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# Mass Humanities

A Publication of the Massachusetts Foundation for the Humanities Spring 2007

## Talking Turkey

A conversation with the author of *Mayflower*

### FALL SYMPOSIUM VIEWABLE ON LINE

The Foundation's 2006 symposium, *The Least Dangerous Branch? Liberty, Justice, and the United States Supreme Court*, brought a distinguished group of legal scholars, jurists, and journalists together for a series of timely and provocative conversations at Boston College on October 21. Participants included David Greenberg, Renee Landers, Richard Posner, Jeffrey Rosen, Akhil Reed Amar, Marci Hamilton, Mary-Rose Papandrea, Lincoln Caplan, Jack Goldsmith, Anthony Lewis, Dahlia Lithwick, and Randall Kennedy. The entire symposium can be viewed on line (in three 45-minute sessions) at [frontrow.bc.edu](http://frontrow.bc.edu).

### BIG SCREEN, SMALL SCREEN

Peter Miller's film *Sacco and Vanzetti*, funded in part by the Massachusetts Foundation for the Humanities, will have a theatrical release in New York in March and Los Angeles in April. MFH co-sponsored two SRO screenings of the film in August and September of 2006 and another seven screenings at the Boston Museum of Fine Arts in January.



Sacco and Vanzetti, Art by Ben Shahn © Estate of Ben Shahn, licensed by VAGA, New York, NY

*Front Wards, Back Wards*, a film about the Fernald Center, formerly the Fernald State School for the Feeble-Minded, will air on WGBH-TV and other public television stations in May. Produced and directed by William Rogers with partial funding from the Massachusetts Foundation for the Humanities, the one-hour documentary explores the history of the first public facility in the state and in the nation for people



Five Simpletons, Clinical photograph from the Fernald Institution, circa 1920. Courtesy of The Massachusetts Archive

In December 2006 the *New York Times* chose Nathaniel Philbrick's *Mayflower: A Story of Courage, Community, and War* as one of the ten best books of the year. This spring Penguin will publish both a paperback edition of *Mayflower* and *The Mayflower Papers: Selected Writings of Colonial New England*, edited by Nathaniel and his father Thomas Philbrick.

The Foundation's Associate Director, Ellen K. Rothman, interviewed Philbrick from his home on Nantucket by e-mail.

**Ellen K. Rothman:** The book has been very popular among general readers. Every other person on the beach last summer was reading it. You are a gifted storyteller, but there must be something more that accounts for this. There is no cannibalism here as there is in your previous book, *In the Heart of the Sea*. What do you think it is?

**Nathaniel Philbrick:** Over the last few years, there has been a tremendous interest in the Founding Fathers. I think *Mayflower* may have appealed to many of those readers. But I also think *Mayflower* is, in many ways, a kind of Trojan Horse—it takes the reader who might be looking for an inspirational book about the beginning of America to a very different place. It's hardly a feel-good book about the past, and I have been genuinely surprised by its popularity.

**EKR:** Was *Mayflower* always the title you had in mind? It probably accounts in part for the "Trojan Horse" effect but I wonder if you had any reluctance about using it? After all, the book, as the subtitle (*A Story of Courage, Community, and War*) makes clear, isn't really about the *Mayflower*.

**NP:** *Mayflower* was the book's working title from the start, although I must admit to having concerns about it. In the end, I couldn't come up with a better alternative so we went with *Mayflower*.

**EKR:** The book has been widely praised, but it has also drawn fire from some quarters. I'm thinking of Harvard historian Jill Lepore's review [published in the April 24, 2006 *New Yorker*]. Did you expect to come in for criticism? What is your response to it?

**NP:** Jill Lepore's chief criticism of *Mayflower* was that I based my account of King Philip's War on the narrative of Benjamin Church, which she dismissed as unreliable since it was written with the assistance of his son well after the war. Church is a major source in my book, but he is by no means the only source.



From the beginning of my research, I was careful to contextualize his account with other published and unpublished sources from the war, including histories by Hubbard and Mather; narratives by Mary Rowlandson, Thomas Wheeler, and others; and letters from a wide variety of correspondents, including William Bradford, Jr., who writes in detail about Church in a little-known July 1676 letter to John Cotton. What impressed me was how even those who clearly didn't like Church very much (such as Bradford) corroborated his account.

**EKR:** What about the fact that that Church's narrative appeared 40 years after the conflict as filtered through his son?

**NP:** Church's narrative is much more than the untrustworthy "as told to" ramblings of an old man. As he explains in a foreword to his book, the narrative was composed with the help of his field notes from the war. As a result, there is a specificity and level of detail that is unmatched in any other narrative from the conflict. It's also one of the few accounts we have from a participant in the actual fighting, and Church was no ordinary participant: he was there at the beginning in Swansea, at the Great Swamp Fight, and at the death of Philip in Mount Hope. Yes, Church's narrative was written decades after the events it describes, but so was Thomas Nickerson's account of the sinking of the *Essex*, the event at the center of my earlier book *In the Heart of the Sea*. With that book I did not uncritically accept Nickerson as a source; I examined his narrative in the context of the existing evidence, just as I did with Church's account of King Philip's War.

**EKR:** Some native readers and scholars of Native American history have faulted you for not consulting modern-day Native oral traditions to counter the racist biases contained in seventeenth-century English sources. How did you approach what you knew would be a problem with the inevitable biases in the sources you were using?

**NP:** Prior to beginning work on *Mayflower*, I spent four years researching and writing *Abram's Eyes* (1998), a book about the Native legacy of my adopted home, Nantucket Island. While working on that book, I consulted Wampanoags throughout southeastern Massachusetts, in particular the late Russell Gardner, who was then the Wampanoag tribal historian. That experience gave me a deep

# Message From the President

I am deeply honored to have been elected President of the Board of the Massachusetts Foundation for the Humanities. It is an organization whose mission I truly cherish, whose staff and fellow board members I respect and admire, and whose constituents—the residents of the Commonwealth—I feel fortunate to serve. Most of you reading this are already aware of the Foundation's many achievements and ongoing activities, but I think the times ahead present important new challenges and with them opportunities for involvement.

The Commonwealth marked a turning point with the recent election. Although the election of our first African American governor is certainly an important event, it is the means by which that election took place and the spirit of the new administration that hold the most promise for those interested in the public humanities. The campaign itself and the governor's continuing interest in civic engagement dovetail perfectly with the Foundation's mission to use the humanities to enhance and improve civic life in Massachusetts.

Of course we at the Foundation have long recognized the need for and benefits of a fully engaged citizenry. We know that voting is a critical and necessary, but not sufficient, measure of that involvement. Participating in community life, engaging in public discussion and debate, learning more about who we are and what defines us—these are important forms of civic engagement that the Foundation facilitates throughout the year, across the Commonwealth.

I look forward in the next two years to continuing the Foundation's commitment to bringing ideas to life, with a particular concern for those to whom conventional means of access are limited or foreclosed. This means not only such established programs as the Clemente Course in the Humanities, but also new programs like the PRIME TIME family literacy program, co-sponsored by the Urban League of Eastern Massachusetts and the Boston Public Library.

Of particular concern to me is the age distribution of participants in our programs. In a state that has turned its back on a civics curriculum in the public schools, it is incumbent on the rest of us to find ways to engage young people in the critical questions that face us as a community, the answers to which define us and future generations. The Freedpeople Project, an after-school program launched earlier this year and cosponsored by the Foundation, the New Democracy Coalition, and the City of Boston uses the history of the Civil Rights Movement to develop leadership skills among high school students in Roxbury and Dorchester.

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As regular readers of *Mass Humanities* may recall, fellow board member Frank Sousa, Director of the Center for Portuguese Studies and Culture at UMass/Dartmouth, MFH Executive Director David Tebaldi, and I were fortunate enough to visit Portugal last summer. We were invited to Lisbon by the Luso-American Foundation to explore possible ways of collaborating on projects that would highlight contributions to the humanities by the Commonwealth's increasingly dynamic Portuguese-speaking community and enhance that community's civic engagement. Tentative plans call for a major symposium on contemporary Portuguese-American literature this fall, followed by a series of mini-symposia in five cities with large ethnic Portuguese populations.

As president of the MFH board, I look forward to working with our talented staff and my dedicated colleagues on the board to realize these goals over the next two years. I encourage you to join us in this important work. Here are some things you can do:

*Attend our programs;*

*Apply for a grant;*

*Visit our web site and share your ideas about improving civic life through the humanities;*

*Make a charitable donation to the Massachusetts Foundation for the Humanities.*

I invite you to consider additional ways to promote the public humanities and remind you that in doing so you not only fulfill the Foundation's mission but respond as well to Governor Patrick's challenge to enhance and improve civic engagement in Massachusetts.

David J. Harris

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The Massachusetts Foundation for the Humanities promotes the use of history, literature, philosophy and the other humanities disciplines to deepen our understanding of the issues of the day, strengthen our sense of common purpose, and enrich individual and community life. We take the humanities out of the classroom and into the community.

The Massachusetts Foundation for the Humanities, a private, nonprofit, educational organization, receives funding from the National Endowment for the Humanities; the Massachusetts Cultural Council, a state agency; and private sources.

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appreciation for the one-sided nature of the documentary record. I also came to realize that oral traditions inevitably evolve to reflect the times and needs of each generation, and in *Mayflower* I was writing about events that had occurred almost 20 generations (or four hundred years) ago. From the start I decided to base my book on the written record, but I also resolved to pay special attention to contemporaneous written accounts that were more likely to reveal a Native perspective. For example, there was the narrative of Thomas Morton, who had an excellent relationship with the Massachusetts Indians and who was no fan of the Pilgrims, and the testimony of a Praying Indian who served as a spy during King Philip's War, among many other sources. I also looked to Wampanoag oral traditions that had been recorded in the 17th and 18th centuries, as well as to archeological evidence. *Mayflower* is about the interaction of two very different peoples, and I have attempted to balance both perspectives. Anyone who is a partisan of any single group is going to be critical of what I've written. There are also plenty of Pilgrim descendants/exponents who have claimed that *Mayflower* favors the Native Americans at the expense of the English.

**EKR:** *The New York Times* called the book "absorbing," which it certainly is, and "a model of revisionism." I wonder about that a bit. There is no doubt that you are revising the Pilgrim story those of us over 30 learned in school, but is there a sense in which you may have reinforced the notion, embedded in the old-fashioned telling, that the Wampanoags suffered defeat, and near extinction, because they failed to accept what the English were offering them?

**"I also think *Mayflower* is, in many ways, a kind of Trojan Horse—it takes the reader who might be looking for an inspirational book about the beginning of America to a very different place."**

**NP:** As I say in the preface to *Mayflower*, we've inherited two competing versions of the history of Plymouth Colony: the old view of the Pilgrims as heroic saints, and the newer view of them as evil empire builders who did their best to annihilate the Native Americans. I think both versions are oversimplifications that do not pay proper attention to the impact that individuals, English and especially Native, had on the course of events in Plymouth Colony. In this regard, I'd say that *Mayflower* is attempting a kind of dual revisionism.

**EKR:** You say that "it is deeply ironic that the document many consider to make the beginning of what would one day be called the United States [i.e. the Mayflower Compact] came from a people who had more in common with a cult than a democratic society." Can you explain how a document written, as you so aptly say, "with a crystalline brevity" and as an "act of coolheaded and pragmatic resolve" under fairly dire circumstances became such a seminal text?

**NP:** I think it's important for people to realize that the Mayflower Compact is not the U.S. Constitution *in utero*. In reality, it did nothing to change the form of government any of the *Mayflower* passengers had known back in England. What the compact did do was address an ever-widening divide among the passengers. About half of them were Puritan Separatists who had lived as religious exiles in Leiden, Holland; the other half were members of the Church of England who had been recruited in London and were referred to as "the Strangers" by the Leideners.

**EKR:** How did these two very different groups get along?

**NP:** The two factions don't seem to have liked each other very much, and as the ship approached New England, the Strangers announced that once they reached land they would go off on their own. To prevent this, to pull this already divided group together, they drafted and signed the Mayflower Compact, in which both Leideners and Strangers agreed to submit to the laws enacted by their duly elected civil officials. For the Puritan separatists, who had come to define themselves as a people apart, this was an important acknowledgment that others must be accommodated if they were to have any hope of survival. The compact was a critical first step in making the future success of the settlement possible. Because of that, I do think it ranks as a "seminal American text," even if it wasn't the precursor to the American democratic system that some have since claimed it to be.

**EKR:** Did you know much about King Philip's War before you started working on *Mayflower*? Had you ever heard of Benjamin Church?

**NP:** Before moving to Nantucket in 1986 I lived for two years in Wrentham, Massachusetts, a town where stories of King Philip's War are still very much alive, and that's when I first learned about Benjamin Church. Once we moved to Nantucket, I began to research the history of the island and soon learned that Philip had visited Nantucket prior to the war. It was with my work on *Abram's Eyes* in the mid-1990s that I returned to Church's narrative and discovered many of the other sources I ended up using in *Mayflower*. The idea of *Mayflower* had been germinating for quite a while before I began work on the book, and from the beginning I knew I was going to focus on William Bradford and Benjamin Church.

**EKR:** You characterize the years from 1620 to 1675 as a period "of struggle and compromise—a dynamic, often harrowing process of give and take." You credit Massasoit and Bradford for this time of peace and argue that "war came to New England because two leaders—Philip and his English counterpart, Josiah Winslow—allowed it to happen." Can you elaborate?

**NP:** Relations between any two groups have a lot to do with the personal relationship between the two groups' leaders, and Philip and Winslow despised each other. Even though Philip clearly had grave misgivings about going to war in the spring of 1675 (as is made clear by a letter from the Quaker John Easton and other testimony), Winslow's actions during the trial for the murder of John Sassamon gave him no other choice if he was going to maintain control of his increasingly indignant warriors. If Winslow and Philip had made efforts to communicate directly with one another instead of allowing ever-mounting anger and fear to dictate the course of events, I think war, at least in the short term, could have been avoided. That's what you see Bradford and Massasoit doing over and over again in the preceding decades, with the sensitive handling of the murder trial of Arthur Peach in 1638 being a prime example.

**EKR:** Even if Philip and Winslow had followed the example of the earlier generation of leaders, how long do you think the English and the Native people could have avoided open conflict?

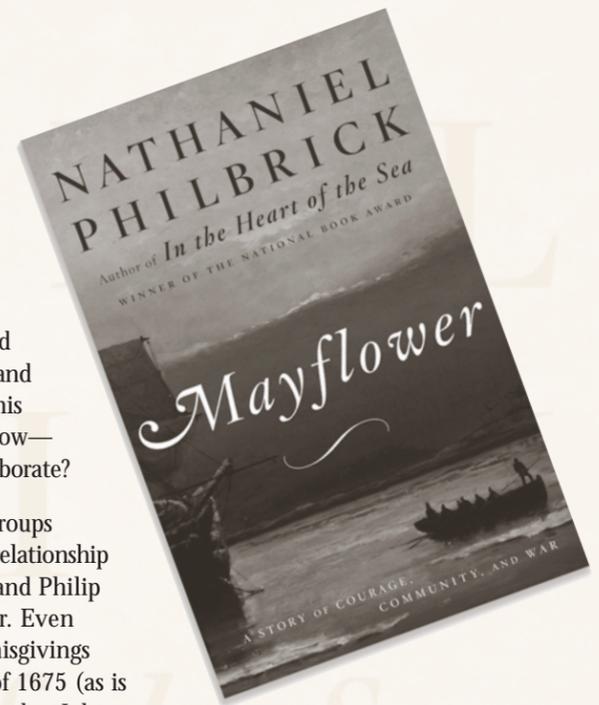
**NP:** We will never know, of course, but if (and this is a big if) the English leadership of Plymouth Colony had acknowledged that continued Indian land sales, although legal by their own standards, were placing Philip and his people in an untenable situation that endangered the safety of everyone in the colony, I think war might have been avoided. Given the subsequent history of the United States we have a tendency to see all European-Native conflicts as destined to happen, but that's not how the English and Native people in Plymouth Colony in 1675, who had known more than a half-century of peaceful coexistence, saw it.

**"I think it's important for people to realize that the Mayflower Compact is not the U.S. Constitution *in utero*. In reality, it did nothing to change the form of government any of the Mayflower passengers had known back in England. What the compact did do was address an ever-widening divide among the passengers."**

**EKR:** The Foundation's current initiative is "Liberty and justice for all." We are interested in the fact that we are still debating what "liberty" and "justice" mean and "how we can best realize the fundamental human values they express." Reading *Mayflower*, I found myself wondering if the English colonists and the Native Americans could ever have agreed on the meanings of "liberty" and "justice." What do you think?

**NP:** The Enlightenment notions of the Founding Fathers were not part of the Puritans' worldview. They came to America not for religious freedom but to worship God as they pleased and did their best to persecute those, such as the Quakers, who had other ideas. When it came to the Puritans' interaction with the Native Americans, I think it's safe to say that the two groups never came to understand each other terribly well. The process that Richard White describes in his book about native-European relations in the Great Lakes, *The Middle Ground*, in which mutual but often very workable misunderstandings were the norm, also prevailed in Plymouth Colony. That's where diplomacy comes in: Different peoples don't have to necessarily agree on the meaning of the terminology, but they do need to agree to respect each other's cultural integrity. Otherwise it comes down to war.

**EKR:** Many readers have been struck by the parallels between the atrocities committed by both the English and the Natives, who saw King Philip's War as "a holy war," and what is going on in the Middle East today. Jill Lepore would disagree. She concludes her review by



# FOUNDATION NEWS



Marching 2. Clinical photograph from the Fernald Institution, circa 1900. Courtesy of The Massachusetts Archive

labeled mentally retarded. Founded in 1848, Fernald now has just over 200 residents. Front Wards, Back Wards tells their stories and the stories of the hundreds of people who lived and worked at Fernald throughout its long history.

## MFH WELCOMES NEW MEMBER

As one of his last official acts as Governor, Mitt Romney appointed Alexa Boer Kimball, MD, MPH, to the Foundation's board of directors. Dr. Kimball is Director of the Clinical Unit for Research Trials in Skin based at Massachusetts General and Brigham and Women's



Hospitals, and Assistant Professor at Harvard Medical School. She received her medical degree from the Yale University School of Medicine after obtaining bachelor's degrees in Molecular Biology and in Public and International Affairs at Princeton University. Following her residency at the Stanford University School of Medicine, Dr. Kimball completed a clinical research fellowship at the National Institutes of Health in Bethesda, Maryland, concurrently receiving a Masters in Public Health from the Johns Hopkins School of Public Health. Her numerous publications, which cover topics ranging from physician workforce to the impact of chronic skin disease on quality of life, have appeared in journals such as the Archives of Dermatology, Arthritis and Rheumatism, and the British Journal of Dermatology. She is also the author of the book 101 Questions and Answers about Psoriasis.

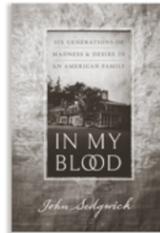
## FORMER BOARD MEMBER HONORED

Congratulations to Peter S. O'Connell, a member of the MFH board from 1996 to 2002, who received the 2007 Commonwealth Award Medal for Individual Achievement at the State House on March 7, 2007. The state's highest honor in the arts, humanities, and sciences, the Commonwealth Awards have been given every other year since 1993. They are co-sponsored by the Massachusetts Cultural Council and the Massachusetts Foundation for the Humanities and underwritten by Bank of America. Peter spent 24 years in the Museum Education Department at Old Sturbridge Village and a decade leading the Tsongas Industrial History Center in Lowell. He was recognized for his work building bridges between cultural institutions and communities, especially schools. The other 2007 winners were The Revolving Museum in Lowell (Community); Cyberarts Festival of Boston (Creative Economy); Ploughshares of Boston (Cultural Organization); and Express Yourself of Peabody (Education).



## NEW BOOKS BY FOUNDATION BOARD MEMBERS

Board member John Sedgwick's newest book, *In My Blood: Six Generations of Madness and Desire in an American Family*, was published in February 2007. This extensively researched, highly readable "family biography" interweaves the author's own story with that of his once-eminant Massachusetts family. Two-thirds of the book is devoted to the Sedgwicks who lived in Berkshire County in the late eighteenth and nineteenth centuries. While less well known to modern readers than the tragic life of John's first cousin, Edie Sedgwick, Andy Warhol's "It girl," the stories of Judge Theodore Sedgwick; his daughter, the writer Catherine Maria Sedgwick; Atlantic editor Ellery Sedgwick; and other members of the earlier generations



make for fascinating if often painful reading. The family's propensity for writing — only the Adamses have a larger collection than the Sedgwicks at the Mass Historical Society — makes it possible to trace the impact of mental illness on this talented family.

Are We Rome? The Fall of an Empire and the Fate of America by Cullen Murphy will be published by Houghton Mifflin this spring. Murphy looks at how the Roman Empire confronted a number of key challenges—or failed to, glean important lessons for our own "empire." Four similarities stand out: the insular culture of the Roman capital and Washington, DC; the debilitating effects of government corruption; the paradoxical issue of borders; and the weakening of the body politic through privatization. Cullen Murphy is Editor At Large for Vanity Fair, former Managing Editor of The Atlantic Monthly, and the author of three previous books: Rubbish: The Archaeology of Garbage, Just Curious: Essays, and The Word According to Eve. For nearly twenty years he has written the text of the internationally recognized comic strip Prince Valiant. Cullen has been a member of the Foundation board since 1999.



## COLLOQUIUM ON CONTEMPORARY PORTUGUESE AMERICAN LITERATURE

On Saturday, September 22, 2007, the Foundation will host a colloquium on contemporary Portuguese American literature at the John F. Kennedy Library in Boston. The colloquium will bring four critically acclaimed writers together with scholars, teachers, librarians, and interested members of the general public for an afternoon of conversations about literature and the performance of a play adapted from Charles Felix Reis's memoir of growing up in New Bedford, *Through a Portagee Gate*. The featured writers include Katherine Vaz (*Saudade, Mariana*), Erika de Vasconcelos (*My Darling Dead Ones, Between the Stillness and the Grove*), Frank X. Gaspar (*Leaving Pico, A Field Guide to the Heavens*), and Julian Silva (*The Gunnysack Castle, Before the Revolution*).

In the months following the colloquium, the Foundation will collaborate with libraries in five cities across the state to offer reading and discussion programs featuring books by these four writers. This project is generously supported by a grant from the Luso-American Education Foundation.

## Featured Grant

# Teaching Law Where it's Practiced: Theatre Espresso's Uprising on King Street

By Hayley Wood

**"I like when they ask us about how we feel about the man, if he was guilty or not. I like that we were able to vote and our votes counted to them."**

Student comment on Uprising on King Street: The Boston Massacre

At the beginning of the second year of its two-year residency at the John Adams Courthouse in Boston, Theatre Espresso is engaging students in grades 5-12 with the history of the Boston Massacre through its latest interactive play, *Uprising on King Street*. The residency is supported by a Massachusetts Foundation for the Humanities "Liberty and Justice for All" grant.

The fifteen-year-old theatre company has four other plays in its repertoire that cover such topics as the Fugitive Slave Act, Japanese internment during World War II, the Salem witch trials, and Reconstruction. *The Trial of Anthony Burns* recently had a two-year run at the Moakley U. S. Courthouse, followed by a residency at Orchard House (the Alcott House) in Concord. All of the plays are interactive; the young audiences participate by playing group roles, such as those of jurors.

On a rainy day in November it was obvious to this audience member that participation is key to intellectual engagement with historical events and characters, legal concepts, and the concept of justice. I witnessed a fidgety group of sixth graders morph into attentive and engaged viewers as the skilled cast, changing characters and costumes from scene to scene, conveyed the tale of John Adams's 1770 defense of the British Colonel Preston, whose soldiers fired on Boston mob that was taunting his regiment in an event that became

known as the Boston Massacre. Did he command them to fire? If he didn't, was he still, as Colonel, responsible for the deaths of five Bostonians? Should Adams, who opposed the British military presence in Boston, have agreed to defend Preston? Is violence ever necessary to keep the peace? How does one cope with conflicting testimony from witnesses? These were central questions that the play posed to the group. In their roles as jurors, students had an opportunity to question the actors playing John Adams, Colonel Preston, and the prosecutor. Following the lively Q&A, an actor judge took the floor, explaining that it was time to vote on Colonel Preston's guilt or innocence. After taking a few more questions from the students, the judge asked for a show of hands for the two possible verdicts. The "jurors" found Preston innocent, but it was close.

All of Theatre Espresso's plays are about raising questions; they also provide well-researched historical information that adds solid context to each performance. Period costumes are of high quality, and dialogue is often based on primary sources such as letters, actual trial transcripts, and diaries. The company's cofounder and artistic director, Wendy Lement, notes that "determining a central question" is the keystone to developing a play. "We try to develop a question that is complex—something that students will need to grapple with. In Theatre Espresso's dramas, the students are placed in decision-making roles, and the central question determines the decision they are asked to make."

With the goals of providing vivid experiences for young audiences, imparting history, and conveying issues of social justice, the company uses artistic and educational techniques known in the field as "drama-in-education." Drama-in-education, which began and continues to thrive in England, utilizes scripted material, improvisation, and audience participation. The performers are known as "actor-teachers." In character as state senators, Supreme Court Justices, members of Congress, or jurors, students rise to the occasion, asking questions and asserting their ideas about the issues raised by the plays. There couldn't be a clearer example of training children to think critically.

Theatre Espresso provides teachers with study guides and pre- and post-performance lesson plans both to prepare



the students for the compression of complex historical information presented in the plays and to deepen the educational impact of the theatrical experience. At the John Adams Courthouse, an exhibition of documents and images relating to John Adams is currently on display. Students tour the exhibit after the performance, having become acquainted with John Adams the person, the Boston resident, the principled lawyer who provided counsel to a member of an occupying force whose presence in Boston he opposed. Empirical evaluation research suggests that drama-in-education programs teach more effectively than traditional means. Student evaluations consistently demonstrate that the students enjoy their active roles and appreciate off-the-page contact with historical information.

Straight-up history is one educational component of the work of Theatre Espresso. More abstract notions of social justice are introduced by inviting participants to exercise judgment and vote on an outcome—one that may or may not be what happened in history. Such creative approaches to active learning let students know that they have an ongoing role in determining the meaning of justice in their society. As Superior Court Judge John Cratsley emphasized in a post-performance conversation with the students, being a juror is a civic responsibility that each student will likely experience as adults. The Massachusetts Foundation for the Humanities is gratified to assist with training young critical thinkers who will one day become guardians of the ideal "liberty and justice for all."

# The Least Dangerous Branch?

## LIBERTY, JUSTICE, AND THE U.S. SUPREME COURT

Before an audience of several hundred scholars, journalists, lawyers, students, and the general public, on October 21, 2006, some of the country's best and most acute observers of the "least dangerous branch," as Alexander Hamilton referred to the U.S. Supreme Court, met to consider the court's current state and recent course. Guided by moderators Jeffrey Rosen (professor of law at George Washington University and legal affairs editor of *The New Republic*), Lincoln Caplan (former editor of *Legal Affairs*), and Randall Kennedy (Michael R. Kline Professor of Law at Harvard Law School), the exchanges were lively, collegial, and occasionally disputatious. This was the Foundation's third annual public symposium hosted by Boston College; previous topics were "Presidential Reputations," in 2004, and "The Legacy of the Voting Rights Act of 1965," in 2005. The event may be viewed in full at [www.bc.edu/frontrow](http://www.bc.edu/frontrow). A sampler follows.

## What Makes a Justice a Good Justice?



### "The culture has extolled expertise"

David Greenberg

Our notions of what makes a great justice and who should be chosen for the Supreme Court have changed throughout history. In any era, a good mind and legal record have been important, but only in the last 30 or 40 years have the circuit courts—especially the

D.C. Circuit Court—become the breeding ground. If you look at the great justices of the 20th century, there are many who did not have experience on the circuit courts—including Hugo Black, Earl Warren, Harlan Stone, and Oliver Wendell Holmes.

The résumés of candidates for the Supreme Court have tended also in the past 40 years to vaunt extensive experience on the faculties of the very top law schools. I'm not saying that isn't reasonable, but it is different from how it was in other times. Since the Progressive Era, really, the culture has extolled expertise in all the professional realms—medicine, history, academia, and so on.

There are different kinds of justices. Do you highly rate a judge because his lone dissent is brilliant, or because he or she writes an opinion that's a little less brilliant but somehow manages to get four others to agree with it? Both are valid criteria. Justice William Brennan's particular talent was for cobbling together majority positions through personal warmth and cajoling. Antonin Scalia is by many accounts quite cordial and civil to his fellow justices in person, but his temperament as expressed in his written opinions probably cost him the Chief Justice post.

The public image of justices is important. If a justice or a judge is giving political speeches and participating in fundraisers, a point can be reached at which the public will cease to have confidence in his or her impartiality, open-mindedness, and intellectual humility.

And yet, we're in an age of populist style, where presidents half the time don't wear suits and ties but sweaters, and the idea is to seem as much like an ordinary citizen as possible. There is a way in which a justice's reputation may be harmed if he or she is seen as too much the expert, too much of the ivory tower.

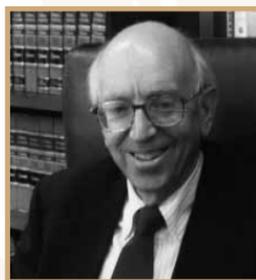
David Greenberg is a professor of history and of journalism and media studies at Rutgers University, and the author of *Nixon's Shadow: The History of an Image* (2003).

### "How cloistered the current justices are"

Judge Richard A. Posner

The Supreme Court is a political court, and what one wants on such a court is primarily people who have worldly experience and diverse perspectives. It's remarkable how cloistered the current justices are.

They have very limited experience when you compare them to someone like Robert Jackson, a Supreme Court justice in the 1940s and early 1950s, a confidant of President Roosevelt who'd been Solicitor General of the United States and U.S. Attorney General, chief prosecutor at Nuremberg as well as a practicing lawyer. He'd never gone to law school. He was very smart but also very experienced, and it shows in his opinions.



I'll give an example of what I regard as an extremely dumb Supreme Court decision: *Clinton v. Jones*. That's the case in 1997 in which President Clinton was asking for temporary immunity from the sexual harassment suit brought by Paula Jones until his term of office was over. The delay would have been two years. The Supreme Court turned him down, unanimously. Speaking of cloistered, they didn't realize how explosive a sex case against a president would be, that all sorts of terrible things could happen. It was after Clinton was turned down for immunity that he was deposed by Paula Jones's lawyers and lied, and impeachment ensued. The country didn't need this.

One of the problems with conventional legal reasoning, which I regard as largely nonsense, is that it convinces some judges that they have the keys to knowledge of the universe. They come down on one side of a case and they know they're right because they've used some rigorous method that resembles logic or scientific experimentation. You'd like to have justices who are practical and can see train wrecks coming, who have a kind of intellectual suppleness that enables them to deal with a fact-specific case, to distinguish between a sex case against a President and a breach of contract.

Judge Richard A. Posner sits on the U.S. Court of Appeals for the Seventh Circuit and served as that court's chief judge from 1993 to 2000. He clerked for Justice William Brennan, Jr., has taught at the University of Chicago Law School since 1969, and is the author of *Preventing Surprise Attacks: Intelligence Reform in the Wake of 9/11* (2005).

### "Cases, not abstract legal issues"

Renée M. Landers

Thinking about the place of doing justice in a justice's job, two Supreme Court opinions come to mind. A recent example is from a case in 2006, *Burlington Northern and Santa Fe Railway v. White*, about whether Title VII of the Civil Rights Act prohibits employers from retaliating against workers who bring discrimination claims. In the opinion for the court, which ruled unanimously, Justice Stephen Breyer expressed concern that if an employee could be penalized in the short term by termination or suspension without pay—even if the employee was ultimately paid—workers might be deterred from bringing a discrimination claim. It was a comment about the justice of the case, with Breyer putting himself in the place of the worker trying to stand up for his or her rights.

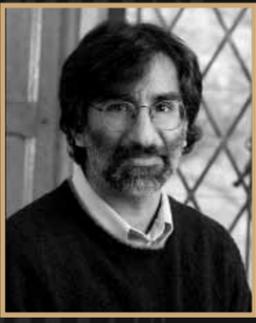
The other opinion that comes to mind is a dissent that Thurgood Marshall wrote in *The United States v. Kras*, in 1973. This case, decided 5 to 4, was about whether people who were indigent and could demonstrate that they were unable to pay the fees should be entitled to a waiver of bankruptcy court filing fees. The majority held no—that there is not a constitutional right to relief from one's debts in bankruptcy. Justice Marshall wrote that the members of the court might disagree about what the Constitution requires, but they should at least understand the impact of their decision on real people's lives.

Judges are not law professors, and courts are deciding cases, not abstract legal issues. Doing justice is an important consideration for judges.

Renée M. Landers JD'85 is an associate professor of law at Suffolk University Law School and served on the Massachusetts Commission on Judicial Conduct.



# What Makes a Decision a Good Decision?



## “A case that flunked several tests”

Akhil Reed Amar

From the founding to 1850, the U.S. Supreme Court invalidated one act of Congress. We all know the case—*Marbury v. Madison*, in 1803. At issue was one part of one sentence of a long statute dealing with the jurisdiction

of courts. William Rehnquist served as Chief Justice from 1986 to 2005; in the Rehnquist Court’s middle years, the Supreme Court was invalidating acts of Congress, on average, four times a year. Justice Antonin Scalia says Congress is passing a lot more unconstitutional laws today. Well, maybe, although an 18th-century Congress passed the Sedition Act making it a crime to criticize federal officials, and the Supreme Court didn’t strike that down.

In evaluating court decisions, the distinction of “judicial restraint” is generally held to be a good. But there are a number of meanings the term can have, pulling in different directions. It can refer to restraint vis-à-vis the will of the legislature, by which measure we have lately had an unrestrained court. It can mean restraint vis-à-vis the text and original understanding of the Constitution. Sometimes restraint in one direction rules out restraint in the other.

Another vision of judicial restraint centers on the cases previously decided by the court. When the court took up *Brown v. Board of Education* in the early 1950s, a precedent, *Plessy v. Ferguson* (1896), was still on the books. The Constitution mandated equality; *Plessy* winked at the facts and said that separate could be equal. The justices couldn’t do justice to both.

A case that flunked several tests of judicial restraint was *Bush v. Gore*, in 2000. The Constitution, I think, envisioned that the determination of an election so disputed would be given to Congress and the states. The court’s action was unprecedented, essentially saying to the lower courts, we’re not going to follow this decision in the future and don’t try this at home. Judge Posner has written that perhaps the opinion was pragmatically justified, because Florida’s courts and legislature, the U.S. House and Senate, and the country were divided. I might agree if the court’s decision had been unanimous rather than divided 5 to 4 along partisan lines. The justices flunked the test of partisan restraint, too.

*Akhil Reed Amar is the Southmayd Professor of Law at Yale Law School and the author of America’s Constitution: A Biography (2005).*

## “Where I can see the justices struggling”

Mary-Rose Papandrea

For a lower court judge, splintered Supreme Court decisions are the worst. And the worst of the worst are cases decided by plurality opinions where we cannot say with certainty that the court actually resolved an issue. The trial court judge is left to decide, do I follow the four votes, or maybe three votes, of the controlling plurality opinion? Do I take into consideration that the composition of the court has changed since the decision was rendered?



But is a unanimous decision—or the narrowest decision—necessarily preferable? For *Brown v. Board of Education*, it may have been. There certainly was a conscious effort by the court in that politically controversial case, in an increasingly polarized society, to have a unanimous decision. In the abstract, however, minimalism and unanimity are not virtues in and of themselves. When we have multiple opinions we see the process; we see the different justices working with and against each other. A vigorous dissent forces the majority to confront the points it raises. And if the majority doesn’t confront them, that says something, as well. As a law professor, I like the decisions where I can see the justices struggling.

Since *Brown*, or perhaps slightly before, courts have been popularly perceived as part of the political process, and the focus has been on judicial outcomes more than judicial process. Legislators keep the courts in mind from the start as they draft legislation. Opponents of the legislation begin thinking about where it will end up in the courts and how they will frame their case. As an attorney, Thurgood Marshall argued a series of cases in front of the Supreme Court prior to *Brown*, to prep the nation for the greater revolution that *Brown* brought. We see a similar strategy now within the gay rights movement as *Lawrence v. Texas* (2003)—in which the Supreme Court cited the 14th Amendment in overturning by 6 to 3 a state ban on certain same-sex sexual activity—was part of an effort to bring the issue to the Supreme Court rather than waiting to see what would happen in the more traditional political arena.

*Mary-Rose Papandrea is an assistant professor of law at Boston College Law School. She clerked for Justice David Souter.*

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*For Brown v. Board of Education, it may have been. There certainly was a conscious effort by the court in that*

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## “We will always have movement”

Marci Hamilton

The year that I clerked for Justice Sandra Day O’Connor, 1989–90, started with three cases on the docket that could have raised the question of whether *Roe v. Wade* (1973) was good law. They all settled. In that era, there were bags of mail outside Justice O’Connor’s office, thousands of letters telling her how to vote in support of *Roe v. Wade* or berating her to oppose it. Obviously, part of the court’s supposed politicization is coming from the public’s view of what the court ought to do.



Should we even care if a particular decision is the perfect outcome? In the United States, we work in incremental additions and judgments of the law. When a case is decided, the issue doesn’t disappear. It comes back up, and if the first decision was unworkable, the decision may well be modified. Maybe it will be modified in a worse decision. But we will always have movement, because this is a common law, case-by-case judicial system.

The case of *Miranda v. Arizona*, in 1966, which required police to apprise individuals in custody of their rights, is instructive. At first, conservatives were extremely unhappy, saying, how can you require that of the police? Yet, over time, *Mirandizing* became absorbed into the culture. At this point, your six-year-old can give you your rights. Decades later, Chief Justice Rehnquist had an opportunity to do what he said he’d wanted to do for years, which was to overturn *Miranda* because it represents an inappropriate exercise of judicial power with respect to local enforcement. And what did he do when given that opportunity? He wrote an opinion in which he said, you know what, *Miranda* is in place, it’s not so bad, it’s not hurting anybody, we all know what it is, so it stays.

In the larger system of common law, the courts reach a decision, then test it, and test it again. Even if *Miranda* seemed wrong at the time of the decision, the fact that it was so workable, and absorbed by the culture, shows that experience with a legal rule is crucial in fully assessing its positive and negative potential.

*Marci Hamilton holds the Paul R. Verkuil Chair in Public Law at Benjamin N. Cardozo School of Law, Yeshiva University. She clerked for Justice Sandra Day O’Connor, and is the author of God vs. the Gavel: Religion and the Rule of Law (2005).*

# The Supreme Court, Jurisprudence, and Presidential Power



## “A democracy-forcing rule”

Jack Landman Goldsmith

The three most important cases that the Supreme Court has decided with respect to the “war on terrorism” are:

- *Hamdi v. Rumsfeld* (2004), which held that the president had the power, pursuant to Congressional authorization, to detain an American citizen, Yaser Hamdi, allegedly a member of the Taliban captured on the battlefield in Afghanistan, until the end of

the Afghan conflict, but also that Hamdi had certain minimal due process rights in the determination of whether, in fact, he was an enemy combatant as asserted;

- *Rasul v. Bush* (2004), which held that the federal courts’ habeas corpus jurisdiction extended to the detainees on Guantanamo Bay;

- *Hamdan v. Rumsfeld* (2006), in which the court invalidated the Bush administration’s scheme for trying Guantanamo detainees employing military commissions, on the grounds that the president had not abided by the restrictions that Congress had put on the use of such commissions, including compliance with the laws of war.

In all three of these cases, the president ostensibly lost. But the court ruled on statutory grounds in a way that left the door open for him to go back to Congress for the authorization to do what he wanted to do. And so the Military Commissions Act, passed by Congress and signed on October 17, 2006, basically authorized the president to do most of what he had been doing in the absence of express Congressional authorization. Similarly in *Hamdi*, the habeas corpus case, the court ruled only on the statutory ground, leaving it to Congress to come back and say something different. (In fact, so minimal were the protections laid out by the court for Yaser Hamdi that with the passage of time the case doesn’t look like much of a rebuke to the administration, after all.) None of these decisions questioned the president’s power to detain enemy combatants during the conflict. None of them questioned the ultimate power to try them by military commission.

What the court did, especially in *Rasul* and *Hamdan*, was say to the president, you can’t do this on your own. It imposed what some people have called a democracy-forcing rule. And to the extent that the court has successfully forced Congress into the fray—in a way that the president didn’t and Congress itself didn’t—I think it has done a good job.

Jack Landman Goldsmith is the Henry L. Shattuck Professor of Law at Harvard Law School. He clerked for Justice Anthony Kennedy, was an Assistant Attorney General under George W. Bush, and is coauthor, with Tim Wu, of *Who Controls the Internet?: Illusions of a Borderless World* (2006).

## “The rock-bottom moment”

Dahlia Lithwick

There are a lot of nuanced places between a peacetime governmental system of checks and balances and the plenary power of the president in war. The position that the current administration takes is that the president answers to no one.

At oral argument in *Hamdi*, *Rasul*, and *Hamdan*, the justices, particularly the swing justices Sandra Day O’Connor and Anthony Kennedy, struggled with the solicitor general as if to say, give us something here, move an inch away from this notion that absolutely no check exists on the president in wartime. But invariably there was the sense from the Solicitor General that he would not give them that.

Probably the most important line penned in the war on terrorism has been Justice O’Connor’s in the *Hamdi* case: “A state of war is not a blank check for the president.” It’s the line we’re going to quote to our great-grandchildren some day. The court didn’t go far beyond that, however. It didn’t spell out exactly what due process meant in the Guantanamo cases, for instance. The problem was that Congress wasn’t doing its job, and what the court said was, catch up to the parade, Congress, and make some law. It was humble and minimalist and democracy-inspiring.

To me, the rock-bottom moment as a Constitutional matter came later, in fall 2006, when Senator Arlen Specter (R-Pa.) said he would not vote for a proposed compromise detainee treatment bill because it was unconstitutional and because it suspended rights that go back to the Magna Carta, and then voted for it, along with a lot of others in Congress who had staked out similar positions. The result was the Military Commissions Act, and of it Specter said, the Supreme Court will “clean it up.”

Dahlia Lithwick is a senior editor and legal correspondent for *Slate* magazine. She is coauthor, with Brandt Goldstein, of *Me v. Everybody: Absurd Contracts for an Absurd World* (2003).



“There are a lot of nuanced places between a peacetime governmental system of checks and balances and the plenary power of the president in war.”

## “Because this war may never end”

Anthony Lewis

Let’s remember what happened in *Hamdi* and its then companion case, *Rumsfeld v. Padilla*, in 2004.

In *Padilla*, the president was asserting the power to seize an American citizen in America, label that person an enemy combatant without any process whatever, detain that person for the rest of his life

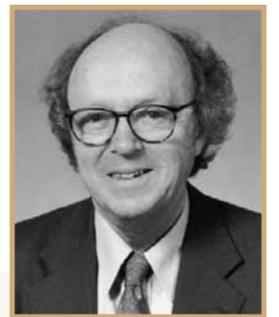
without a trial and without access to counsel, in a Navy brig under conditions that latterly, Padilla has asserted, were brutal, involving threats and beatings.

That is one of the most extreme situations encountered in this country in my lifetime. And I would say that it mattered that the Supreme Court, almost in passing, said in *Hamdi*, of course you’re going to give him counsel. In a couple of sentences near the end of her opinion, Justice Sandra Day O’Connor wrote, well, of course there’ll be counsel.

*Hamdi*, *Padilla*, *Rasul*, and *Hamdan* all come framed in a reality that’s quite different from that of any previous war we’ve fought. It’s different from the situation in World War II that produced *Ex Parte Quirin*, the case of the Nazi saboteurs who landed on Long Island in a submarine and whose trial by a military commission was upheld by the Supreme Court in 1942. It’s different from all of our other wars because this war may never end. This is a war against an inchoate bunch of people, terrorists, defined by our government. It will stop when some president says there’s no terror anymore, and I’m not sure I’m going to live to see that day.

In a war forever, the rules, legal theories, legislation, and processes for dealing with the law are more important than ever.

Anthony Lewis was for 32 years a columnist for the *New York Times*. He earned a Pulitzer Prize for his Supreme Court reporting for that paper in 1963, and his books include *Gideon’s Trumpet* (1964) and *Make No Law: The Sullivan Case and the First Amendment* (1992).



“Probably the most important line penned in the war on terrorism has been Justice O’Connor’s in the *Hamdi* case: “A state of war is not a blank check for the president.”

It’s the line we’re going to quote to our great-grandchildren some day.

# Humanities Calendar

All events are open to the public, and unless otherwise indicated, free.

 events or programs sponsored in part by the MFH

## Western Massachusetts

### **The Road to Freedom in Song and Story**

A concert of music of the Underground Railroad, performed by Greenfield Middle School students and the Amandla Community Chorus, enlivened by a dramatic historical characterization by LaWanza Lett-Brewington.

**When:** Tuesday, March 27, 7pm

**Where:** Greenfield Middle School

**Phone:** (413) 773-0268

### **Quilt Making and the Underground Railroad**

This lecture by Lindley Wilson, Bambi Miller, and Mary Boehmer will trace the development and traditions of quilt making from Africa to contemporary African American textiles, highlighting three contemporary Underground Railroad quilt projects created in the Town of Charlemont.

**When:** Wednesday, March 28  
6pm - 8pm

**Where:** Greenfield Public Library

**Phone:** (413) 773-0268

### **Destination Holyoke**

A series of exhibits and lectures examining the history of immigration and migration to Holyoke, spanning the variety of ethnic and cultural populations who have called the city home.

**When:** Wednesday, April 4, 6pm

*Susan Fliss, Research Librarian at Dartmouth College, presents "Survivance: French-Canadian efforts to preserve religion, language, and culture in late nineteenth-century Holyoke."*

**Cost:** \$3, free to History Ticket holders

**When:** Friday, April 20, noon

*Eric Weber presents a slideshow of stereoscope photos on the Mill River Flood.*

**Cost:** \$3, free to History Ticket holders

**When:** Wednesday, April 25, 6pm

*The Mill Story Circle program presents oral histories of life in the mills.*

**Cost:** \$5

**When:** Wednesday, May 2, 6pm

*Scholar Ted Belsky talks about the Progressive Movement and Holyoke Gas & Electric.*

**Cost:** \$3, free to History Ticket holders

**When:** Wednesday, June 6, 6pm

*Smith College's Ginetta Candelario will speak on the effect of racism on Latino immigrant/migrants' lives.*

**Cost:** \$3, free to History Ticket holders

**Where:** Wistariahurst Museum

**Web:** [www.wistariahurst.org](http://www.wistariahurst.org)

**Cost:** Varies depending on event; call or go to website for more information.

**Phone:** (413) 322-5660

### **Geography as Destiny!**

Ted Belsky, Professor Emeritus of History at American International College, presents a talk examining settlement and economic development along the Connecticut River from the late 18th century to the present. A discussion will follow.

**When:** Wednesday, April 11, 7pm

**Where:** Coolidge Museum, Forbes Library, Northampton

**Web:** [www.forbeslibrary.org](http://www.forbeslibrary.org)

**Phone:** (413) 587-1011

### **Visions of America**

Patriotic images of American history and heroes are on view in the exhibition Liberty and Justice: American Ideals Portrayed by Currier & Ives. Before the era of photography and mass media, the images produced by the firm of Currier & Ives, "printmakers to the people," created a visual history for the American people.

**When:** Through Sunday, July 8

**Where:** Museum of Fine Arts, Springfield

**Web:** [www.springfieldmuseums.org](http://www.springfieldmuseums.org)

**Cost:** Museum admission  
Adults, \$10; seniors/students, \$7; children 3-17, \$5;  
Children 2 and under, free

**Phone:** (800) 625-7738

## Southeastern Massachusetts

### **Plimoth Plantation**

The venerable living history museum opens for the season.

**When:** March 24

**Where:** Plimoth Plantation, Plymouth

**Web:** [www.plimoth.org](http://www.plimoth.org)

**Cost:** Varies, check website or phone for more information.

**Phone:** (508) 746-1622

### **Pilgrim Monument Centennial**

The 100th anniversary of the laying of the cornerstone for the Pilgrim Monument and Provincetown Museum.

**When:** Monday, August 20

**Where:** Pilgrim Monument & Provincetown Museum

**Web:** [www.pilgrim-monument.org](http://www.pilgrim-monument.org)

**Phone:** (508) 487-1310

## Northeastern Massachusetts

### **Making Leather; Living Life: Peabody's Leather Workers**

Exhibit based on interviews with leather workers active in the heyday of Peabody's leather industry.

**When:** Friday, June 1, to Sunday, September 30

**Where:** George Peabody House Museum, Peabody

**Web:** [www.georgepeabodyhousemuseum.org/](http://www.georgepeabodyhousemuseum.org/)

**Phone:** (978) 531-0355

## Greater Boston

### **Kennedy Library Forums**

The renowned public affairs lecture and discussion series returns.

**When:** Sunday, April 1, 3pm

2007 PEN Hemingway Awards, keynote by Pulitzer Prize-winning author Edward P. Jones (*The Known World*).

Monday, June 18, 5:30pm

The Art of Entertaining, in conjunction with the exhibit Jacqueline Kennedy Entertains: The Art of the White House Dinner (opening in April), Judith Martin, a.k.a. Miss Manners, and Ellen Goodman, Pulitzer Prize-winning columnist for The Boston Globe, will present.

**Where:** John F. Kennedy Library, Boston

**Web:** [www.jfklibrary.org](http://www.jfklibrary.org)

**Cost:** Free, but registration is strongly encouraged

**Phone:** (617) 514-1643

### **Cambridge Forums**

A series of public discussions featuring scholars examining Constitutional principles through a contemporary lens. All talks are followed by a question and answer session with the audience, and are recorded for future broadcast on NPR affiliates.

**When:** Wednesday, April 4, 7:30 pm

*Iraqi diplomat and author Ali A. Allawi on "Entangling Alliances for a Global Gendarme"*

**When:** Wednesday, April 25, 7:30 pm

*Attorney Jerry Cohen on Habeas Corpus and the Military Commissions Act of 2006*

**When:** Wednesday, May 9, 7:30 pm

*Author and former federal prosecutor Elizabeth de la Vega discusses the impeachment process.*

**Where:** First Parish Church, Cambridge

**Web:** [www.cambridgeforum.org](http://www.cambridgeforum.org)

**Phone:** (617) 495-2727

### **Dred Scott v. Sandford**

National conference commemorating the 150th anniversary of *Dred Scott v. Sandford* with Supreme Court Justice Stephen Breyer.

**When:** April 6-7

**Where:** Charles Hamilton Houston Institute for Race and Justice

**When:** April 7, 2pm

### **A mock trial, or "Reconsideration of Dred Scott V. Sandford"**

**Where:** Ames Courtroom (Austin Hall, HLS)

**Web:** [www.charleshamiltonhouston.org](http://www.charleshamiltonhouston.org)

**Phone:** (617) 495-8285

### **Facets of Mount Auburn**

A lecture series on the history of varying yet integral components of the Mt. Auburn Cemetery.

**When:** Tuesday, April 10, 6pm

*Horticulturist and author Daniel J. Hinkley presents a talk on the influence of Asian horticulture on Western landscapes, such as Mount Auburn.*

**When:** Tuesday, April 24, 6pm

*Panelists Scott Weidensaul and Norman Smith, and moderator Wayne R. Petersen, present The Pleasure, Art and Science of Birding.*

**Where:** Rabb Auditorium, Boston Public Library

**Cost:** Free, but registration encouraged

**Web:** [www.mountauburn.org](http://www.mountauburn.org)

**Phone:** (617) 607-1995

### **Katherine Vaz Reading**

Katherine Vaz, Portuguese American author of *Fado & Other Stories* and the novel *Mariana*, will read from her current work. The reading will be followed by a wine and cheese reception.

**When:** Wednesday, April 11, 3:30pm

**Where:** The Fellowship Program Office, Bunting Institute Quad, Radcliffe Institute for Advanced Study

**Phone:** (617) 495-8601

### **Emerson Family Lives**

Ralph A. Bosco and Joel Myerson, two of the country's preeminent scholars on the lives of Ralph Waldo Emerson and his family, present a lecture on the legacy of the Emersons in the Commonwealth.

**When:** Tuesday, May 8, 6:30pm

**Where:** Massachusetts Historical Society, Boston

**Web:** [www.masshist.org](http://www.masshist.org)

**Cost:** Free, but participants must register.

**Phone:** (617) 536-1608

**E-mail:** [rsvp@masshist.org](mailto:rsvp@masshist.org)

### **Historic House Tours of Stonehurst**

Guided tours of 1886 historic house designed by H.H. Richardson and F.L. Olmsted for philanthropist Robert Treat Paine.

**When:** Thursdays and Fridays at 1pm, 2pm and 3pm; first Wednesday of each month at 1 pm, 2pm and 3 pm.

**Where:** Stonehurst, The Robert Treat Paine Estate, Waltham

**Web:** [www.stonehurstwaltham.org](http://www.stonehurstwaltham.org)

**Cost:** Adults, \$7; seniors, \$6, students, \$4

**Phone:** (781) 314-3290

### **Colloquium on Contemporary Portuguese American Literature**

The Colloquium will bring four critically acclaimed writers together with scholars, teachers, librarians, and interested members of the general public for an afternoon of conversations about literature and the performance of a play adapted from Charles Felix Reis's memoir of growing up in New Bedford, *Through a Portagee Gate*.

**When:** Saturday, September 22

**Where:** John F. Kennedy Library, Boston

**Web:** [www.jfklibrary.org](http://www.jfklibrary.org)

**Phone:** (617) 514-1643



### Humanities Calendar

Wk	M	T	W	T	F	S	S
13						1	2
14	3	4	5	6	7	8	9
15	10	11	12	13	14	15	16
16	17	18	19	20	21	22	23
17	24	25	26	27	28	29	30

## Publicize Your Humanities Event

Do you have a humanities event coming up? If your event is open to the public and held in Massachusetts, go to our website at [www.mfh.org](http://www.mfh.org) and submit your event via the online form. Your information will be reviewed for possible inclusion on our website and in our print newsletter.

**“ I don’t think the past exists behind a metaphoric pane of glass; it is an ongoing part of the present, and we are living its legacy every day. I see nothing wrong with readers finding parallels between what happened in seventeenth-century New England and today. ”**

saying “the ways of the Puritans are not our ways, their faith is not our faith. And their wars are not our wars.” How would you respond?

**NP:** It’s true that people’s cultural norms and religious beliefs change over time, but there are certain dynamics of human behavior that are universal—one of which is war. That’s why military academies find value in studying the history of warfare even though the technologies have so radically changed. I think it’s safe to say that we as Americans must claim ownership of some sort when it comes to the wars in Iraq, Viet Nam, Korea, World Wars I and II, the Indian Wars of the West, the Civil War, and the American Revolution. They are “our wars” and helped determine the development of the United States. To exclude King Philip’s War from this list because it was fought by Puritans who had different religious beliefs from us today is, I think, to miss the point. That war had a deep and lasting impact on the region, especially when it came to the lives of New England’s native peoples. I don’t think the past exists behind a metaphoric pane of glass; it is an ongoing part of the present, and we are living its legacy every day. I see nothing wrong with readers finding parallels between what happened in seventeenth-century New England and today. As far as I’m concerned, that’s what the study of history is all about.

**EKR:** One cannot help but notice that Americans read very little history produced by academic historians. *The Washington Post Book World* suggested that readers welcome the “emphasis on narrative and lucid prose” they find in the kind of “popular history” you and other non-scholars write. Certainly, there are academic historians who tell a good story in graceful prose. John Demos and David Hackett Fischer, both of whom I studied with in graduate school, come to mind. Who would be on your list?

**NP:** When it comes to academic historians (for whom I have nothing but immense respect), both Demos and Hackett Fischer would certainly be on that list, along with Joe Ellis, Patricia Limerick, Richard Slotkin, Gordon Wood, and Simon Schama.

**EKR:** You deserve a softball question or two: What’s your next project? Can you imagine NOT writing about the sea?

**NP:** Although I’m known for books about New England and the sea, I grew up in Pittsburgh, Pennsylvania. Long before I began to even think about sailing ships, whales, and Pilgrims, I was fascinated by my hometown’s rivers and the history of the west. My lifelong interest in riverboats has led me to my next topic, the Battle of the Little Big Horn. But that’s another story. . .

**EKR:** I’m sure I’m only one of countless readers who can’t wait. Thanks, Nat.

For more information about Nathaniel Philbrick and his work, go to <http://www.nathanielphilbrick.com/>

**Suggested readings**

*King Philip’s War: The History and Legacy of America’s Forgotten Conflict*, by Eric B. Schultz and Michael J. Tougas (The Countryman Press, 1999). Includes a guide to sites associated with the conflict.

*King Philip’s War in New England, 1675-76*, by James Drake (University of Massachusetts Press, 1999).

*A Little Commonwealth: Family Life in Plymouth Colony*, by John Demos (Oxford University Press 1999).

*Mourt’s Relation: A Journal of the Pilgrims at Plymouth* (Applewood Books, 1986).

*The Name of War: King Philip’s War and the Origins of American Identity*, by Jill Lepore (Knopf, 1998).

*Of Plymouth Plantation: Along With the Full Text of the Pilgrims’ Journals for Their First Year at Plymouth*, by William Bradford (Xlibris, 2006).

“Plymouth Rocked: Of Pilgrims, Puritans, and professors,” review by Jill Lepore, *New Yorker*, April 24, 2006.

*Memory’s Nation: The Place of Plymouth Rock*, by John Seelye (University of North Carolina Press, 1998).

# Surfing The Humanities:

## Plimoth

Plantation is well respected for its living history educational program and its commitment to accuracy in the depiction of Plymouth Colony in the 1620s. While it might seem surprising that a museum that portrays life in the 17th century would have a great website, [www.plimoth.org](http://www.plimoth.org) is just that, augmenting the museum’s mission with an engaging and instructive online experience.

The Plimoth website provides the background needed for a fuller experience at the plantation. You can begin by brushing up on your history with articles on topics ranging from traditional Wampanoag crafts to the Mayflower Compact to whether or not popcorn was served at the first Thanksgiving (probably not). Kids are put to the test through features like the “You are the Historian” interactive game, in which students take on the role of historical researcher.

Plimoth.org also has extensive resources for people organizing a visit to any one of the museum’s three sites. A virtual tour and detailed map help visitors plan their trip through the 1627 Pilgrim Village, Hobbamock’s (Wampanoag) Homesite, and the *Mayflower II*. Of particular interest is a section on cultural sensitivity, which helps break down the stereotypes of “Pilgrims” and “Indians” and prepares the visitor for a more complex examination of ethnic identity.

Overall, what may account for Plimoth’s longstanding status as one of the country’s premier living history museums is its ability to stimulate learning long after the visit is over. Resources for students, teachers, and families abound online and underscore the Plantation’s dedication to experiential education. Indeed, the Plimoth Plantation website is so comprehensive and thoroughly researched that the only thing it cannot provide is a visit to the museum itself. Spend long enough clicking through the online resources, and you may well find yourself packing the car and heading for Plymouth.

Note: Plimoth Plantation opens for the season on March 24, 2007.



[www.massmoments.org](http://www.massmoments.org)

an electronic almanac of massachusetts history

Mass Moments, the Foundation’s electronic almanac of Massachusetts history, includes a number of stories about events that figure in Nathaniel Philbrick’s *Mayflower*. All of these “moments” appear in Teacher’s Features, the new section of the website designed especially for K-12 teachers, [www.massmoments.org](http://www.massmoments.org)

### November 26, 1970: First “National Day of Mourning” Held in Plymouth on this day...

...in 1970, a group of Native Americans attending a Thanksgiving feast in Plymouth walked out in protest. The Indians and their supporters gathered on a hill overlooking Plymouth Rock near a statue of Massasoit, the Wampanoag leader who had greeted the *Mayflower* passengers 250 years earlier.

### December 13, 1621: The Fortune sails from Plymouth to England on this day...

...in 1621, the ship *Fortune* set sail from Plymouth. The arrival of the vessel two weeks earlier — sent by the English investors who had funded the *Mayflower* colonists— should have been a cause for celebration. But for the Pilgrims, *Fortune* was poorly named. The ship brought 35 new settlers, but none of the expected supplies.

### June 24, 1675: King Philip’s War Breaks Out on this day...

... in 1675, Wampanoag warriors killed seven colonists in Swansea in retaliation for a series of injustices suffered at the hands of the English. This raid is generally considered the beginning of King Philip’s War, a bloody conflict that would involve every New England colony and all the peoples of the Algonquian nation.

## Collecting and Interpreting the Recent Past

A Conference for Massachusetts History Organizations  
Co-sponsored by  
the Massachusetts Foundation for the Humanities and  
the University of Massachusetts Amherst  
Program in Public History

**Monday, May 21, 2007**

9:00 am – 3:00 pm

Martin Institute at Stonehill College  
Easton, MA

**Keynote speaker: Steven Lubar,**

Professor, *American Civilization and History*,  
Director, John Nicholas Brown Center for the Study of  
*American Civilization* at Brown University, and author of  
*Legacies: Collecting America’s History* at the Smithsonian.

Workshops on oral history, inclusive exhibits,  
landscape preservation, digital media, non-traditional formats,  
industrial history, 20th century material culture.

Detailed program is online at [www.mfh.org/masshistory](http://www.mfh.org/masshistory)  
Space is limited; to register, go to website  
\$ 40.00 including lunch. (\$25.00 for students with ID)

# Recent Grants

## WESTERN MASSACHUSETTS

**\$5,000 to the Wistariahurst Museum in Holyoke** towards implementation of three exhibits (in a series of four) on the history of immigration and migration to Holyoke.



By the 1880s, Holyoke, known as the Paper City, was a booming industrial center. Immigrants from Ireland, French Canada, Italy, Germany and Poland, along with migrants from Puerto Rico, helped develop the city into a successful industrial city, along with contributing to a complex set of cultural patterns. Courtesy Wistariahurst Museum.



In this photo, immigrants from the German steamship Princess Irene disembarked at a Manhattan pier in 1911. Photograph courtesy of Holyoke Heritage State Park.

**\$3,700 to The Mount in Lenox** for a five-day Berkshire County teachers' workshop on the reading and writing of poetry.



Poetry books from Edith Wharton's personal library, which recently returned to The Mount. Photograph by David Dashiell

**\$5,000 to the Massachusetts Quilt Documentation Project in Ware** to underwrite professional photography and permissions costs for a book that will document and interpret Massachusetts quilts.



Pieced cotton quilt, c. 1890, by Frances Clarke Westergren (1861-1936), a homeopathic doctor and artist in Boston in the late nineteenth century. Presently owned by Frances Collison of Barrington, Rhode Island.

Pieced cotton quilt by Nellie Edna (Grotto) Towne (1881-1961) of Gloucester. It has its original blue ribbon attached to it from the Essex Grange Fair, c. 1935.



Pieced cotton quilt with the names of all the U.S. Presidents. Made by German immigrant Gertrude Mielke Carr of Easthampton for a contest connected to the New York World's Fair of 1939.

**\$7,612 to the Greenfield Human Rights Commission** for a range of activities to celebrate, and educate the community, about the city's role in the Underground Railroad.



The Slave in 1863, a lithograph by William A. Stephens. Courtesy of the Library of Congress.

## CENTRAL MASSACHUSETTS

**\$5,000 to the Henry Lee Willis Community Center in Worcester** for an exhibition of African sculpture and a series of lectures and workshops in the 2007 African American Festival Series.

Sculpture of the Standing woman, The Dan of Liberia, West Africa. Woman with two long tightly braided horn-like braids, a hairstyle worn by a mature woman who conducted the rites of passage process for young women of the Dan people. Courtesy of Willis Center Cultural Institute



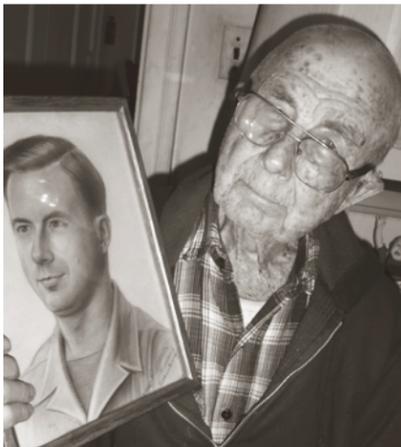
**\$3,675 to the Franklin D. Roosevelt American Heritage Center Museum in Worcester** for an afternoon program combining a living history presentation on Eleanor Roosevelt with a cantata based on her life and writings.



Elena Dodd portraying Eleanor Roosevelt. Courtesy of Elena Dodd.

## NORTHEASTERN MASSACHUSETTS

**\$3,915 to the George Peabody House Museum in Peabody** toward the costs of collecting oral histories from leather workers and using them as the basis for an exhibit.



Former Peabody leather worker Joseph Karpicz, 92, looks at a picture of himself painted when he was a military cook during World War II.

**\$3,413 to the Witch House in Salem** to subsidize an expansion of the museum's family-oriented program series on colonial life.



Participants are encouraged to learn traditional skills with the help of historic reenactors at the Hearth and Field Day at Salem's Witch House. Courtesy the Witch House.

**\$4,000 to the Lynn Museum and Historical Society** to videotape oral history interviews with 15 Soviet immigrants living in Lynn and to develop materials for an exhibition based on the interviews.

A propaganda poster from Stalinist Russia – the caption translates to: The People and the Army Unite! Courtesy Lynn Museum and Historical Society.



## SOUTHEASTERN MASSACHUSETTS

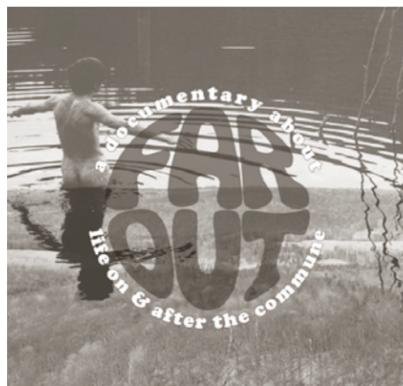
**\$6,500 to Bristol Community College in Fall River** to underwrite a series of workshops that will familiarize teachers with five new Sourcebooks published by the college's Teaching American History project staff.

**\$5,000 to the Town of Provincetown** to produce a short film augmenting an exhibit on the Grand Banks schooner Rose Dorothea; the centennial of the schooner's victory in the Boston-Gloucester Fisherman's Race will be celebrated in 2007.



Rose Dorothea, captained by Marion Perry, winning the Boston-Gloucester Fishermen's Race in 1907 as part of Boston's Old Home Week Celebration. The Rose Dorothea was skippered by Capt. John Watson, a young yachtsman, for the race. Note broken foretopmast. Photo credit: Peabody Museum, Salem, MA

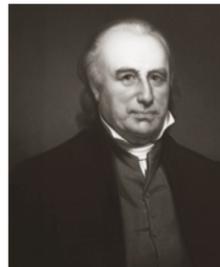
**\$10,000 to the Center for Independent Documentary in Sharon** to develop a treatment and trailer for a documentary on two communes in Montague, Massachusetts and Guilford, Vermont.



Title screen from Far Out: Life On and After the Commune. Courtesy GMP Films.

**\$5,000 to the Rotch-Jones-Duff House in New Bedford** to support the design and installation of an exhibit on the Rotch family and its role in New Bedford's whaling industry.

A Rembrandt Peale portrait of William Rotch, Jr. from the Collection of the Old Dartmouth Historical Society - New Bedford Whaling Museum.



**\$4,870 to the Hull Lifesaving Museum** to install a permanent exhibit on the history of the coastal lifesaving station whose headquarters the museum now occupies.



Massachusetts Humane Society Volunteer Crew in the Surboat Nantasket, Hull

**\$1,000 to the Middleborough Historical Association** to conduct research on the life of Lavinia Warren Bump (1840-1920) and her husband, circus performer Tom Thumb.

Mr. and Mrs. Tom Thumb (Charles and Lavinia Stratton) with baby. The couple never had a child, and this borrowed baby was placed in the photo by P.T. Barnum for publicity. Lavinia writes about her objections to this stunt in her autobiography. Courtesy Middleborough Historical Association.



## GREATER BOSTON

**\$5,000 to the Bostonian Society** to convert three small galleries into hands-on interactive exhibits about the history of the Old State House.



"Life-sized" depictions of the lion and unicorn that decorate the Old State House welcome visitors to an interactive exhibit on the building's history.

**\$8,450 to Cambridge Forum** for a series of public programs in which scholars will examine contemporary challenges to the ideals of liberty and justice and engage in discussion with the audience.

**\$5,000 to the Gore Place Society in Waltham** to support the production and dissemination of elementary and middle school curriculum materials on the Federal Period of U.S. history.

Photo right: View of Drawing Room, Gore Place. Photo, courtesy Gore Place Society.



Photo below: South Façade of Gore mansion. Photo by William Owens.





North Façade of Gore mansion. Photo by William Owens.

Photo Right: From portrait by John Trumbull. Courtesy Gore Place Society.



Photo Left: From portrait by John Trumbull. Courtesy Gore Place Society.



\$10,000 to Boston College for pre-production funding of a documentary film on the legacies of the Korean War.



Korean refugees struggle to board a Christmas Day train going south from Seoul. Many clamber on top of the cars with their belongings. December 25, 1950. Hulton-Deutsch Collection/CORBIS

\$1,000 to the Natick Historical Society to inventory extensive image collections in an effort to develop an exhibit of "then and now" photographic images of the city.



Main Street in Natick Center circa late 1860s. These buildings were destroyed in the 1874 fire that devastated the town center. Courtesy of the archives of the Natick Historical Society.

OUTSIDE MASSACHUSETTS

\$10,000 to Northeast Historic Film in Bucksport, ME, to support research of the Massachusetts-based portion of a documentary on efforts to revive the languages of four New England Native American groups, and to produce a script and trailer.

\$10,000 to Women Make Movies in New York, NY, for pre-production of a documentary exploring the social and spiritual impact of English colonization on eastern Indians from the perspectives of their living descendants.



Alice Lopez and Michael N. Granger photographed at a frozen Iron River in Dartmouth, MA. They wear traditional winter clothing. This photograph depicts two Wampanoag leaders contemplating the changes in their traditions, lifestyle, government, and settlement that will manifest with European colonization. Photography Credit: Ann Tweedy



Members of the Wampanoag Community in traditional dress rendered as an oil painting from a digital film still. Women's roles in Native society were drastically altered by colonization as European society did not recognize their importance as leaders. In many Native nations, it was the elder women who had the final say in important decisions. Photography Credit: Ann Tweedy



Gun with Beads: Wampum fashioned into belts and jewelry had far more significance than the rough currency for which the Europeans used it. The dark and light purple and white colorings all had traditional significance. European demand and use for wampum created an imbalance between native nations - those with access to the shells and those without. Photography Credit: Elizabeth Perry

\$10,000 to Kovno Communications in Berkeley, CA, for a feature-length documentary on Daniel Ellsberg, the whistleblower who released the Pentagon Papers.

A still from The Most Dangerous Man in America: Daniel Ellsberg speaks to reporters.



GRANT CATEGORIES

Current guidelines and application forms for MFH grants can be obtained by returning the form above, telephoning either of the Foundation's offices, or downloading materials from our website. You must be a nonprofit organization, or have a nonprofit fiscal sponsor, to be eligible for funding.

Northampton (413) 584-8440 Metro Boston (617) 923-1678

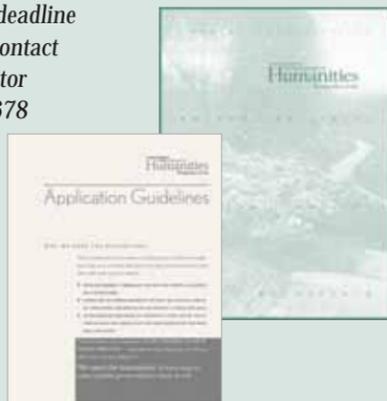
Project Grants

In most cases, the maximum amount of a project grant will be \$5,000. Projects responding to our current theme, "Liberty and justice for all," projects that qualify for special cultural economic development funds, and pre-production media projects may receive up to \$10,000.

Proposals are due at the Northampton office on the first business day of May, August November and February. A draft proposal must be submitted at least 15 days before the final deadline. Applicants must consult with Ellen Rothman (for most grant categories) in the Watertown office before submitting a draft. Notification is within 90 days of the deadline.

Scholar in Residence & Research Inventory Grants

These programs, designed to improve the presentation of history in historical organizations, are administered by the Foundation. May 15th and January 15th are the deadlines for RIG applications. SIR grants have only one deadline per year, March 15th. Applicants must contact the Foundation's Local History Coordinator at localhistory@mfh.org or (617) 923-1678 before submitting a proposal. Guidelines are available at www.mfh.org.



Please help us continue our work.

Name \_\_\_\_\_ (as you wish it to appear in acknowledgments)

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Contribution

\_\_\_ I wish my gift to remain anonymous.

\_\_\_ Payment of \$ \_\_\_\_\_ is enclosed.

(Please make check payable to: Massachusetts Foundation for the Humanities.)

\_\_\_ I wish to pay by credit card. Check one:  Mastercard  Visa

Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_

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Information Requests

\_\_\_ Please sign me up for MFH eNews, your quarterly electronic newsletter.

\_\_\_ I have a friend who should know about the Foundation. Please add her/his name to your mailing list.

\_\_\_ Please send me Project Grant Guidelines

\_\_\_ Please send me information on the Scholar in Residence Program/Research Inventory Program

\_\_\_ I am a humanities scholar and would like to participate in Foundation supported public humanities programs. Please contact me.

Mail this form to: Massachusetts Foundation for the Humanities 66 Bridge Street • Northampton, MA 01060 or fax to (413) 584-8454

## *The Fourth Annual* Commonwealth Humanities Lecture

Please join us on March 29, 2007 for the Fourth Annual Commonwealth Humanities Lecture

### *Ordinary Liberties: What Freedom Means to Americans and Its Consequences*



*presented by*

**Orlando Patterson**

*John Cowles Professor of Sociology, Harvard University*

7:30 PM • National Heritage Museum • Lexington

Co-sponsored by the Massachusetts Foundation for the Humanities and MassINC, publisher of *CommonWealth* magazine, the Commonwealth Humanities Lecture honors an outstanding Massachusetts scholar or writer who has made a significant contribution to public understanding of contemporary issues or civic affairs in Massachusetts.

This year's Commonwealth Humanities Lecturer is Orlando Patterson, John Cowles Professor of Sociology at Harvard University and the award-winning author of groundbreaking studies in the sociology of slavery and the sociology of freedom including *Freedom: Freedom in the Making of Western Culture*, *The Ordeal of Integration*, and *Rituals of Blood*, among other works.

A frequent contributor to the *New York Times* op-ed page, and a true public intellectual, Professor Patterson has also written three novels and numerous anthologized short stories and critical essays.

The lecture will be followed by a reception. Admission is free, but seating is limited. Pre-registration is strongly recommended. To register, call (617) 742-6800 x120 or e-mail [rsvp@massinc.org](mailto:rsvp@massinc.org).

