



## "To Preserve the Nation"

A weekly e-mail message from the Constitution Party of Utah to those who love liberty and wish to preserve it.

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**Please forward this e-mail to all who you feel would benefit from the message**

*Prior to the American Revolutionary War, concerned patriots throughout the American Colonies organized "Committees of Correspondence" to assure that vital information about their liberty, and the political state of affairs was widely distributed, so all who cared could stay informed.*

*This series of weekly e-mail messages is intended to perform a similar modern-day function. Each week, a brief message regarding a current modern issue of liberty will be sent. The intention of these communications is to foster an understanding of how modern challenges that face the United States may be addressed using the wisdom and "original intent" of those who founded this nation. The words of this nation's founders in regards to the current challenges will be the core message of each e-mail. Hopefully, this effort will foster a return to the foundation principles upon which this nation was established so it may again enjoy the fullness of liberty and proper government that was created under the inspiration of God.*

**Week Seventeen Message – November 1<sup>st</sup>, 2006**

### **The Proper Role of Government**

In 1776, Thomas Jefferson penned the immortal words of the Declaration of Independence. That document succinctly captures the essence of the American understanding of the proper role of government, and the foundation of liberty upon which the American experience is based:

*"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. That to secure these rights, Governments are instituted among Men..." (The Declaration of Independence)*

It must be noted that many today falsely assume that rights come from government. There are many dangers associated with such an assumption, among which is the fact that, if such is the case, the "creation" of a right by government also creates an obligation of someone to fulfill that right—thus forcing other individuals in society to give something up to meet the new

"entitlement" of another individual or group. In addition, the concept that government holds the power to create rights has a dangerous corollary: such a government therefore is bestowed with the general power to destroy or withhold rights.

The Founder's correct position was that all mankind are equal before the law and God. God is the grantor of our rights. Proper government is created to protect and secure those God-given rights. The Declaration of Independence continues in explanation of the controls that must exist over government to assure that it remains the protector of God-given rights, and does not become the source of oppression:

"...deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness." (*The Declaration of Independence*)

In the body of the Declaration, and in justification of the Declaration, Jefferson proceeded to enumerate the tyrannical offenses committed by the King.

In 1787, with this faith-based recognition of the source of rights, this succinct definition of the purpose of government, and the experience-based understanding that government must be limited to specific powers if the Nation was to remain free, the Founding Fathers created The United States Constitution.

The Founders considered the Constitution to be a written, binding contract upon all who were to hold office within the Nation. They were so serious in this regard that they require ALL who hold office in this Nation to take an oath to uphold, support, and sustain The United States Constitution:

"Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: 'I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.'" (Presidential Oath of Office, *U.S. Constitution Article II Section 1*)

"The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution..." (*U.S. Constitution, Article VI, clause 3*)

The Founding Fathers of this Nation clearly understood that, over time, the necessity to modify the Constitution would likely arise. Consequently, they incorporated into the Constitution a process by which the Constitution could be changed. This process is defined in Article V of the Constitution. It was purposefully designed as a very deliberative process which would reduce the chance that the Constitution would be modified for "light and transient Causes." (see *Declaration of Independence*)

In his monumental Farewell Address, George Washington left us wise counsel in regards to faithfully following the Constitution, and obedience to the plain English words of that timeless document:

"This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government." (Washington's Farewell Address, September 17, 1796. *Messages and Papers of the Presidents, George Washington, Vol 1*, Pg.205-216)

The Constitution of the United States is noted as being "sacredly obligatory upon all" until it is "changed by an explicit and authentic act of the whole people." That act may only be carried out by the fulfillment of the process defined in Article V of the United States Constitution. Any attempt to change by any other method is usurpation.

The scope of power granted to the National government was clearly understood to be limited to the specific powers granted, and no others. James Madison, the "Father of the Constitution," as well as virtually all of the others we call Founding Fathers, made many unequivocal statements in support of that position:

"The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous 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 properties of the people, and the internal order, improvement, and prosperity of the State." (James Madison, *Federalist No. 45*)

In addressing a proposal before Congress to expand the powers of the government beyond the powers specifically delegated within the Constitution, Madison made the following observations:

"I, sir, have always conceived—I believe those who proposed the Constitution conceived—it is still more fully known, and more material to observe, that those who ratified the Constitution conceived—that this is not an indefinite government, deriving its powers from the general terms prefixed to the specified powers—but a limited government, tied down to the specified powers, which explain and define the general terms....

"The language held in various discussions of this house is a proof that the doctrine [of implied powers] in question was never entertained by this body. Arguments, wherever the subject would permit, have constantly been drawn from the peculiar nature of this government, as limited to certain enumerated powers, instead of extending, like other governments, to all cases not particularly excepted....

"In short, sir, without going farther into the subject, which I should not have here touched at all but for the reasons already mentioned, I venture to declare it as my opinion, that, were the power of Congress to be established in the latitude contended for, it would subvert the very foundations, and transmute the very nature of the limited government established by the people of America; and what inferences might be drawn, or what consequences ensue, from such a step, it is incumbent on us all to consider." (James Madison, Speech on the U.S. House floor, 07 February 1792. Quote in: Jonathan Elliot, *Debates on the Adoption of the Federal Constitution, Vol. 4*, p.428-429)

And the Ninth and Tenth Amendments made this position the sure and unquestionable "law of the land:"

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." (Amendment IX)

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." (Amendment X)

The government of the United States was created as a limited government, whose powers were confined to the specific powers granted within the Constitution; and the purpose of the government created by the Founders was to secure the blessings of liberty and mankind's God-ordained rights both for themselves, AND their posterity. To stray beyond the bounds established in this great Charter of the Nation is to invite tyranny to destroy these blessings.

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