

Americas Constitution A Biography Akhil Reed Amar

Are the deep insights of Hugo Black, William Brennan, and Felix Frankfurter that have defined our cherished Bill of Rights fatally flawed? With meticulous historical scholarship and elegant legal interpretation a leading scholar of Constitutional law boldly answers yes as he explodes conventional wisdom about the first ten amendments to the U.S. Constitution in this incisive new account of our most basic charter of liberty. Akhil Reed Amar brilliantly illuminates in rich detail not simply the text, structure, and history of individual clauses of the 1789 Bill, but their intended relationships to each other and to other constitutional provisions. Amar's corrective does not end there, however, for as his powerful narrative proves, a later generation of antislavery activists profoundly changed the meaning of the Bill in the Reconstruction era. With the Fourteenth Amendment, Americans underwent a new birth of freedom that transformed the old Bill of Rights. We have as a result a complex historical document originally designed to protect the people against self-interested government and revised by the Fourteenth Amendment to guard minority against majority. In our continuing battles over freedom of religion and expression, arms bearing, privacy, states' rights, and popular sovereignty, Amar concludes, we must hearken to both the Founding Fathers who created the Bill and their sons and daughters who reconstructed it. Amar's landmark work invites citizens to a deeper understanding of their Bill of Rights and will set the basic terms of debate about it for modern lawyers, jurists, and historians for years to come.

Constitutional law's central narrative in the 20th century has been one of radical reinterpretation--Brown v. Board of Education, Roe v. Wade, Bush v. Gore. What justifies this phenomenon? How does it work doctrinally? What structures it or limits it? Rubinfeld finds a pattern in constitutional interpretation that answers these questions.

THE WORDS WE LIVE BY takes an entertaining and informative look at America's most important historical document, now with discussions on new rulings on hot button issues such as immigration, gay marriage, gun control, and affirmative action. In THE WORDS WE LIVE BY, Linda Monk probes the idea that the Constitution may seem to offer cut-and-dried answers to questions regarding personal rights, but the interpretations of this hallowed document are nearly infinite. For example, in the debate over gun control, does "the right of the people to bear arms" as stated in the Second Amendment pertain to individual citizens or regulated militias? What do scholars say? Should the Internet be regulated and censored, or does this impinge on the freedom of speech as defined in the First Amendment? These and other issues vary depending on the interpretation of the Constitution. Through entertaining and informative annotations, THE WORDS WE LIVE BY offers a new way of looking at the Constitution. Its pages reflect a critical, respectful and appreciative look at one of history's greatest documents. THE WORDS WE LIVE BY is filled with a rich and engaging historical perspective along with enough surprises and fascinating facts and illustrations to prove that your Constitution is a living--and entertaining--document. Updated now for the first time, THE WORDS WE LIVE BY continues to take an entertaining and informative look at America's most important historical document, now with discussions on new rulings on hot button issues such as immigration, gay marriage, and affirmative action.

Presents a portrait of Michelle Obama from her youth on the south side of Chicago and her education at Princeton and Harvard Law School to her relationship with Barack Obama and her views on political issues.

"This is the untold story of the most celebrated part of the Constitution. Until the twentieth century, few Americans called the first ten amendments the Bill of Rights. When they did after 1900, the Bill of Rights was usually invoked to increase rather than limit federal authority"--Today the integrity and unity of the Declaration of Independence and the Constitution are under attack by the Progressive political movement. And yet, writes Larry P. Arnn: "The words

of the Declaration of Independence ring across the ages. The arrangements of the Constitution have a way of organizing our actions so as to produce certain desirable results, and they have done this more reliably than any governing instrument in the history of man. Connect these arrangements to the beauty of the Declaration and one has something inspiring and commanding.” From Chapter 2, *The Founders’ Key*. Dr. Arnn, president of Hillsdale College, reveals this integral unity of the Declaration and the Constitution. Together, they form the pillars upon which the liberties and rights of the American people stand. United, they have guided history’s first self-governing nation, forming our government under certain universal and eternal principles. Unfortunately, the effort to redefine government to reflect “the changing and growing social order” has gone very far toward success. Politicians such as Franklin Roosevelt found ways to condemn and discard the Constitution and to redefine the Declaration to justify government without limit. As a result, both documents have been weakened, their influence diminished, and their meaning obscured—paving the way for the modern administrative state, unaccountable to the will of the people. *The Founders’ Key* is a powerful call to rediscover the connection between these two mighty documents, and thereby restore our political faith and revive our free institutions.

Near the close of the Civil War, as General Sherman blazed his path to the sea, an unknown infantryman rifled through the North Carolina state house. The soldier was hunting for simple Confederate mementos—maps, flags, official correspondence—but he wound up discovering something far more valuable. He headed home to Ohio with one of the touchstones of our republic: one of the fourteen original copies of the Bill of Rights. *Lost Rights* follows that document’s singular passage over the course of 138 years, beginning with the Indiana businessman who purchased the looted parchment for five dollars, then wending its way through the exclusive and shadowy world of high-end antiquities—a world populated by obsessive archivists, oddball collectors, forgers, and thieves— and ending dramatically with the FBI sting that brought the parchment back into the hands of the government. For fans of *The Billionaire’s Vinegar* and *The Lost Painting*, *Lost Rights* is “a tour de force of antiquarian sleuthing” (Hampton Sides).

Both enshrining the fundamental rights and freedoms of its citizens in law, and curbing the power of those who rule them, the US constitution is one of the most significant documents in the history of democracy.

This classic book on the role of the Supreme Court in our democracy traces the history of the Court, assessing the merits of various decisions along the way. Eminent law professor Alexander Bickel begins with *Marbury vs. Madison*, which he says gives shaky support to judicial review, and concludes with the school desegregation cases of 1954, which he uses to show the extent and limits of the Court’s power. In this way he accomplishes his stated purpose: “to have the Supreme Court’s exercise of judicial review better understood and supported and more sagaciously used.” The book now includes new foreword by Henry Wellington. Reviews of the Earlier Edition: “Dozens of books have examined and debated the court’s role in the American system. Yet there remains great need for the scholarship and perception, the sound sense and clear view Alexander Bickel brings to the discussion.... Students of the court will find much independent and original thinking supported by wide knowledge. Many judges could read the book with profit.” -Donovan Richardson, *Christian Science Monitor* “The Yale professor is a law teacher who is not afraid to declare his own strong views of legal wrongs... One of the rewards of this book is that Professor Bickel skillfully knits in citations from a host of authorities and, since these are carefully documented, the reader may look them up in their settings. Among the author’s favorites is the late Thomas

Reed Powell of Harvard, whose wit flashes on a good many pages.” -Irving Dillard, Saturday Review

Alexander M. Bickel was professor of law at Yale University. The United States Constitution: Creation, Reconstruction, the Progressives, and the Modern Era (1st ed. 2020), is the most complete, historically grounded, and originalist and textualist casebook account of the original Constitution, Reconstruction Amendments, and modern constitutional developments. The book contains unique background on the drafting and ratification of the Constitution that puts all subsequent doctrinal developments into context. It follows the text of the Constitution, starting with the Preamble and ending with the Twenty-Seventh Amendment, containing material on literally every clause in between - which, astonishingly, is done by no other casebook. It provides the historical evolution of important areas of doctrine without sacrificing coverage of modern law. And, given the Supreme Court's recent and likely continuing turn towards originalism, the book contains extensive treatment of original meaning by two of the academy's leading originalist theorists, while also providing ample material on the many other modalities of interpretation that drive constitutional doctrine. Furthermore, this casebook delves deeply into the separation of powers, federalism, and Reconstruction, with an historical and theoretical focus that no other book can match. The casebook is co-written by two former Scalia clerks, Steven Gow Calabresi and Gary Lawson. Both authors are highly accomplished scholars who have published numerous university press books, law review articles and casebooks. They know how a casebook differs from a university press book or a law review article, and this makes their casebook very user-friendly. This new edition also takes account of the two newest appointees to the Supreme Court, Justices Gorsuch and Kavanaugh, and is thus up to date on Supreme Court case law as it stood when the Supreme Court adjourned in the summer of 2019.

From war powers to health care, freedom of speech to gun ownership, religious liberty to abortion, practically every aspect of American life is shaped by the Constitution. This vital document, along with its history of political and judicial interpretation, governs our individual lives and the life of our nation. Yet most of us know surprisingly little about the Constitution itself, and are woefully unprepared to think for ourselves about recent developments in its long and storied history. The Constitution: An Introduction is the definitive modern primer on the US Constitution. Michael Stokes Paulsen, one of the nation's most provocative and accomplished scholars of the Constitution, and his son Luke Paulsen, a gifted young writer and lay scholar, have combined to write a lively introduction to the supreme law of the United States, covering the Constitution's history and meaning in clear, accessible terms. Beginning with the Constitution's birth in 1787, Paulsen and Paulsen offer a grand tour of its provisions, principles, and interpretation, introducing readers to the characters and controversies that have shaped the Constitution in the 200-plus years since its creation. Along the way, the authors provide correctives to the shallow myths and partial truths that pervade so much popular treatment of the Constitution, from school textbooks to media accounts of today's controversies, and offer powerful insights into the Constitution's true meaning. A lucid and engaging guide, The Constitution: An Introduction provides readers with the tools to think critically and independently about constitutional issues—a skill that is ever more essential to the continued flourishing of American democracy.

A history of the American Constitution's formative decades from a preeminent legal

scholar When the US Constitution won popular approval in 1788, it was the culmination of thirty years of passionate argument over the nature of government. But ratification hardly ended the conversation. For the next half century, ordinary Americans and statesmen alike continued to wrestle with weighty questions in the halls of government and in the pages of newspapers. Should the nation's borders be expanded? Should America allow slavery to spread westward? What rights should Indian nations hold? What was the proper role of the judicial branch? In *The Words that Made Us*, Akhil Reed Amar unites history and law in a vivid narrative of the biggest constitutional questions early Americans confronted, and he expertly assesses the answers they offered. His account of the document's origins and consolidation is a guide for anyone seeking to properly understand America's Constitution today.

What were the intentions of the Founders? Was the American constitution designed to protect individual rights? To limit the powers of government? To curb the excesses of democracy? Or to create a robust democratic nation-state? These questions echo through today's most heated legal and political debates. In this powerful new interpretation of America's origins, Max Edling argues that the Federalists were primarily concerned with building a government that could act vigorously in defense of American interests. The Constitution transferred the powers of war making and resource extraction from the states to the national government thereby creating a nation-state invested with all the important powers of Europe's eighteenth-century "fiscal-military states." A strong centralized government, however, challenged the American people's deeply ingrained distrust of unduly concentrated authority. To secure the Constitution's adoption the Federalists had to accommodate the formation of a powerful national government to the strong current of anti-statism in the American political tradition. They did so by designing a government that would be powerful in times of crisis, but which would make only limited demands on the citizenry and have a sharply restricted presence in society. The Constitution promised the American people the benefit of government without its costs. Taking advantage of a newly published letterpress edition of the constitutional debates, *A Revolution in Favor of Government* recovers a neglected strand of the Federalist argument, making a persuasive case for rethinking the formation of the federal American state.

What is the President, Congress, and the Supreme Court really allowed to do? This unique and handy guide includes the documents that guide our government, annotated with accessible explanations from one of America's most esteemed constitutional scholars. Known across the country for his appearance on *The Daily Show* with Jon Stewart, Professor Richard Beeman is one of the nation's foremost experts on the United States Constitution. In this book, he has produced what every American should have: a compact, fully annotated copy of the Declaration of Independence, the Constitution and amendments, all in their entirety. A marvel of accessibility and erudition, the guide also features a history of the making of the Constitution with excerpts from *The Federalist Papers* and a look at crucial Supreme Court cases that reminds us that the meaning of many of the specific provisions of the Constitution has changed over time. "Excellent . . . valuable and judicious." -Jill Lepore, *The New Yorker* Offers a populist interpretation of this famous yet often misunderstood document, explaining how each clause in the Constitution affects citizens and their basic rights. *The Revolutionary Constitution* examines how the Constitution has served as a

dynamic and contested framework for legitimating power and advancing liberty in which our past concerns and experiences influence our present understanding. Informed by the latest scholarship, the book is an interpretive synthesis linking constitutional history with American political and social history.

Under the banner of the Fourth, Fifth and Sixth Amendments, the Supreme Court of America has constitutionalized vast areas of criminal procedure law in ways that often reward the guilty whilst hurting the innocent. This book reconceptualizes the basic foundations of the criminal procedure field.

"I don't think there is anyone in the academy these days capable of more patient and attentive reading of the constitutional text than Akhil Amar."--Jeremy Waldron, *New York Review of Books* When the stories that lead our daily news involve momentous constitutional questions, present-minded journalists and busy citizens cannot always see the stakes clearly. In *The Constitution Today*, Akhil Reed Amar, America's preeminent constitutional scholar, considers the biggest and most bitterly contested debates of the last two decades--from gun control to gay marriage, affirmative action to criminal procedure, presidential dynasties to congressional dysfunction, Bill Clinton's impeachment to Obamacare. He shows how the Constitution's text, history, and structure are a crucial repository of collective wisdom, providing specific rules and grand themes relevant to every organ of the American body politic. Leading readers through the constitutional questions at stake in each episode while outlining his abiding views regarding the direction constitutional law must go, Amar offers an essential guide for anyone seeking to understand America's Constitution and its relevance today.

The story of Daniel Boone is the story of America—its ideals, its promise, its romance, and its destiny. Bestselling, critically acclaimed author Robert Morgan reveals the complex character of a frontiersman whose heroic life was far stranger and more fascinating than the myths that surround him. This rich, authoritative biography offers a wholly new perspective on a man who has been an American icon for more than two hundred years—a hero as important to American history as his more political contemporaries George Washington and Benjamin Franklin.

Extensive endnotes, cultural and historical background material, and maps and illustrations underscore the scope of this distinguished and immensely entertaining work.

John Bingham was the architect of the rebirth of the United States following the Civil War. A leading antislavery lawyer and congressman from Ohio, Bingham wrote the most important part of the Fourteenth Amendment to the Constitution, which guarantees fundamental rights and equality to all Americans. He was also at the center of two of the greatest trials in history, giving the closing argument in the military prosecution of John Wilkes Booth's co-conspirators for the assassination of Abraham Lincoln and in the impeachment of President Andrew Johnson. And more than any other man, Bingham played the key role in shaping the Union's policy towards the occupied ex-Confederate States, with consequences that still haunt our politics. *American Founding Son* provides the most complete portrait yet of this remarkable statesman. Drawing on his personal letters and speeches, the book traces Bingham's life from his humble roots in Pennsylvania through his career as a leader of the Republican Party.

Gerard N. Magliocca argues that Bingham and his congressional colleagues transformed the Constitution that the Founding Fathers created, and did so with the same ingenuity that their forbears used to create a more perfect union in the 1780s. In this book, Magliocca restores Bingham to his rightful place as one of our great leaders. Gerard N. Magliocca is the Samuel R. Rosen Professor at Indiana University Robert H. McKinney School of Law. He is the author of three books on constitutional law, and his work on Andrew Jackson was the subject of an hour-long program on C-Span's Book TV.

An eminent constitutional scholar reveals how the explosion of rights is dividing America, and shows how we can build a better system of justice. You have the right to remain silent and the right to free speech. The right to worship, and to doubt. The right to be free from discrimination,

and to hate. The right to marry and to divorce; to have children and to terminate a pregnancy. The right to life, and the right to own a gun. Rights are a sacred part of American identity. Yet they were an afterthought for the Framers, and early American courts rarely enforced them. Only as a result of the racial strife that exploded during the Civil War--and a series of resulting missteps by the Supreme Court--did rights gain such outsized power. The result is a system of legal absolutism that distorts our law and debases our politics. Over and over again, courts have treated rights conflicts as zero-sum games in which awarding rights to one side means denying rights to others. As eminent legal scholar Jamal Greene shows in *How Rights Went Wrong*, we need to recouple rights with justice--before they tear society apart.

Philip Bobbitt's seminal contribution, *Constitutional Fate*, first described the six fundamental forms of interpretive argument and showed how these operated to legitimate judicial review. In *Constitutional Interpretation* he takes up the remainder of this project: how are we to decide which forms should govern when, in hard cases, the differing methods of interpretation yield different results? How do forms of constitutional argument that maintain legitimacy also thereby ensure justice? This classic work is a layman's primer by which a student can learn to analyze constitutional problems from a legal point of view.

We know--and love--the story of the American Revolution, from the Declaration of Independence to Cornwallis's defeat. But our first government was a disaster and the country was in a terrible crisis. So when a group of men traveled to Philadelphia in the summer of 1787 to save a nation in danger of collapse, they had no great expectations for the meeting that would make history. But all the ideas, arguments, and compromises led to a great thing: a constitution and a government were born that have surpassed the founders' greatest hopes. Revisiting all the original documents and using her deep knowledge of eighteenth-century history and politics, Carol Berkin takes a fresh look at the men who framed the Constitution, the issues they faced, and the times they lived in. Berkin transports the reader into the hearts and minds of the founders, exposing their fears and their limited expectations of success. For the past three decades, many history professors have allowed their biases to distort the way America's past is taught. These intellectuals have searched for instances of racism, sexism, and bigotry in our history while downplaying the greatness of America's patriots and the achievements of "dead white men." As a result, more emphasis is placed on Harriet Tubman than on George Washington; more about the internment of Japanese Americans during World War II than about D-Day or Iwo Jima; more on the dangers we faced from Joseph McCarthy than those we faced from Josef Stalin. *A Patriot's History of the United States* corrects those doctrinaire biases. In this groundbreaking book, America's discovery, founding, and development are reexamined with an appreciation for the elements of public virtue, personal liberty, and private property that make this nation uniquely successful. This book offers a long-overdue acknowledgment of America's true and proud history.

A primer on recognizing the power and promise of the Preamble and the Constitution during this conservative assault on our founding text "Over the course of American history, there have been great gains in individual freedom and enormous advances in equality for racial minorities, women, and gays and lesbians, though obviously much remains to be done. Now we are at a moment with a president who is not committed to these values and face the reality of a Supreme Court that will likely be more hostile to them for the foreseeable future." --From the Preface Worried about what a super conservative majority on the Supreme Court means for the future of civil liberties? From gun control to reproductive health, a conservative court will reshape the lives of all Americans for decades to come. The time to develop and defend a progressive vision of the U.S. Constitution that protects the rights of all people is now. University of California Berkeley Dean and respected legal scholar Erwin Chemerinsky expertly

exposes how conservatives are using the Constitution to advance their own agenda that favors business over consumers and employees, and government power over individual rights. But exposure is not enough. Progressives have spent too much of the last forty-five years trying to preserve the legacy of the Warren Court's most important rulings and reacting to the Republican-dominated Supreme Courts by criticizing their erosion of rights—but have not yet developed a progressive vision for the Constitution itself. Yet, if we just look to the promise of the Preamble—liberty and justice for all—and take seriously its vision, a progressive reading of the Constitution can lead us forward as we continue our fight ensuring democratic rule, effective government, justice, liberty, and equality. Includes the Complete Constitution and Amendments of the United States of America

From Kennebunkport to Kauai, from the Rio Grande to the Northern Rockies, ours is a vast republic. While we may be united under one Constitution, separate and distinct states remain, each with its own constitution and culture. Geographic idiosyncrasies add more than just local character. Regional understandings of law and justice have shaped and reshaped our nation throughout history. America's Constitution, our founding and unifying document, looks slightly different in California than it does in Kansas. In *The Law of the Land*, renowned legal scholar Akhil Reed Amar illustrates how geography, federalism, and regionalism have influenced some of the biggest questions in American constitutional law. Writing about Illinois, "the land of Lincoln," Amar shows how our sixteenth president's ideas about secession were influenced by his Midwestern upbringing and outlook. All of today's Supreme Court justices, Amar notes, learned their law in the Northeast, and New Yorkers of various sorts dominate the judiciary as never before. The curious *Bush v. Gore* decision, Amar insists, must be assessed with careful attention to Florida law and the Florida Constitution. The second amendment appears in a particularly interesting light, he argues, when viewed from the perspective of Rocky Mountain cowboys and cowgirls. Propelled by Amar's distinctively smart, lucid, and engaging prose, these essays allow general readers to see the historical roots of, and contemporary solutions to, many important constitutional questions. *The Law of the Land* illuminates our nation's history and politics, and shows how America's various local parts fit together to form a grand federal framework. Provides the full text of the United States Constitution, along with facts about the important document and simple biographical information about the framers and signers. Many Americans reference the Bill of Rights, a document that represents many of the freedoms that define the United States. Who doesn't know about the First Amendment's freedom of religion or Second Amendment's right to bear arms? In this pocket-sized volume, Akhil Reed Amar and Les Adams offer a wealth of knowledge about the Bill of Rights that goes beyond a basic understanding. *The Bill of Rights Primer* is an authoritative guide to all American freedoms. Uncluttered and well-organized, this text is perfect for those who want to study up on the Bill of Rights without needing a law degree to do so. This elementary guidebook presents a short historical survey of the people, events, decrees, legislation, writings, and cultural milestones, in England and the American colonies, that influenced the Founding Fathers as they drafted the U.S. Constitution and Bill of Rights. With helpful comments and fun facts in the margins, the book will provide a deeper understanding of the Bill of Rights, exhibiting that it is not a stagnant document but one with an evolving meaning

shaped by historical events, such as the American Civil War and Reconstruction. Processes Constitutional Decisionmaking: Cases and Materials 2014 Supplement Provides an alphabetized and cross-referenced chronology of the history and content of the American Constitution from its creation and ratification, through case-by-case coverage of 200 years of interpretations.

A renowned constitutional scholar explores the little-understood relationship between the written Constitution and the many external factors that shape our interpretations of this foundational document.

Processes of Constitutional Decisionmaking: Cases and Materials, Seventh Edition, 2021 Supplement

Winner of the Society for History in the Federal Government's George Pendleton Prize for 2013 The United States Senate has fallen on hard times. Once known as the greatest deliberative body in the world, it now has a reputation as a partisan, dysfunctional chamber. What happened to the house that forged American history's great compromises? In this groundbreaking work, a distinguished journalist and an eminent historian provide an insider's history of the United States Senate. Richard A. Baker, historian emeritus of the Senate, and Neil MacNeil, former chief congressional correspondent for Time magazine, integrate nearly a century of combined experience on Capitol Hill with deep research and state-of-the-art scholarship. They explore the Senate's historical evolution with one eye on persistent structural pressures and the other on recent transformations. Here, for example, are the Senate's struggles with the presidency--from George Washington's first, disastrous visit to the chamber on August 22, 1789, through now-forgotten conflicts with Presidents Garfield and Cleveland, to current war powers disputes. The authors also explore the Senate's potent investigative power, and show how it began with an inquiry into John Brown's raid on Harpers Ferry in 1859. It took flight with committees on the conduct of the Civil War, Reconstruction, and World War II; and it gained a high profile with Joseph McCarthy's rampage against communism, Estes Kefauver's organized-crime hearings (the first to be broadcast), and its Watergate investigation. Within the book are surprises as well. For example, the office of majority leader first acquired real power in 1952--not with Lyndon Johnson, but with Republican Robert Taft. Johnson accelerated the trend, tampering with the sacred principle of seniority in order to control issues such as committee assignments. Rampant filibustering, the authors find, was the ironic result of the passage of 1960s civil rights legislation. No longer stigmatized as a white-supremacist tool, its use became routine, especially as the Senate became more partisan in the 1970s. Thoughtful and incisive, *The American Senate: An Insider's History* transforms our understanding of Congress's upper house. In May 1787, in an atmosphere of crisis, delegates met in Philadelphia to design a radically new form of government. Distinguished historian Richard Beeman captures as never before the dynamic of the debate and the characters of the men who labored that historic summer. Virtually all of the issues in dispute—the

extent of presidential power, the nature of federalism, and, most explosive of all, the role of slavery—have continued to provoke conflict throughout our nation's history. This unprecedented book takes readers behind the scenes to show how the world's most enduring constitution was forged through conflict, compromise, and fragile consensus. As Gouverneur Morris, delegate of Pennsylvania, noted: "While some have boasted it as a work from Heaven, others have given it a less righteous origin. I have many reasons to believe that it is the work of plain, honest men."

Americans revere their Constitution. However, most of us are unaware how tumultuous and improbable the drafting and ratification processes were. As Benjamin Franklin keenly observed, any assembly of men bring with them "all their prejudices, their passions, their errors of opinion, their local interests and their selfish views." One need not deny that the Framers had good intentions in order to believe that they also had interests. Based on prodigious research and told largely through the voices of the participants, Michael Klarman's *The Framers' Coup* narrates how the Framers' clashing interests shaped the Constitution--and American history itself. The Philadelphia convention could easily have been a failure, and the risk of collapse was always present. Had the convention dissolved, any number of adverse outcomes could have resulted, including civil war or a reversion to monarchy. Not only does Klarman capture the knife's-edge atmosphere of the convention, he populates his narrative with riveting and colorful stories: the rebellion of debtor farmers in Massachusetts; George Washington's uncertainty about whether to attend; Gunning Bedford's threat to turn to a European prince if the small states were denied equal representation in the Senate; slave states' threats to take their marbles and go home if denied representation for their slaves; Hamilton's quasi-monarchist speech to the convention; and Patrick Henry's herculean efforts to defeat the Constitution in Virginia through demagoguery and conspiracy theories. *The Framers' Coup* is more than a compendium of great stories, however, and the powerful arguments that feature throughout will reshape our understanding of the nation's founding. Simply put, the Constitutional Convention almost didn't happen, and once it happened, it almost failed. And, even after the convention succeeded, the Constitution it produced almost failed to be ratified. Just as importantly, the Constitution was hardly the product of philosophical reflections by brilliant, disinterested statesmen, but rather ordinary interest group politics. Multiple conflicting interests had a say, from creditors and debtors to city dwellers and backwoodsmen. The upper class overwhelmingly supported the Constitution; many working class colonists were more dubious. Slave states and nonslave states had different perspectives on how well the Constitution served their interests. Ultimately, both the Constitution's content and its ratification process raise troubling questions about democratic legitimacy. The Federalists were eager to avoid full-fledged democratic deliberation over the Constitution, and the document that was ratified was stacked in favor of their preferences. And in

terms of substance, the Constitution was a significant departure from the more democratic state constitutions of the 1770s. Definitive and authoritative, *The Framers' Coup* explains why the Framers preferred such a constitution and how they managed to persuade the country to adopt it. We have lived with the consequences, both positive and negative, ever since.

Here, Philip Bobbitt studies the basis for the legitimacy of judicial review by examining six types of constitutional argument--historical, textual, structural, prudential doctrinal, and ethical--through the unusual method of contrasting sketches of prominent legal figures responding to the constitutional crises of their day.

America's Constitution A Biography Random House

In *America's Constitution*, one of this era's most accomplished constitutional law scholars, Akhil Reed Amar, gives the first comprehensive account of one of the world's great political texts. Incisive, entertaining, and occasionally controversial, this "biography" of America's framing document explains not only what the Constitution says but also why the Constitution says it. We all know this much: the Constitution is neither immutable nor perfect. Amar shows us how the story of this one relatively compact document reflects the story of America more generally. (For example, much of the Constitution, including the glorious-sounding "We the People," was lifted from existing American legal texts, including early state constitutions.) In short, the Constitution was as much a product of its environment as it was a product of its individual creators' inspired genius. Despite the Constitution's flaws, its role in guiding our republic has been nothing short of amazing. Skillfully placing the document in the context of late-eighteenth-century American politics, *America's Constitution* explains, for instance, whether there is anything in the Constitution that is unamendable; the reason America adopted an electoral college; why a president must be at least thirty-five years old; and why--for now, at least--only those citizens who were born under the American flag can become president. From his unique perspective, Amar also gives us unconventional wisdom about the Constitution and its significance throughout the nation's history. For one thing, we see that the Constitution has been far more democratic than is conventionally understood. Even though the document was drafted by white landholders, a remarkably large number of citizens (by the standards of 1787) were allowed to vote up or down on it, and the document's later amendments eventually extended the vote to virtually all Americans. We also learn that the Founders' Constitution was far more slavocratic than many would acknowledge: the "three fifths" clause gave the South extra political clout for every slave it owned or acquired. As a result, slaveholding Virginians held the presidency all but four of the Republic's first thirty-six years, and proslavery forces eventually came to dominate much of the federal government prior to Lincoln's election. Ambitious, even-handed, eminently accessible, and often surprising, *America's Constitution* is an indispensable work, bound to become a standard reference for any student of

history and all citizens of the United States.

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