2

The Revolution and the Constitution: Five Grand Narratives

AKHIL REED AMAR

"What is the precise relationship," you ask, "between the American Revolution and the American Constitution?" And "please be both specific and brief," you hasten to add.

"A tall order," I reply. The American Revolution was and remains a vast and complex phenomenon, as wide and deep as, say, the Renaissance or the Reformation. And the American Constitution, though remarkably terse, is a rich text with myriad complexities of its own. Also, a complete answer should not ignore the culture and regime that ultimately emerged from and built on the document itself—America's unwritten Constitution adjoining and infusing America's written Constitution. Nor should a comprehensive answer overlook the transformative amendments to the original Constitution that arose some fourscore and several years after the Revolution of 1776 and that were inspired in no small part by one compelling—Lincolnian—interpretation of that Revolution.

In what follows, I shall do my best to answer the questions as posed within the parameters prescribed. First, I shall briefly sketch my own grand narrative of the Revolution and the Constitution.[1] After that, I shall contrast my grand narrative with four competing master sagas that have emerged over the past century and a half.

The Revolution

Essentially, the American Revolution pulled together and intertwined four strong strands: *independence*, *republicanism*, *constitutionalism*, and *union*.

The great mass of white colonists in the 13 contiguous colonies that broke away from Britain in 1776 wanted to govern themselves rather than being completely under the thumb of a faraway Parliament and king whom they could not vote out and who in turn did not seem to care very much what they thought. For most of the preceding century, colonists had enjoyed considerable practical freedom to rule themselves, with local juries and local assemblies deciding many domestic issues without tight regulation from London—a period some historians have labeled an era of imperial "salutary neglect." When Britain, after defeating the French in Canada, tried to tighten its leash in the colonies south of Quebec, free white Americans resisted.

In the immediate aftermath of the French and Indian War and its culminating 1763 Treaty of Paris, mainland British American Patriots—not yet revolutionaries—essentially sought to restore the status quo ante bellum. Britain, they allowed, should continue to manage imperial matters, while colonists in each colony should continue to handle most domestic affairs. If taxes had to be raised for imperial defense, each elected colonial legislature should do the taxing. Americans were not represented in Parliament; thus, Parliament should not tax Americans. Patriots saw taxation without representation as tyranny—a violation of the first principles of the unwritten British Constitution, an uncodified mélange of revered principles, established institutions, and time-honored practices.

In response, Parliament and George III refused to concede Britain's right to tax America as the empire saw fit and indeed upped the ante by insisting on Britain's sovereign right to pass all laws whatsoever governing its emphatically not-sovereign American dependencies. In 1774, British overlords bared their teeth and removed the velvet gloves covering their iron fists. Backed by George III, Parliament belched out a slew of intolerable measures threatening basic American freedoms, including their

bedrock freedom to preserve their established local governments, their ancient freedom from unnecessary and potentially murderous standing armies, and their traditional freedom to hold fair local jury trials when blood spilled on their soil.

In 1776, 13 mainland colonies jointly declared their independence from Britain. This strand of *independence* (autonomy from Britain and the British Empire) tightly intertwined with the strands of *republicanism* (essentially, government rooted in popular consent) and *constitutionalism* (which for most Americans quickly came to revolve around written legal instruments superseding ordinary statutes and case law). Independence would enable the (free, unenslaved) people of each colony to govern themselves, by and large.

The written state constitutions that emerged in 1776–87 were the sweetest fruits, the crown jewels, of independence. They epitomized what Americans were fighting for, first and foremost—freedom to govern themselves (republicanism) in each former colony. In his May 17, 1776, letter to his wife, Abigail, John Adams waxed poetic: "An whole Government of our own Choice, managed by Persons whom We love, revere, and can confide in, has charms in it for which Men will fight."[2]

But *independence*, *republicanism*, and *constitutionalism* could not be won without *union*, the fourth major strand of the American Revolution.

Thirteen distinct colonies, which did not closely identify or converse with each other before 1763, needed to come together to cast off the great British Empire. In addition to its more industrialized economy, its imperial opulence, its more sophisticated financial system, and its enormous military, Greater Britain (including its Irish dependencies) boasted a combined population more than six times the size of white America. In a phrase that Benjamin Franklin coined in the 1750s and that reawakened in the 1760s and 1770s, American colonists had to *join or die*.

Join they did, and win they did, but just barely over the course of a long and brutal war. In the Declaration, the former colonies declared themselves "Free and Independent States"—states with an *s*, states independent even of each other, save as each chose to work with the others. True,

the Articles of Confederation that emerged in the late 1770s and early 1780s proclaimed America to be a "perpetual Union."[3] But it was avowedly a union of emphatically *sovereign* states—a mere *league*, a multilateral *treaty*, a classic *confederation*.

Essentially, the United States circa 1783 was a forerunner of modern-day entities such as the EU and NATO. Each state had a sovereign right to leave—to Brexit, so to speak—to preserve its vital sovereign interests going forward or in response to the failure of other sovereign member states to "inviolably" abide by the multilateral treaty.[4]

The Founders' Constitution

By the mid-1780s, George Washington and his supporters understood that the Articles of Confederation were a flop. States didn't pay their dues, and there was no money to repay veterans and other creditors for the last war, much less finance the next war or crisis, whatever it might be, just over the horizon. Americans risked losing everything if Britain (or France) ever tried to reconquer lost ground. Solving the truly existential problems of the Articles' imbecility would require a slew of changes. In turn, several of these changes created their own problems, which then entailed still more changes.

Drafting the Constitution was thus like solving a giant sudoku puzzle.

Start with the war-finance imperative, which meant that Congress needed to tax citizens individually rather than rely on state dues. But if individuals were to be taxed, individuals needed to be authentically represented in a new House of Representatives. (No taxation without representation, after all.) And the old unicameral Congress under the Confederation had to transmogrify into a real bicameral legislature, just like a typical state legislature.

As a true legislature (unlike the essentially executive and diplomatic Congress under the Articles), the new Congress could be openly vested with power to legislate over Western lands and interstate and foreign trade

and intercourse. In turn, this stronger continental legislature would need to be counterbalanced by a stronger continental executive and a stronger continental judiciary, mirroring the best state governments under the best state constitutions.

The big losers in this schema would be small-minded state legislators, who would wield less clout in the new continental regime. So Washington and company needed to bypass state governments by securing a republican mandate directly from the American people, via a series of special elections of unprecedented sweep. (More on this in a moment.)

This, in turn, induced Philadelphia draftsmen to lace their proposal with democratic sweeteners—a regular census to limit malapportionment; salaries for lawmakers so that men without vast fortunes could serve in government; repudiation of property qualifications for House members, senators, and presidents; and more.

The biggest fact—the key republican fact—about the United States Constitution circa 1787 has lain in plain sight all along: *The Constitution was put to a vote.* That is the obvious meaning of the subject, object, and verbs of the document's dramatic opening sentence: "We the People of the United States . . . do ordain and establish this Constitution."[5]

And what a vote it was. The breadth and depth of inclusion were stunning—unprecedented and, in hindsight, world changing. The launching of the United States Constitution in 1787–88 was nothing less than the hinge of human history, the year that changed everything, the big bang that birthed a modern world in which democracy now prevails over much of the planet.

Before 1788, only a few democracies had existed in world history. For most of the planet most of the time, most humans were ruled by princes and priests. None of the democratic or quasi-democratic regimes that had preexisted the American Revolution—various ancient Greek republics, pre-imperial Rome, the post-feudal British and Swiss nations—had ever promulgated written constitutions that had been put to any sort of special popular vote. In 1776, America's Declaration of Independence did not undergo any special vote, nor did any of the revolutionary state

constitutions born that year. In 1781, the Articles of Confederation had likewise launched without any special popular vote.

By contrast, in 1787–88, ordinary folk across a vast continent weighed in on the proposed Constitution with both voices and votes. In eight of the 13 states, the usual property qualifications were lowered or eliminated for this special jubilee year vote; nowhere were they raised. In New York, all adult free male citizens could vote—no race tests, no religious tests, no literacy tests, no property qualifications. These were not the ordinary rules for ordinary New York elections, but all America understood the need for a special democratic mandate for the bold plan Washington and company proposed. Never before in world history had so many played so direct a role in deciding their collective fate.

Opponents of the document—so-called Anti-Federalists—were generally allowed to speak their piece. Even before the freedom of speech and the freedom of the press were *textualized* and *enacted* (that is, legislated) in the First Amendment in 1789–91, these freedoms were *embodied* and *enacted* (that is, practiced) in the very process of ordainment itself in 1787–88. Americans across the continent that fateful year conversed and contested but did not combat. Virtually no one died in political violence in that year of enormous energy and deep disagreement, which culminated in decisions by the Anti-Federalists across the land to acquiescence in votes that they had generally lost fair and square.

The document's ambition was stunningly continental—republicanism not just state by state but along the entire expanse of the United States. Once again, we need only read the preamble with care. Washington and company's central aim in 1787–88 was to create a "more perfect Union"—that is, an indivisible union on the model of the indivisible union of Scotland and England in 1707—to "provide for the common defence," which would in turn "secure the Blessings of Liberty."[6]

Indivisibility was the keystone of the great new arch. Never, in the entire ratification year, did any leading Federalist suggest that any given state could unilaterally exit the union (Brexit style) post-ordainment. After all, if any state were to opt out unilaterally after the Constitution

launched, that state could thereafter presumably choose to ally with any other nation as that newly independent American state saw fit. European monarchs might then use that seceding state as a launching pad for military invasions of bordering states.

If so, America would no longer be a kind of island nation akin to post-1707 Britain. A large standing army would need to defend the new nation at every conceivable secession point. But large standing armies would imperil liberty.

Navies were far less threatening to domestic liberty, as post–Act of Union Britain itself illustrated. Navies posed no direct and existential threat to peaceful self-governing republican folk in the hinterlands. At worst, a ship could pound a coastline and its key ports.

Large standing armies, by contrast, threatened liberty wherever soldiers stood and wherever they could march—killing, raping, and pillaging as they went. As maps of Europe made clear to American revolutionaries, countries with land borders, especially long land borders without any natural barrier to invasion, tended toward despotism. Land borders often required large standing armies to guard the frontier, and dictatorial military leaders could easily use these standing armies to kill and cow civilian subjects and threaten domestic liberty.

A crucial moment in the ratification process occurred when Alexander Hamilton read aloud to the New York ratifying convention in mid-July 1788 excerpts from a letter penned by James Madison—in an episode covered by newspapers across the continent, including in Madison's home state of Virginia and also, notably, in South Carolina. Ratification, Madison wrote and Hamilton repeated aloud, needed to be "in toto and forever." Madison went on to write, and Hamilton went on to repeat, that all other 10 states that had already said yes to the document had ratified it with this indivisibility in mind.[7]

Indivisibility, to repeat, was the key to the project: Americans had to join *indivisibly* or die.

But what about slavery—an issue on which Northern states and Deep Southern states did not see eye to eye? The Declaration's evocative

phrase "all men are created equal" was not, I insist, the product of Thomas Jefferson alone or Virginia alone. Franklin and Adams stood side by side with Jefferson in 1776, and under their watchful eyes their home states of Pennsylvania and Massachusetts soon adopted state constitutions with sweeping language announcing the creational, natal equality of all humans.

Thus, the 1776 Pennsylvania Constitution opened with its own Declaration, which ringingly proclaimed "that all men are born equally free and independent, and have certain natural, inherent and inalienable rights, amongst which are, the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety."[8] For its part, Massachusetts in 1780 adopted an influential written constitution that said much the same thing: "All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness."[9]

In keeping with similar pronouncements in various other Northern state constitutions and companion texts, much of the North before the Philadelphia Convention of 1787 had already taken steps to not merely free slaves but abolish slavery itself, either immediately or gradually. Other Northern states would soon follow suit. But whites in the Deep South, especially in stiff-necked South Carolina, did not share this burgeoning abolitionist vision. These men read the Declaration's key language that "all men are created equal" quite differently.

On this crucial issue—even more crucial with the benefit of hindsight—America in 1787 was not an *it* but a *they*. Indeed, America in 1788 was essentially a shotgun wedding of convenience between North and South, who united lest they die soon at the hands of European monarchs who still held sway across much of the globe.

To woo the Deep South into a new legally indivisible union in 1787–88, the Constitution thus had to accommodate slavery—and did so, most

disastrously, via a three-fifths clause giving Southern states extra seats in both the House of Representatives and the Electoral College. This wasn't the central purpose of the new Constitution, many of whose framers and ratifiers dreamed of a day when slavery would end across the nation. Still, the document certainly did bolster an incipient slavocracy, which would ultimately imperil the very blessings of liberty the document aimed to secure.

This, in a nutshell, is the opening act of my proffered grand American narrative: America's Constitution was far more *republican* (or *democratic* if you prefer—the words were almost interchangeable, contra Madison's *Federalist* 10); far more geography minded and *geostrategic*; and far more *slavocratic* than conventionally understood.[10]

In these respects, I have argued that the Constitution was much more *Washingtonian* than *Madisonian* and that the document's democratic, geostrategic, and slavocratic structure would unsurprisingly lead to the age of *Jackson*.

A close reading of America's Constitution, its early amendments, and crucial *Federalist* essays confirms my grand narrative's emphasis on tightly interrelated ideas about land, water, armies, navies, liberty, England, and Scotland. Article I frowned on a standing army while smiling on a standing navy; only the former required a fresh congressional vote every two years. The Second Amendment's ode to the militia likewise reflected anxiety about professional armies but not professional navies.

In *Federalist* 8, Hamilton, writing as "Publius," stressed that Britain remained free because it was an island protected by a navy. America should emulate Britain, said Publius. And in *Federalist* 5, John Jay, also posing as Publius, reminded readers that Britain's island nation had in fact been made, politically, via a conscious legal process in the early 1700s that had created "an entire and perfect union" between England and Scotland.[11] This language set the stage for the Constitution's preamble, whose "more perfect Union" language aimed to do much the same thing, and for much the same reasons, in America.

The Constitution in Practice and Later Amendments

Later chapters of my proffered grand narrative carry the story forward to Gettysburg and beyond.

Apart from slavery (which, needless to say, is a gargantuan caveat), antebellum America was a smashing success. As the United States celebrated its 50th birthday, in July 1826, the 13 original colonies remained free and independent states. Free white Americans were now reaping substantial benefits from a tight juridical and geostrategic system—Washington's Constitution—that had brilliantly preserved and strengthened Americans' continental freedom and independence from Old World monarchs and militaries. The 1787–88 making of a "more perfect Union" had enabled a "common defence," which in turn had secured "the Blessings of Liberty" for a (free, non-tribal) "We the People" and their (free, unenslaved) "Posterity," precisely as the Constitution's preamble promised.[12]

Thuggish armies, military dictatorships, hereditary autocracies, wars, coups, imperial authoritarianism, terror, bloodshed, chaos, censorship, and religious absolutism plagued or would soon plague much of Mexico, the Caribbean, South America, Africa, Asia, and Europe. By contrast, America was generally peaceful, prosperous, free, and self-governing. It was a land of regular elections, broad political participation (including jury service), typically peaceful transfers of power, orderly courtrooms, unrivaled newspaper circulation, robust entrepreneurship, brisk technological innovation, burgeoning centers of learning, and considerable religious freedom. It had no large standing armies in peacetime. Relatively few Americans (other than Revolutionary War Loyalists) had fled their native country for greener pastures abroad. In the other direction, free folk from around the globe were starting to stream into the United States.

In its first half century, independent America's free (non-tribal) population more than quadrupled. Eleven new states joined the Union on an equal footing with the 13 originals. Many more future states girded the horizon, thanks especially to the 1781 Battle of Yorktown, 1783 Treaty

of Paris, 1794 Battle of Fallen Timbers, 1795 Jay Treaty, 1796 Pinckney's Treaty, 1803 Louisiana Purchase, 1813 Battle of the Thames, 1815 Battle of New Orleans, and 1819 Adams–Onís Treaty.

Slavery was the enormous and ultimately decisive exception to young America's otherwise strong performance. True, states north of the Mason–Dixon line had either ended slavery outright or put it on a guaranteed path to elimination. And these states had done so in harmony with Northern state constitutions that in general closely tracked the Declaration's soaring language of birth equality and inalienable rights. But states south of Pennsylvania had yet to follow this lead, and the Constitution had myopically failed to induce or oblige slavery's ultimate extinction.

At the federal level, a structurally proslavery (even if spiritually antislavery) Constitution had generated, thanks to the three-fifths clause, a generally proslavery presidency. Between 1789 and 1840, five of the eight men to serve as president were Southern slaveholders even while in office. The three who weren't—John Adams, his son John Quincy Adams, and Martin Van Buren—were the only three not to be reelected. Put another way, 10 of America's first 13 presidential elections had put Southern slaveholders in power. Southern slaveholders also made up a majority of the 14 men who served as House Speakers.

In the wake of the election of America's first emphatically antislavery president, Abraham Lincoln, 11 states in 1860–61 betrayed the Constitution's core meaning by attempting to secede unilaterally from the Union. Lincoln rightly resisted, and the ensuing war set in motion a chain of events that would ultimately redeem the best understanding of words at the heart of the American Revolution: "All men are created equal." Thanks to a series of constitutional amendments, the founders' structurally proslavery constitution became Lincoln's antislavery Constitution.

Thus, the four great themes of the American Revolution—*independence, republicanism*, *constitutionalism*, and *union*—ultimately intertwined and strengthened each other better than ever.

Alternative Narratives

It remains to contrast my grand constitutional narrative to the main alternatives of other storytellers.

Bancroft's Story. Consider first George Bancroft's influential account of America, a grand narrative embellished by John Fiske and others in the late 19th century.[13] Bancroft got part of the story essentially right: The Constitution aimed to solve problems of national defense and cure the imbecilities of a grossly inadequate Articles of Confederation. But even on this point, Bancroft failed to hammer home the key principle of indivisibility. (Had he done so, he would have risked offending many living ex-Confederates, who were, on my account, legally clueless traitors.)

Bancroft also failed to stress sufficiently the Constitution's astonishing democratic features—features both reflected in and driven by the unprecedented sweep of democratic inclusion in the 1787–88 ratification process. That process was from one angle the very *constitution* itself, if we view the constitution not merely as a written text but an actual deed—an ordainment, an establishment, a *constituting*.

Nor did Bancroft, who began his adult life as a Jacksonian Democrat, greatly stress the original Constitution's original sin—its proslavery structure, anchored in the three-fifths clause.

Beard's Account. Enter Charles Beard's enormously influential 1913 book, *An Economic Interpretation of the Constitution of the United States*. Like Bancroft, Beard scanted slavery's role at the founding. Unlike Bancroft, Beard depicted the Constitution as strongly antidemocratic. Beard knew, but withheld from his readers, the key ratification facts that in the great continental act of democratic ordainment of 1787–88, property qualifications were lowered or eliminated in eight of the 13 ratifying states, were essentially nonexistent in two other states, and were not raised in any of the remaining three states.[14]

If, as Beard claimed, the Constitution was essentially antidemocratic, then why did ordinary Americans vote for it? Why did they unanimously

elect and unanimously reelect its avatar, Washington, and sweep into power so many leading Federalists in the first set of elections under the new document? How did an essentially aristocratic Constitution (as he claimed it was) so quickly give rise to Jackson's America?

On my view, by contrast, Jackson embodied the Constitution's three main structural themes; like the document itself, Jackson was pro-democracy, pro-defense, and proslavery.

Wood's Synthesis. A half century after Beard, Gordon S. Wood, America's greatest living historian, began to put forth his own grand narrative.[15] Wood has rightly emphasized the fundamentally republican nature of the Revolution and, indeed, its radicalism in many respects. He has also rightly stressed the centrality of written state constitutions in the years between 1776 and 1787. But he has failed to underscore the centrality of national defense and the key issue of indivisibility. In line with his early attention to state constitutions, Wood has seen the federal Constitution as more focused on solving problems within individual states than on solving the problems of the union as a whole.

Throughout his writings, Wood has returned repeatedly to a passage in an October 24, 1787, letter from Madison to Jefferson as the key to the Constitution:

> The evils issuing from these sources [the "mutability" and internal injustice of state laws] contributed more to that uneasiness which produced the Convention, and prepared the public mind for a general reform, than those which accrued to our national character and interest from the inadequacy of the Confederation to its immediate objects.[16]

But I submit that this private letter is not the key to the Constitution. Indeed, Madison's letter went on to lament that the Philadelphia plan *failed* to solve the state-level problem he saw as critical.

The real key to the Constitution may be found not in Madison's private musings but in Washington's most public pronouncement of all. Writing to Congress on behalf of the entire convention in a letter accompanying the proposed Constitution itself—a letter reprinted everywhere in 1787–88, often adjoining the text of the proposed Constitution—Washington explained to all Americans (not merely one overseas friend, as with Madison's letter to Jefferson) the essence of the plan, the true key:

> The Friends of our Country have long seen and desired, that *the Power of making War Peace and Treaties, that of levying Money & regulating Commerce and the correspondent executive and judicial Authorities should be fully and effectually vested in the general government of the Union*. But the Impropriety of delegating such extensive Trust to one Body of Men is evident—*Hence results the Necessity of a different Organization.*
>
> It is obviously impracticable in the fœderal Government Of these States to secure all Rights of independent Sovereignty to each and yet provide for the Interest and Safety of all. . . .
>
> In all our Deliberations on this Subject we kept steadily in our View that which appears to us the greatest Interest of every true american[:] *the Consolidation of our Union* in which is involved our Prosperity Felicity Safety *perhaps our national Existence*.[17] (Emphasis added.)

Building in part on Beard, Wood has helped us see the significance of Article I, Section 10, which limited each state government's ability to victimize its own citizens. But in the process Wood has slighted the message of the other 95 percent of the document. He has focused too much on Madison and too little on Washington and Hamilton.

In sharp contrast to Beard and Wood,[18] almost no one in the ratification process (or for the next century, for that matter) paid any attention whatsoever to Madison's *Federalist* 10. The eagle-eyed historian Douglass Adair first flagged this issue in the early 1950s.[19] The more recent and massive

29-volume series *The Documentary History of the Ratification of the Constitution* corroborates Adair, as does the careful empirical work of the political scientist William H. Riker.[20] Indeed, after painstaking investigation of the matter, law professor Larry D. Kramer has reported that Madison's distinctive ideas in *Federalist* 10 were "virtually absent from the contest to secure the Constitution's adoption."[21]

The true key to ratification was a *Federalist* 8 argument, a Washingtonian-Hamiltonian argument, an English-Scottish-Act-of-Union argument, a "Join or Die" argument. This argument addressed the Articles of Confederation's basic failures to achieve the central purpose of common defense and had almost nothing to say about Madison's aim of reforming state governments to effect a kinder, gentler, worthier, and more elitist republicanism state by state.

Fence-sitting ratifiers everywhere said yes for common-defense, collective-action reasons. For example, Edmund Randolph, Virginia's flip-floppy governor—a pivotal man in a pivotal state—changed his mind for common-defense, collective-action, English-Scottish-Act-of-Union, *Federalist* 8 reasons and said so openly and repeatedly.[22]

Federalist 10's argument did not become more compelling as the months passed in late 1787 and early 1788, but the Washingtonian and Hamiltonian *Federalist* 8 argument did become stronger—a classic bandwagon, gaining velocity over time—as more states said yes. Once most states were in, their bordering states had to join—or die. Momentum became self-fulfilling; new states had to say yes because other states had already done so.

This common-defense, collective-action, *Federalist* 8 argument was utterly inconsistent with a state's alleged right to unilaterally secede post-ordainment. As Washington stressed in his official letter to the Confederation Congress accompanying the Philadelphia Convention's proposed Constitution, the nation's *existence* required an indissoluble *consolidation* of states and the transcendence of individual state *sovereignty*. Washington later reiterated this point in his 1797 Farewell Address. Alas, scholars have often ignored this essential part of the address in their rush to analyze more peripheral aspects of this parting pronouncement.

Standing alone, Madison's *Federalist* 10 was rather agnostic on the crucial question of secession. If a state's chief reason to join was that the central government would stabilize it from above for its own *internal* benefit, well and good, but if that state later decided it did not really want or need that stabilization, thank you, why shouldn't it be allowed to leave?

To repeat: *Federalist* 10 is not the key to understanding what the Constitution was all about or what ratification was all about in the fateful year when America became *indivisibly* America. Indeed, if Madison's essay was convincing, why didn't the subsequent Bill of Rights limit state governments? After all, on Madison's view, each state government posed a greater threat to liberty than did the federal government. In late 1789, Madison in fact desperately wanted a "No state shall" amendment, but he lost on this issue in the First Congress because his *Federalist* 10–ish arguments did not persuade his contemporaries. The Bill of Rights that emerged was Washington's Bill of Rights even more than Madison's—and one of its main purposes was to woo North Carolina and Rhode Island back into the fold for *Federalist* 8 reasons.

Zinn's Distortions. If the American republic fails in our lifetime, Howard Zinn and some of his followers should bear part of the blame as corrupters of America's youth.[23] Zinn and his many acolytes have sold America's gullible high school students and high school teachers a profoundly misleading story of America, exaggerating many of America's lapses and ignoring much of American greatness.

Here, I shall mention only one tiny sliver of the Zinnian worldview, a sliver popularized by *The New York Times*'s influential 1619 Project. No, Lord Dunmore's November 1775 emancipatory proclamation was not the main *cause* of American rebellion; rather, it was a *consequence* of it. The Revolution was already underway in much of America when Virginia's royal governor, Dunmore, acted to free some slaves—slaves of only Patriots, we must note. Dunmore and the British never proposed the *abolition of slavery itself* in the late 1700s.[24]

By contrast, American Patriots in the last quarter of the 18th century took large steps to *abolish slavery altogether* in most Northern states. This enormously portentous first wave of abolition is utterly ignored by the Zinn school and popularizers of the 1619 Project.

My Bottom Line

Unlike the Brits, Americans north of the Mason–Dixon line did in fact abolish slavery in the wake of the American Revolution, and they did so in no small part because of the radical ideas of republican equality unloosed by the Revolution itself. Ultimately, these revolutionary ideas of human equality would inspire and impel Lincoln and millions of other Americans, who viewed the founding and the founders with pride even as they candidly acknowledged that America's "fathers" had been obliged to make compromises to secure union and thus independence. Lincoln and his allies also insisted, correctly, on the geostrategic indivisibility of the continental republic ordained and established by the founders' Constitution.

To repeat: Thanks to Lincoln and his followers, the four great strands of the American Revolution—*independence, republicanism*, *constitutionalism*, and *union*—ultimately came to intertwine and mutually reinforce better than ever. These powerful strands continue to shape our society even today, providing much for modern Americans to take pride in and build on.

Notes

1. This chapter borrows from, builds on, summarizes, and distills a lifetime of work. See especially Akhil Reed Amar, "Of Sovereignty and Federalism," *The Yale Law Journal* 96, no. 7 (1987): 1425–520, https://akhilamar.com/wp-content/uploads/2021/12/Of-Sovereignty-and-Federalism-2.pdf; Akhil Reed Amar, "Some New World Lessons for the Old World," *The University of Chicago Law Review* 58, no. 2 (1991): 483–510, https://www.jstor.org/stable/1599964; Akhil Reed Amar, *America's Constitution: A Biography*

(Random House Trade Paperbacks, 2005); Akhil Reed Amar, *America's Unwritten Constitution: The Precedents and Principles We Live By* (Basic Books, 2015); Akhil Reed Amar, *The Words That Made Us: America's Constitutional Conversation, 1760–1840* (Basic Books, 2021); Akhil Reed Amar, "The Year That Changed Everything," *The Atlantic*, May 4, 2021, https://www.theatlantic.com/ideas/archive/2021/05/what-made-the-constitution/618756/; and Akhil Reed Amar, *Born Equal: Remaking America's Constitution, 1840–1920* (Basic Books, 2025).

2. John Adams to Abigail Adams, May 17, 1776, in *Adams Family Correspondence*, ed. L. H. Butterfield (Belknap Press of Harvard University, 1963), 1:411.

3. Articles of Confederation of 1781, pmbl., conclusion.

4. Articles of Confederation of 1781, conclusion.

5. US Const. pmbl.

6. US Const. pmbl.

7. For more details and documentation, see Amar, *The Words That Made Us*, 259–65.

8. Pa. Const. of 1776, art. I.

9. Mass. Const. of 1780, pt. I, art. I.

10. See Amar, *America's Unwritten Constitution*, 471. For more details and documentation of my parenthetical claim that *d*-words and *r*-words were nearly interchangeable in the ratification era and the decades that followed, see Amar, *America's Unwritten Constitution*, 276–80.

11. *Federalist*, no. 8 (Alexander Hamilton); and *Federalist*, no. 5 (John Jay).

12. US Const. pmbl.

13. See generally George Bancroft, *History of the Formation of the Constitution of the United States of America*, 2 vols. (New York, 1882); and John Fiske, *The Critical Period of American History, 1783–1789* (Boston, 1888).

14. For details and documentation, see Amar, *America's Unwritten Constitution*, 5–7, 503–5nn1–2.

15. See Gordon S. Wood, *The Creation of the American Republic, 1776–1787* (University of North Carolina Press, 1969). See also Gordon S. Wood, *The Making of the Constitution* (Baylor University Press, 1987); Gordon S. Wood, *The Radicalism of the American Revolution* (Vintage Books, 1991); and Gordon S. Wood, "A New Kind of Democracy," in *Democracy and the American Revolution*, ed. Yuval Levin et al. (AEI Press, 2024).

16. James Madison to Thomas Jefferson, October 24, 1787, Founders Online, https://founders.archives.gov/documents/Madison/01-10-02-0151.

17. George Washington to the President of Congress, September 17, 1787, Founders Online, https://founders.archives.gov/documents/Washington/04-05-02-0306.

18. On this point, I should also note the Madison-centered work of Wood's estimable ally Jack N. Rakove.

19. Douglass Adair, "The Tenth Federalist Revisited," in *Fame and the Founding Fathers: Essays by Douglass Adair*, ed. Trevor Colbourn (W. W. Norton, 1974), 75–76.

20. William H. Riker, *The Strategy of Rhetoric: Campaigning for the American Constitution* (Yale University Press, 1996).

21. Larry D. Kramer, "Madison's Audience," *Harvard Law Review* 112, no. 3 (1999): 664, https://www.jstor.org/stable/1342372.

22. For more details and documentation, see Amar, *The Words That Made Us*, 254–55.

23. See generally Howard Zinn, *A People's History of the United States* (Harper & Row, 1980); and Howard Zinn, *A Young People's History of the United States* (Seven Stories Press, 2007).

24. Pre-proclamation, more than 100 men died at Lexington and Concord in 1775, and more than 1,000 men died or suffered grievous injury in ferocious fighting on or near Bunker Hill. Long before Dunmore's proclamation, Washington had taken charge of a vast and self-described continental army, and George III had proclaimed all the mainland colonies to be in revolt. Also, in late October 1775—again, *before* Dunmore's proclamation—the monarch had formally told Parliament that "the rebellious war now levied is become more general, and is manifestly carried on for the purpose of establishing an independent empire." George III, "His Majesty's Most Gracious Speech to Both Houses of Parliament" (speech, Houses of Parliament, London, England, October 26, 1775), https://quod.lib.umich.edu/e/eccodemo/K124613.0001.001/1:1. The yearlong delay between Bunker Hill and formal independence had little to do with Dunmore's Virginia, which had already in effect joined forces with Massachusetts Patriots. Rather, formal independence was delayed mainly because of the sluggishness of the middle colonies, including Quaker-filled Pennsylvania, which had few slaves and took steps to end slavery soon after independence. For an incisive analysis of middle-colony moderates in 1774–76 that tellingly makes no mention of Dunmore, see Jack N. Rakove, "The Revolt of the Moderates," chap. 2 in *Revolutionaries: A New History of the Invention of America* (Houghton Mifflin Harcourt, 2010). Most of the key moderates highlighted by Rakove were notably antislavery: Pennsylvania and Delaware's John Dickinson, who freed all his slaves in 1777; Pennsylvania's James Wilson; and New York's John Jay and James Duane. Granted, New York was another important laggard colony, and slavery loomed larger there than in Pennsylvania. But the Zinn school and its 1619 Project affiliates offer no proof that Dunmore's proclamation in fact galvanized New York Patriots.