

THE GREATEST GENERATION

THE FOUNDERS' ALMANAC: A PRACTICAL GUIDE TO THE NOTABLE EVENTS, GREATEST LEADERS, AND MOST ELOQUENT WORDS OF THE AMERICAN FOUNDING. Matthew Spalding ed. Washington, D.C.: The Heritage Foundation, 2002. Pp. 368. \$30.00.

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I. INTRODUCTION.....	486
II. STRUCTURE.....	487
A. <i>Calendar of Events</i>	488
B. <i>Compilation of Quotations</i>	488
C. <i>Commentaries on the Declaration of Independence, the Constitution, and Washington's Farewell Address</i>	490
D. <i>Biographical Sketches</i>	492
E. <i>Research Aids</i>	494
III. CONCLUSION	495

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I. INTRODUCTION

One of the more encouraging recent trends in the publishing industry has been the renewed interest in the Founding Generation. The most promising aspect of this development has been the much-needed *re*-reappraisal of the Founders. Until recently, the Founders had found themselves under siege from many quarters, particularly from multiculturalists in academe. To multiculturalists, the Founders are the very embodiment of “Dead White European Males,” a group they believe haunts contemporary culture from the grave.¹ However, with the exception of Thomas Jefferson, the last several years have witnessed publication of a number of works that have contributed to the gradual rehabilitation of the Founders’ reputation.² David McCullough’s *John Adams*,³ Joseph Ellis’ *Founding Brothers*,⁴ and John E. Ferling’s *Setting the World Ablaze*⁵ are but a few recent examples of this trend. As a general matter, works such as these have helped to restore the Founders to their proper place within American history—not as titans dwarfing contemporary mortals, but as imperfect individuals who performed brilliantly during perhaps the most important period in our nation’s (or even the world’s) history.

It is within this context that the Heritage Foundation has published *The Founders’ Almanac: A Practical Guide to the Notable Events, Greatest Leaders & Most Eloquent Words of the American*

1. See, e.g., RICHARD BERNSTEIN, *DICTATORSHIP OF VIRTUE: MULTICULTURALISM AND THE BATTLE FOR AMERICA’S FUTURE* 279-83 (1994) (describing the marginalization of the Founders in contemporary pedagogy); THOMAS G. WEST, *VINDICATING THE FOUNDERS: RACE, SEX, CLASS, AND JUSTICE IN THE ORIGINS OF AMERICA* xi-xii (1997) (discussing a number of multiculturalist criticisms of the Founders).

2. Even Alexander Hamilton, traditionally one of the least popular Founders, has enjoyed a much-needed comeback of late at the hands of authors such as Richard Brookhiser, Stephen F. Knott, and Michael Lind. See, e.g., RICHARD BROOKHISER, *ALEXANDER HAMILTON: AMERICAN* (1999); STEPHEN F. KNOTT, *ALEXANDER HAMILTON AND THE PERSISTENCE OF MYTH* (2002); MICHAEL LIND, *HAMILTON’S REPUBLIC: READINGS IN THE AMERICAN DEMOCRATIC NATIONALIST TRADITION* (1997).

3. See DAVID MCCULLOUGH, *JOHN ADAMS* (2001).

4. See JOSEPH J. ELLIS, *FOUNDING BROTHERS: THE REVOLUTIONARY GENERATION* (2000).

5. See JOHN FERLING, *SETTING THE WORLD ABLAZE: WASHINGTON, ADAMS, JEFFERSON, AND THE AMERICAN REVOLUTION* (2000).

Founding, edited by Matthew Spalding.⁶ The *Almanac* is intended primarily to serve as a handbook for policymakers, political leaders, shapers of public opinion, and informed citizens.⁷ It also should be of invaluable assistance to legal scholars and practitioners, particularly those who rightfully place a premium on what the Founders thought and did. After all, these men were the lawgivers, the individuals who created the framework for American governance.⁸ For this reason alone it is doubtful that “we can ever know enough about them.”⁹

The *Almanac* does not purport to be an exhaustive guidebook to the Founding Era.¹⁰ Instead, its more modest goal is “to conserve the principles [of the American Founding] so as to rekindle the spirit . . . [of the age] in the life of our nation.”¹¹ In this the *Almanac* succeeds, although its success is not an unqualified one.

II. STRUCTURE

The book is composed of five primary parts: 1) a calendar of noteworthy events involving the Founding; 2) a compilation of quotations by the Founders; 3) the texts of the Declaration of Independence, the Constitution, and Washington’s Farewell Address along with critical commentary; 4) biographies of the most prominent founders (Washington, Franklin, Adams, Jefferson, Hamilton, and Madison); and 5) research aids, including an annotated bibliography and a list of authorities on the Founding. Because each section is discrete, each will be addressed in turn.

6. THE FOUNDERS’ ALMANAC: A PRACTICAL GUIDE TO THE NOTABLE EVENTS, GREATEST LEADERS, AND MOST ELOQUENT WORDS OF THE AMERICAN FOUNDING (Matthew Spalding ed. 2002) [hereinafter ALMANAC].

7. See Matthew Spalding, *Introduction* to ALMANAC, *supra* note 6, at xvi [hereinafter *Introduction*].

8. The importance of the views of the Founders for constitutional lawyers is especially important. See, e.g., *J.W. Hampton, Jr., & Co. v. United States*, 276 U.S. 394, 412 (1928) (“This Court has repeatedly laid down the principle that a contemporaneous legislative exposition of the Constitution when the founders of our Government and framers of our Constitution were actively participating in public affairs, long acquiesced in, fixes the construction to be given its provisions.”); 5 ANNALS OF CONG. 701 (1796) (quoting Representative William Vans Murray: “We have all seen the Constitution from its cradle, we know it from its infancy, and have the most perfect knowledge of it, and more light than ever a body of men in any country ever had of ascertaining any other Constitution.”).

9. MCCULLOUGH, *supra* note 3, at dust jacket.

10. See *Introduction*, *supra* note 7, at xvii.

11. *Id.*

A. Calendar of Events

The calendar of noteworthy events is arranged in a way that is helpful to researcher and reader alike.¹² The calendar lists events day-by-day instead of year-by-year, which is much more helpful to speechwriters and others seeking to link contemporary events to important occurrences during the Founding. Mr. Spalding has assembled an impressive collection of events and the reader would be hard pressed to find a glaring omission in the listing. Moreover, the calendar provides just enough background information on each entry for the reader to quickly (re)familiarize himself with the event in question.

B. Compilation of Quotations

Mr. Spalding has also compiled a notable selection of the Founders' quotations.¹³ They are arranged topically on subjects ranging from "God" to "Government." For those in the legal profession and in government, this section stands to be particularly helpful since the subjects cover many areas related to those disciplines: "Congress/Legislature," "Constitution," "Constitutional Convention," "Constitutional Interpretation," "Democracy," "Equality," "Federalism," "Judges and the Judiciary," "Justice," "Law," "Laws of Nature," "Power," "the Presidency," "Property," and "Separation of Power," to name just a few. These entries reflect the value the Founders placed upon notions of limited government, checks and balances, the rule of law, and respect for minority rights.

Mr. Spalding wisely lets the quotes stand for themselves and resists the temptation to editorialize. As a result, reading the quotations easily transports the reader back to the Revolutionary and early Constitutional period. Even the most familiar quotations still bristle with forcefulness and passion. The reader is once again struck by the prescience of many of the Founders, especially in their understanding of their own place in world history. Perhaps no quotation better sums up the Founders' foresight than Alexander Hamilton's comment in *The Federalist No. 1*:

It seems to have been reserved to the people of this country, by their conduct and example, to decide the important question,

12. See generally ALMANAC, *supra* note 6, at 1-27.

13. See generally *id.* at 124-210.

whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.¹⁴

On a somewhat less exalted plane, John Adams' prediction about future celebrations of the Declaration of Independence is equally prescient: "[The day] ought to be solemnized with Pomp and Parade, with Shews, Games, Sports, guns, Bells, Bonfires and Illuminations from one End of this Continent to the other from this Time forward forever more. You will think me transported with Enthusiasm but I am not."¹⁵

Like bumping into long-lost friends, the reader can flip to virtually any page and fortuitously happen across familiar but still extraordinary quotations. Take, for example, Thomas Jefferson on freedom of religion: "The legitimate powers of government extend to such acts only as are injurious to others. But 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."¹⁶ Or James Madison on the need for dissemination of information in a democracy: "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."¹⁷ Words such as these have played a role in American political and legal discourse that can scarcely be overestimated.¹⁸ In sum, the quotation section is a joy to read either from start to finish or piecemeal and it constitutes the heart of the book.

14. *Id.* at 137.

15. *Id.* at 146. The date to which Adams was referring was actually July 2, 1776, not July 4.

16. *Id.* at 192-3.

17. ALMANAC, *supra* note 6, at 158.

18. See, e.g., *Engel v. Vitale*, 18 Misc. 2d 659, 689; 191 N.Y.S.2d 453, 486 (1959), *rev'd*, 370 U.S. 421 (1962) (quoting Jefferson: "[I]t does me no injury for my neighbor to say there are twenty Gods, or no God."); *Bd. of Educ. v. Pico*, 457 U.S. 853, 867 (1982) (quoting Madison: "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."); *Press-Enterprise Co. v. Super. Ct.*, 478 U.S. 1, 18 (1986) (Stevens, J., dissenting) (quoting same).

C. *Commentaries on the Declaration of Independence, the Constitution, and Washington's Farewell Address*

Mr. Spalding's commentaries on the Declaration of Independence, the Constitution, and Washington's Farewell Address are also of high quality.¹⁹ Unlike many authors, who focus on what the Declaration of Independence and the Constitution are not,²⁰ Mr. Spalding lays out clearly what the documents are and why they are deserving of high praise. For example, early on in his discussion of the Declaration, Mr. Spalding directs the reader's attention to three of the major elements of the document: "[its] statement of the conditions of legitimate political authority and the proper ends of government, and . . . a proclamation of a new basis of political rule in the sovereignty of the people."²¹ Similarly, at the beginning of his discussion of the Constitution, Mr. Spalding places the charter into its proper historical perspective: It has been "the longest lasting, most successful, most enviable and most imitated constitution man has ever known."²² In much of the politically correct literature about the two documents, these crucial points are often lost amidst endless carping about the documents' perceived failings.²³ Mr. Spalding, however, proves a capable guide and keeps the reader focused on the forest, not the trees.

At the same time, Mr. Spalding is no apologist for the shortcomings of the Declaration and the Constitution. He devotes a separate section entirely to a discussion of the

19. See generally ALMANAC, *supra* note 6, at 215-319.

20. See, e.g., WEBSTER'S NEW WORLD AMERICAN WORDS OF FREEDOM I (Stephen F. Rohde ed. 2001) [hereinafter WORDS OF FREEDOM] ("The story of America's freedom documents is a bittersweet tale. . . . [T]he promise of the Declaration of Independence was not fully kept when the founders wrote the Constitution. . . . [T]hat Constitution perpetuated the shame of slavery and excluded women and Native Americans. . . . [E]ven the Bill of Rights failed to cure these pernicious omissions.").

21. Matthew Spalding, *Introduction to the Declaration of Independence*, in ALMANAC, *supra* note 6, at 215.

22. Matthew Spalding, *Introduction to the United States Constitution*, in ALMANAC, *supra* note 6, at 233. Although not the first written constitution, in the words of Professor Gordon, the U.S. Constitution was "the first in which the central government was endowed with a large measure of independent authority in domestic affairs, and was provided with the autonomous legislative and fiscal power necessary to service its domain of public policy." SCOTT GORDON, *CONTROLLING THE STATE: CONSTITUTIONALISM FROM ANCIENT ATHENS TO TODAY* 302 (1999).

23. See, e.g., WORDS OF FREEDOM, *supra* note 20, at 1.

“Original Sin” of the Republic, slavery.²⁴ He readily concedes that “[s]lavery is the great exception to the rule of liberty proclaimed in the Declaration of Independence and established in the United States Constitution.”²⁵ However, Mr. Spalding is quick to remind the reader that neither of these documents gave clear sanction to the dreadful practice, and in fact, both presaged its ultimate demise.²⁶

On a similar note, Mr. Spalding points out that neither the Constitution’s infamous Three-Fifths Clause,²⁷ its 1808 prohibition of the slave trade,²⁸ nor its Privileges and Immunities Clause²⁹ “recognized slavery as having any legitimacy from the point of view of federal law.”³⁰ Or, in the eloquent words of Frederick Douglass:

Abolish slavery tomorrow, and not a sentence or syllable of the Constitution need be altered . . . [the document] was purposely so framed as to give no claim, no sanction to the claim, of property in man. If in its origin slavery had any relation to the government, it was only as the scaffolding to the magnificent structure, to be removed as soon as the building was completed.³¹

Mr. Spalding also rightly notes that, contrary to popular belief, many Founders worked actively to discredit and abolish the execrable practice.³²

Overall, the commentary section is both judicious and well written, and while it owns up to the failings of the Declaration of Independence and the Constitution, its criticism of them is placed into proper perspective. That is to say, it does not allow their shortcomings to diminish unduly their noble legacy: that political legitimacy flows from the consent of the governed and the equality of man, and that individuals are “capable . . . of establishing good government from reflection and choice”³³

24. See Matthew Spalding, *A Note on Slavery and the American Founding*, in ALMANAC, *supra* note 6, at 281-89 [hereinafter *Note on Slavery*].

25. *Id.* at 281.

26. *See id.* at 288.

27. See U.S. CONST. art. I, §2, *affected by* U.S. CONST. amend. XIII and XIV.

28. *See id.* art. I, §9, cl. 1.

29. *See id.* art. IV, §3, *affected by* U.S. CONST. amend. XIII.

30. *Note on Slavery*, *supra* note 24, at 286.

31. *Id.* at 287.

32. *See id.* at 281-83.

33. ALMANAC, *supra* note 6, at 137 (quoting THE FEDERALIST NO. 1, at 33 (Alexander Hamilton) (Clinton Rossiter ed., 1961)).

D. *Biographical Sketches*

In contrast to the first three sections discussed, the biographical sketches of prominent Founders are often found wanting. While Mr. Spalding's essay on Washington is excellent, a number of the other biographical sketches seem to resemble *McGuffey's Eclectic Readers*³⁴ in their condescension and moralizing tone. The John Adams segment by Bradley Thompson is particularly guilty of this crime. For example, the reader learns that "[f]rom the beginning of his public career until the very end, [Adams] *always* acted on principle and from a profound love of country."³⁵ Always? At another point, the author writes "[n]ever the hypocrite, Adams lived by his own words and avowed principles."³⁶

While few would doubt that Adams deserves his reputation for constancy of purpose and love of country, asking the reader to accept literally that he never once deviated from principle is a bit much. What of the Sedition Act that Adams signed into law with apparent reluctance, which led to a period of repression that Jefferson described as the "reign of witches?"³⁷ Would a man who *always* acted on principle have signed into law an act of such dubious constitutionality and such partisan intent?³⁸ Adams was among the foremost lawyers and political thinkers of his day and he certainly could not have been blind to the statute's obvious constitutional infirmities. What about the central achievement of Adams' presidency, the Convention of Mortefontaine, which ended the quasi-war with France?³⁹ Reaching this agreement has opened Adams up to charges of expediency and electioneering, and not without some justification.⁴⁰ Owing to increasing war-weariness in a number of

34. See generally WILLIAM HOLMES MCGUFFEY, *MCGUFFEY'S ECLECTIC READERS* (John Wiley 1997) (1836).

35. See Bradley Thompson, *Atlas of American Independence*, in *ALMANAC*, *supra* note 6, at 75 (emphasis added).

36. *Id.* at 69.

37. See, e.g., Sean Wilentz, *America Made Easy*, *NEW REPUBLIC ONLINE* (July 2, 2001) (reviewing DAVID MCCULLOUGH, *JOHN ADAMS* (2001)), at <http://www.tnr.com/070201/wilentz070201.html> (last visited Nov. 15, 2002).

38. See *New York Times Co. v. Sullivan*, 376 U.S. 254, 276 (1964) ("Although the Sedition Act was never tested in this Court, the attack upon its validity has carried the day in the court of history. . . . The invalidity of the Act has also been assumed by Justices of this Court [including Justice Holmes].") (footnote omitted).

39. See, e.g., Wilentz, *supra* note 37.

40. See, e.g., *id.*

pivotal states, Adams' decision to try to conclude the agreement was in many ways not politically disadvantageous to him in light of the upcoming 1800 election.⁴¹ Nor was it necessarily politically disadvantageous for Adams to undercut the position of his militarist political rivals within the Federalist Party by seeking peace.⁴²

At another juncture, the author seems to liken Adams to a prophet: "Like many *great-souled men*, John Adams was ambitious and desiring of fame"⁴³ While Adams may well have been a well-intended individual, certainly many would question his (or any man's) purity of spirit—not the least his son, Charles, whom Adams renounced during his presidency.⁴⁴ These nettlesome but important complexities are all but ignored in the text. Instead, the reader is treated to an unabashed Adams encomium.

Mackubin Owens' treatment of Hamilton's life takes on similar hagiographical trappings. In the tale, the author discusses Hamilton's fatal duel with Aaron Burr in the most heroic and patriotic terms. "Although Hamilton was opposed to dueling," Owens notes, Burr challenged him and "Hamilton—like Cato, willing to die for the republic to prevent the triumph of Caesar—felt obliged to accept."⁴⁵ First, Hamilton was not opposed to dueling; he participated in a dozen of them.⁴⁶ Second, Hamilton did not accept the duel to kill Burr and save the Republic from Burr's depredations; instead, Hamilton almost assuredly did so because he did not want to violate the *Code Duello* that existed at the time.⁴⁷ Or, in the words of Thomas Fleming, author of a recent book on the duel, Hamilton did not want to run afoul of the existing "[p]ublic prejudice [that] required a man who wanted to remain in politics to conform to the code of honor."⁴⁸

41. See, e.g., *id.*

42. See STANLEY ELKINS & ERIC MCKITRICK, *THE AGE OF FEDERALISM* 618 (1993).

43. Thompson, *supra* note 35, at 68 (emphasis added).

44. PETER SHAW, *THE CHARACTER OF JOHN ADAMS* 262 (1976).

45. Mackubin Owens, *Champion of American Enterprise*, in *ALMANAC*, *supra* note 6, at 108.

46. See ROGER G. KENNEDY, *BURR, HAMILTON AND JEFFERSON: A STUDY IN CHARACTER* 82 (2000).

47. See, e.g., *id.* That Hamilton had been involved in twelve prior duels would seem to provide further indication that the Burr duel was not an isolated action Hamilton undertook to save the Republic.

48. Katharine Whittimore, *Book Review*, SALON.COM (Sept. 29, 1999) (reviewing THOMAS FLEMING, *DUEL: ALEXANDER HAMILTON, AARON BURR, AND THE FUTURE OF*

Thus, several of the *Almanac's* biographical sketches lapse into watery apologia. Because the likes of multiculturalists have so often skewered the Founders,⁴⁹ it may not be surprising that those who try to restore them to their proper place in the Pantheon of Americana may err by overstating their case. (Until recently, both Adams and Hamilton had been particularly in need of positive reevaluation.) While this may be understandable, it does not fully excuse swinging the pendulum completely back the other way, from absolute contempt back to uncritical acceptance. Despite their great achievements, the Founders were not semi-divine. They were flawed mortals placed in particularly trying and historically pivotal times. They were also men who performed their duties exceedingly well. Holding them up as disinterested deities is as much a historical disservice to them as is judging them solely by the socio-political standards of the early twenty-first century. Perhaps these vignettes are meant to imbue the reader with the moral biographical feel of Plutarch⁵⁰ (or at least Brookhiser⁵¹); instead, the reader comes away feeling somewhat patronized.

E. *Research Aids*

The section on research aids is also flawed. Regrettably, the segment titled "Experts on the American Founding" appears to be much more ideological than exhaustive.⁵² While it is all well and good to include former Attorney General Ed Meese as an expert on the Founding,⁵³ any list of experts on the Founding that does not include Stanley Elkins and Eric McKittrick,⁵⁴ Jack Rakove,⁵⁵ Bernard Bailyn,⁵⁶ or Gordon Wood⁵⁷ must be viewed as somewhat suspect.⁵⁸

AMERICA (2000)), at <http://www.salon.com/books/review/1999/09/29/fleming/> (last visited Mar. 22, 2003).

49. See *supra* note 1.

50. See PLUTARCH, LIVES OF NOBLE GRECIANS AND ROMANS (A.H. Clough ed. 1992).

51. See RICHARD BROOKHISER, FOUNDING FATHER: REDISCOVERING GEORGE WASHINGTON (1997).

52. See ALMANAC, *supra* note 6, at 341-45.

53. See *id.* at 344.

54. Curiously, while Professors Elkins' and McKittrick's magisterial work, THE AGE OF FEDERALISM, is included among the research aids, *id.* at 322, its authors are not. David McCullough commented of this work that it was "a landmark work in American history if ever there was." See MCCULLOUGH, *supra* note 3, at 654.

55. See, e.g., JACK RAKOVE, ORIGINAL MEANINGS: POLITICS AND IDEAS IN THE MAKING OF THE CONSTITUTION (1997). For this work, Rakove won the Pulitzer Prize for History in 1997.

The recommended reading list is also disappointing due to some rather striking omissions. In its listing of books on George Washington, no mention is made of Douglas Southall Freeman's multi-volume biography,⁵⁹ a work that has been likened to a "primary source" by no less of an authority than James Thomas Flexner.⁶⁰ By the same token, Page Smith's treatment of John Adams⁶¹ was not deemed fit for inclusion. These curious lacunae in the research aids allow the book to end on a somewhat disappointing note.

III. CONCLUSION

Taken all in all, the *Almanac* is a useful complement to the literature on the Founding Period. However, the book is recommended much more as a reference tool to be consulted for quotations, commentary, and dates than it is for its biographical sketches and research aids, which are uneven in quality.

56. Jonathan Yardley, *Book Review*, WASH. POST, Jan. 26, 2003, at Book World 2 (reviewing BERNARD BAILYN, *TO BEGIN THE WORLD ANEW: THE GENIUS AND AMBIGUITIES OF THE AMERICAN FOUNDERS* (2003)) ("For approximately half a century, Bailyn has been the country's most distinguished and influential scholar of the Revolution . . .").

57. See WEST, *supra* note 1, at 3 ("Gordon Wood, widely regarded as the leading historian of the political thought of the America founding . . .").

58. To be fair, the list is qualified in that it purports to include "practical-minded scholars who are experts on the American Founding who are concerned about its study and popular appreciation." *Introduction*, *supra* note 7, at xvii. If this qualification so limits the list to the group of scholars presented (itself a questionable proposition), then this author would submit that perhaps the qualifications for the listing should be changed to better comport with the traditional understanding of the term "expert."

59. See DOUGLAS SOUTHWALL FREEMAN, *GEORGE WASHINGTON: A BIOGRAPHY* (seven volumes published at intervals).

60. See JAMES THOMAS FLEXNER, *WASHINGTON: THE INDISPENSABLE MAN* 409 (1974).

61. See PAGE SMITH, *JOHN ADAMS* (1962). Ralph Adams Brown termed this work "the most extensive, and the soundest biographical study of John Adams that has been made." RALPH ADAMS BROWN, *THE PRESIDENCY OF JOHN ADAMS* 237 (1975).

