

Amend



1. To correct;
2. To reform;
3. To improve or make better, by adding what is wanted, as well as expunging what is wrong.

--Noah Webster,
*American Dictionary
of the English
Language*, 1828.

A sign posted in DC, January 4, 2021.

What do originalists read?

The Constitution

The Federalist Papers

Notes on the constitutional convention

Records of the ratifying conventions

“If someone found a letter from George Washington to Martha telling her that he meant by the power to lay taxes was not what other people meant, that would not change our reading of the Constitution in the slightest.”

--Robert Bork, 1990



“I hope with the Assistance of Such a
Number of wise men as you are connected
with in the Convention you will
Gloriously Accomplish, and put a Stop to
the necessity of Dragooning, &
Haltering, they are odious means: I had
Rather hear of the Swords being beat
into Plow-shares, & the Halters used for
Cart Roops, if by that means we may be
brought to live Peaceably with won a
nother.”

--Jane Franklin to her brother, May 1787

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--Jane Franklin to her brother, May 1787





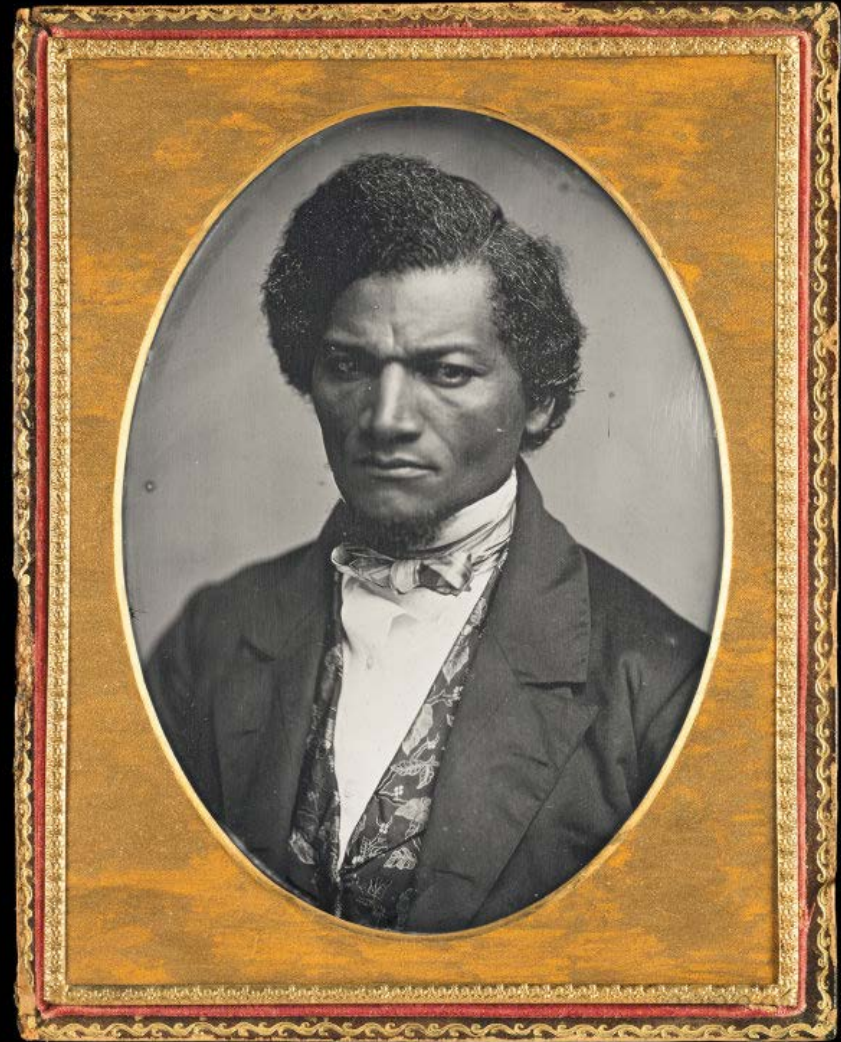
Joseph Duplessis, Benjamin Franklin, c. 1785,
National Portrait Gallery.



Jane Franklin's great-granddaughter, 1878.

“The Constitution may be right, the Government wrong. If the Government has been governed by mean, sordid, and wicked passions, it does not follow that the Constitution is mean, sordid, and wicked.”

--Frederick Douglass, “The Constitution of the United States,” 1860



What do originalists read?

The Constitution

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What (else) do historians read?

Newspapers, tombstones

Petitions, portraits

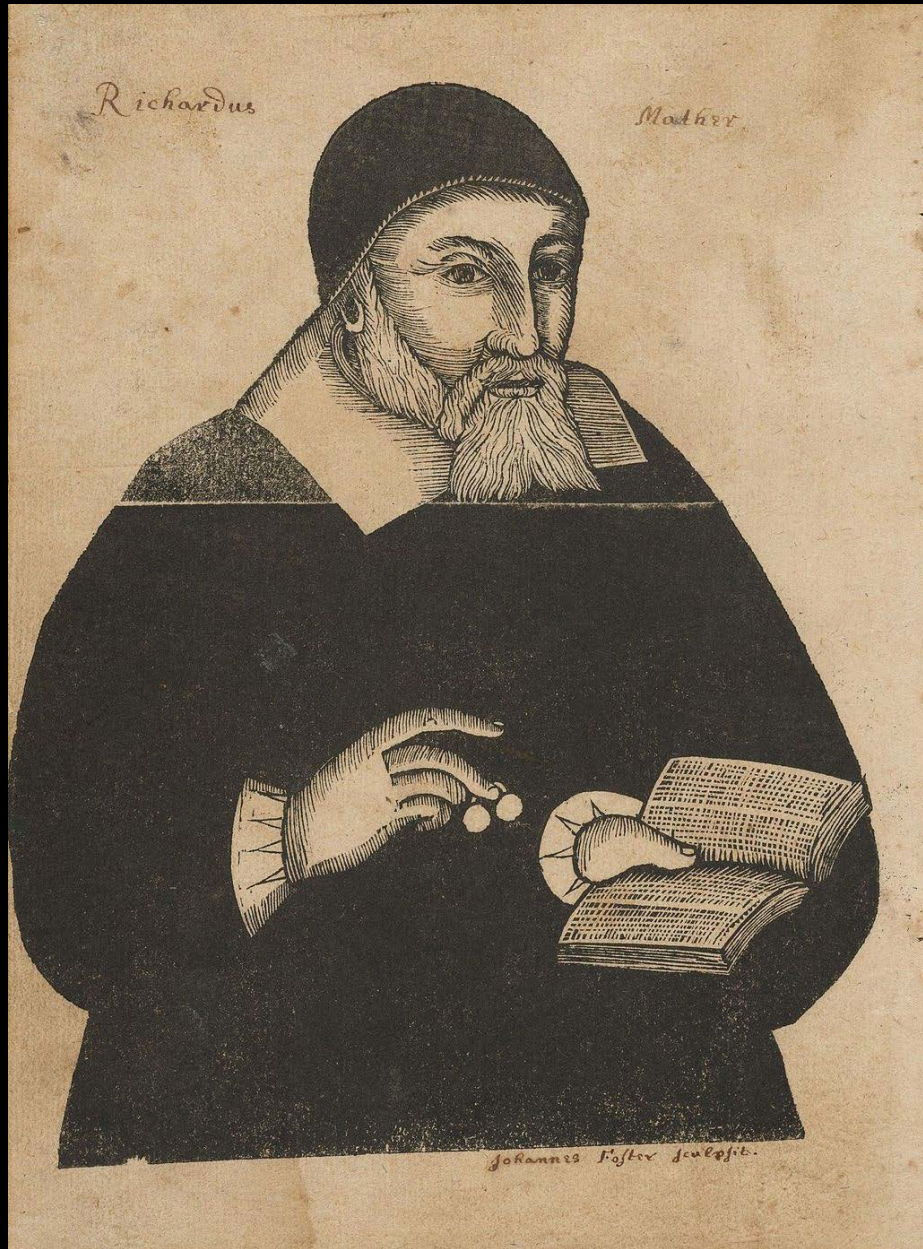
Novels, diaries, buildings

Everything

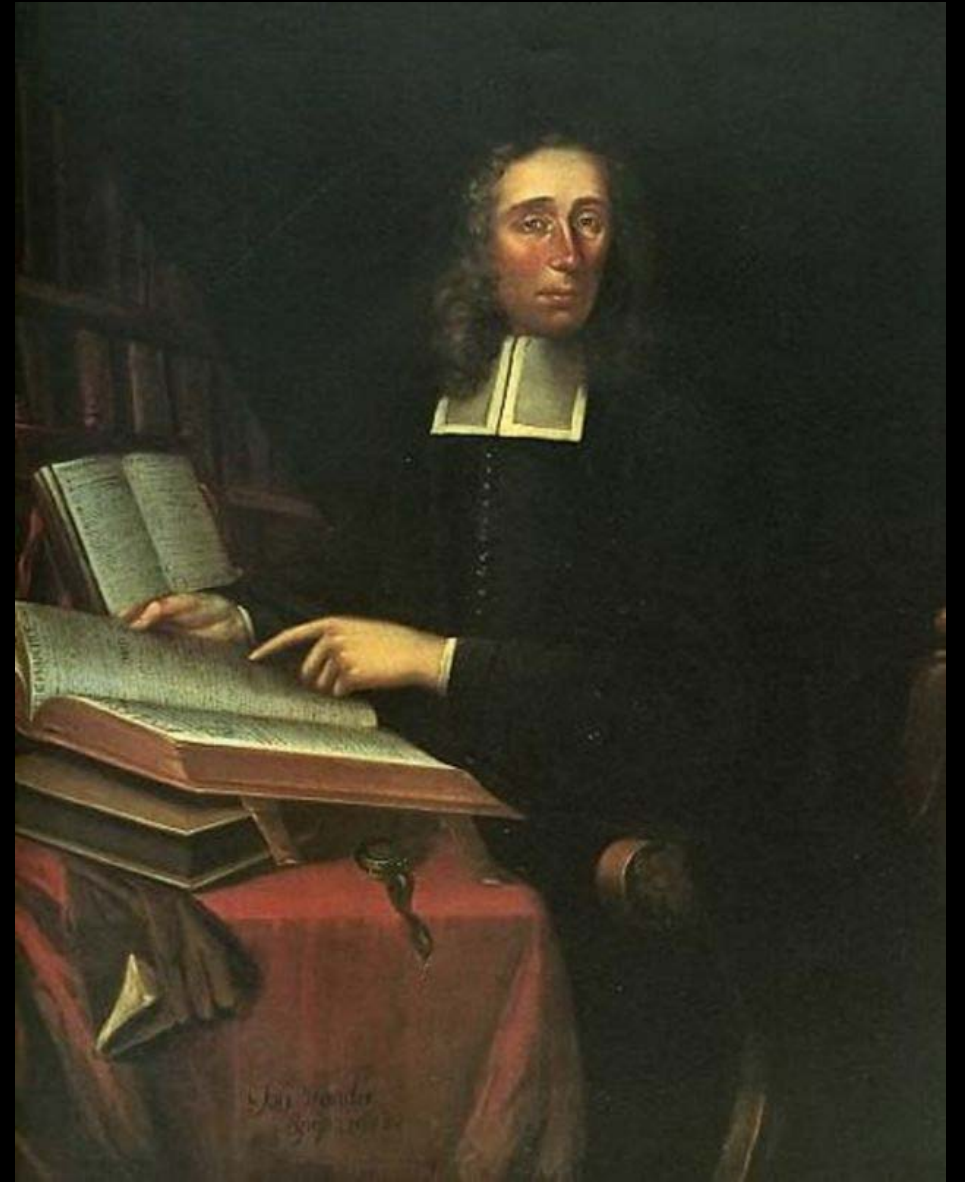
II. Reading (in) the Eighteenth Century



David Martin, *Benjamin Franklin*, 1767



John Foster, *Richard Mather*, 1675



John Van der Spriett, *Increase Mather*, 1688



John Singleton Copley, *Mr. and Mrs. Ralph Izard*, 1775.



John Trumbull, *George Washington and William Lee*, 1780



“I mentioned to you in one of my former letters that I had a prospect of getting on very favorable terms a few scarce books from a library brought hither for sale. ... I was obliged to give him a draught on you. I hope you will be able to find means to satisfy it. ... Unless liberal principles prevail on the occasion, I shall be under the necessity of selling a negro.”

--James Madison to his father, 1782, on selling William Gardener in order to buy a copy of Thomas Hobbes's *Leviathan*

Gilbert Stuart, *George Washington*, 1796

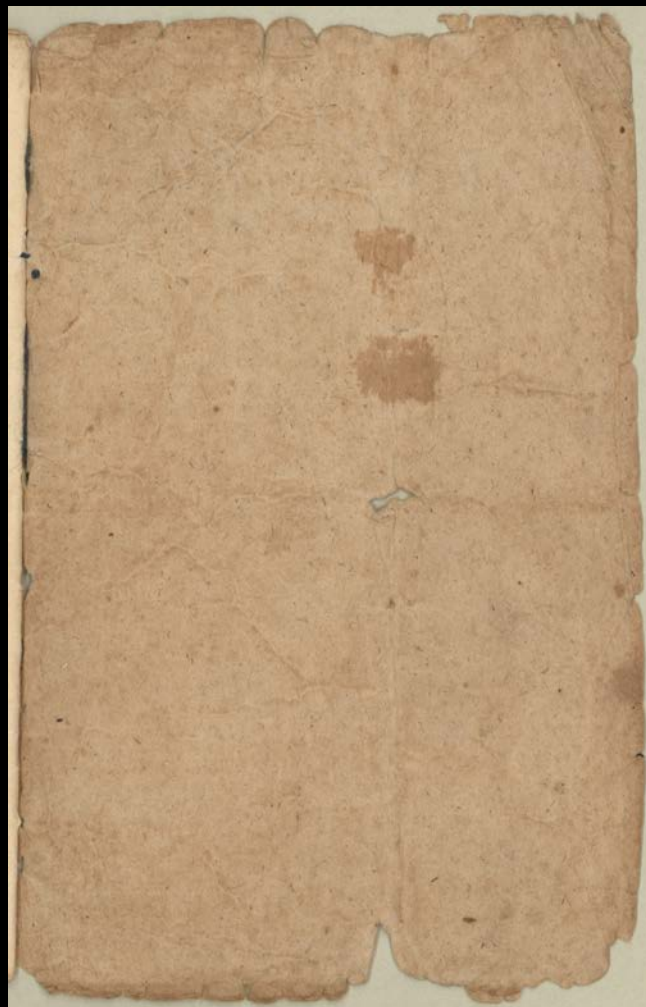




Gilbert Stuart, *George Washington*, 1796



III. Paper and Persons



“Let us then suppose the mind to be, as we say, white paper, void of all characters, without any ideas:—How comes it to be furnished? Whence comes it by that vast store which the busy and boundless fancy of man has painted on it with an almost endless variety? Whence has it all the MATERIALS of reason and knowledge? To this I answer, in one word, from EXPERIENCE. In that all our knowledge is founded; and from that it ultimately derives itself. Our observation employed either, about external sensible objects, or about the internal operations of our minds perceived and reflected on by ourselves, is that which supplies our understandings with all the MATERIALS of thinking. These two are the fountains of knowledge, from whence all the ideas we have, or can naturally have, do spring.”

--John Locke, *An Essay Concerning Human Understanding*, 1689

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--John Locke, *An Essay Concerning Human Understanding*, 1689

“In the beginning, all the world was America.”

--John Locke, *Second Treatise on Government*, 1690

“The case and circumstances of America present themselves as in the beginning of a world ; and our enquiry into the origin of government is shortened, by referring to the facts that have arisen in our own day. We have no occasion to roam for information into the obscure field of antiquity, nor hazard ourselves upon conjecture. We are brought at once to the point of seeing government begin, as if we had lived in the beginning of time.”

--Thomas Paine, “Of Constitutions,” *The Rights of Man*, 1791

“The Constitution is of no more consequence than the paper on which it is written, unless it be stamped with the approbation of those to whom it is addressed ... THE PEOPLE THEMSELVES.”

--James Madison, Federalist No. 40

The Congress and representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by each the ratification, to support this Constitution, and to support the United States thereon, as a qualification to any office or public trust under the United States.

The ratification of the ratifications of nine States shall be sufficient for the establishment of the Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, on the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty seven, and of the Independence of the United States of America, the fifth day of September.

GEORGE WASHINGTON, President,
And Deputy from VIRGINIA.

NEW-HAMPSHIRE: John Langdon, Nicholas Gilman.	DELAWARE: George Read, Gideon S. Buffin, Junior, John Dickinson, Richard Basset.
MASSACHUSETTS: Nathaniel Gorham, Rufus King.	MARYLAND: James M. Henry, Thomas M. Smallwood, Daniel Carroll.
CONNECTICUT: Elihu Searles, Yale, Roger Sherman.	MARYLAND: James M. Henry, Thomas M. Smallwood, Daniel Carroll.
NEW-YORK: Alexander Hamilton, William Livingston, David Brearley.	MARYLAND: James M. Henry, Thomas M. Smallwood, Daniel Carroll.
NEW-JERSEY: William Paterson, Jonathan Dayton, Brearley, Francis Hopkin, Robert Morris.	MARYLAND: James M. Henry, Thomas M. Smallwood, Daniel Carroll.
PENNSYLVANIA: George Clymer, Thomas Mifflin, James Wilson, Gouverneur Morris.	MARYLAND: James M. Henry, Thomas M. Smallwood, Daniel Carroll.

Amel. William Jackson, SECRETARY.

IN CONVENTION N. Monday September 17th, 1787.
PRESENT
The States of New-Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.

RESOLVED,
That all the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the recommendation of its Legislature, for their effect and ratification: and that each Legislature assembling in, and ratifying the same, should give notice of it to the United States in Congress assembled.

Resolved, that it is the opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a day on which Electors should be appointed by the States which they have ratified the same, and a day on which the Electors should assemble to vote for the President, and the time and place for assembling, providing under this Constitution. That after such publication the Electors should be appointed, and the Senators and Representatives elected: that the Electors should meet on the day fixed for the Election of the President, and should proceed to their respective duties, and that the Convention should adjourn to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the time and place appointed, that the Senate should appoint a President of the Senate, for the sole purpose of receiving, opening and counting the votes for President, and that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous Order of the Convention,
GEORGE WASHINGTON, President,
William Jackson, Secretary.

In Convention, September 17, 1787.

WE have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and defined, that the power of making war, peace and treaties, that of levying money and regulating commerce, and the corresponding executive and judicial authorities should be fully and effectually vested in the general government of the United States; but the impolicy of delegating such executive trust to one body of men is evident—Hence result the necessities of a different organization.

It is obviously impracticable in the federal government of these States, to secure all cases of independent judiciary to each, and yet provide for the interest and safety of all—Individuals entering into society, must give up a share of liberty to procure the rest. The magnitude of the sacrifice must depend as well on the nature and circumstances, as on the object to be obtained. It is an all-wise difficulty to draw with precision the line between those rights which must be surrendered, and those which may be retained; and in the present situation the difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

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 independence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid in points of inferior magnitude, than might have been otherwise expected; and thus the Constitution, which we now propose, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State is not perhaps to be expected; but each will doubtless consider, that had her interests been overlooked, the consequence might have been seriously and injuriously to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe that it may promote the lasting welfare of that country to which we are all, and likewise her freedom and happiness, it is not unworthy.

We have the honor to be, SIR,
Your Excellency's most
Obedient and humble servant,
George Washington, President.
By unanimous Order of the CONVENTION.
HIS EXCELLENCY
The President of Congress.

The Pennsylvania Packet, and Daily Advertiser.

[Price Four-Pence.] WEDNESDAY, SEPTEMBER 19, 1787. [No. 2692.]

WE, the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defence, promote the General Welfare, and secure the Blessings of Liberty to Ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

Section 1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty five years, and seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall be law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New-Hampshire shall be entitled to three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New-Jersey five, Pennsylvania six, Delaware one, Maryland six, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the Executive authority thereof shall fill the same by electing in all such vacancies.

The House of Representatives shall elect their Speaker and other officers; and shall have the sole power of impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The first of the classes of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill the vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any other office, civil or military, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Section 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5. Each house shall be the judge of the qualifications, consent and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Section 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it may be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall



Charles Willson Peale, *Timothy Matlack*, 1790



Phebe Folger, *Common-place book*, c. 1797.



Mary Chew Elliott, oil on canvas,
by Charles Willson Peale, 1787.



Martha Saunders Salisbury, by
Christian Gullagher, 1789.



Anne Muirson Woolsey,
by William Dunlap, 1790.



Charles Willson Peale, *Timothy Matlack*, 1790



Unidentified sitter, c. 1850. George Eastman Museum.



Frederick Douglass in his library

III. The Amendments Project

A collaboration with the Comparative Constitutions Project

To locate, categorize, and analyze all proposed amendments to the U.S. Constitution, from 1787 to the present

Including 12,000 proposals that have reached the floor of Congress

And many more proposed by people who were disenfranchised or poorly enfranchised

Constitute

“to erect, to establish”

--Samuel Johnson's dictionary, 1755

Amend

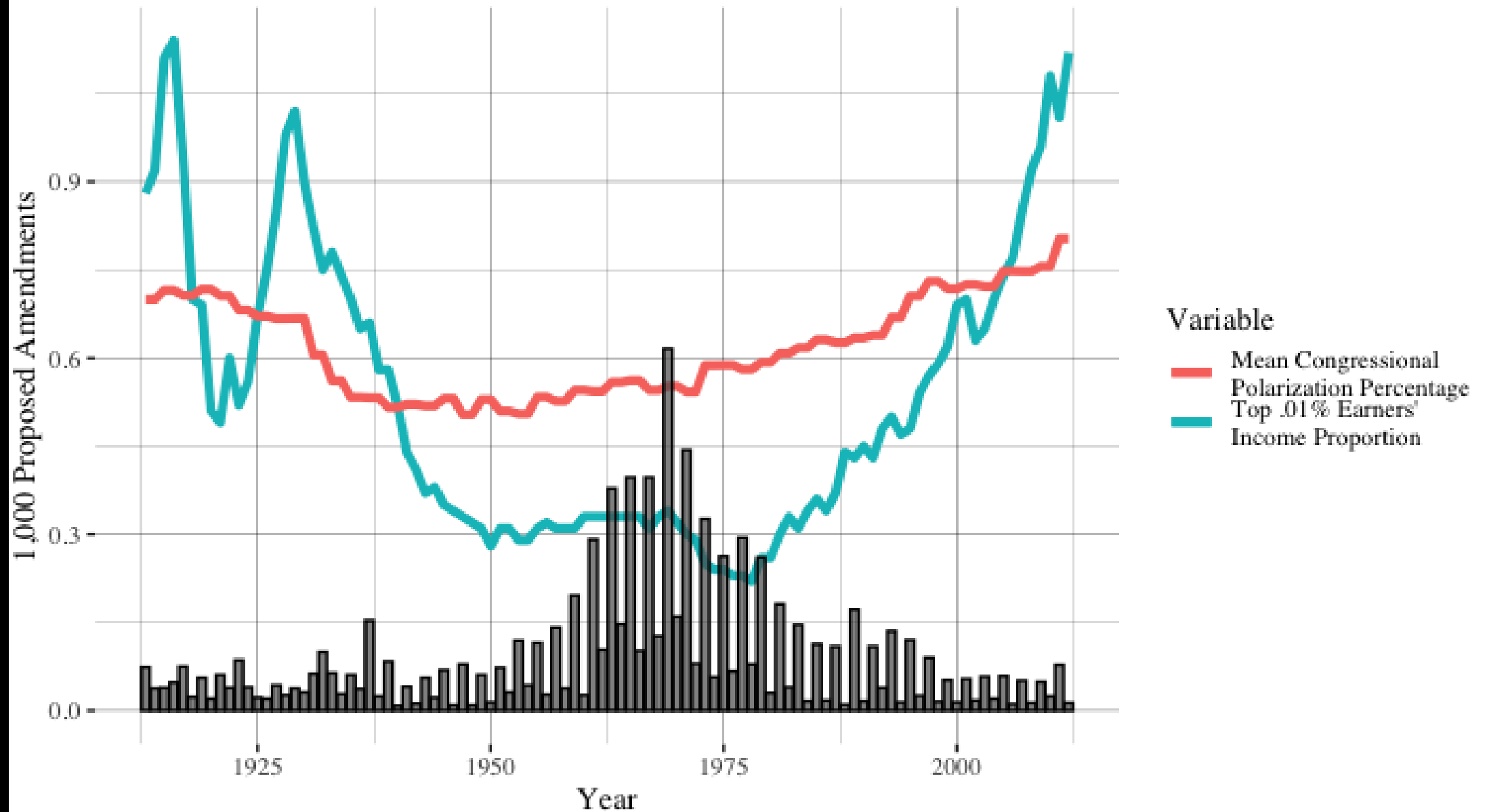
“to rectify the errors that will creep in through lapse of time,
or alteration of situation”

--Essex, Massachusetts Town Meeting, 1778

“to recover the true reading”

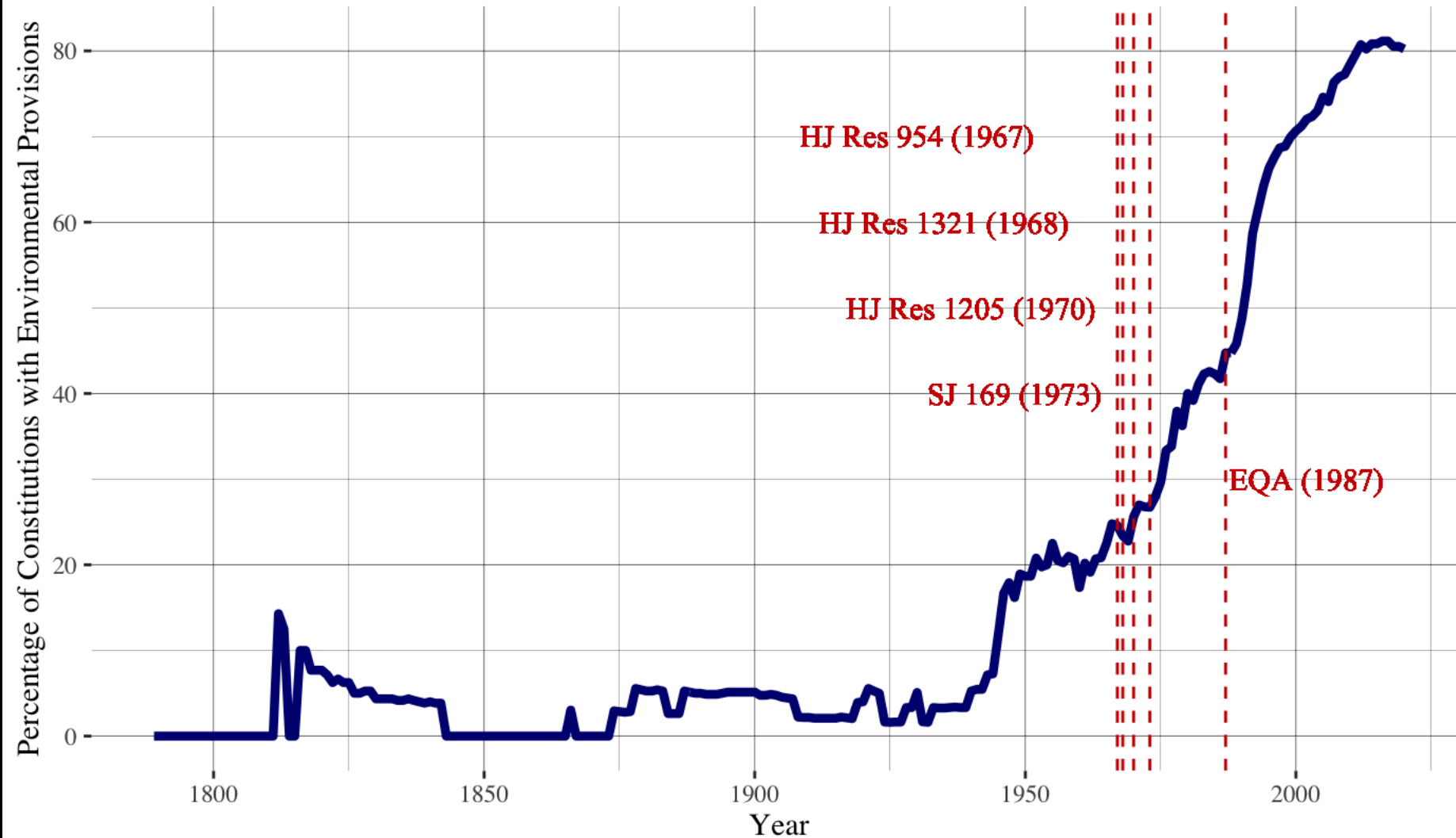
--Samuel Johnson's dictionary, 1755

Constitutional Amendments Proposed in Congress



Each bar represents one year

The US is One of Few Countries Without a Constitutional Environmental Provision



Percentage of Constitutions with some provision on the protection of the environment. Data Source: Comparative Constitutions Project (Elkins and Ginsburg). Failed US environmental protection amendments. Data Source: The Amendments Project.

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1. To correct;
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