

Constitution 101: Notes, Comments, and References

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July 4, 1776

“And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.”

This is the last line in **The Declaration of Independence**.

The picture shows Thomas Jefferson handing the draft document over to John Hancock who is the President of the Continental Congress.

The painting¹ is by the famed artist John Trumbull and hangs in the Rotunda of the Capitol building in Washington, D.C. [Oil on canvas, 12' x 18'.]²

¹ <https://www.aoc.gov/art/historic-rotunda-paintings/declaration-independence>

² You can scroll over the faces to identify the person in this painting:
<http://www.history.org/foundation/journal/Winter11/painting/>

Timeline³ (truncated)

1773

Boston Tea Party. English tea is thrown into the harbor to protest a tax on tea.

1774

First Continental Congress meets in Philadelphia, with 56 delegates.

1775 - 1783

American Revolution. Battles of Lexington and Concord in 1775. Ending with the Treaty of Paris in 1783.

1776

The Declaration of Independence is approved July 4 by the Continental Congress.

1777

Continental Congress approves **the first official flag** and adopts the Articles of Confederation, the first U.S. constitution.

1781

British General **Cornwallis surrenders** to the Americans at Yorktown, ending the Revolutionary War.

1787

The Constitution Convention **meets to write a Constitution** for the U.S.

1789

The new Constitution is approved by the states and George Washington is chosen as first president.

1791

The first ten amendments to the Constitution, known as **the Bill of Rights**, are ratified.

1797

John Adams is inaugurated as the second president in Philadelphia.

1800

The federal government moves to **a new capital, Washington, D.C.**

³ [heritage.org/research/features/almanac/resources.html](https://www.heritage.org/research/features/almanac/resources.html)

Declaration of Independence: A Transcription⁴

In Congress, July 4, 1776.

“The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

**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...To prove this, let Facts be submitted to a candid world.
He has...”**

- end of Declaration of Independence

What follows are the couple of pages of “He has-es” and ends up with the last comment as noted on page two. “The combined charges against the king were intended to demonstrate a history of repeated injuries, all having the object of establishing ‘an absolute tyranny’ over America. And while the colonists were ‘disposed to suffer, while Evils are sufferable,’ the time had come to end the relationship”

Notes from *A Reader* from the 101 class:

“Lincoln described the relation between the Declaration and the Constitution as the relationship between ‘an apple of gold’ and ‘the picture,’ or frame, of silver. The Declaration is the golden apple, and the Constitution the silver frame around it that holds it in place and provides the structure. In the first we may find the purposes of the American republic. In the second we may find its method of operation” (p. 3).

“To understand the foundation of the Constitution, Lincoln suggests that we must examine these laws. Alexander Hamilton said that the rights named in both the Declaration and the Constitution ‘are not to be rummaged for, among old parchments,’ but rather “they are written, as with a sun beam, in the whole volume of human nature, by the hand of divinity itself” (Founders’ Almanac, Matthew Spalding). [My emphasis.]

“*A government of laws, and not of men*” (John Adams, *Novanglus* No. 7, March 6, 1775).

“*Our cause is noble; it is the cause of mankind!*” (George Washington, letter to James Warren, March 31, 1779).

“*We have it in our power to begin the world over again*” (Thomas Paine, *Common Sense*, 1776)⁵.

⁴ <https://www.archives.gov/founding-docs/declaration-transcript>

⁵ The notes also come from heritage.org/research/features/almanac/resources.html

CONSTITUTION OF THE UNITED STATES⁶

Preamble

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

Article I – Legislative Powers. There are 10 sections.

Article II – Executive Powers. There are 4 sections.

Article III – Judicial Powers. There are 3 sections.

Article IV – Outlines the relationship between each state and the others. There are 4 sections.

Article V – Describes the process whereby the Constitution may be altered.

Article VI – Establishes the laws and treaties of the United States.

Article VII – Sets the number of state ratifications necessary in order for the Constitution to take effect.

- End of Constitution -

The Bill of Rights

Amendment I – Congress shall make no law...

Amendment II – A well regulated militia...

Amendment III – No soldier shall...

Amendment IV – The right of the people...

Amendment V – No person shall be held to answer for a capital...

Amendment VI – In all criminal prosecutions...

Amendment VII – In Suits of common law...

Amendment VIII – Excessive bail shall not be required...

Amendment IX – The enumeration in the Constitution...

Amendment X – The powers not delegated...

- End of Bill of Rights -

⁶ https://www.senate.gov/civics/constitution_item/constitution.htm#preamble

THE AMENDMENTS

Amendment XI

Amendment XII

Amendment XIII – Sections 1, 2

Amendment XIV – Sections 1, 2, 3, 4, 5

Amendment XV – Sections 1, 2

Amendment XVI

Amendment XVII

Amendment XVIII – Sections 1, 2, 3

Amendment XIX

Amendment XX – Sections 1, 2, 3, 4, 5, 6

Amendment XXI – Sections 1, 2, 3

Amendment XXII – Sections 1, 2

Amendment XXIII – Sections 1, 2

Amendment XXIV – Sections 1, 2

Amendment XXV – Sections 1, 2, 3, 4

Amendment XXVI – Sections 1, 2

Amendment XXVII

- End of The Amendments -

“The American solution would be to create a strong government of limited powers, all carefully enumerated in a written constitution” (The Founders’ Almanac, Matthew Spalding).

“Congress only has the powers
delegated to it in the Constitution.
If Congress could do whatever it wanted,
Madison noted, then the government was
‘no longer a limited one, possessing enumerated powers,
but an indefinite one, subject to particular exceptions’”
(The Founders’ Almanac, Matthew Spalding).

“JUSTICE IS THE END OF GOVERNMENT. IT IS THE END OF CIVIL SOCIETY. IT EVER HAS BEEN AND EVER WILL BE PURSUED UNTIL IT BE OBTAINED, OR UNTIL LIBERTY BE LOST IN THE PURSUIT” (James Madison, Federalist No. 51, February 8, 1788).

“The balance between the National and the state Governments ought to be dwelt on with peculiar attention, as it is of the utmost importance.
It forms a double security to the people. If one encroaches on their rights they will find a powerful protection in the other. Indeed, they will both be prevented from overpassing their constitutional limits by a certain rivalry, which will ever subsist between them”
(Alexander Hamilton, Speech at the New York Ratifying Convention, June 21, 1788).

As the delegates came forward, one at a time, to sign their names to the final document, James Madison recorded Franklin's final comment, just before the Constitutional Convention was dissolved. Franklin had noted the sun painted on the back of President Washington's chair. "I have often, and often in the course of the Session, and the vicissitudes of my hopes and fears as to its issue, looked at that 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 rising and not a setting Sun."
(The Founders' Almanac, Matthew Spalding)

Given the half way point of this report it is instructive to look at the tasks and reflect on a few comments. First, make sure you have the correct order of events (with year):

Declaration of Independence - In Congress, July 4, 1776.

CONSTITUTION OF THE UNITED STATES – 1789 - The new Constitution is approved

The Bill of Rights – 1791 - The first ten amendments to the Constitution.

THE AMENDMENTS – XI in 1794, XII in 1804 through XXVII in 1992.



In your notes make a list of the presidents thru the sixth, or John Quincy Adams.

Second, Hillsdale has a short list of readings for each lesson. I have shown some quotes from some of these in the rest of the paper but there is also the text book called "A Reader" which has 790 pages of information. Some readings are with each lesson. An interested student will look into this opportunity.

Third, My congressman and I are going to have a discussion over line 10 of the Declaration "Governments are instituted among Men, deriving their just powers from the consent of the governed" which means to govern me he may ONLY do so with my consent – and yes, I have a problem with him doing some 'stuff' without my consent.

Fourth, look at **Article V** as Oklahoma and Texas have signed a resolution for a **Convention of States** and this will put the grassroots back into doing business (this is really a big deal and we need to know...).

Fifth, as citizens, whether we want to or not, we must be involved in the politics of both state and national affairs. The more we know the better we can make decisions and stay ahead of poor ideas like "having the Constitution as a living document" – to just name one...

Sixth, Hillsdale College – like all schools – will ask for money, which is fine but even when sending you a thank you for your contribution they will tag on for some more "tax deductible this time" money.

“The American Founding: Revolutionary or Conservative?”

Larry Arnn, the president of Hillsdale College, has the following outline for the first class⁷ and I have copied every word because it sets up the ten lesson agenda: There have been three crises, four causes of America, and the answer to the title question. This is the whole course:

American political history is defined by three great crises. The first crisis was the American Revolution, which was declared on July 4, 1776 but whose roots can be traced back at least to 1763. That period of crisis ended with the election of Thomas Jefferson as president in what has become known as the “Revolution of 1800.”

The second crisis was the crisis over slavery that culminated in the Civil War. While the Founders had opposed slavery in principle, but had been forced to compromise with the institution in practice for the sake of the Union, the rise of the “positive good” school of slavery in the South marked a turn away from the Founders’ principles, and their practice. In response, Abraham Lincoln explained and defended the Founder’s approach.

The third great crisis, which continues today, is the challenge of Progressivism, a movement founded by Woodrow Wilson, Theodore Roosevelt, and others. The Progressives rejected the Founders’ principles, including their notions of a fixed human nature and inalienable natural rights. Instead, they believed in a human nature that evolved and changed, which in turn justified their efforts to break down separation of powers in order to expand the size and scope of government far beyond the Founders’ intent.

In order to understand fully the previous crises, and to be able to respond well to the current crisis, we must understand the causes of America.

America has four causes—a material cause: primarily the land and the people; an efficient cause: the Founding Fathers who led the Revolution in the name of the American people; a formal cause: the Constitution, especially the structure of government it establishes; and a final cause: the principles of free government outlined in the Declaration of Independence.

With this background, we can answer the question: Was the American Founding revolutionary or conservative? In fact it was both: It sought to conserve the oldest and highest law, which according to the Declaration of Independence is “the Laws of Nature and of Nature’s God.” The Founders compared the natural law to the conventional law under which they lived, and—as described so eloquently and succinctly in the Declaration of Independence—determined that a revolution was justified in the name of this higher law.”

⁷ <https://online.hillsdale.edu/course/con-101/lecture-1/lecture>

Notes:

Reason over passion.

The Declaration is for a King who said *"I was born to be a king and you must follow me."* The Declaration says no one is born that way. Jefferson said late in his life *"Some men are not born with saddles on their back or others booted and spurred to ride them by the Grace of God. Men are not horses."*

This is revolutionary.

Aristotle in *Nicomachean Ethics*, "What is the best life for man?"

Book 1, Chapter 7, pp. 19-20.

And happiness seems to be of this sort most of all, since we choose this always on account of itself and never on account of anything else, while we choose honor and pleasure and intelligence and every virtue indeed on account of themselves (for even if nothing resulted from them we would choose each of them), but we choose them also for the sake of happiness, supposing that we will be happy by these means. But no one chooses happiness for the sake of these things, nor for the sake of anything else at all...

What's more, we suppose happiness to be the most choiceworthy of all things while not counting it as one of those things, since if it were counted among them it is clear that it would be more choiceworthy together with the tiniest amount of additional good, for the thing added becomes a preeminence of good, and of good things, the greater is always more worthy of choice. So happiness appears to be something complete and self-sufficient, and is, therefore, the end of actions.

Marcus Tullius Cicero, *On the Commonwealth*, "first to speak of natural law as a moral or political law."

There will not be one law at Rome and another at Athens, one now and another later; but all nations at all times will be bound by this one eternal and unchangeable law, and the god will be the one common master and general (so to speak) of all people. *He is the author, expounder, and mover of this law; and the person who does not obey it will be in exile from himself. Insofar as he scorns his nature as a human being, by this very fact he will pay the greatest penalty, even if he escapes all the other things that are generally recognized as punishments....*[italics mine.]

John Locke, *Second Treatise of Government*, "the political theorist quoted by Americans in the 1770s."

Chapter VIII, #97.

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; or else this original compact, whereby he with others incorporate into one society, would signify nothing, and be no compact, if he be left free, and under no other ties than he was in before in the state of nature.

Chapter XIX, #240.

Here, it is like, the common question will be made, "Who shall be judge, whether the prince or legislative act contrary to their trust?" This, perhaps, ill-affected and factious men may spread amongst the people, when the prince only makes use of his due prerogative. To this I reply, "The people shall be judge."

Thomas Paine, *Common Sense*, “became the most published work of the founding era.”

**On the Origin and Design of Government in General,
With Concise Remarks on the English Constitution (1776)**

Some writers have so confounded society with government, as to leave little or no distinction between them; whereas they are not only different, but have different origins. Society is produced by our wants and government by our wickedness; the former promotes our happiness positively by uniting our affections, the latter negatively by restraining our vices. The one encourages intercourse, the other creates distinctions. The first is a patron, the last a punisher.

SECESSION AND CIVIL WAR

Thomas Jefferson, *Notes on the State of Virginia Query xviii: Manners*, “The primary author of the Declaration of Independence, Jefferson was well aware that his ownership of slaves violated the principles he espoused” (1784).

The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other...(p. 403).

That they are not to be violated but with His wrath? Indeed I tremble for my country when I reflect that God is just; **that his justice cannot sleep forever...**

We must be contented to hope they will force their way into every one’s mind. I think a change already perceptible, since the origin of the present revolution. The spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, **under the auspices of heaven, for a total emancipation**, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation (p. 404).

John C. Calhoun, *Speech on the Oregon Bill*, “Even worse than political errors such as the Northwest Ordinance, Calhoun argues here, are theoretical errors, chief of which is the equality principle of the Declaration of Independence” (June 27, 1848).

. . . I turn now to **my friends of the South**, and ask: What are you prepared to do?...If so, you are woefully degenerated from your sires, and will well deserve to change condition with your slaves;—but if not, prepare to meet the issue. The time is at hand, if the question should not be speedily settled, **when the South must rise up**, and bravely defend herself, or sink down into base and acknowledged inferiority..

Abraham Lincoln, First Inaugural Address, **March 4, 1861**. “*Lincoln’s First Inaugural Address, delivered a month after the formation of the Confederacy, served as a final plea for Americans to reunite. Lincoln makes clear that he has no intention to change the status of slavery in the states where it exists, having no constitutional authority to do so. He makes equally clear that secession is not a constitutional option.*

“I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.”

There is much controversy about the delivering up of fugitives from service or labor. The clause I now read is as plainly written in the Constitution as any other of its provisions:

“No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

It follows from these views that **no State, upon its own mere motion, can lawfully get out of the Union,**—that *resolves* and *ordinances* to that effect are legally void; and that acts of violence, within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances...

I trust this will not be regarded as a menace, but only as the declared purpose of **the Union that it will constitutionally defend, and maintain itself.**

In *your* hands, my dissatisfied fellow countrymen, and not in *mine*, is the momentous issue of civil war. The government will not assail *you*. You can have no conflict, without being yourselves the aggressors. *You* have no oath registered in Heaven to destroy the government, **while I shall have the most solemn one to “preserve, protect and defend it.”**

FUN QUIZ

1. “So when it comes to tackling the deficit or it comes to growing the economy, when it comes to giving every American an opportunity to achieve their American Dream, the American people are demanding the same kind of resolve, the same kind of spirit of compromise, the same kind of problem solving that all these folks on stage have shown. They’re demanding that people come together and find common ground; that we have a sensible, balanced approach that’s based on facts and evidence and us reasoning things out how to solve problems and asks everybody to do their part.

That’s what I’m fighting for. That’s what this debate is all about. That’s what the American people want.”

- A. Lyndon Baines Johnson
- B. Barack Hussein Obama II
- C. John Fitzgerald Kennedy
- D. Ronald Wilson Reagan

2. “Our enemies may occasionally seize the day of change, but it is the banner of our revolution they take. And our own future is linked to this process of swift and turbulent change in many lands in the world. But nothing in any country touches us more profoundly, and nothing is more freighted with meaning for our own destiny than the revolution of the Negro American.”

- A. Lyndon Baines Johnson
- B. Barack Hussein Obama II
- C. John Fitzgerald Kennedy
- D. Ronald Wilson Reagan

3. Nearly xxx years ago Thomas Jefferson wrote, “The new circumstances under which we are placed call for new words, new phrases, and for the transfer of old words to new objects.” New words, new phrases, the transfer of old words to new objects—that is truer today than it was in the time of Jefferson, because the role of this country is so vastly more significant. There is a show in England called “Stop the World, I Want to Get Off.” You have not chosen to exercise that option. You are part of the world and you must participate in these days of our years in the solution of the problems that pour upon us,

requiring the most sophisticated and technical judgment; and as we work in consonance to meet the authentic problems of our times, we will generate a vision and an energy which will demonstrate anew to the world the superior vitality and the strength of the free society.

- A. Lyndon Baines Johnson
- B. Barack Hussein Obama II
- C. John Fitzgerald Kennedy
- D. Ronald Wilson Reagan

4. "Our natural unalienable rights are now presumed to be a dispensation of government, divisible by a vote of the majority. The greatest good for the greatest number is a high-sounding phrase but contrary to the very basis of our nation, unless it is accompanied by recognition that we have certain rights which cannot be infringed upon, even if the individual stands outvoted by all of his fellow citizens. Without this recognition, majority rule is nothing more than mob rule."

- A. Lyndon Baines Johnson
- B. Barack Hussein Obama II
- C. John Fitzgerald Kennedy
- D. Ronald Wilson Reagan

ENDING (for this paper maybe but not education about the Constitution)

Lecture 8 was as close to figuring out what Progressives do for a living and why they want to have "a living Constitution." If the rules ever get changed the president will be a governor with plenary power (no limits) – we almost elected one... Anyway, I am ending with the outline as it says it better than me but we all have an obligation to education in this area – God help us.

"The Progressive Assault on the Constitution"

Building on their rejection of the principles of the Declaration of Independence, Progressives worked to remove constitutional restrictions on government's power in order to institute their programs and policies. The 16th and 17th Amendments to the Constitution fundamentally transformed the federal government, but **most Progressive policy successes occurred at the state and local levels.**

Leading Progressives, especially Theodore Roosevelt, chided the courts—which were initially defenders of limited government—**for failing to interpret the Constitution as a living document.** Progressives also believed that direct democracy—including new mechanisms such as the ballot initiative, referendum, and recall—was superior to the Founders' concept of representative government.

Woodrow Wilson emphasized that the constitutional separation of powers was both inefficient and irresponsible. **Wilson's solution was an empowered and greatly enlarged national administration, free from the influence of politics.**

Both Wilson and Roosevelt held a new view of the American presidency. No longer would the president be merely the head of the Executive Branch; **rather, he would be the political leader of the country and use his personal influence to direct the entire government.**