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OP-ED CONTRIBUTOR

History Under Construction in Florida

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AS a historian, I love facts. I especially love facts about early America, the subject I have researched, taught and written about for more than 40 years. The Florida Legislature would seem to share my enthusiasm. An education law it recently enacted insists, "American history shall be viewed as factual, not as constructed" and "shall be viewed as knowable, teachable and testable." The statute places particular importance on the facts of the Declaration of Independence, which was adopted by the Second Continental Congress two days after its vote for independence on July 2, 1776 — 230 years ago today.

Yet the wording of the law befuddles me. Facts mean little or nothing without being interpreted — another word for "constructed." All historians know that facts never speak for themselves.

Take an example from my own experience. Several years ago I was delighted to uncover proof in the British Public Record Office that an accused male "witch" in 1692 Salem, Mass., had been trading with enemy French and Indians, just as a young accuser had charged. That document confirmed my developing conviction that the Salem witch trials were linked to New England's hostile relationships with the French and Indians. But to many other scholars who previously had encountered that document, it meant no such thing.

The Florida law, while claiming to eschew constructed interpretations, is itself an obvious construction. The statute specifically defines what the term "American history" includes: "the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present."

Among the multitude of omissions from that list is any discussion of the religious development of the country or the transformation from an agricultural to an industrial economy. The statute thus constructs an American past that values certain aspects — especially wars and the civil rights movement — more than others.

Nowhere is this construction more obvious than in the law's emphasis on the Declaration of Independence as a key founding document. "The history of the United States," it asserts, "shall be defined as the creation of a new nation based largely on the universal principles stated in the Declaration of Independence." Elsewhere, it lists those principles: "national sovereignty, natural law, self-evident truth, equality of all persons, limited government, popular sovereignty and inalienable rights of life, liberty and property."

Reading that made me wonder if Florida's legislators had familiarized themselves with the Declaration and the context of its adoption. Thomas Jefferson's famous phrase, after all, was "life, liberty and the pursuit of happiness" — not property.

The Declaration ended, rather than created, a government. It forcefully asserted the right of the people to alter or abolish a polity unresponsive to their needs, a "universal principle" overlooked by Florida's legislators. Delegates to the Constitutional Convention in 1787 — who drafted the document on which the nation is actually based — rarely mentioned the Declaration in debate. Indeed, as Pauline Maier, a historian, has pointed out, we owe the current interpretation of the Declaration to 19th-century commentators, especially Abraham Lincoln.

What, then, is to be made of the stress on the Declaration in the new Florida law? An earlier version of the law had emphasized study of the Constitution and the Declaration equally, describing each in general terms. In the new version, only the description of the Constitution retains its non-prescriptive character. The Constitution, after all, is an inconvenient vehicle for setting forth universal principles; it concerned itself with nitty-gritty details about federalism, separation of powers and the like. Further, the Constitution supported the continuation of slavery, thereby undermining the notion that the nation from its earliest days adhered to Florida's list of universal principles, prominently including "equality of all persons."

In short, a class learning about the drafting of the Constitution would confront the unpleasant reality of founding fathers who either owned slaves themselves or protected the right of others to own them. How much simpler and less troubling to present young people with a rosy picture based on modern understandings of the language of the Declaration of Independence! Under the guise of returning to a factual teaching of history in the state's schools, Florida's legislators have mandated an ahistorical construction that paradoxically distorts the very facts they purport to revere.

The Florida law highlights a growing tendency in the United States to substitute easily grasped absolutes for messy and ambiguous realities. (Another example of the same type of thinking is the quest of certain judges to capture the "original intent" of constitutional clauses.) A stress on facts, not constructions, superficially appears to be ideologically neutral. Yet the choice of which facts to

stress, and which to omit, is crucial. In the end, history can never be "factual ...not constructed," as the language of the Florida statute itself demonstrates.

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