

# The Writing and Ratification of the U.S. Constitution: An Abbreviated Bibliography

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## AN ABBREVIATED BIBLIOGRAPHY

Note: This brief bibliography is reproduced from a longer bibliography on the same subject, R. Wheeler, *The Writing and Ratification of the U.S. Constitution: A Bibliography* (Federal Judicial Center 1986). Copies of this longer bibliography are available from the Federal Judicial Center's Information Services Office, 1520 H Street, N.W., Washington, DC 20005.

### 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 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:

Catherine Drinker Bowen, *Miracle at Philadelphia: The Story of the Constitutional Convention, May to September 1787* (Little, Brown 1986) (first published 1966).

Christopher Collier & James Collier, *Decision in Philadelphia: The Constitutional Convention of 1787* (Random House/Reader's Digest Press 1986).

Richard B. Morris, *Witnesses at the Creation: Hamilton, Madison, Jay and the Constitution* (Holt, Rinehart & Winston 1985) (looks at events through the eyes of The Federalist's authors).

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 1962) (first published 1905) (this work is currently out of print).

Robert Middlekauff, *The Glorious Cause: The American Revolution, 1763-1789* (Oxford University Press 1982).

Jack N. Rakove, *The Beginnings of National Politics: An Interpretive History of the Continental Congress* (Johns Hopkins University Press 1982) (first published 1979).

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.

Martin Diamond, Democracy and The Federalist: A Reconsideration of the Framers' Intent, 53 *American Political Science Review* 52 (1959), reprinted in the Greene and the Jones anthologies cited infra under Anthologies.

Martin Diamond, The Federalist, in Leo Strauss & Joseph Cropsey (eds.), *The History of Political Philosophy* (University of Chicago Press 2d ed. 1981) (first published 1963); also reprinted in the Wood anthology cited infra under Anthologies.

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:

Herbert J. Storing, What the Anti-Federalists Were for: The Political Thought of the Opponents of the Constitution: Volume I of the Complete Anti-Federalist (University of Chicago Press 1981).

## The Bill of Rights

The best one-volume treatment of the evolution and ratification of the first ten amendments to the Constitution is Robert A. Rutland, *The Birth of the Bill of Rights, 1776-1791* (New England University Press rev. ed. 1983).

### 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).

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.

Jack P. Greene (comp.), *The Reinterpretation of the American Revolution, 1763-1789* (Greenwood Press 1979) (first published 1968).

Robert F. Jones (ed.), *The Formation of the Constitution* (Krieger 1978).

Leonard W. Levy (ed.), *Essays on the Making of the Constitution* (Oxford University Press 1969) (2d ed. forthcoming 1987).

Gordon S. Wood (ed.), *The Confederation and the Constitution: The Critical Issues* (University Press of America 1979).

## 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:

Project '87  
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## 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.  
Virginia ratifies.
- July 1788 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.

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