This bibliography focuses on the origins and development of the United States Constitution. This single bibliography is organized into two versions: (1) The Abbreviated Bibliography provides a long catalog of some major sources for a basic understanding of the events and ideas of the writing and ratification of the Constitution; and (2) the Extended Bibliography presents a more extensive list of works arranged into topical sections. The sections are (1) "The American Constitution: Bibliographies and General Treatments," (2) "Original Text and Writings," (3) "What Happened in 1787 and in the Years Before and After, and Why?" (4) "What Kind of People Wrote, Ratified, or Opposed the Constitution?," (5) "The Ideas of the Constitution," (6) "Specialized Treatments of Structural Components," (7) "Civil Rights and Civil Liberties," (8) "Other Provisions," (9) "Calls for Revisions in or Alternatives to the Constitution," and (10) "Nineteenth and Twentieth Century Constitutional History." The bibliography concludes with a chronology of the Founding Period.

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THE WRITING AND RATIFICATION OF THE U.S. CONSTITUTION:
A BIBLIOGRAPHY

By Russell R. Wheeler
Federal Judicial Center

1986

This bibliography was produced in furtherance of the Center's statutory mission to develop and conduct programs of continuing education and training for personnel of the federal judicial system. The selection and presentation of materials reflect the judgment of the author. Publication by the Center signifies that this work is regarded as responsible and valuable. It should be emphasized, however, that on matters of policy the Center speaks only through its Board.

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# TABLE OF CONTENTS

**INTRODUCTION** .............................................................. v

**ABBREVIATED BIBLIOGRAPHY** ............................................. 1

**EXTENDED BIBLIOGRAPHY** .................................................. 4
   Caveats and Guides .......................................................... 4

I. **THE AMERICAN CONSTITUTION: BIBLIOGRAPHIES AND GENERAL TREATMENTS** ....................................................... 5
   Bibliographies .............................................................. 5
   American Constitutional History and Development .................. 5

II. **ORIGINAL TEXTS AND WRITINGS** .................................... 7
   General Collections of Documents and Other Writings ............... 7
   Debates in the 1787 Convention ........................................ 7
   Debates in the State Ratification Conventions ....................... 8
   Pamphlets, Newspaper Essays .......................................... 8
      General ................................................................. 8
      The Federalist ....................................................... 8
      Anti-Federalist Writings ........................................... 9

III. **WHAT HAPPENED IN 1787 AND IN THE YEARS BEFORE AND AFTER, AND WHY?** ...................................................... 10
   General Treatments ...................................................... 10
   Anthologies ..................................................................... 10
   Texts ............................................................................. 11
   Analyses of Specific Time Periods ...................................... 12
      What Happened in the Years Leading to 1787? .................... 12
      The Philadelphia Convention and the Ratification Process ... 13
      Narratives ................................................................... 13
      Quantitative Analyses of Behavior at the Convention and Later 14
      What Happened After Ratification? ................................... 15
      General ....................................................................... 15
      The Judiciary .................................................................. 16

IV. **WHAT KIND OF PEOPLE WROTE, RATIFIED, OR OPPOSED THE CONSTITUTION?** ...................................................... 17
   The Founders .................................................................... 17
   The Anti-Federalists ....................................................... 17
   The Beard Thesis ................................................................ 18
   Biographies of Participants in the Constitution's Creation .... 19
   Biographical Collections .................................................. 19
   Separate Biographical Treatments ...................................... 19
V. THE IDEAS OF THE CONSTITUTION
   Anthologies .............................................. 24
   General Treatments ..................................... 24
   The Political Theory of The Federalist .............. 26
   Contemporary Adjudication and the Intentions of the Framers ............................................. 28

VI. SPECIALIZED TREATMENTS OF STRUCTURAL COMPONENTS ...
   Federalism ............................................... 30
   Separation of Powers .................................... 31
   The Congress and the Presidency ....................... 31
   The Judiciary and Federal Jurisdiction ............... 32

VII. CIVIL RIGHTS AND CIVIL LIBERTIES ............ 34
   Liberties in the 1787 Constitution and the Bill of Rights .............................................. 34
   The Slavery Issue and the Constitution ............. 35

VIII. OTHER PROVISIONS ........................................... 37

IX. CALLS FOR REVISIONS IN OR ALTERNATIVES TO THE CONSTITUTION ................................. 38

X. NINETEENTH AND TWENTIETH CENTURY CONSTITUTIONAL HISTORY ............................................ 39
   Nineteenth Century ....................................... 39
   General Works ............................................ 39
   Biographies ............................................... 40
   Twentieth Century ........................................ 41
   General Works ............................................ 41
   Biographies ............................................... 41

CHRONOLOGY OF THE FOUNDING PERIOD ................. 43
INTRODUCTION

Organization. This is a single bibliography in two versions for two purposes. The Abbreviated Bibliography (pp. 1-3) provides a brief catalog of some major sources that a reader might consult to gain a basic understanding of the events and ideas of the Constitution's writing and ratification. The Extended Bibliography presents a more extensive list of works, arranged according to the topical sections shown in the Table of Contents.

Purpose and scope. This bibliography was prepared at the suggestion of the Board of the Federal Judicial Center, which recognized that federal judges, and other federal court personnel, would likely be called upon for various kinds of advice and participation in the bicentennial celebration of the American Constitution and that a bibliography would be helpful to that end. Consequently, this is not a bibliography on American constitutional law, cataloging materials that judges typically encounter in pleadings, briefs, and decisional law in constitutional cases. Nor is it a bibliography on American constitutional history or on the role of the Supreme Court in the American political process, although sections I and X of the Extended Bibliography contain some materials on those broader topics.

This bibliography's focus is on the events and ideas of two hundred years ago. That focus does not reflect the narrow view that all the important questions were settled in 1776 and 1787, but rather the view that the events and arguments of the period of the American founding provide important lessons that tend to be overlooked, and that the bicentennial provides a valuable opportunity to look specially at them. Indeed, it is an opportunity to take up the question posed in The Federalist no. 1:

whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.
Information on bicentennial activities and developments. Anyone interested in the Constitution's creation--be that interest sparked by the bicentennial or not--will want to stay abreast of the events and publications marking the event. The newsletter of the Commission on the Bicentennial of the United States Constitution is sent to all federal judges, but those not receiving it may do so by writing:

Commission on the Bicentennial of the United States Constitution
736 Jackson Place, N.W.
Washington, DC 20503

In addition, this Constitution, a quarterly bicentennial chronicle of Project '87, publishes articles on the Constitution's creation and evolution and news items on related current events, as well as chronologies, documents, and other materials. There is a nominal subscription price. To subscribe, write to:

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ABBREVIATED BIBLIOGRAPHY

The Philadelphia Convention of 1787

Numerous books and articles describe the participants and the work of the Constitutional Convention, give something of the causes that brought it about and discuss what happened in its wake, and analyze at least cursorily the ideas and issues of these events. Especially for its length (35 pages), none is better than:

Walter Berns, The Writing of the Constitution of the United States (American Enterprise Institute 1985) (Berns explains the background of events and ideas leading to the convention, analyzes the "political theory [and] political fact" that motivated the delegates, provides a chronology of the debate on key issues, and notes the resolution of the convention's most important unfinished business).

Three good, popularly oriented, book-length studies are:


What Brought the Convention About?

Three good sources dealing primarily with the events and conditions leading to the 1787 convention are below, their relative foci revealed by their titles.

Andrew C. McLaughlin, The Confederation and the Constitution, 1783-1789 (Crowell-Collier 1:62) (first published 1905) (this work is currently out of print).


**The Ideas of the Constitution**

The framers' understanding of political behavior and of the purposes of government are referenced in the works above (albeit, in some, obliquely at best). Both articles below provide more substantial explications, with reference to the political theorists of the eighteenth century and earlier times on whom the framers relied.


Another way to understand the political theories of the founding period is to see the Constitution through the eyes of its opponents. A very helpful treatment to that end is:


**The Bill of Rights**


**Original Texts**

The Federalist—Hamilton, Madison, and Jay's classic exposition of the Constitution—is available in numerous editions. Any good bookstore is likely to have the paperback editions of Clinton Rossiter (New American Library 1962) and/or Garry Wills (Bantam Classic 1982).

August 1986
For anti-federalist writings, the most convenient introductory collection is Herbert J. Storing (ed.), The Anti-Federalist: Writings by the Opponents of the Constitution (abridged by Murray Dry) (University of Chicago Press 1985).

**Anthologies**

Several anthologies of scholarly articles cover the topics above and in the process illuminate the diverse and competing academic perspectives on the creation of the Constitution. All carry one or the other of the Diamond essays cited above, except Levy's, which focuses somewhat more heavily than the others do on the controversy over the Beard thesis (i.e., to what degree was the Constitution written primarily to serve particular economic interests?). The most comprehensive yet manageable of the four is probably Wood's.


EXTENDED BIBLIOGRAPHY

Caveats and Guides

1. This bibliography is "extended" only in comparison to the preceding pages. It presents only a small portion of the literature on the founding period, with an emphasis on more recent works, from which one can work back to earlier items.

2. The sections (see the Table of Contents at p. iii) identify the main subjects of the works placed in them. For clarification, citations include subtitles as well as titles, and annotations for some especially important works or to explain works whose titles and subtitles are unhelpful or even misleading.

3. Within those sections and subsections that warrant it, works to which one might profitably turn first are set out first; those that one might wish to consult for further information are identified by the heading Other Works.

4. Each entry shows the author, title, and journal (or for books, the publisher), the date of most recent publication, and the date of first publication where different.

5. Books that are out of print are so indicated; most items in the bibliography, out of print or not, should be available in any adequate library. Some works now out of print may be republished for the bicentennial.
I. THE AMERICAN CONSTITUTION: BIBLIOGRAPHIES AND GENERAL TREATMENTS

Bibliographies


American Constitutional History and Development


August 1986


August 1986
II. ORIGINAL TEXTS AND WRITINGS

The text of the Constitution is available in most of the works cited in this section. Note also the authoritative Congressional Research Service version, cited under American Constitutional History and Development, supra p. 5.

General Collections of Documents and Other Writings


Forrest McDonald & Ellen Shapiro McDonald (eds.), Confederation and Constitution, 1781-1789 (University of South Carolina Press 1968) (out of print).


Debates in the 1787 Convention

Max Farrand, The Records of the Federal Convention of 1787 (4 vols.) (Yale University Press; first three volumes published 1911; republished with fourth volume in 1937; fifth volume forthcoming May 1987). Volumes I and II present participants' records of convention debates, most importantly Madison's "Notes." Volume III contains convention and postconvention correspondence and speeches of the framers. Volume IV presents corrections to the first three volumes, the text of the Constitution cross-referenced to entries in the four volumes, and an index. Volume V will present additional sources that have come to light since 1937.


August 1986

Debates in the State Ratification Conventions

Jonathan Elliot (ed.), The Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the Framers' Convention at Philadelphia in 1787 (5 vols.) (Burt Franklin 2d ed. 1974) (first published 1836) (Elliot has long been the standard source, although it will give way to the item immediately below).

John P. Kaminski & Gaspare Saladino (eds.), Documentary History of the Ratification of the Constitution and the Bill of Rights (Wisconsin State Historical Society; in progress, some volumes now available).

Pamphlets, Newspaper Essays

General

In addition to the collections cited below, those cited above under General Collections of Documents and Other Writings, supra p. 7, contain public and private writings and state documents.

The Federalist


However these papers served their primary goal—securing New York's ratification of the Constitution—their influence on succeeding generations' understanding of the theory and objectives of the Constitution has been immense. Of the paperback editions currently available, Cook and Fairfield provide more probing analyses in their introductions, but Rossiter's appears to be the most accessible.

Jacob E. Cooke (ed.), The Federalist (Wesleyan University Press 1982).


August 1986


Anti-Federalist Writings

There is no The Anti-Federalist to correspond to The Federalist. Several collections of anti-federalist writings are:


Other Works


III. WHAT HAPPENED IN 1787 AND IN THE YEARS BEFORE AND AFTER, AND WHY?

The literature that describes and/or analyzes the events of and surrounding 1787 can be categorized and sorted in many ways, none of which is entirely satisfactory because little of the literature is single-purpose. The basic distinctions in this bibliography are between works that primarily analyze or describe:

-- events (this section, which is further divided into general treatments and treatments of more specific time periods);
-- participants (section IV);
-- ideas (section V); and
-- more specialized topics (sections VI-VIII).

General Treatments

(See also relevant portions of the works cited under American Constitutional History and Development, supra p. 5.)

Anthologies

Each anthology below provides basic material on the conditions leading to the Constitution, explains something of the theory underlying it, and introduces the various academic perspectives, such as the debates over Charles Beard's 1913 thesis on the economic origins of the Constitution. Levy's work focuses more heavily than the others on the Beard thesis; the others each include one or the other of the Diamond essays referenced in the Abbreviated Bibliography at p. 2 and in The Political Theory of The Federalist, infra p. 26. The most comprehensive yet manageable of the four is probably Wood's.


August 1986

Texts

McLaughlin's one-volume history, eighty years old and predating even the Beard thesis, is a still-solid, felicitously written, and judicious interpretation of the end of the Revolution, government under the Articles, and the writing and ratification of the Constitution. Middlekauff's single but lengthy volume provides a broader sweep and contains an extensive bibliography. The narratives on the Constitution's writing and ratification, infra p. 13, provide some comment on the events leading up to and the aftermath of the Philadelphia Convention.


Other Works


Seymour Martin Lipset, The First New Nation, The United States in Historical and Comparative Perspective (Norton 1979) (first published 1963) (sociological analysis of American nation building in light of the experiences of other Western democracies and the emerging nations of the twentieth century; see also Chambers, supra).


August 1986

**Analyses of Specific Time Periods**

The works cited below conform generally, but rarely precisely, to the three chronological periods in which they are placed.

**What Happened in the Years Leading to 1787?**


**Other Works**


Lance Banning, *From Confederation to Constitution: The Revolutionary Context of the Great Convention, this Constitution*, no. 6 (Spring 1985).


August 1986


The Philadelphia Convention and the Ratification Process

Narratives

Articles. Berns's brief (35 pages) pamphlet provides as good an account, for its length, as one will find. He explains the background of events and ideas that led to the convention, analyzes the considerations of "political theory [and] political fact" that motivated the delegates, provides a chronology of the debate on key issues, and notes the resolution of the convention's unfinished business. Roche, as his title suggests, tends to downplay the impact of theory and principle in the writing of the Constitution. Storing, focusing mainly on the so-called "Great Compromise," hardly ignores the strategic machinations but gives more emphasis to the framers' views of basic principles of free government as vital ingredients in shaping the Constitution.


Books. The books below fall more in the popular than the scholarly vein. They present biographical sketches of the framers (or at least of the leading ones), describe the tenor of the times, and provide blow-by-blow accounts of the debates. On the ratification, see infra p. 17 under The Anti-Federalists.


Richard B. Morris, Witnesses at the Creation: Hamilton, Madison, Jay and the Constitution (Holt, Rinehart & Winston 1985) (the convention and ratification interpreted through the eyes and actions of Publius, the author of The Federalist; includes a helpful bibliographical essay, limited however to the work of historians).

Other Works


Quantitative analyses of behavior at the convention and later


Gerald M. Pomper, Conflict and Coalitions at the Constitutional Convention, in S. O. Groenning et al. (eds.), The Study of Coalition Behavior: Theoretical Perspectives from Four Continents (Holt, Rinehart & Winston 1970) (out of print).


What Happened After Ratification?

(See also the biographical literature on such people as Hamilton, Jay, Jefferson, Madison, and Washington in section IV, and the items in sections VI and VII.)

General


Other Works


Thomas P. Slaughter, Liberty and Taxes: The Early National Contest, this Constitution, no. 7 (Spring 1985).

The judiciary

For works about the federal courts and judicial activity in the last decade of the eighteenth century, see, in addition to relevant parts of the general works in section I:


Julius Goebel, Jr., Antecedents and Beginnings to 1800, vol. 1 of The History of the Supreme Court (Oliver Wendell Holmes Devise History of the Supreme Court of the U.S., Macmillan 1971).

Ralph Lerner, The Supreme Court as Republican Schoolmaster, 1967 Supreme Court Review 127 (analyzes the federalist teaching in the early Supreme Court justices' grand jury charges).


Russell Wheeler, Extrajudicial Activities of the Early Supreme Court, 1973 Supreme Court Review 123 (reinterpretation of, among other things, Hayburn's Case, 2 Dall. 409 (1792), and the 1793 advisory opinion incident).
IV. WHAT KIND OF PEOPLE WROTE, RATIFIED, OR OPPOSED THE CONSTITUTION?

Labels, and the literature to be labelled, can be especially misleading when one tries to understand who the participants in the founding were, and why they acted as they did. For example, the "federalist" label was appropriated by those who advocated basically a national government, forcing those who favored a confederacy to call themselves "anti-federalists." Also, "the founders" is used below somewhat narrowly to designate only those who took a leading role in writing the Constitution in the convention. Moreover, the literature itself is misleading to the degree it suggests that to understand why those of the founding acted as they did, it is enough to read the accounts of their backgrounds and their social and economic situation. One must also try to understand what they thought and why; the literature cited in section V is a necessary complement to that in sections III and IV.

The Founders


Stanley M. Elkins & Eric McKitrick, The Founding Fathers, Young Men of the Revolution, 76 Political Science Quarterly 81 (1961), reprinted in Greene, in Levy, and in Jones, all supra p. 10 (explains the federalist, anti-federalist division in terms of age and thus experience during the Revolutionary War).

The Anti-Federalists

In some ways, controversies over the role of the anti-federalists, and over the Beard thesis (see infra p. 18), are of the same piece. The Beard thesis, however, has a distinct economic focus, which sets it apart from analysis of opposition to the Constitution generally.


Herbert J. Storing, What the Anti-Federalists Were for: The Political Thought of the Opponents of the Constitution: Volume August 1986

Other Works


The Beard Thesis

The four anthologies at pp. 10-11, but especially Levy's, provide materials on the Beard thesis controversy.

Charles A. Beard, An Economic Interpretation of the Constitution of the United States (Free Press 1965) (first published 1913).


Forrest McDonald, We the People: The Economic Origins of the Constitution (University of Chicago Press 1976) (first published 1958) (effort to refute Beard's thesis using Beard's methodology; by his own account, McDonald would probably prefer readers go to his E Pluribus Unum, supra p. 11).


August 1986
Biographies of Participants in the Constitution's Creation

Abridged editions of Hamilton's, Madison's, and Wilson's works are cited below, but this section does not reference the comprehensive editions of the papers of leading eighteenth century figures. For most of the prominent framers, projects have been under way for at least several years at various universities to produce complete and authoritative collections of their writings, supplanting earlier editions.

Biographical Collections

Most of the books cited at p. 13 contain brief biographical sketches of at least the prominent founders. Thumbnail sketches of most of them are also in Robert G. Ferris & James H. Charlton, The Signers of the Constitution (Interpretive Publications 1986), and, with religious overtones, M. E. Bradford, A Worthy Company: Brief Lives of the Framers of the United States Constitution (Plymouth Rock Foundation 1982).


Separate Biographical Treatments

(Delegates to the Constitutional Convention are so noted.)

John Adams (Massachusetts);


Abraham Baldwin (Georgia) (delegate)

Henry C. White, Abraham Baldwin, One of the Founders of the Republic (McGregor 1926) (out of print).

John Blair, Jr. (Virginia) (delegate)

William Blount (North Carolina) (delegate)


George Clinton (New York)

E. Wilder Spaulding, His Excellency, George Clinton (Friedman 1964) (first published 1938) (out of print).

William Davie (North Carolina) (delegate)


John Dickinson (Delaware) (delegate)


Oliver Ellsworth (Connecticut) (delegate)


Benjamin Franklin (Pennsylvania) (delegate)


Elbridge Gerry (Massachusetts) (delegate)


Alexander Hamilton (New York) (delegate)

(See also Morris, supra p. 14.)

Jacob E. Cooke, Alexander Hamilton: A Biography (Scribners 1982).

August 1986


Patrick Henry (Virginia)


John Jay (New York)

(See also Morris, supra p. 14; Morris, Wheeler, supra p. 16.)


Thomas Jefferson (Virginia)


William Johnson (Connecticut) (delegate)


Rufus King (Massachusetts) (delegate)


James Madison (Virginia) (delegate)

(See also Morris, supra p. 14.)
Irving Brant, James Madison (6 vols., esp. James Madison, The Nationalist, 1780-87 (Bobbs-Merrill 1948) (out of print), and James Madison, Father of the Constitution, 1787-1800 (Bobbs-Merrill 1950) (out of print)).


John Marshall (Virginia)


Luther Martin (Maryland) (delegate)


George Mason (Virginia) (delegate)

Helen Hill Miller, George Mason: Gentleman Revolutionary (University of North Carolina Press 1975).


Gouverneur Morris (Pennsylvania) (delegate)


Daniel Walther, Gouverneur Morris: Witness of Two Revolutions (Funk & Wagnalls 1934) (out of print).

William Paterson (New Jersey) (delegate)


Charles Pinckney (South Carolina) (delegate)


August 1986

Charles Cotesworth Pinckney (South Carolina) (delegate)


Edmund Randolph (Virginia) (delegate)


John Rutledge (South Carolina) (delegate)

Richard Barry, Mr. Rutledge of South Carolina (Buell, Sloan & Pearce 1942) (out of print).


Roger Sherman (Connecticut) (delegate)


George Washington (Virginia) (delegate)


James Wilson (Pennsylvania) (delegate)


V. THE IDEAS OF THE CONSTITUTION

After the anthologies cited immediately below, this section draws a somewhat narrow line between works analyzing the theoretical underpinnings of the Constitution generally and works that focus more precisely on the most important subject of that category, the political theory of Publius, the author of The Federalist. (The assumption here, over which reasonable people disagree, is that both the Constitution and The Federalist are characterized by internal consistency, at least on fundamental questions.)

Consult also the anthologies at p. 10 and the article-length narratives at p. 13.

**Anthologies**


**General Treatments**


Martin Diamond, The Founding of the Democratic Republic (F. E. Peacock 1981) (out of print) (this is an excellent introduction, but it is difficult to locate).

Richard Hofstader, The Founding Fathers: An Age of Realism, in The American Political Tradition and the Men Who Made It (Vintage Books 1954), also reprinted in Horwitz, supra under Anthologies (Hofstader analyzes the founders' realistic, or pessimistic, view of human nature and what they tried to do with and about it).

August 1986
Andrew C. McLaughlin, Foundations of American Constitutionalism (Peter Smith 1972) (first published 1932) (analyzes the importance of the seventeenth and eighteenth century concepts of charters and contracts to the creation of the Constitution).


Other Works


William Winslow Crosskey, I & II Politics and the Constitution in the History of the United States (University of Chicago Press 1953); William Winslow Crosskey & William Jeffrey, Jr., III The Political Background of the Federal Constitution (University of Chicago Press 1980). All three volumes are characterized by their steadfast analysis of the eighteenth century meaning of words used in the Constitution and debates about it, especially as to national economic power and the role of the Supreme Court. Although the first two volumes were not published until 1953, they provide exhaustive but rebuttable support for the New Deal constitutional world view.


The Political Theory of The Federalist


Some readers may also want to refer to James G. Wilson, *The Most Sacred Text: The Supreme Court's Use of The Federalist Papers*, 1985 Brigham Young University Law Review 65, for the analysis of the topic referenced in its title.

Either one of the first two following essays provides a rich, and to many a fresh, explanation of the political goals of the Constitution—an extended, commercial, representative democracy with auxiliary checks—and of the theoretical under-

August 1986
standing that motivated its leading authors and that Hamilton and Madison explained in The Federalist.


Other Works

Douglass Adair, The Tenth Federalist Revisited, 8 William & Mary Quarterly 48 (1951), reprinted in Douglass Adair, Fame and the Founding Fathers (W. W. Norton 1974).

Douglass Adair, That Politics May Be Reduced to Science: David Hume, James Madison, and the Tenth Federalist (1957), reprinted in Greene, supra p. 10, and in Adair, immediately supra.


Thomas S. Engeman, Utopianism and Preservation, The Rhetorical Dimension of American Statesmanship, in Ralph A. Rossum & Gary L. McDowell (eds.), The American Founding: Politics, Statesmanship, and the Constitution (Kennikat Press 1981) (arguing that the federalists' downfall was caused by their preoccupation with the structure of government and channelling human nature to drive that structure, with only a secondary concern for the higher goals of political society).


Arthur O. Lovejoy, The Theory of Human Nature in the American
Constitution and the Method of Counterpoise (1961), reprinted in Greene, supra p. 10.

Robert J. Morgan, Madison's Analysis of the Sources of Political Authority, 75 American Political Science Review 613 (1981).

Jack N. Rakove, James Madison and the Extended Republic: Theory and Practice in American Politics, this Constitution, no. 3 (Summer 1984).


Jean Yarborough, Thoughts on The Federalist's View of Representation, Polity 12 (1979).

Contemporary Adjudication and the Intentions of the Framers

There is a great deal of legal academic literature on determining what kind of deference, if any, courts owe to the intentions of the Constitution's framers. That literature is basically beyond the scope of this bibliography: Many of the works (not unexpectedly, given their assumptions) pay little attention to the writing of the Constitution. A sampling, though, of some of the leading articles is below.

Popular interest in this subject was spurred by various comments of Attorney General Meese and Justice Brennan in 1985. The U.C. Davis Law Review has published one each of their speeches, and one by Justice Stevens, as Addresses--Construing the Constitution, 19 U.C. Davis Law Review 2 (1985).


VI. SPECIALIZED TREATMENTS OF STRUCTURAL COMPONENTS

This section presents analyses of founding period treatment of major structural constitutional components—federalism and the three great departments of government.

Federalism


Other Works


Jack P. Greene, The Imperial Roots of American Federalism, this Constitution, no. 6 (Spring 1985).


Separation of Powers

The Congress and the Presidency


John A. Rohr, To Run a Constitution: The Legitimacy of the Administrative State (University of Kansas Press 1986) (analyzes three "foundings" of the federal bureaucracy; part I--on the founding of the Republic--analyzes the compatibility of the administrative state with the intentions of the framers).


Other Works


Joseph P. Harris, The Advice and Consent of the Senate: A Study of the Confirmation and Appointments by the United States Senate (Greenwood Press 1968) (first published 1953) (esp. ch. 2).


The Judiciary and Federal Jurisdiction


VII. CIVIL RIGHTS AND CIVIL LIBERTIES

Liberties in the 1787 Constitution and the Bill of Rights


Other Works


August 1986


Note, A Madisonian Interpretation of the Equal Protection Doctrine, 91 Yale Law Journal 1403 (1982) (arguing, inter alia, that equal protection standards, derived from the fourteenth and other amendments, have been and should have been applied more vigorously to the states than to the federal government, thus validating the theory of The Federalist no. 10).


The Slavery Issue and the Constitution


James Oliver Horton, Weevils in the Wheat: Free Blacks and the Constitution, 1787-1860, this Constitution, no. 8 (Fall 1985).


VIII. OTHER PROVISIONS


IX. CALLS FOR REVISIONS IN OR ALTERNATIVES TO THE CONSTITUTION


A skeptical view about the efficacy of changes in current constitutional arrangements of the separation of powers is in:

X. NINETEENTH AND TWENTIETH CENTURY
CONSTITUTIONAL HISTORY

(Note again the entries under Bibliographies, supra p. 5.)

Nineteenth Century

General Works


Charles Fairman, Reconstruction and Reunion, 1864-68 (Oliver Wendell Holmes Devise History of the Supreme Court of the U.S., Macmillan 1971).


David M. Silver, Mr. Lincoln's Supreme Court (University of Illinois Press 1956) (out of print).

**Biographies**

(Note also Leon Friedman & Fred L. Israel (eds.), *The Justices of the United States Supreme Court, 1789-1978* (5 vols.) (Chelsea House rev. ed. 1980) (first published 1969).)


Charles Fairman, Mr. Justice Miller and the Supreme Court, 1862-1890 (Russell 1966) (first published 1939).


Carl Swisher, Roger B. Taney (Macmillan 1936) (out of print).


August 1986
Twentieth Century

General Works


Richard C. Cortner, The Supreme Court and the Second Bill of Rights: The Fourteenth Amendment and the Nationalization of Civil Liberties (University of Wisconsin Press 1981) (analyzes the incorporation of the first ten amendments into the Fourteenth Amendment's due process clause).


Alpheus T. Mason, The Supreme Court from Taft to Burger (Louisiana State University Press 1978).


Clement E. Vose, Caucasians Only: The Supreme Court, the NAACP, and the Restrictive Covenant Cases (University of California Press 1959).

Biographies

(Note also Friedman & Israel, supra p. 40.)


Fowler V. Harper, Justice Rutledge and the Bright Constellation (Bobbs-Merrill 1965) (out of print).

J. Woodford Howard, Jr., Mr. Justice Murphy: A Political biography (Princeton University Press 1968).

Alpheus T. Mason, Brancais: A Free Man's Life (Viking 1946) (out of print).


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August 1986
CHRONOLOGY OF THE FOUNDING PERIOD

July 1776
Continental Congress declares colonies' independence from Great Britain.

Articles of Confederation presented to the Congress for consideration.

November 1777
Congress presents the Articles to the states; unanimous ratification required.

March 1781
Maryland ratifies, thus putting Articles into effect.

September 1783
Britain signs Articles of Peace.

March 1785
Washington is host to commissioners from Virginia and Maryland at Mount Vernon to resolve jurisdictional problems over Potomac River navigational rights.

September 1786
Five of the thirteen states invited by Virginia attend the Annapolis Convention on interstate commercial problems. They resolve to ask all the states to convene in Philadelphia to consider changes necessary "to render the constitution of the Federal Government adequate to the exigencies of the Union."

February 1787
Shays's Rebellion in Massachusetts quelled.

Congress opines favorably on the expediency of the Philadelphia Convention, called for in Annapolis, but only to revise the Articles of Confederation.

May 1787
Philadelphia Convention achieves a quorum and begins deliberations; twelve of the thirteen states are represented.

July 1787
Congress adopts the Northwest Ordinance, banning slavery and specifying procedures for establishing republican government in western territories ceded by the states.
September 1787  Delegates vote approval of the Constitution, sign it, and send it to Congress. Congress resolves to submit the Constitution for ratification as prescribed in Article VII of the document.

October 1787  The Federalist no. 1 published in New York to urge ratification there.

December 1787  Delaware becomes the first state to ratify.

June 1788  New Hampshire becomes the ninth state to ratify, the technical minimum required for adoption.

July 1788  Virginia ratifies.

New York ratifies.

Congress prepares for the change in government.

February 1789  Presidential electors, elected in January, choose Washington as the first president.

March 1789  Congress convenes under the Constitution.

April 1789  Washington inaugurated as president.

September 1789  Federal Judiciary Act passed.

Congress submits twelve amendments to the states in response to calls by state ratification convention for a bill of rights.

February 1790  Supreme Court convenes for initial session.

December 1791  Virginia ratifies ten of the twelve amendments submitted, making the Bill of Rights part of the Constitution.
THE FEDERAL JUDICIAL CENTER

The Federal Judicial Center is the research, development, and training arm of the federal judicial system. It was established by Congress in 1967 (28 U.S.C. §§ 620-629), on the recommendation of the Judicial Conference of the United States.

By statute, the Chief Justice of the United States is chairman of the Center’s Board, which also includes the Director of the Administrative Office of the United States Courts and six judges elected by the Judicial Conference.

The Center’s Continuing Education and Training Division provides educational programs and services for all third branch personnel. These include orientation seminars, regional workshops, on-site training for support personnel, and tuition support.

The Division of Special Educational Services is responsible for the production of educational audio and video media, educational publications, and special seminars and workshops, including programs on sentencing.

The Research Division undertakes empirical and exploratory research on federal judicial processes, court management, and sentencing and its consequences, usually at the request of the Judicial Conference and its committees, the courts themselves, or other groups in the federal court system.

The Innovations and Systems Development Division designs and tests new technologies, especially computer systems, that are useful for case management and court administration. The division also contributes to the training required for the successful implementation of technology in the courts.

The Division of Inter-Judicial Affairs and Information Services prepares a monthly bulletin for personnel of the federal judicial system, coordinates revision and production of the Bench Book for United States District Court Judges, and maintains liaison with state and foreign judges and related judicial administration organizations. The Center’s library, which specializes in judicial administration materials, is located within this division.