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CHAPTER 2

The Constitution

LEARNING OUTCOMES

After reading this chapter, students will be able to:

1. Explain the theoretical and historical factors that influenced the writers of the U.S. Constitution.
2. Describe the structure of the Articles of Confederation, and explain why the confederation failed.
3. Identify and explain the compromises made by the delegates to come to agreement on the U.S. Constitution.
4. Explain the rationale for, and give examples of the separation of powers and the checks and balances in the U.S. Constitution.
5. Demonstrate understanding of the formal and informal processes for amending the U.S. Constitution.

OVERVIEW

The first permanent English colonies were established at Jamestown in 1607 and Plymouth in 1620. The Mayflower Compact created the first formal government for the British colonists. By the mid-1700s, other British colonies had been established along the Atlantic seaboard from Georgia to Maine.

In 1763, the British tried to impose a series of taxes and legislative acts on their increasingly independent-minded colonies. The colonists responded with boycotts of British products and protests. Representatives of the colonies formed the First Continental Congress in 1774. The delegates sent a petition to the British king expressing their grievances. The Second Continental Congress established an army in 1775 to defend the colonists against attacks by British soldiers.

On July 4, 1776, the Second Continental Congress approved the Declaration of Independence.

Perhaps the most revolutionary aspects of the Declaration were its assumptions that people have natural rights to life, liberty, and the pursuit of happiness; that governments derive their power from the consent of the governed; and that people have a right to overthrow oppressive governments.

Based on their understanding of natural rights and the social contract and their experience with an oppressive British regime, all of the colonies adopted written constitutions during the Revolutionary War. Most of these gave great power to their legislatures and restrained the power of the executive

At the end of the Revolutionary War, the states had signed the Articles of Confederation, creating a weak central government with few powers. In this government, each state had one vote and there was no executive. The Congress had no power to raise revenue and virtually no way to amend the Articles. The

Articles proved to be unworkable because the national government had no way to ensure compliance by the states with such measures as securing tax revenues.

General dissatisfaction with the Articles of Confederation prompted the call for a convention at Philadelphia in 1787. Although the delegates ostensibly convened to amend the Articles, the discussions soon focused on creating a constitution for a new form of government. The Virginia plan and the New Jersey plan did not garner widespread support. The Great Compromise offered by Connecticut helped to break the large-state/small-state disputes dividing the delegates. The three-fifths compromise, which counted slaves as $\frac{3}{5}$ of a person for purposes of representation, was adopted to keep the Southern states from leaving the Union. The final version of the Constitution provided for the separation of powers, checks and balances, and a federal form of government. The principles of separation of powers and the checks and balances were intended to prevent any one branch of the government from becoming too powerful.

Fears of a strong central government prompted the addition of the Bill of Rights to the Constitution. The Bill of Rights secured for Americans a wide variety of freedoms, including the freedoms of religion, speech, and assembly. The Bill of Rights initially applied only to the federal government, but amendments to the Constitution following the Civil War made it clear that the Bill of Rights would apply to the states as well. An amendment to the Constitution may be proposed either by a two-thirds vote in each house of Congress or by a national convention called by Congress at the request of two-thirds of the state legislatures. Ratification can occur either by a positive vote in three-fourths of the legislatures of the various states or by special conventions called in the states for the specific purpose of ratifying the proposed amendment and a positive vote in three-fourths of these state conventions. The process for amending the Constitution was made very difficult to ensure that most of the states and the majority of both houses agree to the proposed change. Informal methods of constitutional change include congressional legislation, presidential actions, judicial review, and changing interpretations of the Constitution.

CHAPTER OUTLINE

Chapter 2 is designed to introduce a series of concepts that are essential to understanding the American Constitution. The authors also make a point to provide a brief tutorial on how to read figures and tables and emphasize the importance of visuals such as those found throughout this book to their understanding of the course content. This should help overcome some students' tendency to skip over visuals thinking that they are unimportant, rather than carefully selected and prepared, as they are in this, and most, texts. The authors make the points that students should study visuals carefully and note that often they will be tested on this information. Like many figures, tables, and photographs, these visuals present descriptive

data. Descriptive information provides an answer to *what* or *who* questions but does not typically answer *why* or *how* questions. Analysis (why or how) is a form of critical thinking.

I. THE COLONIAL BACKGROUND

Conditions in the early English settlements were unimaginable by today's standards. Why were so many people willing to relocate to America? How important was the concept of limited self-government?

A. Separatists, the *Mayflower*, and the Compact

The first New England colony was established in 1620. The people were dissatisfied with the Church of England and sought a place where they could practice their religious beliefs. The compact they formed set forth the idea of consent of the governed.

B. More Colonies, More Government

People in each of the colonies became accustomed to making decisions that affected the internal order of the colony. Although each colony had only limited authority to make decisions, in practice most governmental actions that affected the people were made within the colony. The colonies were not really united as a political force before the First Continental Congress (1774). Each colony was separate with its own decision-making government.

C. British Restrictions and Colonial Grievances

The British government decided to raise revenue by imposing taxes on the American colonies. The imposition of the Sugar Act (1764) and the Stamp Act (1765) resulted in a colonial boycott of English goods. The tension climaxed with the Boston Tea Party, but Britain responded by passing the Intolerable Acts in 1774, which closed Boston Harbor and put Massachusetts under British rule.

II. THE COLONIAL RESPONSE

In 1763 the British Parliament began to pass laws that treated the colonies as a unit. The major reason for these laws was to raise revenue to help pay off the war debt incurred during the French and Indian War (1756–1763).

A. The First Continental Congress

The colonists gradually began to realize that they were similar in many respects and that as a political unit they would have more influence with Parliament. Still the focus of these political meetings was to restore the political structure that was in existence before the passage of legislation affecting the internal operations of each colony by Parliament. Had the Crown and Parliament relented on many of their demands, it is possible that the Declaration of Independence would never have been issued.

B. The Second Continental Congress

This is the Congress that made Washington the general in chief and pursued the Revolutionary War.

III. DECLARING INDEPENDENCE

A. The Resolution of Independence

This was a brief precursor to the Declaration.

B. July 4, 1776—the Declaration of Independence

1. **Universal Truths.** “We hold these Truths . . .”
2. **Natural Rights and a Social Contract.** People have **natural rights**, including life, liberty, and the pursuit of happiness. An important component of the Declaration of Independence is the concept of a **social contract**, which came from the experiences of the formers of the Mayflower Compact. Like the compact more than 200 years before, the Declaration of Independence was based on the idea of consent of the governed and that governments had the responsibility to protect the natural rights of its citizens. If the government failed to do so, the people had the right to revolt.

C. **The Rise of Republicanism**

Republican as used here must be carefully distinguished from the current Republican Party. Although republicans were opposed to rule by the British, they were also opposed to rule by any central authority. They were even skeptical of a permanent union of the states. Each **state** was seen as the sovereign authority and the only legitimate ruling force.

IV. **THE ARTICLES OF CONFEDERATION: THE FIRST FORM OF GOVERNMENT**

States retained most of the power and the central government had a very limited role in the governing process. The loyalty most citizens had was to their state, first and foremost.

A. **Accomplishments under the Articles**

The primary reason for the establishment of the Articles was to organize the states so that they could defeat the British forces and gain independence from Britain. Once independence was won, there was less pressure on the states to organize for the collective good.

B. **Weaknesses of the Articles**

The lack of a strong central authority to resolve disputes between the states and to organize the states for the collective good, including the organization of a militia, was crucial to the development of the Constitutional Convention.

C. **Shays’s Rebellion and the Need for Revision of the Articles**

Events such as Shays’s Rebellion convinced many political leaders that the national government, under the Articles of Confederation, and individual state governments were incapable of resolving the most pressing problems. The solution appeared to be the establishment of a stronger central government.

V. **DRAFTING THE CONSTITUTION**

Concerned about economic turmoil, five states called for a meeting to be held at Annapolis, Maryland, in September 1786. Among the problems to be solved were the relationship between the states and the central government, the powers of the national legislature, the need for executive leadership, and the establishment of policies for economic stability.

A. **Who Were the Delegates?**

There were 55 delegates, who certainly did not represent a cross-section of 1700s American society. Most were members of the upper class and relatively young. Almost all of them had prior experience in political office or military service. There were no women or minorities.

B. The Working Environment

The conditions under which the delegates worked for 115 days were far from ideal. Heat, humidity, swarms of flies, and secrecy plagued the delegates.

C. Factions among the Delegates

The beliefs of the delegates ranged from the near-monarchism of Hamilton to definite decentralized republicanism. Some republicans left the convention when they saw the federalist tenor of the proceedings.

D. Politicking and Compromises

1. ***The Virginia Plan.*** The Virginia plan was actually fairly close to a parliamentary system, with power concentrated in a lower house that was to choose the executive. The major problem was that representation was strictly by population, which was a disadvantage to the small states.
2. ***The New Jersey Plan.*** A one-state, one-vote plan that would have created a relatively weak central government. Again, the executive was to be elected by the Congress.
3. The ***“Great Compromise.”*** The **Great Compromise** was a compromise between more populous states, which advocated representation based on population (the Virginia plan), and the small states, which advocated equal representation for each state (the New Jersey plan). The Great Compromise (or the Connecticut plan) provided for a **bicameral legislature**, with one house based on population and the other on equal representation for each state. Under the Great Compromise, Congress did *not* choose the president.
4. ***The Three-Fifths Compromise.*** Another compromise concerned the issue of slavery. Northern states wanted to ban the importation of slaves, whereas Southern states did not. Southern states wanted slaves counted in the population for the purposes of determining the number of members each state sent to the House of Representatives. The three-fifths compromise provided that 3/5 of the slaves would be counted (or each slave would count as 3/5 of a person). It also decided that Congress would not be able to ban the importation of slaves until 1808.
5. ***Other Issues.*** To the benefit of the agricultural South, export taxes were banned. As a compromise, both the president and the Senate had a role in choosing the membership of the Supreme Court.

E. Working toward Final Agreement

1. ***The Madisonian Model—Separation of Powers.*** The legislative, executive, and judicial powers were to be independent of each other so that no one branch had enough power to dominate the others.
2. ***The Madisonian Model—Checks and Balances.*** Each of the three branches was to check the others through sharing power. The founders produced a government that did have considerably more power than under the Articles of Confederation. However, it is also clear that the founders were distrustful of those who would hold this power and of the people who would select governmental officials. Power was divided between the three major branches and each branch was encouraged to confront the other two branches. This idea was based on the

assumption that “ambition must be made to counteract ambition” (*Federalist Paper* No. 51). As each branch of government would attempt to gain more power, each branch would serve to check the power of the other two branches.

3. ***The Executive.*** An **electoral college** meant that the president was not to be chosen by Congress, but not by a popular vote, either.
4. ***A Federal Republic.*** The Constitution creates a **federal system** of government that divides the sovereign powers of the nation between the states and the national government. This structure allows states to make their own laws about many issues of concern to their citizens while granting the national government more power than under the Articles of Confederation. Additionally, the Constitution made it clear that laws made by the national government take priority over conflicting state laws.

F. The Final Document

A summary of the results for the final document is as follows: popular sovereignty, a republican government, a limited government, separation of powers, and a federal system where both the national and the state governments each have their own sphere of influence.

VI. THE DIFFICULT ROAD TO RATIFICATION

A. The Federalists Push for Ratification

1. ***The Federalist Papers.*** The *Federalist Papers* were an attempt to persuade the public to support the new form of government. *Federalist Paper* No.10 and *Federalist Paper* No. 51 (see Appendix C in the text) provide an excellent view of James Madison’s political theory concerning human nature. Madison’s ideas are as relevant today as they were in 1787.
2. ***The Anti-Federalist Response.*** Those opposed to the Constitution looked to the fact that it was written by aristocrats and would create an overbearing central government hostile to personal liberty.

B. The March to the Finish

The vote by the Virginia ratification convention was essential and somewhat close. The New York vote was even closer and put the Constitution “over the top.” At this point, North Carolina and Rhode Island had little choice but to join.

C. Did the Majority of Americans Support the Constitution?

1. ***Beard’s Thesis.*** Historian Charles Beard argued that the Constitution was put through by an undemocratic elite intent on the protection of property.
2. ***State Ratifying Conventions.*** These conventions were elected by a strikingly small part of the total population.
3. ***Support Was Probably Widespread.*** Still, the defense of property was a value that was by no means limited to the elite. The belief that the government under the Articles was dangerously weak was widespread among all classes.

VII. THE BILL OF RIGHTS

The Constitution would not have been ratified in several states if the Federalists had not assured the states that amendments to the Constitution would be passed to protect individual liberties against incursions by the national government. Some believed that including these rights was

unnecessary, whereas others suggested that specifically defining certain rights might encourage the national government to abuse any rights that were not specifically defined.

A. A “Bill of Limits”

The package was assembled by Madison, who culled through almost two hundred state suggestions.

B. No Explicit Limits on State Government Powers

Contrary to popular belief, the Bill of Rights did not apply to state governments. The restrictions were applicable only to the national government until the Fourteenth Amendment incorporated some of these rights. Even though these restrictions were only applicable to the national government, they were nevertheless still very important for the protection of the people.

VIII. ALTERING THE CONSTITUTION: THE FORMAL AMENDMENT PROCESS

The founders realized that the Articles of Confederation were too difficult to alter. Therefore, the amendment process to the Constitution was made less difficult, but it still would be a rigorous process. The basic reasoning for this was that every government needs to be able to cope with new and unforeseen problems and changes in the original document would be necessary. However, any change should be undertaken with extreme caution. If the process to amend the Constitution is rigorous, there should be ample time to consider the merits of such a change.

A. Many Amendments Proposed, Few Accepted

How difficult is it to amend the Constitution? From 1789 through 2002, 27 amendments passed, which represents one amendment every 7.8 years—a misleading ratio since 10 of those amendments came within the first four years. From 1791 through 2002 there have been only 17 amendments, or one amendment every 12.4 years. Although there are always numerous recommendations for alterations to the Constitution, few of these recommendations, especially controversial ones, have a realistic chance of success.

B. Limits on Ratification

Recent amendments have usually been accompanied by time limits for ratification, though time limits are not a constitutional requirement.

C. The National Convention Provision

Such a convention could be called and could rewrite the entire Constitution. Naturally, many people find this possibility frightening. The product of such a convention, however, would have to be ratified by the states in the same way as any amendment.

IX. INFORMAL METHODS OF CONSTITUTIONAL CHANGE

Although it is very difficult to amend the Constitution, the Constitution has changed through interpretation. Since the case of *Marbury v. Madison*, which established judicial review, the federal courts have made major decisions concerning the meaning of the Constitution.

A. Congressional Legislation

Such interpretation has not been limited to the federal judiciary. Both the legislative and executive branches have interpreted the Constitution. Once an interpretation has been made and there is no challenge to this type of action, there has been a change in the meaning of the Constitution.

B. Presidential Actions

These actions can affect the interpretation of the Constitution as well. In particular, the president's powers in wartime have waxed and waned throughout the course of history.

C. **Judicial Review**

Key concept: **Judicial Review** is the power of the courts to declare a law or action unconstitutional.

1. *Not a Novel Concept.* It was based on English and colonial traditions.
2. *Allows the Court to Adapt the Constitution.* The rejection of “separate but equal” (Jim Crow laws) is an example.

D. **Interpretation, Custom, and Usage**

The Constitution has been adapted from serving the needs of a small, rural republic to providing a framework of government for an industrial giant with vast geographic, natural, and human resources. Ultimately, the Constitution is not just the short document in the appendix to Chapter 2, but the entire body of judicial and other understandings that have emerged to give it life.

X. **FEATURES**

A. **What If . . . The Constitution Had Banned Slavery Outright?**

Slavery was one of the most hotly debated issues at the Constitutional Convention. Some historians argue that banning slavery would have been very difficult, given the facts that even the most antislavery founders valued national unity above all else and that many Southern delegates would have bolted rather than accept limits on the institution. Others argue that any compromise on slavery implicitly validated the institution.

B. **Politics with a Purpose: How to Form a More Perfect Union?**

The early form of government created by the Articles of Confederation had a number of problems (e.g., the national government could not regulate commerce or levy taxes). Those who enjoyed power under the early government and those who found it weak and dangerous disagreed about whether to amend or completely replace the Articles. Following crises like Shays's Rebellion, those favoring a stronger national government were able to organize a Constitutional Convention, which met and deliberated secretly in 1787. The new Constitution was ratified in 1788.

C. **Beyond Our Borders: What Makes a Constitution?**

Contrary to the U.S. Constitution, many nations' constitutions are neither short documents nor actual reflections of the way the government operates. Some countries like Great Britain consider multiple historic documents and agreements to be their founding documents. Other countries, such as Japan and Iraq, find their government organization strongly influenced by the victorious nation or nations that defeated them at war. Still other nations (e.g., North Korea) have constitutions that outline the structure of government but that do not guarantee democratic freedoms or government as we know it.

D. **You Can Make a Difference: How Can You Affect the U.S. Constitution?**

The Constitution is an enduring document that has survived more than 200 years, but it is also a changing document. All the laws of the nation, particularly the Constitution as the supreme law of the land, have a direct impact on our lives. Some people have spearheaded movements to try to affect the Constitution. Others have done it simply by protecting the existing rights and liberties it grants. Following the September 11 attacks, several new laws have been enacted that many believe go too far in curbing constitutional

rights. The American Civil Liberties Union (ACLU) is an organization that works to protect rights for all Americans. You can join it on *Facebook*.

CRITICAL THINKING QUESTIONS FOR DISCUSSION

1. Do you think that antislavery delegates to the Constitutional Convention should have insisted on ending slavery throughout the new nation?
2. Do you think the nation would have survived without the Southern states?
3. How would our nation be different if slavery had been abolished in 1789?
4. Do you think the United States could have survived without a written constitution?
5. How important is it for the people of a nation to have approved their constitution?
6. How can you tell if a nation is following the letter and the spirit of its constitution?

LECTURE LAUNCHERS

1. The Constitution was not made public until September 17, 1787. The public had no input as to what the document would include. Furthermore, the Constitution violated the provisions in the Articles of Confederation for alterations to the government. What would public reaction be today if Congress passed a major legislative proposal where the public had no forewarning? Would it be difficult for Congress to persuade the public such legislation was in the public's best interest? What would be the reaction of the media and political leaders at the state level to decisions that violated the Constitution?
2. Could the founders have banned slavery outright? The chapter reviews a number of compromises over slavery (e.g., importation of slaves could not be banned until 1808; the three-fifths compromise), but why didn't delegates who opposed slavery fight harder to end the abhorrent practice? Historians argue that the South was essential to the economy and that delegates from Southern states would have left the Union rather than sign a constitution banning slavery. Benjamin Franklin, in particular, worried that states that left might join forces with foreign interests further threatening the fragile new nation. Ask students to speculate on how history might have been different had slavery been banned from the start in the Constitution? Did the compromises make the Civil War inevitable?
3. What would have occurred if one or more of the states had rejected the Constitution? If a large state like New York or Virginia had voted to reject the Constitution, would the United States have taken economic and/or political sanctions against such a state? Could a single state have managed to survive outside the union of states? (Rhode Island could be an example.)
4. Discuss with students how challenging it is to amend the Constitution, and review the reasons the founders made it difficult but not impossible to amend the document. Given how few amendments have been ratified in our history, should we view the complexity of the process as a success or a hindrance to the development of the nation? Discuss the many ways that the Constitution can take on new meanings without formal amendments. Is there an issue today that should be resolved with an amendment to the Constitution?
5. What was the major reason for the electoral college? (For example, it makes the president independent of Congress.) Would it make a major difference if Congress selected the president, as some of the delegates advocated? How does the electoral college demonstrate the founders' suspicion of mass democracy? Would students support ending the electoral college in favor of direct election? What would be gained and what would be lost by such a change?

IN-CLASS ACTIVITIES

1. This chapter describes the Constitution in historical context, rather than examining the particular provisions of the document in detail. That is a choice that provides a body of insights but not the only possible choice. If you wish, you can spend some time on a detailed analysis. The commentary embedded in the text of the Constitution that we provide in an appendix to the chapter may be helpful in doing this. Consider examining with students the intentional structure of the Constitution (the order of the Articles, for example), the purpose of the preamble, and why institutions are established separately.
2. Does it matter that one in five adults believes the right to own and raise pets and the right to drive a car are First Amendment rights? A survey conducted in 2006 by the McCormick Foundation (<http://www.mccormickfoundation.org>) found that more than half of the respondents could name two of the five main characters from *The Simpsons*, whereas only 28 percent could name two or more of the five fundamental freedoms in the First Amendment. Should we care? Is knowledge of the Constitution and the Bill of Rights essential to understanding U.S. government? Discuss the major findings of this poll with students or ask them the poll questions and compare their level of knowledge with respondents in this poll. Think about and discuss with students the ways in which “knowledge is power.”
3. One of the key questions asked by foreign observers is why the United States did not adopt a parliamentary system. After all, they had an example of it in front of them in the form of the British parliament. Moreover, other former British possessions such as Canada and Australia adopted such a system. To raise this topic for discussion, it would be necessary to briefly describe what a parliamentary system is, because many students may be unclear on the definition (i.e., unified government, executive chosen by parliament). Given the definition and given the Revolutionary War-era distrust of powerful governors and preference for legislatures, might it have been reasonable to establish a weak executive chosen by the legislature? Such a system does not seem to have commanded much thought, however. How might the negative experiences under the Articles of Confederation have shaped these decisions?
4. The U.S. Constitution is often viewed by students as “perfect,” yet it is flawed in a number of ways (some fixed by subsequent amendments, but others not). Ask students to examine a copy of the [South African constitution](http://www.info.gov.za/documents/constitution/index.htm), adopted in 1996, (<http://www.info.gov.za/documents/constitution/index.htm>) and compare the two documents. What is covered by the South African constitution that is not included in the U.S. Constitution? Should our Constitution be amended to address equality more specifically or to specify the languages of the United States? Do students view it as a positive or negative that the U.S. Constitution is the shortest written constitution still in use today as well as the oldest written constitution still in use?

IMPORTANT TERMS/KEY TERMS/MARGINAL DEFINITIONS

Anti-Federalist—An individual who opposed the ratification of the new Constitution in 1787. The Anti-Federalists were opposed to a strong central government.

Bicameral Legislature—A legislature made up of two parts, called chambers. The U.S. Congress, composed of the House of Representatives and the Senate, is a bicameral legislature.

Checks and Balances—A major principle of the American system of government whereby each branch of the government can check the actions of the others.

Confederation—A political system in which states or regional governments retain ultimate authority except for those powers they expressly delegate to a central government. A voluntary association of independent states, in which the member states agree to limited restraints on their freedom of action.

Electoral College—A group of persons called electors selected by the voters in each state and the District of Columbia; this group officially elects the president and vice president of the United States. The number of electors in each state is equal to the number of each state's representatives in both chambers of Congress.

Federal System—A system of government in which power is divided between a central government and regional, or subdivisional, governments. Each level must have some domain in which its policies are dominant and some genuine political or constitutional guarantee of its authority.

Federalist—The name given to one who was in favor of the adoption of the U.S. Constitution and the creation of a federal union with a strong central government.

Great Compromise—The compromise between the New Jersey and Virginia plans that created one chamber of the Congress based on population and one chamber representing each state equally; also called the Connecticut Compromise.

Madisonian Model—A structure of government proposed by James Madison in which the powers of the government are separated into three branches: executive, legislative, and judicial.

Natural Rights—Rights held to be inherent in natural law, not dependent on governments. John Locke stated that natural law, being superior to human law, specifies certain rights of “life, liberty, and property.” These rights, altered to become “life, liberty, and the pursuit of happiness,” are asserted in the Declaration of Independence.

Ratification—Formal approval.

Representative Assembly—A legislature composed of individuals who represent the population.

Separation of Powers—The principle of dividing governmental powers among different branches of government.

Social Contract—A voluntary agreement among individuals to secure their rights and welfare by creating a government and abiding by its rules.

State—A group of people occupying a specific area and organized under one government; may be either a nation or a subunit of a nation.

Supremacy Doctrine—A doctrine that asserts the priority of national law over state laws. This principle is rooted in Article VI of the Constitution, which provides that the Constitution, the laws passed

by the national government under its constitutional powers, and all treaties constitute the supreme law of the land.

Unicameral Legislature—A legislature with only one legislative chamber, as opposed to a bicameral (two-chamber) legislature, such as the U.S. Congress. Today, Nebraska is the only state in the Union with a unicameral legislature.

WEB LINKS

Avalon Project—digital documents relevant to law, history, and diplomacy including James Madison’s notes on the Constitutional Convention debates, taken from his daily journal:

<http://avalon.law.yale.edu/default.asp>

FindLaw—comprehensive resource for legal information: www.findlaw.com/casecode/state.html

National Constitution Center—information on the Constitution, including its history, current debates over constitutional provisions, and news articles: www.constitutioncenter.org

Our Documents—Our Documents is home to one hundred milestone documents that influenced that course of American history and American democracy, including the Declaration of Independence. Includes full-page scans of each document, transcriptions, and background information on their significance: <http://www.ourdocuments.gov/>

University of Oklahoma Law Center—houses several U.S. historical documents online:

www.law.ou.edu/hist

INSTRUCTOR RESOURCES

PRINTED MEDIA RESOURCES

Ackerman, Bruce. *The Failure of the Founding Fathers: Jefferson, Marshall, and the Rise of Presidential Democracy.* Cambridge, MA: Belknap Press, 2005. In this book, the author sees the contested election of 1800 as exposing the failure of the new Constitution to account for the rise of presidential power and the appearance of political parties.

Armitage, David. *The Declaration of Independence: A Global History.* Cambridge, MA: Harvard University Press, 2007. The author examines the history of the Declaration of Independence and then looks at its impact on the peoples and governments of other nations.

Bailyn, Bernard. *To Begin the World Anew: The Genius and Ambiguities of the American Founders.* New York: Knopf, 2003. In a series of essays, a two-time Pulitzer Prize-winning historian discusses the themes of order and liberty in the *Federalist Papers* and the advantages of the founders’ provincialism.

Breyer, Stephen G. *Active Liberty: Interpreting Our Democratic Constitution*. New York: Knopf, 2005.

Supreme Court Justice Stephen Breyer offers his thoughts on the Constitution as a living document. He argues that the genius of the Constitution rests in the adaptability of its great principles to cope with current problems.

Dahl, Robert A. *How Democratic Is the American Constitution?* New Haven, CT: Yale University Press, 2002. This book compares the U.S. Constitution with the constitutions of other democratic countries in the world.

Gibson, Alan. *Understanding the Founding: The Crucial Questions*. Lawrence: The University Press of Kansas, 2007. The author looks at several oft-debated questions concerning the motivation and political views of the Founding Fathers.

Hamilton, Alexander, et al. *The Federalist: The Famous Papers on the Principles of American Government*. Benjamin F. Wright, ed. New York: Friedman/Fairfax Publishing, 2002. This is an updated version of the papers written by Alexander Hamilton, James Madison, and John Jay and published in the *New York Packet*, in support of the ratification of the Constitution.

Philbrick, Nathaniel. *Mayflower: A Story of Courage, Community and War*. New York: Penguin, 2007.

The author investigates many of the myths surrounding the first colony in New England and sheds light on some little-known history.

MEDIA RESOURCES

In the Beginning—A 1987 Bill Moyers TV program that features discussions with three prominent historians about the roots of the Constitution and its impact on our society.

John Locke—A 1994 video exploring the character and principal views of John Locke.

Thomas Jefferson—A 1996 documentary by acclaimed director Ken Burns. The film covers Jefferson's entire life, including his writing of the Declaration of Independence, his presidency, and his later years in Virginia. Historians and writers interviewed include Daniel Boorstin, Garry Wills, Gore Vidal, and John Hope Franklin.