



The History of the Pocket Constitution

How mini-Constitutions became popular long before the Tea Party.

By Betsy Woodruff

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Forget apple pie. Forget the Statue of Liberty, Chuck Norris, Daisy Dukes, cowboy boots, and hot dogs on the Fourth of July. The most American thing that has ever existed landed on my desk a few weeks ago in an unsolicited mailing from a libertarian-leaning think tank: a snappy new Cato Institute pocket Constitution, one of millions printed since the booklets first started streaming off printing presses decades ago.

Conservative activists' sometimes-histrionic devotion to the text of the Constitution might suggest that the document's most animated defenders live on the right end of the political spectrum. The Tea Party's ascendance in recent years did bring a renewed interest in some of the nation's founding documents like the Federalist Papers, the Declaration of Independence, and—naturally—the Constitution. And with that came a steep uptick in demand for the slim, often burgundy volumes. Thus, the tiny booklets are often associated with unflattering stereotypes of angry, unlettered grassroots conservatives who sport tri-corner hats and wave signs calling on House Speaker John Boehner to “Try Growen’ a Pair!!”

But the rise of pocket Constitutions isn't an arcane outgrowth from some right-wing conservative phenomenon. Indeed, these miniaturized versions of our founding charter are neither new nor a conservative creation. The history of the pocket Constitution is a notably non-ideological one, as is the controversy that these documents have sometimes engendered.

It's not entirely clear—at least to your amateur historian—where the story of the pocket Constitution begins. The earliest date I could find was 1965. The congressional record shows resolutions to print copies of the Constitution in 1962, 1963, and 1964. But there's no reference to the documents' size. On May 10, 1965, however, there's a resolution from “Mr. Hays, from the House Committee on Administration” calling for the printing of a “pocket-sized edition” of the Constitution. The estimated cost was \$2,811.

The resolution didn't offer a rationale for why a smaller-sized Constitution was suddenly necessary or how many copies could be printed for that precise sum, but it appears to have been the handiwork of an Ohio Democrat named Wayne Hays. Rep. Hays chaired the House Committee on House Administration, and is remembered mainly for resigning from his perch as chair—and then from Congress altogether—after news broke that he had an affair with the committee's secretary and kept her on staff even though she said she couldn't type, file, or answer the telephone. But though Hays' dalliances may have curtailed his congressional career, they shouldn't overshadow what looks like his lasting contribution to American political culture: getting Congress to print the first fun-size copies of the Constitution.

And that printing came none too soon. Before the Tea Party rallied against perceived government corruption and abuse, there was Watergate. Susan Herman, president of the ACLU, said the first instance she knows of when prominent politicians used pocket Constitutions for effect was during the Watergate Hearings. Sen. Sam Ervin, a North Carolina Democrat, chaired the Senate Select Committee to Investigate Campaign Practices—also known as the Watergate Committee (or even the Ervin Committee)—and the hearings were televised. Ervin used to pull out his pocket copy of the Constitution during the hearings, and it made a powerful visual impact.

“That was really important, because Watergate was so much a moment of paying attention to the Constitution,” Herman said. “The fact that there was this visual and personal symbol of somebody who was paying very careful attention to exactly what the Constitution said I think was really important in the history of the Watergate hearings.”

Pocket Constitutions are the perfect prop because they're easy to tote around and whip out of your pocket to make a point. Pound for pound, you won't do much better.

Nobody was more aware of that than Democratic Sen. Robert Byrd. One long-time Senate staffer told me that in his later days, the West Virginian senator would roll around the Capitol Building in his wheelchair hollering “Make way for liberty!” while waving his pocket Constitution in the air. Byrd and Michigan Democratic Sen. Carl Levin had their constitutions handy for a photo-op in 1998 when the Supreme Court struck down the president's line-item veto. The executive power had been granted to President Clinton in 1996 in an effort to curb reckless spending, which is a Tea Party-friendly goal if there's ever been one. But Congress' most famous pocket Constitution fan wasn't having it. At a press conference after the decision, according to Ray Smock at the Robert C. Byrd Center for Legislative Studies, Byrd cried, “God save this honorable court!” as he hoisted his personal copy over his head.

When I asked Sen. Joe Manchin, the junior senator from West Virginia, if he carried one, he whipped it out of his coat pocket and waved it at me.

Rep. Kristi Noem, a South Dakota Republican, says she prefers to keep hers in her purse. “A lot of folks will give them to you as you're traveling around the state of South Dakota,” she said. “I've had quite a few handed to me over the last several months.”

Its ubiquitousness is probably explained, in part, by its strong bipartisan support. The ACLU prints them en masse, as well as the conservative Heritage Foundation and the libertarian Cato Institute. When it comes to constitutional interpretation, these groups often have substantial and sometimes ugly disagreements. But they all believe the Constitution is on their side. It's the same with many of the members and top political leaders who carry the little booklets.

David Addington was Vice President Dick Cheney's chief of staff for three years, an influential legal mind in the Bush administration, and a devoted supporter of the NSA's warrantless wiretapping program. PBS called him "Cheney's powerful, one-man legal office," and noted that the pair worked closely to consolidate the president's power. The *New Yorker* cited an anonymous source who claimed that Secretary of State Colin Powell once said Addington "doesn't care about the Constitution." Maybe, but he carried one. In *Days of Fire*, journalist Peter Baker wrote that the controversial lawyer always had one on his person. It may be the only thing Addington shares with the ACLU—and Dennis Kucinich.

Kucinich, a former Ohio Democratic congressman and ill-fated presidential candidate, never left his Constitution at home either. In a 2007 Democratic presidential primary debate, Brian Williams asked the candidates if they backed Kucinich's efforts to impeach Addington's boss, Dick Cheney. None did.

"Is this a proper use of congressional time and energy?" Williams asked Kucinich.

The congressman reached for his pocket Constitution and tore into Cheney and President Bush's decision to go to war in Iraq.

"Now, we have to stand for this Constitution, we have to protect and defend this Constitution," he said. "And this vice president has violated this Constitution."

The pocket Constitution's mass production—and the devotion it inspires on left and right—is reminiscent of the treatment that another widely distributed book gets: the Bible. Members of the Gideons have been handing out the volumes for more than a century. There's a shared sola scriptura ethic between the Gideons and the political groups that disburse little Constitutions: The basic premise seems to be that a text that's complicated, controversial, and historically fraught can be accessible and useful to people who don't have any advanced theological or legal training. That sentiment is as populist as they come.

The Tea Party's devotion to the Constitution recalls early Protestants' devotion to scripture. William Tyndale, who translated the Bible into English, once told a scornful clergyman, "If God spare my life, ere many years pass, I will cause a boy that driveth the plow shall know more of the Scripture than thou dost." Sounds familiar.

But sometimes devotion to the Constitution is self-defeating. Roger Pilon, who directs the Cato Institute's Center for Constitutional Studies and helped launch its program of printing and

distributing pocket Constitutions, said he admired Byrd's devotion to the product. But there was one hiccup. The West Virginian pushed for the passage of a law that required all federally-funded schools to hold events marking Constitution Day on Sept. 17.

"Here's the irony: There is no Constitutional authority for Congress doing that," said Pilon, laughing. "Robert Byrd may have been the constitutional conscience of the Congress, but he didn't really understand it."

Like those tiny New Testaments, pocket Constitutions don't come with catechisms. They can symbolize just about whatever their bearers want.

But just like there are plenty of Christians who don't pass out copies of pocket-sized Gideons New Testaments, there are plenty of members of Congress who don't see an advantage in carrying the text of the Constitution with them everywhere they go. Former Rep. Henry Waxman, a California Democrat, was one of them.

"I've never felt the need to carry around anything," he said. "I have a pretty good recollection of most of what's in the Constitution, and if I didn't have clarity about a certain provision, I could Google it on my iPhone."

He headed off, and then abruptly wheeled around.

"Oh, by the way, I do have the Ten Commandments!"