POCKET CONSTITUTIONS: AMERICA'S FOUNDING DOCUMENT IN SMALL PRINT

BRIAN CHRISTOPHER JONES*

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INTRODUCTION

Question: What do the National Archives, Cato Institute, Government Printing Office, American Civil Liberties Union, American Bar Association, and Heritage Foundation all have in common?

Answer: They each sell their own pocket version of the US Constitution.[1]

For a document that is usually found behind glass casing in museums and galleries, many have taken advantage of the ability to carry it in their purse, wallet—or better yet—their pocket. The US Constitution is one of the oldest and shortest constitutions in the world.[2] This brevity comes with significant advantages: it is easily accessible, it could be read before your coffee gets cold, and it could also be mass produced on a large scale. Indeed, as the insights, commentary, and controversies regarding the American Constitution continue to get larger and more sophisticated in the 21st century, this brief 18th century text seems more relevant than ever. But in part, this renaissance is coming in pocket form through the mass production and distribution of pocket US Constitutions.[3]

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* Senior Lecturer, School of Law, University of Liverpool. Huge thanks to Erin F. Delaney for giving me the idea and inspiration for this piece. I hope that I've done it justice. Thanks also to Shannon K. Myers for her helpful suggestions and for getting the piece ready for publication.

1. *See infra* Part II.

2. Stephen Gardbaum, *The Myth and the Reality of American Constitutional Exceptionalism*, 107 MICH. L. REV. 391, 400 (2008).

3. *See infra* Part II.

American history is dotted with these mini constitutions popping up during times of constitutional significance, but there is not room in this piece for a history of pocket constitutions. Others have attempted to do that for various outlets.[4] Suffice it to say that the pocket constitution did not come into popularity until the mid-20th century,[5] but that since its arrival, it has been used symbolically in some prominent forums. Justice Hugo Black carried a version with him and used it frequently on and off the bench,[6] Senator Sam Ervin often brandished a copy during the Watergate investigations,[7] and Khizr Khan upheld a copy at the 2016 Democratic National Convention to rapturous applause.[8] Some claim even more profound implications stemming from the publication and dissemination of these important documents. Perennial House candidate Lily Tang Williams describes how a pocket US Constitution was what "forever changed" her life and led her out of Communist China and into the United States.[9] The pocket constitution has been embraced by a wide array of political figures and organizations within the United States. The Republican-leaning Tea Party movement prominently used the documents during the presidency of Barack Obama.[10] However, the tide has turned, and it is now Democrats that currently employ the power of this small but mighty document to protest the latest actions and policies of President Trump.[11]

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4. Betsy Woodruff, *The History of the Pocket Constitution*, SLATE (Jan. 28, 2015), https://slate.com/news-and-politics/2015/01/history-of-the-pocket-constitution-these-miniature-versions-of-americas-founding-charter-became-popular-before-the-tea-party.html [https://perma.cc/WB9W-C7Z5]; Scott Bomboy, *A Brief History of Pocket Constitutions and Their Meaning*, NAT'L CONST. CTR. (Aug. 2, 2016), https://constitutioncenter.org/blog/a-brief-history-of-pocket-constitutions-and-their-meaning [https://perma.cc/SL9Z-ATBV].

5. Bomboy, *supra* note 4.

6. Paul R. Baier, *Hugo Black and Judicial Lawmaking: Forty Years in Retrospect*, 14 NEXUS 3, 13 (2009).

7. Jessie Kratz, *The "Pocket Constitution" Makes a Comeback*, NAT'L ARCHIVES (Sep. 16, 2016), https://prologue.blogs.archives.gov/2016/09/15/the-pocket-constitution-makes-a-comeback/#:~:text=Constitution%20for%20distribution%20to%20its%20membership.%20During,Ervin%2C%20Chairman%20of%20the%20Senate%20Select%20Committee [https://perma.cc/THL7-98TH].

8. Almas Khan, *Graphic Justice, Humor, and the Democratization of Legal Discourse*, 57 UNIV. RICHMOND L. REV. ONLINE 1, 17 (2022).

9. Tang Williams, *A Pocket-Sized U.S. Constitution Freed Me from Enslavement*, N.H.J. (Sep. 14, 2023), https://nhjournal.com/tang-williams-a-pocket-sized-u-s-constitution-freed-me-from-enslavement/ [https://perma.cc/K56L-8LMY].

10. *See* Mara Liasson, *Tea Party: It's Not Just Taxes, It's The Constitution*, NPR (July 14, 2010), https://www.npr.org/2010/07/14/128517427/tea-party-its-not-just-taxes-its-the-constitution [https://perma.cc/FEZ6-XKW6]; Jared A. Goldstein, *The Tea Party's Constitution*, 18 DENV. U.L. REV. 559, 559 (2011).

11. Santul Nerker, *In Suits and Ties, Lawyers Protest Trump's Attacks on the Legal System*, N.Y. TIMES (May 1, 2025), https://www.nytimes.com/2025/05/01/nyregion/national-law-day-courthouse-

Seven cases have also arisen over the past couple decades where pocket constitutions were involved or referenced. Six of these came from federal courts[12] and one case arose in the state of Wisconsin.[13] Perhaps the most famous of these was the one from the DC Circuit, in which Joseph Antony Caputo climbed over the White House fence on Thanksgiving Day in 2015 but was quickly apprehended.[14] Caputo was using an American flag as a cape and had a pocket constitution on him.[15] These cases demonstrate that, although relatively limited, courts have seen pocket constitutions come into focus at times in recent years.

This article chronicles some of the features regarding the rise of pocket constitutions in the US. The phenomenon is interesting given how readily accessible these items have become over the past decade, and how their style, presentation, and contents have changed shape throughout the years. Additionally, it is a development that legal scholars have seemingly ignored or given very cursory attention to.[16] This piece begins by looking at the presence and availability of pocket constitutions, then moves onto the style and content of these documents and then discusses some implications for a more widely accessible version of the US Constitution.

I. THE PRESENCE AND AVAILABILITY OF POCKET CONSTITUTIONS

Some organizations have been instrumental in the production and distribution of pocket constitutions. The Cato Institute is one of them. They began publishing a branded Cato version in 1998, and from that point

protests.html [https://perma.cc/R36R-DHFM]; Danielle Kurtzleben, *Protesters Wield Pocket Constitutions At Trump Rally*, NPR (Aug. 4, 2016), https://www.npr.org/2016/08/04/488738033/protesters-wield-pocket-constitutions-at-trump-rally [https://perma.cc/5MYG-WPEL].

12. *Heicklen v. Toala*, No. 08 Civ. 2457(JGK), 2010 U.S. Dist. LEXIS 14344, at *7 (S.D.N.Y. Feb. 18, 2010); *Caler v. Brown*, No. 13-cv-02093-PAB-DW, 2014 U.S. Dist. LEXIS 135274, at *3 (D. Colo. Sep. 25, 2014); *U.S. v. Caputo*, 201 F. Supp. 3d 65, 68 (D.D.C. 2016); *Jones v. Nye Cnty.*, No. 2:14-CV-1354 JCM (PAL), 2016 U.S. Dist. LEXIS 40330, at *2 (D. Nev. Mar. 28, 2016); *El v. Kemp*, No. 5:19-CV-74 (MTT), 2019 U.S. Dist. LEXIS 178035, at *2 (M.D. Ga. Oct. 15, 2019); *Felt v. Univ. of Utah*, No. 2:24-CV-00063, 2024 U.S. Dist. LEXIS 86367, at *4 n.19 (D. Utah May 13, 2024).

13. *State v. Smith*, 2018 WI 2, ¶ 87, 383 Wis.2d 786, 918 N.W.2d 644 (Kelly, J., dissenting).

14. *Caputo*, 201 F. Supp. 3d at 68; *Connecticut Man Pleads Guilty to Federal Charge For Illegally Scaling White House Fence*, U.S. ATT'Y'S OFF., D.C. (Sep. 12, 2016), https://www.justice.gov/usao-dc/pr/connecticut-man-pleads-guilty-federal-charge-illegally-scaling-white-house-fence [https://perma.cc/8XHE-SLPX].

15. *Caputo*, 201 F. Supp. 3d at 68.

16. In a recent HeinOnline Law School Library search (Sep. 29, 2025), I could not find one single article decided to the study of pocket constitutions.

forward have distributed over 8 million copies.[17] They have sent copies to federal judges, members of Congress, state legislators, student groups, and even to delegations of international visitors.[18] They have also produced Spanish-English and Arabic-English versions for over two decades, and the organization has a long history of politicians displaying Cato-branded pocket constitutions in photo ops and interviews.[19] A single copy costs $4.95, and there are discounts for larger orders.[20]

The beginning of this piece demonstrates the wide availability of pocket constitutions among organizations that are affiliated with the left and right, in addition to those available through official state channels, such as the Government Printing Office (GPO) and the National Archives. Many of these editions can be bought for a meager $1 or $2.[21] The official version provided by the Government Printing Office is $2.[22] However, there are options on the slightly more expensive side. The National Archives sells a dark blue hardcover version that is $9.95,[23] the ACLU sells a white modern version for $10.00,[24] and there is a leather-bound version from an independent retailer that goes for $19.[25] The Smithsonian also sells a leather-bound version in black or red that goes for $30.00,[26] which is on the high side. Other bespoke versions can be found on various websites like Etsy, which can run up to $60.00.[27]

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17. *25 Years and 8 Million Pocket Constitutions Later*, 2023 CATO POL'Y REP. 3, 3, https://www.cato.org/sites/cato.org/files/2023-07/cpr-v45n3-3.pdf [https://perma.cc/S6Q6-TJPJ].

18. *Id.* at 3, 12.

19. *Id.*

20. *Pocket Constitution (single copies)*, CATO INST. (last visited Nov. 10, 2025), https://store.cato.org/products/cato-pocket-constitution [https://perma.cc/8JGR-X4UC].

21. *See, e.g.*, *The Constitution of the United States and the Declaration of Independence (Pocket Edition) (2019 Printing)*, GOV'T PRINTING OFF. (last visited Nov. 10, 2025) https://bookstore.gpo.gov/products/constitution-united-states-and-declaration-independence-pocket-edition-2019-printing [https://perma.cc/SNJ9-C7CF].

22. *Id.*

23. *The Constitution of the United States of America Pocket-sized Hardcover Book*, NAT'L ARCHIVES SHOP (last visited Nov. 10, 2025), https://www.nationalarchivesstore.org/products/the-constitution-of-the-united-states-of-america-pocket-sized-hardcover-book [https://perma.cc/C3CX-HM3E].

24. *Pocket Constitution - White*, ACLU SHOP (last visited Nov. 10, 2025), https://shop.aclu.org/pocket-constitution-white/ [https://perma.cc/4DV3-B5U3].

25. *Leather Pocket Constitution of the United States*, SADDLEBACK LEATHER (last visited Nov. 10, 2025), https://saddlebackleather.com/leather-bound-constitution [https://perma.cc/TLC4-VW7J].

26. *Mini Leather U.S. Constitution*, SMITHSONIAN (last visited Nov. 10, 2025), https://www.smithsonianstore.com/mini-leather-us-constitution-10591/ [https://perma.cc/4PE5-4FGR].

27. *See, e.g.*, *Rebound Leather Constitution of the United States: Pocket Edition*, ETSY (last visited Nov. 10, 2025), https://www.etsy.com/uk/listing/957824708/pocket-leather-constitution-of-the [https://perma.cc/VN7E-H6FR].

That pocket constitutions are readily available will not surprise anyone. However, the way some organizations provide such constitutions are unique. Hillsdale College provides a free copy for anyone that wants it, and in December 2022, they surpassed distributing over three million copies nationwide.[28] All you have to do to obtain a copy is fill out their online form.[29] A number of universities supply pocket constitutions to students on particular days, such as on Constitution Day or even on enrollment day.[30] Indeed, University versions are often branded: the James Madison University copies are in school colors, and emblazoned with a JMU symbol at the bottom.[31] Some congresspersons also give them away as long as you fill in an online form.[32]

Many organizations and independent retailers sell or give away pocket constitutions in bulk. A number of providers specialize in this,[33] and some will distribute them in bulk if you are using them for educational purposes.[34] For instance, the Bill of Rights Institute gave away over 200,000 free copies in 2024.[35] Interestingly, some organizations even have tailored packages for those that would like to meet up and discuss the US Constitution. The organization, *Moms for Liberty*, sells a "Madison

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28. *Receive your FREE printed copy of The U.S. Constitution and Declaration of Independence!*, HILLSDALE COLL. (last visited Nov. 10, 2025), https://lp.hillsdale.edu/free-pocket-constitution/ [https://perma.cc/68BA-RN2U]; Victoria Wagner, *Hillsdale Distributes Over Three Million Pocket Constitutions*, THE COLLEGIAN (Dec. 1, 2022), https://hillsdalecollegian.com/2022/12/hillsdale-distributes-over-three-million-pocket-constitutions/ [https://perma.cc/P65E-DJ7Z]. Hillsdale also provides a free Constitution 101 course that anyone can sign up for. *Constitution 101: The Meaning and History of the Constitution,* HILLSDALE COLL. (last visited Nov. 10, 2025), https://online.hillsdale.edu/landing/constitution-101 [https://perma.cc/N5GJ-2LS5].

29. *See Constitution 101: The Meaning and History of the Constitution*, *supra* note 28.

30. Fordham supplied them to students on Constitution Day in 2023. *Constitution Day 2023: Get Your Pocket Constitution!*, FORDHAM NEWS (Sep. 15, 2023), https://news.fordham.edu/university-news/constitution-day-2023/ [https://perma.cc/6VJV-PNCL]. James Madison University provides them to students on enrollment day. *Popular. Purple. Pocket-sized. Donors Help Put the Constitution in Madison's Hands Again*, JAMES MADISON NEWS (Sep. 14, 2023), https://www.jmu.edu/news/2023/09/14-pocket-constitutions.shtml [https://perma.cc/2NFH-PTCT].

31. *See* JAMES MADISON NEWS, *supra* note 30.

32. *See, e.g.*, *Pocket Constitution*, MIKE TURNER (last visited Nov. 10, 2025), https://turner.house.gov/pocket-constitution [https://perma.cc/H7LU-2ME2].

33. *See The. U.S. Constitution - A Pocket Guide for Students of All Ages*, AJS PUBL'NS (last visited Nov. 10, 2025), https://www.ajspublications.com/the.-u.s.-constitution-pocket-guide-for-students-o [https://perma.cc/HA3W-SDK2]; *America's Best-Selling Pocket Constitution Book*, CONSTITUTIONFACTS.COM (last visited Nov. 10, 2025), https://www.pocketconstitution.org/ [https://perma.cc/KRK5-G9W7].

34. *See, e.g.*, *Request Pocket Constitutions*, BILL OF RIGHTS INST. (last visited Nov. 10, 2025), https://billofrightsinstitute.org/request-pocket-constitutions [https://perma.cc/4SZV-8NKM].

35. *Id.*

Meetup Package" for $30 that contains: a copy of *How to Read the Declaration of Independence and Constitution* by Paul B. Skousen, ten pocket constitutions, and a *Moms for Liberty* Brochure Guide.[36]

II. THE STYLE AND CONTENT OF POCKET CONSTITUTIONS

Above, I have attempted to catalog some of the common and unique places that people can either purchase pocket constitutions or acquire them through some form of consent (e.g., agreeing to email communications or newsletters) or membership (university student, advocacy organization, etc.). Below, I get into some of the unique features of pocket constitutions, tracing the evolution of these documents from version 1.0 to version 2.0. Pocket constitution version 1.0 tends to be uniform and dignified, while version 2.0 tends to be branded and stylized.

A. Pocket Constitution 1.0

Some of the original pocket constitutions were august and quite elegant looking documents. Many of them had dark blue or crimson covers with gold or silver lettering.[37] In some cases, even the pages often contained gilded edges of gold and silver.[38] Many of these older style pocket constitutions have just lettering on the front, detailing the contents (e.g., "The Constitution of the United States of America with the Declaration of Independence").[39] These were the types of pocket constitutions that Senator Sam Ervin,[40] Senator Robert Byrd, and Representative Dennis Kucinich used to carry around with them and occasionally use during interviews and questioning.[41] This 1.0 version may look like some of the below pictures:

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36. *What Does Liberty Mean to You? Let's Talk About It*, MOMS FOR LIBERTY (last visited Nov. 10, 2025), https://portal.momsforliberty.org/madison-meetups/ [https://perma.cc/JD4C-H8DM].

37. *See*, *e.g., infra* note 42.

38. *See, e.g.*, THE CONSTITUTION OF THE UNITED STATES WITH THE DECLARATION OF INDEPENDENCE (Fall River Press, pocket ed. 2013).

39. *Id.*

40. Jessie Kratz, *The "Pocket Constitution" Makes a Comeback*, NAT'L ARCHIVES (Sep. 16, 2016), https://prologue.blogs.archives.gov/2016/09/15/the-pocket-constitution-makes-a-comeback/#:~:text=Constitution%20for%20distribution%20to%20its%20membership.%20During,Ervin%2C%20Chairman%20of%20the%20Senate%20Select%20Committee [https://perma.cc/H2TV-YUJA].

41. Kate Tummarello, *Small Size, Enormous Importance*, ROLL CALL (July 6, 2011), https://rollcall.com/2011/07/06/small-size-enormous-importance/ [https://perma.cc/VN8Q-NARM].

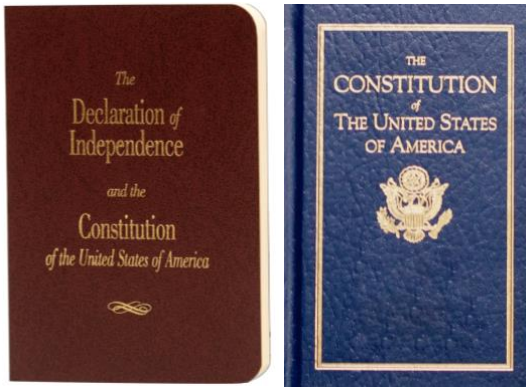

Figure 1: Examples of Version 1.0 Pocket Constitutions[42]

Generally, the covers look historic and reverential in order to match the contents. Additionally, for these versions it is almost impossible to tell who was printing or distributing the pocket constitution by looking at the covers. If there was a provider listed on the front or back, it was usually subtle.[43] Under pocket constitution 2.0, much of this style has changed.

B. Pocket Constitution 2.0

The pocket constitution that Khizr Khan held up at the 2016 Democratic National Convention was different from the 1.0 version.[44] Although you can still find some of the classic pocket constitution styles around,[45] many of the 2.0 versions contain different features. Gone are the gold and silver letters and gilded edges of pages.[46] Many are now stylized and personalized.[47] Some, such as those from the Heritage Foundation and the ACLU (Figure 2), have the provider labels on the front cover, so

42. In order of appearance: THE DECLARATION OF INDEPENDENCE AND THE CONSTITUTION OF THE UNITED STATES OF AMERICA (Cato Inst., pocket ed. 2016); THE CONSTITUTION OF THE UNITED STATES (Nat'l Archives, pocket ed. 2025).

43. *See, e.g.*, THE DECLARATION OF INDEPENDENCE AND THE CONSTITUTION OF THE UNITED STATES OF AMERICA (Cato Inst., pocket ed. 2016).

44. *See* Corinne Segal & Daniel Maritz-Rabson, *After Khan Speech, Pocket Constitution Becomes Best-Seller*, PBS (July 31, 2016), https://www.pbs.org/newshour/nation/khan-speech-pocket-constitution-becomes-amazon-best-seller [https://perma.cc/Z36H-7AEZ].

45. *See supra* note 42 (CATO version).

46. *See infra* notes 48, 53, and 55.

47. *Id.* If you order from ConstitutionFacts.com, you can personalize a range of features: cover, page count, language, imprinting of text on front and back covers, and even writing your own foreword. *Custom Editions*, CONSTITUTIONFACTS.COM (last visited Nov. 11, 2025), https://www.constitutionfacts.com/custom-pocket-constitution/ [https://perma.cc/LE7G-SW9E].

readers know exactly which organization is providing their pocket constitution.

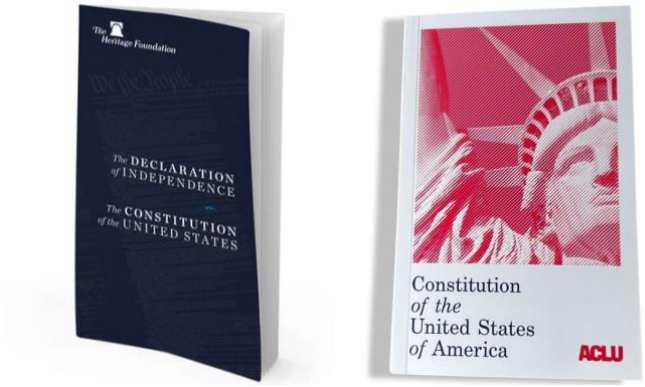

Figure 2: Heritage Foundation and ACLU Pocket Constitutions[48]

These branded versions appear to be used to demonstrate that an organization contains expertise on the US Constitution. But not always. Even *Penguin Books* has gotten into the pocket constitution business, adding a US pocket Constitution to the "Penguin Little Black Classics" series.[49] It may be no coincidence that this version came out in 2017, just a few months after the pocket constitution was raised by Khizr Khan at the Democratic National Convention in relation to opposition of Donald Trump.[50] This was followed by a flurry of activity towards pocket constitutions: the document shot up the Amazon best-seller list,[51] and Trump opponents repeatedly taunted him on the campaign trail with it.[52] The black and white Penguin version looks really sleek:

48. *Pocket Constitution*, HERITAGE FOUNDATION (last visited Nov. 11, 2025), https://shop.heritage.org/products/pocket-constitution [https://perma.cc/M94U-VN9S]; *Pocket Constitution - White*, ACLU (last visited Nov. 11, 2025), https://shop.aclu.org/pocket-constitution-white/ [https://perma.cc/4DV3-B5U3].

49. *See infra* note 53.

50. *See id.*; Corinne Segal & Daniel Maritz-Rabson, *After Khan Speech, Pocket Constitution Becomes Best-Seller*, PBS (July 31, 2016), https://www.pbs.org/newshour/nation/khan-speech-pocket-constitution-becomes-amazon-best-seller [https://perma.cc/M3SY-66Q4].

51. Scott Bomboy, *A Brief History of Pocket Constitutions and Their Meaning*, NAT'L CONST. CTR. (last visited Nov. 25, 2025), https://constitutioncenter.org/blog/a-brief-history-of-pocket-constitutions-and-their-meaning [https://perma.cc/YU8P-RGU8].

52. Mike McPhate, *Pocket Constitution Sales Soar After Trump Feud With Khan Family*, N.Y. TIMES (Aug. 1, 2016), https://www.nytimes.com/2016/08/01/us/winner-in-trump-feud-with-khan-family-the-constitution.html [https://perma.cc/ZP3M-LUW9].

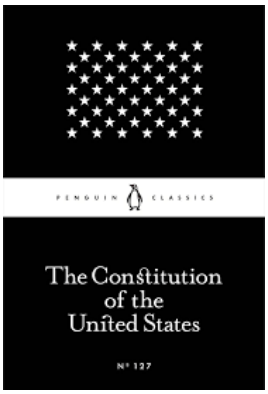

Figure 3: Penguin Classics Pocket Constitution[53]

Some of the classic versions have changed in appearance or added 2.0 features. For instance, the National Archives version contains striking red and white pages on its inside covers, complete with the words "We the People" (Figure 4). Even the official Government Printing Office version has gone for a 2.0 cover, harnessing red, white and blue rather than gold or silver (Figure 5). The less sleek American Bar Association (ABA) version looks similar, incorporating the American flag above a hand-written copy of the Constitution (Figure 5). Finally, the *Bill of Rights Institute* has gone with a blue and white theme, with a branded logo at the bottom (Figure 5).

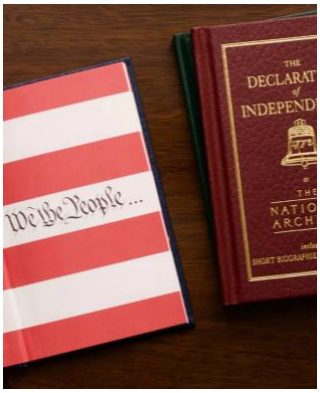

Figure 4: National Archives Pocket Constitution[54]

53. *The Constitution of the United States*, PENGUIN BOOKS (last visited Nov. 10, 2025), https://www.penguin.co.uk/books/306865/the-constitution-of-the-united-states-by-founding-fathers/9780241318492 [https://perma.cc/2ZF9-VFRJ].

54. *The Constitution of the United States of America Pocket-sized Hardcover Book*, NAT'L ARCHIVES (last visited Nov. 10, 2025),

Figure 5: Government Printing Office, ABA, and Bill of Rights Institute Pocket Constitutions[55]

The content included in pocket constitutions has also changed in the 2.0 version. Although all pocket constitutions I found contain the original text of the US Constitution, the supplementary material can vary considerably.[56] The comparatively expensive National Archives version ($9.95) is the only one I found that includes *just* the text of the Constitution and the 27 amendments.[57] It does not contain any quotations, introduction, or any other founding document, such as the Declaration.[58] This is unique, especially during times of pocket constitution 2.0, which often include supplementary features beyond the text of the Constitution to attract readers.

The vast majority of pocket constitutions also include another major foundational document, such as the Declaration of Independence. There are even some, such as the East India Company version, that contain the Articles of Confederation.[59] Several pocket constitutions include quotations from the founding fathers or other famous individuals, such as

https://www.nationalarchivesstore.org/products/the-constitution-of-the-united-states-of-america-pocket-sized-hardcover-book [https://perma.cc/E6RL-9L4W].

55. THE CONSTITUTION OF THE UNITED STATES AND THE DECLARATION OF INDEPENDENCE (U.S. House of Representatives & USCIS, pocket ed. 2019); *The Pocket Guide to the United States Constitution*, ABA (last visited Nov. 11, 2025), https://www.americanbar.org/products/inv/book/298030579/ [https://perma.cc/MCL8-DBYF]; *Pocket Constitution*, BILL OF RIGHTS INST. (last visited Nov. 11, 2025), https://billofrightsinstitute.store/products/pocket-constitution [https://perma.cc/A93M-RXEA].

56. *See infra* notes 57–67 and accompanying text.

57. THE CONSTITUTION OF THE UNITED STATES OF AMERICA (Nat'l Archive, pocket ed. 2025).

58. *Id.*

59. THE CONSTITUTION OF THE UNITED STATES OF AMERICA: THE DECLARATION OF INDEPENDENCE, THE BILL OF RIGHTS (E. India Publ'g Co., pocket ed. 2022).

Supreme Court Justices and Presidents.[60] The 25th edition from the Government Printing Office contains quotes from George Washington, Warren Burger, John Marshall, Alexander Hamilton, and Benjamin Franklin.[61] Many of the versions available also include the signatories for the foundational documents.[62]

Other 2.0 versions tend to include material tied to that particular organization or that the organization seeks to promote. One unique insert that I saw comes from the American Constitution Society, who supplies a version that contains the Gettysburg Address.[63] While Lincoln's famous speech is often found in books that contain a wider selection of prominent speeches and other writings, it is unusual for a pocket constitution to include it. But that was far from the most unique material found. The ACLU pocket constitution includes a section on "What to do if you're stopped by the police."[64] The version from ConstitutionFacts.com contains a selected list of proposed constitutional amendments, including an 1876 attempt to abolish the US Senate and an 1893 attempt to abolish the Army and Navy.[65] This version also contains facts about the Supreme Court, an explanation of how a case reaches and proceeds at the Court, and a selection of 20 landmark SCOTUS cases.[66] Going a bit further afield, the American Family Association Cultural Institute version comes with a foreword on "Christianity and the Constitution" by Stephen McDowell.[67]

Finally, I wasn't lying in the opening paragraph of this article when I said that some current pocket constitutions could fit into your wallet. Etsy sells a "Wallet Sized Pocket Constitution" for $9.99 that contains the entire text, including all 27 amendments, printed on a card that will fit into any card case.[68] Although you may need a magnifying glass to read it, at

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60. *See, e.g.*, TERRY L. JORDAN, THE U.S. CONSTITUTION AND FASCINATING FACTS ABOUT IT (pocket 8th ed. 2023).

61. THE CONSTITUTION OF THE UNITED STATES AND THE DECLARATION OF INDEPENDENCE (U.S. House of Representatives & USCIS, pocket ed. 2019).

62. *See, e.g.*, JORDAN, *supra* note 60.

63. *The Declaration of Independence, The Gettysburg Address and the Constitution of the United States of America*, AM. CONST. SOC'Y (last visited Nov. 11, 2025), https://www.acslaw.org/wp-content/uploads/2020/12/Pocket-Costitution-12.7-1.pdf [https://perma.cc/T4GK-RHPV].

64. CONSTITUTION OF THE UNITED STATES OF AMERICA 63–64 (ACLU, pocket ed. 2025).

65. TERRY L. JORDAN, THE U.S. CONSTITUTION AND FASCINATING FACTS ABOUT IT 57 (pocket 8th ed. 2023).

66. *Id.*

67. *Constitution Combo*, AMERICAN FAMILY ASSOCIATION RESOURCE CENTER (last visited Nov. 11, 2025), https://resources.afa.net/product-of-the-month-constitution-combo [https://perma.cc/9TSF-TK48].

68. *Constitution Card, Wallet Sized Pocket Constitution*, ETSY (last visited Nov. 11, 2025), https://www.etsy.com/listing/1817163071/constitution-card-wallet-sized-pocket [https://perma.cc/HE6P-K5NH].

least most people will be able to make out the majestic first three words: "We the People."

Overall, pocket constitution 2.0 has certainly changed in appearance and content. It is often now branded, more personalized to the organization or distributor, and there is a greater variety of covers available. The latter tend to be more contemporary looking, as a variety of patriotic images now adorn covers and the traditional gold and silver lettering has been replaced with red, white, and blue. In terms of content, it is highly unusual to merely have the text of the Constitution included. Most likely other founding documents or unique founding materials will be included, and there is a good chance that an introduction or commentary on the Constitution will adorn current versions.

III. IMPLICATIONS OF POCKET CONSTITUTION UBIQUITY

Some curious implications arise from this brief study into the availability, style, and content of pocket constitutions. Two of the items that jump out are the partisanship ramifications that may result from version 2.0 and the rampant veneration and idolatry of the US Constitution found in many versions.

A. Partisanship and Controversy

One of the most interesting aspects of pocket constitutions over the past couple decades has been how political losers on both sides of the aisle have embraced the document and used it while in opposition. After President Barack Obama was elected in 2008, a movement called the Tea Party began and played a key part in the Republican Party's opposition efforts.[69] One of their central messages was "defending" the Constitution, and its members could often be seen reading from pocket constitutions and advocating the text of the document.[70] A similar response came during President Trump's election in 2016:[71] the left embraced using the document as a protest symbol against the current administration, something that continues to this day.[72] In both cases the political opposition believed the Constitution was under threat from the current administration.[73] This idea that the US is moving away from its

69. Goldstein, *supra* note 10 at 559–560.

70. Liasson, *supra* note 10.

71. *See* Kurtzleben, *supra* note 11.

72. *See* Nerker, *supra* note 11.

73. *See, e.g.*, Liasson, *supra* note 10 (During the Obama administration, a Tea Party activist said that the Democrats were "eviscerating" the Constitution.); Nerker, *supra* note 11 (Lawyers around the nation protested the Trump Administration's threat to "the foundation of America's legal system.").

constitutional ideals, that it needs to stick to the text of the Constitution, and that following the Constitution will lead to potentially better outcomes has been a common theme embraced by political losers on both sides of the aisle, as they grasp for the (pocket) Constitution after electoral defeat.[74]

Pocket constitutions can sometimes cause controversy, and not just on the campaign trail or in Senate Committee rooms. This is especially the case with pocket constitution 2.0, which contains more explicit details of the provider organization and can also contain more organization-focused content, including introductions or expositions on the Constitution that may be one-sided or contain controversial views.[75] Recent distribution of pocket constitutions to schools in various locations has caused controversy, mostly because of what is contained in the version provided. Such controversies have erupted over the past few years in Missouri, Texas, and Florida.[76] In some cases it was the organization Moms for Liberty, mentioned above, that provided the free copies.[77] The branded nature of the pocket constitutions being distributed to schools was the main issue in many of these cases.[78]

If someone is reading a version of the pocket constitution from Moms for Liberty that contains an introduction or foreword that other versions do not contain, then they may take away a different view of the Constitution. This is not least because of the unique introductions or prefaces that some versions have, but also because some branded versions promote their organizations inside,[79] which may lead readers to connect with these organizations more deeply. And while many of the organizations producing and distributing these pocket constitutions hope that citizens will engage with the document and learn its contents,[80] decades of constitutional haggling has taught us that the meaning and

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74. *See supra* notes 69–73.

75. *See supra* Part II.B.

76. *See* Claudette Riley, *SPS won't hand out copies of Constitution provided by Moms for Liberty without disclaimer*, SPRINGFIELD NEWS-LEADER (Sep. 27, 2023), https://eu.news-leader.com/story/news/education/2023/09/27/springfield-public-schools-wont-pass-out-pocket-constitutions-provided-by-moms-for-liberty/70976115007/ [https://perma.cc/32Q5-WULB]; Bettie Cross, *U.S. Constitution at center of controversy between Governor Abbott and Leander ISD*, CBS AUSTIN (Sep. 19, 2023), https://cbsaustin.com/news/local/us-constitution-at-center-of-controversy-between-governor-abbott-and-leander-isd [https://perma.cc/GKU8-RAQD]; Finch Walker, *Delivery of pocket Constitutions to Brevard schools by Moms for Liberty draws questions*, FLORIDA TODAY (Sep. 23, 2023), https://eu.floridatoday.com/story/news/2023/09/23/whats-in-the-pocket-constitutions-brevard-middle-schoolers-received/70901713007/ [https://perma.cc/3PT5-QEUG].

77. *See, e.g.*, Walker, *supra* note 76.

78. *Id.*

79. *See supra* notes 63–67 and accompanying text.

80. *See infra* Part III.B.

interpretation of the Constitution can vary widely, especially among those most familiar with its content, history, and operation.[81]

B. Veneration and Idolatry

It may be unsurprising that veneration and idolatry of the US Constitution is found within the various versions of the pocket constitution. After all, these same features have been found in many facets of American life throughout the years.[82]

But when it comes to pocket constitutions, the constitutional fetishism can go into overdrive. A few examples bring this point home. The pocket constitution from ConstitutionFacts.com states, "Get to Know the Most Important Legal Document Ever Created!"[83] Similarly, in his foreword to the pocket constitution provided by American Family Association, Stephen McDowell notes that it is "perhaps the most important document ever written for the benefit of mankind other than the Bible" and also reminds readers that the Framers "declared that its formation and ratification were a miracle of God."[84] The Cato Institute's preface by Roger Pilon notes that the Declaration and the Constitution "address mankind's most basic political questions," "transcend both time and technology," and "will serve us well as we move through the 21st century."[85] And the introduction to Hugo Black's pocket constitution by Steven Suitts reminds us that Black "cherished every word" of the document and considered it his "legal bible."[86] Suffice it to say that this type of effusive language is ubiquitous in many versions of the pocket constitution.

In a book celebrating an important legal document and the founding of a nation, the veneration located in pocket constitutions may be unsurprising. Of course, it may also have to do with pocket constitutions usually being a sale item, and from organizations trying to further promote their own brands and expertise on the Constitution. But there are certainly implications of this veneration that may stretch beyond an increasing

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81. *See* BRANDON J. MURRILL, R45129, CONG. RSCH. SERV., MODES OF CONSTITUTIONAL INTERPRETATION (2018).

82. *See generally* AZIZ RANA, THE CONSTITUTIONAL BIND: HOW AMERICANS CAME TO IDOLIZE A DOCUMENT THAT FAILS THEM (2024); SANFORD LEVINSON, CONSTITUTIONAL FAITH (1988); BRIAN CHRISTOPHER JONES, CONSTITUTIONAL IDOLATRY AND DEMOCRACY: CHALLENGING THE INFATUATION WITH WRITTENNESS (2020).

83. TERRY L. JORDAN, THE U.S. CONSTITUTION AND FASCINATING FACTS ABOUT IT (pocket 8th ed. 2023).

84. Stephen McDowell, *Foreword* to CONSTITUTION OF THE UNITED STATES OF AMERICA 4 (pocket ed. 2019).

85. Roger Pilon, *Preface* to THE DECLARATION OF INDEPENDENCE AND THE CONSTITUTION OF THE UNITED STATES OF AMERICA 7 (Cato Inst., pocket ed. 2012).

86. Steve Suitts, *Introduction* to HUGO BLACK'S POCKET U.S. CONSTITUTION 8 (2020).

familiarity with the document, such as an unwillingness to amend a document that may be a "miracle of God,"[87] or "the most important legal documents ever created."[88]

C. The Irony of Pocket Constitution Ubiquity

There is a curious irony regarding the evolution of pocket constitutions and the development from version 1.0 to 2.0: while these items may be as popular as they have ever been, the Constitution itself lies in a precarious position. The previous self-proclaimed constitutional torchbearers have become indifferent to the document, whereas the longstanding hyper-critics of the Constitution have come to embrace it.[89] This situation sits awkwardly in both camps.

On the right the Constitution has been highly valued, as has been demonstrated in recent decades by the prominent place of textualist and originalist theories of the Constitution,[90] in addition to the emphasis that groups such as Tea Party activists put on the document.[91] But recent events have significantly challenged the constitutional landscape on the right, as Republicans have grappled with some of President Donald Trump's actions. After all, Trump recently said he was unsure whether it was his duty to uphold the Constitution,[92] has signed executive orders that explicitly violate or widely re-interpret constitutional text,[93] and has previously suggested "the termination of all rules, regulations, and articles, even those found in the Constitution" related to alleged voter fraud in the 2020 Presidential election.[94] Additionally, those on the right that have praised the Constitution of late seem to have been sidelined. Take the 2024

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87. McDowell, *supra* note 84, at 4.

88. JORDAN, *supra* note 83.

89. *See infra* notes 99–101 and accompanying text.

90. J.D. Droddy, *Originalist Justification and the Methodology of Unenumerated Rights*, 4 L. REV. M.S.U 809, 810 (1999).

91. Jared A. Goldstein, *The Tea Party's Constitution*, 88 DENV. U. L. REV. 559, 560–62 (2011).

92. Alexandra Hutzler, '*Shocking': Experts Question Trump Claiming 'I don't know' About Upholding Constitution*, ABC NEWS (May 5, 2025), https://abcnews.go.com/Politics/experts-question-trump-claiming-asked-duty-uphold-constitution/story?id=121473077 [https://perma.cc/8NFS-UKS7].

93. *See Protecting the Meaning and Value of American Citizenship*, THE WHITE HOUSE (Jan. 20, 2025), https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/ [https://perma.cc/UW2U-2M9A].

94. Olivia Olander, *Trump Denies He Suggested 'Termination' of Constitution, Without Deleting Post*, POLITICO (Dec. 5, 2022), https://www.politico.com/news/2022/12/05/trump-terminate-constitution-00072230 [https://perma.cc/8HWT-W6VY]. *See also* H.R. Res. 1527, 117th Cong. (2022) ("condemning former President Donald J. Trump's calls to terminate the Constitution on the basis of false allegations of widespread voter fraud in the 2020 Presidential election").

presidential campaign of former Vice President Mike Pence. The primary feature and main message of his campaign was upholding the Constitution.[95] And yet, he was the first major Republican candidate to pull out of the 2024 presidential campaign.[96] Thus, the candidate that touted constitutional fidelity throughout the early parts of the 2024 presidential campaign was deeply unsuccessful, and the current torchbearer of the Party has denounced the Constitution at times and even seems to have forgotten its existence—or at least its contents—in his role as President.[97]

The situation on the left is equally awkward. Although since 2016 it has become fashionable to waive pocket constitutions at Trump in opposition to his policies,[98] throughout the 21st century a vibrant collection of individuals on the left have been deeply critical of the Constitution of 1789. A number of prominent scholars have taken aim at the document's democratic credentials, its functionality, and its contemporary relevance.[99] On top of this, scholars taking a more critical approach to the Constitution have been keen to emphasize the document's racist origins, including the views and actions of its founders.[100] Some have noted that it is time to update its "gender and racially-oriented

95. *See, e.g.*, *Mike Pence: Trump Demanded I choose Between Him and The Constitution*, C-SPAN (June 10, 2023), https://www.c-span.org/clip/campaign-2024/mike-pence-trump-demanded-i-choose-between-him-and-constitution/5074089 [https://perma.cc/C6TG-26KD].

96. Jill Colvin, *Pence Ends White House Campaign After Struggling to Gain Traction. 'This Is Not My Time,' He Says*, AP NEWS (Oct. 28, 2023), https://apnews.com/article/mike-pence-2024-president-campaign-republican-trump-0ec44fc2a5b8683f34883e0ea72b2ab2 [https://perma.cc/MLA7-9YNR].

97. *See supra* notes 93–94 and accompanying text.

98. Jessie Kratz, *The "Pocket Constitution" Makes a Comeback* (Sep. 16, 2016), https://prologue.blogs.archives.gov/2016/09/15/the-pocket-constitution-makes-a-comeback/#:~:text=Constitution%20for%20distribution%20to%20its%20membership.%20During,Ervin%2C%20Chairman%20of%20the%20Senate%20Select%20Committee [https://perma.cc/RXB7-YM7Q].

99. *See* ROBERT DAHL, HOW DEMOCRATIC IS THE AMERICAN CONSTITUTION? (2001); SANFORD LEVINSON, OUR UNDEMOCRATIC CONSTITUTION: WHERE THE CONSTITUTION GOES WRONG (AND HOW WE THE PEOPLE CAN CORRECT IT) (2006); LOUIS MICHAEL SEIDMAN, ON CONSTITUTIONAL DISOBEDIENCE (2012); STEPHEN M. GRIFFIN, BROKEN TRUST: DYSFUNCTIONAL GOVERNMENT AND CONSTITUTIONAL REFORM (2015); LOUIS MICHAEL SEIDMAN, FROM PARCHMENT TO DUST: THE CASE FOR CONSTITUTIONAL SKEPTICISM (2021); AZIZ RANA, THE CONSTITUTIONAL BIND: HOW AMERICANS CAME TO IDOLIZE A DOCUMENT THAT FAILS THEM (2024).

100. William J. Aceves, *Amending a Racist Constitution*, 170 U. PENN L. REV. ONLINE 1, 3–7 (2021), https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1259&context=penn_law_review_online [https://perma.cc/YDC4-CJY2]; Ruth Colker, *The White Supremacist Constitution*, 3 UTAH L. REV. 651, 659–67 (2022).

language" for a new era.[101] Given all the constitution-bashing the left has engaged in throughout the years, it is somewhat ironic that the pocket constitution has become such a prominent symbol of resistance to Trump.

CONCLUSION

The US pocket constitution—a small but mighty document—is here to stay. The fact that a plethora of pocket constitutions have been waived by and at political figures over the years is significant, and demonstrates that it has become a key practical feature of America's 21st century constitutional landscape. The fractured approach to the Constitution on both the left and the right may bring even more attention to the document, and further drive the production, distribution, and development of pocket constitutions. Whatever its uses may be going forward, the continuous rise of the pocket constitution is culturally, historically, and constitutionally relevant, and something worth documenting.

101. Richard Albert, *Time to Update the Language of the Constitution*, THE HILL (June 30, 2020), https://thehill.com/opinion/white-house/505071-time-to-update-the-language-of-the-constitution/ [https://perma.cc/4NKM-ALF6].