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Exhibit A
(Part 1)
A DISCUSSION GUIDE
on the
Founders' Principles of Liberty and the Meaning of the Constitution

Prepared by
NATIONAL CENTER FOR CONSTITUTIONAL STUDIES
www.nccs.net
Proclaim Liberty
Throughout All the Land

A Discussion Guide
on the
Founders' Principles of Liberty
and the
Meaning of the Constitution

Prepared by

NATIONAL CENTER FOR CONSTITUTIONAL STUDIES
www.nccs.net
Preface

In the great formative period of the United States two centuries ago, the American Founding Fathers became acutely aware that all mankind is seeking the same three things: freedom, prosperity, and peace.

They set out to find a system of government that would provide these things for the people of America. Unfortunately, in their own day no such government existed. They therefore determined to invent one. This is their story.

As we shall see, the search for the "ancient principles" of sound government was a prolonged and painful one. What was worse, when they finally discovered what these principles were, it was difficult to persuade many people to accept them. Getting people to assume the responsibilities of freedom and self-government was one of the most discouraging parts of their political adventure.

The structuring of the American success formula for freedom, prosperity, and peace was a hard-won achievement, and it finally produced in America the first free people in modern times.

That is why this course is important. The Founders laid the foundation for us; we must preserve it. To do so, we must to know their success formula well. It is all set forth in our textbook entitled The Making of America. This study guide is designed to provide you with a clear overview of the great principles of America's freedom, and the stirring history of their discovery and adoption.

Throughout this study guide you will find occasional blanks. These blanks are to encourage concentration on important points in the lesson. The seminar instructor furnishes the missing words throughout the discussion. If you miss a blank, all of the answers are located in the back of the book. This method of study increases retention of the information.

What is the National Center for Constitutional Studies?

The National Center for Constitutional Studies (NCCS) is a nonprofit educational foundation created to teach the U.S. Constitution in the tradition of America's Founding Fathers. Founded in 1971, NCCS has taught thousands of families throughout America the original principles and ideas which were drafted by our Founding Fathers over 230 years ago.

Our purpose is to help build the dynamic culture of liberty and union which the Founders sought to secure for themselves and their posterity. We gratefully acknowledge, as they did, that America and its Constitution were established by the hand of God; and thus we advocate morality and religious principles as the essential foundation of human happiness and freedom.

In the final years of his life, Thomas Jefferson called upon the American people to "preserve inviolate [the] Constitution, which [if] cherished in all its chastity and purity, will prove in the end a blessing to all nations of the earth." We believe that as we learn and implement the sound principles taught by our Founding Fathers, America's divine stewardship as a beacon of liberty to all mankind will yet be fulfilled.

Our program is a positive, constructive campaign of education to help our country get back on its constitutional track. Funding for our work is provided by donations from modern-day patriots who are dedicated to strengthening America by spreading the message of freedom. All contributions to NCCS are tax-deductible under Internal Revenue Code section 501(c)(3).

In addition to its popular constitutional seminars, NCCS produces and distributes books, newsletters, CDs, DVDs, and other educational materials for adults and children. For further information please contact:

National Center for Constitutional Studies
37777 West Juniper Road, Malibu, Idaho 83342
(800) 388-4512 (Proven orders only) (208) 645-2625
(208) 645-2667 (Fax)

www.nccs.net
Seminar Information: www.nccs.net/seminars
Acknowledgments

Portions of this discussion guide have been taken from material previously published by National Center for Constitutional Studies (NCCS) and/or The Freeman Institute, including The 5000 Year Loop, The Making of America, and The Miracle of America, by W. Cleon Skousen; study guides for these titles; The American Heritage and Constitution Study Guide, and other works prepared by NCCS research staff. Acknowledgments made in these texts of the many people who have been involved in their production and distribution—as well as thousands of supporters who have generously contributed time and treasure to earlier educational efforts—are gladly renewed and recognized.

NCCS has directed significant resources to refining these materials to enhance teaching, learning, and internalizing the foundational principles of liberty as set forth in the U.S. Constitution as understood in the early history of America. This guide can facilitate individual, family, or group study that focuses on the Founders’ principles of liberty, and the meaning of the Constitution.

While we are unable to individually recognize each one who has assisted in this effort, some merit particular mention: Earl Taylor continues unfailingly as a teacher, writer, editor, and as President of NCCS; Bill Norton as an effective teacher, writer, editor, and designer of the text layout and many of the beautiful graphics; Helen Thomas Robson has contributed through fine art photography; R. Stephen Pratt has contributed much in research and as a lecturer; Andrew M. Allison has spent years in careful research, writing, and editing materials relevant to this study guide; Bryan Crockett has contributed much as an editor and printer of the text; Matthew Hilton has contributed independent research and analysis, and served as counsel for NCCS. The incomparable moral and financial support of Bert and Kathy Smith have made it possible for NCCS to continue to fulfill its mission. We express deep gratitude to each of these and many others, and trust that this discussion guide will strengthen the ideals and truths for which they have sacrificed.

These individual efforts, along with those of NCCS as an organization, seek to protect the precious liberties that belong to all mankind. The time-tested ideals and truths advocated by the Founders of the American nation—and many who followed after—still resonate with modern patriots who model their continuing relevance and needed application.

---National Center for Constitutional Studies
January, 2013
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PART I
The Founders' Search for an Ideal Society

The American Founding Fathers, primarily Thomas Jefferson, set out to discover natural law principles that would allow the new American states to govern themselves using sound principles. There was hardly a single idea which the Founders put into their formula that someone had not thought of before. They compiled thousands of years of historical facts and philosophies to develop a Freedom Formula that can bring freedom, peace, and prosperity to any nation who follows it. This formula is based on "the Laws of Nature and of Nature's God." This is the story of their journey and priceless discovery of Liberty.
LESSON 1

The New Growth of Freedom Begins in America

Our study of American government begins with an appreciation of the struggle our Founding Fathers went through to discover the ingredients necessary to establish the first free people in modern times. Beginning with the important documents that helped restore the rights that the Anglo-Saxon people lost in the mid-fifteenth century, to the first written constitution penned by Thomas Hooker, we learn the importance of a written law to protect people from tyranny.

You will also become familiar with the early settlements of America beginning with Jamestown and reaching its apex 180 years later with the writing of the Constitution, and how their "trials and errors" led our nation to the discovery of principles that allowed mankind to progress further in 200 years than in the 5000 years previous.

I. Two Types of Law Come to America

In their simplest form, there are two basic types of law found in societies:
1) Roman Civil Law, which we will call ______ Law, in which all of the law comes from the ruler, and 2) English Common Law, which we will call ______ Law, in which all law comes by consent of the people.

The French had no form of representative government, but ran their affairs under a type of Ruler's Law, very much like the Spanish system. Nevertheless, they created an impasse with the Spanish which allowed the English to settle nearly ______ colonists on the Atlantic seaboard by 1776 and
introduce the fundamentals for a representative form of government which we call ___________, Law.

II. People's Law in Europe

As the early colonists came to America, they brought a great gift from England.

A. The English were just about the only Europeans who fought to preserve the basic institutes of the ___________ culture under People's Law. Hengist and Horsa, two Saxon chieftains, introduced these principles in Britain around A.D. 450. Unfortunately, after 600 years under People's Law, the people of England nearly lost their freedom entirely.

B. The conquest of England in 1066 by the Normans brought elements of feudal law, Roman civil law, and canon law to England. All of these included elements of Ruler's Law which ___________ the Anglo-Saxon system.

C. Thomas Jefferson describes how the Normans introduced feudalism and Ruler's Law in England:

“Our Saxon ancestors held their lands, as they did their personal property, in absolute dominion...who, by persuasions or threats, were induced to surrender them... A general principle indeed, was introduced, that all lands in England were held...of the Crown.” (Saul K. Padover, *The Complete Jefferson*, New York: Tudor Publishing Co., 1943, pp. 16-17.)

D. By 1215, the oppressive policies of the Normans had become intolerable even to those who had supported the Normans. Therefore, the English barons rebelled against King John and compelled him to sign the famous ___________, in which they itemized their rights.

E. The barons, church leaders, knights, and burgesses finally gained enough influence to require the king to let them represent the people in a primitive English ___________. There they were able to force the king to recognize many of their basic rights and gradually limit his power. Parliament was actually an expansion of the king's council and first appeared as a parliamentary forum in 1264.

F. Early in the 1600s, Sir Edward Coke, an English judge, found himself doing things to Englishmen that violated their traditional rights. He repented and
launched a campaign to revive interest in the specific rights set forth in the Magna Charta, which he said not only belonged to the barons, knights, and burgesses, but to all

G. By 1628 the abuses of Charles I were so harsh that Parliament forced him to sign a famous document called the

however, he ignored his commitments, so Parliament seized power and turned control of the government over to Oliver Cromwell. Charles I was convicted of treason and beheaded.

H. In 1660, Parliament put Charles II on the throne. After he died in 1685, his brother was allowed to ascend the throne as James II. However, James II was so ruthless that Parliament deposed him in 1688 in what is called the “Glorious Revolution.” Parliament then entered into an agreement with his daughter and her husband (William and Mary) to take over the throne, provided they would sign an English

This document was signed in 1689.

I. All of these hard-won rights of the English became part of our American heritage. Americans owe a great debt of gratitude to the tens of thousands of Englishmen who were imprisoned, hanged, beheaded, tortured, burned at the stake, or forced into exile as they tried to establish those unalienable rights which many Americans in our day casually take for granted.

III. English Begin to Develop People’s Law in America

A. Queen Elizabeth I tried to block Spanish colonization north of Florida by commissioning Sir Walter Raleigh to establish a colony on Roanoke Island off the coast of what is now North Carolina. The first colony established in 1585 was starved out. The second one, established in 1587, disappeared. The experiment cost Sir Walter Raleigh over $200,000.

B. In 1607, King James I once more attempted to block the Spanish by allowing a group of London businessmen to set up a colony in what is now Virginia. It became known as Jamestown. The businessmen thought the colony would be more profitable if it practiced secular

The project was a failure until they divided up the land and began farming for themselves.

C. In 1620, the same company sponsored the settlement of a
group of Pilgrims in northern Virginia, but their ship landed farther north. There they established Plymouth in what is now Massachusetts. The patron company had given up secular communism in Virginia but still thought it would work among the Pilgrims if they practiced communism. As Christians, they were supposed to look upon their neighbors as "brethren" and cooperate together. However, the project failed and many starved. Governor William Bradford wrote:

"At length, after much debate... the [governor] gave way that they should set corn every man for his owne particular, and in that regard trust to them selves... and so assigned to every family a parcell of land, according to the proportion of their number."

After one year under this procedure, the governor was able to write:

"This had very good success; for it made all hands very industrious, so as much more corn was planted then other waise would have borne.... The women now went willingly into the field, and took their little ones with them to set corn, which before would ayled weaknes, and inabilitie; whom to have compelled would have bene thought great tiranie and oppression." (William T. Davis, ed., *Bradford's History of Plymouth Plantation*, New York: Charles Scribner's Sons, 1923, p. 146)

D. Thus began an incredible period of American history. From Jamestown in 1607 until the year the Constitution was written in 1787, a period of 180 years, was a great time of trial and error for freedom seeking colonists and immigrants. The new land of America provided them with more freedom than anything they had experienced in Europe. There was more freedom to think things through, to correct mistakes, and to pursue new ideas. As a result, they began to formulate principles which they came to believe would lead to the freest people in modern times.

E. The Founders believed that solidifying principles of liberty in a written Constitution was one of the best ways to preserve them. As a result, the next 200 years produced more progress than the world had seen since the beginning of human history. Mankind literally went from oxcarts in 1787 to walking on the moon in 1969—less than 200 years!

F. For decades, students of the Constitution have codified the Founders' thinking into lists of principles. Some lists are short, some are long. After many years of teaching, NCCS has summarized them into twenty-eight. This list is long enough to include all essential elements, yet short enough for anyone to commit to memory. When trying to find answers to political questions, students will find these as useful as the multiplication tables they memorized in grade school.
IV. A Written Constitution

A. The people who settled Plymouth were called “Separatists,” or Pilgrims, because they wanted to separate themselves from the national or official Church of England. The next people to come to Massachusetts Bay, beginning in 1623, were ________, who did not want to separate from the Church of England, but to purify it. Because of bitter persecution by Charles I, thousands fled to Massachusetts, especially between 1628 and 1640. Their first center of government was Salem, then Charlestown, and finally Boston. However, they made the mistake of having their Puritan Church run the affairs of state, and they drove from their midst any with dissenting views. These included Anne Hutchinson, Roger Williams, and Thomas Hooker, all of whom moved south to create new settlements in what became Connecticut and Rhode Island. Since they could not bear the arbitrary kind of theocratic government instituted in Boston, the question was, “How do we set up a strong and just government?”

B. The man who found the answer was Reverend Thomas _________.

One hundred five years before Thomas Jefferson was born (1638), Reverend Hooker gave a sermon announcing that he had discovered in the history of ancient Israel the principles of government which would be fair and just. The villages of Connecticut therefore banded together in 1639 and adopted a constitution, written largely by Hooker, based on the principles found in the first chapter of Deuteronomy. Rhode Islanders then copied this constitution, and these two colonies had one of the most satisfactory systems of government during the entire colonial period. Reverend Hooker’s constitution for Connecticut was the first ________ constitution in America.

V. A Sense of Providential Design

The English colonists came to America with a sense of “Divine ________”.

A. Professor Conrad Cherry said, “The belief that America had been providentially chosen for a special ________ has deep roots in the American past.” (Conrad Cherry, God’s New Israel, Englewood Cliffs, N.J.: Prentice-Hall.)

B. ________ the Founders felt their commonwealth of freedom would eventually cover the whole North American continent. (Albert Weinberg, Manifest Destiny, Baltimore: The Johns Hopkins Press, 1935.)
C. As far as _____________________ was concerned, John Adams said they were building a Constitution and a system of government which would one day serve a population of between "200 and 300 million freemen." (Quoted in Adrienne Koch, ed., The American Enlightenment, New York: G. Braziller.)

D. Today, all kinds of accusations are hurled at the Founders which are manufactured to destroy their credibility so that Americans will not look to them for solutions. In fact, many children are hearing these myths in high schools and colleges. These include charges of immorality, charges that the greedy Founders created a capitalist system only to protect their own wealth, and charges that they believed they were a superior race. When one reads the Founders' words themselves, one does not read of these things. In fact, The Founders did not consider themselves a master race, but master _____________________, who had an obligation to their Creator to design a system which would benefit the whole world. As John Adams said:

"I always consider the settlement of America with reverence and wonder, as the opening of a grand scene and design in Providence for the illumination of the ignorant, and the emancipation of the slavish part of mankind all over the earth." (Quoted in Ernest Lee Troupe, Redeemer Nation, Chicago: The University of Chicago Press, 1974, p. 25.)
Principles of Liberty
28 Ideas that are Changing the World

1. The only reliable basis for sound government and just human relations is Natural Law.

2. A free people cannot survive under a republican constitution unless they remain virtuous and morally strong.

3. The most promising method of securing a virtuous and morally stable people is to elect virtuous leaders.

4. Without religion the government of a free people cannot be maintained.

5. All things were created by God, therefore upon Him all mankind are equally dependent, and to Him they are equally responsible.

6. All men are created equal.

7. The proper role of government is to protect equal rights, not provide equal things.

8. Men are endowed by their Creator with certain unalienable rights.

9. To protect man’s rights, God has revealed certain principles of divine law.

10. The God-given right to govern is vested in the sovereign authority of the whole people.

11. The majority of the people may alter or abolish a government which has become tyrannical.

12. The United States of America shall be a republic.

13. A constitution should be structured to permanently protect the people from the human frailties of their rulers.

14. Life and liberty are secure only so long as the right of property is secure.

15. The highest level of prosperity occurs when there is a free-market economy and a minimum of government regulations.

16. The government should be separated into three branches - legislative, executive, and judicial.

17. A system of checks and balances should be adopted to prevent the abuse of power.

18. The unalienable rights of the people are most likely to be preserved if the principles of government are set forth in a written constitution.

19. Only limited and carefully defined powers should be delegated to government, all others being retained in the people.

20. Efficiency and dispatch require government to operate according to the will of the majority, but constitutional provisions must be made to protect the rights of the minority.

21. Strong local self-government is the keystone to preserving human freedom.

22. A free people should be governed by law and not by the whims of men.

23. A free society cannot survive as a republic without a broad program of general education.

24. A free people will not survive unless they stay strong.

25. "Peace, commerce, and honest friendship with all nations - entangling alliances with none."

26. The core unit which determines the strength of any society is the family; therefore, the government should foster and protect its integrity.

27. The burden of debt is as destructive to freedom as subjugation by conquest.

28. The United States has a manifest destiny to be an example and a blessing to the entire human race.
LESSON 2

Learning to Think Like the Founding Fathers

Introduction: The best way to understand the Founders' philosophy of government is to get acquainted with the books they read and the concepts they advocated.

I. Who Influenced the Founders?

In 1984 a detailed study was made of thousands of political documents and speeches written and given in the founding period between 1760 and 1805. The purpose was to identify the source of the Founders great ideas and who it was that influenced their thinking.

A. The study showed that, by far, the most quoted source was the book of Deuteronomy. The next most quoted sources were Montesquieu, Blackstone, and Locke.

B. The study identified 33 other philosophers and thinkers from ancient times up to the Founders’ day, including Cicero, Coke, Polybius, and others. (Donald S. Lutz, The Relative Influence of European Writers on Late Eighteenth Century American Political Thought, American Political Science Review, p. 189; cited by John Eidsmoe in Restoration of the Constitution, H. Wayne House, ed. Dallas: Probe Books, 1987, p. 78.)

C. In our study of the Founders’ Principles of Liberty we will show how these writers influenced the Founders thinking so that we can understand why the Founders gave us the form of government they did. Before studying each principle, let us acquaint ourselves briefly with some of these philosophers (in chronological order):

1. Polybius (205-125 B.C.)

Polybius was Greek but spent most of his life in Rome and compiled forty volumes on the rise of the Roman republic. He addressed the oft asked question of which type of government was the best and concluded that each of the three—monarchy, aristocracy, and democracy—has its advantages and therefore a mixed government containing elements of all three would be the best. His writings lay dormant for 1700 years until revived by Montesquieu in his separation of powers doctrine.

2. Marcus Tullius Cicero (106-43 B.C.)

Dr. William Ebenstein of Princeton writes:

“The only Roman political writer who has exercised enduring influence throughout the ages is Cicero... Cicero studied law in Rome, and philosophy in
Athens... He became the leading lawyer of his time and also rose to the highest office of state."

Cicero was admired for his valiant but unsuccessful defense of the Roman republic against the coming empire. He encouraged the people to stay with Natural Law as the basis for government.

3. Sir Edward Coke (1552-1634)
Coke was an English judge who consistently held that the king lacked constitutional authority to add to or change the common law. He was eventually removed from the bench and wrote his famous Institutes of the Laws of England. He was an untried advocate for the belief that human rights belong to all freemen, not just the higher class of nobles.

4. John Locke (1632-1704)
This man, who lived about 100 years before the Founders, inspired a whole generation of Americans concerning thoughts on independence and the rights of man. He was born to a Puritan family and was a staunch and fervent Christian. He valued the characteristic of human reason and used his reasoning powers to arrive at Christian truths, including the necessary existence of God. In his first treatise on government he cited the Bible eighty times.

5. Baron Charles de Montesquieu (1689-1755)
Montesquieu was left a fortune by a wealthy uncle which he used to undertake twenty years of study on law and government. He traveled extensively and wrote his famous book, The Spirit of Laws, described as one of the greatest books of the French 18th century. In it he picked up some ideas of the Greek writer Polybius concerning a "mixed constitution" and advocated a system of government with a separation of powers. The Founders of America provided an opportunity to put Montesquieu's ideas into practice and was referred to by them as "the celebrated Montesquieu."

6. William Blackstone (1723-1780)
The author of the most famous treatise on the Common Law of England was William Blackstone. It is said that more copies of Blackstone's Commentaries were sold in America than in England, that his Commentaries were in the offices of every
lawyer, that candidates for the bar were routinely examined on Blackstone, that he was cited authoritatively in the courts, and that a quotation from Blackstone settled many a legal argument. James Madison said, “I very cheerfully express my approbation of the proposed edition of Blackstone’s Commentaries...”

7. Adam Smith (1723–1790)

Not quoted extensively by the Founders but certainly read and revered for his Wealth of Nations. Smith was the first to author a book in 1776, describing the natural laws of free-market economics wherein individuals choose their own vocations and compete in the marketplace for jobs and profits. Government’s role in the economy is to prevent force, fraud, monopoly, and debauchery.

II. The Founders’ Principles of Liberty

Following is a summary of the principles the Founders came to believe would form the only sure foundation of the first free people in modern times.

The First Principle

The only reliable basis for sound government and just human relations is Natural Law.

A. Most modern Americans have never studied Natural Law. Yet the Founders knew that government must have a fixed basis so people can have confidence in it. It must have ________, and it must be _________. To the Founders, the only reasonable approach to government, justice, and human relations is in terms of the laws which the Supreme Creator has already established. The order in nature, by which the creator made everything to work properly, is called Natural Law. Over two thousand years ago, Marcus Tullius Cicero, who rose to the high office of Roman Consul, attempted to save the Roman Republic from falling into an emperorship by pleading with his listeners to stay within Natural Law (as opposed to man-made Ruler’s Law) as the only basis of true law. He explained that natural laws are the only true laws:

“True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions... It is a sin to try to alter this law, nor is it allowable to repeal any part of it, and it is impossible to abolish entirely. We cannot be freed from its obligations by senate or people, and we need not look outside ourselves for an expounder or interpreter of it. And there will not be different laws at Rome and Athens, or different laws now and in the future, but one eternal and unchangeable law will be valid for all nations and all times,
and there will be one master and ruler, that is God, over us all, for he is the ________ of this law, its promulgator, and its enforcing judge. Whoever is disobedient is fleeing from himself and denying his human nature, and by reason of this very fact he will suffer the worst punishment.” (Einstein, Great Political Thinkers, p. 133.)

B. It is clear that the Founders looked upon God as the supreme, intelligent Being who created the ________ universe and everything within it. The principal authority of English Common Law of that day, William Blackstone, stated the generally accepted idea that “when the Supreme Being formed the universe” he organized it and then “impressed certain principles upon that matter, from which it can never depart, and without which it would cease to be.” He then went on to say that the will of God, expressed in the orderly arrangement of the universe, is called “the law of nature,” and that there are laws for “human” nature just as surely as they exist for the rest of the universe. He said the laws for human nature had been ________ by God, whereas the laws of the universe—natural law—must be learned through scientific investigation. Blackstone stated that “upon these two foundations, the law of nature and the law of revelation, depend all human laws....” (Blackstone, Commentaries on the Laws of England, 1:52.)

C. As we shall see later, the attitude of the Founders toward Natural Law—both cosmic and revealed—gave them a very special attitude toward the “law” as a social institution. They ________, the sanctity of the law in the same way that it was honored among the Anglo-Saxons and by ancient Israel.

D. Blackstone further stated:

“Man, considered as a creature, must necessarily be subject to the laws of his Creator.... This will of his Maker is called the law of nature.... This law of nature, being coeval with mankind, and dictated by God, Himself, is of course superior in obligation to any other. It is binding over all the globe in all countries, and at all times: no human laws are of any validity, if contrary to this....” (Blackstone, Commentaries on the Laws of England, 1:52.)

What characteristic must a people have to continue to grow and appreciate the order and reasonableness of the Creator’s natural law? The second principle answers this question.
LESSON 3
Principles of Liberty 2–5

I. The Second Principle

A free people cannot survive as a republic unless they remain virtuous and morally strong.

A. As President Washington was preparing to leave office, he counseled Americans to never forget that the foundations of freedom are morality and religion. He explained it this way:

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable ___________. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.... Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education ... reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." (Padinger, The Washington Papers, pp. 318-319.)

B. Benjamin Franklin believed that when a people cease to be virtuous, they lose the ability to maintain freedom. He wrote:

"Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of ___________." (Smyth, Writings of Benjamin Franklin, 9:569.)

C. James Madison said that not even the most perfect form of government can save a people who are not virtuous. He said:

"Is there no virtue among us? If there be not, we are in a wretched situation. No theoretical checks, no form of government, can render us secure. To suppose that any form of government will secure liberty or happiness without any virtue in the people, is a chimerical idea. If there be sufficient virtue and intelligence in the community, it will be exercised in the selection of these men, so that we do not ___________, upon their
virtue, or put confidence in our rulers, but in the people who are to choose them." (Elliott, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*, 3:536-537.)

D. It is interesting to note that the prerequisite to actually declaring independence was the attempt by the people to improve themselves individually by becoming more moral and virtuous. Only then can a nation have national virtue. Historian Gordon Wood wrote:

"In the eyes of the Whigs, the two or three years before the Declaration of Independence always appears to be the great period of the Revolution, the time of greatest denial and cohesion, when men ceased to extort and abuse one another, when families and communities seemed peculiarly [ ] when the courts were wonderfully free of that constant bickering over land and credit that had dominated their colonial life." (Wood, *The Creation of the American Republic*, p. 102.)

E. John Adams was convinced that the Constitution given to us by the Founders would cease to provide solutions to society’s problems if the people lost their moral and religious foundation. Said he:

"Our Constitution was made only for a moral and [ ] people. It is wholly inadequate to the government of any other." (Howe, *The Changing Political Thought of John Adams*, p. 189.)

What is one of the most successful ways to ensure the people continue to strive for the qualities of virtue and morality? The Founders had a great philosophy in the next principle.

**II. The Third Principle**

The most promising method of securing a virtuous and morally stable people is to elect virtuous leaders.

A. Cicero felt that holding a public office should be considered a sacred responsibility because it is responsible to preserve the very freedom which the Creator gave to mankind. He emphasized this theme when he said:

"For there is really no other occupation in which human virtue approaches more closely the august function of the gods than that of founding new [ ], or preserving those already in existence." (Ribenstein, *Great Political Thinkers*, p. 128.)

B. Samuel Adams gave the formula for the kind of individuals a free people must have as leaders in order to maintain liberty.

"But neither the wisest constitution nor the wisest laws will secure the liberty and happiness of a people whose manners are universally..."
He therefore is the truest friend to the liberty of his country who tries most to promote its virtue, and who, so far as his power and influence extend, will not suffer a man to be chosen into any office of power and trust who is not a wise and virtuous man.” (Wells, *The Life and Public Services of Samuel Adams*, 1:22.)

C. Jefferson felt that our process of choosing public officials should include a way to identify those who have made outstanding contribution to society in their private lives and call them into public service for a time where they can use their talents to benefit the nation. In 1813 he wrote:

“There is a natural among men. The grounds of this are virtue and talents.... There is, also, an artificial aristocracy, founded on wealth and birth, without either virtue or talents; for with these it would belong to the first class. The natural aristocracy I consider as the most precious gift of nature for the instruction, the trusts, and government of society. And indeed, it would have been inconsistent in creation to have formed man for the social state, and not to have provided virtue and wisdom enough to manage the concerns of the society. May we not even say, that that form of government is the best, which provides the most effectually for a pure selection of these natural aristoi into the offices of government?” (Ford, *Writings of Thomas Jefferson*, 9:425.)

What is the best way to ensure that this natural aristocracy develops in a society?

**III. The Fourth Principle**

**Without religion the government of a free people cannot be maintained.**

It is surprising to some Americans today to discover how deeply committed the Founders were to this proposition. They believed that underlying all religious faiths there are five fundamental to which nearly everyone can honestly subscribe—whether they belong to any particular church or not. Their definition of religion did not involve any creed or “establishment” of religion.

A. Because of the absolute necessity to have such a foundation for liberty, the Founders insisted that morality and religion be taught in the public of the nation. In 1787, the very year the Constitution was written and approved by Congress, that same Congress passed the famous Northwest Ordinance. In it they emphasized the essential need to teach religion and morality in the schools. Here is the way they said it:
“Article 3: Religion, morality, and knowledge being necessary to good
government and the happiness of mankind, schools and the means of
education shall forever be encouraged.” (de Huszar, et al., eds., Basic
American Documents, p. 66.)

B. Of course the first question that needs to be asked is: Which religion
should be taught?

Benjamin Franklin answered “…the fundamental points in all sound
religion.” This is the way he said it in a letter to Ezra Stiles, president of
Yale University:

“Here is my creed: I believe in one God, the Creator of the universe.
That he governs it by his providence. That he ought to be worshipped.
That the most acceptable service we render to him is in doing good to
his other children. That the soul of man is immortal, and will be treated
with justice in another life respecting its conduct in this. These I take to
be the fundamental points in all sound religion.” (Smyth, Writings of
Benjamin Franklin, 10:84.)

The five points of fundamental religious belief expressed or implied in
Franklin’s statement are these:

1. There exists a ________, who made all things, and mankind
should recognize and worship Him.

2. The Creator has revealed a moral ________, of behavior for happy
living which distinguishes right from wrong.

3. The Creator holds mankind responsible for the way they
_______ each other.

4. All mankind ________, beyond this life.

5. In the next life mankind is ________, for its conduct
in this one.

C. Many of the founders emphasized the importance of this “universal
religion of all mankind.”

Samuel Adams said that this group of basic beliefs which constitute “…the
religion of America is the religion of all mankind.” (Wells, Life of Samuel Adams,
3:23.)

John Adams called these tenets the “general principles” on which the
American civilization had been founded. (Letter to Jefferson cited in Bergh,
Writings of Thomas Jefferson, 13:293.)

Thomas Jefferson called these basic beliefs the principles “in which God has
united us all.” (Bergh, Writings of Thomas Jefferson, 14:198.)
How firmly did the Founders believe in a Creator?

IV. The Fifth Principle

All things were created by God, therefore upon Him all mankind are equally dependent, and to Him they are equally responsible.

Among John Locke's more popular writings was a treatise entitled *An Essay Concerning Human Understanding*. This discourse contained several propositions demonstrating the certainty of God's existence.

A. John Locke methodically and logically deduces that there is a God:

1. To begin with, each person knows that he exists. With Descartes, each person can say, "Cogito ergo sum." With God, each person can say, "I think, therefore I am!"

2. Furthermore, each person knows that he is [something]. He also knows that something could not be produced by a [something]. Therefore, whatever brought man and everything else into existence also had to be something.

3. It follows that this something which did all of this organizing and arranging would have to be all-knowing to the full extent required for such an organization and arrangement.

4. This something would therefore have to be superior to everything which had resulted from this effort. This element of superiority makes this something the ultimate "good" for all that has been organized and arranged. In the Anglo-Saxon language, the word for supreme or ultimate good is "[something]" (Locke, *Concerning Human Understanding*, Great Books of the Western World, 35: 349-352.)

B. It is also important to note that the Founders did not look upon God as some mysterious teleological force operating automatically and indifferently in nature (as most Deists claimed), but that their Creator was both intelligent and benevolent and therefore anxious and capable of responding to their petitions when they were deserving of needed blessings and engaged in a good cause. Days of fasting and prayer were commonplace in early America. Most of the Founders continually petitioned God in fervent prayers, both public and private, and looked upon his divine intervention in
their daily lives as a singular blessing. They were continually expressing gratitude to God as the nation survived one major crisis after another.

C. George Washington was typical of the Founders who held an absolute dependency upon the Creator for our freedom and liberty. M.F. Treacy discovered in his research that during the Revolutionary War there were at least ________________ desperate moments when Washington acknowledged that he would have suffered disaster had not the hand of God intervened in behalf of the struggle for independence. (Treacy, Prelude to Yorktown: the southern campaign of Nathaniel Greene, 1780-1781, p. 240, note 84.)

D. After being elected President Washington stressed these sentiments in his first Inaugural Address when he said:

"No People can be bound to acknowledge and adore the invisible hand, which conducts the Affairs of men more than the People of the United States. Every step, by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency." (Fitzpatrick, Writings of George Washington, 30:292.)

E. Madison was equally emphatic on this point when he contemplated the work of the Constitutional Convention and saw the guiding influence of God just as Washington had seen it on the battlefield. Said he:

"The real wonder is that so many difficulties should have been surmounted...with a unanimity almost as unprecedented as it must have been unexpected. It is impossible for any man of candor to reflect on this circumstance without partaking of the astonishment. It is impossible for the man of pious reflection not to perceive in it a finger of that Almighty hand which had been so frequently and signally extended to our relief in the critical stages of the revolution." (The Federalist Papers, No. 37, pp. 230–231.)
"We hold these truths to be self-evident, that all men are created equal..."
—Thomas Jefferson

LESSON 4
Principles of Liberty 6–10

I. The Sixth Principle
All men are created equal.

The Founders wrote in the Declaration of Independence that some truths are self-evident, and one of these is the fact that all men are created equal. Yet everyone knows that no two human beings are exactly alike in any respect. They are different when they are born. They plainly exhibit different natural skills. They acquire different tastes. They develop along different lines. They vary in physical strength, mental capacity, emotional stability, inherited social status, in their opportunities for self-fulfillment, and in scores of other ways.

A. Then how can they be equal? The answer is, they can't. They can only be __________ as equals in the sight of the law. It is in this way that all men are created equal. It is the task of society, as it is with God, to accept people in all their vast array of individual differences, but treat them as equals when it comes to their role as human beings. As the constitutional writer Clarence Carson writes:

"Two kinds of equality, so far as individuals are concerned, are treated in the Declaration of Independence.

"First, there is equality before the __________. This means that every man's case is tried by the same law governing any particular case. Practically, it means that there are no different laws for different classes and orders of men [as there were in ancient times]. The definition of premeditated murder is the same for the millionaire as for the tramp. A corollary of this is that no classes are created or recognized by law.

"Second, the Declaration refers to an equality of __________. Each man is equally entitled to his life with every other man; each man has an equal title to God-given liberties along with every other." (Carson, The American Tradition, pp. 112–113.)

John Adams was in France when Jean-Jacques Rousseau was teaching that all men were designed to be equal in every way. John Adams wrote:

"That all men are born to equal rights is true. Every being has a right to his own, as clear, as moral, as sacred, as any other being has... But to teach that all men are born with equal powers and faculties, to equal influence in society, to equal property and advantages through life, is as gross a fraud, as glaring an imposition on the credulity of the people, as ever was practiced by monks, by Druids, by Brahmins, by priests or the immortal Lama, or by the self-styled philosophers of the French Revolution." (Koeh, The American Enlightenment, p. 222.)

Nevertheless, there are some who insist that people do not have "equal rights" unless they have "equal things." The Founding Fathers were
well-acquainted with this proposition and set forth their belief concerning it in the next principle.

II. The Seventh Principle

The proper role of government is to protect equal rights, not provide equal things.

In Europe, during the days of the Founders, it was very popular to proclaim that the role of government was to take from the “haves” and give to the “have-nots” so that all might be truly “equal.”

A. The American founders perceived that this proposition contained a huge . They recognized that the people cannot delegate to their government the power to do anything except that which they have the lawful right to do themselves.

1. For example, every person is entitled to protection of his life and property. Therefore it is perfectly legitimate to delegate to the government the task of setting up a police force to protect the life and property of all the people. But supposing a kind-hearted man saw that one of his neighbors had two cars while another neighbor had none. What would happen if, in a spirit of benevolence, the kind man went over and took one of the cars from his prosperous neighbor and generously gave it to the neighbor in need? Obviously, he would be arrested for car-theft. No matter how kind his intentions, he is guilty of flagrantly violating the natural rights of his prosperous neighbor who is entitled to be protected in his property. Of course, the two-car neighbor could donate a car to his poor neighbor if he liked, but that is his decision and not the prerogative of the kind-hearted neighbor.

2. But supposing the kind-hearted man decided to ask the mayor and city council to force the man with two cars to give one to his pedestrian neighbor? Does that make it any more legitimate? Obviously, this makes it even worse because if the mayor and city council do it in the name of the law, the man who has lost his car not only lost the rights to his property but (since it is the “law”) he has lost all right to appeal for help in protecting his property.

B. The American founders recognized that the moment the government undertakes to start , the material possessions of the people in order to have an “equal distribution of goods,” the government must necessarily deprive of the people of their “equal” rights to enjoy their lives, liberties, and property. Those on the receiving end of the program may think this is very “just” to take from the “haves” and

“To secure these Rights, Governments are instituted among Men”
-Thomas Jefferson
give to the "have nots." What they may not realize is that a government which presumes to have the power to take from some and give to others, thereby asserts the tyrannical authority to take from _______ "Oh, no," the recipients reply, "this is the way the government provides equal justice for all." But what happens when the government comes around and starts taking from those who count themselves "poor"? They immediately declare with indignation that they have "_______" in the property the government gave them. The government replies, "We decide who has rights in things."

Here are Benjamin Franklin’s comments on the destructive nature of government welfare in England and in America. He told a friend:

"I have long been of your opinion, that your legal provision for the poor [in England] is a very great evil, operating as it does to the encouragement of idleness. We have followed your example, and begin now to see our error, and, I hope, shall reform it."

He further wrote:

"To relieve the misfortunes of our fellow creatures is concurring with the _______; it is godlike; but, if we provide encouragement for laziness, and supports for folly, may we not be found fighting against the order of God and Nature, which perhaps has appointed want and misery as the proper punishments for, and cautions against, as well as necessary consequences of, idleness and extravagance? Whenever we attempt to amend the scheme of Providence, and to interfere with the government of the world, we had need be very circumspect, lest we do more harm than good." (Smyth, Writings of Benjamin Franklin, 3:135)

As Samuel Adams wrote:

"The utopian schemes of leveling, and [providing] a community of goods, are as visionary and impracticable as those which vest all property in the Crown; they are arbitrary, despotic, and in our government, ________;" (Wells, Life of Samuel Adams, 1:154)

It turns out that the Founders had a very special reason for their diligence in attempting to treat all men equally in the protection of their "rights." What was that special reason? It comes out in their eighth basic belief.

### III. The Eighth Principle

**Men are endowed by their Creator with certain unalienable rights.**

The Founders did not believe that the basic rights of mankind originated from any social-compact, king, emperor, or governmental authority. Those rights, they believed, came directly and exclusively from God. Therefore they were to be maintained sacred and inviolate. John Locke said it this way:

"The state of Nature has a law of Nature to govern it, which ... teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions;"
for men being all the workmanship of one omnipotent and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order and about his business; they are his property.... And, being furnished with like faculties; sharing all in one community of Nature, there cannot be supposed any such subordination among us that may authorize us to destroy one another....” (Locke, Second Essay Concerning Civil Government, p. 26, par. 6.)

A. It was very common among the Founders to express their sentiments concerning man's unalienable rights in almost the same words as the Declaration of Independence. For example, the Virginia Declaration of Rights, adopted on June 12, 1776, states:

“All men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.”

Notice that the words of the Declaration of Independence are very similar when it says: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.”

B. Some scholars have wondered just what Jefferson meant by the “pursuit of happiness,” but the meaning of this phrase was well understood when it was written. Perhaps John Adams said it even more clearly:

“All men are born free and independent, and have certain natural, essential, and unalienable rights, among which may be reckoned with the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.” (Adler, Annals of America, 2:432.)

C. Of course, the concept of unalienable rights was by no means exclusive to the American founders. It was well-understood by English defenders of the Common Law. Eleven years before the Declaration of Independence, Sir William Blackstone had written concerning the natural rights of man as follows:

“And these [great natural rights] may be reduced to three principal or primary articles; the right of personal security; the right of personal liberty, and the right of private property; because as there is no other known method of compulsion, or of abridging man’s natural free will, but by an infringement or diminution of one or other of these important rights, the preservation of these, inviolate, may justly be said to include the preservation of our civil immunities in their largest and most extensive sense.” (Blackstone, Commentaries on the Laws of England, 1:219-220; emphasis added.)
D. The protection of these rights was later carried over into the constitutions of the various states. Here is how the Constitution of Pennsylvania stated it:

“Article I, Section 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.” (Crane, Natural Law in the United States, 6:144.)

What has the Creator done to help man protect the rights He has given to him?

IV. The Ninth Principle

To protect man's rights, God has revealed certain principles of divine law. Rights, though endowed by God as unalienable prerogatives, could not remain unalienable unless they were protected as enforceable rights under a code of divinely proclaimed law.

A. William Blackstone pointed out that the Creator is not only omnipotent (all-powerful),

"...but as He is also a Being of infinite wisdom, He has laid down only such laws as were founded in those relations of justice, that existed in the nature of things... These are the eternal, immutable laws of good and evil, to which the Creator Himself in all His dispensations conforms; and which He has enabled human reason to discover, so far as they are necessary for the conduct of human actions. Such, among others, are these principles: that we should live honestly, should hurt ________, and should render to everyone his due...."

(Blackstone, Commentaries on the Laws of England, 1:59-60.)

He says it was necessary for God to disclose these laws to man by direct revelation.

"The doctrines thus delivered we call the revealed or divine law, and they are to be found only in the Holy _________, n. These precepts, when revealed, are found upon comparison to be really a part of the original law of nature, as they tend in all their consequences to man's felicity.” (Blackstone, Commentaries on the Laws of England, 1:64.)

B. An analysis of the essential elements of God's code of Divine Law reveals that it is designed to promote, preserve, and protect man's unalienable rights. This divine pattern of law for human happiness requires:

1. a recognition of God's _______ over all things;

2. that man is specifically forbidden to attribute God's power to _______ gods;

3. the name of God is to be held in reverence and every _______ taken in the name of God is to be carried out with the utmost fidelity lest the name of God be taken in vain;
4. that there is also a requirement that one day each week be set aside for the __________ of God's law; that it is also to be a day of worship and the personal renewing of one's commitment to obey God's law for happy living;

5. that there are also requirements to strengthen ties by children honoring parents and;

6. parents maintaining the sanctity of their marriage and not committing __________ after marriage;

7. that human ___________ is also to be kept sacred; that he who willfully and wantonly takes the life of another must forfeit his own;

8. that a person shall not __________;

9. that a person shall not __________;

10. that every person must be willing to work for the things he desires from life and not __________, and scheme to get the things which belong to his neighbor.

These principles will be immediately recognized as the famous __________ Commandments. There are many additional laws set forth in the Bible which clarify and define these principles.

C. The divine code of law also includes a remarkable system for the dispensing of criminal justice by not only motivating the criminal to reform but also by providing that he pay damages to his victim. Among modern nations there is no system of criminal justice as efficient and equitable as that prescribed by divine law and practiced in ancient times both among the Israelites and the Anglo-Saxons.

When it comes to lawmaking, the nations of most of the world throughout history have been subject to the whims and arbitral despotism of kings, emperors, rulers, and magistrates. How can the people be protected from the autocratic authority of their rulers? Where does the source of sovereign authority lie?

The Founders had strong convictions on this point.

V. The Tenth Principle

The God-given right to govern is vested in the sovereign authority of the whole people.

There was no place for the idea of a __________ right to rule in the thinking of the Founders. Certain kings of England had dreamed up the doctrine, but it did not last long.
A. The American founders subscribed to the concept that rulers are servants of the people and all sovereign authority to appoint or remove a ruler rests with them. It had been so with the Anglo-Saxons from the beginning.

1. Dr. Lovell describes how the entire tribal council, consisting of the entire body of freemen, would meet each month to discuss their problems and seek a solution through consensus. The chief or king (taken from the Anglo-Saxon word “cyning”—chief of the kinsmen) was only one among equals:

   “The chief owed his office to the tribal assembly, which selected and could also depose him. His authority was limited at every turn, and though he no doubt commanded, yet his opinion carried no more weight in the debates of the assembly than that of any freeman.”
   (Lovell, *English Constitutional and Legal History*, p. 5)

2. John Locke emphasized how officers of the government have no legitimate power in and of themselves, but only as magistrates of the people:

   “In all lawful governments the designation of the persons who are to bear rule being as natural and necessary a part as the form of the government itself, and that which had its establishment originally from the people ... therefore, with the form of government established, have rules also of appointing and conveying the right to those who are to have any share in the public authority; and whoever gets into the exercise of any part of the power by other ways than what the laws of the community have prescribed hath no right to be preserved, since he is not the person the laws were appointed, and, consequently, not the person the people have consented to. Nor can such an usurper, or any deriving from him, ever have a title till the people are both at liberty to consent, and have actually consented, to allow and confirm in him the power he hath till then usurped.”
   (Locke, *Second Essay Concerning Civil Government*, pp. 70-71, par. 198; emphasis added.)

In this same spirit, Alexander Hamilton declared:

   “The fabric of American empire ought to rest on the solid basis of the consent of the people. The streams of national power ought to flow immediately from that pure, original fountain of all legitimate authority.” (The *Federalist Papers*, No. 22, p. 152.)

But even if it is acknowledged that the people are divinely endowed with the sovereign power to govern, what happens if elected or appointed officials usurp the authority of the people to impose a dictatorship or some form of abusive government on them?

This brings us to the fundamental principle on which the Founders based their famous Declaration of Independence.
LESSON 5
Principles of Liberty 11-13

I. The Eleventh Principle

The majority of the people may alter or abolish a government which has become tyrannical.

The Founders were well acquainted with the vexations resulting from an abusive, autocratic government which had imposed injuries on the American colonists for 15 years.

A. Thomas Jefferson's words in the Declaration of Independence therefore empathized with the feelings of the American people when he wrote:

"Prudence, indeed, will dictate that governments long established should not be changed for ________, and transient causes; and, accordingly, all experience has shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.

"But, when a long train of ________, and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security." (Adler, Annals of America, 2:447-48.)

B. Once again, we find John Locke setting forth this same doctrine in his classical Essay Concerning Civil Government:

"The reason why men enter into society is the preservation of their property... [therefore] whenever the legislators endeavour to take away and destroy the property of the people, or reduce them to slavery under arbitrary power, they [the officials of government] put themselves into a state of war with the people, who are there-upon absolved from any further obedience, and are left to the common refuge which God hath provided for all men against force and violence.

Whosoever, therefore, the legislative shall transgress this fundamental rule of society, and either by ambition, fear, folly, or corruption, endeavour to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties, and estates of the people, by this breach of trust they
[the government officials] forfeit the power the people put into their hands ... and it devolves to the people, who have a right to resume their original liberty, and ... provide for their own safety and security..." (Locke, Second Essay Concerning Civil Government, pp. 75-76, par. 222; emphasis added.)

C. However, it is important to recognize that the "government" was established by the _______, of the people and only a majority of the people can authorize an appeal to arms against their government. As Locke points out:

"... when any number of men have, by the consent of every individual, made a community, they have thereby made that community one body, with a power to act as one body, which is only by the will and determination of the majority.... And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation to every one of that society to submit to the determination of the majority, and to be concluded by it...." (Locke, Second Essay Concerning Civil Government, p. 47, par. 96-97.)

D. This being true, Locke points out that there is no right of _______ in an individual, a group, or a minority. Only in the majority. As he states elsewhere:

"For if it [the unlawful act of government] reach no farther than some private men's cases, though they have a right to defend themselves ... yet the right to do so will not easily engage them in a contest ... it being as impossible for one or a few oppressed men to disturb the government where the body of the people do not think themselves concerned in it....

"But if either these illegal acts have extended to the majority of the people, or if the mischief and oppression has light [struck] only on some few, but in such cases as the precedent and consequences seem to threaten all, and they are persuaded in their consciences that their laws, and with them, their estates, liberties, and lives are in danger, and perhaps their religion too, how they will be hindered from resisting illegal force used against them I cannot tell." (Locke, Second Essay Concerning Civil Government, p. 73, par. 208-9; emphasis added.)

In other words, the majority are then likely to revolt just as the American founders did when their plight had finally become intolerable. Certainly there was no significant confusion in the minds of the Founders as to their rights and proper recourse when they approached their moment of critical decision in 1776.

So, granted that the people are sovereign and the majority of them can take over whenever necessary to restructure the political machinery and restore liberty, what is likely to be the best form of government to preserve liberty? The answer to this question was a favorite theme of the American nation-builders.
II. The Twelfth Principle

The United States of America shall be a republic.

This principle is highlighted in the pledge of allegiance when it says:

"I pledge allegiance to the flag, Of the United States of America And to the Republic For which it [the flag] stands..."

There are many reasons why the Founders wanted a republican form of government rather than a democracy.

A. Theoretically, a democracy requires the full participation of the masses of the people in the legislative and decision-making processes of government. This has never worked because the people become too occupied with their daily tasks to properly study the issues or take the time to involve themselves in extensive hearings before the vote is taken. The Greeks tried to use democratic mass-participation in the government of their city-states and each time it would end in ________, A democracy is particularly unwieldy and inefficient as the population grows, A republic, on the other hand, governs through elected representatives and can be expanded indefinitely. James Madison contrasted these two systems when he wrote:

"... Democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths....

"A Republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking. (The Federalist Papers, No. 10, p. 81.)"

B. Madison later went on to point out how an expanding country like the United States could not possibly confine itself to the limitations of a democracy, but must rely upon a representative or republican form of government to protect the ever-expanding interest of its people. He said:

"... in a democracy the people meet and exercise the government in person; in a republic they assemble and administer it by their representatives and agents. A democracy, consequently, must be confined to a small spot. A republic may be extended over a large region." (The Federalist Papers, No. 14, p. 100.)

C. It is interesting that only in recent years has it become popular to refer to the United States as "a democracy." Professional politicians with questionable ambitions discovered they could gradually dismantle the restrictions of the Constitution by pretending to exercise illegal authority "for the sake of the ________," Even Hitler and Stalin justified their dictatorships as being necessary for the good of their people. Modern history demonstrates that very often a demagogue can destroy a republican form of
government by advocating “democratic” socialism, or a “democratic”
dictatorship. Preserving a republic is sometimes as difficult to maintain as it
was to set it up in the first place.

Nevertheless, is it not true that the United States Constitution was written in a
different era when 95% of the people were occupied in an agrarian or rural type
of life? Today we live in a highly industrialized society. Would it not be fair to
say that the Constitution, as originally designed, has become obsolete?

Probably no statement would have set off the fireworks in the minds of the
Founding Fathers with a louder bang than a question like this one. Here was
their answer.

III. The Thirteenth Principle
A Constitution should be structured to permanently protect the people
from the human frailties of their rulers.

At the Constitutional Convention the Founding Fathers were concerned with the
one tantalizing question which no political scientist in any age had yet been able
to answer with complete satisfaction. The question was, “How can you have an
efficient government and still protect the freedom and unalienable rights of the
people?”

A. The Founders had more confidence in the people than they did in the
leaders of the people, especially trusted leaders, even themselves. They felt
the greatest danger arises when a leader is so completely trusted that the
people feel no anxiety to watch him. Alexander Hamilton wrote:

“For it is a truth, which the experience of ages has attested, that the
people are always most in danger when the means of injuring their
rights are in the possession of those [toward] whom they entertain
the least suspicion.” (The Federalist Papers, No. 25, p. 164.)

A statue of King George III is pulled down in 1776
B. Two hundred years of American history has demonstrated the wisdom of the Founders in warning against the frailties of human nature in the people's elected or appointed leaders. Every un-Constitutional action has usually been justified because it was for a "____________" cause. Every illegal transfer of power from one department to another has been excused as "____________." The whole explosion of bureaucratic power in Washington has been the result of "____________," benign political leaders, most of whom really did have good intentions. Thomas Jefferson struck out with all the force that tongue and pen could muster against trusting in human nature. Said he:

"... it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights; that covered that confidence is everywhere the parent of despotism; free government is founded in jealousy, and not in confidence; it is __________, and not confidence which prescribes limited constitutions to bind down those whom we are obliged to trust with power; that our Constitution has accordingly fixed the limits to which, and no farther, our confidence may go...."

In questions of power, then, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution. (The Kentucky Resolutions of 1798, *Annals of America*, 4:65-66; emphasis added.)

Madison declared:

"It may be a reflection on human nature, that such devices [as Constitutional chains] should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature?... If angels were to govern men, neither external nor internal controls on government would be necessary. [But lacking these] ... framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed: and in the next place oblige it to control itself." (The Federalist Papers, No. 51, p. 322; emphasis added.)

And that is what the Constitution is all about—providing freedom from abuse by those in authority. Anyone who says the American Constitution is obsolete just because social and economic conditions have changed, does not understand the Constitution. It was designed to control something which has not changed—human __________.

But where are the encroachments of abusive rulers most likely to attack? Is there some basic right which aspiring or aggrandizing politicians seek to destroy first? The Founders said there was. Mankind has so many rights that it is sometimes difficult to keep a watchful eye on all of them, so the Founders said we should especially concentrate on one of them because all other rights are related to it. This special object of concern is identified in the next principle.
LESSON 6
Principles of Liberty 14-15

I. The Fourteenth Principle

Life and liberty are secure only so long as the rights of property are secure.

Property is actually an extension of one's ___________. It reflects one's desires, one's priorities, one's choices, and one's labors. It is the sum, or fruit, of one's life and liberty.

A. John Locke explained the concept of property ownership:

"Though the earth and all inferior creatures be common [as the gift from God] to all men, yet every man has a "property" in his own "person." This, nobody has any right to but himself. The "labor" of his body and the "work" of his hands, we may say, are properly his. Whatever, then, he removes out of the state that Nature hath provided and left it in, he hath mixed his labor with it, and joined to it something that is his own, and thereby makes it his property....

"He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. Nobody can deny but the nourishment is his. I ask then, when did they begin to be his? When he digested? or when he ate? or when he boiled? or when he brought them home? or when he picked them up? And it is plain, if the first gathering made them not his, nothing else could."

B. Locke then proves that socialism or common ownership is a concept that will ________, lead to prosperity, but will keep mankind living on a bare hand-to-mouth subsistence level:

"That labor ... added something to them [the acorns or apples] more than Nature, the common mother of all, had done, and so they became his private right. And will any one say he had no right to those acorns or apples he thus appropriated because he had not the consent of all mankind to make them his?... If such a consent as that was necessary, [the] man [would have] starved, notwithstanding the plenty God had given him....

"It is the taking any part of what is common, and removing it out of the state Nature leaves it in, which begins the ________, without which the common [gift from God] is of no use.... Thus this law of reason makes the deer that [property of the Indian] who hath killed it, it is allowed to be his goods who hath bestowed his labor upon it, though before, it was the common right of every one." (Locke, Second Essay Concerning Civil Government, pp. 30-31, par. 26-29)

C. It is important to recognize that the common law does not
make _______ sacred, but only the right which someone has acquired in that property. Justice George Sutherland of the U.S. Supreme Court once told the New York State Bar Association:

"It is not the right of property which is protected, but the right to property. Property, per se, has no rights; but the individual—the man—has three great rights, equally sacred from arbitrary interference: the right to his LIFE, the right to his LIBERTY, the right to his PROPERTY...The three rights are so bound together as to be essentially one right. To give a man his life but deny him his liberty, is to take from him all that makes his life worth living. To give him his liberty but take from him the property which is the fruit and badge of his liberty, is to still leave him a slave. (Principle or Expedient? Annual Address to the New York State Bar Association, 21 January 1921, p. 18.)

Life + Liberty = Property

D. In this same spirit Abraham Lincoln once said:

"Property is the fruit of labor. Property is desirable, is a positive good in the world. That some should be rich shows that others may become rich and hence is just encouragement to industry and enterprise. Let not him who is houseless pull down the house of another, but let him work diligently to build one for himself, thus by example assuring that his own shall be safe from violence...I take it that it is best for all to leave each man free to acquire property as fast as he can. Some will get wealthy. I don't believe in a law to prevent a man from getting rich; it would do more harm than good." (Quoted in The Freeman: Ideas on Liberty, May 1955, p. 7.)

E. John Locke, had said:

"The supreme power cannot take from any man any part of his property without his own consent. For the preservation of property being the end of government, and that for which men enter into society, it necessarily supposes and requires that the people should have property, without which they must be supposed to lose that [property] by entering into society, which was the end for which they entered into it. (Locke, Second Essay Concerning Civil Government, p. 57, par. 138.)

F. Property rights are essential to liberty. John Adams saw private property as the most important single foundation stone undergirding human liberty and human happiness. He said:

"The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. PROPERTY MUST BE SECURED OR LIBERTY CANNOT EXIST." (Adams, The Works of John Adams, 6:9, 280; emphasis added.)
Having discovered what John Adams later called the “divine science” or law of sound government, the Founders wondered if there were natural laws which would produce a dynamic and prosperous economy with a high standard of living.

II. The Fifteenth Principle

The highest level of freedom occurs when there is a free-market economy and a minimum of government interference.

A. In 1776, just as the first free people in modern times was coming into existence as the United States of America, an economist in Scotland (a friend of Benjamin Franklin) published his now famous book, The Wealth of Nations. His name was Adam Smith.

B. In his book, Adam Smith said wealth is not ___________ and ___________ but the essentials of life—food, clothes, houses, transportation, communications, schools, good roads, factories, and well-cultivated farms.

C. Adam Smith said that if you want an increased standard of living and prosperity, goods and services should be ___________ and ___________. How is that achieved? Here are the highlights of Adam Smith's formula:

1. Specialized ___________.
2. Buying and selling in a ___________ market.
3. Based on the natural law of ___________ and ___________, where people vote with their dollars on what they want or don't want. Natural-law marketing is completely democratic.
4. Everyone improves his position by making a ___________ at whatever he is doing. A profit is defined as doing whatever is necessary to make an exchange.
5. The secret to the successful operation of a free market is COMPETITION. It is painful, but the results are good:
   a. Greater ___________ (more production, more profit).
   b. Improved ___________ (to attract customers).
   c. Lower ___________ (to beat the competition).
   d. A greater ___________ of goods and services to satisfy individual customer demands.
6. The greatest threat to a free market economy is government ______. This happens when the government is involved in fixing prices, fixing wages, controlling production, controlling distribution, or subsidizing production. The role of government is simply to serve as referee and to prevent:

   a. ______ (Mafia tactics).
   b. ______ (phony stocks and bonds).
   c. ______ (make entry into the market difficult for competition).
   d. ______ (pornography, obscenity, drugs, prostitution, gambling, and other forms of ______).

D. Adam Smith's tremendously successful formula for prosperity can be summarized in the following economic principles:

1. The freedom to ______
2. The freedom to ______
3. The freedom to ______
4. The freedom to ______

What structure of government would best protect the people as they engage in free-market economics?
LESSON 7
Principles of Liberty 16–19
The Sixteenth Principle

I. The government should be separated into three branches: Legislative, Executive, and Judicial.

Prior to 1776 no government had ever been set up in this manner. Throughout
the history of the world, ruler's law prevailed and ________________, and emperors
were usually supreme. However, in England following the "Glorious
Revolution" of 1688 the _________________ was made supreme. In ancient
Greece they tried to practice pure democracy by having the whole people
participate in running the government. In other societies small minorities of elite
families or wealthy businessmen seized power and set up a self-perpetuating
________________, or oligarchy. Nevertheless, no matter what the form,
each of these systems always ended in tyranny.

A. At approximately 150 B.C., a Greek historian named Polybius
recommended a "________________" system of government in which the
elements of a monarchy, democracy and aristocracy would all be combined.
The role of the king or monarch would be assigned to the executive
department to administer the law; the writing of the law would be done by
the people or their elected representatives in one branch of the legislature
and be subject to the restraints of another branch representing the aristocracy
or propertied classes. Presumably, a judicial body would then serve as
referee to make certain that each department was confined to its proper
sphere of influence.

B. Centuries of experience with cruel and corrupt governments suggested
that Polybius may have hit upon a splendid idea. The three main
functions of government would be divided into separate compartments and a balance
maintained between them through the natural _________________ of each
to maintain its own arena of power. But the idea was too novel. No nation
dared to try it.

In the eighteenth century, Montesquieu made the observation:

"When the legislative and executive powers are united in the same
person, or in the same body of magistrates, there can be no
liberty...." (The Spirit of Laws, p. 70.)

Montesquieu points out that the judiciary must also be kept separate and
distinct:

"Again, there is no liberty, if the judiciary power be not separated
from the legislative and executive. Were it joined with the
legislative, the life and liberty of the subject would be exposed to
arbitrary control; for the judge would be then the legislator. Were
it joined to the executive power, the judge might behave with
violence and oppression." (The Spirit of Laws, p. 70.)
C. It may come as a surprise to modern Americans to learn how slowly the doctrine of “separation of powers” was accepted in America. The states were perfectly willing to set up the three branches in their own governments, but were certainly not agreeable to setting up a three-department government on a federal level.

In 1776, John Adams practically stood alone in advocating a government built on a separation of powers and found himself severely criticized for such a revolutionary idea. Many years later he wrote a letter to Dr. Benjamin Rush, in which he described his initial effort to get this principle adopted:

“I call you to witness that I was the first member of congress who ventured to come out in public... in favor of a government with three branches, and an independent judiciary. This... you know, was very unpopular. No man appeared in public to support it but yourself.... Franklin leaned against it. Dr. Young, Mr. Timothy Matlack and Mr. James Cannon, and I suppose Mr. George Bryan were alarmed and displeased at it. Mr. Thomas Paine was so highly offended with it that he came to visit me at my chamber at Mrs. Yard’s to remonstrate and even scold at me for it, which he did in very ungentlemanly terms. In return, I only laughed heartily at him.... Paine’s wrath was excited because my plan of government was essentially different from the silly projects that he had published in his ‘Common Sense.’ By this means I became suspected and unpopular with the leading demagogues and the whole constitutional party in Pennsylvania.” (Rush, The American Enlightenment, p. 163.)

D. Eventually the doctrine of the separation of powers was echoed up and down the Atlantic seaboard and appear in nearly all of the writings of the Founding Fathers. For example James Madison wrote:

“The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.” (The Federalist Papers, No. 47, p. 301.)
In separating the powers of government, can elements of human nature actually be used?

II. The Seventeenth Principle

The separation of powers should be maintained by a system of checks and balances.

Once separated, the idea of the separation of powers, many founders wanted an absolute separation. John Adams had to bring the pendulum back a bit by explaining that once separated, the branches of government must be carefully stitched back together with a system of checks and balances.

A. In his book, *The Spirit of the Laws*, Charles Montesquieu saw the immediate need for a check within the legislature. He visualized a lower house occupied by representatives of the people and an upper house representing wealth and property from which most of the taxes would be drawn. He said that for each of these houses to satisfy their wishes, it would be necessary for them to cooperate together and yet they would each act as a restraint on the other because of their separate interests and desires. He felt the people's representatives would vote numerous times, but the upper house would keep these within reason because the propertied class would have to pay for most of them. Thus they would check each other.

B. As between the legislative and the executive, Montesquieu felt that the executive should have the authority to veto legislation which invaded the jurisdiction of the executive department or was considered to operate against the best interests of the whole people. On the other hand, he recommended that the legislature should have the right and "the means of examining in what manner its laws have been executed." In other words, the legislature would have authority to conduct investigations concerning the operation of the executive branch.

C. Montesquieu also recommended an independent judiciary to administer criminal justice and settle disputes between individuals.

D. Using these suggestions as a base, the American founding fathers demonstrated their ingenuity by separating the three departments of government and then lacing them back together again in a way which
facilitated the forward motion of government without destroying the sphere of independence wherein each of the departments enjoyed its own source of power.

C. President Washington felt the separation of powers with its accompanying checks and balances was the genius of the American system of government. The task was to maintain it. In his Farewell Address he stated:

“It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another.

“The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proueness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position.

“The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.

—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers he in any particular wrong, let it be corrected by an amendment in the way that the constitution designates. But let there be no change by usurpation: for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.” (Fitzpatrick, Writings of George Washington, 35:228.)

What is the best way to preserve a divided, balanced, and limited government from one generation to another?

III. The Eighteenth Principle

The unalienable rights of the people are most likely to be preserved if the principles of government are set forth in a written constitution.

The one weakness of the Anglo-Saxon common law was that it was _______. Since its principles were known among the whole people they seemed indifferent to the necessity of writing them down. As Dr. Collin Rhys Lovell of the University of Southern California states:

“The law applied by any of these Anglo-Saxon assemblies was customary. Until the Anglo-Saxon conversion to Christianity it was unwritten and like all
customary law was considered immutable.” (Lovell, English Constitutional and Legal History, p. 7.)

A. The Norman Conquest taught the Anglo-Saxons in England a bitter lesson. Many of their most treasured rights disappeared in a flood of blood and vindictive oppression. In fact, these rights were regained very slowly over a period of centuries and gradually they were written down.

1. In 1215 A.D. during a national crisis, the sword was virtually put to the throat of King John in order to compel him to sign the ____________, setting forth the traditional rights of freemen as well as the feudal barons who had been serving under King John.

2. During that same century the “Model Parliament” came into being which compelled the King to acknowledge the principle of no taxation without representation.

3. Charles I was later pressured into signing the people's Petition of Rights in 1628.

4. After James II was overthrown in the Glorious revolution, the English Bill of Rights was signed by William and Mary in 1689.

B. Through the centuries, the British have tried to manage their political affairs with no written constitution and have merely relied upon those fragmentary statutes as a constitutional reference source. These proved helpful to the American founders but they felt that the structure of government should be codified in a more permanent, comprehensive form. It will be appreciated, therefore, that the tradition of written constitutions in modern times is not of English origin but is entirely ________________ both in principle and practice.

1. The first written charter in America was in ____________, when the Mayflower compact came into being.

2. Later the charter concept evolved into a more comprehensive type of constitution when Thomas Hooker and his associates adopted the Fundamental Orders of Connecticut in ____________.

It is interesting that neither of these charters make any reference to the Crown or the British Government as a source of their authority. In both cases these charters are compacts of “We, the people.”

In a written Constitution, what powers should actually be delegated to government?

IV. The Nineteenth Principle

Only limited and carefully defined powers should be delegated to government, all others being retained in the people.

A. Alexander Hamilton explained that experience shows that it seems to be the disposition of man, when he is trusted with some power, to quickly seek for more.

“The powers delegated by the... constitution to the federal government are few and defined.”

—James Madison
There is, in the nature of sovereign power, an impatience of control that disposes those who are invested with the exercise of it to look with an evil eye upon all external attempts to restrain or direct its operations.... This tendency is not difficult to be accounted for. It has its origin in the love of __________. Power controlled or abridged is almost always the rival and enemy of that power by which it is controlled or abridged. This simple proposition will teach us how little reason there is to expect that the persons entrusted with the administration of the affairs of the particular members of a confederacy [the federal government] will at all times be ready with perfect good humor and an unbiased regard to the public weal to execute the resolutions or decrees of the general authority. The reverse of this [expectation] results from the constitution of man.” (The Federalist Papers, No. 15.)

B. Of any of the Founders, James Madison in Federalist 45 gives the most concise explanation of the way the people distributed governmental power:

“The powers delegated by the proposed Constitution to the federal government are __________, and defined. Those which are to remain in the State governments are __________, and indefinite.... The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.” (The Federalist Papers, No. 45.)

C. Jefferson said the same thing in this manner:

“The way to have good and safe government is not to trust it all to one, but to divide it among the many, distributing to every one exactly the functions he is competent to [perform best]. Let the national government be entrusted with the defense of the nation, and its foreign and federal relations; the State governments with the civil rights, laws, police, and administration of what concerns the State generally; the counties with the local concerns of the counties, and each ward [township] direct the interests within itself. It is by dividing and subdividing these republics, from the great national one down through all its subordinations, until it ends in the administration of every man’s farm by himself; by placing under every one what his own eye may superintend, that all will be done for the best. What has destroyed liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and powers into one body, no matter whether of the autocrats of Russia or France, or of the aristocrats of a Venetian senate.” (Berg, Writings of Thomas Jefferson, 14:421)

In law-making, what part of the people should control, and how are minorities protected?
LESSON 8
Principles of Liberty 20-23

I. The Twentieth Principle

Efficiency and dispatch require the government to operate according to the will of the majority, but constitutional provisions must be made to protect the rights of the minority.

A. John Locke explained the covenants individuals are under in a society and the necessity of majority rule:

“When any number of men have ... consented to make one community or government, they are thereby presently incorporated, and make one body politic, wherein the _______ have a right to act and conclude [bind] the rest.... “It being one body ... it is necessary the body should move that way whither the greater force carries it, which is the consent of majority, or else it is impossible it should act or continue one body....

“And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation to every one of that society to submit to the determination of the majority, and to be concluded [bound] by it.” (Locke, Second Essay Concerning Civil Government, pp. 46–47, par. 95–97.)

B. Some might ask, if a majority is good, would a super majority be better? Hamilton explains the error of requiring more than a majority in normal cases:

“To give a _______ a negative upon the majority (which is always the case where more than a majority is requisite to a decision) is, in its tendency, to subject the sense of the greater number to that of the lesser number.... (The Federalist Papers, No. 22, pp. 147–48.)

C. While the body politic must move with the majority, Jefferson explains that in a republic laws must be in place to prevent the minority thus violating the rights of the minority.

“All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which _______ laws must protect, and to violate would be oppression.” (Bergh, Writings of Thomas Jefferson, 3:318.)
II. The Twenty-first Principle

Strong local self-government is the keystone to preserving human freedom. Political power automatically gravitates toward the ________, and the purpose of the Constitution is to prevent that from happening. The centralization of political power always destroys liberty by removing the decision-making function from the people on the local level and transferring it to the officers of the central government. This process gradually benumbs the spirit of "voluntarism" among the people as they lose the will to solve their own problems. They also cease to be involved in community affairs. They seek the anonymity of oblivion in the seething crowds of the city and often degenerate into faceless automatons who have neither a voice nor a vote.

A. Thomas Jefferson saw the advantages of the close-knit New England town over the aristocratic rural life of Virginia. Said he:

"These wards, called townships in New England, are the vital principle of their governments, and have proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government, and for its preservation..." (Bergth, Writings of Thomas Jefferson, 15/38.)

B. Jefferson was anxious to have all the English colonists in America revive the customs of their Anglo-Saxon ancestors, including strong local self-government. As historian Richard Frothingham points out:

"In ancient England, local self-government is found in connection with the political and territorial division of tythings, hundreds, burgs, counties and shires, in which the body of inhabitants had a voice in managing their own affairs. Hence it was the germinal idea of the Anglo-Saxon polity.

"In the course of events the crown deprived the body of the people of this power of local rule, and vested it in a small number of persons in each locality...[which] were thus self-perpetuating bodies. In this way, the ancient freedom of the municipalities was undermined, and the power of the ruling classes was installed in its place. Such was the nature of the local self-government in England, not merely during the period of the planting of her American colonies (1607-1732), but for a century later... It was a noble form robbed of its life-giving spirit." (Frothingham, The Rise of the Republic of the United States, pp. 14-15.)
C. Thomas Jefferson emphasized that if the coming generations perpetuated the Constitutional pattern, the federal government would be small, cohesive, and serve as an inexpensive operation because of the limited problems which would be assigned to it. He wrote:

"The true theory of our constitution is surely the wisest and best, that the states are independent as to everything within themselves, and united as to everything respecting foreign nations. Let the general government be reduced to foreign concerns only, and let our affairs be disentangled from those of all other nations, except as to commerce, which the merchants will manage the better, the more they are left free to manage for themselves, and our general government may be reduced to a very simple organization, and a very inexpensive one; a few plain duties to be performed by a few servants." (Berg, Writings of Thomas Jefferson, 10:168.)

III. The Twenty-second Principle

A. A free people should be governed by law and not by the whims of men

To be governed by the whims of men is to be subject to the ever-changing capriciousness of those in power. This is rulers' law at its worst. In such a society nothing is dependable. No rights are secure. Things established in the present become unpredictable for the future.

A. The American founders and their Anglo-Saxon forebears had an entirely different point of view. They defined law as a "rule of action" which was intended to be as binding on the ________ as the people. As John Locke said:

"... freedom of men under government is to have a standing rule to live by, common to everyone of that society, and made by the legislative power erected in it." (Locke. Second Essay Concerning Civil Government, p. 29, par. 21.)

B. This is the security which is designed to provide a high degree of freedom from fear and therefore freedom to act. Such a society gives its people a sense of liberty—liberty under law. The American founders believed that without the protection of law there can be no liberty.

1. John Locke points out that unless a society can provide a person with a code of fixed and enforceable laws, he might as well have stayed in the jungle:

"To this end it is that men give up all their natural power to the society they enter into, and the community put the legislative power into such hands as they think fit, with this trust, that they shall be governed by declared ________, or else their peace, quiet, and property will still be at the same uncertainty as it was in the State of Nature." (Locke. Second Essay Concerning Civil Government, p. 56, par. 136.)
2. John Adams expressed the same tenor of thought when he said:

"... no man will contend, that a nation can be free, that is not governed by fixed laws. All other government than that of permanent known laws, is the government of mere will and pleasure..." (Adams, A Defense of the Constitutions of Government of the United States, 1:124.)

3. Human experience has taught mankind this same principle down through the ages. Here are the Words of Aristotle in his Politics:

"... Even the best of men in authority are liable to be corrupted by passion. We may conclude then that the law is reason without passion and it is therefore preferable to any individual." (Quoted by Edwin S. Corwin in "The Higher Law—Background of American Constitutional Law," Harvard Law Review, 1928, 42:153.)

4. This was precisely the view of John Locke when he wrote:

"... the end of law is not to abolish or restrain, but to __________, and enlarge freedom. For in all the states of created beings, capable of laws, where there is no law there is no freedom. For liberty is to be free from restraint and violence from others, which cannot be where there is no law..." (Locke, Second Essay Concerning Civil Government, p. 37, par. 57.)

C. The Founders were sensitive to the fact that the people have confidence in the law only to the extent that they can understand it and feel that it is a rule of relative permanence which will not be continually changed. James Madison emphasized both of these points when he wrote:

"It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be __________, or so incoherent that they cannot be ____________; if they be repealed or revised before they are promulgated, or undergo such incessant ___________ that no man, who knows what the law is today, can guess what it will be tomorrow. Law is defined to be a rule of action; but how can that be a rule, which is little known and less fixed?" (The Federalist Papers, No. 62, p. 381.)

IV. The Twenty-third Principle

A free society cannot survive as a republic without a broad program of general education

A. In the Founder's era, education was strictly a local matter, but it was also a requirement. John Adams wrote:

"They made an early provision by law that every town consisting of so many families should be always furnished with a grammar school. They made it a crime for such a town to be destitute of a grammar schoolmaster for a few months, and subjected it to heavy penalty. So

"Liberty cannot be preserved without a general knowledge among the people...”
—John Adams
that the education of all ranks of people was made the care and expense of the __________, in a manner that I believe has been unknown to any other people, ancient or modern.

"The consequences of these establishments we see and feel every day [written in 1765]. A native of America who cannot read and write is as rare ... as a comet or an __________. It has been observed that we are all of us lawyers, divines, politicians, and philosophers. And I have good authorities to say that all candid foreigners who have passed through this country and conversed freely with all sorts of people here will allow that they have never seen so much knowledge and civility among the common people in any part of the world.... Liberty cannot be preserved without a general knowledge among the people.... They have a right, an indisputable, unalienable, indefeasible, divine right to that most dreaded and envied kind of knowledge—I mean, of the characters and conduct of their rulers." (Koch, The American Enlightenment, p. 239.)

B. One of America's greatest orators emphasized the importance of the __________ in the development of America:

"It is not to be doubted, that to the free and universal reading of the Bible, in that age, men were much indebted for right views of civil liberty. The Bible is a book of faith, and a book of doctrine, and a book of morals, and a book of religion, of especial revelation from God; but it is also a book which teaches man his own individual responsibility, his own dignity, and his equality with his fellow-man." (The Works of Daniel Webster, 1:102.)

C. When the Founders used the word "morality" they usually had reference to the Ten Commandments, the Golden Rule, and the principles enunciated in the Sermon on the Mount. It was the teachings of these principles in the schools which the Founders felt would lead to the preservation of a "virtuous" people. Particularly important was the teaching of youth.
Benjamin Franklin stressed the same point and added how precious good teachers really are:

"... I think with you, that nothing is of more importance for the public West, than to form and train up in wisdom and virtue. Wise and good men are, in my opinion, the strength of the state; more so than riches or arms...

"I think also, that general virtue is more probably to be expected and obtained from the education of youth, than from the exhortations of adult persons, bad habits and vices of the mind being, like diseases of the body, more easily prevented [in youth] than cured [in adults]. I think, moreover, that talents for the education of youth are the gift of God; and that he on whom they are bestowed, whenever a way is opened for the use of them, is as strongly called as if he heard a voice from heaven...." (Quoted in Adrienne Koch, ed., *The American Enlightenment*, p. 77.)

In his Eighth Annual Message to Congress, George Washington emphasized that:

"...a primary object should be the education of our youth in the science of government. In a republic what species of knowledge can be equally important and what duty more pressing on its legislature than to patronize a plan for communicating it to those who are to be the future guardians of the liberties of the country?"

**D.** One of the reasons the American people were so remarkably well-informed concerning Constitutional principles was the fact that the American charter of freedom was taught at almost all levels of education. By 1828 a "catechism on the Constitution" had been written by Arthur J. Stansbury in which the meaning and significance of every phrase in the Constitution was carefully examined. Many of the technical questions addressed to the school children of that day would boggle the mind of most American adults in our own day.
"...if we desire to secure peace,...it must be known that we are at all times ready for war."
—George Washington

LESSON 9
Principles of Liberty 24–28

I. The Twenty-fourth Principle

A free people cannot survive as a republic unless they stay strong.

A. Knowing that a prosperous nation would attract ______________, no one knew better the absolute necessity of being prepared for war than our Founders. In fact they felt the best way to prevent having to go to war was to be prepared for it. Benjamin Franklin explained:

"Our security lies, I think, in our growing strength, both in numbers and wealth; that creates an increasing ability of assisting this nation in its wars, which will make us more respectable, our friendship more ___________, and our enmity feared; thence it will soon be thought proper to treat us not with justice only, but with ___________; and thence we may expect in a few years a total change of measures with regard to us; unless, by a neglect of military discipline, we should lose all martial spirit, and our western people become as tame as those in the eastern dominions of Britain [India], when we may expect the same oppressions; for there is much truth in the Italian saying, "Make yourselves sheep, and the wolves will eat you."" (Smyth, Writings of Benjamin Franklin, 6:3–4.)

B. George Washington explained that security and respect will come if we are prepared for war:

"There is a rank due to the United States among nations, which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to ___________ it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war." (Fitzpatrick, Writings of George Washington, 33:165.)

C. Sam Adams even felt that not being prepared to defend liberty would be tantamount to rejecting a most precious gift of the Creator:

"The right to freedom being the gift of God Almighty, it is not in the power of man to alienate this gift and voluntarily become a slave." (Quoted in Wells, Life of Samuel Adams, 1:504.)
II. The Twenty-fifth Principle

Peace, commerce, and honest friendship with all nations, entangling alliances with none.

A. George Washington, in his Farewell Address to the nation, warned against a tendency he saw even in his day—making entangling alliances:

"So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common

存在的，and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and

引起的, of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting __________ , ill will, and disposition to retaliate in the parties from whom equal privileges are withheld."

(Fitzpatrick, Writings of George Washington, 35:232.)

"Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary combinations and collisions of her friendships or enmities... Why, by interweaving our

与之, with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interests, humor, or caprice?"

(Fitzpatrick, Writings of George Washington, 35:234.)

B. Thomas Jefferson laid out his ideas for the nation’s foreign policy, which later became known as the Monroe Doctrine:

"Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe. Our second, never to suffer Europe to intermeddle with cis-Atlantic [western hemisphere] affairs. America, north and south, has a set of interests distinct from those of Europe, and peculiarly her own. She should therefore have a system of her own, separate and apart from that of Europe. While the last [Europe] is laboring to become the domicile of despotism, our endeavors should surely be to make our hemisphere that of freedom."

(Bergh, Writings of Thomas Jefferson, 15:477.)
III. The Twenty-sixth Principle

The core unit which determines the strength of any society is the family; therefore the government should foster and protect its integrity.

A. Alexis de Tocqueville studied the American system and its culture in the early 1830s and concluded:

“There is certainly no country in the world where the tie of _______ is more respected than in America, or where conjugal happiness is more highly or worthily appreciated. In Europe almost all the disturbances of society arise from the irregularities of domestic life. To despise the natural bonds and legitimate pleasure of home is to contract a taste for excesses, a restlessness of heart, and fluctuating desires. Agitated by the tumultuous passions that frequently disturb his dwelling, the European is galled by the obedience which the legislative powers of the state exact.

“But when the American retires from the turmoil of public life to the bosom of his family, he finds in it the image of order and of peace. There his pleasures are simple and natural, his joys are innocent and calm; and as he finds that an orderly life is the surest path to happiness, he accustoms himself easily to moderate his opinions as well as his tastes. While the European endeavors to forget his domestic troubles by agitating society, the American derives from his own home that love of order which he afterwards carries with him into public affairs.” (Alexis de Tocqueville, *Democracy in America*, 1:315.)

B. John Locke said that scripture teaches the _______ of man and woman in family life. He said the oft used term “paternal authority:

“... seems so to place the power of parents over their children wholly in the father, as if the mother had no share in it; whereas if we consult reason or revelation, we shall find she has an equal title, which may give one reason to ask whether this might not be more properly called parental power? For whatever obligation Nature and the right of generation lays on children, it must certainly bind them equally to both the concurrent causes of it. And accordingly we see the positive law of God everywhere joins them together without distinction, when it commands the obedience of children: ‘Honor thy father and thy mother’ (Exodus 20:12); ‘Whosoever curseth his father or his mother’ (Leviticus 20:9); ‘Ye shall fear every man his mother and his father’ (Leviticus
19:3); 'Children, obey your parents' (Ephesians 6:1), etc., is the style of
the Old and New Testament." (Locke, Second Essay Concerning Civil
Government, p. 36, par. 52.)

C. Benjamin Franklin urged a young friend to marry rather than to take a
mistress. He wrote:

"Marriage is the proper remedy. It is the most natural state of man, and
therefore the state in which you are most likely to find solid

Your reasons against entering into it at present
appear to me not well founded. The circumstantial advantages you have
in view by postponing it are not only uncertain, but they are small in
comparison with that of the thing itself, the being married and settled
[emphasis by Franklin]. It is the man and woman united that make the
complete human being. Separate, she wants his force of body and
strength of reason; he, her softness, sensibility, and acute discernment.
Together they are more likely to succeed in the world. A single man has
not nearly the value he would have in that state of union. He is an
incomplete animal. He resembles the odd half of a pair of scissors. If
you get a prudent, healthy wife, your industry in your profession, with
her good economy, will be a fortune sufficient." (Letter from Benjamin
Franklin to young friend, June 15, 1745.)

D. John Locke answers the much-asked question: How does one know when
one is mature?

"When he has acquired that state [of maturity], he is presumed to know
how far that law is to be his guide, and how far he may make use of his
freedom, and so comes to have it; till then, somebody else must guide
him, who is presumed to know how far the law

is a
liberty. If such a state of reason, such an age of discretion made him
free, the same shall make his son free too." (Locke, Second Essay Concerning
Civil Government, p. 37, par.)

IV. The Twenty-seventh Principle

The burden of debt is as destructive to freedom as subjugation by conquest.
Slavery or involuntary servitude is the result of either subjugation by conquest
or succumbing to the bondage of debt. Debt is borrowing against the

It exchanges a present advantage for a future obligation which
will not only require the return of the original advance, but a substantial
compensation to the creditor for the use of his money.

A. Sometimes debt is unavoidable, both for governments and for the private
citizen, but always it carries a high cost in interest and can result in
perpetual servitude. As Thomas Jefferson wrote:

"I, however, place economy among the first and most important of
republican virtues, and public debt as the greatest of dangers to be
feared." (Bergh, Writings of Thomas Jefferson, 15:47.)

"...the public
debt as the greatest
of dangers to be
feared."

—Thomas Jefferson
If we can prevent the government from wasting the labors of the people, under the pretense of caring for them, they must become happy.” (Bergh, *Writings of Thomas Jefferson*, 10:342.)

B. In many instances governments go deeply into debt because of ________, and because freedom is an important part of the next generation's inheritance, the imposition of war debts on future generations is thereby justified. But this means that the children of the future are born into a certain amount of bondage or involuntary servitude for which they neither voted nor subscribed. To this extent the projection of debts from one generation to another violates the spirit of the Constitution and represents an attack on basic republican principles.

C. Government debt is even more reprehensible when one generation in time of peace indulges in deficit spending or living beyond its resources. Deficit spending is nothing more nor less than ____________ at the expense of the next generation. Politicians are both immoral and dishonest if they try to make themselves popular for re-election by spending the next generation's inheritance for their constituency. This was denounced by Thomas Jefferson:

"...we shall all consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves; and consequently within what may be deemed the period of a generation, or the life [expectancy] of the majority." (Bergh, *Writings of Thomas Jefferson*, 13:357-58.)

V. The Twenty-eighth Principle

The United States has a manifest destiny to be an example and a blessing to the entire human race.

A. Historian John Fiske summarizes the Founders' beliefs about the future of America:

"They believed that they were doing a wonderful thing. They felt themselves to be instruments in accomplishing a kind of "manifest _________. Their exodus [from Europe] was that of a chosen people who were at length to lay the everlasting foundations of God's kingdom upon earth... This steadfast faith in an unseen ruler and guide was to them a pillar of cloud by day and of fire by night. It was of great moral value. It gave them clearness of purpose and concentration of strength, and contributed towards making them, like the children of Israel, a people of indestructible vitality and aggressive energy." (Fiske, *The Beginnings of New England*, pp. 30, 43.)
B. John Jay expressed the belief that America's founding was according to the design of God.

"This country and this people seem to have been made for each other, and it appears as if it was the Providence that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split into a number of unsocial, jealous, and alien sovereignties." (The Federalist Papers, No. 2, p. 38.)

VI. Principles of Liberty: Conclusion

The Founders' Principles Produce Immediate Results

A. There was hardly a single idea which the American Founding Fathers put into their formula that someone hadn't thought of before. However, the singularity of it all was the fact that in 1787, when the Constitution was being written, none of those ideas was being substantially practiced anywhere in the world. It was in America that the Founding Fathers assembled the 28 great ideas that produced the dynamic success formula which proved such a sensational blessing to modern man.

B. Now that many of those precious principles are fading into oblivion and scores of unnecessary problems have risen to plague humanity, it should be in America that the banner of human hope is raised again.

C. If these principles were restored today, how long do you think it would take to see a noticeable difference? When they finally put the new charter into operation in the Founders' day, George Washington was able to write after only _______ years:

"The United States enjoy a scene of prosperity and tranquility under the new government that could hardly have been hoped for." (Fitzpatrick, The Writings of George Washington, 31:316–317.)

The next day he wrote to David Humphreys:

"Tranquility reigns among the people with that disposition towards the general government which is likely to preserve it... Our public credit stands on that [high] ground which three years ago it would have been considered as a species of madness to have foretold." (Fitzpatrick, The Writings of George Washington 31:318-319.)

Not only did it change the United States, but within a few years it aroused the admiration of the whole world.

D. The Founders knew they were sailing into uncharted waters and they knew their ship of state was entirely different from anything else on the face of the earth. True, they had examined every kind of political operation known to man, and they had abstracted from history every lesson and precaution they could learn, but their own product was unique, bold, and filled with the promise of a better day. Probably no one summed it up better than James Madison when he wrote:
"Is it not the glory of the people of America that, whilst they have paid a decent regard to the opinions of former times and other nations, they have not suffered a blind veneration for antiquity, for custom, or for names, to overrule the suggestions of their own good sense, the knowledge of their own situation, and the lessons of their own experience?

"To this manly spirit posterity will be indebted for the possession, and the world for the example, of the numerous innovations displayed on the American theater in favor of __________________ rights and __________________ happiness.

"Had no important step been taken by the leaders of the Revolution for which a precedent could not be discovered, no government established of which an exact model did not present itself, the people of the United States might at this moment have been numbered among the melancholy victims of misguided councils, must at best have been laboring under the weight of some of those forms which have crushed the liberties of the rest of mankind."

Then he concludes:

"Happily for Americans, happily we trust for the whole human race, they pursued a new and more noble course. They accomplished a revolution which has no parallel in the annals of human society. They reared the fabrics of governments which has no model on the face of the globe. They formed the design of a great Confederacy, which it is incumbent on their successors to improve and" (The Federalist Papers, No. 14, pp. 104-105; emphasis added.)
LESSON 10

Americans Yearn to Breathe Free

I. How the Split Developed Between England and Her American Colonies.

A. When George III took over the throne of England, he was very popular because he was the first king of that century who was not a ______________. He was born in England, educated in England, spoke English beautifully, and considered himself a "patriot king." He was extremely popular among the English people, but his policies began to antagonize the American colonists.

B. In the early 1760s, King George III ordered a strict enforcement of the Navigation Acts in order to suppress the purchase of foreign goods. The idea was to "buy English and keep our money at home."

C. This resulted in extensive smuggling, both in England and America. To suppress smuggling, the king authorized the prosecution of offenders in the admiralty courts, which had no ______________.

D. The admiralty courts issued "writs of assistance," which allowed officers to search any home or private business looking for smuggled goods.

E. Then an act in 1763 forbade the colonists to cross the mountains and settle in the ______________, where some had already become established. The colonists defied this act and resentment grew.

F. In 1765, the king had his agents in Parliament pass the ______________ Act. The colonists declared this to be "taxation without representation."

It was during Parliamentary debate on the repeal of the Stamp Act that Charles Townshend asked:

"Will these Americans, children planted by our care, nourished up by our indulgence... will they grudge to contribute their mite?"

Whereupon Isaac Barre replied,

"They planted by your care? No! Your oppressions planted them in America. They fled from your tyranny... They nourished up by your indulgence? They grew up by your neglect of them. As soon as you began to care about them, that care was exercised in sending persons to
rule over them... They protected by your arms! They have nobly taken up arms in your defense.” (Stewart Beach, Samuel Adams: The Valeful Years, 1774-1776, New York: Dodd, Mead & Company, 1965, p. 68.)

It was this same Isaac Barre who referred to Americans as “Sons of Liberty,” a title that was immediately adopted by Sam Adams and other leaders of the resistance movement as their official name.

G. Although the Stamp Act was repealed in 1766, the Townshend Acts were passed in 1767. Regiments of British troops began arriving in America to enforce the collection of taxes under this new act.

H. The king even had a “__________ Act” passed, which required the colonies to provide room and board for the soldiers free of charge.

I. Events which finally led to the eruption of violence in America:

1. On March 5, 1770, the Boston ______ occurred. However, when John Adams and Josiah Quincy learned that a crowd of 300 men and boys were largely responsible for provoking this conflict, they defended the soldiers and persuaded the jury to spare their lives.

2. Then came King George III’s scheme to trick Americans into paying a tax on tea. Americans were buying Dutch tea which was being smuggled in and sold cheaper. The king decided to undersell the Dutch tea by eliminating the English brokers, but to leave the tax attached. He didn’t think Americans would mind so long as it was _______. Then came the surprise:

a. All of the tea ships were forced to return with their cargo to England, or the shipments were unloaded and stored under quarantine.

b. The exception was Boston. The people refused to let the tea be unloaded, and the governor refused to let the ships return until they were unloaded.

c. The governor figured that since the Crown could confiscate any cargo not unloaded in 20 days, he would sell the tea at auction and collect the tax after all. Sam Adams saw through the scheme and pleaded with the governor to send the ships back before there was a
direct confrontation with the people. The governor refused, and on December 16, 1773, during the night of the 19th day, the “Sons of Liberty” boarded the boats and threw all of the tea into the harbor. This event is known as the Boston_____.

d. The reaction of George III was swift and vengeful:

(1) He closed the Boston harbor and placed the city under martial law.

(2) He put General Thomas Gage in charge of British troops in America as the new military governor of Massachusetts.

(3) He suspended the Charter of Massachusetts and dissolved the people's elected assemblies.

(4) He suspended all town meetings unless approved by the new military governor.

(5) He threatened to bring serious offenders to England for trial. These measures are known as the___________, Acts.

3. The First Continental Congress convened during September and October 1774 to forestall the outbreak of war. Nevertheless, the colonists were determined to stand up for their rights by whatever means were necessary.

4. In 1775 and 1776, the Americans finally felt compelled to resort to force of arms in order to defend their rights.

a. The British raid on __________ and __________ on April 19, 1775, was intended to destroy American military supplies and punish the leaders of Massachusetts who were meeting secretly.

b. The Green Mountain Boys from Vermont then attacked and burned the British fort at Ticonderoga.

c. On May 10, 1775, the Second Continental Congress convened in Philadelphia to authorize the raising of a continental army with __________ as commander in chief. Their purpose at
this time was not to declare independence, but merely to protect their rights.

d. Meanwhile, as the American militia closed the ring around Boston, General Gage decided to attack with more than 2,000 troops. This was the Battle of Bunker Hill, which was really fought on Breed's Hill. The Americans lost around 450 men and were forced to retreat, but General Gage lost more than __________ English troops.

e. On July 3, 1775, Washington took over the siege of Boston and supreme command of the Continental Army. In October, Gage was replaced by General Sir William Howe, who had led the attack at Bunker Hill.

f. When some of the conservative members of Congress such as John Dickinson sent the king an "Olive Branch Petition" in July 1775, King George refused to read it. He said the petition had come from _____________ and rebels.

   g. On August 23, 1775, King George issued his fatal proclamation declaring that a "general rebellion" existed in the colonies—a rebellion that was to be subdued by the "utmost endeavors." He said that the rebel leaders were to be arrested as traitors and brought to justice (which meant execution). Men like Sam Adams and John Hancock had a price on their heads.

h. On December 22, 1775, the king issued an even harsher proclamation which virtually abolished the colonists' status as British ____________, The king said that the Americans were to be treated as enemies, and that all trade with the colonies was outlawed. American ships could be seized, their cargoes confiscated, and their crews drafted into the British navy.

II. 1776: A Difficult Year for America

We usually think of 1776 as one of the most glorious years in American history. At the time it did not seem very glorious to the Founding Fathers. Some considered it one of the worst years in America's formative period.

A. News came that the Americans had lost the campaign in
1. After capturing Montreal, the Americans had lost the battle of Quebec.
2. General Montgomery had been killed, and Benedict Arnold, who had been a hero in the battle, was badly wounded.
3. Within a few months, all American forces had retreated from Canada to rejoin Washington's continental forces.

B. Meanwhile, during the siege of Boston, more than ________% of Washington's badly needed troops left him.
   1. Of those who were left, many were sick.
   2. Enlistments were only for six months, and as soon as their time was up, few of the soldiers reenlisted.
   3. Morale was low. Since the British would not come out and fight after the severe losses at Bunker Hill, the Americans had little activity except to fight among themselves.

C. The American colonies found that they had been virtually ________% by King George III.
   1. He had announced that if the rebellious American colonies were attacked, Britain would not come to their aid.
   2. As previously mentioned, not only were American ships declared by the king to be free booty to anyone who could capture them, but American crews were "impressed" or forced into the British navy to help capture more American ships.

D. By 1776, many leaders in the colonies recognized that circumstances might force them into a state of separate independence from Britain without a single colony knowing how to ________% itself.
   1. Virginia, the largest state in population, was expected to lead the way in discovering the best form of independent government.
   2. However, Virginia had already examined ________% different drafts for a practical constitution and was still uncertain as to which one was best.
   3. Jefferson rejected all of them. He was one of the foremost constitutionalists in the world, but he was greatly distressed to learn that very few scholars of that day were prepared to support what he felt needed to be done.

III. Thomas Jefferson in 1776

Why was 1776 such a terribly ________% year for Thomas Jefferson?

A. A daughter had recently died.
B. His wife was extremely ill.
C. His mother died on March 31.
D. His sorrow and worry over the state of the country gave him severe
migraine headaches which lasted for weeks.
E. He was especially worried about Virginia working out a sound system of self-government.

1. He wrote ____ constitutional drafts in ____ weeks.
2. All but a small section of the third draft was rejected by the Virginia Legislature.
3. Virginia adopted a temporary constitution retaining most of the __________ existing under British rule:
   a. Slavery.
   b. Primogeniture—a rule under which inherited property went exclusively to the oldest __________.
   c. Entailed estates—making it unlawful for heirs to divide huge feudal estates.
   d. The official state church was left in power.
   e. People were ______________ to support the official church whether or not they were members.

VI. Jefferson Discovered America's Freedom Formula

By 1776, Thomas Jefferson had already discovered the basic success formula that was eventually incorporated into the Constitution of the United States. Although he might not have realized it at the time, he was going to have supreme difficulty getting these ideas accepted. Nevertheless, he was probably the best prepared of all the Founders to launch the campaign. His educational background was remarkable, even by modern standards.

A. He had begun studying Latin, Greek, and French at the age of 9. At the age of 16, he entered the College of William and Mary at Williamsburg. At 18, he graduated and began to be tutored in law by George Wythe, the first professor of law in America. During a five-year period, he often studied 12 to 14 hours a day. When he was examined for the bar, he knew more than the men who were giving him the exam.

B. Here is a summary of his educational background:

1. He had gained proficiency in ____ languages.
2. He had studied the _______ classics.
3. He had studied the _______ classics.
4. He had studied European ________
5. He had carefully studied the Old and New
Testaments.

6. Jefferson undertook a thorough study of _______ history, which demonstrated that in a period of a thousand years the English people had done more than any other nation to revive human freedom on earth.

7. Students of ancient Israel and the early English (i.e., the Anglo-Saxons) can compare their respective institutions of government and find striking similarities. These similarities form the foundation of a free government. The Founders concluded that these "ancient principles" constituted the most efficient form of _______ government and should be restored in America as the foundation of government for a free people.

C. Jefferson's years of intensive study made the following impression on a stranger who did not know who he was:

"When he spoke of law, I thought he was a lawyer; when he talked about mechanics, I was sure he was an engineer; when he got into medicine, it was evident that he was a physician; when he discussed theology, I was convinced he must be a clergyman; when he talked of literature, I made up my mind that I had run against a college professor who knew everything." (William E. Curtis, The True Thomas Jefferson, Philadelphia: J. B. Lippincott Company, 1901, pp. 358-59.)
LESSON 11
The Declaration of Independence
I. Events Leading Up to Independence

Jefferson was caught up in the spirit of independence that rose sharply throughout the colonies during the spring of 1776.

A. In 1776, Thomas Paine, who had arrived in America only two years earlier, published a pamphlet called ________________, in which he advocated immediate independence. More than 120,000 copies of his pamphlet were sold in a short time—a phenomenal circulation for those days. George Washington said that this little pamphlet “worked a powerful change in the minds of many men.”

B. On March ______, 1776, Washington’s forces liberated Boston.

C. On May ______, 1776, Rhode Island jumped the gun and declared independence all by herself.

D. On May ______, 1776, Congress authorized each colony to set up its own government independent of the crown, because the king said he had disowned them.

E. On May ______, 1776, Jefferson arrived in Philadelphia as a delegate to Congress, but his heart was in Virginia where the House of Burgesses was trying to decide what kind of constitution a free people should have.

F. Jefferson almost missed writing the Declaration of Independence by requesting permission to return to Virginia to work on the new constitution for that state. His request was ________________.

G. On June ______, 1776, Richard Henry Lee introduced a resolution calling upon the colonies to declare themselves free and independent states. The final vote was postponed until some of the delegates could return home for instructions. They agreed to return by July 2.
H. On June _____, 1776, a special committee was appointed to write a formal declaration of independence. The members included Thomas Jefferson (Virginia), John Adams (Massachusetts), Benjamin Franklin (Pennsylvania), Roger Sherman (Connecticut), and Robert Livingston (New York).

II. Writing the Declaration of Independence

A. A conversation between John Adams and Thomas Jefferson was recorded by Adams as follows:

"Jefferson proposed to me to make the draft. I said: I will not. You should do it."

Jefferson: "Oh, no! Why will you not? You ought to do it."

Adams: "I will not!"

Jefferson: "Why?"

Adams: "Reasons enough."

Jefferson: "What can be your reasons?"

Adams: "Reason first—you are a Virginian, and a Virginian ought to appear at the head of this business. Reason second—I am obnoxious, suspected, and unpopular. You are very much otherwise. Reason third—you can write ten times better than I can."


B. For _____ days Jefferson worked on the draft, with nearly all of the time being spent on the first two paragraphs.

1. The charges against King George, which took up most of the draft, were copied almost entirely from the drafts of his constitution of Virginia and his *Summary View of the Rights of British America*. This would not have required more than _____ day. What was he doing the other 16 days?
2. Jefferson’s great anxiety seems to have been to get into the Declaration of Independence the most basic elements of the “ancient principles” mentioned in his proposed drafts for the Virginia state constitution.

C. Here are the eight “ancient principles” which Jefferson incorporated in the first ______ paragraphs of the Declaration of Independence. These are rounded out in some of his subsequent writings to provide a fuller understanding of each principle:

1. Sound government should be based on ___________ truths — truths that are so obvious, so rational, and so morally sound that their authenticity is beyond reasonable dispute.

2. The government of mankind here on earth should be based on the law of ___________ and of nature’s God.

3. This presupposes (as a self-evident truth) that the Creator made human beings ___________:
   a) in their rights,
   b) before the law,
   c) in the sight of God.

4. The rights, which have been bestowed by the Creator on each individual, are ___________; that is, they cannot be taken away or violated without the offender coming under the judgment and wrath of God. A person may have other rights, such as those which have been created as a “vested” right by a statute, but vested rights are not unalienable. They can be altered or eliminated at any time.

5. Among the most important of the unalienable rights are the right to life, the right to liberty, and the right to pursue whatever course of life a person may desire in search of happiness, property, and peace, so long as it does not invade the rights of ___________.

6. The most basic reason for a community or a nation to set up a system of government is to assure its inhabitants that these special rights of the people shall be ___________ and preserved.

7. And because this is so, it follows that no office or agency of government has any right to exist except with the ___________ of the people or their representatives.

8. It also follows that if a government, either by malfeasance or neglect, fails to protect those rights — or, even worse, if the government itself begins to violate those rights — then it is the right and ___________ of the people to regain control of their affairs and set up a form of government which will serve the people better.
D. On July 4, 1776, Congress adopted the Declaration of Independence after making ______ changes but not deleting a single one of Jefferson’s “ancient principles.”

1. Jefferson was not originally identified as the _________, The identity of the signers was also kept concealed for several months for fear of retaliation by the British.

2. All those who subscribed to the Declaration figuratively signed the document with their _________. In support of the Declaration, they had mutually pledged “our lives, our fortunes, and our sacred honor.”

   a. Had they lost the Revolutionary War, they would, no doubt, have been tried and summarily convicted of high _________.
   
   b. The penalty for high treason was to be hanged from the gallows until unconscious, then cut down and ________, then disemboweled and beheaded, then cut into quarters, each quarter to be boiled in oil and the residue spread over the countryside so that the last resting place of the offender would be forever unnamed, unhonored, and unknown.

III. Founders Reveal the Source of the “Ancient Principles”

A. After writing the Declaration of Independence, Jefferson was appointed to a special committee with Benjamin Franklin and John Adams to prepare an official seal for the United States.

B. Both Jefferson and Franklin suggested that one side of the seal portray
Moses leading ancient Israel, since the Israelites had the historical distinction of being the most ancient people to practice the principles of government.

C. They felt that since the Anglo-Saxons had practiced almost principles, they also should be represented on the other side of the seal. Adams wrote:

"Mr. Jefferson proposed: The children of Israel in the wilderness, led by a cloud by day, and a pillar of fire by night, and on the other side Hengist and Horsa, the Saxon chiefs, from whom we claim the honour of being descended and whose political principles and form of government we have assumed." (Richard S. Patterson and Richardson Dougall, The Eagle and the Shield: A History of the Great Seal of the United States, Washington: U.S. Department of State, 1976, p. 16.)

D. Professor Gilbert Chinard, one of the distinguished biographers of Jefferson, states:

"Jefferson's great ambition at that time was to promote a renaissance of primitive institutions on the new continent. Thus presented, the American Revolution was nothing but the reclamation of the Anglo-Saxon birthright of which the colonists had been deprived by 'a long train of abuses.'" (Gilbert Chinard, Thomas Jefferson: The Apostle of Americanism, Ann Arbor, Mich: University of Michigan Press, 1964, pp. 86-87.)

E. In his Summary View of the Rights of British America, Jefferson wrote that their:

"Saxon ancestors had...possessed themselves of the Island of Britain...and had established there that system of laws which has so long been the glory and protection of that country." (Stal K. Padover, The Complete Jefferson, New York: Tudor Publishing Co., 1943, pp. 6-7.)

F. On August 13, 1776, Jefferson wrote to Edmund Pendleton to convince him that Virginia must the remnants of feudalism and return to the "ancient principles." He wrote:
“Are we not better for what we have hitherto abolished of the feudal system? Has not every restitution of the ancient Saxon laws had happy effects? Is it not better now that we return at once into that happy system of our ancestors, the wisest and most perfect ever yet devised by the wit of man, as it stood before the eighth century?” (Julian P. Boyd, ed., The Papers of Thomas Jefferson, 20 vols. Princeton, N.J.: Princeton University Press, 1949-42.)

G. Congress eventually adopted a seal with the American ____________ on one side and an unfinished ____________ of thirteen steps on the other (representing the thirteen original colonies and copied from the fifty-dollar bill of the Continental currency used during the Revolutionary War). At the bottom of the pyramid were inscribed the Roman numerals for 1776, and the all-seeing eye of the Creator appeared at the top. There were also two classical Latin mottoes: Annum Coeptis: ‘________’, Hath Favor’d Our Undertaking, and Novus Ordo Scelerum: ‘________’ Order of the Ages’ or ‘Beginning of a New Age.’
LESSON 12
The Founders Learn Lessons from the Past

I. The Founders’ Political Spectrum

A. Part of the genius of the Founding Fathers was their political spectrum or political frame of reference. They had a much better political yardstick than the one which is generally used today. If the Founders had used the modern yardstick of “Communism on the left” and “Fascism on the right,” they never would have found the balanced center which they were seeking.

1. Modern political philosophy measures the issues in terms of political parties instead of political power. Today’s popular view is communism on the extreme left and fascism is on the extreme right. People and parties are often called “Leftist” or “Rightist.”

A CONFUSING POLITICAL SPECTRUM

LEFT
COMMUNISM

RIGHT
FASCISM

2. Measuring people and issues in terms of political parties is misleading and grows more confusing over time. Today’s Left vs. Right spectrum charts communism and fascism as opposites, but in practice they are both very similar police states.


4. Thomas Jefferson emphasized the same point: “We are now vibrating between too much and too little government, and the pendulum will rest finally in the __________.” (Paul Leicester Ford, ed., The Writings of Thomas Jefferson, 10 vols., New York: G. P. Putnam’s Sons, 1892–99, 5:3.)

5. The American Founders measured political systems in terms of the amount of coercive power or systematic control which a particular system of government exercises over its people. In other words, the yardstick is not political parties, but political power.

FOUNDERS’ POLITICAL SPECTRUM

100% GOVERNMENT

Tyranny

0% GOVERNMENT

Anarchy
B. The Founders knew from sad experience that the foremost enemy of freedom and self-government is Ruler's Law, with its power base of central government hanging menacingly over the people.

<table>
<thead>
<tr>
<th>RULER'S LAW</th>
<th>PEOPLE'S LAW</th>
<th>NO LAW</th>
</tr>
</thead>
<tbody>
<tr>
<td>100% GOVERNMENT</td>
<td>0% GOVERNMENT</td>
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</tr>
<tr>
<td>TYRANNY</td>
<td>ANARCHY</td>
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The Founders had studied Ruler's Law and knew its chief characteristics:

1. Authority under Ruler's Law is nearly always established by force, conquest, or legislative usurpation.
2. Therefore, all power is concentrated in the _____________.
3. The people are treated as "subjects" of the ruler.
4. The entire country is considered to be the property of the ruler. He speaks of it as his "realm."
5. The people have no unalienable rights. The "king giveth and the king taketh away."
6. Government is by the whims of __________, not by the fixed rule of law which the people need in order to govern their affairs with confidence.
7. The people are not equal, but are divided into classes.
8. The thrust of governmental power is from the top down, not from the people upward.
9. The ruler issues edicts which are called "the law."

King George III
He then interprets the law and enforces it, thus maintaining tyrannical control over the people.

10. Problems are typically solved by issuing new edicts, creating more bureaus, appointing more administrators, and charging the people more ______________ to pay for these “services.” Under this system, taxes and government regulations are oppressive.

11. Freedom is never considered a viable solution to anything.

12. The transfer of power from one ruler to another is often by ______________—the dagger, the poison cup, or fratricidal civil war.

13. The long history of Ruler's Law is one of blood and terror, both anciently and in modern times. Those in power revel in luxury while the lot of the common people is one of perpetual poverty, excessive taxation, stringent regulations, and a continuous existence of ______________.

C. Jefferson and the other Founders hoped to find the golden mean in the center of the political spectrum. The idea was to have the governing power based in the ______________ themselves, with a hierarchy of limited government serving them. The political structure they visualized would look something like this:

![Diagram of Ruler's Law, People's Law, and No Law]

D. Thomas __________________ was one of the first to make the long pilgrimage into the past trying to find the right answers.

II. The Government of Ancient Israel

A. The Israelites came out of Egypt sometime between 1490 and 1290 B.C.

B. They were originally under Ruler's Law, which was the only system the people had known while in Egypt.

C. Moses found it impossible to govern the people effectively under this system. The record says that the people lined up “from morning unto the evening” (Exodus 18:13) to have Moses solve their problems.
D. Jethro, Moses' father-in-law, said, "The thing that thou doest is not good. Thou wilt surely wear away, both thou, and this people that is with thee: for this thing is too heavy for thee: thou art not able to perform it thyself alone." (Exodus 18:17–18.)

E. Jethro then instructed Moses on the way he should organize this multitude of approximately 3 million people.

F. Following the advice of Jethro, Moses divided the people (consisting of about 600,000 families) into groups of 10 families each. Then he had each group elect a leader or "judge" to preside over them. These small groups were combined in groups of 50 families, each of which also elected a leader. Then, these larger groups were combined into companies of 100 families, and they too elected a leader. Finally, these combinations were formed into groups of 1,000 families, each of which again elected a leader. All of these leaders were to be "able men, such as fear God, men of truth, hating covetousness." (Exodus 18:21.)

G. By this means, the people were organized into small, manageable groups with elected "rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of ten." (Exodus 18:25.)

H. There was primary emphasis on strong local self-government, with problems being solved at the level where they originated. As the record says, "The hard causes they brought to Moses, but every small matter they judged themselves." (Exodus 18:26.)

I. In due time, the organization of the people was set up as follows:

---

These numbers are approximations based on the census recorded in the first chapter of the Book of Numbers.
J. The major characteristics of People's Law under the government of the Israelites were as follows:

1. They were set up as a commonwealth of__________ a system reflected in the command: "Proclaim liberty throughout all the land unto all the inhabitants thereof." (Leviticus 25:10.)

2. The duties and responsibilities of the people were based on religious principles and a solid commitment to__________ (See Exodus 20:2-17.)
   a. Benjamin Franklin declared: "Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of masters." (Albert Henry Smith, The Writings of Benjamin Franklin, 10 vols., New York: Macmillan Co., 1905-7, 9:569.)

3. They were organized in small, manageable units where everyone had a voice and a__________.

4. There was a major emphasis on strong local self-government.

5. They had a system of honest__________.

6. The land was looked upon as a private stewardship of the people, not the government.

7. The rights of property were protected.

8. The rights of life and private liberty were protected.

9. All__________ were selected with the consent of a majority of the people. (See 2 Samuel 2:4; 1 Chronicles 29:22; for the rejection of a leader, see 2 Chronicles 14:16.)

10. All__________ came into force only when approved by a majority of the people or their representatives. (Exodus 19:8.)

11. Accused persons were presumed to be innocent until proven guilty. Evidence had to be strong enough to remove any question of doubt. Borderline cases were decided in favor of the accused and left to the judgment of__________.

12. The entire code of justice was based primarily on reparation to the__________ rather than fines and punishment by the__________.
commonwealth. (Reference to this procedure will be found in Exodus 21 and 22.) The one crime for which no “satisfaction” could be given was first-degree murder. The penalty was death. (Numbers 35:31.)

13. The main thrust of government was from the people upward; only in a time of temporary crisis was the thrust from the government down. (The Founders included this in the Constitution in their enumeration of the _limited_ powers.)

14. The government was required to operate according to principles of _not the_ whims of men.

15. Because this system expressed the will of the majority of the people, it allowed power to be transferred from one regime to another by _peaceful_ means.

K. The Israelites occupied much of Palestine until around 922 B.C., when ten of the tribes broke away from the two remaining tribes of Judah and Levi. During 722-21 B.C., the northern ten tribes were captured by Assyria and carried off to that country. When the Assyrians were conquered by the Babylonians in 605 B.C., the ten tribes were able to escape northward where they settled around the __________. In due time, they disappeared from history as a people and are usually referred to as the lost Ten Tribes.

III. The Development of People's Law by the Anglo-Saxons

A. The Anglo-Saxons trace their beginnings back to a people who called themselves "Yinglings," later changed to "Engels" and then "Anglos." According to the Saga of the Norse Kings, the Yinglings came from the area of the Black Sea, exactly where the Ten Tribes were located before they disappeared.
B. They left the Black Sea area about 65 B.C. As legions began conquering the territory, they spread all across Northern Europe. After conquering and intermingling with the Saxons, they were called Anglo-Saxons.

C. The Anglo-Saxons began migrating to Britain around 450 A.D. They conquered the

(including King Arthur) and changed the name of the island from Britain to England. The first Anglo-Saxons to bring their system of People's Law to England were two brothers named Hengist and Horsa.

D. The Anglo-Saxons were the best organized people in Europe and soon spread their influence into nearly every European country. Anglo-Saxons in the north became known as

They not only occupied all of Scandinavia but soon took over Iceland, discovered Greenland, and then went on to establish colonies in North America 500 years before Columbus. However, they died out for some unknown reason long before Columbus arrived.

E. Many have thought the Yinglings, or Anglos, included a branch of the ancient Israelites because they came from the territory of the Black Sea and because they preserved by some means the same unique institutes of

as those which were given to the Israelites at Mount Sinai. (See Colin Rhys Lovell, *English Constitutional and Legal History*, New York: Oxford University Press, 1962.)

1. They considered themselves a commonwealth of
2. They organized themselves into small, manageable units where every adult had a voice and a vote. They divided the people into units identical to those of the Israelites:
   a. The head of 10 families was called a __________.  
   b. The head of 50 families became an obscure office but may have been a vil-man, or head of a _________.  
   c. The head of 100 families was called the __________ man.  
   d. The head of 1,000 families was called the ealdorman, later shortened to _________. The territory occupied by 1,000 families was called a shire, and the administrative assistant to the earl was called the “shire reeve.” We pronounce it __________.  

3. All laws, as well as the election of leaders, had to be by the common _________ of the people.  

4. The laws by which they were governed were considered natural laws given by divine dispensation, and were so well known by the people they did not have to be written down.  

5. Authority granted to a chieftain in time of war was extremely __________, and was taken away from him as soon as the emergency had passed.  

6. Primary responsibility for resolving problems rested first of all with the individual, then the family, then the tribe or community, then the region, and finally, the nation.  

7. They believed the rights of the individual were considered unalienable and could not be violated without risking the wrath of divine justice as well as civil retribution by the people’s judges.  

8. Their system of justice was based on payment of damages to the __________, rather than calling it a crime against the whole people.  

IV. Lessons from the Greeks and the Romans

The Founders next had to decide whether their framework of government would be a __________ or a __________.  

A. The Founders carefully studied government by the people under a democracy. Democracy is described as “decision-making by the masses of the whole people.” It works fairly well in a small group such as a family but completely failed when Pericles tried to use it in Athens between 461 and 429 B.C. It should be noted that although democracy did not function well for problem-solving purposes, it did provide the __________ which produced Athens' famous golden age. Nevertheless, it failed as an efficient government because:  

1. It was too cumbersome. In Athens __________ people were required to pass a law; 201–2001 were required for a jury depending on the
prominence of the accused or the seriousness of the crime.

2. The people grew ______ of participating. They would rather “let George do it.”

3. Pericles found that Democracy was very unwieldy in time of crisis such as ______.

4. It used the power of numbers to “soak the rich” and, thereby, subverted the principle of “equal protection of ______.”

B. The Founders also carefully studied the efforts of the Romans to set up a republic. The Romans started out as a monarchy but abolished it in 509 B.C. and attempted to set up a republic based on government by elected representatives. It ultimately failed because:

1. The government was primarily led by a Senate elected exclusively by the ______, landholders, called “Patricians.”

2. When the masses, called “Plebeians” were finally allowed a popular assembly it did not provide a bicameral balance of power because of almost complete domination by the ______.

3. In 30 B.C., the “republic” collapsed and Augustus Caesar took over as the first emperor. Rome went on to conquer 60,000,000 people and governed them under Ruler’s Law for nearly four centuries.

C. The Founders wanted to have the ______ of a democracy and the ______ of a republic. How was that achieved?

1. Let the whole people of qualified age ______ the representatives.

2. Let the representatives of the people ______ the issues and make the decisions.

**Conclusion**

It was a monumental task to glean from history the natural laws of freedom, security, and prosperity. It was an even greater task to put the principles into practical operation. We now turn to the slow and sporadic effort to provide a proper structure for the American success formula.
LESSON 13
The Founders’ First Attempt to Find the Balanced Center

Once the Founding Fathers made the decision to declare independence, they knew they had to formulate a structure of government that would unite the states into a solid national unit. On June 12, 1776, almost a ____________ before the Declaration of Independence was announced, a committee was appointed to draft the “Articles of Confederation.”

Little did the Founders realize that it would be 11 years before they would know how to put together a sound constitution for a free, prosperous people. In 1776 they still had much to learn. As Thomas Jefferson wrote: “We had never been permitted to exercise self-government. When forced to assume it, we were novices in its science.” (Saul K. Padover, *Thomas Jefferson on Democracy*, New York: The New American Library, Inc., 1939, p. 33.)

I. A Country Without a Constitution

A. The first draft of the Articles of Confederation was prepared under the direction of John Dickinson of Pennsylvania. Dickinson was a great patriot but had originally been opposed to ____________. It was only after King George III had rejected all of their petitions for conciliation and ordered vindictive reprisals against the colonies that Dickinson saw that separation was inevitable. However, in his original draft he provided for a central government almost as ____________ as the British crown. A shocked Congress received Dickinson’s draft on July 12, just eight days after they had declared their independence from such a government.

B. Sixteen months of prolonged debate resulted in a new draft, which was adopted by Congress on November 15, 1777. This draft left the central government extremely ____________ and the states vigorously independent. The weaknesses of the Articles of Confederation almost caused the United States to lose the Revolutionary War. It provided for:

1. No ____________
2. No federal ____________ system.
3. No power to ____________
4. No power to ____________ its decrees. (In other words, the national government simply had to depend upon the cooperation of the states.) The national government ended up being little more than a general “Committee of the States.” It made recommendations to the states and then hoped they would respond favorably. Very often they did not.
C. Congress had not yet found the balanced center of the political spectrum which Jefferson said was so essential. The Articles of Confederation were too close to ______________.

RULER'S LAW  PEOPLES'S LAW  NO LAW

100% GOVERNMENT  Articles of Conf.  0% GOVERNMENT
TYRANNY  ANARCHY

D. In spite of its weaknesses, the Articles of Confederation contained many valuable principles. In fact, more than ___________% major provisions in the Articles were later included in the Constitution of 1787.

E. The ratification of the Articles of Confederation was delayed until the smaller states, particularly Maryland, induced the larger states to surrender to ___________ their claims to western lands. The Articles finally went into full force and effect on March 1, 1781, although for all intents and purposes Congress had been functioning under them for more than four years.

F. The suffering and death at Valley Forge and Morristown were an unforgettable demonstration of the abject weakness of the central government and its inability to provide food, clothes, equipment, and manpower for the war. At Valley Forge, the common fare for six weeks was flour, water, and salt, mixed together and baked in a skillet. They were called fire cakes. Out of approximately 8,000 soldiers, around 3,000 abandoned General Washington and went home. Approximately 200 officers resigned their commissions. Over 2,000 soldiers died of starvation and disease. Washington attributed this near-disaster at Valley Forge to the constitutional weakness of the central government under the Articles of Confederation.

II. A Frustrating War

Having declared their independence from Britain, the Americans then had to sustain it by force of arms. The eight-year Revolutionary War turned out to be a ___________ war.

A. The Americans were caught without a well-structured system of strong central government to run the war.

B. They were facing the most powerful empire on earth, with the largest army and the most powerful navy in the world.

C. They had no trained ___________ and no __________ whatsoever.
D. The central government had no money with which to finance the war.

E. There were strong loyalist or ________ elements throughout the country who were bitterly opposed to independence and actually fought with the British.

F. The assistance of ________ in providing supplies was highly significant, but the impact of her troops and naval support was extremely disappointing. The brilliant exception was the victory at Yorktown.

G. In summary, it could be accurately stated that financially, politically, administratively, militarily, and logistically, the United States should have ________ the war.

III. George Washington, America’s Most Indispensable Man

There were many heroes in the Revolutionary War, but for sheer grit and steel-girded fortitude, none exceeded ________.

A. At no time was he completely and wholeheartedly supported by either the Congress or the ________.

B. Throughout most of the war he was being secretly maligned in Congress by his two jealous subordinates, General Charles Lee and General Horatio Gates, each of whom had been former ________ officers and wanted to replace him.
as commander-in-chief. Lee turned out to be a traitor and Gates a coward.

C. Washington won most of his battles with men who were starving, freezing, poorly clothed, poorly equipped, half-trained, and often ill.

D. After any battle which proved less than victorious, his army would melt away except for two- or three-thousand stalwarts, and a new army would have to be recruited for the next encounter.

E. At the end of the war, some military and financial leaders of the nation wanted to place Washington in power as ________ George I of America. He turned away from the proffered honor in total disdain and retired to his farm in Virginia.

IV. Battles of the Revolutionary War

Washington’s army felt the weaknesses of the Articles of Confederation during the war. The battles of the Revolutionary War tell the story. Washington and his ragtag army fought a cruel and bitter conflict for eight years on the razor's edge of imminent and foreboding __________. Truly, it was a miracle war.

<table>
<thead>
<tr>
<th>Battle</th>
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<td>Boston</td>
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<tr>
<td>Charleston</td>
<td>June 28, 1776</td>
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<td>New York</td>
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<td>Guilford Courthouse</td>
<td>March 15, 1781</td>
<td></td>
</tr>
<tr>
<td>Yorktown</td>
<td>October 9, 1781</td>
<td></td>
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</tbody>
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MAJOR BATTLES OF THE AMERICAN REVOLUTION 1775-1783

BATTLE AT KING'S MOUNTAIN
October 7, 1780

BATTLE AT YORKTOWN
1781

Surrender of Cornwallis, Yorktown, October 19, 1781
V. The Opportunity for a More Perfect Union is Almost Lost

When the Founding Fathers assembled in Philadelphia on May 25, 1787, it was a __________ experience. The entire American experiment was falling to pieces:

A. The __________ that existed during the Revolutionary War had disappeared.
B. There was a deep __________ with runaway inflation and rioting in some places.
C. The states were __________ over boundaries in the west and fishing rights in the east.
D. The states actually treated one another as __________ countries, charging customs on imports and exports.
E. Spain was threatening to seize territory along the __________.
F. England would not remove her __________ from the northern border of the United States.
G. Such __________ had developed among the states that New England was threatening to secede from the Union!
H. It was obvious the Articles of Confederation were a __________ and the central government was completely incapable of dealing with all these crises.

The whole civilized world was watching to see if the men assembled in Philadelphia could save the dis-United States.

VI. It Was Almost a Miracle that the Constitutional Convention Took Place

It was almost a __________ that the Constitutional Convention took place due to the political weaknesses that vexed the nation.

A. None of the states seemed to want it. From all appearances, they each seemed prepared to go their separate ways.
B. In 1783, after Washington learned that the army was planning to seize

Washington resigning his commission as Commander and Chief of the Army
power and try to make him king, he wrote to every state pleading with them to hold a convention at the earliest possible date.

C. On March 28, 1785, Washington invited delegates from his own state of Virginia to meet with delegates from Maryland and work out a settlement of their quarrel over trade and fishing rights. It was so successful that Congress was urged to hold a conference for all the states.

D. The trade conference was held at Annapolis in September 1786. A good spirit prevailed among the delegates, but since only 13 states were represented, there was not a quorum to do business. Nevertheless, the delegates decided to ask Congress to call a general convention so that the states could work out all their problems, both economic and political.

E. Congress finally scheduled a convention to meet on May 14, 1787.
The Founding Fathers carefully scrutinized every system of government in existence to see which one was the most likely to make it possible for humanity to attain the three great goals of freedom, prosperity, and peace.

But among all the political systems of the day, there was no such government. Around the globe, every government was structured to exploit its people, reduce them to poverty, and marshal their intimidated youth into predatory wars against nearby nations. No existing government was designed to provide its people with freedom, prosperity, and peace. Therefore, the Founders sat down to invent one.

As it turned out, the American formula was more like a restoration of what Jefferson called "the ancient principles" than an invention of something entirely new. Nevertheless, even after the Founders had discovered these principles, it still required the utmost ingenuity at the Constitutional Convention to fit them into the requirements of a modern society.
LESSON 14

The Miracle at Philadelphia

Who are the “Founding Fathers?”

Among America’s Founding Fathers were the fifty-five men who attended the Constitutional Convention. Sixteen of these, given below in alphabetical order, seemed more prominent in the Convention. The quoted extracts are from “Characters in the Convention of the States Held at Philadelphia, May 1787.” by Major William Pierce, delegate to the Convention from Georgia:

**Dickinson, John** (1733–1808), Delaware. “Famed through all America, for his *Farmers Letters*; he is a scholar, and said to be a man of very extensive information.... He is ... a good writer and will be ever considered one of the most important characters in the United States.”

**Franklin, Benjamin** (1706–1790), Pennsylvania. “Well known to be the greatest philosopher of the present age; all the operations of nature he seems to understand, the very heavens obey him, and the clouds yield up the lightning to be imprisoned in his rod.... He is ... a most extraordinary man.... He is 82 years old, and possesses an activity of mind equal to a youth of 25 years of age.”

**Hamilton, Alexander** (1757–1804), New York. “Colonel Hamilton requires time to think; he inquires into every part of his subject with the searchings of philosophy, and when he comes forward he comes highly charged with interesting matter; there is no skimming over the surface of a subject, he must sink to the bottom to see what foundation it rests on.”
Madison, James (1751–1836), Virginia. “From a spirit of industry and application which he possesses in a most eminent degree, he always comes forward the best informed man of any point in debate. The affairs of the United States, he perhaps, has the most correct knowledge of any man in the Union.”

Mason, George (1725–1792), Virginia. “A gentleman of remarkable strong powers, and possesses a clear and copious understanding. He is able and convincing in debate, steady and firm in his principles, and undoubtedly one of the best politicians in America.”

Morris, Gouverneur (1752–1816), Pennsylvania. “One of the geniuses in whom every species of talents combine to render him conspicuous and flourishing in public debate. He winds through all the mazes of rhetoric and throws around him such a glare, that he charms, captivates, and leads away the senses of all who hear him.”

Morris, Robert (1734–1806), Pennsylvania. “A merchant of great eminence and wealth: an able financier and a worthy patriot. He has an understanding equal to any public object, and possesses an energy of mind that few men can boast of. Although he is not learned, yet he is as great as those who are. I am told that when he speaks in the Assembly of Pennsylvania, that he bears down all before him.”

Paterson, William (1745–1806), New Jersey. “One of those kind of men whose powers break in upon you and create wonder and astonishment. He is a man of great modesty with looks that bespeak talents of no great extent....”
Pinckney, Charles (1757–1824), South Carolina. "A young gentleman of the most promising talents. He is, although only 24 years of age [actually he was 31], in possession of a very great variety of knowledge. Government, law, history and philosophy are his favorite studies, but he is intimately acquainted with every species of polite learning, and has a spirit of application and industry beyond most men. He speaks with great neatness and perspicuity, and treats every subject as fully, without running into prolixity...."

Pinckney, Charles C. (1746–1825), South Carolina. "A gentleman of family and fortune in his own state. He has received the advantage of a liberal education, and possesses a very extensive degree of legal knowledge...."

Randolph, Edmund (1753–1813), Virginia. "Is governor of Virginia, a young gentleman in whom unite all the accomplishments of the scholar and the statesman. He came forward with the postulata, or first principles, on which the Convention acted, and he supported them with a force of eloquence and reasoning that did him great honor."

Rutledge, John (1739–1800), South Carolina. "This gentleman is much famed in his own State as an orator.... He is undoubtedly a man of abilities, and a gentleman of distinction and fortune. Mr. Rutledge was once governor of South Carolina."

Sherman, Roger (1721–1793), Connecticut. "In his train of thinking there is something regular, deep, and comprehensive. He... deserves infinite praise. No man has a better heart or a clearer head. He can furnish thoughts that are wise and useful. He is an able politician, and extremely artful in accomplishing any particular object; it is remarked that he seldom fails...."
Washington, George (1732–1799), Virginia. “Having conducted these States to independence and peace, he now appears to assist in framing a government to make the people happy. Like Gustavus Vasa, he may be said to be the deliverer of his country; like Peter the Great, he appears as the politician and the statesman, and like Cincinnatus he returned to his farm perfectly contented with being only a plain citizen...”

Wilson, James (1742–1798), Pennsylvania. “Ranks among the foremost in legal and political knowledge... He is well acquainted with man, and understands all the passions that influence him. Government seems to have been his peculiar study, all the political institutions of the world he knows in detail, and can trace the causes and effects of every revolution from the earliest stages of the Grecian commonwealth down to the present time.”

Wythe, George (1726–1806), Virginia. “One of the most learned legal characters of the present age... He is remarked for his exemplary life and universally esteemed for his good principles. No man, it is said, understands the history of government better than Mr. Wythe—nor anyone who understands the fluctuating conditions to which all societies are liable better than he does....”

Two of the most prominent Founders, John Adams and Thomas Jefferson, were on diplomatic missions overseas at the time of the Convention. In addition, approximately 60–70 other personalities were prominent in the state ratification conventions. In addition to those mentioned above, those also quoted in this present study include:

Adams, John (1735–1826): Delegate to the Continental Congress, Minister to England, second President of the United States.

Adams, Samuel (1722–1803): Governor of Massachusetts, delegate to the Continental Congress, “Father of the American Revolution.”


Davie, William (1756–1820), delegate from North Carolina. College, Princeton University; major in Continental army; lawyer; North Carolina
Legislature; Ratification Convention of North Carolina; one of founders of University of North Carolina; governor, North Carolina.

Dawes, Thomas, Jr. (1757–1825): Patriot and spokesman from Massachusetts.

Ellsworth, Oliver (1745–1807), delegate from Connecticut. Doctor of Laws from Yale, Princeton, and Dartmouth; called away from Convention because of judicial duties so did not sign the Constitution; member of Committee of Five that wrote the near final version.

Gerry, Elbridge (1744–1814), delegate from Massachusetts. College, Harvard; signed Declaration of Independence and Articles of Confederation; member, Massachusetts Colonial Legislature; member, Continental Congress; patriot, businessman, financier; helped develop American navy; U.S. Congress; special envoy to France; governor of Massachusetts; Vice-President under Madison.

Gorham, Nathan (1748–1796), delegate from Massachusetts.

Merchant; Colonial Legislature of Massachusetts; helped write Massachusetts Constitution; member of Massachusetts Senate; member and president of Continental Congress.

Iredell, James (1751–1799): Member of state Supreme Court and delegate from North Carolina.


MacLaine, Archibald: Patriot and spokesman from North Carolina.

Jefferson, Thomas (1743–1826): Author of Declaration of Independence and third President of the United States.

Nicholas, Wilson (1761–1819): Fought in Revolutionary War, governor and delegate from Virginia.

Spaight, Richard Dobbs (1758–1802), delegate from North Carolina. College, University of Dublin, Ireland, and Glasgow, Scotland; aide-de-camp of General Richard Caswell, Revolutionary War; member, North Carolina House of Commons; member, Continental Congress; governor; U.S. Representative; state senator.

Strong, Caleb (1745–1819), delegate from Massachusetts. College, Harvard; helped draft Massachusetts Constitution; lawyer, county attorney; Massachusetts House and Senate; U.S. Senator; governor.

If one were to put a number to the "Founding Fathers" it is suggested that it be around 121 or so (55 plus 66). Of course, many other personalities, from Jamestown in 1607 to the ratification of the Constitution in 1787 may also be included in a much broader category we may call "Founding Fathers and Founding Mothers."
I. The Constitutional Convention, the Most Important Convocation of Political Leaders in the History of the World

A. It was fortunate that each of the states sent some of its most outstanding leaders to the convention.

B. Altogether, 73 delegates were appointed to attend the convention. Unfortunately, however, many of the states provided no expense money for their representatives, and as a result, only ⎯ ⎯, actually participated. Many of these, including James Madison, had to borrow money to attend.

C. The only state that did not send any representatives was Rhode Island. Its leaders said they wanted to remain independent of the other states and had no intention of consenting to a stronger central government. The other states began calling her “ ⎯ ⎯ Island.” Thirteen businessmen from Rhode Island wrote a letter to the convention apologizing for the behavior of their leaders.

D. Because of personal circumstances, George Washington was almost unable to attend. His brother had recently died, his mother and sister were seriously ill, and Washington was in such pain from rheumatism that he could not sleep at night. Nonetheless, his friends persuaded him to attend, since otherwise the convention would have failed.

E. Benjamin Franklin was ⎯ ⎯ years old and had difficulty attending, even though Philadelphia was his home. Four trustees from the local prison carried him in a sedan chair to and from the convention each day.

F. Two men who made some of the greatest contributions to the convention were unable to attend:

1. ⎯ ⎯ ⎯ ⎯ ⎯ ⎯ was serving as the American minister to England. Nevertheless, he had written a treatise entitled, A Defense of the Constitutions of Government of the United States, and this document was widely read by delegates to the convention.

2. ⎯ ⎯ ⎯ ⎯ ⎯ ⎯ was also absent serving as the American minister to France. However, he had sent more than a hundred carefully selected books to James Madison, and Madison made himself a walking encyclopedia on the history and
political philosophy of governments of the past. Jefferson corresponded with him on what he considered to be the essential elements of a good constitution. Therefore, a month before the convention, Madison wrote a summary of the weaknesses of the Articles of Confederation entitled, *The Vices of the Political System of the United States*. He then outlined the kind of constitution he thought would remedy the situation. No one came to the convention better prepared than James Madison.

G. James Madison was ____ years younger than Thomas Jefferson. He was short and slight of stature and in his early years had been quite sickly. He attended Princeton, where he came under the intensive discipline of John Witherspoon, who later signed the Declaration of Independence.

H. Madison had worked closely with Jefferson in Virginia, helping him develop his massive legislative reform and pushing some of it through after Jefferson left for France. Madison served in Congress from 1780 to 1783 and was considered the most ________ political leader in the national assembly.

I. It was fortunate that Madison was present to provide the principal leadership at the Constitutional Convention, where he represented the advanced views of both himself and Jefferson.

II. Convention Officially Opens

The Constitutional Convention officially opened on Friday, May 25, 1787 with delegates from only seven states. Others came along in due time until all the states were represented except ________ _________.

The object of the Founders was to seek a consensus or general agreement on what the Constitution should provide. After four months of
debate they were able to reach general agreement on just about everything except three issues:

1. How soon the national government should begin to regulate or abolish ________.

2. Whether votes in Congress should be according to individual states or the ________ of the states.

3. Whether the federal government should have authority to regulate interstate ________.

Since these are the only real compromises in the Constitution, it is a mistake for textbooks to describe the Constitution as a "conglomerate of compromises." On all other issues the Founders "talked it out" until they had reached general agreement or near consensus.

III. Highlights of the Constitutional Convention

A. James Wilson of Pennsylvania compared the Virginia Plan and the New Jersey Plan point by point:

<table>
<thead>
<tr>
<th>Legislature</th>
<th>Virginia Plan</th>
<th>New Jersey Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of legislative power</td>
<td>Two branches</td>
<td>Single body</td>
</tr>
<tr>
<td>Executive</td>
<td>The people</td>
<td>The states</td>
</tr>
<tr>
<td>legislative action</td>
<td>One</td>
<td>More than one</td>
</tr>
<tr>
<td>Extent of legislative power</td>
<td>A majority</td>
<td>A small minority</td>
</tr>
<tr>
<td>Remove executive</td>
<td>All national concerns</td>
<td>Limited objects</td>
</tr>
</tbody>
</table>

B. While the convention was contemplating the two different plans, Alexander ________ arose and presented an entirely different plan of his own. He said it was too dangerous to tread untried waters. It would be best to go back to the British pattern. According to his recommendations:

1. A single executive would be chosen for ________ by electors from the states. He wanted the president to have an absolute veto over any legislation, similar to the veto power of the king of England.

2. Senators would also be chosen for ________, as was the case in the English House of Lords.
3. Members of the House of Representatives would be chosen by the people for a term of _______ years.

4. Governors of the states would be appointed by the _______ government, just as the king of England had appointed colonial governors before the Revolutionary War.

Hamilton's plan was "approved by all and supported by _______." It was not even discussed, let alone voted upon.

C. On June 19, a moving speech was given by James _______ in which he said that the convention must come up with a "Constitution for the Ages" and that only the Virginia Plan would stand the test of time. Immediately afterward, the New Jersey Plan was voted down and Hamilton's plan was also abandoned. Hamilton even abandoned it himself and returned to New York soon afterward. However, he came back before the convention adjourned.

D. After June 19, the convention tried to probe some of the more prickly questions which had previously been postponed. The next five weeks (through July 26) are known as the _______ period of the convention.

1. Just trying to decide how the President should be elected required more than _______ ballots between July 10 and 16. It was during this dark period that Washington wrote:


Observers said he looked as grim as when he was at Valley Forge.
2. It was during the quarreling and heated debating on June 28 that 81-year-old Benjamin Franklin made his famous plea for prayer.

3. On July 10, the two remaining delegates from New York, Lansing and Yates, left the convention and never returned.

4. A breakthrough came on July 16, when the delegates were at last able to agree on a formula for allocating \________\ in Congress.

   a. The small states had been determined to have \________\ vote for each state as provided in the Articles of Confederation.

   b. The larger states had insisted that representation should be according to \________\.

   Delegates from Georgia argued that this would give the big state of Virginia 16 times more representatives than Georgia, Madison argued back that if each state had one vote, then a person from Georgia would have 16 times more representation than a citizen of Virginia.

   c. Both sides finally agreed to accept the suggestion of Roger Sherman of Connecticut that each state have \________\ representation in the Senate but that seats in the House of Representatives should be apportioned to the states according to population. This suggestion was made three separate times during the heated debates before it was finally accepted.

E. Finally, by July 26, the principal issues had been sufficiently settled to put the Constitution into rough form. A Committee on \________\ was therefore appointed.

F. From August 6 to September 8, the convention hammered out many more important details which needed refining. By this time, \________\ of the 55 delegates had departed and gone home. Hamilton, Yates, and Lansing of New York were among those who left. Later Hamilton returned, but he could not vote because his state did not have the required number of delegates for a vote.

G. On September 8, the amended rough draft from the Committee on Detail was turned over to a special Committee on \________\ for the final rewrite. Most of the rewrite was done in four days by a highly skilled lawyer and writer who was a delegate from Pennsylvania. His name was Gouverneur \________\.
IV. Unveiling the Founders' Great New Success Formula for Freedom and Prosperity

A. The power base was structured as it had been visualized from reading the history of ancient Israel and the Anglo-Saxons. It was fixed firmly in the balanced ________ of the political spectrum.

B. The separation of powers was both ________ and _________. The vertical separation of powers clearly divided the responsibilities and political authority between the states and the federal government. The purpose of the Constitution was to coordinate, NOT consolidate, these two great systems of government (state and federal). The emphasis was on strong local self-government.

This gives particular significance to the words of James Madison when he emphasized the inescapable necessity of the people maintaining control over their affairs. He wrote:

"The powers delegated by the proposed Constitution to the federal government are ________ and defined. Those which are to remain in the state governments are ________ and indefinite. The former will be exercised principally on external objects as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties and prosperity of the state."

(Federalist Papers, No. 45.)

C. The Founders provided a ________ separation of powers among the three major branches of government— the legislature, the executive, and the judiciary. This was later copied by all of the states. It was like creating a three-headed eagle with a common neck, so that each department would be independent but could not function without the
support of the other two. In other words, it was separation of power with checks to keep everything in balance, as the following illustration demonstrates:

![Diagram showing separation of powers with 100% Law (Tyranny) on one end and 0% Law (Anarchy) on the other, with 50% People's Law in the middle.]

V. Signing the New Constitution

On Monday, September 17, 1787, out of the original 55 delegates solemnly met in the east room of Independence Hall for the signing.

A. Because a few delegates still had some significant reservations, Franklin asked that the Constitution be signed by the majority of each delegation so they could say it was by “unanimous consent” of all the “states” represented. This was done. Three delegates did not sign:

1. Elbridge Gerry of Massachusetts
2. George Mason of Virginia
3. Governor Edmund Randolph of Virginia

Their main objection was that the Constitution did not include a __________ of __________.

B. As the delegates were signing, James Madison carefully watched each of them. When Franklin signed, Madison wrote: “The old man ________.” (Catherine Drinker Bowen, Miracle at Philadelphia, London: Hamish Hamilton, 1967)
C. As the last delegates were signing, Franklin referred to a picture of the sun on the back of George Washington's chair. He said:

"I have...often, in the course of the session... looked at that [sun] behind the president without being able to tell whether it was rising or setting. But now at length I have the happiness to know that it is a rising and not a setting sun." (Max Farrand, ed., The Records of the Federal Convention of 1787, 4 vols., New Haven, Conn.: Yale University Press, 1937, 2:648.)

VI. The Constitution Goes to Congress and then to the People:
Battle Had Just Begun

As the convention came to a close, it was as though a great battle had been won. But the Constitution still had to go to the Congress and the people. This meant that the great intellectual battle to get the American charter of liberty established in the hearts and minds of the American people still had to be fought. Their carefully structured formula for freedom and prosperity was about to go through its "baptism of fire."

VII. The Constitution Goes to Congress and then to the People

A. On September 17, 1787, the Constitution was signed and sent to Congress in __________ under a cover letter written by George Washington.

B. James Madison and others who had helped write the Constitution were members of Congress, and they enthusiastically explained the new American charter to their colleagues.

C. After only 8 days of hearings, Congress approved the Constitution and sent it to the states without any changes.

D. Each state was invited to call a special convention of delegates selected by the people to ratify the Constitution and thereby make it a manifesto of the

E. One objection to the Constitution was the fact that it did not have a bill of rights. When several of the larger states threatened to reject the Constitution, they were invited to ratify the main body of the Constitution but attach suggested amendments. They submitted 189! At the first session of Congress, these suggested amendments were reduced to 12 by James Madison, and 10 of them were finally approved and ratified by the states. Thus was born America's famous Bill of Rights.
LESSON 15
The Founders' Formula for Peace, Prosperity, and Freedom

There are many Americans who have resided in the United States all their lives, yet do not have the slightest idea how the Founders arrived at the formula for constitutional government that has made America such a success.

When these people are elected into office, they are usually well-meaning and patriotic, but they lack the Founders' wisdom. They have never had an opportunity to study the Founders' political philosophy or their concept of prosperity economics.

The remaining lessons will cover the highlights of the Founders' formula for a free and prosperous America.

The Founders knew that what they were doing was truly unique in all the history of the world. While they paid respect to all the historical writings they somehow felt America would be different than any other nation, present or past.

No one expressed this better than James Madison when he said:

"Is it not the glory of the people of America that, whilst they have paid a decent regard to the opinions of former times and other nations, they have not suffered a blind veneration for antiquity, for custom, or for names, to overrule the suggestions of their own good sense, the knowledge of their own situation, and the lessons of their own experience?

"To this manly spirit posterity will be indebted for the possession, and the world for the example, of the numerous innovations displayed on the American theater in favor of private rights and public happiness.

"Had no important step been taken by the leaders of the Revolution for which a precedent could not be discovered, no government established of which an exact model did not present itself, the people of the United States might at this moment have been numbered among the melancholy victims of misguided councils, must at best have been laboring under the weight of some of those forms which have crushed the liberties of the rest of mankind."
Then he concluded:

"Happily for America, happily we trust for the whole human race, they pursued a new and more noble course. They accomplished a revolution which has no parallel in the annals of human society. They reared the fabric of governments which have no model on the face of the globe. They formed the design of a great Confederacy, which it is incumbent on their successors to improve and perpetuate." (The Federalist Papers, No. 14, pp. 104–105.)

I. The Preamble to the Constitution

A. Gouvernor Morris set forth the six main purposes of good government for the first time in political history when he wrote the Preamble:

We the People of the United States, in Order to form a more perfect ________, establish ____________, insure domestic ____________, provide for the common ____________, promote the general ____________, and secure the Blessings of ____________ to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

B. The Preamble is a wonderfully succinct introduction to the content of the Constitution, and every American should learn it by heart. It is easy to memorize by using sign language while reciting it. (See Appendix)

What did the Founders say about We the People?

**Jefferson:** "I consider the people who constitute a society or nation as the source of all authority in that nation." (Bergh, The Writings of Thomas Jefferson, 3:227.)

**Jefferson:** "I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power." (Bergh, The Writings of Thomas Jefferson, 15:278.)

**MacLaine:** "The gentlemen who framed it were not the representatives of the people; they... were delegated by states... They did not think that
they were the people, but intended it for the people, at a future day... It was to be submitted by the legislatures to the people; so that, when it is adopted, it is the act of the people.” (Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 4:16.)

Jefferson: “We owe every other sacrifice to ourselves, to our federal brethren, and to the world at large to pursue with temper and perseverance the great experiment which shall prove that man is capable of living in [a] society governing itself by laws self-imposed, and securing to its members the enjoyment of life, liberty, property, and peace; and further, to show that even when the government of its choice shall manifest a tendency to degeneracy, we are not at once to despair, but that the will and the watchfulness of its sounder parts will reform its aberrations, recall it to original and legitimate principles, and restrain it within the rightful limits of self-government.” (Bergh, The Writings of Thomas Jefferson, 17:445.)

I. Article I: The Legislature

One of the most important provisions of the Constitution is Article I, Section 1, which reads:

“All legislative Powers herein granted shall be vested in a _______ of the United States, which shall consist of a Senate and House of Representatives.”

A. This gave the people the right not to be subject to any federal law unless it has been reviewed and approved by a majority of the people’s representatives.

B. Gradually the executive and judicial branches of the government began to usurp this authority in the following ways:

1. The executive branch began making laws by issuing “executive _______” and publishing them as new laws in the Federal Register.

2. The President was authorized to set up certain types of regulatory agencies. These bodies immediately began issuing thousands of orders that were treated as “laws” which could be enforced in the courts. This kind of regulation is called _______ law.

3. The President also began to involve the nation in many new legal obligations with foreign powers by entering into extensive and some-
times secret agreements. According to the Constitution, foreign commitments should be handled through treaties approved by the ________________.

4. The Supreme Court has also created numerous new laws under the guise of merely interpreting old ones. This was particularly true during the administration of Chief Justice Earl Warren from 1954 to 1969. This is called ________________ legislation.

III. Article I, Section 2: The Structure of the House of Representatives

A. Representatives are elected every ______ years, and the states are to decide what qualifications a person must have to vote for a representative. Whoever can vote for a representative in the state legislature can vote for a representative in Congress.

B. To be a member of the House, a person must be (by the time he is sworn in): age ______, a citizen ______ years, and an inhabitant of the state he represents.

C. A census must be taken every ten years, with representatives being apportioned among the states according to their population. The Founders did not want too many representatives, so they determined that each one must represent at least ______ people. By 1929, the House had grown to 435 members, and a law was therefore passed which stipulated that the number could not be increased beyond 435. Of course, our population has greatly increased, and therefore today each Congressman represents approximately ________________ people.

D. If a representative resigns or dies, the ________________ of that state must arrange for a new election.

E. The House is authorized to choose its Speaker as well as any other officers that are needed.

F. Only the House can initiate impeachment proceedings against officers in the other branches of government. In Congress, obnoxious members are not impeached but are ________________ by a two-thirds vote.

What did the Founders say about Democracy vs. Republic?

Madison: “Democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would at the same
time be perfectly equalized and assimilated in their possessions, their opinions, and their passions." (The Federalist Papers, No. 10).

**Thomas Jefferson:** "The first principle of republicanism is that the *lex majistratis* is the fundamental law of every society of individuals of equal right; to consider the will of the society announced by the majority of a single vote as sacred as if unanimous is the first of all lessons of importance, yet the last which is thoroughly learned. This law once disregarded, no other remains but that of force, which ends necessarily in military despotism." (Ford, The Writings of Thomas Jefferson, 10:89.)

**Thomas Jefferson:** "Modern times have the signal advantage ... of having discovered the only device by which [men's equal] rights can be secured, to wit: government by the people, acting not in person but by representatives chosen by themselves, that is to say, by every man of ripe years and sane mind who either contributes by his purse or person to the support of his country." (Bergh, The Writings of Thomas Jefferson, 15:482.)

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**IV. Article I, Section 3: The Structure of the Senate**

A. It is in the Senate that all of the states, regardless of their size or population, are equal in representation. Each state has ______ Senators who serve for terms of ______ years, and each Senator has one vote.

B. Because both the Presidency and the House of Representatives could undergo a complete turnover at the same election, it was provided that only ______ of the Senate would be elected every two years, thereby leaving at least two-thirds of the Senate intact in order to maintain a continuity in government affairs.

C. To qualify as a candidate for the Senate, a person must (at the time he is sworn in) be ______ years of age. He must have been a citizen for ______ years and must be an inhabitant of the state he represents.

D. The Senate does not get to choose its presiding officer, who is always the ______. But if he is absent for any reason, the Senate can appoint one of its own members to preside until he returns. The Senate can also appoint any additional officers or staff as they are needed.

E. We do not ordinarily think of the Senate as a "judicial body," but just as the House has the exclusive responsibility of bringing charges against government officials for the purpose of impeachment, the Senate has the exclusive responsibility of determining guilt. If the President is impeached, the ______ must preside over the hearing; otherwise, the President's own running mate would be presiding over his impeachment proceedings—clearly an unacceptable conflict of interest.
V. Article I, Section 4: Congressional Elections and the Requirement that Congress Convene Once Each Year

A. It is interesting that the "times, places and manner" of electing Senators and Representatives was left up to the states, but there was a provision that Congress could alter the arrangements if necessary. No such steps were taken by Congress until 1842, when the states were required to elect their Representatives from specific___. Instead of___. This new intervention was in 1866, when all of the states...
were required to hold elections on the first Tuesday after the first Monday in November. Since then, most federal laws dealing with elections have been directed against fraud or corrupting the political process.

B. Congress does not have to wait to be called into session by the President, but is under mandate to assemble on a specific date each year. It was originally the first Monday in December, so that there would be sufficient time to prepare for the President's inauguration on March 4. The Twentieth Amendment changed it to January ______ and the President's inauguration to January ______.

VI. Article I, Section 5: The Internal Operations of Congress

A. Both houses of Congress determine whether or not their members possess the required qualifications and whether or not they have been legally _________. The courts cannot decide such cases.

B. Neither house can do business until a ________ is present consisting of "a majority" (one-half plus one), but a minority can vote to punish the absentees in order to compel a majority to attend.

C. Each of the houses of Congress is self-sufficient and self-contained. Each is authorized to:

1. Make rules and set up proceedings for conducting its business.
2. Punish its members for misbehavior.
3. Expel a member when ________ of that particular house concur in the action.

D. Each house is to keep a record of all its proceedings and publish them unless certain parts must be kept SECRET because it is in the public interest to do so.

E. Ordinarily, decisions are made by voice vote—"yea" or "nay." However, if ________ of those present desire a recorded vote, it must be done.

F. Congress must continue in session until both houses agree on a time of adjournment. As we shall see later, if they cannot agree, the President has the power to adjourn them (although this has never been done). During a session, either house may take a temporary adjournment—but never for more than ______ days, and it cannot decide to reconvene at some other place unless the other house agrees.

VII. Article I, Section 6: The Sticky Problem of Compensation for Congressmen and Doubling Up on Government Jobs

A. A number of the delegates who were supposed to participate in the Constitutional Convention could not come because their states would not provide expenses or compensation during the four months the Convention was in session. The Founders, therefore, decided that members of the House and Senate would be paid out of the U.S. treasury. As of 2013 they were
paid $174,000 annually, plus fringe benefits and federal retirement payments after a certain time. They are also allowed to set their own salaries—a provision Madison thought was "indecent."

B. To protect Congressmen in carrying out their duties, they cannot be arrested en route to or from a session of Congress nor during the time they are there unless the offense is ___________ or breach of the peace.

C. Senators and Congressmen also have complete freedom of speech while speaking or debating in Congress and cannot be questioned in any other place for what they say (such as being charged with ___________). This privilege is sometimes abused, but it was felt to be necessary in order to ensure complete freedom of debate.

D. Those elected to Congress cannot afterwards hold any position in the government which was created or for which the pay was ___________ while they were in Congress. Neither can a member of Congress be appointed to any government job while he is serving as a representative of his state.

What did the Founders say about Congressional Compensation?

Madison: If salaries were "so low that, as had already happened in choosing delegates to Congress, the question would be not who were most fit to be chosen, but who were most willing to serve." (James Madison, The Debates in the Federal Convention of 1787 Which Framed the Constitution of the United States of America, pp. 92–93.)

Franklin: "Sir, there are two passions which have a powerful influence in the affairs of men. These are ambition and avarice; the love of power and the love of money. Separately, each of these has great force in prompting men to action; but when united in view of the same object, they have in many minds the most violent effects. Place before the eyes of such men a post of honor, that shall at the same time be a place of profit and they will move heaven and earth to obtain it." (Smyth, The Writings of Benjamin Franklin, 9.591.)

Franklin: "And of what kind are the men that will strive for this profitable preeminence, through all the bustle of cabal, the heat of contention, the infinite mutual abuse of parties, tearing to pieces the best of characters? It will not be the wise and moderate, the lovers of peace and good order, the men fittest for the trust. It will be the bold and the violent, the men of strong passions and indefatigable activity in their selfish pursuits. These will thrust themselves into your government, and be your rulers. And these, too, will be mistaken in the expected happiness of their situation; for their vanquished competitors, of the same spirit, and from the same motives, will perpetually be endeavoring
to distress their administration, thwart their measures, and render them odious to the people." (Smyth, The Writings of Benjamin Franklin, pp. 591-92.)

Franklin: "Sir, though we may set out in the beginning with moderate salaries, we shall find that such will not be of long continuance. Reasons will never be wanting for proposed augmentations; and there will always be party for giving more to the ruler, that the rulers may be able to return to give more to them. Hence, as all history informs us, there has been in every state and kingdom a constant kind of warfare between the governing and the governed, the one striving to obtain more for its support, and the other to pay less." (Smyth, The Writings of Benjamin Franklin, p. 592.)

Franklin: "To bring the matter nearer home, have we not seen the greatest and most important of our offices, that of general of our armies, executed for eight years together, without the smallest salary, by a patriot whom I will not now offend by any other praise..." (Smyth, The Writings of Benjamin Franklin, p. 594.)

VIII. Article I, Section 7: The Procedure for the Passing of Laws

A. Originally, Senators represented their states rather than the populace of their states. Therefore, all bills involving the appropriation of funds had to be initiated in the House of Representatives, whose members are spokesmen for the taxpayers of their states. This is still the rule, even though Senators today (by virtue of the Seventeenth Amendment) are also elected by the people of their states rather than being appointed by their state legislatures as the Founders originally designed it. Once a bill has been passed by the House, the Senate can offer ____________ if it desires.

B. When a bill is introduced, it is simply given a number and sent to the appropriate committee. There it ____________ unless the person introducing it has sufficient support to get the bill brought before the committee for a hearing. If the committee sends it to the floor for discussion or the house in question votes it out of the committee, the bill is then publicly discussed, amended, and finally voted upon. If approved, it must then go to the other house, where it may die or be approved. If the other house amends the bill, it has to go back to the original house for approval of the modified version. The bill cannot go to the President until both houses have approved the identical measure.

C. When a bill arrives on the desk of the President, he has ____________ days to consider it. If he takes no action on it, the bill automatically becomes law. If he objects to any part of it, he can send it back to Congress, and it cannot become law unless they satisfy the President's objections or ____________ of both houses override the President's veto.
D. If Congress passes numerous bills just before adjournment and dumps them on the President's desk so that he does not have 10 days to consider them, none of them will become law without his signature. He may leave the rest in his pocket, so to speak, where they die. This is called the President's ____________ veto.

**Conclusion**

And so we come to the conclusion of Article I dealing with the Preamble and the organization and structure of Congress. Now let's read the actual document which we have studied up to this point. As we read it slowly, think to yourself if, as a result of our study, you can actually explain the Founders intent of each and every phrase of this magnificent document.

Our next lesson is one of the most controversial parts of the entire Constitution. It begins with the famous Section 8 of Article I, in which the states finally decide to trust the federal government with 20 areas of power.
LESSON 16
Article I—The States Delegate Twenty Powers to Congress

In 1776, the states had refused to delegate enough authority to Congress to enable it to perform its legitimate functions. As a result they almost lost the Revolutionary War. In lessons 16, 17 and 18 we shall discover which powers the people were willing to delegate to the federal government.

I. Article I, Section 8, Clause 1

"The Congress shall have Power To lay and collect Taxes ... to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

A. Here are the principal types of taxes:
   1. Poll tax.
   2. Property tax.
   3. Income tax.
   4. Excise tax.
   5. Sales tax.
   6. Fees of all kind.
   7. Duties or imposts, sometimes called ____________.

B. Congress can use taxes of various kinds to pay the _________ of the United States.

   1. The Founders elected to assume responsibility for the payment of all debts accumulated during the Revolutionary War by both the national government and the ____________. This amounted to more than $79 million—a gigantic sum in those days.

   2. This willingness to assume past debts did much to establish the credibility of the new government among foreign banks.

C. Congress can raise revenue to pay for the common ____________ of the nation. Such a defense is not considered adequate unless it is sufficient to discourage an attack by potential enemies.

D. In connection with the taxing power, this clause states that revenues can
only be expended for the [underline] of the whole nation as it carries out the list of duties set forth. These funds are not to be spent for individuals, special groups, or particular geographical regions. This clause was designed by the Founders to be a [underline] on the taxing power of Congress. However:

1. When Alexander Hamilton became Secretary of the Treasury under Washington, he argued that this clause was a general [underline] ofCongress to tax and spend money for any good cause, regardless of whether it was among the enumerated powers, or whether it was for local or special welfare rather than general welfare. (He had never presented this idea at the Constitutional Convention, where it would have been immediately rejected because it torpedoed the whole idea of a [underline] government!)

2. Hamilton was immediately opposed by [underline] and [underline], who emphasized the original intent of the Founders in having the national government carry out its assignment in ways that would benefit the nation as a whole, not special groups or special regions.

3. The Founders' original intent generally prevailed until [underline], when the Supreme Court virtually amended the Constitution by a judicial opinion in the Butler case. Justice Roberts was joined by four other justices in handing down a dictum that thereafter Congress could follow Hamilton's doctrine of taxing and spending money for any cause it considered beneficial.

4. This unconstitutional dictum opened the floodgates of the U.S. treasury to virtually unlimited political looting, with the following results:

   a. Federal budgets rose from a little over $6 billion in 1936 to more than $[underline] in 2010.

   b. Congressmen and Senators began campaigning on the basis of their success in concealing plans to bring more [underline] money into their respective states.

   c. Instead of limiting the federal government to the relatively few areas of responsibility outlined in the Federalist Papers, Congress
began financing every "good cause" that offered an opportunity for spending federal money in their states.

d. President Lyndon Johnson openly announced that the idea was to take from the "

This is a program of "redistribution of wealth," which Samuel Adams said the Founders had tried to make unconstitutional.

e. The Founders warned that the looting of one group of citizens for the benefit of another group is assigning to government a power which individual citizens do not have the ability to assign. They can only assign to government what they can rightfully do themselves, and looting one neighbor for the benefit of another would be considered a violation of justice.

5. Political and economic analysts such as Dr. Milton Friedman have pointed out that this deliberate smashing of the "chains" of the Constitution referred to by Jefferson is rapidly corrupting the whole American system in one generation.

a. It has destroyed the protection of individual rights by selective taxing and selective regulation of business and industry.

b. It destroys states' rights by allowing improper federal activities within the states on the ground that it brings in vast quantities of federal funds.

c. It has greatly increased state taxes collected to provide additional funds.

d. It has created a nationwide climate of excessive taxation on all levels—to the point where the average citizen is funneling approximately 50 percent of everything he earns into government programs.

e. Reckless and profligate spending by government has produced a climate in which fraud, theft, and embezzlement of government funds has become almost routine. (The General Accounting Office listed these losses at hundreds of billions of dollars.)

f. Unconstitutional federal funding has completely confused the role of strong, local government. It has eroded the traditional sense of local responsibility and local restraint in spending.
What did the Founders say about General Welfare?

**Hamilton:** “The welfare of the community [of states] is the only legitimate end for which money can be raised from the community. Congress can be considered as only under one restriction, which does not apply to other governments. They cannot rightfully apply the money they raise to any purpose merely or purely local…. The constitutional test of a right application must always be, whether it be for a purpose of general or local nature.” (Elliott, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*, 4:618.)

**Madison:** “If Congress can apply money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may undertake the regulation of all roads, other than post roads. In short, everything from the highest object of State legislation, down to the most minute object of policy, would be thrown under the power of Congress; for every object I have mentioned would admit the application of money, and might be called, if Congress pleased, provisions for the general welfare.” (Thomas James Norton, *Undermining the Constitution: A History of Lawless Government*, New York: Devin-Adair Co., 1950, p. 188.)

E. Article I, Section 8, Clause 1, provides that taxes of various kinds shall be applied ________________ throughout the United States.

1. The Supreme Court has interpreted this to mean geographical uniformity rather than a uniform assessment of individual citizens.
2. Adoption of graduated income taxes was based on “ability to pay.” If the rate were uniform, would the rich pay more than the poor? __________
3. What basic constitutional right does a graduated income tax violate? ________________ protection of rights.

II. Article I, Section 8, Clause 2

Congress shall have power to “borrow Money on the ________________ of the United States.”

A. “Credit” is defined as “______________ in one’s integrity in money matters and one’s ability to fulfill financial obligations.” There are two factors that seriously damage the credit of any government:

1. Excessive __________
2. Unstable currency due to __________

Let us briefly consider each of these:

B. Americans are currently facing a monumental burden in the form of a
national __________, which exceeds the total debts of all other nations in
the world combined.

1. The American national debt is now approaching a total of a
______________ billion dollars (Suggested answer: $17 trillion). This is
approximately $53,000 (as of 2013) for every man, woman, and child in
the United States. The interest paid on this debt each year is more than
the cost of World War I in real dollars.

2. What this really means is that by indulging in wild deficit spending
each year, the present generation of Americans has been squandering
trillions of dollars of the next generation’s _________________.
No other generation of Americans ever did this to its children before.

3. The Founders called this exploitation of the next generation
“taxation without representation.” As Jefferson said:

“We shall all consider ourselves unauthorised to saddle posterity
with our debts, and morally bound to pay them ourselves, and
consequently within what may be deemed the period of a generation,
or the life [expectancy] of the majority.” (Burgh, The Writings of Thomas
Jefferson, 13:357.)

C. The credit of the United States can also be seriously damaged if it pays
off its debts with money which has been cheapened by

1. Inflation is defined as the “unnatural
______________ of the money supply so
that it reduces the buying power of money
already in hand.”

2. When the money supply grows only as fast as the
production of goods and services there is a
______________ , and the purchasing power
of money remains stable from year to year. But
when the government suddenly increases the
money supply by borrowing or printing great
quantities of new paper money, it is unnatural
and unbalancing.

3. Prices always rise to meet the approximate level of buyers’ resistance;
therefore, when there is much more money suddenly chasing after
available goods and services, prices will automatically rise. These rising
prices are not the ________________ of inflation, but the result of it.

4. Inflation not only destroys the credit of the nation but the economic
______________ of the whole people.

a. Savings ________________.

b. The value of insurance policies ________________.
c. Retired people often find themselves having to return to work in order to ____________.

d. Farmers are caught in the squeeze between ____________ costs of equipment and labor and ____________ prices for their agricultural products during an inflationary period.

e. Industrial workers find their paychecks buying less and less and therefore go on ____________.

5. The cause of inflation in the United States has been ____________ rather than economic. As Dr. Milton Friedman emphasized repeatedly on his “Free to Choose” television series, politicians have been borrowing and printing tens of billions of dollars and using them to ____________ votes. The unconstitutional Butler decision in 1936 made it all possible.

6. It is also a mere political device and power play when the government imposes price controls. It has devastating consequences:

a. It leads to scarcity because price controls automatically wipe out the margin of ____________.

b. This leads to ____________ markets.

c. And black markets always lead to ____________.

What did the Founders say about Debt?

**Jefferson:** "I am not among those who fear the people. They, and not the rich, are our dependence for continued freedom. And to preserve their independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty or profusion and servitude. If we run into such debts as that we must be taxed in our meat and in our drink, in our necessaries and our comforts, in our labors and our amusements, for our callings and our creeds, as the people of England are, our people, like them, must come to labor sixteen hours in the twenty-four, [and] give the earnings of fifteen of these to the government for their debts and daily expenses; and the sixteenth being insufficient to afford us bread, we must live, as they now do, on oatmeal and potatoes; have no time to think, no means of calling the mismanagers to account; but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow sufferers...." (Bergh, *The Writings of Thomas Jefferson*, 25:39)
III. Article I, Section 8, Clause 3

Congress shall have power to "regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

A. Foreign Commerce. It has always been considered a plenary or inherent power in any sovereign government to regulate commerce and other relations with foreign powers. The regulation of foreign commerce is usually by:

1. Duties on imports to raise revenue.

2. Tariffs on certain foreign imports, with rates specifically designed to protect American workers and industries from the undermining of the U.S. market by goods produced by __________, labor or slave labor.

3. The __________ of certain types of imports to protect the American consumer from inferior products and to prevent the importation of foreign products that might carry destructive pests or infectious diseases.

4. The placing of an __________ on goods from certain countries as a sanction (or protest) against hostility or the violation of international law.

B. Interstate Commerce. The regulation of interstate commerce has been one of the most distorted and abused provisions of the entire Constitution. Interpretations of this clause have passed through several stages:

1. In the beginning, the whole thrust of this provision was to ensure the free __________ of commerce among the several states, with emphasis on "commerce" rather than "regulation."

What did the Founders say about interstate commerce?

Madison: "The defect of power in the existing Confederacy to regulate the commerce between its several members is in the number of those which have been clearly pointed out by experience... Without this supplemental provision, the great and essential power of regulating foreign commerce would have been incomplete and ineffectual. A very material object of this power was the relief of the States which import and export through other States from the improper contributions levied on them by the latter. Were these at liberty to regulate the trade between State and State, it must be foreseen that ways would be found out to load the articles of import and export, during the passage through their jurisdiction, with duties which would fall on the makers of the latter and the consumers of the former... It would nourish unceasing animosities, and not improbably terminate in serious interruptions of the public tranquility... The desire of the commercial States to collect, in any form, an indirect revenue from their uncommercial neighbors must appear not less impolitic than it is unfair."

(The Federalist Papers, No. 42.)
2. The power delegated by the states to the national government was intended to be limited to the regulation of not the production or sale of goods and services going interstate.

3. Under the pressure of the Supreme Court, the Court twisted or reversed traditional cases on interstate commerce and introduced the unconstitutional doctrine that the federal government may regulate anything that affects interstate commerce, directly or indirectly.

4. This has resulted in usurpation of power in the form of sweeping federal regulations over:
   a. transportation of goods.
   b. Labor, which were formerly excluded from federal interference of any kind.
   c. controls covering anything that affects interstate commerce directly or indirectly. These controls have been extended to everything from natural gas prices and distribution to the price of milk.
   d. controls on any industry involved directly or indirectly in the nationwide "current of commerce."

5. The only way to correct this obvious abuse of federal authority is by constitutional amendment. The following text is submitted for consideration:

   "The regulation of interstate commerce shall be restricted to sales or any activity which merely affects interstate commerce indirectly."

C. The purpose of regulating commerce with the Indians was primarily to protect them from fraud and exploitation, particularly with reference to
Your Hamburger: 41,000 Regulations

The hamburger, staple of the quick, inexpensive meal, is the subject of 41,000 federal and state regulations, many of those stemming from 200 laws and 111,000 precedent-setting court cases. These rules, cited in a three-volume study by Colorado State University, touch on everything involved in meal production—grazing practices of cattle, conditions in slaughterhouses and methods used to process meat for sale to super markets, restaurants and fast-food outlets. Together they add and estimated 8 to 11 cents per pound to the cost of hamburger.

The chart on this page gives just a sampling of the rules and regulations governing the burger you buy at the corner sandwich stand.

**Pesticides**—No more than 5 parts of the pesticide DOT per million parts of fat in the meat.

**Bun**—Enriched bun must contain at least 1.8 milligrams of thiamine, 1.1 milligrams of riboflavin and at least 8 but not more than 12.5 milligrams of iron.

**Content**—It must be fresh or frozen chopped beef and not contain added water, binders or extenders.

**Fat**—No more than 30 percent fat content.

**Lettuce**—Must be fresh, not soft, overgrown, burst or "ribby."

**Ketchup**—To be considered Grade A fancy, it must flow no more than 9 centimeters in 30 seconds at 69 degrees Fahrenheit.

**Mayonnaise**—May be seasoned or flavored as long as the substances do not color it to look like egg yolk.

**Growth promoters**—Use of growth stimulating drugs must end two weeks before slaughter.

**Pickle**—Slices must be between 1/8 and 3/8 inches thick.

**Tomato**—Must be mature not overripe or soft.

**Cheese**—Must contain at least 50 percent milk fat and, if made with milk that is pasteurized, must be cured for 60 or more days at a temperature of at least 35 degrees Fahrenheit.

**Inspections**—As many as six inspections under Federal Meat Inspection Act can occur as meat is checked before and after slaughter and after boning, grinding, fabrication and packaging stages.
LESSON 17

The Powers Delegated to Congress (continued)

IV. Article I, Section 8, Clause 4

Congress shall have the power to "establish a uniform Rule of Naturaliza-
tion, and uniform Laws on the subject of Bankruptcies throughout the
United States."

A. Naturalization:

1. Originally all of the states warmly ___________, naturalization
   because of the shortage of manpower.

2. Regulations, such as they were,
   primarily fell to the individual states until
   the British refused to acknowledge the
   right of persons born in England to
   terminate their responsibilities to Britain
   and become American ___________.

3. It became necessary for the federal
government to intervene to prevent
expatriated Englishmen from being
physically removed from American ships.

   This was one of the primary causes of the War of 1812, and England did
   not officially allow her citizens to be expatriated until ___________.

4. With the increased discussion on immigration laws in our day, it
   would be wise to keep in mind the following concepts which the
   Founders seemed to reflect in their writings:

   a. That nations have the right to enforce their laws and control their
      borders.

   b. That the basic unit of any society is the family and laws should
      protect and strengthen families.

   c. That all people have the basic yearnings for freedom, prosperity,
      and peace and our actions should reflect friendliness to all.

B. Bankruptcies:

1. The first English bankruptcy law was passed in 1542 to prevent a
   debtor from defrauding his creditors by discriminating against them in
   favor of relatives or himself. His entire estate was seized under the
   ______________________, bankruptcy statute.

2. The real problem arose later when the "debtor-relief laws" allowed
   "honest" debtors who had become insolvent to take out
   ______________________, bankruptcy. This facilitated the perpetration of
   fraud, and in the United States it was felt that a uniform federal law
   would provide the appropriate remedy.
3. The Federal Bankruptcy Act is still a plague to creditors. Abuses of the system became so rampant that a law was passed prohibiting any person from taking out bankruptcy any oftener than every _______ years!

I. Article I, Section 8, Clause 5

Congress shall have the power "to coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures."

A. The power to "coin money," as a constitutional directive, meant that the United States must always be on a _______ and _______ standard. In Section 10, we see that the states are forbidden to pay debts in anything but gold and silver. However:

1. The courts eventually allowed the government to print paper money to replace the "notes" being issued by thousands of banks. Even so, the courts originally ruled that government currency had to be redeemable in _______ or _______.

2. To "regulate the value thereof" originally referred to the value of coins, but in 1913 the management of American money and credit was turned over to a consortium of private banks called the Federal _______. System. This should have been considered unconstitutional, but the Supreme Court upheld it.

3. In 1933 the United States was taken off the domestic gold standard without a constitutional amendment. All gold had to be turned into the U.S. treasury except that used for jewelry, dentistry, or industry. In return for the gold, Americans received _______ certificates.

4. In 1964 the government went off the silver standard, and Federal _______ notes, which could no longer be redeemed in gold or silver, became legal tender.

5. In 1971 the government even refused to redeem with gold the paper dollars owned by _______. The American dollar immediately became a "floating" currency and has been dropping radically in buying power ever since.

B. The power of the federal government to "fix the Standard of Weights and Measures" was to establish _______ and prevent _______.

What did the Founders say about paper money?

Ellsworth: "Thought this a favorable moment to shut and bar the door against paper money. The mischiefs of the various experiments which had
been made were now fresh in the public mind, and had excited the disgust of all the respectable part of America. By withholding the power from the new government, more friends of influence would be gained to it than by almost anything else. Paper money can in no case be necessary. Give the government credit, and other resources will offer. The power may do harm, never good.” (Madison, *The Debates in the Federal Convention of 1787 Which Framed the Constitution of the United States of America*, pp. 413-414.)

II. Article I, Section 8, Clause 6

Congress shall have the power “to provide for the Punishment of ___________ the Securities and current Coin of the United States.”

A. This was a widespread problem all during the 1800s. Enforcement of this law was assigned to the ______________ branch of the U.S. Treasury Department.

B. Counterfeiting was made more difficult by the use of multicolored ___________ threads in the paper and the employment of extremely skilled engravers.

III. Article I, Section 8, Clause 7

Congress shall have the authority to “establish Post Offices and post Roads.”

A. Assigning the mails to the national government was intended to ensure ___________ and ___________.

B. Can the private sector handle the mail more economically? ___________. With equal security? ___________. That is why the Post Office Department never subcontracts first-class mail as it does other types of mail.

C. The authority to establish “post roads” has been exercised merely to designate which existing roads will be used for the transport and delivery of the mails.

IV. Article I, Section 8, Clause 8

Congress was authorized to set up a national program to promote the arts and sciences by granting copyrights and patents.

A. The Founders did not believe an inventor or writer should be given a monopoly of his talent forever, but long enough to make it worthwhile so that he would be motivated to produce more.

B. The copyright law of 1909 allowed the author or artist a monopoly for 28 years subject to renewal for another 28. The 1978 law grants copyright for the ______________ of the writer or composer plus an additional ___________ years.

C. A patent is good for ___________ years. Must the applicant disclose all of the secrets of his invention to get a patent? ___________. Is this the reason some inventors never get a patent? ___________. 
What did the Founders say about patents?

Jefferson: "Certainly an inventor ought to be allowed a right to be the benefit of his invention for some certain time. It is equally certain it ought not to be perpetual; for to embarrass society with monopolies of every utensil existing, and in all the details of life, would be more injurious to them than had the supposed inventors never existed." (Bergh, The Writings of Thomas Jefferson, 11:201.)

V. Article I, Section 8, Cause 9

Congress was authorized to set up a system of federal courts "inferior to the supreme Court." This will be discussed in detail when we cover the judiciary in Article III.

VI. Article I, Section 8, Clause 10

Congress was given responsibility "To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations."

A. All of these offenses are outside the jurisdiction of any ________________.

B. They also involve relations with foreign powers, and therefore belong with the national government.

C. This provision specifically protects the sovereign right of the people of the United States to set their own rules and not to be subject to any other nation, commission, or tribunal. Some present treaties violate this provision.

VII. Article I, Section 8, Clause 11

Congress, rather than the President, was given the responsibility of making all of the initial decisions concerning the waging of war.

A. Congress has the authority to ________________, war.

Since WWII, the last declared war, American troops have been sent into major and lengthy combat situations throughout the world without a declaration of war by Congress and in direct violation of this Constitutional provision.

B. Congress can authorize the granting of "Letters of Marque and Reprisal." Such a letter is an ________________ to a private citizen allowing him to seize booty or make arrests as an official of the United States.

C. Congress has the responsibility of establishing ________________, dealing with captures on land or sea.
What did the Founders say about declaring war?

Pinckney: "Observed that the President's powers did not permit him to declare war." (Elliott, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 4:287.)

VIII. Article I, Section 8, Clause 12

The authority of Congress to "raise and support Armies" was restricted by the provision that no appropriations for this purpose should extend beyond ___ years. This was to prevent a President from building up a large standing army during peace time and using it to seize and hold power permanently.

What did the Founders say about a standing army?

Dawes: "The army must expire of itself in two years after it shall be raised, unless renewed by representatives, who, at that time, will have just come fresh from the body of the people. It will share the same fate as that of a temporary law, which dies at the time mentioned in the act itself, unless revived by some future legislature." (Elliott, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 2:98.)

IX. Article I, Section 8, Clause 13

Congress was empowered to "provide and maintain a ___." At the time of the Revolutionary War, the new nation had no navy, and John Paul Jones joined a number of other hearty souls to operate private vessels operating under letters of marque and reprisal to fill the need. Clause 13 provided for the creation of a naval force under official government command.

X. Article I, Section 8, Clause 14

Congress, not the President, should make the ___ regulations for both the land and naval forces.

XI. Article I, Section 8, Clause 15

Congress, rather than the President, was empowered to call up the ___ of the various states.

A. The Federal Code states that every ___ years of age is subject to call as a member of the militia of his state.

B. Congress can call up the militia for three purposes:
   1. To suppress ___ (civil strife).
2. To repel an _______________________ by a foreign power.
3. To execute the _______________________ of the United States.

What did the Founders say about the militia?

Mason: "I ask, who are the militia? They consist now of the whole people, except a few public officers." (Elliott, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 2:425.)

Corbin: "Who are the militia? Are we not militia?" (Elliott, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 3:113.)

Randolph: "They are the bulwarks of our liberties." (Elliott, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 3:400.)

Nicholas: "The civil officer is to execute the laws on all occasions; and, if he be resisted, this auxiliary power is given to Congress of calling forth the militia to execute them, when it should be found absolutely necessary.... The President is not to have this power. God forbid we should ever see a public man in this country who should have this power. Congress only are to have the power of calling forth the militia." (Elliott, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 3:391–392.)

XII. Article I, Section 8, Clause 16

Congress has the responsibility of passing laws and appropriating money for the "organizing, arming, and disciplining" of the militia, so that these military support forces will be of ____________ quality throughout the states.

However, the Constitution gives the states the responsibility of carrying out the training and disciplining of their respective militia and appointing their own ____________ to be in command. Only when a state militia is called up for active duty will federal military officers take over on the command level.
LESSON 18
The Powers Delegated to Congress (continued)

XIII. Article I, Section 8, Clause 17

Congress was given exclusive authority over a ten-mile-square area to be designated the "Seat of the Government."

A. This was to prevent the area from being "politicalized" and subject to the kind of __________, which threatened Congress when it met in Philadelphia.

B. The deterioration of this protective provision began with adoption of the __________ Amendment, which gave the District of Columbia three electoral votes in Presidential elections.

C. Another proposed amendment which would have given the District of Columbia (which is really the city of Washington, D.C.) the right to elect two Senators and one Congressman recently failed. The states refused to ratify this amendment because it would have wiped out the original intent of the Founders to keep the Seat of Government a neutral, nonpolitical territory.

D. The federal government was also authorized by the Constitution to occupy certain areas within a state if such areas were "purchased by the __________ of the [state] Legislature."

1. The Constitution spelled out the purposes for which the federal government was authorized to make these purchases. Land could be purchased (with the consent of the state legislature):

a. For the erection of __________.

b. For magazines and __________.

c. For __________.

d. For other needful __________ such as post offices.
2. The first new state added to the Union was Ohio, which was admitted in 1803. Instead of giving the state all of the public lands, the federal government sold them to help pay off the national debt. Ownership was thereby "privatized" and immediately went on the tax rolls of the state. This procedure was followed in all of the new states east of the Mississippi as well as all the new states in the Louisiana Purchase.

3. However, these provisions were completely ignored when the western states were admitted to the Union. The federal government unconstitutionally withheld vast sections of each state. The government still holds the following percentages of land in the western states:

![Federal Land Holdings by State](image)

**XIV. Article I, Section 8, Clause 18**

In order to carry out its responsibilities and exercise the powers granted to it, Congress was authorized to do whatever was necessary and proper. This is called the "elastic clause" because it has sometimes been used to stretch federal power beyond its legitimate dimensions. The Founders specifically said this clause does not add powers to those already enumerated but merely gives life to the delegated powers listed above.

**What did the Founders say about "Necessary and Proper"?**

Nicholas: "The Constitution had enumerated all the powers which the general government should have, but did not say how they were to be exercised. It therefore, in this clause, tells how they shall be exercised. Does this give any new power? I say not. This clause only enables them to carry into execution the powers given to them, but gives them..."
no additional power.” (Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 3:245-246.)

**Madison:** “[This clause] only extended to the enumerated powers. Should Congress attempt to extend it to any power not enumerated, it would not be warranted by the clause.” (Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 3:455.)

**Maclaine:** “The powers of Congress are limited and enumerated. We say we have given them those powers, but we do not say we have given them more. We retain all those rights which we have not given away to the general government.... If they can assume powers not enumerated, there was no occasion for enumerating any powers ... if we had all power before, and give away but a part, we still retain the rest. It is as plain a thing as possibly can be, that Congress can have no power but what we expressly give them. There is an express clause which, however, disingenuously it has been perverted from its true meaning, clearly demonstrates that they are confined to those powers which are given them. This clause enables them to ... make laws to carry into execution all the powers vested by this Constitution; consequently, they can make no laws to execute any other power. This clause gives no new power, but declares that those already given are to be executed by proper laws.” (Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 4:140-141.)

**Madison:** “If it be asked what is to be the consequence, in case the Congress shall misconstrue this part of the Constitution and exercise powers not warranted by its true meaning, I answer the same as if they should misconstrue or enlarge any other power vested in them; as if the general power had been reduced to particulars, and any one of them were to be violated.... In the last resort a remedy must be obtained from the people, who can, by the election of more faithful representatives, annul the acts of the usurpers. These [candidates for office] will be ever ready to mark the innovation, to sound the alarm to the people, and to exert their local influence in effecting a change of federal representatives.” (The Federalist Papers, No. 44.)

It should be noted that the powers delegated by the people in Section 8 are the great general powers granted to Congress for law making for the entire nation. Throughout the Constitution there are other more specific powers given to Congress which were meant to be used as “checks and balances” on the other branches. Examples of these are:

1) The power to override a veto of the president (Art. I.7.2)
2) The power to give advice and consent to presidential appointees (Art. II.2.2)
3) The power to ratify treaties (Art. II.2.2)
4) The power to limit the kinds of cases appealed to the Supreme Court (Art. III.2.2)
Section Nine

It is important to remember that the delegates to the Constitutional Convention were there to represent the interests of the states. Therefore, they undertook to restrict the national Congress in certain ways. Most of these ways added restrictions on the use of the powers granted in Section 8. This had never been done before. National legislatures (including England's Parliament) always considered themselves supreme and unrestricted in their law-making powers. Here are the areas in which the United States Congress was to be restrained by constitutional restrictions:

I. Article I, Section 9, Clause 1

Until ____________ no restriction was to be placed on the importation or immigration of any persons (referring primarily to slaves, of course) which any of the states may consider proper. Furthermore, no federal tax on such persons was to exceed $__________.

A. It was the consensus of the Convention that slavery was on its way out. Even in the South, only one out of ____________ white households owned slaves.

However, since slaves were considered "property," many of them were mortgaged to European banks. Emancipation of the slaves would have resulted in liens or foreclosures because of the loss of collateral by the European banks.

B. Three states (North Carolina, South Carolina, and Georgia) threatened to leave the Union unless they were allowed twenty years to prepare for the phasing out of slavery. The other ten states decided that it was best to ensure the stability of the Union first and deal with the slavery question after the twenty-year period. Before agreeing to this, however, the northern states demanded that the southern states agree to give the federal government the power to regulate interstate commerce. The South agreed, and the matter was settled. These were two of the three main ____________ to be found in the Constitution.

II. Article I, Section 9, Clause 2

"The Privilege of the Writ of Habeas Corpus [an order of the court to have a prisoner brought before it; literally, 'You have the body' brought before us] shall not be suspended" except when there is an ____________, or...
and the public safety warrants it.

III. Article I, Section 9, Clause 3

Congress is absolutely forbidden to pass any bill of __________________ (an act of the legislature convicting a person of a crime without a ___________________ or a hearing). This clause also stipulates that Congress is forbidden to pass any ex post facto law, which makes an act a crime after the act occurred, or makes the offense more __________________ or the penalty more __________________ or deprives the individual of some ___________________.

IV. Article I, Section 9, Clause 4

Congress was prohibited from assessing a head tax or other direct tax (such as an income tax) on the states unless it was uniformly assessed according to the ___________________ of each state.

It was this restriction that made the Sixteenth Amendment necessary in order to tax on the basis of individual wealth instead of population.

What did the Founders say about taxes?

Corbin: "The public money is to be collected by mild and gentle means; by a peaceable and friendly application to the individuals of the community." (Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 3:166.)

Madison: "Direct taxes will only be recurred to for great purposes.... As our imports will be necessary for the expenses of government and other common exigencies, how are we to carry on the means of defense? How is it possible a war could be supported without money or credit?" (Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 3:95-97.)

V. Article I, Section 9, Clause 5

Congress is forbidden to put a __________________ or __________________ on any articles being exported from any state.

VI. Article I, Section 9, Clause 6

Congress is forbidden to give __________________ to one port over another or require the vessels of one state to enter or pay duties in the port of another state.

VII. Article I, Section 9, Clause 7

No money shall be drawn from the treasury unless Congress has authorized it by an ____________________, and a record of all receipts and expenditures
shall be maintained and published.

VIII. Article I, Section 9, Clause 8

No titles of __________________ were to be granted to anybody within the United States, and no one holding public office was to accept any gift, title, or present from a foreign power without the consent of Congress.

Section Ten

The Founders also wanted to make it entirely clear that the states were under certain constitutional restrictions. There were two types: (1) things the states were absolutely forbidden to do, and (2) things the states were forbidden to do unless __________________ consented.

I. Article I, Section 10, Clause 1

Here is what the states were absolutely forbidden to do under Article I, Section 10:

A. Enter into any __________________ alliance, or confederation. (It was the last prohibition which became the crux of the Civil War.)

B. Grant letters of marque and reprisal (authorizing private citizens to make war on enemy ships, etc.).

C. __________________ money.

D. Emit bills of credit (paper money).

What did the Founders say about paper money?

Madison: “If the notes of state banks, ... whether chartered or unchartered, be made a legal tender, they are prohibited; if not made a legal tender, they do not fall within the prohibition clause.” (Billo, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 4:608.)

Sherman: “Thought this a favorable crisis for crushing paper money, if the consent of the legislature could authorize emissions of it, the friends of paper money would make every exertion to get into the legislature in order to license it.” (Madison, The Debates in the Federal Convention of 1787 Which Formed the Constitution of the United States of America, p. 478.)

E. Use anything but __________________ and __________________ to pay debts.

This proves that the gold standard was to be used by the entire nation, including the states.

F. Pass any bill of attainder (convicting a person of a crime by a legislative act without a trial or hearing).

G. Pass any ex post facto law (retroactive criminal statute).
H. Pass any law impairing contracts.

The violation of existing contracts by both the states and the federal government is more commonplace than might be supposed. Here are some examples which violate the *ex post facto* clause as well as the impairing-of-contracts clause:

1. Suspending payments on mortgages or debts during a depression.
2. Compelling creditors to take paper money in payment for debts in spite of contracts specifically providing that payment must be in gold or silver.
3. Imposing an embargo on foreclosures against homes or farms during a depression.

**What did the Founders say about private contracts?**

Randolph: “It must be promotive of virtue and justice, and preventive of injustice and fraud. If we take a review of the calamities which have befallen our reputation as a people, we shall find they have been produced by frequent interferences of the state legislatures with private contracts.”

(Elliot, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*, 3:478.)

I. Grant any __________ of __________.

II. Article 1, Section 10, Clauses 2 & 3

Here is what the states cannot do unless they get the permission of

A. Impose duties on imports or exports except to cover the expense of making inspections. If there is any net profit, it goes to the U.S.

B. Lay any duty on tonnage coming into a port.

C. Maintain troops or ships of war in time of __________.

D. Enter into any agreement or compact with another __________.

Can you think of solutions to challenges and problems which could be solved by the states without creating huge agencies at the federal level?

E. Engage in WAR unless invaded or in such imminent danger that there is no time or opportunity to obtain the consent of Congress.

**Conclusion**

In lessons 16, 17, and 18 we have discussed the 20 powers granted to the federal government by the states; also the things Congress is forbidden to do, the things the states are forbidden to do, and the things the states cannot do unless Congress consents.