

## The Twenty-Second through Twenty-Seventh Amendments

### Amendment XXII

SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

*Proposed by Congress March 21, 1947; ratification completed February 27 and declared March 1, 1951.*

### Amendment XXIII

SECTION 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

*Proposed by Congress June 17, 1960; ratification completed March 29 and declared April 3, 1961.*

### Amendment XXIV

SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice

President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

*Proposed by Congress August 27, 1962; ratification completed January 23 and declared February 4, 1964.*

### Amendment XXV

SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

SEC. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is

unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

*Proposed by Congress July 6, 1965; ratification completed February 10 and declared February 23, 1967.*

#### **Amendment XXVI**

SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

*Proposed by Congress March 23, ratification completed July 1 and declared July 5, 1971.*

#### **Amendment XXVII**

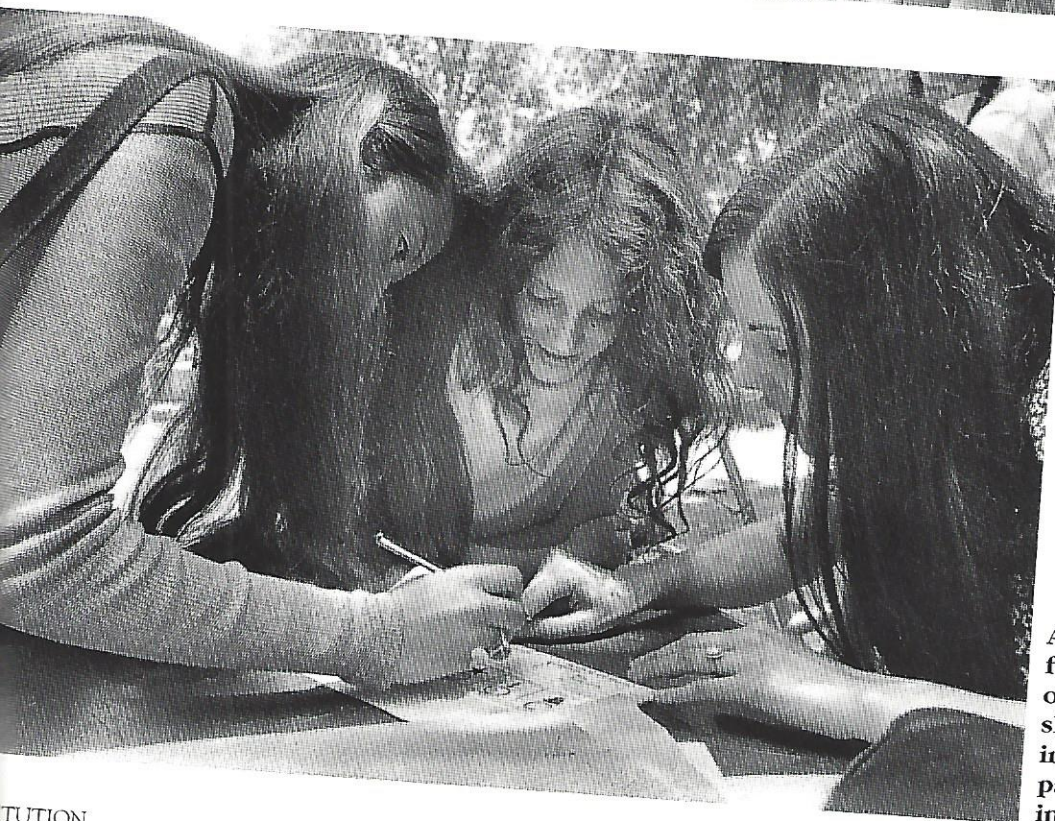
No law, varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

*Proposed by Congress September 25, 1789; ratification completed May 7 and declared May 18, 1992. □*



AP/Wide World Photos

**Above: Recovering from gallbladder surgery in 1965, Lyndon Johnson confers with Vice President Hubert Humphrey.**



**At a 1971 voter's fair, a 19-year-old (far left) is shown how to indicate her party preference in registering.**

# A Select Bibliography of the Founding Era

by Gaspare J. Saladino

In the years between 1776 and 1791—known as the Founding Era—Americans embraced constitutionalism. They demanded that constitutions be written that protected their rights and liberties and promoted republicanism and federalism. Their demands were met by the bold, creative men who drafted the state constitutions, the Articles of Confederation, the Constitution and the Bill of Rights.

A vast literature has been written on this era and its great constitutional documents, from differing points of view. Before discussing that literature, it is important to understand the approach of each school of interpretation.

The Progressive historians, who contend that economic interests govern man's worldview and political behavior, dominated the first half of the 20th century. They were convinced, in the words of Vernon L. Parrington, that the Founding Era embodied "a struggle between the spirit of the Declaration of Independence and the spirit of the Constitution, the one primarily concerned with the rights of man, the other more practically concerned with the rights of property." During and after the War of Independence, an "internal revolution" occurred, in which the lower classes sought greater democracy and challenged the ruling elite (who thought that the people who owned the country ought to run it). Charles A. Beard, in *An Economic Interpretation of the Constitution of the United States* (1913), powerfully expresses this view; but its fullest expression appears in Merrill Jensen's *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution, 1774–1781* (1940) and *The New Nation: A History of the United States During the Confederation, 1781–1789* (1950).

By mid-century a competing historical view emerged. Some scholars saw the founders' need to establish consensus as the most important factor in the creation of what was essentially a prosperous, democratic and class-

less society; conflict and interests existed, but men were governed primarily by principles, values and ideas. An outstanding example of this school, called the "consensus" school, is Edmund S. Morgan's *The Birth of the Republic, 1763–1789* (1959; 3rd ed., 1992).

During the mid-1960s other historians identified the era's political culture as a synthesis of republican values drawn largely from English libertarian thinkers. They emphasize the role of ideology, which Robert C. Calhoun in his *Dominion and Liberty: Ideology in the Anglo-American World, 1660–1801* (1994) defines as "a structure of perceptions, convictions and diagnoses that are compelling enough to exert explanatory force over current events and thrust people into political action." Republican ideology, these historians aver, was the primary force shaping the era and the determining factor in understanding it. Man was a political animal who attained fulfillment by actively participating in community life. Both rulers and the ruled were asked to put the common good above their own interests and remain vigilant against the corrupting influences of power. This civic virtue was the essence of republicanism. The seminal works representing this dominant school are Bernard Bailyn's *The Ideological Origins of the American Revolution* (1967) and Gordon S. Wood's *The Creation of the American Republic, 1776–1787* (1969).

Another school of thought, the Neo-Progressive, immediately took issue with the republican synthesis, as it also had with the consensus thesis. Neo-Progressives deny that America was classless and cooperative or that a dominant ideology existed. Their studies on gender, race, class, religion and community depict an America rife with resistance to authority, class and group tensions and antagonisms, and demands for democracy and a fairer distribution of wealth. Two anthologies edited by Alfred F. Young represent this school well: *The American Revolu-*

tion: *Explorations in the History of American Radicalism* (1976) and *Beyond the American Revolution: Explorations in the History of American Radicalism* (1993).

Joyce Appleby is the chief exponent of the liberal interpretation of the era. She contends that Americans were not as intellectually or culturally narrow as the republican-synthesis school suggests, and that a liberal worldview developed alongside a republican one. Liberalism was the creation of John Locke, who taught that government, freely established by self-interested individuals, was the servant of man, protecting his life, liberty and property while he vigorously pursued his material interests. The core of liberalism was an acquisitive, possessive individualism. Appleby argues that the "aggressive individualism, the optimistic materialism, and the pragmatic interest-group politics that became so salient so early in the life of the new nation" could only have been derived from a liberal worldview in which the economy replaced the polity as "the fundamental social system." Her masterly essays are gathered in *Liberalism and Republicanism in the Historical Imagination* (1992). Robert E. Shalhope, in *The Roots of Democracy: American Thought and Culture, 1760–1800* (1990), and Paul A. Rahe, in *Republics, Ancient and Modern: Classical Republicanism and the American Revolution* (1992), try to reconcile liberalism and republicanism. Shalhope notes that the tension and interplay between these ideologies laid the foundation for a dynamic 19th century democracy, while Rahe says that Americans of the founding generation used a deliberate mix of these ideologies.

Other intellectual currents also affected the thinking of Americans. Barry Alan Shain, in *The Myth of American Individualism: The Protestant Origins of American Political Thought* (1994), perceives the values of the era to be more Protestant and communal than republican and liberal. Garry Wills' *Inventing America: Jefferson's Declaration of Independence* (1978) delineates the influence of Scottish philosophers, who taught that man intuitively knows right from wrong by an innate "moral sense" and achieves happiness by performing benevolent acts for the community. Since all men possess this moral sense, all are equal. Meyer Reinhold's *Classica Americana: The Greek and Roman Heritage in the United States* (1984), Carl J. Richard's *The Founders and the Classics: Greece, Rome, and the American Enlightenment* (1994) and Rahe's *Republics* demonstrate that classical writers glorified ambition and a love of glory, encouraged aspirations to political greatness and believed that tyranny destroyed liberty and virtue—ideas animating the founding generation.

For accounts that explore all the intellectual forces unleashed in this era, considered the American Enlightenment, see Henry Steele Commager's *The Empire of Reason: How Europe Conceived and America Realized the Enlightenment* (1977); Richard B. Bernstein's *Are We To Be a Nation? The Making of the Constitution* (with Kym S. Rice, 1987); Jack P. Greene's *The Intellectual Heritage of the Constitutional Era: The Delegates Library* (1986); and *The Blackwell Encyclopedia of the American Revolution* (Greene and J.R. Pole, eds., 1991). To learn how two minorities—women and African Americans—responded to these intellectual currents, see Linda K. Kerber's *Women of the Republic: Intellect and Ideology in Revolutionary America* (1980); *Women in the Age of the American Revolution* (Ronald Hoffman and Peter J. Albert, eds., 1989); *Slavery and Freedom in the Age of the American Revolution* (Ira Berlin and Hoffman, eds., 1983); and Sylvia R. Frey's *Water from the Rock: Black Resistance in a Revolutionary Age* (1991).

Indispensable overviews of the Founding Era that have absorbed much of the foregoing schools of interpretation and intellectual traditions are Richard B. Morris' *The Forging of the Union: 1781–1789* (1987) and Gordon S. Wood's *The Radicalism of the American Revolution* (1992). After describing and analyzing the complex and trouble-filled years under the Articles of Confederation (1781), consensus historian Morris declares that the Constitution (1787), which was designed to remedy a severe economic depression, was "an entirely new system of governance for an extended republic, a system without precedent, and one whose innovations were carefully attuned to the need to achieve consensus." Wood says that by 1776 the monarchical society of the colonies was replaced by one based on an equality grounded in republican virtue. By 1787 or '88 this equality was overtaken by another based on personal interest, and "Americans had become, almost overnight, the most liberal, the most democratic, the most commercially minded, and the most modern people in the world."

State constitutions were the first great constitutional documents of the Founding Era, laying the foundation for the Articles of Confederation, the Constitution and the Bill of Rights. The 13 original states and Vermont produced 18 constitutions between 1776 and 1786. Republicanism, federalism and bills of rights were the principal legacies of these constitutions, according to Willi Paul Adams' *The First American Constitutions: Republican Ideology and the Making of State Constitutions in the Revolutionary Era* (1990) and Donald S. Lutz's *Pop-*

*ular Consent and Popular Control: Whig Political Theory in the Early State Constitutions* (1980). Adams maintains that this federalism was transferred to the Constitution, while Lutz stresses the impact that more than 100 constitutional and founding documents of the 17th and early 18th centuries had on constitution makers. Lutz lists these documents, such as the Mayflower Compact (1620) and Fundamental Orders of Connecticut (1639), in his "Catalog of American Founding Documents," which can be found in *Roots of the Republic: American Founding Documents Interpreted* (Stephen L. Schechter, ed., 1990).

Merrill Jensen's *Articles* and *New Nation* contend that America's first constitution, the Articles of Confederation (1781), was "a constitutional expression of the philosophy of the Declaration of Independence...designed to prevent the central government from infringing upon the rights of the states." In his view, aristocratic nationalists staged a coup d'état by adopting the Constitution (1787), which checked the powers of the states and the democracy within them.

Another expert on the Articles, consensus historian Jack N. Rakove, disputes Jensen. In *The Beginnings of National Politics: An Interpretative History of the Continental Congress* (1979), Rakove declares that the Articles failed because they had not given Congress sufficient power and were too difficult to amend. By 1787 the Confederation government had collapsed, permitting reformers to replace the Articles with the Constitution.

Charles Beard had seen the matter otherwise in his *Economic Interpretation*—the first modern, scholarly treatise on the Constitution's framing and ratification. He had claimed that "the Constitution was essentially an economic document based upon the concept that the fundamental private rights of property are anterior to government and morally beyond the reach of popular majorities." Beard considered the Constitution the work of a town-based national elite interested in curbing democratic excesses and advancing its own investments, especially government bonds. Small-property owners generally opposed the Constitution.

In the 1950s and 1960s Douglass Adair, a critic of Beard and his followers, asserted that political ideas swayed the framers. Adair's essays, collected in *Fame and the Founding Fathers* (Trevor Colbourn, ed., 1974), reveal framers striving to win lasting fame—an ancient concept—by creating "a national system dedicated to liberty." Clinton Rossiter's *1787: The Grand Convention* (1966), the best narrative of the convention that drafted the Constitution, builds on Adair's views. He portrays the framers as pragmatic,

principled, well-educated and public-spirited visionaries. By "a consensus of principle and purpose," these talented politicians produced an essentially political document that created a government in "the keeping of the whole people" and allowed the states to function well politically.

Beard's economic interpretation, especially regarding investments, was systematically demolished by Forrest McDonald in *We the People: The Economic Origins of the Constitution* (1958; rev. ed., 1992), a work largely concerned with the Constitution's ratification. McDonald noticed that the outcome of ratification in each state depended on how satisfied people were not merely economically but also politically and socially. He reiterates this position in *E Pluribus Unum: The Formation of the American Republic, 1776–1790* (1965; 2nd ed., 1979). In *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (1985), he takes up ideology, tracing the framers' borrowings from sometimes incompatible and contradictory intellectual traditions—republicanism, liberalism, political economy, Scottish philosophy and English law.

Still, Beard has his defenders. Refining and qualifying Beard, Neo-Progressive Jackson Turner Main, in *The Antifederalists: Critics of the Constitution, 1781–1788* (1961) and *Political Parties Before the Constitution* (1973), claims that large-property holders ("commercial cosmopolitans" or Federalists) wrote the Constitution and that small-property owners ("agrarian localists" or anti-Federalists) opposed it, and that each group was a distinct and coherent political party. He sees anti-Federalists as anti-aristocratic democrats who supported local rule and government by the many, not the few. Isolated from the major paths of commerce, they depended neither on the commercial community nor on foreign markets.

After Main proved that anti-Federalists merited serious attention, some scholars discovered that these agrarian localists had shaped the ratification debate. Wood's *Creation* finds that they forced Federalists to take the position that the new government was based on the authority of the people. Herbert J. Storing, in his *What the Anti-Federalists Were For* (1981), notes that "while the Federalists gave us the Constitution, the legacy of the Anti-Federalists was the Bill of Rights." (This volume is the first in Storing's seven-volume documents collection, *The Complete Anti-Federalist*, edited with Murray Dry's assistance.) Peter S. Onuf, in a *William and Mary Quarterly* article (1989), argues that Federalists invented the concept of American federalism to answer charges that the Constitution established a nationalist government designed to destroy the states. Bailyn, in *Ideological Origins* (1992 ed.), asserts

that anti-Federalists turned the arguments colonial Americans had used against British imperial authority against the Constitution, forcing Federalists to assure the public that a strong central government would not violate the rights and liberties of a sovereign and supreme people.

Two anthologies examine the Constitution's framing and ratification: *The Constitution and the States: The Role of the Original Thirteen in the Framing and Adoption of the Federal Constitution* (Patrick T. Conley and John P. Kaminski, eds., 1988) and *Ratifying the Constitution* (Michael Allen Gillespie and Michael Lienesch, eds., 1989). Anthologies on related subjects include *Beyond Confederation: Origins of the Constitution and American National Identity* (Richard Beeman, Stephen Botein and Edward C. Carter, III, eds., 1987); *The Framing and Ratification of the Constitution* (Leonard W. Levy and Dennis J. Mahoney, eds., 1987); and "To Form a More Perfect Union": *The Critical Ideas of the Constitution* (Herman Belz, Hoffman and Albert, eds., 1992).

An enormous body of primary sources exists for the writing and ratification of the Constitution. Among the most famous is James Madison's notes of the debates of the Constitutional Convention, with many editions available. One of the best is Adrienne Koch's *Notes of Debates on the Federal Convention of 1787, Reported by James Madison* (1966). Max Farrand's three-volume *The Records of the Federal Convention of 1787* (1911), the basic convention source, includes Madison's notes and the letters, remembrances and notes of other delegates. Farrand added a fourth volume in 1937; James H. Hutson (with Leonard Rapport's assistance) revised and expanded it in 1987. Hutson had previously noted that Farrand's documentation, though impressive, was inadequate from a legal standpoint for use in determining the framers' intentions. His observations fueled a debate begun by U.S. Attorney General Edwin Meese III and U.S. Supreme Court Justice William J. Brennan, Jr., on whether or not original intent should be the sole standard in constitutional interpretation. Meese attacked judge-made law; Brennan defended it. Articles produced by this debate are in *Interpreting the Constitution: The Debate Over Original Intent* (Rakove, ed., 1990). The finest book on the subject *Original Intent and the Framers' Constitution* (1988), Leonard Levy's defense of the "liberal constitutionalism" best exemplified by the Warren Court.

On ratification, the most convenient source of documents is Bailyn's two-volume collection, *The Debate on the Constitution: Federalist and Antifederalist Speeches, Articles, and Letters During the Struggle over Ratification*

(1993). The most extensive collection is *The Documentary History of the Ratification of the Constitution* (DHRC) (Jensen, Kaminski and Gaspare J. Saladino, eds., 12 vol. to date, 1976- ), with one volume of basic constitutional documents from the Founding Era, five volumes of ratification documents from six states and six volumes in a subseries that presents the day-to-day regional and national debate on the Constitution. Documents in *The Founders' Constitution* (Philip B. Kurland and Ralph Lerner, eds., 5 vol., 1987) are organized by their relation to the clauses of the Constitution.

About 100 editions of *The Federalist* have appeared since 1788. The most accessible is Rossiter's (1961). Using the 1788 book edition as his text, Rossiter adds a synoptical table of contents and an analytical index; he also collates *The Federalist* with the Constitution, placing relevant page numbers next to its clauses. Jacob E. Cooke's scholarly 1961 edition is based on the original newspaper printings. The DHRC has the 85 essays, taken from the newspapers, surrounded by other Federalist and anti-Federalist writings. A starting place for the issues and literature concerning *The Federalist* is *Saving the Revolution: The Federalist Papers and the American Founding* (Charles R. Kesler, ed., 1987).

For the origins, adoption and ratification of the Bill of Rights, readers should consult Robert Allen Rutland's *The Birth of the Bill of Rights, 1776-1791* (1955) and Bernard Schwartz's *The Great Rights of Mankind: A History of the American Bill of Rights* (1977; rev. ed., 1992); both authors insist that the Constitution would not have been ratified without the promise of a bill of rights. Schwartz's work is based upon his two-volume collection of documents on the Bill of Rights (1971). There are also valuable anthologies: *The Bill of Rights: A Lively Heritage* (Jon Kukla, ed., 1987); *Contexts of the Bill of Rights* (Schechter and Bernstein, eds., 1990); *A Culture of Rights: The Bill of Rights in Philosophy, Politics, and Law—1791 and 1991* (Michael J. Lacey and Knud Haakonssen, eds., 1991); and *The Bill of Rights and the States: The Colonial and Revolutionary Origins of American Liberties* (Conley and Kaminski, eds., 1992).

Two more works deserve particular mention. One is the *Encyclopedia of the American Constitution* (Levy, Kenneth L. Karst and Mahoney, eds., 4 vol., 1986; suppl., 1992), which includes essays on the more than 25 rights embedded in the Bill of Rights ratified by the states in 1791. The other is Levy's *Original Intent*, summarizing and updating several of his writings on the origins, adoption and ratification of the Bill of Rights, and on the First

and Fifth amendments. He also discusses the Fourth and Ninth amendments and the origins of judicial review, without which constitutions and bills of rights are ineffective. For more on judicial review, see Robert Lowry Clinton, *Marbury v. Madison and Judicial Review* (1989); J.M. Sosin, *The Aristocracy of the Long Robe: The Origins of Judicial Review in America* (1989); and Sylvia Snowiss, *Judicial Review and the Law of the Constitution* (1990). See also Levy, *Origins of the Fifth Amendment: The Right Against Self-Incrimination* (1968; 2nd ed., 1986).

Documents on the Bill of Rights can also be found in the primary sources on the Constitution mentioned so far; others appear in *The Documentary History of the First Federal Elections, 1788–1790* (Jensen, Robert A. Becker and Gordon DenBoer, eds., 4 vol., 1976–89). Amendments to the Constitution (including a bill of rights) were a major issue in those elections. The best collection of documents for Congress' drafting of the Bill of Rights amendments is *Creating the Bill of Rights: The Documentary Record from the First Federal Congress* (Helen E. Veit, Kenneth R. Bowling and Charlene Bangs Bickford, eds., 1991).

Of all the amendments, the First, Second and Ninth have aroused the keenest scholarly interest. In his *Emergence of a Free Press* (1985), Levy concludes that the First Amendment's freedom of the press clause meant only the absence of prior restraints; the amendment was not intended to override the common law of seditious libel. Jeffery A. Smith, in *Printers and Press Freedom: The Ideology of Early American Journalism* (1988), rebuts this thesis, arguing that the amendment prohibits any governmental restraint on the expression of ideas.

The religion clauses of the First Amendment, establishment and free exercise, have spawned impressive numbers of books and articles and two major camps of interpretation—"separationists" and "nonpreferentialists." The first camp declares that the clauses require complete separation of church and state and ban government support for religion or laws respecting its establishment. The second believes that the amendment neither prohibits Congress from aiding religion generally, nor prohibits religion in public education. The major separationist treatises are Levy's *The Establishment Clause* (1986; rev. ed., 1994) and Thomas J. Curry's *The First Freedoms: Church and State in America to the Passage of the First Amendment* (1986). Daniel L. Dreisbach's nonpreferentialist study, *Real Threat and Mere Shadow: Religious Liberty and the First Amendment* (1987), is comprehensive and balanced.

Two schools of thought—"individualist" and "collec-

tivist"—also dispute the history and meaning of the Second Amendment. Individualists argue that possessing arms was both a personal right and a collective duty. Joyce Lee Malcolm's *To Keep and Bear Arms: The Origins of an Anglo-American Right* (1994) concludes that the Second Amendment "recognized the individual's right to have weapons for his own defence, rather than for collective defence," and was intended to restrict federal power over the military and ensure that the individual could protect himself from that power. The collectivist school agrees with part of her second conclusion; it suggests that the amendment was intended to protect state militias from federal usurpation. To keep and bear arms meant the collective right to maintain and serve in these militias. Lawrence Delbert Cress, in his *Citizens in Arms: The Army and the Militia in American Society to the War of 1812* (1982), asserts that a well-trained militia was thought to be republican liberty's best protection against foreign invasion and domestic insurrection. Articles on both sides appear in *Gun Control and the Constitution: Sources and Explorations on the Second Amendment* (Robert J. Cottrol, ed., 3 vol., 1993).

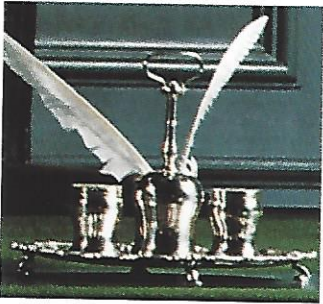
The U.S. Supreme Court invoked the Ninth Amendment for the first time in 1965 when it struck down a Connecticut birth-control law (*Griswold v. Connecticut*). Since then scores of articles have been written on the amendment, which touches on the extent of individual liberties and unenumerated rights (esp. the right of privacy), the place of natural rights in the framers' thought, the nature and role of judicial review, the limits of state sovereignty and the role of original intent in jurisprudence. Thirty related articles can be found in *The Rights Retained by the People: The History and Meaning of the Ninth Amendment* (Randy E. Barnett, ed., 2 vol., 1989–1993).

The historical literature discussed here contributes to our understanding of the Founding Era—regardless of which school of interpretation or intellectual tradition each represents or favors. Such understanding is vital, because this era and its great constitutional documents not only help to explain but also determine our national identity, as well as our links to one another and our governments. But these writings can be a perilous study. Inside as well as outside academia, political or social agendas may drive an author's interpretations of the historical evidence. Readers beware.

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**Gaspare J. Saladino** co-edits *The Documentary History of the Ratification of the Constitution at the University of Wisconsin, Madison*. His "The Bill of Rights: A Bibliographic Essay" in *The Bill of Rights and the States is the basis for much that appears here*.

# The best way to protect the Constitution is to understand it.



DAVID SHARPE

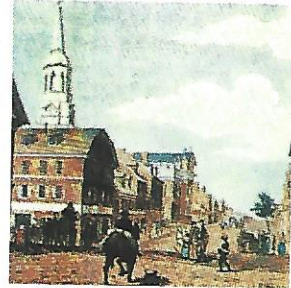
Washington's ink-stand

On September 18, 1787, the day after the delegates had put their signatures to the final draft of the Constitution in Philadelphia, Washington wrote to Lafayette: "It is the result of four months' deliberation. It is now a child of fortune, to be fostered by some and buffeted by

others. What will be the general opinion, or the reception of it, is not for me to decide; nor shall I say anything for or against it. If it be good, I suppose it will work its way; if bad, it will recoil on the framers."

□ Today, after 200 years we celebrate what has come to be the oldest working Constitution in the world, a unique charter in which the people empower their government, and create the laws by which they shall live. This "child of fortune" was conceived out of argument and compromise; its framers representing 12 separate states, each fiercely protective of its own fortunes and future. Although different in manners, circumstances and prejudices, the delegates together wrote a system of government unlike any in history. None suggested that the document was perfect. Indeed, most of the authors acknowledged its imperfections. They, like Washington, were not to know the durability of their ideas or the strength of their words. □ Despite a Civil War and two centuries of vast social change, the Constitution as it was originally designed continues to guide, protect, and preserve our country. James

Madison, the man most responsible for the shape and substance of the Constitution, was to say in later years: "Every word... decides a question between power and liberty." □ For a nation so passionate about our heritage, we are surprisingly ignorant about the times, the men and the debate that surrounded the forging of our Constitution, as well as the contents of the document itself. We Americans, while celebrating its birth, would do well to



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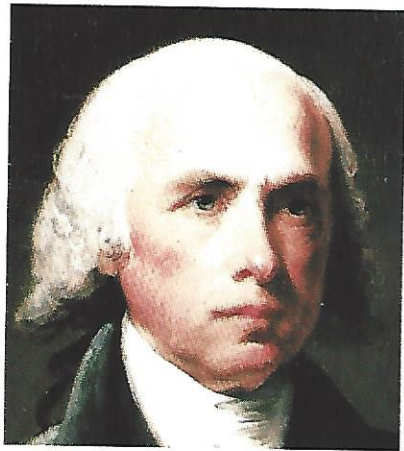
Philadelphia

reacquaint ourselves with the instrument that assures us our power.

□ It is the purpose of the Foundation for the United States Constitution to foster the education of our citizens — especially young people — about the document that bears their name. Established by the President in 1987, the Foundation is a nonpartisan, nonprofit educational trust that will fund, and seek funding for, those educational programs, projects and events that promote understanding of our Constitution.

□ A contribution from you will help us create, through schools,

libraries and mass communications, a permanent regard for, and knowledge of, the rights and laws we live by. We hope to excite the minds of our young people, and raise the consciousness of all Americans to the document that is their trust. By helping the Foundation for the U.S. Constitution, you will be contributing to the preservation of a noble idea born 200 years ago: that we the people determine our government, our freedoms and our destiny.



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James Madison

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**Done** in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth **Articles** whereof We have herunto subscribed our Names.

Delaware {  
 Geo. Read  
 Gunning Bedford jun  
 John Dickinson  
 Richard Bassett  
 Jno. Brooks  
 James M. Smith

Maryland {  
 Danl. of T. Senifer  
 Danl. Carroll  
 John Blair -  
 James Mason &

North Carolina {  
 Wm. Blount  
 Richd. Dobbs Spaight  
 Thos. Williamson  
 J. Rutledge

South Carolina {  
 Charles Cotesworth Pinckney  
 Charles Pinckney  
 Phill. B. K. 1

Georgia {  
 William Few  
 Abr. Baldwin

New Hampshire {  
 Jno. Langdon  
 Nicholas Gilman  
 Massachusetts {  
 Nathaniel Gorham  
 Rufus King  
 Wm. Saml. Johnson  
 Connecticut {  
 Roger Sherman  
 New York {  
 Alexander Hamilton  
 Wm. Livingston  
 New Jersey {  
 David Brearley  
 Wm. Paterson  
 Jona. Dayton  
 Pennsylvania {  
 Thos. Franklin  
 Thomas Mifflin  
 Robt. Morris  
 Del. {  
 Geo. Clymer  
 Tho. Fitzsimmons  
 Jared Ingham  
 James Wilson  
 G. M. Moore

New York {  
 Alexander Hamilton  
 Wm. Livingston  
 New Jersey {  
 David Brearley  
 Wm. Paterson  
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Signers of the Constitution included Virginia's James Madison and New York's Alexander Hamilton.