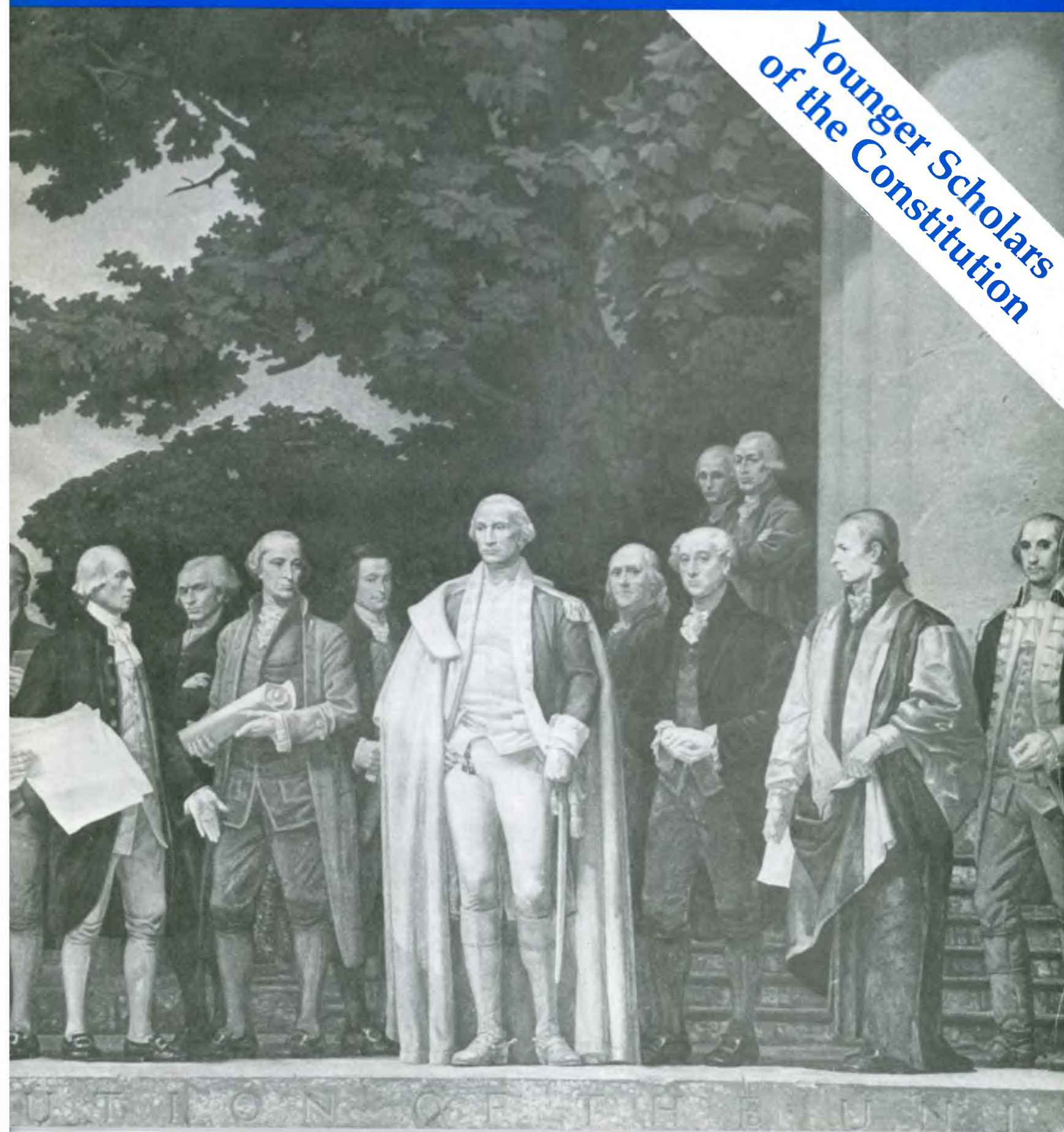


Humanities

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*Younger Scholars
of the Constitution*





Cover: Madison Submits the Constitution to Washington and the Convention, by Barry Faulkner (detail). The painting was unveiled in 1936 as one of a pair of murals on this subject in the rotunda of the National Archives building. Faulkner portrayed the Convention delegates in an idealized classical landscape. (Photo courtesy Project '87)

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Editor's Notes

Since 1982 the Endowment has awarded more than \$22 million in grants for projects relating to the bicentennial of the Constitution. A small portion — about \$170,000 — has been awarded through the Younger Scholars Program of the Division of Fellowships and Seminars. In this issue, *Humanities* celebrates the scholarly efforts of sixty-five Younger Scholars who participated in a 1986 special competition conducted by the Endowment to research and write a scholarly essay on a constitutional topic. A representative sampling of excerpts from eight of these essays appears in the special section, "Younger Scholars of the Constitution."

The writers, many of whom examined original sources during the course of their research, demonstrate in each of their essays an understanding that the past cannot be comprehended if viewed only in the context of the present and that it cannot be understood in isolation from its own past. The students were guided in their research by a teacher or professor, who helped them formulate a proposal and develop an appropriately specific focus for their topic. Jarold Ramsey of the University of Rochester describes the adviser's role in his essay on "Advising the Younger Scholar."

Also featured are several articles focusing on two hundred years of American education. On September 17, the nation will observe the bicentennial of the U.S. Constitution, the provisions of which were discussed, debated, and drafted by a highly literate citizenry. Forrest McDonald, the Sixteenth Jefferson Lecturer in the Humanities, has said that a greater percentage of those citizens could read and write than can do so today. In this issue, McDonald answers questions about some of the points raised in his lecture, "The Intellectual World of the Founding Fathers." Rush Welter of Bennington College explores "The Educational Legacy of the Founding Fathers," pointing out how the people of the colonies were "widely educated even when they were not widely schooled." Other articles include an examination of the ten-year undertaking by Project '87 to encourage scholarly research and public programs on the Constitution as well as an article about the celebration of another bicentennial of a significant American document, the Northwest Ordinance.

Despite the broad public education encouraged by the Northwest Ordinance, studies show that today many Americans are not widely educated even when widely schooled. Preliminary figures from an NEH-supported study by the National Assessment of Educational Progress indicated, for example, that nearly two-thirds of America's youth did not know in which half century the Civil War occurred. That's the bad news. The good news lies in the essays submitted by the Younger Scholars who participated in the special bicentennial competition, for their work shows promise that the next generation will not be without its historians.

— Caroline Taylor

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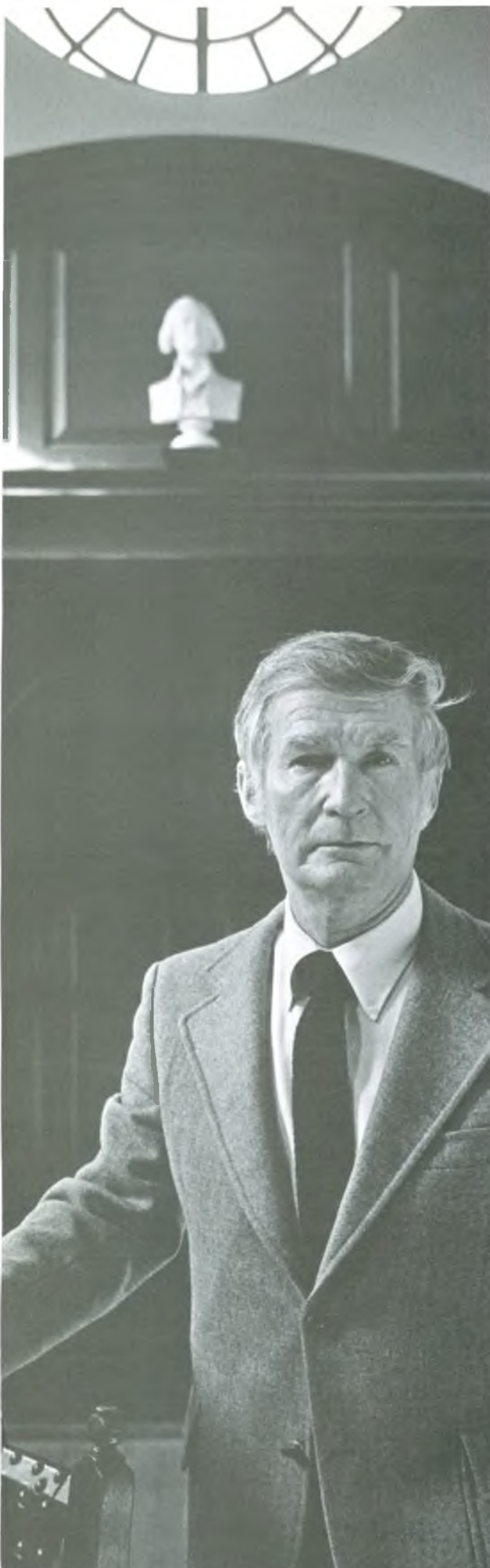
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Photographs by C. James Gleason, College of William and Mary



FORREST McDONALD ON THE FOUNDERS

***Editor's Note:** The sixteenth Jefferson Lecture in the Humanities, "The Intellectual World of the Founding Fathers," was delivered by Forrest McDonald, professor of history at the University of Alabama, on May 6, 1987. By illuminating what the founders studied, read, and discussed as they contemplated the framing of a document on which to base the government of this nation, McDonald sought to dispel any misconceptions that modern-day Americans are more sophisticated and knowledgeable about human nature and political institutions than their eighteenth-century forebears. McDonald disagreed with those who believe the Constitution should be rewritten to reflect the realities of the twentieth century and warned that "departing from what [the framers] bequeathed to you and to me is a departure from the path of wisdom and virtue."*

As a follow-up to the lecture, Humanities asked McDonald to answer some questions about the founders' education.

Q In your lecture you said that it would be impossible in America today to assemble a group of people with "the combined experience, learning, and wisdom" of the founders. How were most of them educated?

A A few of them attended private academies, but the rest were trained by tutors up until they were twelve to sixteen years of age, at which time they were old enough to go to college. Those in New England were trained in public schools. The quality and nature changed from place to place.

For example, I was reading yesterday that Jefferson did not begin his formal education until he was five and did not begin to study Latin and Greek until he was nine. Jefferson was tutored first by his father and later by another tutor before attending the College of William and Mary.

Hamilton, on the other hand, lacked the qualifications to attend

college because the real training was not there. When he was about fourteen or fifteen, he came to the attention of a Presbyterian minister who had recently arrived on the island of St. Croix. With the assistance of a merchant family for which Hamilton had worked, he was sent to the mainland to attend a small academy in Elizabethtown, New Jersey. There in just one year, he raced through his education and was successful in entering Princeton, which was then the College of New Jersey. Hamilton wanted to go through the curriculum at his own pace, but on being told he must conform to the college rules, he left and went to New York City to Kings College where he was accepted on his own terms. Well, he never did graduate.

In the South, of course, there were the Scottish tutors. Following the Scottish Reformation there was an explosion of knowledge and education in Scotland, in no small measure because the Presbyterians required that their ministry be educated. One of the by-products of all this was a large number of very well-educated Scots without anything to do. Many of them came to America, and they moved throughout the South, setting up shop as tutors for the children of planters.

All in all, thirty-five of the delegates to the Constitutional Convention had been to college, twenty had not.

Q You have said that a greater percentage of citizens of the eighteenth century could read and write than is the case today and that their reading was sophisticated as well as cosmopolitan. What works or authors would they all be familiar with?

A The classics, particularly Virgil, Homer, Thucydides, Aristotle, Plutarch, Cicero, and Cato. They idolized Cicero and Cato although what they knew of Cato came not from any classical reading, but from Joseph Addison's play, *Cato*, which had enormous influence. Patrick Henry's "give me liberty or give me death" comes from Cato. When Washington decided to retire in 1796, he said "the post of honor is a private station." That's straight out of Cato. At Valley Forge, Washington had *Cato* staged

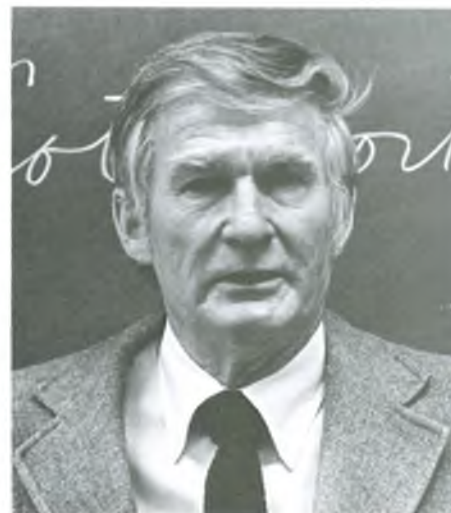
for his troops' morale despite an edict of the Continental Congress that plays were to be banned because they were immoral and not compatible with republican virtue.

Q You note in the Jefferson Lecture that "Americans imbibed large draughts of history and philosophy from plays." In mentioning what the founders read, there is little of literature or belles lettres. Did they read such literature, or is it just that it had little influence on the Constitution?

A They read a lot of literature. For example, most seem to have read Fielding and Defoe and the best-selling novel in the English language during the eighteenth century, Fanny Burney's 1782 novel *Cecilia*. The only reason that Burney is remembered at all today is the line right at the very end where somebody says, "All this came about because of pride and prejudice," which is where Jane Austen got her title. But *Cecilia* is a novel of manners in polite society in London, and it was reading it that triggered in my head the realization of the character-playing theme that I spoke of in the lecture. I had all the clues and all the data necessary but I just didn't have the idea, and therefore not the understanding. By examining the way Burney developed her characters, who were all quite self-consciously playing parts in polite society, I came to realize that this is what Washington was doing; it was what Jefferson was doing.

In *Cecilia*, there are long chapters in which the characters discuss "character." *Cecilia* is a young girl who needs to get a character and she's looking to choose and to assume one. Her mentor describes and shows her the various characters that are available. They discuss the merits and the shortcomings of this character and that one. In the lecture, I spoke of an important means by which men could improve upon the baseness of their nature, and this was through the concept of character, which then in general usage referred to reputation. But in polite society and among people in public life, character also meant a *persona* that one deliberately selected and always wore, like a part in a play. If one played that character long

enough and consistently enough, one became what one pretended to be, just as in *Cecilia*. As I pointed out in the lecture, Jefferson tried a succession of characters and never found a public character with which he was comfortable. Washington, by contrast, played a progression of characters, each grander and nobler than the last, and played each so successfully that he ultimately transformed himself into a man of almost extra-human virtue.



Q Who were the most highly educated of the founders?

A Almost certainly, the most highly educated was James Madison, although several others were also extremely well-educated. I can illustrate the degree of Madison's education with a personal anecdote. A friend of mine, a very good historian at the University of Kentucky, mentioned to me that he had been working for at least five years on a biography of Madison. I remarked that in preparing to write my biography of Hamilton I had read everything that I could lay my hands on that I knew Hamilton had read. My friend grinned and said, "You couldn't do it with Madison. If I spent the rest of my life"—he is about forty—"I could not read everything that I know James Madison had read." Madison was incredibly educated, perhaps even over-educated. You know, he broke his health at Princeton because he studied so much. In preparation for the Constitutional Convention, he read for about three years. He read everything there was in any language on the history of confederations. *o*

Remembering the Northwest Ordinance

BY DARREL DECHABY

ON JULY 13 THE NATION celebrated the Bicentennial of the Northwest Ordinance, a little-appreciated founding document whose assertion of the principle of federal support for education should earn for it the gratitude of anyone who has ever attended a public school or university. With the phrase, "schools and the means of education shall forever be encouraged," the ordinance helped to engender public support of schools and colleges.

The ordinance did more: It assured equality between new states entering the union and the original thirteen; it guaranteed certain basic human rights later added to the Constitution as the Bill of Rights; and it banned slavery northwest of the Ohio River.

Peter S. Onuf, professor of history at Southern Methodist University, describes the importance of the ordinance in his new book, written with NEH support, *Statehood and Union: A History of the Northwest Ordinance*: "Through the Ordinance Congress established a 'colonial' government on the Ohio frontier to protect its property interest, at the same time promising settlers they would recover all the rights of self-governing citizens when new states were created and admitted to the union. But the ordinance is more than a blueprint for continental expansion. Drafted at a time of sectional division and constitutional crisis, it also embodies a vision of a more harmonious, powerful, prosperous, and expanding union."

The Northwest Ordinance was a workhorse piece of legislation that is one of America's founding docu-

ments. Because the ordinance is so little understood, NEH has funded a number of national and regional projects for the general public.

"Be it Ordained"

The Ohio Humanities Council produced "Be it Ordained: Self Government in the Northwest Territory," an exhibition on the Northwest Ordinance consisting of two free-standing modules, each carrying six panels. A team of twelve scholars, curators, and directors of Ohio historical societies served as a planning committee on the project. Headed by Phillip R. Shriver, president emeritus and professor of history at Ohio's Miami University, the planning committee worked with research associate Terry A. Barnhart and the Ohio Historical Society to establish the text and visual elements of the exhibition.

Each of the twelve panels describes and illustrates a major theme of the ordinance. Descriptions are succinct; visual elements are facsimiles of maps, woodcuts, and documents from the period.

The first panel on self-government features a 1795 map of the Northwest Territory, a vast inland empire west of the Appalachian Mountains and northwest of the Ohio River. Out of this territory came the states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota. Their entry into the union was facilitated by the ordinance.

A panel on the rights of man contains a series of vivid woodcuts de-

picting basic human rights—religious freedom, trial by jury, common law courts, and the prohibition of cruel and unusual punishments—guaranteed by the ordinance.

A panel on slavery contains a copy of an advertisement dated 1784 offering "Negroes for Sale. A cargo of very fine . . . Men and Women in good order and fit for immediate service."

"Be it Ordained" toured twelve sites in Ohio last year. In response to great demand for the exhibition, the George Gund Foundation in Cleveland supported construction of a duplicate traveling exhibition.

At each of the exhibition sites there will be at least one public program where humanities scholars will make presentations and lead discussions on the ordinance. Twenty-two scholars, most of them professors of history at various Ohio colleges and universities, have agreed to participate.

The exhibition visits colleges, universities, historical societies, and public libraries. In August 1987 it may be seen at the Ohio State Fair. (See box for other locations in Ohio between July and December 1987.)

Ten thousand copies of a discussion guide containing the full text of the Northwest Ordinance have been produced for distribution to the organizations hosting public humanities programs on the ordinance and to nonacademic institutions as well. "This project has done more than anything else I know of to excite Ohioans about their heritage, which

Darrel deChaby is assistant to the director of the NEH Office of Publications and Public Affairs.

essentially began with the Northwest Ordinance," says program officer Patricia N. Williamsen.

"Education ... Encouraged"

The Land Ordinance of 1785 provided for the surveying of territory lands into townships six miles square, organized into ranges running north and south. Each township was subdivided into thirty-six sections; section sixteen was reserved "for the maintenance of schools." With support from NEH, the university's 1804 Fund, and the Ohio Humanities Council, the Ohio University Libraries produced an exhibition, an interpretive catalogue, and five public symposia on the history of education in the Old Northwest.

Included in the project is an exhibition at the university's Alden Library in Athens. A modified version of the exhibit will travel to libraries, historical societies, and colleges in Michigan, Wisconsin, Indiana, Illinois, and Ohio.

According to Gary A. Hunt, associate director of libraries for Ohio University and director of the project, education was chosen for the theme because of a sequence of three documents, including the Northwest Ordinance and the Land Ordinance of 1785, which provided vital incentives for public education in the Northwest Territory.

The third document, the Ohio Company Land Contract (which sold 1.5 million acres of federal land to a private corporation called the Ohio Company of Associates), further guaranteed the section sixteen provision of the Northwest Ordinance and reserved two complete townships for the establishment of a university. Chartered in 1802, Ohio University was the first institution of higher learning in the Northwest Territory. "These three documents created a precedent for federal initiative in education," says Hunt.

"Exhibition materials, many of them originals, will be drawn from the Alden Library and from other sources as well," says Carol J. Blum, project manager for the exhibition at the university's Alden Library. The materials are arranged chronologically and span the period from 1787 to 1880. "During that 100-year period, there was a shift in public opinion, which in the beginning fa-

vored private education and ended by favoring public education," Blum says. "By the 1830s this shift had crystalized into the Common School Reform Movement, a major theme of the exhibition." According to Blum, a campaign was started in the 1830s to popularize the need for school reform and the creation of state regulations for education. Common school reformers wanted a system of public instruction supported entirely by state subsidies. This differed from traditional school funding methods, which relied on private initiative and parental tuition. Reformers argued that every taxpayer should support common schools, making them free to school-age children.

"Reformers built a coalition of educators, ministers, publishers, and citizens, who waged their campaign through newspapers, journals, and public meetings," says Blum. "Opponents to public support for education argued that this meant

state intervention in local affairs and pointed to the high costs to taxpayers. It's an old story."

Symbolic of the eventual success of the movement, according to Blum, was the 1837 appointment in Ohio of Samuel Lewis as the nation's first superintendent of schools. Two months later Horace Mann was appointed to the same office in Massachusetts.

Among the items in the exhibition is a diary kept by teacher Newell R. Dunn illustrating the many-faceted role of the teacher in his community. The entry in Dunn's diary for Tuesday, January 18, 1859, reads: "I went to school quite early and I spent some time bringing in wood and sweeping and I hate that part of school teaching, learning patience."

An 1861 handwritten teaching contract between Mary E. Bennett and Williamstown Township School District No. 5 in Michigan assured Bennett of a weekly salary of \$1.50



Top: A.R. Waud's 1867 illustration *The District School Teacher*, and, right, a one-room school built in 1871 near St. Clairsville, Ohio.

Courtesy Ohio University Belmont

Courtesy Ohio University Libraries

"There shall be neither slavery nor involuntary servitude in said territory..." (Article VI, Northwest Ordinance).



EXHIBITION SCHEDULE

Be It Ordained

September: Ohio University Belmont, St. Clairesville; Heidelberg College, Tiffin

October: Milford Area Historical Society, Milford Crawford County; U.S. Constitution Bicentennial Commission, Bucyrus

November: Defiance College, Defiance; Ohio University, Zanesville

December: Briggs Lawrence County Public Library, Ironton

Schools and the Means of Education Shall Forever Be Encouraged

August 17–September 25: Milwaukee Public Library, Milwaukee

October 5–November 6: Indiana Historical Bureau, Indianapolis

November 13–December 14: Northwestern University, Evanston, IL

Liberty's Legacy

September 4–October 28: Lilly Library, Bloomington, IN

November 3–December 31: Clements Library, Ann Arbor, MI

January 7–February 26, 1988: Newberry Library, Chicago

March 4–April 27, 1988: State Historical Society of Wisconsin, Madison

May 4–June 30, 1988: Minnesota Historical Society Museum, St. Paul

for the four-month primary term, which began on April 28 and concluded August 29 of that year.

In a display of ingenuity and common sense, the 1804 residents of Ames, Ohio, bartered coonskins for fifty-one badly needed school books. Some of the original volumes from this "Coonskin Library" are displayed in the exhibition.

At each of the five sites the exhibition will visit, public symposia on education will be co-sponsored by the project and the local exhibition sponsor. (See box for exhibition locations and dates.) Peter Onuf, acknowledged by his peers to be a leading national authority on the ordinance, will participate in many of the symposia.

"Big Ten" Alumni

Two projects funded by NEH have brought together for the first time the alumni associations from nine Big Ten universities, and a variety of other institutions, for several programs available to the public.

Under the leadership of Frank B. Jones, alumni associations from the University of Illinois, Michigan State University, University of Michigan, University of Minnesota, Northwestern University, Ohio State University, Purdue University, and the University of Wisconsin have combined to co-sponsor the first project. "The Northwest Ordinance: Liberty and Justice for All" features educational programs to be held on Big Ten campuses for the general public, a publishing program including articles by humanities scholars, and a two-day scholarly symposium to examine the state of current scholarship on the ordinance.

The symposium, to be held at the Indiana University campus September 6–7, will bring together a dozen scholars who are currently at work on the ordinance or some related aspect of American history. The Institute of Early American History and Culture in Williamsburg, Virginia, has expressed an interest in publishing the proceedings.

The alumni associations have developed public education packets for distribution to libraries, historical societies, and other interested organizations. The packets contain articles commissioned by the alumni associations, a map of the Old Northwest Territory, a copy of the

ordinance, a poster, a bibliography of selected reading materials, and a suggested speakers bureau of Northwest Ordinance scholars.

"Liberty's Legacy"

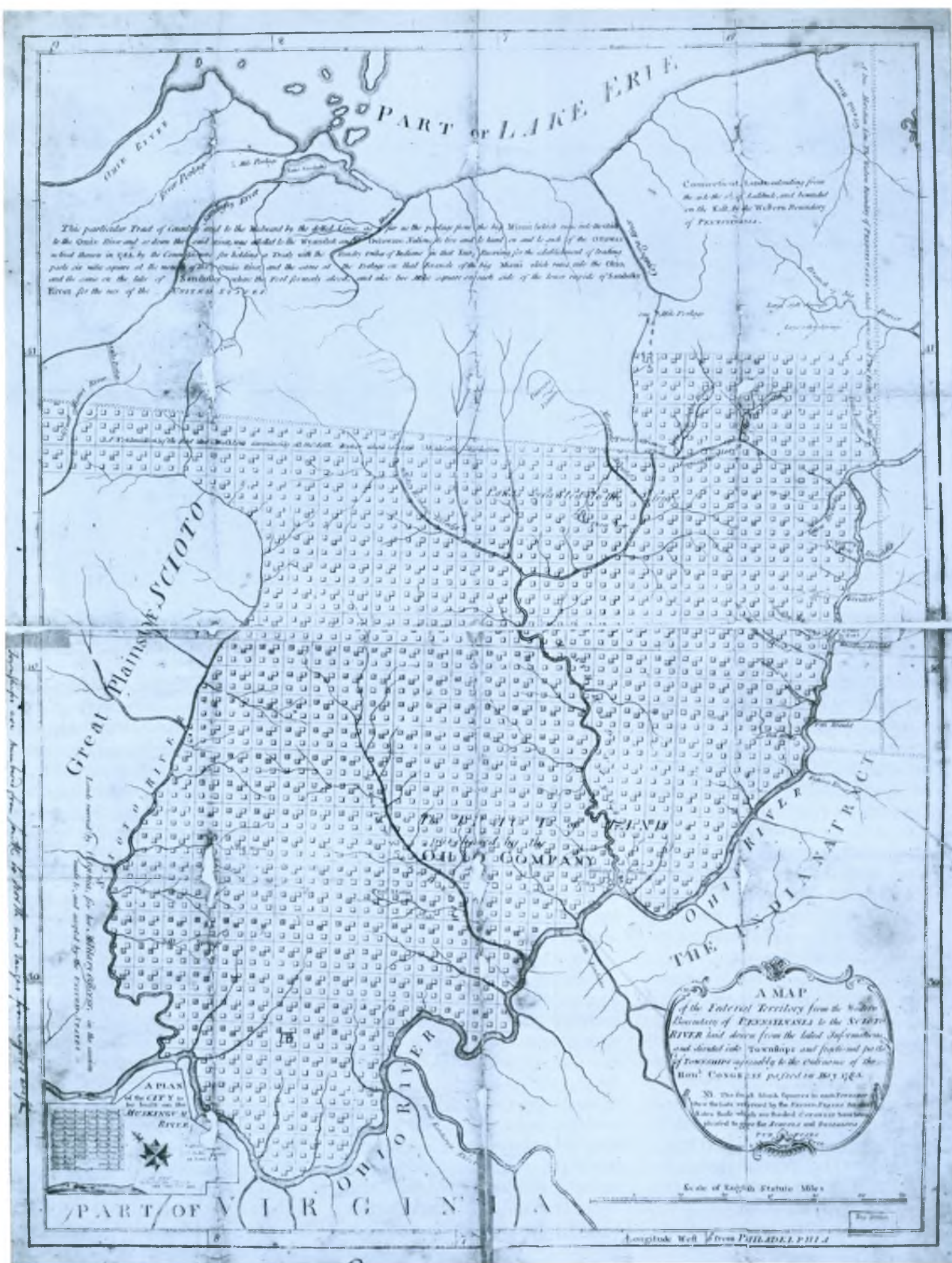
The second project sponsored by the Big Ten alumni associations is called "Liberty's Legacy." This traveling exhibition will bring original historical documents on the Northwest Ordinance, related ordinances, and the Constitution to the general public; to elementary, secondary, and university students; and to alumni in six states. (See box for places and dates of the exhibitions.)

Among the fifty-six items included in the Northwest Ordinance part of the exhibition are a rare first printing of *The Definitive Treaty between Great Britain and the United States* (1783), written and printed at the instruction of Ambassador Benjamin Franklin in Paris; Jefferson's *Ordinance of 1784*, which set up a temporary government for the West; and the *Land Ordinance of 1785*, which established the system for the surveying and eventual sale of the new lands to settlers in the Northwest Territory. Colorful maps that illustrate the new land system will also be included, along with pages of the original Northwest Ordinance.

"These ordinances and documents rank among the most important in our early American history, both for what they accomplish and for what they inspired," says Frank Jones.

These and other NEH-funded projects should help to engender public understanding and appreciation of the Northwest Ordinance as one of the cornerstone documents of our founding. Like any enduring cornerstone, the Northwest Ordinance has been built upon again and again. It has served as a blueprint for the nation's westward expansion. Without the ordinance, the United States could not have grown so tall or stood so long. ♪

Frank B. Jones of the Indiana University Alumni Association was awarded \$378,586 in outright funds in 1987 through the Bicentennial Projects Initiative of the Division of General Programs to support "The Northwest Ordinance: Liberty and Justice for All." Several state humanities councils in the Midwest have also supported projects on the Northwest Ordinance.



On this 1785 map of the federal territory from the western boundary of Pennsylvania to the Scioto River, the neat geometrical divisions indicating townships "according to the Ordinance of the Hon^l. Congress passed in May 1785," disregard terrain and natural features.



The Educational Legacy of the Founding Fathers

BY RUSH WELTER



Popular education has been a major social institution throughout the history of the United States, but the terms in which it has been viewed and the means by which it has been implemented have shifted radically since the founding of the American colonies. Hence the educational "heritage" we sometimes invoke and the "lessons" we sometimes draw are at best mixed. On the one hand, there can be no doubt that the American belief in education has influenced every generation and touched almost every inhabitant of the republic, whether male or female, white or non-white, native born or foreign born. On the other hand, there has been no single educational response to our needs and no model of instruction that has not generated sharp opposition as well as enlisted major support. Since 1787, as well as before it, the American commitment to education has represented competing loyalties.

Much of this competition has its roots in the diverse religious convictions of the American people. Dur-

ing the colonial period, different settlements, founded at least in part to serve different religious faiths, adopted different stances toward the education of their peoples. The Puritan establishment of Massachusetts Bay decreed that every town should establish a common school, and every larger town a secondary school. However, enforcement of the law was erratic, the schools so established were not free, and most of the common schools provided at best a minimal acquaintance with the three R's.

The other New England colonies largely ignored the Bay colony's pioneering effort, opting instead to carry forward the English practice of giving legal sanction but not legislative support to private educational institutions generated by the religious enthusiasm, the public spirit, or the career needs of their sponsors. This was also the general practice of the colonies further to the south. In some of them—most notably in Pennsylvania, which was religiously diverse from its very founding—private schools multiplied rapidly in the absence of any legislative provision for them. In others, a relative lack of religious zeal, a commitment to liturgical

rather than evangelical religion, or a diverse or a scattered rural population tended to make formal schooling of any sort comparatively scarce.

Still, as Bernard Bailyn pointed out nearly thirty years ago, the relative infrequency of schooling even in Massachusetts Bay was only half of the story. On the average, the white residents of the American colonies enjoyed a higher level of literacy than we are readily prepared to recognize, and the colonies were well, if not uniformly, supplied with other means of education. These included systematic instruction within the family, tutoring by young men whose careers had not yet been established, instruction provided as part of a master's obligation to his apprentices, elementary instruction of very young children in so-called dame schools that bore some resemblance to today's child-care facilities, and a host of private educational ventures in which persons who sought a particular kind of knowledge could obtain it on payment of a small fee, not to mention professional training acquired through reading law with an established lawyer or accompanying a

Rush Welter is dean of studies at Bennington College in Vermont and the author of Popular Education and Democratic Thought in America.



Library of Congress

Opposite: Benjamin Rush (1745–1813) by James Akin, after a painting by Jerimiah Paul, Jr.; and Thomas Jefferson, after a print by Denoyers. Above: An unknown artist's conception of a school room of 1776, painted in 1876.

practicing physician on his rounds. Despite the seemingly irregular character of much of their learning, the people of the colonies were widely educated even when they were not widely schooled.

The educational backgrounds of the delegates to the Philadelphia convention illustrates the range of colonial education. Of the forty-nine delegates about whom we have information, some ten were initially educated at least in part abroad; seven because they had been born there, two because they had been sent there for the purpose, and one (Charles Cotesworth Pinckney) because he was the son of a South Carolina diplomat. At least seven of the delegates were apparently partly educated by their families, among them George Washington (who obtained all of his "schooling" from relatives) and Benjamin Franklin (who attended a writing school and a grammar school only briefly). At least nine were privately tutored, many by clergymen, as compared with only three who are reported to have attended common schools; but at least ten attended grammar schools or academies. The latter were equivalent to today's preparatory schools but were open to prom-

ising young men on a scholarship basis. (These categories overlap; some delegates experienced two or even three of these modes of education.)

Whatever their prior training, twenty-four of the delegates had attended a colonial college—nine the College of New Jersey (now Princeton University), five Yale College, four the College of William and Mary, three Harvard College, two King's College (now Columbia University), and two the College of Philadelphia (now the University of Pennsylvania)—and at least twenty had graduated. Although most of them attended their own colony's institution, William Livingston of New Jersey, born in Albany, attended Yale; James Madison of Virginia and two delegates from North Carolina attended Princeton; Hugh Williamson of North Carolina attended the College of Philadelphia; and Oliver Ellsworth of Connecticut transferred from Yale to Princeton. In addition, James Wilson and Charles Cotesworth Pinckney attended British universities.

Delegates from the Middle States and the South were less likely than New Englanders to have acquired a degree, but if we consider that five

of them studied law at one of London's Temples and at least four more read law in the colonies, we recognize that for each region of the country the delegates who could claim a higher education exceeded half of their total number. In this respect, indeed, New England and Middle States delegates lagged behind southerners, but six offset the apparent deficiency by achieving both education and distinction through apprenticeship: two as merchants, one each as a sea captain, a physician, a printer, and a cordwainer. When we remember that the printer was Benjamin Franklin and the cordwainer Roger Sherman we have reason once again to recognize that education in the colonies was more widespread than schooling.

Even so, the coming of the American Revolution and the erection of thirteen new republics helped to persuade leading figures of the revolutionary generation to contemplate promoting educational institutions consciously designed to protect the liberty their generation had achieved and to support the political processes they had designed. Typically, these innovators—some of them well-known figures like Thomas Jefferson and Benjamin Rush, others

simply public men who were influential in the political affairs of their respective states—held that the new popular education must be systematic and that it must therefore rest on schools sanctioned and also in some degree supported by public authority. Nevertheless, except for a few visionaries who looked toward the establishment of a national university at the apex of the new nation's educational systems, and except for other visionaries who sought to devise explicitly national plans for education to meet the needs of the new republic, these re-

many of the early leaders of the republic were either non-sectarian Christians or deists, who recognized the existence and importance of a divine being but scouted narrow definitions of his laws. These leaders hoped to promote republican virtue by championing education that would be of benefit to all.

For their parts, the legislatures of different states enacted a variety of measures intended to encourage the diffusion of knowledge, but they did so in full recognition of obstacles that still inhibited the provision of schooling even on a state-by-state basis. One was the lack of funds, coupled with echoes of the resistance that the colonists had shown to the efforts of the British government to extract taxes from them. Typically, these legislatures tended to mandate schooling but to leave the means of providing for it to their towns, as was the case in New England, or to counties as was true elsewhere. Several states made efforts to help local districts pay for some of their educational costs, but even they were likely to do little more than initiate a common school fund, the principal of which might in time provide enough interest to relieve the authorities—but not children's parents—of any further expenditures.

In addition, legislatures sometimes visualized a common school fund as a more general education fund, the proceeds to be devoted to higher as well as elementary instruction. Indeed, one of the key commitments of the revolutionary generation, most strikingly exemplified in Thomas Jefferson's scheme for a hierarchical system of common schools and selective secondary schools capped by a state university, was the creation of publicly sponsored universities intended to further much the same public ends as the projected national university. A number of states that launched consciously republican educational schemes placed their major emphasis on public universities *rather than* common schools, partly because of established traditions of elementary education, partly because the sponsors conceived the safety of the republic as dependent as much on the quality of its leaders as on the quality of its voters, and partly because there was so little

money available for educational purposes. This was especially the case in the South where schools as such were not widely established; but even in New York State the first major educational accomplishment was the State University of New York, a body intended primarily to maintain high standards within the existing school system. Indeed, well into the nineteenth century, Massachusetts continued to devote public funds to the support of Harvard College, while requiring only that its school districts tax themselves to provide for common schools.

Seen in these terms, the commitment of the Founding Fathers to aiding popular education was rather a symptom of the American people's belief in using popular education to further worthy public ends than a direct precedent for the educational institutions that have emerged since their time. Although later generations have followed the founders in developing educational schemes to solve pressing problems—the apparent threat of European immigrants to the stability of the republic, the plight of southerners both white and black after the Civil War, the need for improved industrial efficiency, the supposed erosion of patriotic values—both their objectives and their achievements have been of a different order. Far more than the Founding Fathers, these later generations pressed for universal schooling at public expense. Unlike most republican reformers, they came to view innovations in pedagogy as critically important to the effectiveness of *any* education. Finally, in making secondary and even university education available to the general public, they have exceeded the wildest dreams of Thomas Jefferson.

Extending the faith of the Founding Fathers, in short, the American people have thought to deal with a wide range of contemporary emergencies by essentially educational means. Nevertheless they now confront a host of problems the Founding Fathers never imagined, and it is difficult to see how reforming the educational system will enable the nation to overcome evils that the educational system has not prevented. In this sense the American people may be said to share the faith but not the bright hopes of their forefathers. ☞



Massachusetts Hall, built in 1720, is the oldest Harvard University building still standing.

formers presupposed that their states would be the locus of educational improvements. Not only had the new republic been clearly constituted as a federal republic rather than a national government, but the diversity of its origins, economies, and religious affiliations caused most advocates of a republican education to think of working toward shared ends by separate means.

As a result, the federal Constitution said nothing about popular education, although it was either mandated or presupposed in the constitutions of seven states adopted before 1800. Even these states' constitutional provisions were brief and relatively inexplicit on the subject. They tended to mandate literacy as a guarantee for public virtue but to leave the means of securing literacy to the discretion of their state legislatures. Significantly, however, these constitutions tended *not* to invoke specifically religious reasons for encouraging schooling. For one thing, doing so might have exacerbated potential sectarian differences within the states' populations. In addition,

Project '87: A ten-year celebration of the Constitution reaches out to scholars, educators, and the general public.

Constitutional Cerebration

BY JEAN LAWRENCE

Eleven years ago, the American Historical Association (AHA) and the American Political Science Association (APSA) decided it was not too early to begin planning how American scholars might best contribute to knowledge and understanding of the Constitution on its two-hundredth birthday in 1987. Their response was Project '87, a decade-long effort housed in the offices of APSA and administered by the two organizations in tandem. From this collaboration has emerged an intense and substantive effort to fund and conduct scholarly research and to reach out to the education community and the general public with the results. Project '87 was conceived and renewed, funded, and supported by hundreds of people and dozens of organizations over a ten-year span.

James MacGregor Burns, Wood-

row Wilson Professor of Government Emeritus at Williams College, who was president of the APSA in 1976, explains, "There was a kind of think-tank committee in the APSA concerned about whether the bicentennial (of the Constitution) would be serious or a circus." The same concerns were being heard in the American Historical Association. Richard B. Morris, Gouverneur Morris Professor of History Emeritus and then president of the AHA, notes, "We thought that the issues surrounding the Revolution had not been explored during the first bicentennial. The Constitution seemed to us to require study, analysis, even criticism."

Both Burns and Morris were convinced that political scientists and historians had an important contribution to make to any commemoration of the Constitution. "We established a joint committee, half of which was appointed by the two organizations. Dick (Morris) and I

went on as co-chairs," says Burns.

How does a long-term project sustain itself and its focus over the years? From the outset, the committee mapped out clear-cut goals. Burns explains, "Project '87 was to have three phases, which I would describe as (1) scholarly, with grants, fellowships, and research being the emphasis, (2) outreach to schools, colleges, and the educational community, and (3) outreach to the general public."

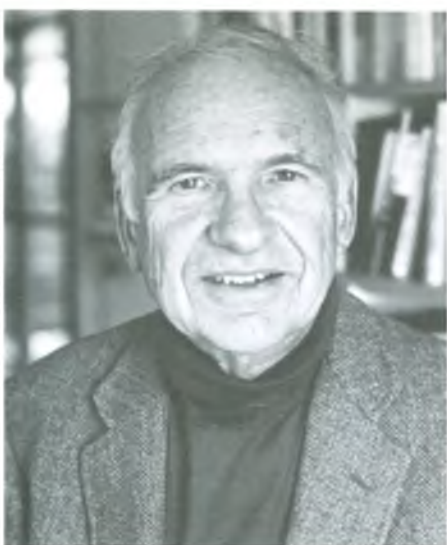
From 1977 to 1979, funding came from the Ford, Rockefeller, Mellon, and William and Flora Hewlett Foundations, along with a \$250,000 challenge grant from the National Endowment for the Humanities. Phase one was inaugurated with a competition for on-site and research fellowships.

In September 1978, the first of eight conferences of Project '87 was held. Several distinguished participants—including Bernard Bailyn of Harvard University; Patricia M.



Department of Commerce, National Oceanic and Atmospheric Administration

Detail of Major Andrew Ellicott's 1792 drawing of Washington, D.C., based on the design by Pierre L'Enfant.



James MacGregor Burns

Wald, assistant attorney general of the United States; A. Leon Higginbotham, judge of the Third Circuit Court; and Senator Edward M. Kennedy—set the tone for a scholarly and serious approach to the Constitution. At the conference the five winners of the first research grant competition were announced. To date, Project '87 has awarded fifty-five fellowship and research grants.

The following spring an advisory board for Project '87 was appointed, headed by honorary chairman and then chief justice of the Supreme Court, Warren E. Burger. Appointed to the board were Griffin Bell, then attorney general of the United States, Lawrence Cremin of Columbia University; Senator Orrin G. Hatch; Shirley Hufstедler, former secretary of the Department of

Health, Education, and Welfare; Representative Peter W. Rodino; and Senator Edward M. Kennedy. That spring the project's second phase, outreach, got under way. *Lessons on the Constitution*, a book that has been an important vehicle for reaching the education community, resulted from a recommendation made at the fifth conference, "Teaching about the Constitution in American Secondary Schools," held in Indianapolis in 1980. According to Sheilah Mann, current director of Project '87, this collection of sixty exercises for high school students has been distributed to 45,000 American high school teachers and to 10,000 teachers and scholars abroad.

From 1983 to 1985, Project '87 has sponsored a series of college faculty workshops. These seminars allow teachers of American history and government courses, who do not specialize in constitutional studies, to broaden their knowledge of constitutional scholarship and to exchange ideas with teachers in other disciplines. Seminar participants have examined such issues as the Constitution and black America, bureaucracy as a twentieth-century challenge to constitutionalism, and slavery in the American constitutional system.

The centerpiece of Project '87's third phase—outreach to the general public—is a magazine that Burns describes as "solid, substantive, scholarly." The pilot issue of *this Constitution: A Bicentennial Chronicle* came out in 1983, funded largely by NEH. According to Cynthia Harrison, managing editor of the quarterly, nearly 12,000 individuals and institutions receive copies. The magazine is also distributed overseas by the U.S. Information Agency and to the bicentennial commissions of fifty states and 1,200 local bicentennial communities.

The magazine has been a forum for a variety of information pertaining to the Constitution, from essays on constitutional history, theory, and interpretation to resource lists of books, scholars available for public programs, and successful models of programs undertaken by other groups. Demand for back issues has been so great that many of the first twelve issues are out of print. Last year, Congressional Quarterly Press published a collection of essays from

this Constitution called *this Constitution: Our Enduring Legacy*. Another volume is planned for 1988.

Also as a part of phase three, Project '87 sponsored a six-week seminar series in October 1986 for the Smithsonian Resident Associate Program. "The Blessings of Liberty," a traveling exhibit consisting of twelve posters telling the story of the Constitution from the Articles of Confederation to John Marshall's decision in *Marbury v. Madison*, went on the road last year. Accompanied by a workbook to aid in teaching, the posters are distributed unmounted or on cardboard kiosks. By the end of 1986, nearly 3,000 sets of posters had been exhibited in schools, libraries, banks, court-



Richard B. Morris

Courtesy Columbia University

houses, and extension centers.

This year, six 30-minute video programs, hosted by Bill Moyers, are being produced by the Agency for Instructional Technology and Project '87 to teach junior and senior high school students about the structure of the Constitution. These will be distributed to junior and senior high schools.

To Burns, though, the most exciting outreach project is the James Madison Fellowship Program instituted in 1986. This fellowship is awarded to outstanding junior and senior high school teachers of civics, American history, and American government. Last year the fellowship enabled sixteen teachers from sixteen states to participate in the first summer conference at Indiana University. Fifty fellows have been selected in 1987.

"This is the most rewarding part




of all of Project '87, in my opinion," says Burns. "All of the teachers must promise to go back and involve their students in bicentennial activities. The reports they write on how they are doing that are very exciting." Project '87 hopes to award Madison Fellowships from 1989 to 1991 (the bicentennial of the Bill of Rights).

Plans for a final conference to be held in October 1987 in Williamsburg, Virginia, are under way. The conference "will examine the future of the Constitution over the next century. Some people, like myself," says Burns, "feel that the Constitution will have to be modified to meet the challenges of the next century, others resist—or should I say, fear?—change, and still others prefer to make changes legislatively. Williamsburg will be an intense interchange."

It is no secret in academia that differences in philosophy have developed within Project '87 over the last ten years. Morris believes that the project's lasting legacy will be its contribution to the critical analysis of the functions of government under the Constitution. "The project has been free-ranging," he says. "Everyone has his or her own view of the document. We have gotten other groups interested. There are hundreds of them working now on appropriate ways to celebrate this document."

"We think the public is entitled to some fun—and certainly the Constitution deserves some fireworks. It was just that we felt our obligation, as scholars, was a little different."

From that remarkable understatement sprang ten long years of work and study of a still-revolutionary document—hammered out in a stifling, sealed room in Philadelphia in the summer of 1787—that shapes the lives of all Americans. 

As director for Project '87, Sheila Mann received \$389,780 in outright funds to support this Constitution: A Bicentennial Chronicle. The award was made in 1983 through the Public Humanities Projects Program in the Division of General Programs. In 1986 Project '87 received \$125,000 in outright funds and \$150,000 in matching funds for this Constitution through the Bicentennial Initiative of the Division of General Programs.



The first published copy of the Constitution appeared on September 19, 1787, in *The Pennsylvania Packet, and Daily Advertiser*, two days after the Convention adjourned.

For twenty years, women in New Jersey were the only female Americans who exercised the franchise. Why were they given the vote, and why was it taken away in 1807?

Women and the Vote in Eighteenth-Century America

BY CAROLINE TAYLOR

National Gallery of Art



Abigail Adams,
by Gilbert
Stuart.

Of the many women who surely importuned their husbands for equal status in the new American nation, the most famous was Abigail Adams. On March 31, 1776, she wrote to her husband John, then in the Continental Congress: "...remember the ladies and be more generous to them than your ancestors, in the new code of laws. Do not put such unlimited power into the hands of the husbands," she warned, or women would rebel.

Although the threatened rebellion did not come about until nearly seventy-five years later, the role of women in public affairs during the colonial and post-revolutionary periods was considerably greater than their unequal political status might indicate, says Irwin Gertzog, professor of political science at Allegheny College in Meadville, Pennsylvania, who investigated the subject with the help of an NEH summer stipend.

Gertzog's research shows that few women were active in politics during

the colonial era, but many of them influenced religious, economic, military, and community developments. Managing taverns was an important economic function in the seventeenth and eighteenth centuries. New Jersey had more than 400 taverns, about one for every 500 residents in the state. Many women owned or managed taverns and inns. Some women were printers, crafts specialists, and merchants. During the revolutionary war, a number of women joined the army, some in male disguise and some admitted as women. "There was a need for fighting strength," says Gertzog, "and women were prepared to provide it." Women also reported military preparations and troop movements and sabotaged British commercial and military activities.

Gertzog's work focused primarily on the political activities of women in New Jersey from 1788 to 1807, when they were the only female Americans legally eligible to participate in elections. "I wanted to discover why women were granted the vote, how many of them took advantage of it, and why it was taken away in 1807," says Gertzog.

During the revolution when New Jersey was breaking away from England, the provincial congress met in June of 1776 to draft a new constitution. "The British forces had landed in New Jersey at Sandy Hook," says Gertzog, "and the delegates had to work quickly. The legitimate authority of the new regime had to be established before it could raise funds, muster an army, and advise the Continental Congress that it had established a government independent of Great Britain.

The new constitution gave the

vote to "all inhabitants" who were worth fifty pounds in real or personal property, thereby removing extensive real estate holdings as the sole economic test for voter eligibility. According to Gertzog, this more inclusive suffrage provision was prompted by petitions from men who were serving (or who would soon serve) in the army and supporting the war with taxes but who, without the change, would not qualify to vote. Although the constitution did not explicitly grant female suffrage, neither did it say that voters had to be male. Gertzog found no evidence that women actively lobbied for the franchise.

Eighteenth-century critics of the constitution later ascribed the inclusion of women to the haste with which the document was approved. Gertzog notes that colonial suffrage laws, although imposing stiffer property requirements, generally did not restrict the vote to males. "It was custom and usage as much as legal constraints," he says, "that prevented women from voting, and the framers of the constitution probably decided that it was superfluous explicitly to limit the vote to men."

When the state legislature began to refine suffrage legislation after the war, it adopted a broad view of the term "all inhabitants" and referred to voters as "he or she." Acts passed in 1788, 1790, and 1797 used such terms, says Gertzog, "largely at the bidding of lawmakers from the southern part of the state who were themselves Quakers or who represented many Quaker residents." By permitting women to preach and

Caroline Taylor is assistant director for publications at NEH and editor of Humanities.

to hold religious office, the Society of Friends had already adopted a more advanced view about the role of women.

The number of women who took advantage of the right to vote was difficult for Gertzog to estimate. The few available voting lists from the period, discovered in the archives of the New Jersey Historical Society, suggest that as many as 15 percent of the qualified women voted even though, through 1797, married women were ineligible. Under the laws governing domestic relations, a woman's property normally became her husband's as soon as they were wed. Consequently, eligible women voters were either single or widowed.

Gertzog believes that the 15 percent figure is higher than might be expected, in spite of the greater than 60 percent turnout of males in many elections. For one thing, he says, newly enfranchised groups always take a generation or more before they are habituated to voting. For another, most voting took place in taverns, and many counties did not provide for secret ballots. Voters were required to announce candidate preferences to election officials openly. These factors may have discouraged female turnout.

One set of voting records that Gertzog reviewed showed that a Somerset County innkeeper ran successfully for the state legislature every year from 1797 to 1803. "It must have been intimidating for a woman to appear in an unfamiliar, often unsavory environment and announce her choices aloud before not only a crowd of boisterous, inebriated men, but in the hearing of an influential incumbent who also happened to own the inn's tavern."

The order in which the names appear on voters' lists indicated to Gertzog that women came to the polls in groups, perhaps to give one another moral support when engaging in a practice that many people thought unseemly for women.

Why did women lose the vote in 1807? Gertzog is still seeking answers to this question, but some partial explanations seem evident: One is the substantial increase in competition between Republicans and Federalists after the turn of the century. Whenever a party was obliged to

justify the opposition of fraud. Among the charges was that ineligible women, blacks, and aliens had been rounded up by the other party and herded to the polls.

In an 1802 legislative contest, for example, a Hunterdon County Federalist won by a single vote, and his victory resulted in an equal number of Federalists and Republicans in Trenton. Soon afterward, newspapers and leading Republicans alleged that the partisan deadlock that prevented a divided legislature from choosing a governor and U.S. senator was due to "the Federalist vote cast by an illiterate black woman."

The probability that fraud occurred on both sides and that other, even male, voters could be described as having cast the deciding ballot seemed conveniently to have escaped them, says Gertzog. He believes that an 1807 referendum in Essex County proved to be the most important immediate cause for change in suffrage qualifications. At stake was whether the county courthouse and jail would be located in Newark or Elizabeth—a bitter source of dispute between two communities whose mutual hostility was already well-known. Newspaper reports asserted that more votes were recorded in some areas than there were adult residents and that among

those who illegally cast multiple ballots were many women as well as men dressed as women. So flagrant were the abuses that the legislature later threw out the referendum result.

An act disenfranchising women, free blacks, and aliens was promoted as a way of reducing election fraud by making it easier to identify ineligible voters. The act was passed later that year.

But these events in New Jersey, Gertzog notes, were a product of national as well as local forces. All states were then stripping the franchise from marginal groups—free blacks, noncitizens, native Americans, and in New Jersey, women—while at the same time removing remaining obstacles to universal white male suffrage. Thus, New Jersey women were victims of political pressures that transcended local circumstances, and they would not be able to vote again until passage of the Nineteenth Amendment more than one hundred years later. ♀

In 1986 Irwin Gertzog received a \$3,000 Summer Stipend to support research on "American Women in Politics during the Colonial and Post-Revolutionary War Periods." The grant was awarded through the Division of Fellowships and Seminars.

"A Society of Patriotic Ladies," probably by Philip Dawe in 1775, gives a contemporary British view of the resolution by women of Edenton, North Carolina, to boycott tea and British goods.

Library of Congress



Building Bridges between Schools and Colleges

BY ELLEN MARSH

LIMINALITY. EPISTEMOLOGY. High school students in Buffalo are dealing with these weighty concepts in their literature classes because of a collaborative institute involving the State University of New York (SUNY) at Buffalo and the Buffalo public school system. "The idea of liminality in a novel—being on a dividing line—caught on like wildfire with adolescent students," says Robert Daly, one of the professors from SUNY-Buffalo who participated in the program. "It fit exactly with the feelings they had about their own lives."

At the invitation of teachers who had attended the institute, Daly visited a number of high school classrooms, from honors classes to vocational students, to discuss such books as *The Scarlet Letter* and *The Last of the Mohicans*. The contact with these classes proved to be invaluable for Daly, giving him a fresh perspective on his own scholarly pursuits. He now sees literature serving as a blueprint for a culture, rather than constituting a culture the way bricks make a building. "Students at all levels read *The Scarlet Letter*, not only as a way of learning how a particular society used to be, but also as a way of making sense of life—they read to gain knowledge and to improve their interpretive skills, to develop epistemologically."

The Concept of Collaboration

Collaborative programs, in which

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college professors, secondary school teachers, and representatives from a local school system meet to study and to develop new approaches to educating students, are a growing, but still relatively rare, element in the American educational scene. The oldest collaborative effort is the Yale-New Haven Teachers Institute, which began in 1977 as an outgrowth of Yale's History Education Project. James Vivian, director of the institute from its beginning, says the idea of collaboration between colleges and secondary schools is not new. For many years, educational studies and reports have recommended that teachers should lead a life of reading, thinking, writing, and meeting with their colleagues. However, public school teachers have heavy teaching schedules, with little or no free time during the day for research, reflection, or contact with other teachers. Often a central office ordains curricula without consulting teachers. Collaborative projects make it possible for public school teachers to experience the kind of intellectual growth and professional responsibility that faculty at colleges and universities have always enjoyed.

Elements of the Program

Certain elements are always present in NEH-supported collaborative projects: collegiality between teachers and professors; a local, state, or regional orientation that encourages a close, continuing relationship between teachers and university faculty; and an assurance

by the chief school officer that what is learned in the institutes will be used to enrich the curriculum. The program must continue in some way after the summer sessions have ended. Curriculum units must be developed or refined; additional teachers should be introduced to these units; and professors should be available to assist classroom teachers.

Participants confirm that collaborative programs are truly collegial—the word is not mere window-dressing for a hierarchy in which the professors and school officials outrank the classroom teachers. This collegiality is all the more remarkable when one considers that many of the faculty involved are senior professors. The professors bring their knowledge of academic subjects to the institutes, while teachers offer their pedagogical experience in the real world of the public school classroom.

Professors: Teaching and Learning

Thomas Whitaker, a professor of English at Yale, says his participation in five seminars (with another scheduled this summer) has made him realize the extraordinary challenges school teachers face and the fortitude they must have in order to stay with the job. Unlike the conventional university classes he teaches, the institute provides an experiment in adult education, one in which the fellows, as Yale calls them, are the equals of the faculty. Seminar participants share information in informal sessions, there are no grades and no competitiveness, and fellows call on the faculty for help as colleagues after the seminars end.

Daniel Goldrich, a professor in the Institute for the Combined Study of Literature and History, a collaborative project of the University of Oregon and certain Oregon school districts, remarks that he received an unusual amount of helpful feedback about his teaching, both from the institute members and from the colleague who joined him in an interdisciplinary team-teaching situation. Because he was working with professional teachers, they could tell him what kinds of factual material and bibliographic resources would be useful to them. The multidimensional approach of the university's program—a combination of litera-

ture, politics, history, and language that uses readings, discussion, and individual research, enhanced by evening sessions featuring films, lectures, and videos—is a refreshing antidote to the narrow specialization that academic life tends to foster, Goldrich says.

In visiting high school classes in Buffalo, Robert Daly, despite his years of experience as a professor of American literature, found he was challenged to give students an answer that satisfied them as to why reading literature is important. He went back to his books to come up with a rationale that would mean something to high school students, and developed a twenty-minute lecture called "How We Read Literature and Why It Matters." Daly says that if he gives this talk when he first meets with a class, the ensuing questions and discussion are more perceptive.

The Impact on Classroom Teachers

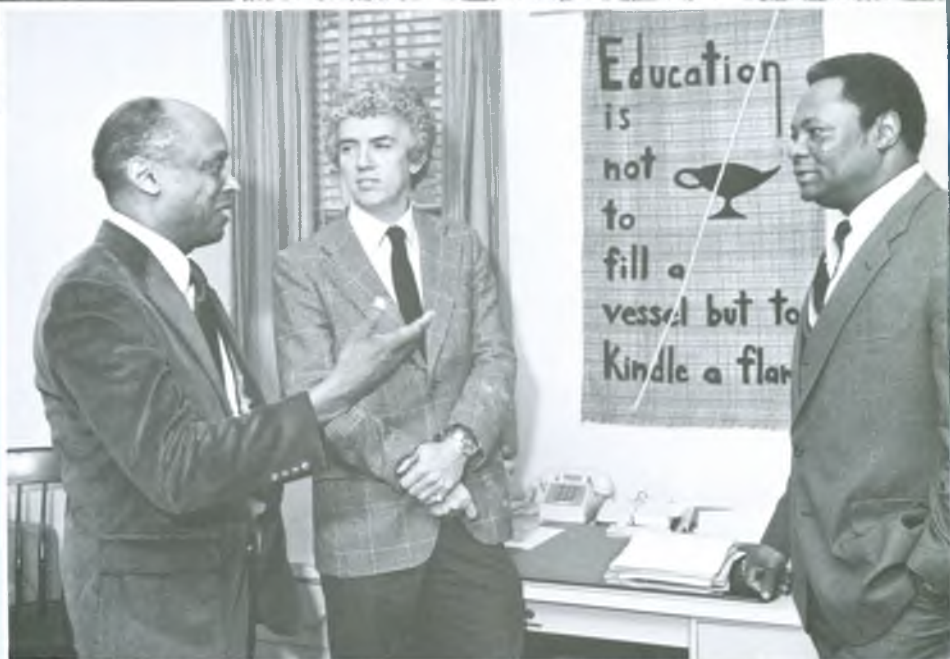
Last summer, Mary Nogoh, who teaches Spanish and English as a second language at an inner-city school in Trenton, New Jersey, attended a Spanish institute in Princeton University's Partners in Education program. This was her first literature class since college. "It was wonderful to reread works of literature and to look at them from a fresh point of view," she says. Because of her fourteen years of classroom experience, she found it was much easier to read and to understand works that she had considered difficult in college. The institute broadened her approach to teaching first- and second-year Spanish. Instead of concentrating solely on grammar, she has been introducing her students to simple poems, short stories, and selections from great literary works.

Benjamin Gorman, a seventh-grade social studies teacher, has attended several seminars of the Yale-New Haven Teachers Institute and has been a coordinator for the program since 1977. The Yale system requires participating teachers to prepare curriculum units based on the seminars they attend. From a seminar called "Ideals of Community and the Development of Urban Life, 1250 to 1700," Gorman created a unit for seventh graders about the lives of different kinds of



Photographs: University of Oregon and Princeton University

Above: Albert Leong teaches a Russian seminar at a summer institute. Right: Fenton Hall, University of Oregon. Left: Nassau Hall, Princeton University. Below: Henry N. Drewry with superintendents of the Princeton and Trenton public schools.



people in the medieval period—a squire, a young girl, a peasant-farmer, and an apprentice. He used this unit to augment a textbook that provided only minimal coverage of the Middle Ages.

The Ripple Effect

Although universities usually receive the grants for collaborative projects, directors must work closely with the local public school systems to ensure that the projects will affect classroom teaching. The Yale institute canvasses New Haven teachers each fall for seminar topics. The subjects have been suggested by teachers themselves as something they can use in their classrooms, and the seminars are carefully planned to fit into the existing school curricula, so there is a ready-made audience. As the teachers attend the seminars, they develop units that they test in their classrooms, adjusting them to real-life situations. The institute publishes the completed units and makes them available to all teachers in the New Haven schools. Vivian says a 1986 survey showed that the units were used in 1,500 courses of study, clearly demonstrating their popularity.

Samuel Alessi, director of curriculum evaluation and development for the Buffalo public schools, praises the SUNY-Buffalo institute. "It is different from the usual summer programs, which help teachers personally, but which may or may not be adapted for their classrooms." After the initial summer session, teachers in the Buffalo pro-

gram, using their professors as resources, work with the curriculum development office to create units that fit into the existing curriculum and that can be used with students of varying abilities.

The University of Oregon collaborative institute stresses an interdisciplinary approach. "The combination of literature and history kindles the imagination," says David Curland, director of the program. The university pairs foreign language secondary school teachers with social studies teachers, preferably from the same school. The two-person teams work together to develop curriculum units that they will use in their classes, reporting on them in several follow-up meetings held during the school year. About one hundred teachers who have not participated in the program attend each of these meetings.


Henry Drewry, director of Princeton's Partners in Education, says his program is the result of joint planning by the university and the school districts of Trenton and Princeton. After each summer institute, a staff person from the institute observes and talks to each teacher to find out how the material from the institute is being used.

"Everyone Benefits"

James Vivian says there are several essential components in a successful collaborative institute. First, universities and school systems must commit themselves to the program on a long-term basis. "When the present interest in this kind of

program lessens, as it inevitably will, the work should continue as a permanent linkage between universities and school systems." Second, Vivian believes that more than one or two teachers from each school in a system must participate in an institute for there to be any real and lasting impact. And last, "Teachers should be encouraged to return regularly to the seminars in order to keep pace with the latest scholarship and to continue to renew their intellectual and professional lives," he says.

Thomas Whitaker observes, "Many teachers regard themselves, with much justification, as not amply rewarded in esteem or salary. They feel left on the fringe of civic life and are vulnerable to burn-out. Some leave the profession. The institute reinforces their commitment, and they learn that people who they thought were not interested in what classroom teachers do are, in fact, interested."

Through collaborative programs, college professors gain new insight into their disciplines and improve their own teaching skills. School teachers are spiritually and intellectually refreshed by their association with scholarly minds and fellow teachers. And students gain new knowledge, taught by teachers whose enthusiasm for their profession has been renewed. Gorman concludes, "Collaborative institutes enable a university to affect many classroom teachers, who in turn affect even more students. This spreads the influence of the university immeasurably, and everyone benefits." 

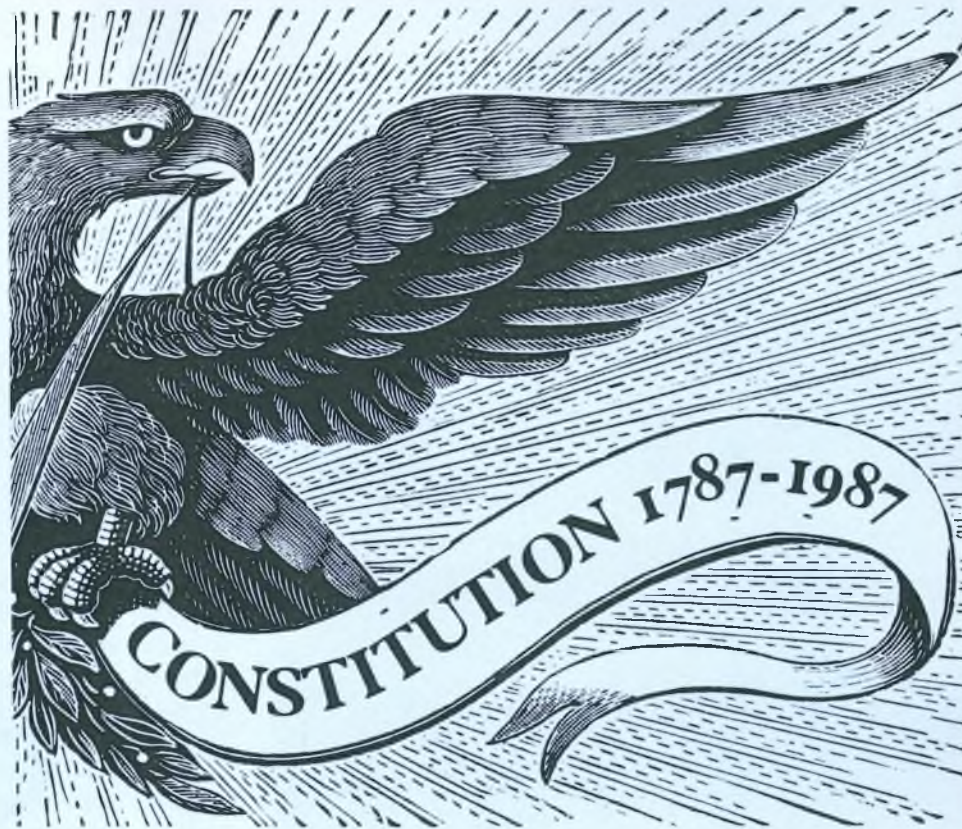
Robin Winks leads a Yale-New Haven Teachers Institute seminar on history as literature.



Through the Division of Education Programs, James R. Vivian of the Yale-New Haven Teachers Institute received \$308,516 in outright funds in 1982, and \$300,000 in outright funds and \$100,000 in matching funds in 1986; David J. Curland of the University of Oregon received \$773,807 in outright funds and \$70,000 in matching funds in 1985 for "A Collaborative Project of the Combined Study of Literature and History;" Henry N. Drewry, the project director of Partners in Education, received \$607,624 in outright funds and \$75,000 in matching funds in 1985; and James H. Bunn of the Collaborative Humanities Project at SUNY/Buffalo received \$268,817 in outright funds in 1983.

Photograph by T. Charles Erickson, Yale University

YOUNGER SCHOLARS OF THE CONSTITUTION



Introduction

Last year, the Endowment made sixty-five awards in a special competition celebrating the bicentennial of the U.S. Constitution. The competition was conducted under the auspices of the Endowment's Younger Scholars Program, which provides a stipend to high school and college students to spend their summers engaged in an intensive research and writing project on a significant humanities topic.

The topics chosen by the award winners involved issues basic to an understanding of America's heritage and traditions. Some students wrote about the Constitution's philosophical underpinnings; some explored the meaning and intent of specific provisions; others examined its interpretation at various times in American history as well as its role in American politics, culture, and society.

The Younger Scholars chosen by the review panels came from thirty-seven states and the District of Columbia. Twenty-eight of sixty-five awards went to high school students, the remainder to college students.

The constitutional projects submitted by the grantees were so impressive

that *Humanities* is publishing excerpts from eight of them. The essays chosen are representative — in their scope, diversity, and scholarly integrity — of the projects undertaken by the sixty-five Younger Scholars who received awards in the special competition.

These young men and women have tackled serious questions about executive power, fundamental rights, the extent of judicial interpretation, concepts of religious liberty, and the nature of republics — issues that were not resolved in the eighteenth century and are still very much with us. The students have demonstrated their ability to grasp powerful ideas and to grapple with primary sources that are often ambiguous and recalcitrant.

"I learned what it meant to pose a theoretical question to a historical period and the kind of close reading that was necessary to get a handle on any sort of answers," one grantee wrote. "What I did come away with is a deep appreciation of how much there is to be read before one can say anything conclusive about the nature or thrust of America's political heritage." Another student reported: "As a result of my work this summer, I

realized that my topic was much more complex than I had anticipated. I saw the dangers of interpreting eighteenth-century words by twentieth-century definitions."

As they learned to think more critically, they also improved their writing. "The independent nature of the project taught me responsibility and challenged me greatly. I believe I finished the project a more critical thinker and a more exact writer," said one scholar. Another grantee put it this way: "In the process of revision, I was once again left to my own devices and hence had to learn how to trust my own judgment and how to be objective about my own writing."

Perhaps most rewarding is seeing these Younger Scholars develop the intellectual curiosity that provides the impetus for all scholarly endeavor. Through their serious examination of the grand issues of our governance and society, these students have discovered the true delight of learning for learning's sake.

— Lynne V. Cheney
Chairman

National Endowment for the Humanities



THE QUESTION OF ORIGINAL INTENT

BY EDWARD J. BALLEISEN

THE FRAMEWORK OF Edward J. Balleisen's essay, "The Constitution and Individual Rights: The Perspective of the Founders," is the contemporary debate on the original intent of the framers as to the scope of judicial interpretation of the Constitution's protection of individual rights. The essay is organized as a critical response to those who argue that the framers would not have supported an activist role in the area of civil liberties.

Balleisen asks how the drafters and ratifiers of the Constitution perceived it as securing individual rights and liberty, and what was their conception of the role of the federal judiciary in protecting them. In an attempt to understand the eighteenth-century debate on its own terms, Balleisen sought to rely almost exclusively on primary sources: the arguments in the drafting and ratifying conventions, newspaper commentary, congressional records, and correspondence. His project adviser was Walter Murphy, Mc-

Cormick Professor of Jurisprudence at Princeton University, from which Balleisen, a student at the Woodrow Wilson School, graduated in June.

Balleisen has been awarded a Mellon grant for graduate study, but has deferred his academic work for a year in order to serve as a legislative assistant in Princeton's Office of Governmental Affairs in Washington. He then plans to begin work toward a Ph.D. in American history. The following excerpt from Balleisen's essay illustrates his use of the sources in analyzing the framers' diverse opinions about the need for a bill of rights and the role of the judiciary in interpreting constitutional law.

One of the anti-Federalists' major criticisms of the Constitution emphasized the tendency of all rulers to attempt to enlarge the extent of their powers. In the face of such a reality,

the fact that the jurisdiction of the new federal government might be limited provided little protection from usurpation. Congress, opponents of ratification asserted, need only determine that a law infringing a right such as liberty of the press fell within the realm of its delegated authority for that law to gain constitutional sanction. As a result, anti-Federalists generally argued for the addition of a bill of rights against the federal government in order to "protect the rights and liberties of mankind, from the silent, powerful, and ever active conspiracy of those who govern."

One of the responses that Federalists made to the calls for a bill of rights involved the claim that declarations of rights were ineffective in the face of a majority's determination to infringe the rights of a minority. Yet this contention was not the primary Federalist attack on inclusion of a bill of rights. Instead, supporters of ratification emphasized that a federal bill of rights was unnecessary.

This argument, first articulated in James Wilson's "Statehouse Speech" of October 6, 1787, observed that unlike state constitutions, which bestowed general grants of power, the federal Constitution instituted a government of defined powers and objects.

"Hence it is evident, that in the former case every thing which is not reserved is given, while in the latter the reverse of the proposition prevails, and every thing which is not given, is reserved."

Wilson drew the conclusion that rights were secure under the original Constitution because the people, in ratifying that proposal, would retain all of their important rights and liberties. Because those rights had *not* been delegated to the federal government, Congress lacked the authority to pass legislation whose object involved impinging on rights like freedom of religion or trial by jury.

Advocates of a bill of rights were critical of Wilson's argument. They disliked the extent to which his position relied upon abstract propositions about the nature of a federal constitution. In the Virginia ratifying convention, Patrick Henry responded to the argument of retained rights by proclaiming that "[i]f we trust our dearest rights to implication, we shall be in a very unhappy situation." An essay by "A True Friend" carried the point further: "The rights of the peo-

ple should never be left subject to problematical discussion: They should be clear, precise, and authenticated: They should never stand in need of the comments or explanations of lawyers or political writers."

Other anti-Federalists argued that Wilson had skirted the important issue in the debate over the need for a declaration of rights. As Samuel Osgood wrote to Samuel Adams, the doctrine that the people retained whatever they did not delegate to the federal government was true, yet trivial. For the point in question was precisely how much power had been delegated. According to many opponents of the Constitution, the ability of Congress to pass all laws "necessary and proper" for the execution of the federal government's enumerated powers actually gave the national legislature an unlimited authority. Because Congress would be the interpreter of its own powers, that body need only determine that a law prohibiting or impinging on the exercise of some right be a necessary and proper means to some constitutionally defined end of the federal government.

Supporters of the Constitution answered this line of attack by denying that Congress would be the interpreter of the extent and nature of its powers. Instead, argued John Marshall and George Nicholas in the Virginia Convention, the independent federal judiciary would fulfill that role: "If they [the Congress] go beyond the delegated powers enumerated, it would be confided by the Judges as an infringement of the Constitution which they are to guard: They will declare it [such a law] void."

Furthermore, a number of Federalists argued that in determining the limits of Congress's jurisdiction, federal judges would give protection to rights. Considering the possibility of the federal legislature infringing natural rights, Massachusetts Convention delegate Theophilus Parsons contended that "should they attempt it, the act would be a nullity, and could not be enforced." In the Virginia Convention, Edmund Randolph made a similar argument. Responding to an argument that the federal taxing power under the Constitution would allow the issuing of general warrants, Randolph asked, "Can it be believed, that the Federal Judiciary would not be independent enough to prevent such oppressive practices?"

"As Samuel Osgood wrote to Samuel Adams, the doctrine that the people retained whatever they did not delegate to the federal government was true, yet trivial. For the point in question was precisely how much power had been delegated."

"Brutus claimed that the federal judiciary's constitutional power to settle all cases arising under the Constitution implied that the Supreme Court's opinion on the reason and spirit of the Constitution would be final and thus could not be reviewed by the representatives of the people."

In addition to arguing that a bill of rights was unnecessary because the Constitution did not empower the federal government to violate individual rights, Federalists frequently claimed that a declaration of rights protected from actions of the federal government would be dangerous. Any listing of the people's rights would almost certainly fail to be sufficiently comprehensive. Yet once the list had been drawn up, there would be a presumption that the list's makers did not intend any right omitted to enjoy special protection.

Once again, James Wilson most effectively articulated the Federalist position: "[W]ho will be bold enough to undertake to enumerate all the rights of the people? — and when the attempt to enumerate them is made, it must be remembered that if the enumeration is not complete, everything not expressly mentioned will be presumed to be purposely omitted. So it must be with a bill of rights, and an omission in stating the powers granted to the government, is not so dangerous as an omission in recapitulating the rights reserved to the people."

Furthermore, defenders of the proposed Constitution argued, precisely defining those rights singled out for protection might imply the propriety of substantial regulation of those rights, or result in curbing the right more substantively than would an assumed power over it.

Thus Federalists discounted the worth of bills of rights at least in part because they feared a resulting narrow, text-bound approach to the protection of rights. James Madison's desire to avoid such an implication from the set of amendments he placed before the First Congress is demonstrated in what was to become the Ninth Amendment. As Madison originally phrased it, this amendment proclaimed that "the exceptions here or elsewhere in the constitution, made in favor of particular rights, shall not be construed as to diminish the just importance of other rights retained by the people, or as to enlarge the powers delegated by the constitution; but either as actual limitations of such powers, or as inserted merely for greater caution." As the amendment finally emerged from the Congress, it announced that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage other rights retained by the

people."

The passive construction in each of these formulations leaves it somewhat ambiguous as to who is "not to construe." Nonetheless, it seems reasonable to assume that the judiciary — whose "proper and peculiar province" involved the "interpretation of the laws," including constitutions — was at least included in the set of officials whom the Ninth Amendment addresses.

The debates of the Constitution's drafting and ratification do not directly address the question of proper standards for federal judges in their task of ascertaining the boundaries of constitutional authority. In maintaining that the Constitution did impose real constraints on legitimate federal power and that the courts would uphold the Constitution against any illegitimate federal actions, Federalists used rather simple examples. In *Federalist* No. 78 for example, Publius contended that the judiciary would have the power to declare void any bill of attainder of *ex post facto* law. Similarly, in his articulations of the theory of enumerated powers/reserved rights, James Wilson declared that the federal government did not have the power to violate universally recognized rights such as liberty of the press or freedom of religion.

What did these thinkers see as the appropriate judicial stance in less clear-cut cases? How did the founders conceive of judges' deciding the validity of an individual's claim of a right against some exercise of federal power, when the status of the claimed right was controversial? While the founders did not themselves pose these questions, there are some indications of how they might have replied to them.

In the Philadelphia convention, opponents of the proposal to give the federal judiciary a negative over acts of Congress claimed the provision was unnecessary because judges already had the power to declare unconstitutional acts that conflicted with the fundamental law. Supporters of the motion, including Federalist James Wilson and later anti-Federalist George Mason, discounted such reasoning. Wilson replied that the power of judicial review "did not go far enough. Laws may be unwise, may be destructive; and yet not be so unconstitutional as to justify the Judges in

refusing to give them effect."

Mason echoed this argument: "They [the judges] could declare an unconstitutional law void. But with regard to every law however unjust, oppressive, or pernicious, which did not come plainly under this description, they would be under the necessity as Judges to give it a free course." This position seemed to presuppose that the unconstitutionality of a government action need be fairly certain for federal judges to refuse to give it effect.

Federalist arguments about statutory interpretation also seem to imply a conception of judicial rejection of only clearly unconstitutional acts. As Publius comments in *Federalist* No. 78, federal judges may have brought before them laws not unconstitutional, yet injurious to "the private rights of particular classes of citizens." In such cases, Publius maintains, the judiciary should "mitigat[e] the severity and confin[e] the operation of such laws." Again, the analysis appears to assume a restricted range of legislative actions that judges could deem unconstitutional.

Publius's reaction to an argument in one of Brutus's essays further supports the notion of a fairly narrow standard for judicial review. Brutus claimed that the federal judiciary's power to settle all cases arising under the Constitution implied that the Supreme Court's opinion on the reason and spirit of the Constitution would be final and thus could not be reviewed by the representatives of the people. In his response, Publius held that the nature of a limited constitution required that "the Constitution ought to be the standard of construction of the laws, and that wherever there is an *evident* opposition, the laws ought to give way to the Constitution" (emphasis added).

Perhaps the importance that Federalists placed on erecting a vigorous federal government explains these indications that the founders viewed the extent of the judicial power to set aside acts of government as limited to relatively clear constitutional violations. This concern is clearly demonstrated in *Federalist* No. 63, where, during a discussion of the Senate, Publius argues that "liberty may be endangered by the abuses of liberty as well as by the abuses of power; that there are numerous instances of the former as well as the latter; and that the former, rather than the latter, is

apparently most to be apprehended in the United States."

This passage indicates that were Publius presented with a "hard case" involving a claimed right neither explicitly recognized in the Constitution, or universally deemed fundamental, he might be inclined to side with the legitimacy of governmental power.

The framing and adoption of the first ten amendments also seem to have implications for understanding the founders' conception of the proper standard of judicial review. Many proponents of a bill of rights believed such a declaration would strengthen the judiciary's ability to protect individual rights from governmental encroachment. One of the arguments on which Madison relied in the First Congress's debate over amendments concerned the protection judges could give to definitely recognized rights. The explicit "excepting out of the grant of power those cases where the Government ought not to act, or to act only in a particular mode," would appear to imply a presumption against governmental infringement of the enunciated rights.

A number of commentators who called for a bill of rights, however, did so for reasons that had little or nothing to do with judicial review. One of these justifications involved the inculcation of a spirit of liberty in the people. A second rationale concerned the provision of a clear standard by which the electorate could evaluate the performance of their representatives, as well as more easily observe any attempts at usurpation.

During the congressional debate, moreover, Madison took great pains to propose and support only those amendments that would strengthen protections for individual rights without significantly altering the basic framework of the new Constitution. As a result, Madison refused to put forth any revisions he deemed to endanger the Constitution's structure of government or interfere with the advantages arising from the exercise of those powers that the original Constitution conferred. If the founders believed the adoption of a bill of rights enlarged the judiciary's ability to protect rights, they certainly did not intend for the additional guards against the abuse of governmental power to diminish significantly the energy of the federal government. ★



DANIEL J. HEISEY, a history and Latin major at Dickinson College in Carlisle, Pennsylvania, examines the influence of Dickinson's life-long readings in ancient Roman literature on his political ideas. Although Dickinson is perhaps best known for his 1767 *Letters from a Farmer in Pennsylvania*, which propounded the existence of a new citizen who was uniquely "American," Heisey focuses on Dickinson's contribution to federalism, seeking to show through a close reading of Dickinson's writings the inspiration of such Roman writers as Cato, Cicero, Livy, and Tacitus on his approach to government.

Heisey will graduate in 1988. His adviser for the project was George Friedman, professor of political science at Dickinson College.

The following excerpts include Heisey's examination of Dickinson's Quaker background and classical education, and other passages that illustrate Dickinson's lifelong attachment to Roman models.



JOHN DICKINSON AND ROMAN LITERATURE

BY DANIEL J. HEISEY

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John Dickinson (1732-1808) bears a popular reputation as a conservative. The Broadway musical *1776* has recently reinforced this characterization. Dickinson is made to sing:

*Come ye cool, cool conservative men,
Our like may never ever be seen again.
We have land,
Cash in hand,
Self-command,
Future planned.
Fortune thrives,
Society survives,
In neatly ordered lives
With well-endowed wives.*

1776, tailored for popularity, contains much from John Adams's autobiography, which is itself deliberately imaginative. Both the play and the memoir are interesting, but not authoritative, versions of events in the summer of 1776, let alone of John Dickinson's life, career, and philosophy.

Behind the popular image of the smug, moss-backed landlord of 1776 stands a politician who was the only American before 1776, save Benjamin Franklin, known throughout the colo-

nies. He was an active rhetorician whose works impressed such men as Voltaire and John Marshall. After 1776, through actions in the press and in the council chamber, he gained the respect of John Jay and George Washington. He was a Quaker aristocrat, committed to agriculture, steeped in Latin literature, learned in the law, and a major author of American federalism.

John Dickinson's formative education from a private tutor in a rural Quaker household is unique among other prominent Founding Fathers. Born in 1732, the same year as George Washington, the same year that British colonization of North America ended with the founding of Georgia, John Dickinson was the first child of the second marriage of Samuel Dickinson (1689-1760). A prosperous Quaker merchant-planter, Samuel Dickinson resided in Talbot County, Maryland, where his grandfather, Walter Dickinson, eventually settled upon emigrating from England in 1654. Walter and his two brothers arrived with that powerful drive to secure property rights and religious liberty that brought many Quakers to

North America in the seventeenth century. In 1659, on some four hundred acres, Walter built "Croisiadore," the country estate that was John Dickinson's first home.

Not until 1745, at age thirteen, would John Dickinson receive what could be considered a formal education. In the meantime, the most important educational influence upon Dickinson was the constant example of the "gentle life" as practiced by his Quaker parents.

Although their relative prosperity cannot classify the Samuel Dickinsons as "simple," it is likely that they used various "plain" conventions, such as the numerical dating system sanctioned by Friends and the Saxon "thee" and "thy" to avoid the status-creating "you" and "your" of the worldly French. One's conscience, only complemented by scriptural readings, was seen to be the sole director of one's life. Friends heeded literally Matthew 18:20 ("For where two or three are gathered together in my name, there am I in the midst of them"), congregating for worship in houses, barns, or, when compelled, in prison. Most important, perhaps, is that Quakerism sanctioned no rites or sacraments, such as baptism or the eucharist.

Despite prosperity, life was still regarded as a serious matter, devoid of any division between secular and sacred. Work was regarded as a privilege to be done for the greater glory of God.

The admonitions and satires of Roman authors were readily devoured by eighteenth-century Americans. The well-educated man then was educated in Latin, "as a Vehicle of good Sense and useful Instruction." History lessons centered around classical history. In the heroic accounts by Livy and Plutarch, "both part of the literature of maturity expected of all colonial males," students found inspiration to temperance, fortitude, and duty.

In that generation of inspired Latinists was John Dickinson, who in 1745 began his formal education. For three years he studied in his home under James Orr. Also studying there was a young Irish-Presbyterian immigrant, William Killen. As so often happens with two unlikely personalities, the precocious Dickinson and the ambitious Killen were soon united by

their Latin texts. The profound effect upon the young Dickinson of Latin literature is seen in his adult prose style. But the immediate effect in adolescence was upon his imagination, as Killen recalled forty-three years later: "This same Billy Killen, in the year 1747, had the honor to lend you as chief architect [sic], his aid in constructing a bridge, of tobacco sticks, in imitation of Cesar's [sic] bridge over the Rhine, as described by him in his commentaries, which, I am sure, you are better acquainted with than I am."

That Dickinson read Caesar's *Commentaries* is without question. Aside from Caesar, he most probably read extensively in Vergil, especially the *Aeneid*. When later in life he quoted Vergil, he often misquoted. No doubt he was quoting from memory. It is quite likely that Orr compelled such memorization after Spenser's advocacy of Vergil as sound preparative literature. Likewise, when Dickinson quoted Sallust, he was equally inaccurate. It is interesting that his quotations from that cynical historian come almost exclusively from Caesar's speech in *Cataline* and from Memmius's in *Jugurtha*. Dickinson probably was required to use those speeches for declamation.

To this heavy load of Caesar, Vergil, and Sallust, Orr apparently added assorted works of Cicero, Livy, Ovid, and Horace, as well as some Persius, Aulus Gellius, and Seneca Minor. These texts, combined with exercises probably in declamation and possibly in composition, not to mention Orr's lectures, left a lasting impression on Dickinson. That he did not spend the rest of his days trying to purge his mind of Latin indicates that impression was favorable. It is important to any study of John Dickinson's thought to understand that his earliest, strongest impressions came from his Stoic Quaker parents and his classical education.

Perhaps there is indeed "something ironic if not downright silly" about colonial Americans so avidly internalizing classical ideas. The point remains that the founders, largely from Saxon and Celtic backgrounds, were influenced by the ideas of two otherwise alien cultures: republican Rome and the apostolic Church. The Dickinson family motto neatly summarized the outlook of John Dickinson. "*Esse quam videri*" ("To be rather than to appear") is at once Tacitean and

Quakerly. It declares that one is interested in results; it affirms that paramount in one's life is forthright honesty. But built into the desire to do something rather than to be somebody is a yearning for immortal glory. From Tacitus and his fellow Roman authors — from Cicero before him and Gellius after him — John Dickinson derived his politico-constitutional thought, but his native Quakerism, based in Roman Stoicism, cannot be ignored.

Dickinson moved into lodgings in Philadelphia in 1757, and there he began practicing law and seeking public office. Significant from this period are his re-readings of Tacitus. In one Commonplace Book he translated from Tacitus's *Annales* IV.38.6: "To despise Fame is to despise the Virtues by which it is acquired." In another Commonplace Book, after some notes on a botanical essay by Linnaeus and on the effects of music, he filled four pages with Latin quotations from the works of Tacitus. In an observation recalling his family motto, he wrote that "Augustus enslaved the Roman People by an Authority clothed under former Names — 'Eadem Magistratum nomina' says Tacitus. And

fear of tyranny. It reinforced the dour pragmatism in which he grew up and reminded him that his social standing made it his duty to labor for the benefit of the people less fortunate than he.

As the 1770s began, Dickinson was a prominent man. Not only was he known throughout the American colonies, but to the European community he also symbolized America. Although his writing structure can be seen as Tacitean, his style was Ciceronian. Hailing him as the American Cicero, Voltaire was quite astute.

There is some indication, though, that Dickinson saw himself as something of a mix between Cicero and Tacitus. For in Latinizing the pseudonym "A Farmer" to "Rusticus," instead of "Agricola" as one would expect, he made a subtle point about himself. For *rusticus* meant not a ploughboy but a planter. It implied the landed gentleman who had the leisure to read and, in Dickinson's case, to read Latin. Thus he could think of Cicero disputing at his Tusculan villa, as well as of the historically minded Tacitus addressing the Roman Senate. Even a Philadelphia fish and game club, the Society of Fort St. David's, recognized this when in 1768 they presented Dickinson with a box carved from heart of oak inscribed, in part,

*With Attick Eloquence
And Roman Spirit,*

to describe his literary defense of colonial liberties. Of course "Attick" referred to Demosthenes, model for Cicero; the "Roman Spirit" referred more to Cicero's patriotism.

The earliest known portrait of Dickinson, done by Charles Willson Peale in 1770, shows him as a squire before Schuylkill Falls, then a rural region. Wearing a russet-brown suit, he holds in his right hand both a walking stick and a black tricorne hat. In his powdered wig he stands there, the essence of Philadelwarean respectability.

While he was president of Pennsylvania, Dickinson was *ex officio* a judge on the newly created High Court of Errors and Appeals. Nevertheless, he apparently contributed little to establishing the federal judiciary. He seems to have confined himself to emphasizing the importance of an independent judiciary in a

"There is some indication, though, that Dickinson saw himself as something of a mix between Cicero and Tacitus. For in Latinizing the pseudonym 'A Farmer' to 'Rusticus,' instead of 'Agricola' as one would expect, he made a subtle point about himself. For rusticus meant not a ploughboy but a planter. It implied the landed gentleman who had the leisure to read and, in Dickinson's case, to read Latin. Thus he could think of Cicero disputing at his Tusculan villa, as well as of the historically minded Tacitus addressing the Roman Senate."

[Augustus] only united the Consular, Tribunitial & Imperatorial Powers."

Dickinson, concerned with constitutional corruption, carefully studied Tacitus's account of how Augustus subverted ancient *libertas* (republicanism) under his new *imperium* (raw power). He read the politico-constitutional philosophy that would drive him to partake in public business until his death. From Latin literature, even at age twenty-five, he gained a respect for republicanism and, consequently, a

republic. In later years he would declare: "Among the Maxims which Experience has taught Me to revere as of the first Moment, is this — That in a free State Judges should be secured as much as possible from the Agitations of Parties, which some times are too tempestuous." He could base this not only upon his own experience, but also upon Tacitus's accounts of Roman emperors, such as Augustus, manipulating judges and, finally, becoming judges themselves. He could recall Tacitus's innuendoes against Domitian, who was the first emperor to declare himself censor for life.

Dickinson could not limit his analyses of the constitution to those hours when he was required to do so as a member of some congress or convention. His constitutional studies occupied more than thirty years of his life, from before the 1764 Pennsylvania Propriety debate to beyond the Delaware Constitution of 1792. Even after he wrote that state constitution, Dickinson maintained an interest in matters involving the 1787 national Constitution. His retirement was one of intellectual activity. Just as his mind turned upon the defects of the ratified Articles of Confederation, so it focused upon unrefined portions of the federal Constitution.

In April 1788, distressed by Delaware's apparent lack of enthusiasm in ratifying the Constitution, Dickinson began writing newspaper essays under the pseudonym "Fabius." These "letters," eventually totaling nine, are Dickinson's final public statements expressly concerned with national federalism. Referring often to "confederacies of republics" and "United America," Dickinson explained the virtues of the proposed constitution from the point of view of a disinterested observer, just as he had examined the Townshend Duties in the *Farmer's Letters*, just as Tacitus had examined the qualitative decline of oratory in his *Dialogus de Oratoribus*.

Dickinson clearly took the "We the People" of the Preamble seriously, basing it in Roman federalism. Following his old pattern of preceding an ancient example with a biblical one, he cited in Letter IV St. Paul's statement in 1 Corinthians 12:15 ("If the foot shall say, because I am not the hand") before retelling the tale of Menenius Agrippa found in Livy, II.32. Recognizing that despite its many interwoven checks, even in

American federalism "a bad administration may take place," Dickinson advocated as the solution: "let the *Fasces* be lowered to before — the *supreme sovereignty* of the people. IT IS THEIR DUTY TO WATCH, AND THEIR DUTY TO TAKE CARE, THAT THE CONSTITUTION BE PRESERVED; or in the *Roman* phrase on perilous occasions — TO PROVIDE, THAT THE REPUBLIC RECEIVE NO DAMAGE."

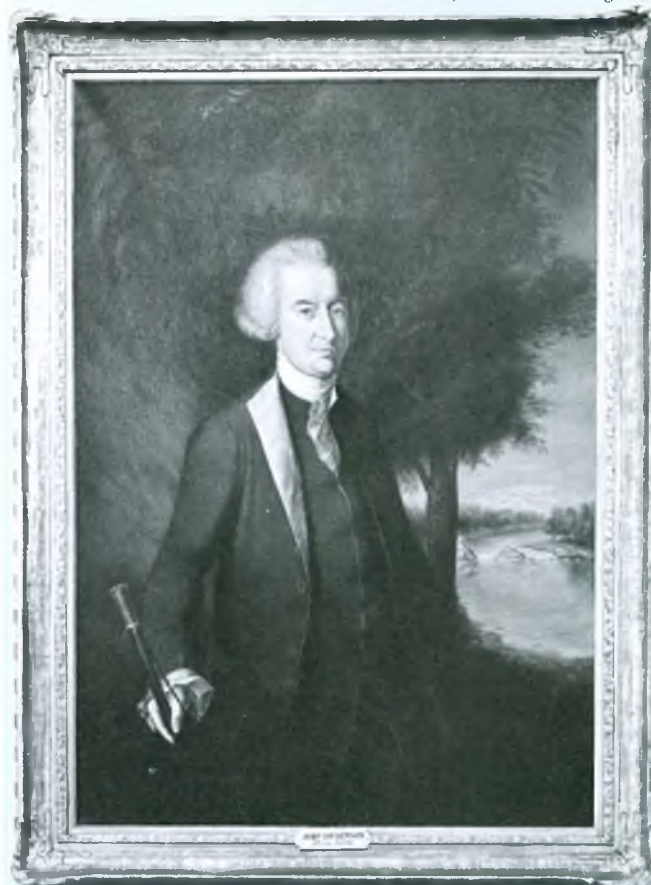
He saw the Constitution as a treaty, to be invoked in "a contest between citizen and citizens, or state and states." He hoped that "this circumstance will carry powerful aids to the true friends of their country, and unless counteracted by the follies of *Pharsalia*, or the accidents of *Philippi*, may secure the blessings of freedom to succeeding ages."

The *Fabius Letters* defend the federal Constitution on precisely the same terms as it was conceived. Dickinson, both as author of the Articles of Confederation and as author of these essays, draws upon ancient — especially Roman — history to establish variously a system or an argument for posterity. This process is itself very Roman. That Dickinson thought and wrote in such Roman patterns even in retirement, when he no longer had to, indicates that those patterns were a natural part of his life.

In 1790 he read the observations of his student and ally, James Wilson, on the new government. While reading Wilson's *Lectures on Law*, along with various religious and classical tracts, Dickinson was called from retirement to draft a new constitution for the state of Delaware. One can view the 1792 Delaware Constitution as Dickinson's attempt, at age sixty, to draft the perfect constitution, employing what he regarded as the best of the two U.S. constitutions he helped draft. Whereas the architecture of this document is most like that of Dickinson's 1776 Articles of Confederation, the actual mechanics are akin to the starkness of the 1787 Constitution. The parallel architecture indicates a parallel philosophy, combining *libertas* and *foedus*.

Drafting Delaware's constitution was Dickinson's last public act. Until his death sixteen years later, he lived in comfortable retirement. From his Wilmington townhouse he avidly followed current events, supplying a running commentary on them in the form of letters to friends. ★

Courtesy Dickinson College



John Dickinson (1732–1808) by Horace T. Carpenter, after a painting by Charles Willson Peale. Dickinson College, which was founded by Benjamin Rush in 1773, was named in honor of Rush's friend, who was governor of Pennsylvania at the time the college was chartered in 1783.

AT THE CORE of Craig A. Cornelius's essay, "Common Meanings among Common Men: Original Intent of First Amendment Religion Clauses," is the question: What did religious liberty mean in general when the Bill of Rights was drafted? To answer it, Cornelius, a history major at Bryan College in Dayton, Tennessee, traces the Anglo-American concept of religious freedom as understood by the framers, surveys the history of religious freedom guarantees in the colonial era, describes how the clause was shaped by the battles for ratification of the Constitution, and looks at the different notions of religious freedom held in 1789 by politicians, worshippers, church leaders, specific denominations, and nonreligious Americans. Thus his essay provides an overview of the status of religious freedom at the time of the framing of the Constitution.

Cornelius's adviser was Jack Traylor, associate professor of history at Bryan College. This fall, Cornelius will attend Trinity Evangelical Divinity School in Deerfield, Illinois, where he will begin a master's of divinity program. Following graduate study, he hopes to pursue his vocation in Christian service, possibly in foreign missions or pastoral ministry. The following excerpt illustrates the range of source material he draws upon in explicating the eighteenth-century meaning of religious freedom.

"THE FREE EXERCISE THEREOF"

BY CRAIG A. CORNELIUS

Most colonies framed some type of legal guarantee for freedom of conscience, often beginning by banning physical punishment to enforce religious conformity. Most also made sweeping promises of religious liberty, but retained an explicit or implicit limitation on which groups could enjoy such liberty. Catholics in New Hampshire, Rhode Island, and New York were at times excluded. Massachusetts and other New England states intended only Congregationalists to enjoy freedom of religion. And most other colonies had clauses limiting such rights to Christians or to those who believed in God. Many religious pronouncements contained another exception: Like the Rhode Island charter and Pennsylvania Great Law, they disclaimed any protection for illegal, licentious behavior justified under the guise of religion. Separation of church and state was not mentioned as such, other than in some Massachusetts election sermons, which condemned such a concept.

Three significant phrases were

repeated with slight variations in quite a few of the organic laws. "Rights of conscience," were upheld in the Rhode Island Charter, the Concessions and Agreements of West New Jersey, the 1701 Pennsylvania Charter of Privileges, New York's Flushing Remonstrance, a Baptist Memorial of 1774, the state constitutions of New Hampshire and New Jersey, and the Virginia Declaration of Rights.

Phraseology related to the First Amendment's "free exercise" clause appeared in the Maryland Act Concerning Religion of 1649, the 1774 Baptist Memorial, and the 1776 Virginia Declaration. And terms approximating the "establishment" clause of the First Amendment were used in the Pittsfield, Massachusetts, instructions to state constitutional convention delegates; a Baptist Memorial to the Continental Congress; and the state constitutions of New Jersey, New York, Delaware, and North Carolina. Finally, the drafting of the Virginia Declaration of Rights provided a clear historical example of revolutionary framers making the fine distinction between a society in which some

religions were preferred and others tolerated and one in which all sects could enjoy the free exercise of religion without loss or shame.

The primary religious liberty debate between 1787 and 1789 was not over the desirability of such freedom but over the necessity of a national constitutional guarantee to protect it. Religious theory and practice had been changing since the early days of colonization, and it was generally agreed that the government should neither sponsor a state church nor screen candidates for office by administering a religious test. The nation's sentiments were not in unanimous agreement on these points, however, and some voices still cried for government protection of orthodox Christianity and guarantees that only godly men would exercise temporal authority over godly citizens.

Four patterns can be discerned in the religious guarantees proposed in the Constitutional Convention, state ratification conventions, and in political articles:

- Guarantees prohibiting Congress from enacting any legislation touching the subject of religion were proposed by Pinckney in the Philadelphia convention and by the New Hampshire ratification convention.
- Clauses protecting "rights of conscience" were proposed unsuccessfully at the Pennsylvania convention and successfully through the conventions in New Hampshire and New York.
- A minority at the Maryland convention and majorities at the Virginia, New York, North Carolina, and Rhode Island conventions voted for proposals banning a federal establishment of a national church. However, the Virginia wording, mimicked by other states, was loosely written and did not forbid nonpreferential government support of all churches.
- The New York religion amendment also included a proposal supporting the people's right "freely to exercise" their religion.

Ten states ratified the Bill of Rights without leaving any comments about the meaning they affixed to the religious guarantee. Of these, Vermont, Rhode Island, and North Carolina had not yet joined the Union when the amendments were debated in Congress, but they did so by simultane-

ously ratifying the Constitution and the proposed Bill of Rights. Another three states tardily delayed ratification until the 1939 sesquicentennial of the Bill of Rights. Massachusetts had difficulty ratifying because the hard-line Federalists could not see a need for Constitutional amendments, and the opposing anti-Federalists were interested only in amendments that crippled the central power of the Union. Although official Massachusetts documents record the legislature ratifying the articles in March of 1790, the state never sent a letter to President Washington informing him of the ratification, which was not officially recognized until 1939.

In Georgia, a joint committee of state senators and representatives recommended tabling the amendments until a few years had passed and the Constitution's defects became clearly evident. The Connecticut house ratified the amendments, but the senate was staunchly Federalist and delayed ratification until two-thirds of the states had ratified and the bill no longer needed Connecticut's vote in order to take effect.

The fiercest battle was fought in Virginia, which cast the eleventh and deciding vote for ratification. The lower house of the Virginia legislature predominantly supported Madison's efforts and approved the Bill of Rights on November 30, 1789, but the anti-Federalist senate ratified only eight of the amendments and delayed discussion of the remaining four (including the religion guarantee) until the following term. The senate authorized the printing of 1,000 copies of these amendments so that public debate could be aroused. Eight senators (a majority) wrote in opposition of the bill that the religion guarantee was "dangerous and fallacious, as it tends to lull the apprehensions of the people on these important points, without affording them security . . . ; The 3d amendment does not prohibit the rights of conscience from being violated or infringed; and although it goes to restrain Congress from passing laws establishing any national religion, they might, notwithstanding, levy taxes to any amount, for the support of religion or its preachers; and any particular denomination of christians might be so favored and supported by the General Government, as to give it a decided advantage over others, and in process of time render it



as powerful and dangerous as if it was established as the national religion of the country."

For once, however, Madison did not need to worry about the future of his amendments. After a new Virginia senate was elected, the amendments received their necessary eleventh ratification on December 15, 1791.

What was the accepted meaning of the free exercise and establishment clauses when the nation adopted them? In framing a strategy for interpretation, I have been guided by the aging James Madison's advice to young would-be constitutional interpreters who asked him the

promises religious freedom of some definition. And to understand that definition (or, more likely, the myriad of different but related definitions Americans held in 1789), it is necessary to examine what religious freedom meant to common men in America between the founding of the colonies and the ratification of the Bill of Rights. Specifically, in Madison's words, that examination must include "the evils & defects" that persecuted them, "the comments prevailing" when they discussed religious liberty and "the early, deliberate, & continued practice" that they established in church-state affairs.

To dissenters in New England, religious freedom meant they could live in a colony without fear of banishment or execution. To many Catholic immigrants, it meant being naturalized without having to renounce allegiance to the pope. In the middle colonies, it often connoted the absence of taxes paid to a state church or even to a particular minister of one's own faith. To some towns in New York, it meant the right to determine locally which minister would receive tax support. To some New England dissenters, it meant an opportunity to earmark taxes for a church of their personal choice. On the other hand, New Englanders who found the system unfairly administered petitioned for the abolition of its inherent discrimination.

To some Americans, religious freedom meant impartial grants of government money or land to chaplains, religious schools, churches, ministers, or missionaries. Others, though, for their religious freedom wished an end to such public assistance. And many saw religious freedom as including fair and impartial tax exemptions for ministers, schools, and churches.

Religious freedom commonly did *not* license scripturally forbidden practices such as idolatry, witchcraft, blasphemy, murder, homosexuality, adultery, kidnapping, malicious lying, swearing, violation of the sabbath, drunkenness, and religious fraud. Such sins carried stiff penalties. To many deists, religious freedom meant breaking the ecclesiastical authority of both churches and governments, freeing each individual to believe and practice whatever his conscience dictated. To members of Masonic lodges, religious liberty suggested respect for men of all denominations. In the polit-

"To dissenters in New England, religious freedom meant they could live in a colony without fear of banishment or execution. To many Catholic immigrants, it meant being naturalized without having to renounce allegiance to the pope. In the middle colonies, it often connoted the absence of taxes paid to a state church or even to a particular minister of one's own faith. To some towns in New York, it meant the right to determine locally which minister would receive tax support. To some New England dissenters, it meant an opportunity to earmark taxes for a church of their personal choice. On the other hand, New Englanders who found the system unfairly administered petitioned for the abolition of its inherent discrimination."

original understanding of the delegates who attended the Federal Convention. Madison expressed approval of their study of convention records and delegates' opinions but thought that such would not provide an adequate constitutional interpretation. Instead, he wrote: "The legitimate meaning of the Instrument must be derived from the text itself; or if a key is to be sought elsewhere, it must not be in the opinions or intentions of the Body which planned & proposed the Constitution, but in the sense attached to it by the people in their respective State Conventions where it received all the Authority which it possesses."

What did *religious freedom* mean to Americans of 1789? The First Amendment has meant many things to many people, but if it promises anything, it

ical arena, religious liberty meant allowing all Protestant, or all Christians, or even all those who believed in God to hold public office. Others went further, demanding that no religious qualification of any kind be placed upon civil officials.

Two things should be carefully observed. First, definitions are important. Twentieth-century constitutional commentators disagree whether the First Amendment establishment clause merely forbids a single, national established church or also forbids governmental financial assistance (accommodation) impartially granted to all religious groups. This debate arises in part from the absence of accurate eighteenth-century definitions for "free exercise" and "establishment of religion."

A second observation is that religious persecution and discrimination were probably not as troublesome to the average citizen as the religious laws might suggest. Such legislation was often enacted in the early years of a colony by religiously zealous lawmakers hoping to preserve the orthodoxy of their religion. Later generations, particularly in the established churches, often weakened in their purpose, convictions, religious fervor, and enforcement of these religious statutes. Geographical separation often hindered the enforcement of discriminatory codes. Anglicans in America were thousands of miles away from the bishop of London, who was largely unable to enforce his religious policies. And even within the colonies, rural settlements had much autonomy in their religious affairs; many were happy for the services of any preacher who came to their area. Thus, a considerable gap exists between what religious freedom would have meant had all statutes been enforced and what it actually did mean in daily American life.

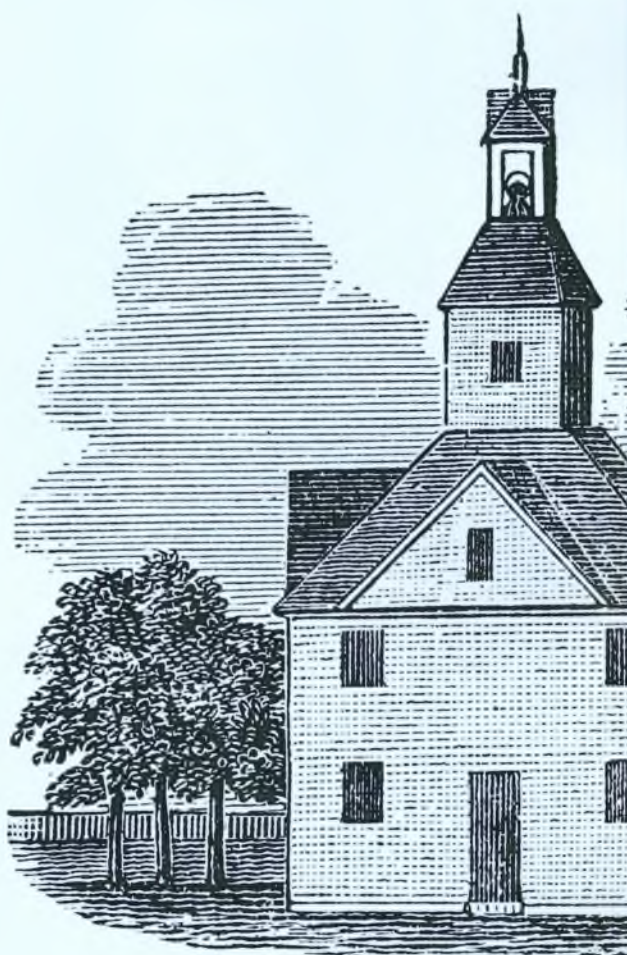
In 1789 as today, advocates of religious liberty could largely be divided into broad and narrow schools, and they proposed many different interpretations of religious liberty. Despite these significant differences, there were some common themes that most Americans accepted. It was generally agreed that ties between government and churches should not be too close. While people differed on exactly how close was too close, most citizens believed that government entanglement with religion was a cause of the many

persecutions and wars that pockmarked European history. The views of John Locke and other European philosophers had also influenced Americans, and many believed that true religion was an inward affair between the individual and God, not an outward concern that temporal powers could enforce. The idea that church-state ties impede Christian liberty was also widespread.

Constitutional framers were not unanimous in sponsoring a national bill of rights. Some suggested that religious freedom was already so widespread that a constitutional guarantee was unnecessary. And the House debates reveal that members of the First Congress were more concerned with style than substance. But the significant development in this regard was the American belief that religious freedom (like other natural rights) was most securely guaranteed by organic law. In addition, almost all eighteenth-century legislation for freedom of religion explicitly warned that such freedom could not be used to excuse behavior that was clearly illegal, immoral, or harmful to society.

Interpretation is further complicated by the fact that church-state relations had been changing from the highly restricted Puritan society of seventeenth-century Massachusetts to the liberal views of Madison and Jefferson in eighteenth-century Virginia. Practices such as religious taxes, religious tests for political office, establishment of state churches, and required church attendance became less popular over the years. There is no particular year when these practices can be frozen into an authoritative historical example of the First Amendment's "original intent."

The amendment's framers wrote very little about how they wanted the Supreme Court to interpret the religion guarantee in future eras, mainly because the idea of judicial review does not seem to have occurred to them. A case can be made, however, that the framers expected that their original intent, or, more accurately, the original intent of the states that ratified the Bill of Rights, would serve as a primary guide for constitutional interpretation. The very purpose of the amendment was not to correct current injustice but to guarantee important freedoms against future abuse, that is, to make sure posterity would enjoy the liberties of the framers. ★





LOCKE AND THE CONSTITUTION

BY LORI F. BRANDT

LORI F. BRANDT began work on her essay studying the influence of Locke's *Second Treatise on Government* on the first three articles of the Constitution while she was a senior at Oskaloosa Senior High School in Oskaloosa, Iowa. She and her adviser, Paul I. Burrow, her high school social sciences teacher, made six trips to use the university libraries of Iowa City and Des Moines. They worked together, she reports, "not so much as teacher and student, but as colleagues, especially during the early stages. We discussed and debated the meaning of Locke, the intent of the framers, and the explanations of Hamilton, Madison, and Jay. My adviser challenged my opinions, and I challenged his." Now entering her sophomore year at the University of Iowa, Brandt is pursuing a double major in history and religion with an emphasis on writing.

In attempting to trace the ideological links between Locke and the framers, Brandt examined Locke's theories and then looked at ways in which the framers put them to practical use as they constructed the Con-

stitution. The following excerpt from her essay focuses on the Second Article of the Constitution, which deals with the executive branch, and the Lockean principles of limited government that were fulfilled in the checks on executive, legislative, and judicial powers built into the document.

Where the Legislative and Executive Power are in distinct hands, (as they are in all moderated Monarchies, and well-framed Governments) there the good of the Society requires, that several things should be left to the discretion of him, that has the Executive Power."

Locke calls for a separate executive branch of government. This branch is to have not only power, but also "prerogative." Thus we find the primary function of the executive branch — execution of the laws. This role is of utmost importance, for unexecuted laws are of no value. Hamilton calls for a strong executive: "A feeble executive implies a feeble execution of the government. A feeble execution is but

another phrase for a bad execution: And a government ill executed, whatever it may be in theory, must be in practice a bad government."

The framers realized that justifications and explanations of the need for a strong executive could not change the nature of power or its frequent abuse. They learned from Locke, as well as experience, that "*Prerogative* might indeed be, what some Men would have it, an Arbitrary Power to do things hurtful to the People." Even though Locke recognized the need to limit prerogative, he did not see how it could be done. He simply trusted the executive to use its prerogative wisely: "For *Prerogative* is nothing but the Power of doing publick good without a Rule." The framers had to be more practical; they wanted to ensure an executive interest in the public good. Consequently the framers defined the powers granted and the powers forbidden to the executive branch, thus limiting the chief executive's power and prerogative.

In the United States, the executive authority is vested in a single magistrate. This idea is supported by Locke. Locke's single authority, however, was a prince. This type of noble executive had no place in America. The framers were forced to develop a unique executive authority in accordance with the republican system.

The chief magistrate — the President — was to be elected to four-year terms by the electoral college. These were considered lengthy, as were congressional terms. Hamilton explains that the President is given the longer tenure to allow him time to put his constitutional powers to good use and to provide stability to the government: "It is a general principle of human nature, that a man will be interested in whatever he possesses, in proportion to the firmness or precariousness of the tenure, by which he holds it; will be less attached to what he holds by a momentary or uncertain title; and of course will be willing to risk more for the sake of one, than for the other."

The length of the President's term needed to be long enough so that he would "be willing to risk more" in doing that which he deemed necessary to improve the general welfare. Moreover, the renewal of this term was to be unlimited, thereby extending the President's attachment to his office and his duties. The President was to receive compensation for his service.

This allowed those not wealthy enough to work without pay to become President. The only stipulation on the salary was that it could not be raised or lowered during a term of office. This prevents the executive from becoming a congressional puppet.

In *Federalist* No. 72, Hamilton lists at least seven responsibilities of the "administration." Included in the original cabinet were a secretary of war, a secretary for foreign affairs, a secretary for domestic affairs, and a board of treasury. Notice that foreign affairs — the federative power — is lodged in the executive, just as Locke would have it. Notice also that these departments go hand in hand with the specified ends of government: defense, peace, safety, and preservation of property.

The Constitution requires presidential approval of all laws. This idea finds support in Locke, "there being no Law to be made without his [the chief magistrate's] consent. It also includes the concept of blended powers: "It [the veto] furnishes a security against the enactment of improper laws. It establishes a salutary check upon the legislative body calculated to guard the community against the effects of faction, precipitancy, or any impulse unfriendly to the PUBLIC GOOD, which may happen to influence a majority of that body." The congressional ability to override the veto, however, is one of the limits on the executive power, serving as a salutary check.

The President has the power to pardon offenses against the United States. This is directly founded on a Lockean base. He says "'tis fit, the Ruler should have a Power, in many Cases, to mitigate the severity of the Law, and pardon some Offenders: For the *end of Government* being the *preservation of all*, as much as may be, even the guilty are to be spared, where it can prove no prejudice to the innocent." Hamilton tells us that the President may even pardon a rebel for the sake of the Union. The power of pardon is part of the executive's prerogative, for there is no real definition as to when it can or cannot be used. The framers, however, did feel compelled, as they did with prerogative in general, to limit the power of pardon. The President cannot pardon someone — for example a judge — who has been impeached.

"Locke and the framers saw a system of limited government characterized by separated yet blendable powers — legislative, executive, federative, and judicial. Limited government can be defined in four ways. First, it must be rule of law rather than of man. Second, governmental actions must be approved by the people. Third, specific prohibitions must be placed on the government. And fourth, the government cannot meddle with the inalienable, the natural rights of the people."

The President has the power of appointment and the power to make treaties. The President nominates, but the appointment is made only with senatorial consent. Here again we find blended powers. Treaties must also be approved by the Senate. This is not only a blending of the legislative and executive powers, but also of the federative.

And finally, the President "may on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to Adjournment, he may adjourn them to such Time as he thinks proper." Again we find a power formed on a Lockean foundation. Locke says "The Power of *Assembling and dismissing the Legislative*, placed in the Executive, gives not a superiority over it, but is a Fiduciary Trust."

Locke fully understood that a strong executive is not synonymous with good government, but he could not theoretically place limits on the prerogative of the executive. He simply trusted the executive magistrate to use his prerogative wisely. The framers, however, wanted to ensure a good government. In applying Locke's theory, they found practical ways to limit the prerogative and create an executive directed toward the promotion of the general welfare.

Locke and the framers saw a system of limited government characterized by separated yet blendable powers — legislative, executive, federative, and judicial. Limited government can be defined in four ways. First, it must be rule of law rather than of man. Second, governmental actions must be approved by the people. Third, specific prohibitions must be placed on the government. And fourth, the government cannot meddle with the inalienable, the natural rights of the people.

Locke clearly establishes the concept of the rule of law: "The *Rules* that they [legislators] make for other Mens Actions, must, as well as their own and other Mens Actions, be conformable to the Law of Nature, i.e. to the Will of God, of which that is a Declaration, and the *fundamental Law of Nature* being the *preservation of Mankind*, no Humane Sanction can be good, or valid against it" The Constitution is the "supreme Law of the Land." As Locke points out, however, the law of

nature remains valid in civil society. Laws must be made in compliance with the Constitution and with the law of nature. Both cannot be supreme. The Constitution provides a common interpretation of the law, a means to avoid the "inconveniences" of the state of nature. It is unique, in regards to other constitutions, in the fact that it is "unalterable by the government. Whereas, for example, the law established by the government is alterable by the government." A limited government is one based on constitutional supremacy.

Governmental actions must be approved by the people. A democracy that requires direct involvement of everyone in society is impractical. A republican government, based on representation, was more suitable to Locke and the framers. Madison explains that "in a democracy the people meet and exercise the government in person; in a republic they assemble and administer it by their representatives and agents. A democracy, consequently, must be confined to a small spot. A republic may be extended over a large region." America was a relatively large country, and the framers saw possibilities for expansion. They wanted a government that could minister to the needs of the country even as it grew.

Although Locke never directly referred to republicanism by name, his system included representation; and he recognized the impracticality of a system that would require the consent of every person. "But such a consent is next impossible ever to be had, if we consider the *Infirmities of Health*, and *Avocations of Business*, which in a number, though much less than that of a *Common-wealth*, will necessarily keep many away from the publick Assembly."

Specific prohibitions must be placed on governmental interference with the inalienable rights of the people. The built-in blending of the three powers — actually four, for the federative power by its very nature is part of the mixture — allows each branch to "check" the others.

Madison discusses the need for these institutional devices: "Ambition must be made to counteract ambition. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to controul the governed; and in the next place

oblige it to controul itself." Thus he calls for "auxiliary precautions," internal mechanisms designed expressly to prevent the usurpation of the power of one branch or individual by another.

Madison agreed with Locke that men can be trusted and are indeed virtuous enough to establish self-government. He also recognized that "there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust." The framers did not feel secure enough to establish their new system on trust alone. A division of the trust — a separation of the power — was the first step. Separation of powers formed only a foundation for the mechanisms the framers had in mind. Separation alone is of little value. It is necessary, however, for "there can be no effective checks without it." Checks, restraints, and securities were mechanisms incorporated into the structure of the Constitution to maintain a limited government.

Locke also found the need for restraint. He says that the example of history shows that societies do not generally take measures to restrain their rulers until after suffering much abuse. The framers wanted to limit and check the power of government from the very beginning to avoid the necessity of doing so at a later date: "Existence of a right to intervene will generally prevent the necessity of exerting it."

Let us examine several of these checks. Impeachment is a strong legislative check on both the executive and judiciary. The House of Representatives has the power to accuse the official, while the Senate has the power to try the case. In presidential impeachments, the chief justice presides over the trial. We find a judicial check, through blended powers, on the legislative as well as the executive. Even though Locke does not establish a system of checks and balances, his influence in this is unquestionable: "When the *Legislative* hath put the *Execution* of the Laws they make into other hands, they have a power still to resume it out of those hands, when they find cause, and to punish for any mall-administration against the Laws."

The required senatorial approval of presidential appointments is both a check and a silent check. The Senate's role is limited. It cannot choose nominees nor can it narrow the field of possible candidates. It can only ap-

prove or disapprove the choice made by the President. This is a check on executive power. The President is always conscious of this power over him. It is not likely that he will choose a candidate unworthy of the Senate's approval. In this respect, it is a silent check based on Madison's maxim that "Existence of a right to intervene will generally prevent the necessity of exerting it."

The system for passing legislation could be considered the epitome of checks and balances. Like the Senate approval of presidential appointments, the veto could be considered a two-way check. First, the President can actually veto bad legislation. Second, the veto can act as a silent check to prevent poor legislation from getting out of Congress. Congress, however, retains the power to override a veto with a two-thirds concurrence from each house. This checks the executive.

Hamilton says "it is both unwise and dangerous to deny the Federal Government an unconfined authority, as to all those objects which are intrusted to its management." Even a limited government requires some unlimited power. It at least requires sufficient power to reach the desired ends of government. Otherwise some group or individual will usurp enough power to do so. The usurpation will not necessarily cease. Thus the need for power, even though limited, does exist. Moreover, the need for executive prerogative, even though limited, must also be recognized.

Absolute power corrupts. Lack of power corrupts. Limited government must indeed have limitations on its power if it is to pursue the ends of government, if it is to promote the public good. According to Madison, "no part of the power [delegated by the Constitution to the federal government] is unnecessary or improper for accomplishing the necessary objects of the Union."

In sum, Madison assures us that the Constitution includes the right blend of unlimited power and granted power. It is the best means to achieve those all-important ends of government. Limited government is Lockean. Constitutional supremacy, republicanism, and internal mechanisms all find support in Locke's theory. Most importantly, all are instituted for the good of the people. They are instituted as means to Lockean ends. ★



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JULIE WIEMER, a student concentrating in a B.A. program, "Literature and Society," at the University of Tulsa, wrote her essay, "An Anti-Federalist Understanding of the Constitution," to examine the role of the anti-Federalists in influencing American polity and principles. Her research focused on the origins of anti-Federalism, the anti-Federalists' challenge to the Constitution, their defense of their values, and the transformation of anti-Federal ideology into Republican theory. Her adviser was Eldon J. Eisenach, associate professor of political science at the University of Tulsa.

Now a senior at the university, Wiemer plans to begin graduate study next spring in English or comparative literature. The excerpt from her essay includes an overview of the anti-Federalists' beliefs and an examination of their demands for a bill of rights.

ANTI-FEDERALISTS

BY JULIE WIEMER

The anti-Federalists were, in fact, not anti-federal at all; they were motivated to preserve the confederation of states, a stance for federal principles. However, those who desired a national government that increased the authority of the Congress, who could be accurately categorized as nationalists, took for themselves the title Federalists and thus entirely changed the implications of the term. Accordingly, to be anti-federal implied a distinct hostility toward the powers of Congress, and opposition to efforts to strengthen the executive.

The suggestion that anti-Federalists were working to oppose a federal government was diametrically opposite to their actual stance. The inaccurate designation "anti-Federalist" implied that these men lacked any positive alternatives and were merely obstructionists. Despite their rejection of the label, the name and all its adverse connotations endured.

Anti-Federalism embraced a variety of political values. Among these was a mistrust of powerful and distant polit-

ical offices and institutions. They desired a virtuous government that was a simple government near to the citizens. There were, however, contradictions inherent in their position, such as in their [desire] to support both a great American government and small self-governing communities. The anti-Federalists feared the tyranny and destruction of popular virtue that they saw in the Federalist-sponsored Constitution.

The anti-Federalists clung to a revolutionary idealism that America existed as a "New World." England was a metaphor for Old World corruption in the anti-Federalists' opinion, and they believed that Americans had nothing to learn from the Old World. This sentiment was symbolized by Thomas Paine's *Common Sense*.

On the foundation of revolutionary ideology, the anti-Federalists were determined to defend the Revolution and its values against the Constitution. The Revolution had been a definite act to gain independence and to protect the liberty of the people. They saw the Federalist-proposed Constitution as a

serious tyrannical threat. The national constitution threatened the earlier state constitutions and threatened to destroy the resource for popular liberty, direct government, and the maintenance of simplicity. Anti-Federalism defended the idea of localism against the suggested efforts for consolidation. This defense of state constitutions and their powers and values is a strong part of anti-Federalist ideology.

The basic opinion of the anti-Federalists was that the Constitution as proposed allowed for the creation of a government endowed with too much power. They saw that the Constitution formed a strong national government, not a federal government. The annihilation of state sovereignty was seen as an evil because the anti-Federalists believed that only a consolidation of the units could form good government. They desired a strong compact among the states. They believed that the vital powers of government must be exercised by the states with only carefully monitored limited powers and authority given to Congress.

The majority of the anti-Federalists were active in state and local politics, and their success in those arenas furthered their regard for the constitutions and powers that they had personally assisted in forming. They truly believed in the values of the institutions that had been set up on the state level.

The early state constitutions demonstrated a notion of "closeness," a blurring of the lines dividing those ruling and those being ruled. An important element in building the new governmental system was the stable integrity of the smaller units — the districts, cities, towns, and parishes. These small governing units displayed principles of representation that were both credible and efficacious. The states set up systems that directly reflected the actual distribution of population. They also set limitations on term length and recurrent reelection to offices that held the potential for misappropriation of power. Unlike royal governors appointed by the king, whose instruction, commission, and legislated laws had to be approved by a privy council in Great Britain, the states almost invariably had annual elections for governor or an annually elected legislature that would select and appoint a governor every year.

Because most of the anti-Federalists were active on the state political level

as local and state office holders, they had a genuine stake in the state constitutions they were so jealously guarding. Their defense of the powers of the state was a defense of a particular theory of politics, a theory encompassing the notion of localism and individual virtue. The anti-Federalists feared that the impending national government was going to swallow small democracy. They believed very strongly that, in defending the integrity of their state governments, they were defending, in a real way, a kind of primitive democracy.

Grounded in the necessity felt by the anti-Federalists to protect state institutions and practices was their staunch stand for the inclusion of a bill of rights in the Federalist-sponsored Constitution.

The anti-Federalists conceded the need for a national government to institute foreign policy and arbitrate interstate conflicts, but they also thought that it was necessary to attach to this power a set of guarantees such as found in a bill of rights. The primary purpose of a bill of rights was to make explicit the powers of state and local authority and the power of individual rights against the national government. It was an additional guarantee beyond the fact that the state governments, if they maintained their integrity and power, would be a great force for individual liberty. Although the anti-Federalists admitted the necessity of a central authority, they did not want the Federalists to use that as a pretext to build up great domestic power. The Bill of Rights was largely to protect existing conditions and local powers.

The anti-Federalists stressed three kinds of rights: the common law procedural rights in criminal prosecutions, liberty of conscience in a religious context, and liberty of the press.

They voiced an objection against the Constitution because it did not provide for (thus effectively abolishing) trial by jury in civil cases, and it did not explicitly recognize the traditional procedural rights to be safe from general search and seizure, to be indicted by a grand jury, to confront witnesses, and to be protected against cruel and unusual punishments.

The individual states, when creating their constitutions, had taken English



Patrick Henry declined to attend the Constitutional Convention. A leading opponent of ratification at the Virginia convention, Henry became reconciled to the Constitution after the adoption of the Bill of Rights.

"The anti-Federalists approached the Bill of Rights as more than just a legalistic insistence or guarantee, but also as a symbolic and rhetorical device to honor Revolutionary ideals, to honor state constitutions, and to honor the notion of a virtuous community."

common law rights and made them much more explicit. In the Constitution of North Carolina, the declaration of rights cited twelve specific provisions regarding criminal rights. The idea of mistrust in government was visible in the state bills of rights, which attempted to universalize, for almost all cases, common law criminal procedures. Lacking a bill of rights, the Constitution of the United States did not adequately provide for the protection of the individual in these matters.

The anti-Federalists wanted total religious freedom because they saw that religious establishments created the atmosphere for a rather indifferent Christianity. Their desire for total disestablishment stemmed from the belief that this would allow them the liberty to spread their beliefs, thus infusing the whole nation with a new Christian ideal of repentance and reformation.

The state governments and constitutions to which the anti-Federalists were so committed had very strong bills of rights preceding their construction of government. The declaration of rights for the Commonwealth of Massachusetts cited thirty-three articles by the people for the protection of their most basic rights. The Maryland Constitution was prefaced by a forty-two article declaration of the rights of the people.

The anti-Federalists continually stressed the importance of civic virtue, the idea of a community bound together by the virtue of its people. They were less concerned with the precise form of government and its schemes of representation. William Penn explained that "any government is free to the people under it (whatever be the frame) where the laws rule, and the people are a party to those laws, and more than this is tyranny, oligarchy, or confusion." Accordingly, the anti-Federalists were not so much interested in the mechanistic schemes of constitutions as they were concerned with proper moral principles inculcated from within.

The anti-Federalists approached the Bill of Rights as more than just a legalistic insistence or guarantee, but also as a symbolic and rhetorical device to honor Revolutionary ideals, to honor state constitutions, and to honor the notion of a virtuous community.

However, implied by this emphasis on a bill of rights as a statement reserving individual liberties, was the

anti-Federalists' acceptance of the new government's consolidated character. To insist on a bill of rights was to concede elements of sovereignty to the national compact. The anti-Federalists had abandoned the doctrine of strict federalism.

The Federalists persisted in opposing the addition of a bill of rights on the grounds that "a bill of rights of any sort would be superfluous and misplaced." James Wilson stated that while state constitutions "invest their representatives with every right and authority which they did not in explicit terms reserve," under the national constitution, "the congressional power is to be collected, not from tacit implication, but from the positive grant expressed in the instrument of the union." The point was further argued by Hamilton, who claimed that "bills of rights, in the sense and to the extent in which they are contended for, are not only unnecessary in the proposed Constitution but would even be dangerous. They would contain various exceptions to powers which are not granted; and on this very account, would afford a colorable pretext to claim more than were granted."

The anti-Federalists, however, understood that the national government, in pursuit of its delegated powers, had implied powers that had to be limited in order to maintain individual liberty. Thus "Brutus" argued: "The powers, rights and authority, granted to the general government by this constitution, are as complete, with respect to every object to which they extend, as that of any state government — It reaches to every thing which concerns human happiness — Life, liberty, and property, are under its controul. There is the same reason, therefore, that the exercise of power, in this case, should be restrained within proper limits, as in that of the state governments."

The anti-Federalists remained solid in their demand for a bill of rights, understanding that "the ultimate security of the people rests in their understanding of their rights and their willingness to defend them."

Despite anti-Federalist opposition, both the Constitution and the party formed to urge its adoption — the Federalist party — prevailed. But many elements of anti-Federalist thought soon came to life again in the

form of the Jeffersonian opposition to the Federalists in the mid-1790s. The subsequent victory of the "Republican" opposition not only ushered in twenty-four years of presidential and congressional domination, it forced the refashioning of the anti-Federalist ideas into concepts serviceable for governing under the very constitution that those ideas were originally designed to oppose.

The formation of the Republican party was preceded by the collapse of any form of federal unity. The Republicans intended to redeem the Constitution and reinstall in it original American principles. This redemption included the use of anti-Federal ideology, which argued that the Federalists, once in power, had twisted the true meaning of the Constitution, thus distorting the very foundation of American principles.

The Republican view of government rested on the anti-Federalists' idea of the small republic. The small republic could only thrive in a national context of extremely limited powers. The basis of the small republic was the value found in self-government, where each individual acted virtuously and responsibly to the ultimate benefit of all. In contrast, the Federalists had insisted that a large heterogeneous society was necessary for the functioning of modern republics. In *The Federalist*, Madison had attempted to demonstrate that both property and republicanism were decidedly more secure with a larger sphere of government: "Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens."

This claim was deeply grounded in the Federalist anticipation of the untarnished character of political representatives in an enlarged republic — men "whose enlightened views and virtuous sentiments render them superior to local prejudice, and to schemes of injustice."

The anti-Federalists continued to disagree, persistently advocating the small republic as the best governmental system to accommodate the needs of America. In a large republic like the one the Federalists came to control, they foresaw "the insuperable difficulty of controlling or counteracting the views of a set of men (however unconstitutional and oppressive their acts might be) possessed of the powers

of government; and who from their remoteness from their constituents and necessary permanency of office, could not be supposed to be uniformly actuated by an attention to their welfare and happiness." The anti-Federalists did not doubt the zealotry of the new government, but rather believed in the small republic because they could not join the Federalists in expecting more political virtue in the rulers than in the ruled.

The Republican party claimed that the national government under Federalist rule was engaging in a corruption of that very system of government. The anti-Federalists had warned that the Constitution would consolidate power and crush liberty. The Federalists had begun to fulfill this prophecy by handing out privileges and through manipulation of the national bank.

Through the Virginia and Kentucky Resolutions, Jefferson and Madison prompted the sovereign states to exercise the most powerful right: to defend the "authorities, rights, and liberties" by judging the violations of the federal compact. The states banded together to declare the Alien and Sedition Acts unconstitutional. As Madison stated, "the authority of constitutions over governments, and of the sovereignty of the people over constitutions are truths which are at all times necessary to be kept in mind."★

"Objections to the Constitution of Government formed by the Convention," by George Mason, enclosed in an October 7, 1787, letter to George Washington.

Library of Congress

Objections to the Constitution of Government formed by the Convention...
(1787)

There is no Declaration of Rights; and the Laws of the general Government being paramount to the Laws & Constitutions of the several States, the Declarations of Rights in the separate States are no Security. Nor are the People secured even in the Enjoyment of the Benefits of the common Law, which stands here upon no other Foundation than it's having been adopted by the respective Acts forming the Constitutions of the several States.

In the House of Representatives there is not the Substance, but the Shadow only of Representation, which can never produce proper Information in the Legislature, or inspire Confidence in the People. The Laws will therefore be generally made by Men little concerned in, and unacquainted with their Effects & Consequences.

The Senate have the power of altering all Money Bills, and of originating Appropriations of Money, & the Salaries of the Officers of their own Appointment in conjunction with the President of the United States; altho' they are not the Representatives of the People, or amenable to them.

Those with their great Powers (viz. their Power in the Appointment of Ambassadors, & all public Officers, in making Treaties, & in trying all Impeachments) their Influence upon & Connection with the supreme Executive from these Causes, their Duration of Office, and their being a constant existing Body almost continually sitting, joined in their being one compact Branch of the Legislature, will destroy any Balance in the Government, and enable them to accomplish what Usurpations they please upon the Rights & Liberties of the People.

The Judiciary of the United States is so constructed & extended, as to be a branch & destroy the



THE MAKING OF CONGRESS

BY ANTHONY J. STEINHOFF

ANTHONY J. STEINHOFF, a history major entering his junior year at Brandeis University, set out to demonstrate that the colonial governments and the experiences the colonists had with them were the dominant influences in shaping the constitutional structure of the American Congress. His essay, "Congressional Metamorphoses: Colonial Political Society and the Constitutional Congress," examines the development of the institutions of colonial representative government, investigates how they were selected, and analyzes the nature of their powers and their influence in the various colonies' political structure. He then traces the role of congresses in colonial unions and the debates in the Constitutional Convention on the nature of Congress. Alice Kelikian, assistant professor of history at Brandeis, was his adviser for the project.

Steinhoff plans to continue working in this field of American history and hopes to deal further with the questions he raises in the essay. The following excerpt presents his central thesis that pragmatic political experience, not theoretical notions of particular governmental forms, played the major role in the construction of Congress.

The creation of representative legislative institutions stands as the most important development in the political structure of the United States. In early America, the legislatures inspired and shaped each colony. They settled civil disputes, regulated the economy, parceled out land, and exercised some power over religion. After the Declaration of Independence, the Continental congresses, which had become predominantly legislative bodies, governed the United States. The colonists had achieved a high level of participation in the processes of government through their legislative and representative institutions; their preoccupation with the structure and powers of the national legislature, shown while debating plans for colonial union beginning with the Albany Plan, acknowledged that importance. In fact, the entire concept of a federal government stayed closely linked to that of the legislature throughout the founding period.

The progressive increase of the political powers of the assemblies characterized the first half of the eighteenth century. This phenomenon had dif-

ferent stages and occurred at varying times in the colonies. In the first phase, the assembly was subordinated to other parts of the government and struggled to establish the power of taxation, the right to initiate laws, and the privilege to be seated apart from the council. Most of the "old" colonies (Virginia and Massachusetts) had reached this state by the turn of the century. The newer middle and southern colonies proceeded through this stage rather quickly, arriving at it by the first quarter of the eighteenth century. In the second phase, the lower houses held power equal to that of the governor and councils and strove for political supremacy in the colony. Then, beginning in 1750 and continuing until the Revolution, the colonial assemblies dominated the colonial governments. They voiced the colonists' concerns and advanced colonial interests that conflicted with royal policies.

Many forces fostered the growth of legislative power. The legislatures had largely shed many of their judicial powers and became essentially legislative bodies. These assemblies modeled themselves on the privileges and procedures of the British House of Commons. Through its exclusive right to tax and appropriate revenue, its power to audit financial expenditures and control the currency, the lower house effectively controlled colonial finances. This gave the assembly the political muscle to force equality with the council and the governor.

Several factors rendered the legislatures independent from the executive. The assembly maintained the civil list and regulated officer salaries through legislation. It supervised its own elections and alone could judge the qualifications of its members and regulate their elections. Also, an unlimited franchise and legislative denial of patronage to the governor forced him to work with the assemblies. Moreover, the assembly shared some executive powers with the governor, notably the privilege of nominating and appointing officials, especially those who collected revenue.

The First Continental Congress introduced many elements of an intercolonial government into the civic consciousness. By calling the Continental Congress, the colonial assemblies acknowledged the need for a

Congress to plan united colonial action, whether that be against Britain or Indians. The colonies left their delegates free to prepare statements and plan how to redress colonial grievances, but the delegates could not implement their policies. John Rutledge, a delegate from South Carolina, aptly described the purpose of the Congress: "Congress was only a body of representatives, ambassadors, as it were, gathered for consultation and counsel. We have no legal authority. Our constituents are bound only in honor to observe our determinations." This view of the nature of the authority of Congress exemplified the concept of the individual sovereignty of each colony and would not be totally obliterated until the Constitution of 1789.

The Constitution later included many of the organizational precedents that the First Continental Congress established. The convention assumed the title of "the Congress," chose its presiding offices, and determined its operating rules and procedures, in keeping with colonial tradition. Congress decided that any act that would alter or affect a colony's constitution could not be adopted without consulting the affected colony, and after a vigorous debate, each colony was given one vote in the Congress. Although the journals noted that this was not to be construed as precedent, it did in fact become one. The Continental Congress, like Massachusetts, used committees to facilitate its work, a feature that became a hallmark of the American legislative system.

A second Continental Congress convened at Philadelphia in May 1775, in accordance with the resolution of the first. The Second Congress stood as the major turning point in the history of Congress's development. Before, representative legislative governments had existed only at the level of colony; the congresses that had assembled previously served as mere deliberative bodies with little real power. Beginning with the Second Continental Congress, Congress increasingly acted more as a government, especially by conducting the war. With the Declaration of Independence and the adoption of the Articles of Confederation, Congress, in name and fact, governed the newly united colonies.

By the time the Second Continental Congress convened, the basic internal structure of a congress had been

"Many a history textbook or general work will attempt to portray the establishment of a bicameral legislature, separation of powers, limited government, and other features of constitutional government as a mere duplication of the English system. This is clearly not the case. Parliamentary government in England did not truly exhibit many of these features until after Congress had been formed."

standardized. Congress elected its own officers; each colony possessed a single vote and decided questions by majority vote. Committees handled the bulk of Congress's work, especially the committee of the whole, deliberating on everything from drafting of articles of war to elections to consideration of correspondence. Not until July 1776 did the Congress approve formal rules of order for the body. Among them were rules stipulating the size of the quorum, the process for considering and debating legislation, and matters of conduct and decorum.

Most of the powers of the Constitutional Congress were developed during the Revolutionary period. Only Congress could make treaties because of its duties to try to reestablish relations with England. Through the need for a united, common defense, Congress established rules for conducting war and regulated colonial commerce in order to adequately supply the army. The colonies maintained control of the militia, but Congress could strongly demand a colony's executive to direct its militia to aid the continental forces. Issuing paper money as a means of paying Congress's debts expanded the government's fiscal powers because Philadelphia now told a colony its financial obligations to the Union.

The metamorphosis of Congress from an entire government to a national legislature began as soon as the [Constitutional] Convention convened. Within the opening days, Edmund Randolph had submitted his Virginia Plan, which proposed that the Convention establish a national government composed of three branches, a legislative, an executive, and a judicial one. The Convention passed a resolution to that effect on May 30, fundamentally rejecting the Articles of Confederation and its all-powerful Congress, in the sense that it held all the powers. The national legislature, as proposed under the Virginia Plan, would resemble those of the states in its exercise of legislative functions.

As proposed on May 29, the national legislature would be bicameral, and the right of suffrage in the national legislature would be proportional to the number of free inhabitants of the states. The members of the first branch would be elected for a

term of unspecified years and would be of a minimum age. The state legislatures would nominate members to the second house, to be actually chosen by the members of the first house. Members of both houses would receive compensation for their services, be prohibited from holding any other office while serving, and incapable of reelection. The next day, the Convention agreed without dissent to form a bicameral legislature.

The debates on the Virginia Plan centered around the form and structure of the national legislature. Other than its bicameral nature, all other aspects of the legislature as proposed were discussed thoroughly. This action demonstrates the high value that early Americans placed on their legislatures. These bodies had influenced much of colonial life, and they were the aspect of government in which colonists in each state could participate; for these reasons, the members of the Convention were extremely concerned with the shape of the national legislature and its powers.

The Virginia Plan served as the blueprint for the national government. The amended Virginia Plan determined that the right of suffrage to the first and second branch of Congress would not be according to the Articles of Confederation, whereby each state received one vote, and that it would be in proportion to the number of free white citizens and three-fifths of all others, excluding Indians. Moreover, the members of the first house would be elected by the peoples of the several states, and the second branch by state legislatures. The electorate for the first house would be the same as for the most numerous house of the state legislature. This demonstrates one of the concessions made to the view of government as state-representing. Some members, notably James Wilson, wanted all of Congress's members elected by the people, but the Convention maintained the compromise stated above.

The discussions of the members' terms of office and the qualifications of candidates elicited extended debate as the various states had widely varying customs. New England delegates opposed any proposal that did not provide annual elections, which they considered the only guard against tyranny. Most states elected members to both houses for terms of the same length, South Carolina excepted.



However, because this would be a national government, and because the legislators would be selected by two distinct practices, the Convention adopted two sets of qualifications for representatives to each house of Congress. In the House of Representatives, the first house, the Convention decided that a term of two years was the shortest practical length. Each candidate had to be at least twenty-five years old and an inhabitant of the state for a set number of years. Because the Senate was intended to be a stable, deliberative body to protect the government against "democratical excesses," its members would be elected to terms six years in length.

Congress, like the several state legislatures, could establish its own rules of order, had full power to discipline its membership, and could regulate the elections of its members. The states established the procedures for electing the members of Congress, but Congress could override them and create additional ones. The debates created a national legislature, Congress, on the model of the state legislatures, as modified to fit a national government.

This [essay] has tried to emphasize the singular importance of the role that actual political experience played in constructing Congress. Many a history textbook or general work will attempt to portray the establishment of a bicameral legislature, separation of powers, limited government, and other features of constitutional government as a mere duplication of the English system. This is clearly not the case. Parliamentary government in England did not truly exhibit many of these features until after Congress had been formed. English colonists settled most of the eastern coast of America and brought with them their heritage of English political, religious, and economic ideas. However, the colonists molded these ideas to form institutions unique in the early modern period.

At the beginning of the early modern era, the English Parliament alone was a truly representative, legislative institution; yet, from the start, the early colonial assemblies never resembled Parliament. The colonial bodies more closely approximated the corporate organization that founded

the particular colony. The system of stockholders, selecting a governing council and helping to pass laws, encouraged popular participation in colonial governments. This idea of public contribution in forming laws and choosing the government's leaders could never have occurred in seventeenth- and eighteenth-century England.

Bicameralism arose in the colonial assemblies to clarify the separate functions of the deputies and the assistants when acting as an appellate court. In time, the deputies and assistants separated to minimize the influence that one body had over the other. This example of bicameralism persisted in the colonies and determined the structure of the Congress. Unicameralism did exist, in Pennsylvania, and under the Articles of Confederation, mainly because of the absence of any group like a council in their legislative systems. The colonies recognized the need to limit the powers of government as the central authority achieved greater control over local units of governments.

The idea that government should be based on representation and be centered around a representative legislative body originated from the colonial experience. Though the learned delegates to the Constitutional Convention and the authors of *The Federalist* evoked examples from political history to buttress their opinions about the structure of the national government, the reasons for each proposal were grounded in an individual state's experience with that particular format.

The entire structure of colonial American society fostered a high level of political awareness unique to that era. Colonists helped create their political institutions and molded them to fit particular needs and circumstances. This awareness forced an expansion of the powers of the representative assemblies, eventually transforming them into powerful legislatures that dominated life in each colony. This political consciousness also led to intercolonial cooperation and defiance of royal authority in order to maintain the colonists' right to manage a body which, as they strengthened their relationship with each other, changed to become first the national government and, ultimately, the focal point of a federal system as the national legislature — Congress. ★



THE CONSTITUTIONAL PROVISIONS dealing with the President as chief executive and as commander in chief have been interpreted differently in American history by various Presidents. Kent J. Moore, a political science major at Anderson College in Anderson, Indiana, examined the constitutional language surrounding the President. First, he attempted to analyze the framers' understanding of presidential powers, including the President's responsibility in relations with Congress and foreign nations. He then looked at how three Presidents — Madison, Wilson, and Nixon — interpreted the relevant language, sometimes in paradoxical ways. (Moore notes, for example, that he "never expected that the father of the Constitution, James Madison, might say one thing regarding the power of the President and then act in a contrary manner.")

Moore's adviser was J. Douglas Nelson, professor of political science at Anderson College. Moore graduated in June and plans to work toward a master's degree in public administration at the University of Pittsburgh. The following excerpt from his essay, "The Presidency: What Does the Constitution Mean?" deals with the framers' concepts of executive power.

PRESIDENTIAL POWER

BY KENT J. MOORE

Theodore Roosevelt once claimed "it was not only his [the President's] right but his duty to do anything that the needs of the nation demanded unless such action was forbidden by the Constitution or by the law." However, his hand-picked successor, William Howard Taft, claimed that "the President can exercise no power which cannot be fairly and justly implied and included within such grant as proper and necessary." Thus, while Roosevelt held the President could do anything except that which was explicitly prohibited, Taft maintained he could act only under specific authority. Both men based their views on the same constitutional language, yet they adopted virtually opposite definitions of presidential authority.

These conflicting definitions highlight the fact that the presidency has an ambiguous constitutional foundation. A prime example is Article II, section 1, paragraph 1, which states, "The executive power shall be vested in a President of the United States." While apparently straightforward, this clause raises a number of questions.

Does it simply give a title to the President, or does it grant him a range of powers? If the latter, what is the extent of these powers? Other constitutional clauses dealing with the President raise similar questions.

When the Founding Fathers formed the office of President in the summer of 1787, they did not begin *de novo*. Each came with certain preconceived notions of what the executive should be and what powers he should possess. These notions came primarily from three sources, the first of which was experience. And in the experience of the framers, three things stood out. One was life under the British monarch. Their experience with King George III had produced a distaste for monarchy among the colonists, and in forming the new executive this distaste served as a powerful negative influence. As Edmund Randolph put it, "We had no motive to be governed by the British government as our prototype."

Another important facet of the framers' experience related more closely to life in the colonies. Specifically, the Founding Fathers had seen

how colonial governors wielded executive power. In most colonies, the governor was an agent of the crown, often more concerned with his interests than with the welfare of the colonists. As a result, in most colonies the governor constantly struggled with the colonial assembly, which attempted to represent the colonists' concerns. This struggle created a suspicion of executive power, which the Founding Fathers took to Philadelphia. Finally, there was the framers' experience with the Articles of Confederation. Executive functions under the articles were carried out by *ad hoc* committees which later became permanent boards. Unfortunately, a lack of coordination existed among these boards, and executive administration suffered accordingly. Thus, at the Convention, the Founding Fathers moved to correct this mistake of the past by making the President responsible for coordinating executive functions in the future.

Probably the most positive and substantive source for the Founding Fathers' concept of the executive was a pair of state constitutions of the day. The Massachusetts Constitution, approved in 1780, named the governor "commander-in-chief of the army and navy, and of all the military forces of the state," language strikingly similar to that used in the U.S. Constitution. The Massachusetts constitution also allowed the governor to make appointments with the advice and consent of a council, another feature that obviously influenced the founders. But the greatest contribution of the Massachusetts document was the veto. As Hamilton said in *Federalist* No. 69, "it [the veto in the federal constitution] would be precisely the same with that of the governor of Massachusetts, whose constitution, as to this article, seems to have been the original from which the convention have copied."

Drawing upon experience, state constitutions, and European political theorists, the Founding Fathers formed their individual conceptions of a national executive. When the framers came together in Philadelphia, they found themselves deeply divided into just two groups on the subject. One group, led primarily by Roger Sherman of Connecticut, favored a collegiate executive who would be appointed by the legislature. The other

side, led primarily by James Wilson of Pennsylvania, favored a powerful, single, independent executive who would be elected by the people and have a negative power over legislative acts. From these two perspectives, the constitutional presidency was formed.

In both language and interpretation, the concept of executive power first achieved meaning in Philadelphia. The executive power of the President is, of course, granted by two passages in the Constitution; these are the vesting and "faithfully-executed" clauses. Interestingly, the language of these two clauses was basically unchallenged throughout the Convention.

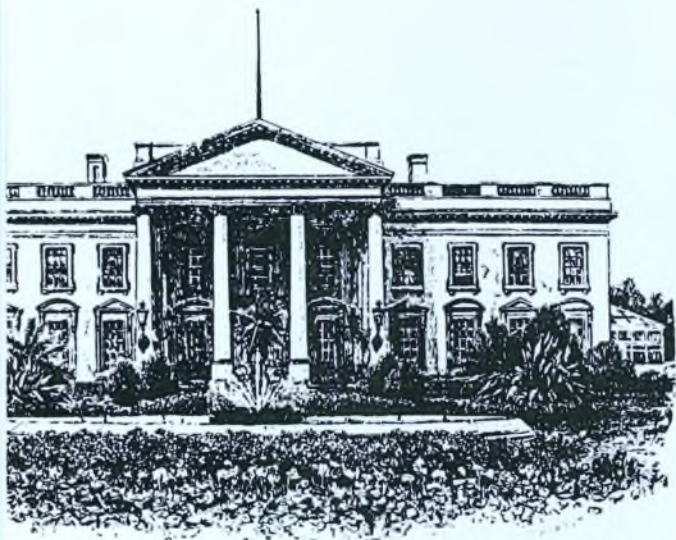
On May 29, Charles Pinckney presented a plan that called for the following: "The executive power of the United States shall be vested in a President of the United States of America," and "He shall take care that the laws of the United States be duly executed." During the summer, both the Committee of Detail and the Committee on Style adopted the Pinckney language, although they changed "duly" to "faithfully" in the process.

According to the framers, what did this language mean? Executive power was meant to be limited in scope and generally inelastic. James Wilson argued that executive power was fundamentally limited to executing the laws and making appointments. Indeed, execution of the laws and appointment of officers in certain cases were the only strictly executive powers that the convention granted to the President.

However, the framers held a more generous concept of executive power than the Convention records suggest. For instance, Ezra Stiles, writing in his diary on December 21, 1787, stated that the Convention delegates "meant to give considerable Weight as [sic] Supreme Executive." And James Wilson, speaking in the Pennsylvania ratifying convention, said, "Clearly sir, he [the President] holds the helm, and the vessel can proceed neither in one direction nor another, without his concurrence." Both statements suggest that because of his executive power, the President was meant to be a strong force in the government.

But it was Hamilton who most forcefully expounded the argument for strong executive power. In a series of articles under the pseudonym of Pacificus, Hamilton stated the President possessed extensive executive powers. He argued that the enumer-





ated powers and exceptions only qualified but did not define executive power and based his claim on the difference between the vesting clauses of the President and Congress. Hamilton noted that while Congress was vested "with all legislative power herein enumerated," no qualifier was attached to "The executive power shall be vested in a President of the United States." Thus, Hamilton concluded, although Congress was limited to legislative powers listed in the Constitution, the vesting clause granted the President vast executive powers beyond those enumerated. Hamilton's conclusions must have fairly represented those of a majority of convention delegates, for only Madison made any attempt to dispute Hamilton's arguments. Hamilton added in *Federalist* No. 70. "A feeble executive is but another phrase for bad execution; and a government ill executed, whatever it may be in theory, must be, in practice, a bad government."

While the authors of *The Federalist* maintained that the President's role in foreign relations was minimal, others argued that the founders intended something entirely different. Charles Pinckney stated in the U.S. Senate, "It was intended to give your President the management of your foreign concerns." "Management" implied "control," and "control" differed from the authority suggested by *The Federalist*. As if this were not confusing enough, Alexander Hamilton did a complete turnaround from his earlier position. In his *Pacificus* papers, he described foreign policy as an inherently executive function and argued that the nature of the vesting clause assured the President extensive powers in the field of foreign relations, powers limited only by specific provision in the Constitution.

Hamilton went further, asserting that the right to receive ambassadors also gave the President the right to decide whether or not to recognize new governments. Again, this contradicted *The Federalist*, where Hamilton argued the receipt of ambassadors would be "more a matter of dignity than authority." The early Congress conceded presidential prerogatives in foreign relations when it gave to the first secretary of state the responsibility "[t]o perform and execute such duties as shall, from time to time, be enjoined

on or intrusted to him by the President of the United States." The conduct of foreign affairs thus belonged to the President by virtue of the executive grant, by virtue of the argument that only specific provisions of the Constitution limited executive power, and by virtue of the President's control over the secretary of state.

The role of commander in chief also belonged to the President, and in forming this aspect of the office, the Founding Fathers called upon experiences beyond those that influenced the general formation of the presidency. The American Revolution showed that Congress could not effectively govern the military once war had been declared; that is why the prerogative of command had been transferred to General Washington. The experience of the colonial commanders-in-chief also had an impact. During the colonial days, the commander-in-chief in most colonies had not been subject to political control. As a result, many, if not most, had gained notorious reputations by acquiring undue influence over trade, transportation, and Indian relations. In contrast, the conduct of the state governors as commanders-in-chief proved to be a positive experience that the framers willingly drew upon. In addition, the expectation that George Washington would be the first President eased any doubts the framers may have had about making the President commander-in-chief.

The Founding Fathers spent considerable effort on the language regarding the veto power. All the wording changes suggest they considered the veto power the key to presidential-congressional relations, and discussion in the Convention bears this suggestion out. On June 4, debate on the veto erupted as James Wilson and Alexander Hamilton moved to give the executive an absolute veto over the legislature. Hamilton argued that such a power was necessary to defend against legislative usurpation of power. If the President and the Congress were to remain separate and equal branches of the federal government, the President must wield an indestructible shield against encroachments by the Congress.

Benjamin Franklin objected. He recalled that Pennsylvania had once had a governor with an absolute veto. The governor had used this veto for per-

sonal gain by refusing to approve any law unless the legislature attached a monetary appropriation for his benefit. Franklin expressed his fear that an absolute veto given to the President would allow him to dominate the national legislature just as the Pennsylvania governor had dominated the state legislature. Consequently, both sides recognized the veto as the linchpin in the relationship between the President and Congress.

But on what bases did the framers feel the veto should be exercised? Madison argued that the veto was meant to be used on the basis of constitutionality. He also stated that he saw the veto's object as either "to restrain the Legislature from encroaching on the other co-ordinate Departments, or on the rights of the people at large; or from passing laws unwise in their principle, or incorrect in their form." Madison later added that the veto would also prevent popular or factious injustice. On July 19, 1787, Gouverneur Morris contradicted Madison and in so doing illuminated a different aspect of the intended use of the veto. Morris stated: "The check provided in the second branch was not meant as a check on legislative usurpations of power, but on the abuse of lawful powers, on the propensity of the first branch to legislate too much, to run into projects of paper-money, and similar expedients." Finally, James Wilson described the types of laws deserving a veto. Among the adjectives were "unjust," "unwise," "dangerous," and "destructive."

The ratifiers reinforced and expanded the framers' intentions regarding relations between the President and Congress. In *Federalist* No. 73, Hamilton restated exactly what Madison had suggested in the Convention, that the veto was meant to defend against legislative usurpation of power and to prevent improper laws that were contrary to the public good. Meanwhile, Pierce Butler reinforced the idea that the veto was meant to help ensure separation of powers and stated, "The President of the United States is the Supreme Executive Officer. He has no separate legislative power whatever." Finally, Oliver Ellsworth expanded the understanding of the presidential-congressional relationship when he wrote the following in December 1789: "We allow the president hath an influence, tho' strictly speaking he hath not a legislative

voice; and think such an influence must be salutary. In the president all the executive departments meet, and he will be a channel of communication between those who make and those who execute the laws." Ellsworth was apparently trying to explain the function of the State of the

"Theodore Roosevelt once claimed 'it was not only his [the President's] right but his duty to do anything that the needs of the nation demanded unless such action was forbidden by the Constitution or by the law.' However, his hand-picked successor, William Howard Taft, claimed that 'the President can exercise no power which cannot be fairly and justly implied and included within such grant as proper and necessary.' Thus, while Roosevelt held the President could do anything except that which was explicitly prohibited, Taft maintained he could act only under specific authority. Both men based their views on the same constitutional language, yet they adopted virtually opposite definitions of presidential authority."

Union clause by suggesting that while the authority to speak to Congress did not grant the President a legislative function, it did make him a "channel of communication" between the executive and legislative branches. Ellsworth then in some sense provided the basis for our modern understanding of the State of the Union clause; namely, by this clause, the President can have an influence in Congress and the business of Congress although he is in no way a part of the legislature.

With adoption of the Constitution by the requisite number of states, the initial formation of the presidency came to an end in 1788. The framers had written the various provisions granting the President executive power, giving him a role in foreign relations, making him commander-in-chief, and establishing his relationship with Congress. The framers, along with the ratifiers, had also given meaning to those provisions. But while the formation of the presidency was at an end, its definition was not. What the framers and ratifiers had established on paper and in debate had to be put into practice. ★

SARAH KASS, a history major at Yale, set out to understand the meaning and intent of the religion clause in the First Amendment. She closely examined the discussions on religion in the Constitutional Convention and the state ratifying conventions, then studied the reasons for the adoption of the Bill of Rights (specifically the religion clause) by the first Congress. Finally, she looked at the thought of Madison, as well as his critics, as to the need for and meaning of the religion clause. Kass concludes that while the framers believed in the need for government to protect freedom of religion, they did not agree as to what that protection would consist or what the role of religion was to be in the life of the nation.

Her adviser was Ralph Lerner, professor of the social sciences at the University of Chicago. Now entering her senior year, Kass plans to do a senior essay incorporating some of the issues raised in her project. Beyond that, she hopes to study abroad and eventually pursue a career in public service. The following excerpt from her essay, "The Reign of Religious Liberty in America," focuses on her presentation of the diverse interpretations of freedom of conscience held by the framers of the Constitution.

RELIGION AND THE CONSTITUTION

BY SARA KASS

Reviewing the debates that resulted in Article VI, Section 3 of the Constitution and the religion clauses of its First Amendment does not provide a definitive explanation for the role religion was or is to play in American society. The efforts of the delegates at the Constitutional Convention, the people at the various state ratification conventions, and the members of both houses of Congress ensured that no single religion would be established nationally and forced upon all Americans and ensured the freedom of all Americans to worship as they wanted.

And yet these efforts, though making manifest a sense that religion was important to the American founders, made the extent to which religion was to be a restraint on excess liberty dependent on the fact that Americans *were* and would *continue to be* religious. As Patrick Henry remarked, his "great objection to the Constitution [was] that the preservation of our liberty depends on the single chance of men being virtuous to make laws to

punish themselves."

Perhaps this pointed to a fundamental tension between religion and liberty that would make it impossible for the former to serve as the major check on the excesses of the latter in America. For if in order to preserve liberty, the principle on which the regime was based, there must be no nationally established religion and hence all religions from the point of view of politics must be considered equally valid, religion could be seen instead as contributing to and exacerbating the problem of excess liberty. For as such, it might instead of checking the excesses of Americans' desires, deepen their belief in the attractiveness and legitimacy of those desires. Or perhaps it pointed to a new understanding of religion that was informed by liberal politics, where religion was nonetheless, or all the more, essential to the preservation of liberty.

The First Amendment preserved the ambiguity of the issue of the proper role for religion in America. For while it prohibited Congress from making

laws respecting an establishment of religion, it did not explicitly prevent Congress from making laws that would encourage established religions indiscriminately and promote the free exercise of religion. There seemed implicit in the First Amendment the desire, on the one hand, to preserve religion as an important force in American society, and on the other hand, the desire to keep a single religion from becoming too forceful.

Who does not see," demands Madison, "that the same authority which can establish Christianity, in exclusion of all other religions may establish with the same ease any particular sect of Christians, in exclusion of all other sects?" Furthermore, "who does not see," he asked, that "the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?" According to Madison, Americans had to be wary of all breaches of principle, and especially of the principle of "religious liberty," because it "stands and falls as a whole."

Madison asserted that the right to religious liberty, or the duty to the Creator, was the most essential of the rights of man, not only in terms of being most closely related to man's nature, but in terms of being the most important to secure from the point of view of politics. In his "Detached Memoranda" written sometime between 1817 and 1832, Madison wrote that as long as religious liberty remained secure, "as long as it [was] respected and no longer," the rights of conscience would "be safe." Otherwise, he continued, crevices would be left through "which bigotry [might] introduce persecution; [and] a monster feeding and thriving on its own venom, [would] gradually swell to a size and strength overwhelming all laws divine & human." Only if religion was entirely free did Madison believe that the mind or the conscience would be free. Only if the latter was free could a liberal regime be perpetuated.

In an essay written in 1792 entitled "Property," Madison wrote that the "just meaning" of property went beyond man's possession of the material things of the "external world."

Property included "everything to which a man [might] attach a value or have a right; and which leaves to every one else the like advantage." In the latter all-encompassing sense, wrote Madison, "a man has property in his opinions and the free communication of them." Moreover, he continued, a man "has a property of peculiar value in his religious opinions, and in the profession and practice dictated by them."

But no man would be safe "in his opinions, his person, his faculties or his possession," continued Madison, where "an excess of power prevails" or "where there is an excess of liberty." The end of a just government was to secure to "every man whatever is his own." But when men are not allowed to communicate their opinions and where they are not allowed to practice their religion as they see fit, "conscience, the most sacred of men's property," is invaded and none else can be secure. To guard "a man's house as his castle, to pay public and enforce private debts with the most exact faith, can give no title to invade a man's conscience which is more sacred than his castle, or to withhold from it that debt of protection, for with [it] the public faith is pledged, by the very nature and original conditions of the social pact."

When tyranny pervaded a land, men would be told what they could own, eat, and wear and — what was worse — they would be told what to believe and what not to believe. Their existence as men would be rendered incomplete for they would cease to be free. But as Madison pointed out, "the effect [would be] the same" in a regime where there "[was] an excess of liberty" and anything was permissible. There, license rather than tyranny would be the enemy of freedom, for when any pleasure could be fulfilled, men would not listen to their own consciences.

For just as property involved more than the mere ownership of things, liberty encompassed much more than having the physical ability to choose. Where liberty knew no limit, men would be fettered to the opinions of others and the passions of the moment, and gradually their dignity and their very liberty would wither away. Without the "freedom of the mind and its allegiance to its maker," freedom could not survive. According to Madison, the best — if not the only —



way to ensure this would be to ensure religious liberty, as religious opinions would direct one's actions and one's sense of right and wrong.

In promoting the equal right to religious liberty Madison was not denying the importance of belief nor was he presenting himself as indifferent to the character and content of religious opinions. In a letter written to Frederick Beasley on November 20, 1825, Madison wrote that "the belief in a God All Powerful wise & good, [was] essential to the moral order of the World & the happiness of man." Moreover, while he was not in favor of interfering with the multiplicity of religious opinions that might abound, Madison would probably *not* himself have asserted what Jefferson did in the following famous passage on religion in his *Notes on the State of Virginia*: "It does me no injury for my neighbor to say there are twenty gods or no god. It neither picks my pocket nor breaks my leg."

Madison seemed to believe that if men were truly religious, that is, if they were obedient to the evidence put in their minds and their consciences, there would not be huge disparities in men's moral outlooks. In a letter written to Thomas Jefferson on October 24, 1787, Madison went as far as to suggest that differences in religious opinions were "accidental." And in a letter to the Reverend Adams in 1832,

Madison wrote: "The apprehension of some seems to be that Religion left entirely to itself may run into extravagances injurious both to Religion and to social order; but it is a safe calculation that in this as in other cases of excessive excitement, Reason will gradually regain its ascendancy. Great excitements are less apt to be permanent than to vibrate to the opposite extreme."

Madison did himself seem to believe in the superiority of the Christian religion and in more than one place identified the rational or liberal principles with Christian principles. Not only did Madison believe, as he had once written as a young man to William Bradford, that the freedom of conscience ensured by the promotion of religion [to be] "one of the characteristics of a free people," he believed that the former was also "truly [a] Xn (Christian) principle."

Moreover, the Christian religion, "existed and flourished, not only without the support of human laws, but in spite of every opposition from them." To suppose the support of government to be necessary for the survival of Christianity would "weaken in those who profess this Religion a pious confidence in its innate excellence and the patronage of its Author; and to foster in those who still reject it, a suspicion that its friends are too conscious of its fallacies to trust it to its own merits." In Madison's view, an ecclesiastical establishment would undermine the influence of religion, its "policy [would be] adverse to the diffusion of the light of Christianity."

As he wrote in the *Federalist* No. 49, Madison believed that it was the government itself that had to become venerated with time in the eyes of the people in order to inculcate rational prejudices. More specifically, as he wrote in a letter to Jefferson on October 16, 1788, it was the political truths of that government that Madison hoped would acquire "by degrees the character of fundamental maxims, which as they [became] incorporated with the national sentiment, [would] counteract the impulse of interests and passion."

The American religion would be one in which the "soundness and stability of the general opinion" was against the establishment of particular religious opinion. Different sects could

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"Should parents always tell their children what things to do and how to do them? Or should they instead establish a proper environment and proper guidelines within which their children's own good judgment will be allowed to develop on its own?"

successfully counteract and mitigate each other's excesses (as could other interest groups and secular attachments) as all presupposed and proceeded within a rational framework: the faithfulness to the truths espoused by the regime.

So far it would seem that to construe the Constitution as having been made indifferent to religion was not the intention of the founders, or at least not that of Madison. For Madison, it was precisely the devotion to the principle of freedom that required government to protect the great variety of Americans' religious beliefs, and neither restrict nor encroach upon any. Or as Jefferson wrote in 1776 in his notes for a speech in favor of disestablishing the Church of England in Virginia and for repealing laws interfering with freedom of worship, "free gov[ern]m[en]t forgets [its] own principle wh[e]n [it] bec[om]es intol[er]ant."

In order to promote the freedom of conscience imperative to the preservation of free government, it was necessary to remove religion entirely from the scrutiny of politics. And yet it was also important to subordinate the eccentricities of individual religions in order to clearly maintain freedom as the most important principle in which to have faith.

Madison, in condemning the effort in his state to establish public support for the teachers of the Christian religion, had vaguely asserted that "truer remedies" to prevent the decay of morals, in addition to "being out of war," and "administer[ing] justice," were enacting "laws to cherish virtue," providing "personal example[s]" of belonging to voluntary "associations for R[eligion]," and ensuring the "Education of youth." For others, especially some of the anti-Federalists, such proposals were not merely vague assertions.

Those who did not favor an established church, but nonetheless regarded the promulgation of Christianity as a responsibility of government, regarded education as a means of doing so. As "William Penn" put it in an essay in the *Philadelphia Independent Gazetteer* on January 3, 1788, "liberty is the fair offspring of knowledge, as tyranny is the grim-child of ignorance." As Madison, too, had suggested, many of the anti-Federalists

believed that the preservation of liberty depended on education. But unlike Madison, many of these people believed that educating Americans to be free would require government-sanctioned instruction in the principles of the Christian religion.

In the context of exploring their views on the proper role for religion in American society, it is interesting to consider the founders literally as the (founding) fathers of Americans for all time. For the choice the founders had to make to ensure the existence of beliefs that would reign along with liberty and so mitigate its excesses was very much like the choice parents must make with respect to children.

Should parents always tell their children what things to do and how to do them? Or should they instead establish a proper environment and proper guidelines within which their children's own good judgment will be allowed to develop on its own? Just as most parents opt for one or the other alternative with their children's best interests in mind, many of the American Founding Fathers seemed to regard religion as that which allowed men to look for meaning beyond the whims and fancies of the moment and to encounter some force larger than themselves that would both limit and lend purpose to their pursuits. The extent to which those involved in the American founding regarded the sanctioned encouragement or cultivation of religion *per se* as the proper way of engaging the influence of that force depended on whether they believed government would have to take affirmative action in order to allow the truth and precariousness of liberty to be known. Those, like James Madison, who believed government should take a less paternalistic stand with respect to encouraging the religiosity of Americans, believed that the bright light of truth would shine all the more brightly if it were allowed to do so on its own.

This question is no more resolved in America today. The meaning of the religion clauses of the First Amendment remains complicated. For as long as there remain things worth defending, there will be disagreement over what is the best way to do so. And when the thing to be preserved is liberty itself, people will continue to try to convert others to their ways. To vary Toqueville's locution slightly, religious liberty will continue to reign in America. ★



Advising the Younger Scholar

BY JAROLD RAMSEY

In the last four years, approximately four hundred high school and college students across the country have given up a summer job or vacation to write a scholarly research paper. They launch themselves into these independent research projects with advice from professional scholars and support from the Endowment's Younger Scholars Program. The program offers a stipend that gives enterprising students the opportunity to try their wings as scholars.

Each project culminates in a scholarly essay approved by the student's adviser and submitted to the Endowment. The range of topics covered represents the full scope and vitality of the humanities in the 1980s. The list of 1987 grantees, for example, runs from the traditional—"Philosophy in Virgil: Stoicism and Epicureanism"—to the more topically far-out—"The Nuclear Propelled Aircraft and Its Effect on American Perceptions of Technology." Younger scholars who have gone on to graduate school and other endeavors, and who see the benefits of their NEH summer work with grateful hindsight, say that the work is its own reward.

The University of Rochester has been fortunate both in finding ambitious and qualified students to apply for Younger Scholars awards and in seeing them succeed regularly in the yearly competitions. *Humanities* has asked me to draw on this experience (and that of reading project applications as a panelist for the

Younger Scholars competition) to offer suggestions for prospective applicants and, in particular, for their faculty advisers.

Selecting Applicants and Helping Them to Apply

No doubt there are many good plans in effect whereby qualified students can find out about and apply for awards. At Rochester the process is centralized and begins each year after the beginning of school with the arrival of that year's revised Younger Scholars guidelines. As director of undergraduate studies in English, I confer with colleagues in early September to identify promising students, chiefly juniors, who on the basis of record and reputation might be able to take advantage of the award. The students are invited to an informational meeting, the fact and purpose of which are publicized so that other interested students may also attend.

At the meeting, we outline the program, emphasizing (1) that it is a prestigious and hotly competed-for opportunity, (2) that applying for it properly is going to be difficult and time-consuming—no "weekend wonder," (3) that Younger Scholars' projects carry no academic credit, and (4) that according to the guidelines, Younger Scholars grantees must arrange to work closely with their advisers and may not hold regular jobs during the term of their projects. Students who continue to be interested are directed to spend about a week thinking about possible research topics, conferring freely with me and with other faculty members, and then to submit a one-page prospectus.

In a second meeting, the prospectuses are discussed in detail. For

those three to five students still committed to the endeavor, we confirm faculty supervisors (undergraduates don't always have the clearest notion about which professor has what expertise), hand out individual Younger Scholars guidelines, go over the regulations and instructions, and set deadlines for completion of the applications, leading up to the NEH deadline itself, which is generally around the first of November.

As novices in the art of grantsmanship, our undergraduates need a lot of editorial attention as they formulate their plans. I try to be in touch with each applicant and his or her adviser during this crucial part of the process to answer questions, interpret guideline directives, and to criticize and suggest strategy. The lack of centralized attention can often be the ruination of a perfectly valid Younger Scholar's proposal, as I know well from having read hundreds of them as a panelist. One sees, and regrets, incomplete applications, garbled or incomplete statements of purpose, impossibly ambitious schedules of work, or factual and mechanical errors. If the application makes it only too clear that the student has not received faculty attention in preparing it, then one is inclined to doubt that such attention would be forthcoming during work on the project itself.

I suppose there is an element of institutional pride at Rochester in riding close herd on our students' applications, but our most important function is making a concerted effort to get them to send to NEH the best formulated applications of which they are capable. Even unsuccessful applicants say that working on the proposal with faculty advisers was

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worthwhile—"an education in itself," as one of them has put it.

Finally, after two or three weeks of intensive planning, conferring, and writing, the students assemble all the parts of their applications, have one last review with their advisers and with me and—with pangs of hope and uncertainty familiar to most scholars in the humanities—entrust their packets to the U.S. Postal Service.

Selecting the Project

I now return to the task that is the heart and soul of this process: getting the applicants to come up with meritorious and feasible projects in the first place. From the beginning, we encourage students to brainstorm in terms of the following approaches:

(1) projects growing out of or significantly extending work the students have already done in their courses. For example, one Younger Scholar, who had written an essay on T.S. Eliot's treatment of old age, went on to propose a comparative study of Eliot and W.B. Yeats on the geriatric theme.

(2) projects in which the students combine two lines of study hitherto unconnected in their coursework—the economic basis of American novels dealing with poverty is one example.

(3) projects in which the student's interests and expertise are directed at local resources—manuscripts and other primary materials, institutions, or local history. An example close to home is 1985 Younger Scholar Martha Koehler, who explored some twentieth-century extensions of Hamlet, two of which are uniquely represented in Rochester—the manuscripts and working papers of Hyam Plutzik's book-length narrative poem *Horatio*, and a priceless copy of Asta Neilsen's silent movie *Hamlet*, in which the prince is revealed to be a woman, brought up from birth in disguise as Hamlet Senior's royal son.

Although very bright and well-organized students may think along these lines independently—or may do so once they begin to explore possibilities with their prospective advisers—it has been my experience that the early participation of an unofficial third party—department chair or director of undergraduate

studies—is indispensable, both in initiating the student's planning and in suggesting a workable focus.

And what about focus? Reading Younger Scholars' applications, one is reminded that the ability to conceptualize what is relevant and irrelevant to its exploration is one of the most difficult skills for the student scholar to master. For the NEH competition, the faculty role here is absolutely critical. Advising a student to revise a proposed topic from "Woman in Shakespeare's Romantic Comedies" to "Female Friendship in Shakespeare's Romantic Comedies"

working it into focus must be specified, with assurances on this score given by the adviser in the letter of support. Of course, the text—which must be the student's own work—should be clearly and accountably written as well as impeccably edited.

Advising Younger Scholars at Work

Because the NEH system for evaluating applications is thoroughgoing, it is also slow. Grantees are generally not notified until the first of March, by which time most applicants have long since stopped dithering about their chances. In



Photograph by Herb Weitman, Washington University

is certainly going to improve the student's chances of winning an award—simply because the revised topic is patently more focused and more manageable. The adviser may also need to help the student adjust his or her focus to the realities of time. According to the guidelines, "the work must reflect a realistic approach to completion of the project within nine weeks."

It is not mandatory (in most cases, not even advisable) that the applicant try to formulate a *thesis* in the application. What is important, as the guidelines indicate, is that the project be as clear-headed as possible about its scope, methods, and basic purposes. If the topic remains broad in the application, ways of

"Scholarly coverage leads on to illumination, and the experience of writing regularly and at length about a subject that one has begun to master can be truly exhilarating."

addition to congratulating the winners, I make it a point to discuss with the unsuccessful applicants the possibilities for going ahead with their research plans during the regular school year *for credit*, for example in an independent study tutorial.

Once the good news arrives from Washington, it is essential for the scholars and their advisers to make a fast start together. Things may appear very different in March from how they looked in October, and adjustments may be necessary. Here, as at any time, students and advisers should not hesitate to call the Endowment for advice and interpretation of rules.

Two or three planning sessions *before* the end of the school year to shape a basic working understanding—what the student wants from the adviser, what the adviser will expect and can offer, joint timetables—will pay off handsomely when the summer's work actually begins.

Regular weekly meetings are recommended during the first weeks of summer. These will center, typically, on preliminaries like the following tasks:

- *reviewing both the topic as formulated in the application (to see if it can now be more sharply focused) and the provisional application bibliography, beginning the process of expanding it into an authentic working bibliography. (If books and periodicals must be obtained via interlibrary loan, the adviser can expedite this process.)*
- *addressing the major questions inherent in the project. (If either the student or the adviser has written anything about any of these questions, they should be read and discussed together, or a session might be scheduled for which the student and the adviser each make up a list of what seem to be crucial questions to review together.)*
- *reading and discussing samples of the student's writing (if the adviser has not taught the student previously), so that the student learns early on what the adviser is going to expect in matters of style and exposition.*
- *segmenting and sequencing the work to be done so that the student enters into the main library-research phase of the project with a practical plan of attack and a timetable for its execution.*

With such a brisk beginning in their working relationship and with a reasonable balance struck between *independence* and *accountability*, the Younger Scholar should be ready to "plunge into the library" (as one of my students put it), resurfacing at the adviser's door when there is something to report or when there are interpretive and procedural questions. Although one would like to assume that bona-fide Younger Scholars have mastered the art of note taking before winning an NEH grant, advisers might prevent ultimate trouble late in the summer by looking over their protégé's research techniques early and suggesting adjustments if needed.

As in any protracted research project, the commencement of *writing* is certain to alter the student's perceptions of what he or she is doing, and advisers should urge their charges to begin writing early in the project, even if the first efforts are only provisional sallies into the subject. A working outline should be drawn up and discussed as early as possible. The adviser ought to help the student envisage a short, concentrated paper, rather than a *magnum opus* or *omnium gatherum*. The guidelines wisely do not specify limits of size, but the successful essays with which I am familiar fall somewhere between thirty-five and sixty pages. If they are much longer, the purposes and values of an independent undergraduate research project are lost in sheer words.

Students should be urged and, if necessary, hectored by their advisers into writing their essays *before the end of summer*. The grant period officially ends on September 30, but that date should not be thought of as an ultimate deadline; rather, the student and adviser should agree on their own deadline, setting it, if possible, at least two weeks before the beginning of the fall term. The ideal is to complete the whole project, with the essay and the required project reports by the scholar and adviser submitted to the Endowment by the end of August. Instances known to me of projects spilling over into the fall term have been uniformly regrettable: Instead of being an exciting culmination of the summer's work, the essay becomes instead an albatross around the student's neck, a distraction from regular course-

work and vice versa.

With the heroic tribulations of composition, revision, typing, and editing behind the student and with the essay sent off to Washington, what then? Even with the most successful, fulfilling projects, students almost always feel an acute sense of let-down: "Is this all there is?" Most will recognize in time that the summer's work was truly its own reward, with long-range benefits accruing. Although the student is responsible for wider dissemination of his or her work—and many Younger Scholars have gone on to publish their papers—the adviser may also want to ensure that his or her protégé's essay is filed in the library. If the school sponsors an undergraduate research symposium, the adviser could propose that the student exhibit the paper.

Composing the Younger Scholars essay is a time of high excitement and "payoff" for students and advisers, more so than in regular school-year projects. For the student, there should be a growing conviction that the topic *is* important and that the approach to it *is* right after all. Scholarly coverage leads on to illumination, and the experience of writing regularly and at length about a subject that one has begun to master can be truly exhilarating for the scholar. It is also gratifying for the adviser—a kind of authentication, if you will, of our role as scholar-teachers in the humanities.✍



THE Humanities GUIDE

for those who are
thinking of applying
for an NEH grant

PROGRAMS

PROPOSALS

DEADLINES

GRANTS

GUIDE

The Foundations of American Society

BY HRACH GREGORIAN

Commemoration of the 200th anniversary of the U.S. Constitution inaugurates a special period of national reflection on the principles, foundations, and institutions of republican government. The Endowment's special initiative on the "Foundations of American Society" encourages further study, research, and discussion about the formative years of the American union. The undertaking continues an emphasis begun with the NEH initiative on the bicentennial of the U.S. Constitution.

All Endowment divisions are accepting proposals for humanities projects involving studies by scholars on the philosophical, historical, and cultural questions raised by the early founding period. NEH will also encourage the wide dissemination of the results of such studies, as well as of the best work now existing, through conferences, public lectures, and exhibitions; through media productions; and through curricular and extracurricular programs.

To help identify the types of projects that are being solicited under this initiative, NEH has developed a list of six topics of special interest. (The list is not meant to be restrictive.)

History of the Founding Period. Projects in this area could include work on the constitutional Convention and relevant events and documents that followed it such as the state ratification debates, *The Feder-*

alist and the Anti-Federalist papers, and European commentaries on the work of the Convention.

The Character of Constitutional Democracy. This category may include projects about the connection between democratic government and the cultivation of human excellence, of virtue, of individual happiness, and of national well-being.

Cultural Life in the New Nation. Under this heading, projects might explore the genesis and development of a distinctly American voice in the arts and in literature, a voice that celebrated and reflected the guiding principles of the new nation.

Ideas of Representation and Institutional Arrangements. Projects could include the first presidential and congressional elections, the organization of the executive department, and differing conceptions regarding the scope and content of federal power.

Constitutional Principles in Practice. Projects in this area may include examination of the Constitution as an instrument of government, including the experience of the Washington and Adams administrations; the establishment of a federal judicial system; and the conflict between Federalist and Republican constitutionalism.

The Bill of Rights. Projects might examine the philosophical and historical foundations of the various amendments; the principles underlying the ratification debates in the states; and the Supreme Court decisions that have elaborated individual liberties, rights, and responsibilities.

Because all Endowment divisions

are accepting proposals submitted under this initiative, applicants should call or write the division whose guidelines seem most appropriate to the character of the proposed project.

The Division of Fellowships and Seminars supports individual study and research within the humanities and all of the division's programs welcome applications related to the Foundations initiative. For example, an art history professor at Johns Hopkins University conducted a 1985 Summer Seminar for College Teachers on "Embellishing the Temple of Liberty: The Decoration of the U.S. Capitol 1790- 1870." In 1985-86, a Goucher College literature professor held a fellowship to study American literature from the end of the colonial period to the election of Andrew Jackson.

The Division of General Programs supports projects intended to increase public understanding of the humanities. Examples of division-funded projects that illustrate some of the initiative's themes of special interest include a Humanities Projects in Media grant that will support the writing of six radio scripts based on the correspondence between Thomas Jefferson and John Adams, and a Public Humanities Projects grant for a two-year series of conferences and publications on the evolution of economic rights under the Constitution.

The Division of Education Programs supports a variety of projects to improve the teaching of the hu-

(continued on page 61)

Hrach Gregorian is the coordinator of the Foundations of American Society initiative.

RECENT NEH GRANT AWARDS

Some of the items in this list are offers, not final awards.

Archaeology and Anthropology

Asia Society, Inc., NYC; Andrew Pekarik: \$45,122. To plan a traveling exhibition of Australian aboriginal art, exploring the fundamental principles behind both traditional and contemporary arts. *GM*

Brooklyn Museum, NY; Deirdre E. Lawrence: \$48,259. To conduct preservation activities leading to microfilming and conservation of critical parts of the Stewart Culin Library Collection, a critical resource for the study of ethnology, museological history, anthropology, and art history. *PS*

Cincinnati Museum of Natural History, OH; C. Wesley Cowan: \$35,000. To implement an exhibition and catalogue that examine the agricultural systems, beliefs, and lifeways of the native Americans who were the first long-term residents of the middle Ohio Valley. *GM*

Elizabethtown College, PA; John A. Hostetler: \$5,970. To conduct a conference examining the Amish from within their own community as well as from the perspective of the outside, dominant society. *RX*

Illinois State Museum, Lewistown; Judith A. Franke: \$74,449. To plan the second major phase of a new permanent exhibition of archaeological evidence on prehistoric Mississippian society as it existed 800 years ago. *GM*

Minneapolis Institute of Arts, MN; Louise H. Lincoln: \$85,000. To implement a traveling exhibition of traditional sculptures from the Pacific island of New Ireland. The exhibition will explore the society's religious, social, and economic practices. *GM*

New York State Education Department, Albany; Martin E. Sullivan: \$140,000. To implement a permanent exhibition exploring the continuing cultural adaptations of New York's native peoples from 2000 B.C. to A.D. 1500. *GM*

U. of Guam, Mangilao; Michael W. Graves: \$25,000 OR; \$10,000 FM. To plan an international conference on Micronesian archaeology that focuses on the significance of major recent historical and archaeological advances in the region. *RX*

Arts—History and Criticism

Boston Public Library, MA; Janice H. Chadbourne: \$66,307. To conduct a preservation needs assessment, including a condition survey and treatment levels test of the library's eminent Peabody and Stearns collection of architectural drawings (1870–1917). *PS*

Bronx Museum of the Arts, NY; Luis R. Cancel: \$25,000 OR; \$100,000 FM. To implement a traveling exhibition and catalogue tracing the role of Latin American artists who worked in the United States during the period 1920–70. *GM*

Chinese Culture Foundation of San Francisco, CA; Lucy Lim: \$200,000. To implement a traveling exhibition and a catalogue examining the regional culture of Sichuan province during the Han Dynasty. *GM*

CUNY Res. Fdn./Brooklyn College, NY; Benito Ortolani: \$35,360 OR; \$8,000 FM. To establish an annual bibliography of published works on theatrical production and performance. *RC*

Columbia College, Chicago, IL; Samuel A. Floyd: \$12,000 OR; \$2,000 FM. To plan a conference that will address the state of research with respect to the influence of New Orleans and surrounding areas of black music in America. *RX*

Columbia U., NYC; Susana A. Torre: \$10,000 OR; \$10,000 FM. To plan an international conference that deals with Hispanic traditions and their influences on American architecture and urban design. *RX*

Indianapolis Museum of Art, IN; Hollister Sturges: \$200,000. To implement a temporary traveling exhibition that explores the aesthetic, historical, and cultural roots of the "fantastic" imagery that thematically dominates much of 20th-century Latin American art. *GM*

International Center of Photography, NYC; Christopher Phillips: \$32,250. To plan an exhibition that analyzes the history of the modern illustrated magazine of the 1920s and 1930s as an international mass communications medium. *GM*

Los Angeles County Museum of Art, CA; Earl A. Powell: \$14,049. To plan a temporary exhibition exploring the political and social implications of Timurid art as well as the process and aesthetic philosophy by which Timurid art was created and viewed by its makers and users. *GM*

Los Angeles County Museum of Art, CA; Earl A. Powell: \$100,000 OR; \$200,000 FM. To implement a traveling exhibition of 160 ceramic funerary sculptures from the Neolithic era to the Ming period examining the artistic, technical, economic, political, and religious significance of the objects. *GM*

Milwaukee Art Museum, WI; E. James Mundy: \$19,805. To plan an exhibition, catalogue, audiovisual program, and school study kits that focus on cultural patronage in late 19th-century Milwaukee. *GM*

Museum of Fine Arts, Boston, MA; Eleanor A. Sayre: \$200,000 OR; \$200,000 FM. To implement a traveling exhibition, catalogue, and educational programs that examine Goya and his works in the intellectual, social, and political milieu of the Enlightenment. *GM*

Museum of Fine Arts, Boston, MA; Edward Brovanski: \$215,000 OR; \$85,000 FM. To plan conservation treatment for and the implementation of an exhibition that explores the funerary arts of ancient Egypt from pre-Dynastic times through the Ptolemaic period. *GM*

New Britain Museum of American Art, CT; Daniel C. DuBois: \$40,000. To conduct conservation of Thomas Hart Benton's mural cycle of *The Arts of Life in America*, which will

be included in the centennial traveling exhibition of Benton's work scheduled for 1989. *GM*

Philbrook Art Center, Tulsa, OK; Marcia Y. Manhart: \$116,857 OR; \$80,000 FM. To implement a traveling exhibition that examines the way in which American art in craft media reflect aesthetic, social, and cultural changes that have occurred during the last 40 years. *GM*

Queens County Art and Cultural Center, Flushing, NY; Marc H. Miller: \$26,635. To plan a traveling exhibition, accompanied by a catalogue of paintings, sculpture, engravings, decorative arts, and commemorative objects inspired by General Lafayette's 13-month tour of the United States (1824–25). *GM*

Rhode Island School of Design, Providence; Florence D. Friedman: \$21,255. To plan a traveling exhibition illustrating the diversity and richness of Egyptian Coptic art and ideas from the second to seventh centuries. *GM*

U. of California, Berkeley; James Elliott: \$200,000. To implement a traveling exhibition of paintings and sculpture that analyzes the iconography and cultural significance of American art produced during the 1950s and 1960s. *GM*

U. of Illinois, Urbana; Herbert Kellman: \$27,600. To support the presentation of the final volume of a descriptive catalogue of manuscript sources of Renaissance polyphonic music, 1400–1550. *RC*

U. of Toledo, OH; Daniel J. Watermeier: \$4,760. To plan a national conference on the acting of Shakespeare from the Victorian period to World War II. *RX*

Wadsworth Atheneum, Hartford, CT; Elizabeth M. Kornhauser: \$32,300. To plan a traveling exhibition and catalogue exploring the changing cultural and political environment in which the American artist Ralph Earl (1751–1801) and his followers worked. *GM*

Walters Art Gallery, Baltimore, MD; Roger S. Wieck: \$163,979. To conduct the conservation treatment for, and implementation of, an exhibition and catalogue devoted to the Book of Hours, a major type of illuminated manuscript of the late medieval and Renaissance periods. *GM*

Classics

Tufts U., Medford, MA; Peter L.D. Reid: \$121,264. To conduct a four-week institute and follow-up activities on Vergil's *Aeneid* and its context in Augustan Rome. Thirty-six secondary school teachers from New England and the Mid-Atlantic states will participate. *ES*

U. of Idaho, Moscow; Cecelia E. Luschnig: \$115,400. To conduct a four-week institute on the culture and literature of the ancient world for 24 Idaho high school humanities teachers. Faculty includes classics scholars and guest lecturers in art, archaeology, literature, and pedagogy. *ES*

History—Non-U.S.

American Museum of Natural History, NYC; David H. Thomas: \$224,500. To implement a traveling exhibition that examines the place of Carthage in the ancient world. *GM*
Memphis State U., TN; Edward L. Bleiberg: \$43,311. To implement an international symposium to be held in conjunction with the traveling exhibition *Rameses the Great*. *GM*
New York U., NYC; Leslie Berlowitz: \$280,000. To conduct two summer institutes on democratic revolutions—American and French—and their impact on 19th-century America and Europe. Participants will be 70 secondary school teachers from Manhattan public high schools. *ES*
New York U., NYC; Thomas Bender: \$18,000 OR; \$10,000 FM. To conduct an international conference that focuses on the relationships among cities and universities in Western history. *RX*

History—U.S.

Alabama Department of Archives and History, Montgomery; Edwin C. Bridges: \$46,104. To catalogue 3,600 newspapers in Alabama repositories and to provide a cataloguing assistant and two field-workers for the duration of the project. *PS*
Association of Graduates, USMA, West Point, NY; Charles F. Brower IV: \$6,000 OR; \$2,000 FM. To plan a conference that focuses on analyzing American national security policy during the 1960s. *RX*
Chicago Historical Society, IL; Ellsworth H. Brown: \$32,012 OR; \$7,500 FM. To conduct the planning and conservation survey for a new permanent installation that examines political, social, and economic forces that shaped 19th-century America, focusing on Abraham Lincoln as historical figure and symbol. *GM*
Conference for the Study of Political Thought, Baltimore, MD; John G. Pocock: \$13,000. To plan a conference that examines changes in key political concepts in the process of creating the U.S. Constitution. *RX*
Historic Deerfield, Inc., MA; Donald R. Friary: \$9,265. To plan the reinstallation of six period houses using the museum's collections of furniture and fine and decorative arts to interpret themes in American social and cultural history. *GM*
International Folk Art Foundation, Santa Fe, NM; Donna Pierce: \$41,980. To plan a permanent exhibition on Hispanic culture in the Southwest from colonial times to the present. *GM*
Museum of New Mexico Foundation, Santa Fe; Thomas E. Chavez: \$43,748. To plan for a four-year exhibition of Hispanic culture in the American Southwest, which will trace the continuing role of Hispanic migratory patterns and acculturation processes of the last 400 years. *GM*
Museums at Stony Brook, NY; Martha V. Pike: \$100,000. To plan a permanent exhibition exploring patterns of ownership and use of horse-drawn vehicles in industrial America from the mid-19th century to the beginning of the 20th century. *GM*
National Humanities Center, Research Triangle Park, NC; Robert H. Sikorski: \$14,000 OR; \$5,000 FM. To plan a conference that investigates, on a state-by-state basis, the process of ratification of the U.S. Constitution. *RX*
New Hampshire Historical Society, Concord; James L. Garvin: \$34,800. To plan an exhibition and a catalogue tracing the effect of travel on American society between 1700 and

1900 by focusing on the role of the New Hampshire inn and turnpike in political and cultural activities. *GM*
New York State Education Department, Albany; Patricia Mallon: \$258,668. To plan the first of several stages of New York State's participation in the U.S. Newspaper Program. During this stage, project staff will catalogue an estimated 6,000 newspaper titles held in the Albany and Rochester areas. *PS*
Ohio Historical Society, Columbus; William G. Myers: \$169,349. To catalogue 3,400 newspaper titles held at the Ohio Historical Society as the first of a two-stage U.S. newspaper project in Ohio. *PS*
Phillips Academy, Andover, MA; Thomas T. Lyons: \$82,000. To support a four-week summer institute in which 30 secondary school teachers will study the historical development of the American Constitution. *ES*
Samuel S. Fleisher Art Memorial, Philadelphia, PA; Debora Kodish: \$23,367. To plan an exhibition on Italian craftsmanship in Philadelphia, 1889–1939. *GM*
State Historical Society of Colorado, Denver; Jude Southward: \$5,000. To plan for computerized documentation of 125,000 artifacts and 8 million documents relating to the history of Colorado and the American West. *GM*
State Historical Society of Colorado, Denver; Katherine Kane: \$10,000. To plan for Colorado's participation in the U.S. Newspaper Program, including a survey of repositories in Colorado to identify newspaper holdings and a statewide conference to publicize the project. *PS*
State Historical Society of Wisconsin, Madison; James P. Danky: \$131,415. To support Wisconsin's participation in the U.S. Newspaper Program through completion of cataloguing the society's collection of 8,000 newspaper titles and a statewide cataloguing and preservation microfilming effort. *PS*
State Library of Pennsylvania, Harrisburg; David R. Hoffman: \$505,602 OR; \$300,000 FM. To complete the cataloguing of more than 9,000 newspaper titles held in Pennsylvania libraries and the preservation through microfilming of newspapers important for research in the humanities. *PS*
Thousand Islands Shipyard Museum, Clayton, NY; Laurie W. Rush: \$9,292. For museum staff to develop procedures to follow in conducting conservation activities and educational programs, mounting exhibitions, managing collections, developing staff, and making capital improvements. *GM*
U. of Arkansas, Fayetteville; Michael J. Dabrishus: \$6,072. To plan Arkansas's participation in the U.S. Newspaper Program. The project will complete the survey of newspapers held in the state, assess preservation needs, and plan for bibliographic control and microfilming. *PS*
U. of Florida, Gainesville; Augustus M. Burns: \$42,000. To conduct a three-week collaborative institute in which 30 secondary school teachers will study constitutionalism and the rule of law in American history. *ES*
U. of Hartford, West Hartford, CT; Edmund Sullivan: \$50,000 OR; \$150,000 FM. To implement a permanent exhibition examining the history of the elective process, the impact of political participation, and the centrality of the electoral process to American democratic ideals and culture. *GM*
U. of Nebraska, Lincoln; Lynn L. Mortensen: \$232,592. To conduct two five-week collaborative institutes, to be offered to 60 junior high school teachers, on freedom and equality in American history, focusing on biographies of prominent Americans. *ES*
U. of New Hampshire, Durham; Cathryn Adamsky: \$122,060. To plan a one-year institute on the history of 19th-century women

and their literature with a faculty of scholars and master teachers for a group of 45 social studies and literature teachers. *ES*
U. of Tennessee, Knoxville; LeRoy P. Graf: \$65,000 OR; \$18,000 FM. To prepare a print edition of the papers of Andrew Johnson. *RE*
Western Heritage Society, Inc., Omaha, NE; Deborah C. O'Donnell: \$56,500. To implement a permanent exhibition on the history of Omaha from 1930 to 1954. *GM*

Interdisciplinary

American Assn. for State and Local History, Nashville, TN; Patricia Hogan: \$91,699. To conduct a series of five regional workshops on the care and preservation of two-dimensional materials held by museums, historical societies, and other historical organizations. *PS*
Baltimore City Life Museums, MD; Richard W. Flint: \$20,228. To plan an exhibition with interpretive programs examining the role of museums as disseminators of knowledge in 19th-century America. *GM*
Baltimore Museum of Industry, MD; Molly Bolster: \$18,000. To plan an educational center that would explore the role of work in society and its transformation during America's period of industrialization. *GM*
Birmingham Museum of Art, AL; Ellen F. Elsas: \$13,290. To plan a traveling exhibition and publication examining traditional African art and its relationship to language and the verbal arts. *GM*
California State U., Hayward; Lowell J. Bean: \$24,897. To document a collection of Southwestern Kachinas, doll-like decorated carvings that represent spirits in the cosmology of the Hopi and some of their neighbors. *GM*
Council for Basic Education, Washington, DC; H. Dennis Gray: \$322,538 OR; \$150,000 FM. To conduct a summer fellowship program for teachers of humanities courses in grades 9 through 12. Fellowships will be awarded to teachers of English, history, social studies, and foreign languages. *ES*
CUNY Res. Fdn./Queens College, Flushing, NY; Ronald Waterbury: \$220,887. To conduct a four-week summer institute and follow-up activities on Latin American history and culture for 35 high school teachers of history and literature. *ES*
Desert Botanical Garden, Phoenix, AZ; Ruth Greenhouse: \$114,996. To implement an exhibition exploring the relationships between desert dwellers of the American Southwest and their environment from prehistoric times to the present. *GM*
Harvard U., Cambridge, MA; Katherine K. Merseth: \$382,944 OR; \$55,665 FM. To develop a fifth-year Masters of Education degree with a strong humanities component for recent recipients of bachelor's degrees in the humanities. *ES*
Northeast Document Conservation Center, Andover, MA; Ann E. Russell: \$10,000. To edit and produce a manual on the duplication of photographic negatives. *PS*
Pioneers' Museum, Colorado Springs, CO; William C. Holmes: \$31,500. To implement lectures, seminars, and lecture-demonstrations of the Anasazi cultural legacy in conjunction with the SITES traveling exhibition, "The Anasazi World." *GM*
Portland Public Schools, ME; Terrell Short-sleeve: \$105,893. To support a three-week institute for 45 teachers and administrators of kindergarten through the 12th grade. The focus will be on the development of critical thinking skills through the study of Plato, Aristotle and *The Federalist*. *ES*
Saint John's College, Santa Fe, NM; Lynda L. Myers: \$140,278. To conduct two eight-week

institutes on classical texts in literature and political theory for 30 Colorado high school teachers. *ES*

Social Science Research Council, NYC; Fred-
eric Wakeman: \$300,000. To support the costs
of administering a program of postdoctoral
research grants for international area studies
managed jointly by the American Council of
Learned Societies and the Social Science Re-
search Council. *RI*

Southeastern Library Network, Inc., Atlanta,
GA; Frank P. Grisham: \$350,000. To support
the SOLINET Preservation Program, which of-
fers information, basic training, and field
services to libraries, archives, and historical
organizations throughout a ten-state region in
the Southeast. *PS*

Strong Museum, Rochester, NY; Harvey
Green: \$28,624. To plan a temporary exhibi-
tion examining the development of the popu-
lar American hero. *GM*

Texas Christian U., Fort Worth; William H.
Vanderhoof: \$110,935. To conduct a three-
week summer institute for 25 principals and
other administrators on Plato, Aristotle, and
Machiavelli. Participants will focus on "the
educated person" and plan how to improve
their schools' humanities programs. *ES*

U. of California, Los Angeles; Doran H. Ross:
\$34,460. To plan an exhibition and publication
on the masks, images in wood, and sculptures
in other materials from 27 ethnic groups in
the Benue Valley of Nigeria. *GM*

U. of California, Los Angeles; Richard Ash-
craft: \$15,000 OR; \$5,000 FM. To conduct an
international conference that reexamines lati-
tudinarianism in late 17th- and early 18th-cen-
tury British culture in light of recent research
into the intellectual history of the time. *RX*

U. of Michigan, Ann Arbor; Fe S. Go: \$10,000.
To support the final stages of cataloguing a
major collection in Thai studies. The collec-
tion, to be available on the Research Libraries
Information Network, documents 19th- and
20th-century Thai civilization. *RC*

U. of Pennsylvania, Philadelphia; Ruben E.
Reina: \$43,076. To plan an exhibition examin-
ing the roles feathers played in the cultures of
the native peoples of the Americas. *GM*

Yale U., New Haven, CT; R. Gay Walker:
\$81,070. To create a preservation administra-
tion position in charge of Yale's preservation
microfilming program. The position will be
phased into Yale's preservation department.
PS

Language and Linguistics

Austin Independent School District, TX; Sher-
ilyn Howze: \$161,160. To conduct two four-
week institutes on world literature for 100 sec-
ondary school literature teachers. The univer-
sity's departments of Classics, French and Ital-
ian, German, Russian, and English will
collaborate in the presentation. *ES*

Kansas State U., Manhattan; Loren P. Alex-
ander: \$142,429 OR; \$8,000 FM. To conduct a
four-week institute for 32 secondary school
German and Spanish teachers in rural areas.
Staff visits, pre- and post-institute con-
ferences, and ten telecommunication ses-
sions will focus on German and Hispanic cul-
tures. *ES*

U. of Arkansas, Fayetteville; Jon B. Hassel:
\$103,188. To conduct a one-year institute in
language awareness for 40 elementary
teachers. The focus will be on current think-
ing about linguistics, learning a first and sec-
ond language, and basic French and Spanish
and their cultures. *ES*

U. of Oregon, Eugene; Colette G. Craig:
\$22,000 OR; \$5,000 FM. To conduct an inter-

national conference on the state of linguistic
research in lowland South American lan-
guages. *RX*

Literature

Brown U., Providence, RI; Mark Spilka:
\$20,000 OR; \$6,000 FM. To conduct an inter-
national conference on contemporary critical
approaches to the novel. *RX*

Georgetown U., Washington, DC; Richard B.
Schwartz: \$10,000 OR; \$3,000 FM. To conduct
a conference that addresses the current state
of research in 18th-century English literature.
RX

Indiana U. of Pennsylvania; Ronald G. Shafer:
\$119,127. To conduct a four-week institute for
45 high school teachers who will do an inten-
sive study of six Shakespearean plays. The in-
stitute will also cover the age of Shakespeare,
performance traditions, and perspectives
from other fields. *ES*

Jo Modert: \$5,000. To complete the prepara-
tion of a facsimile edition of Jane Austen's let-
ters. *RE*

National Humanities Center, Research Tri-
angle Park, NC; John M. O'Connor: \$75,000.
To conduct a three-week institute for 20 sec-
ondary school English teachers on "The Con-
cept of the Self in Literature" *ES*

SUNY Res. Fdn./Albany, NY; Robert J.
Bertholf: \$55,288. To preserve 100,000 man-
uscripts and 4,500 books in the poetry collec-
tion, which is devoted to 20th-century poets
in English, to ensure greater availability of
these materials to scholars. *PS*

SUNY Res. Fdn./College at Brockport, NY;
Mark S. Anderson: \$85,339. To conduct a
four-week institute on significant texts in Brit-
ish and American literature for 25 secondary
school literature teachers; to be taught by
English faculty from SUNY and guest lec-
turers. *ES*

Southwest Texas State U., San Marcos; Lydia
Ann Blanchard: \$145,513. To conduct a four-
week institute on literature and citizenship
for 30 Texas secondary school English and so-
cial studies teachers; to be taught by mem-
bers of the English faculty, a master secondary
school teacher, and guest lecturers. *ES*

U. of California, Los Angeles; Alan Roper:
\$35,000 OR; \$50,000 FM. To publish the 20-
volume California edition of *The Works of
John Dryden*. *RE*

U. of California, Santa Barbara; Sheridan
Blau: \$304,167. To conduct a three-year proj-
ect to improve the teaching of literature. Each
summer 25 elementary and secondary school
and community college teachers will study lit-
erary works under the guidance of eminent
literary scholars. *ES*

Philosophy

SUNY Res. Fdn./Buffalo Main Campus, Al-
bany, NY; Peter H. Hare: \$18,000 OR; \$4,000
FM. To conduct a conference that addresses
the issue of analyzing philosophical argu-
ments in their historical contexts rather than
analysis without rational reconstruction or
reference to historical development. *RX*

Religion

American Theological Library Association,
Chicago, IL; Robert P. Markham: \$100,000. To
plan a nationwide cooperative effort to pre-
serve in microform 12,000 monographs in re-
ligion, which provide essential documenta-
tion for scholarly research. *PS*

Graduate Theological Union, Berkeley, CA;
A. Durwood Foster: \$10,000 OR; \$10,000 FM.

To conduct an international conference inves-
tigating hermeneutical, historical, and philo-
sophical issues involved in the comparative
study of Buddhism and Christianity. *RX*

Princeton Theological Seminary, NJ; James H.
Charlesworth: \$20,000 OR; \$15,000 FM. To
conduct an international conference on the
emergence of the concepts of the Messiah
and Christ in early Judaism and Christianity.
RX

Social Science

U. of Southern Mississippi, Hattiesburg;
James A. Robertson: \$94,000. To conduct a
four-week summer institute in which 36 sec-
ondary school teachers from Alabama, Loui-
siana, and Mississippi will study the history
and fundamental principles of the U.S. Con-
stitution. *ES*



Capital letters following each grant amount
have the following meanings: FM Federal
Match; OR Outright Funds. Capital letters fol-
lowing each grant show the division and the
program through which the grant was made.

Division of Education Programs

- EB Central Disciplines in Undergraduate Education
- EK Improving Introductory Courses
- EL Promoting Excellence in a Field
- EM Fostering Coherence Throughout an Institution
- ES Humanities Instruction in Elementary and Secondary Schools
- EH Exemplary Projects in Undergraduate and Graduate Education
- EG Humanities Programs for Nontraditional Learners

Division of General Programs

- GN Humanities Projects in Media
- GM Humanities Projects in Museums and Historical Organizations
- GP Public Humanities Projects
- GL Humanities Programs in Libraries

Division of Research Programs

- RO Interpretative Research Projects
- RX Conferences
- RH Humanities, Science and Technology
- RP Publication Subvention
- RA Centers for Advanced Study
- RI Regrants for International Research
- RT Tools
- RE Editions
- RL Translations
- RC Access

Office of Preservation

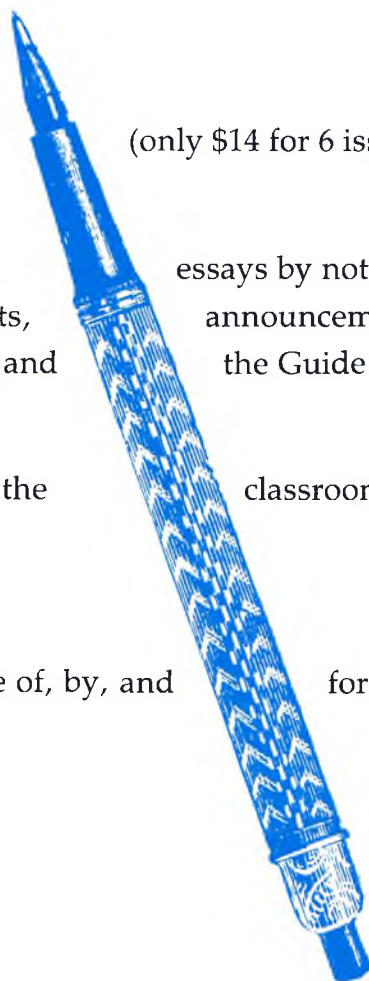
- PS Preservation
- PS U.S. Newspaper Program


The Division of Research Programs provides support for long-term and collaborative projects in the humanities, major research conferences, the preparation of reference works and editions, the organization of research materials, and the subvention of publication expenses. Through the division's Editions category, support has been given to the papers of such prominent figures as George Washington, Benjamin Franklin, Alexander Hamilton, and the Adams family. In the Tools category, the University of West Virginia has received support to prepare *The Historical Atlas of Political Party Representation of the United States Congress: 1787-1987*.

The Division of State Programs provides support to state humanities councils in the fifty states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. An example of state council activity relevant to the Foundations initiatives is a series of twelve, five-part lecture and discussion programs on "The Supreme Court, the Bill of Rights, and the Law," sponsored by the Virginia Foundation for the Humanities and Public Policy.

The Office of Challenge Grants can provide support to institutions planning long-term activities relating to the initiative. For example, a grant to the Rhode Island Historical Society will be used to create an endowment for general operating support and restoration of the 200-year-old John Brown House in Providence.

The Office of Preservation funds projects that address the problem of the physical deterioration of humanities resources. An example of an eligible project relating to the initiative is a grant made to the New York State Education Department to microfilm legislative records dating from 1777 to 1831.



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For projects
beginning

Division of Education Programs—*Jerry L. Martin, Director 786-0373*

Higher Education in the Humanities—*Lyn Maxwell White, Barbara Ashbrook, Elizabeth Welles, Thomas Adams, Frank Frankfort 786-0380*

October 1, 1987

April 1988

Elementary and Secondary Education in the Humanities—*Stephanie Quinn Katz, Jayme A. Sokolow, Thomas Gregory Ward 786-0377*

January 8, 1988

July 1988

High School Humanities Institutes at Historically Black Colleges and Universities—*Jayme Sokolow 786-0377*

March 15, 1988

September 1988

Faculty Humanities Institutes at Historically Black Colleges and Universities—*Lyn Maxwell White 786-0380*

March 15, 1988

September 1988

Division of Fellowships and Seminars—*Guinevere L. Griest, Director 786-0458*

Fellowships for University Teachers—*Maben D. Herring 786-0466*

June 1, 1988

January 1, 1989

Fellowships for College Teachers and Independent Scholars—*Karen Fuglie 786-0466*

June 1, 1988

January 1, 1989

Fellowships on the Foundations of American Society—*Maben D. Herring, Karen Fuglie 786-0466*

June 1, 1988

January 1, 1989

Summer Stipends—*Joseph B. Neville 786-0466*

October 1, 1987

May 1, 1988

Travel to Collections—*Kathleen Mitchell 786-0463*

January 1, 1988

June 1, 1988

Faculty Graduate Study Program for Historically Black Colleges and Universities—*Beatrice Stith Clark, Maben D. Herring 786-0466*

March 15, 1988

September 1, 1989

Younger Scholars—*Leon Bramson 786-0463*

November 1, 1987

May 1, 1988

Summer Seminars for College Teachers—*Kenneth Kolson 786-0463*
Participants
Directors

March 1, 1988

Summer 1988

March 1, 1988

Summer 1989

Summer Seminars for Secondary School Teachers—*Steven S. Tigner 786-0463*
Participants
Directors

March 1, 1988

Summer 1988

April 1, 1988

Summer 1989

Guidelines are available from the Office of Publications and Public Affairs two months in advance of the application deadlines.

Telecommunications device for the deaf: 786-0282.

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	Deadlines in boldface	For projects beginning
Division of General Programs —Donald Gibson, Director 786-0267		
Humanities Projects in Media—James Dougherty 786-0278	September 18, 1987	April 1, 1988
Humanities Projects in Museums and Historical Organizations—Marsha Semmel 786-0284	December 11, 1987	July 1, 1988
Public Humanities Projects—Wilsonia Cherry 786-0271	September 18, 1987	April 1, 1988
Humanities Projects in Libraries—Thomas Phelps 786-0271	September 18, 1987	April 1, 1988
Division of Research Programs —Richard Ekman, Director 786-0200		
Texts—Margot Backas 786-0207		
Editions—Charles Meyers 786-0207	June 1, 1988	April 1, 1989
Translations—Martha Chomiak 786-0207	June 1, 1988	April 1, 1989
Publication Subvention—Margot Backas 786-0207	April 1, 1988	October 1, 1988
Reference Materials—Jane Rosenberg 786-0358		
Tools—Helen Aguera 786-0358	November 1, 1987	July 1, 1988
Access—Jane Rosenberg 786-0358	November 1, 1987	July 1, 1988
Interpretive Research—Dorothy Wartenberg 786-0210		
Projects—David Wise 786-0210	October 1, 1987	July 1, 1988
Humanities, Science and Technology—Daniel Jones 786-0210	October 1, 1987	July 1, 1988
Regrants—Eugene Sterud 786-0204		
Conferences—Crale Hopkins 786-0204	February 15, 1988	October 1, 1988
Centers for Advanced Study—David Coder 786-0204	December 1, 1987	July 1, 1988
Regrants for International Research—Eugene Sterud 786-0204	February 15, 1988	October 1, 1988
Regrants in Selected Areas—Eugene Sterud 786-0204	February 15, 1988	October 1, 1988
Division of State Programs —Marjorie A. Berlincourt, Director 786-0254		
Each state humanities council establishes its own grant guidelines and application deadlines. Addresses and telephone numbers of these state programs may be obtained from the division.		
Office of Challenge Grants —Harold Cannon, Director 786-0361		
	May 1, 1988	December 1, 1988
Office of Preservation —George F. Farr, Jr., Senior Preservation Officer 786-0570		
Preservation—George F. Farr, Jr. 786-0570	December 1, 1987	July 1, 1988
U.S. Newspaper Program—Jeffrey Field 786-0570	December 1, 1987	July 1, 1987

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