisively, it came to pass with Jefferson and Burr polling the same. This meant a runoff between them in the House of Representatives. And to Jefferson's shock, Burr sets out to win that vote.

And that's where it gets weird, because the House at the time is still composed of the majority lame-duck Federalists, the party of Adams and Hamilton who had just been vanquished. And so they sing, Dear Mr. Hamilton, your fellow Federalists would like to know how you'll be voting. Hamilton chose Jefferson. They disagreed on many things on fundamental policy, but not on principle.

Hamilton trusted that Jefferson believed in the nation and wanted a lasting future for the Constitution. Hamilton's was a massive takedown of Burr, indicting him as deficient in honesty, too happy to seize power, unlikely to relinquish it, and apt to abuse it when held. From a thorough knowledge of the character, I can pronounce with confidence that Mr. Burr is the last man in the United States to be supported by the Federalists. No. Let the Federalists vote for Jefferson.

The show proceeds immediately to the duel, but the historical fact is, Hamilton does it to Burr again in 1884. Jefferson dropped Burr from the reelection ticket, so Burr announced for Governor of New York. In that bitter smear campaign, Hamilton stated Burr to be a dangerous man and one who ought not to be trusted with the reins of government.

This provokes a series of letters that Miranda sends literally flying between Burr and Hamilton on stage. Burr demanded a disavowal, received none, challenged to duel, Hamilton accepted. Hamilton left the attached statement of his motives should he not survive.

Miranda gave flight to Hamilton's ambition with the line, I am not throwing away my shot. I suspect that Miranda drew inspiration from this very missive, one of Hamilton's last, for that repeating line and metaphor in his show. For the letter itself brings us full circle to the sad end of Hamilton's life, where in it, he writes, I have resolved, if our interview is conducted in the usual manner, and it pleases God to give me the opportunity, to reserve and throw away my first fire. And I have thoughts even of reserving my second fire, and thus giving a double opportunity to Colonel Burr to pause and reflect.

Hamilton and Burr closed their letters with the usual formality of the day. I have the honor to be your obedient servant. Hamilton also left another letter, that letter you see on your screen, that morning for Eliza, closed with a variation he always used for her. This letter, my very dear Eliza, will not be delivered to you unless I shall have first terminated my earthly career to begin, as I humbly hope for redeeming grace and divine mercy, a happy immortality.

Adieu, best of wives and best of women. Embrace all my darling children for me. And we know that this letter was delivered later that day to Eliza.

And with that, we are on to a final cycle of songs, songs of legacy. As the bullet flies towards Hamilton, time stops in the show. He reflects on the nature of his legacy, still in rhyme, but more in the form of free association.

Legacy, what his legacy? It's planting seeds in a garden you never get to see. I wrote some notes in the beginning of a song someone will sing for me. America, you great unfinished symphony you sent for me.

I think that the speech, "National Greatness" captures it. Gouverneur Morris was one of Hamilton's close friends. He of course has the coolest names of all of the framers.

He's credited with drafting the preamble. He was on the committee of style that reduced the convention debates to its first draft, and he was an early senator from New York when he wrote the attached speech. We are close to the true source and principle of national greatness.

It is in the national spirit. It is in that high, haughty, generous, and noble spirit, which prizes glory more than wealth and holds honor dearer than life. It is that spirit, the inspiring soul of heroes, which raises men above the level of humanity.

When this spirit prevails, the government, whatever its form, will be wise and energetic, because such government alone will be borne by such men. I anticipate the day when to command respect in the remotest regions, it will be sufficient simply to say, I am an American.

The final song opens. Every other founding fathers story gets told. Every other founding father gets to grow old. When you're gone, who remembers your name? Who keeps you aflame? Who tells your story?

Hamilton wrote to his friend, Gouverneur Morris, two years before the fatal encounter with Burr. He understood what he had created, he realized all that he had lost, and he knew the hard feelings that he had left in his turbulent wake. Mine is an odd destiny.

Perhaps no man in the United States has sacrificed or done more for the present Constitution than myself. Contrary to all my anticipations of its fate, as you know from the very beginning, I am still laboring to prop up the frail and worthless fabric. Yet, I have the murmurs of its friends, no less than the curses of its bows, for my rewards. What can I do better than withdraw from the scene? Every day proves to be more and more that this American world was not made for me.

Who lives? Who dies? Who tells your story? Perhaps-- the show opens with a reference to divine providence in that opening question. And perhaps, it was divine providence that led Lin-Manuel Miranda to pick up a copy of Ron Chernow's biography when he headed off on vacation in 2008, trying to come up with a follow-up to the Tony award that he had just won for his first musical, *In The Heights*.

Regardless, one thing that we know is that the story of genius has never been told so well as when it was in the hands of genius. And now, it's been told in a way that Hamilton, the man and the musical, will never be forgotten. Thank you very much for being here with me today.

I hope that we have time for a few questions. Let me figure out how to stop the share on my screen here. All right. Chloe, are you back?

INTERVIEWER: I am. Yes. We do have a few questions in the queue, so we'll try to do a couple of those with the five minutes that we have remaining.

JUDGE Right.

CHARLES

ESKRIDGE:

INTERVIEWER: The first question says, Lin-Manuel Miranda's thesis for *Hamilton* centered around how Hamilton's work ethic is what brought him from an orphan in the Caribbean to a founding father. What do you think contributed to his success, and what lessons can we learn from him as soon-to-be lawyers?

JUDGE You know, I do relate it to the Rules for Philip Hamilton, when Hamilton said, as I just, read law constantly and do little else. Hamilton was a serious scholar. I mean, I think that the reading material available on the island of Nevis was not extensive, and I imagine he got his hands on every little bit of it, and read it, and committed it to memory.

CHARLES

ESKRIDGE:

When I teach Origins of the Federal Constitution, I simply said, if you want to learn about it, you have to read the original source documents. It's a large amount, but it is a finite amount of material. You don't have to read it all. But it's the fact of having the discipline to immerse yourself in a concerted way that really does make the difference.

INTERVIEWER: Great. The next question says, I have been really impressed with the musical's ability to greatly increase the modern public's knowledge about Hamilton, the man, and the boost to his popularity it's brought. What other founding father would you like to most see in Lin-Manuel's next musical?

JUDGE Yeah. I wonder if Lin-Manuel is going to return to a founding father again. I just don't know. I hear that he has become friends with Weird Al Yankovic, who's also good with the turn of phrase, and they may be working on something together. Who knows?

CHARLES

ESKRIDGE:

But he's obviously ambitious. If he returned to founding fathers, from my course of what I've read, Benjamin Franklin is genuinely an interesting and eclectic person. And it would be-- there would be a lot of wild moments that would be able to be recounted over a very lengthy career, beginning back really at least by the 1750s, and taking America through so many things, to being one of the elder statesmen at the Constitutional Convention. I believe by that time, he was 79 or 80 and was quite infirm. He's obviously interesting.

I don't know much about the personal history of George Mason. I do know that of the materials that I use in my course, his writings are exemplary. But I just don't know if the drama of that would stand up.

I mean, really, I've read that what grabbed Miranda was the fact of thinking about modern life and what it's like in the city, to then have a character back at the founding days he's reading about, that's then engaging in gun battles on the street and in the hotness of the temper that way, that he's able to see some parallels with modern times. Hamilton was a bit of a hothead that way. I don't know if that type of tension translates as well with some of the others.

INTERVIEWER: Yeah. It'd be tough to find a narrative as interesting as Hamilton--

JUDGE And I would say, give one to Abigail Adams. I mean, I think that would be great.

CHARLES

ESKRIDGE:

INTERVIEWER: Absolutely. The next question says, do you have a favorite Federalist Paper?

JUDGE I don't. Federalist 78 for defense of Article III is obviously a very popular one for judges, and it is well-reviewed.

CHARLES Instead of-- they are very specific on defending specific components of the Constitution. I do think that some of

ESKRIDGE: the earlier ones, though, that are setting up the bigger picture-- here is what the nature of the fight is about. Here's the crisis that we are facing.

Those, I think, are really interesting, just in terms of setting up what's on their minds and the principles and what the government needs to do. After that, it becomes fairly modular. It's like, we need to defend and explain every provision of the Constitution. And at the same time, you know, it was set up to be only a series of 25 letters.

It ended up being, I think, 81, because so many excellent anti-Federalist papers were being written, that they're then responding in real time to publications by Federal Farmer, by Cincinnatus, by An Old Whig, by Brutus, Cincinnatus, others like that. And so it becomes a dialogue between them.

INTERVIEWER: OK. We have time for one more quick question. It says, there are different theories on the significance of Eliza's gasp at the close of the musical, and I was wondering whether you had any theory on what it means.

JUDGE I don't. And I've been fortunate to see the show several times live, and I have seen the really excellent version

CHARLES that streams on Disney Plus. And I remember-- because I don't think that, on the soundtrack, that gasp is there in

ESKRIDGE: conclusion.

And I noticed it, and it startled me, and I've wondered about what it is, other than the fact that she's, of course, you know, in the midst of grieving heavily from where it follows. But through the sweep of that song, they've moved it along and actually sort of-- we talked about the rest of her life, and she lived decades longer. So I'm not sure what the mystery of that is.