

Understanding the Constitution and the Declaration of Independence Part 2

By Susan Snelling

Welcome to this second class of the Declaration of Independence and Constitution. Recall in the first class we discussed the laws of nature and of Nature's God. That is the root of America. We also discussed in general unalienable rights. Today I want to discuss another very important unalienable right that the founding fathers put in the Declaration of Independence. This one is particularly important because just like the ones we discussed in the first class this right is not just overlooked but we are getting further and further separated from it to the point where I don't really know how much thought people give to it or realize how much that right has been eroded. It's actually quite shocking. I'm not only going to discuss this one unalienable right although that is my primary focus but I will touch on several others as they are in the news lately.

The Founders listed five very important key rights in the Declaration. They are: That all people are created equal; that they are endowed by their Creator with certain unalienable rights; that the government derives its just powers from consent of the governed; the people have the right to alter or abolish a destructive government; the people can institute a 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 Founders went on in the Declaration to say: Prudence indeed will dictate that governments long established should not be changed for light and transient causes and accordingly all experience hath shewn that mankind are more disposed to causes to suffer while Evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. Consent of the governed is an unalienable right that was important to the Founders and to those who came before them. It was expected that the people would not change the government lightly. Treason includes overthrowing the government so the change has to be for legitimate and solid reasons.

It was a right that was understood long before our Founding Fathers. Before the Pilgrims set foot on American soil, as their ship docked in the harbor, they set up a government. In this government they were all co-equals. There was not anyone who was better than the others. They all had to pull equal weight. The Mayflower Compact as it became known was similar to one they established while still in England. While yet in England after separation from the Church of England, the Pilgrims or Separatists as they were called, drafted a charter amongst themselves. It was equality and government by the consent of the governed which would become the cornerstone of America. The Mayflower Compact reflected their long-held belief in

consent of the governed. The idea of consent of the governed was not new and was in the Magna Carta which was the constitution of English law.

The foundation for the United States Constitution was laid through the Mayflower Compact and then later, in 1638, the Fundamental Orders of Connecticut which more than any other document served as the archetype of the Constitution. The difference between this constitution and the Mayflower Compact was that there was no mention of the king, nor that only Puritans could vote. This document was inspired by a sermon by Reverend Thomas Hooker where he said "... the foundation of authority is laid in the free consent of the people."

In 1750, Reverend Jonathan Mayhew preached that when a king went outside the Constitution and became a tyrant that the people should resist him, and to do so was not rebellion. *The king is as much bound by his oath; not to infringe the legal rights of the people as the people are bound to yield subjection to him. From whence it follows, that as soon as the prince sets himself up above the law, he loses the king in the tyrant: he does to all intents and purposes, unking himself, by acting out of, and beyond, that sphere which the constitution allows him to move in. And in such cases, he has no more right to be obeyed, than any inferior officer who acts beyond his commission. The subject's obligation to allegiance then ceases of course; and to resist him, is no more rebellion, than to resist any foreign invader.* (Rev. Jonathan Mayhew, "Unlimited Submission and Non-Resistance to the Higher Power.")

Notice from the Declaration that the founding fathers intended for the people to be able to change their government, to alter it, to make it better or to abolish it if it does not preserve the happiness of the people which is based on the law of Nature and of Nature's God. It was never meant to be changed from those founding principles but only to right the country that is going in the wrong direction. And only by the written consent of the governed. The Framers gave us the amendment process for that or Article V Convention of the States. Our government itself cannot alter or change our government. It must come through the written consent of the people. For our Congress or any other branch of government to alter our form of government on their own is outside of the Constitution. It is an affront to "We the People" and to their Creator who gave them that right. Unfortunately, our elected officials have done just that. They created the Administrative State or the Fourth Branch of Government and we nor our ancestors consented to that in writing. There was no amendment process.

This Fourth Branch is pervasive and damaging and violates an unalienable right. It also requires our elected officials' active participation in creating it. The founding fathers designed the Republic with a separation of powers in three branches of government: legislative, executive, and judicial. These branches are to operate as checks and balances to prevent constitutional abuses of power leading to tyranny. This system of governance cannot be taken for granted and it requires a citizenry that is watchful. An unintended consequence of a lack of vigilance on

the part of the American people to guard our liberty is the emergence of a fourth branch of government.

This fourth branch is the bureaucracies composed of departments and agencies in the federal government. In a House meeting in December of 2013, law professor Jonathan Turley noted to Congress that under the current president at the time these federal agencies have become an independent branch of the government. It was worse under that president because of his blatant disregard of the separation of powers and the federal bureaucracy that is all too willing to ignore the Congress as well. Recall, when the previous president ran for office he declared that he wanted to “fundamentally transform America.”

An imperial presidency makes the environment ripe for a powerful fourth branch of government to flourish, and especially when Congress gives its constitutional powers to these agencies and departments. And according to Turley, the SCOTUS refuses to look at separation of power issues while at the same time they tell these agencies that they can “define their own or interpret their own jurisdiction.” When Congress refuses to use their constitutional powers, they disregard the original intent of the Constitution.

As an example of what a fourth branch of government looks like, one needs to look no further than the rules that flow from the regulatory agencies. These rules and regulations become as if they are laws. We have all read about these myriad abuses. The American people have to obey these rules or face prosecution. Joseph Postell writes in “From Administrative State to Constitutional Government:” *Although our civics textbooks still describe a government where Congress makes laws, the President executes laws, and courts adjudicate disputes, this is not the way our government actually works. Today, bureaucrats make law, execute law, and adjudicate. Although the laws made by agencies are called rules, they carry the force of law.*

It’s important to maintain the separation of powers and as Turley also stated, this is something America needs to get back to now. The separation of powers was an important part of the Constitution to the Framers. In a letter to the Marquis de Lafayette, George Washington expressed his confidence in the Constitution and in the separation of powers. He wrote: *1st That the general Government is not invested with more powers than are indispensably necessary to perform [the] functions of a good Government; and, consequently, that no objection ought to be made against the quantity of Power delegated to it. 2ly That these Powers are so distributed among the Legislative, Executive, and Judicial Branches, into which the general Government is arranged, that it can never be in danger of degenerating into a monarchy, an Oligarchy, an Aristocracy, or any other despotic or oppressive form; so long as there shall remain any virtue in the body of the People.*

The mention of virtue comes up often in the writings of the founding fathers. They knew that it was central to a successful Republic. When there is virtue in the people, the right men and women are elected to office that will use their Constitutional authority depending on which branch they serve in or are appointed to and will not usurp the powers of the other branches. The kind of public servants that are chosen are a barometer for the condition of the people.

How have our elected officials done this... altered our form of government so we have this Fourth Branch or Administrative State? It all began before any of us were even born, but it has increasingly become more evident and even worsened. Our elected officials play into it perhaps some without awareness of what they are doing. Our Congress, for one, relegated some of their responsibilities to unelected bureaucrats in government departments and agencies. They let go of duties and responsibilities that they should manage closely and created or allowed for the creation of departments, agencies, and commissions. These unelected bureaucrats are not accountable to anyone. There is the semblance of accountability but not at the level there should be. Some of these departments, agencies, and commissions go outside of the Constitution by engaging in legislative, executive, and judicial responsibilities. These entities are unconstitutional when they take on constitutionally mandated responsibilities of any of the three branches. There are responsibilities that are reserved in the Constitution to the three branches of government.

Over the decades our government, without the written consent of the people, has changed our form of government from basically three branches to four. This whole fourth branch of government sounds almost conspiratorial, something spy novels are made out of. But the more you look at it, the more evident it becomes. Without our written consent and violating our unalienable rights, our government, our Congress, formed a fourth branch of government. These unelected bureaucrats are not accountable to the American people. They seem to be isolated from ramifications of their bad actions. These people act as policymakers as they rule and regulate or advise our decision makers that we elected to office, affecting their policy decisions. This is the Administrative State or the Fourth Branch of government.

When Donald Trump became president one of the first and wisest courses of action, whether it was an intentional blow to the Administrative State or not, was to deregulate. He got rid of rules and regulations that were generated by the bureaucratic state. The manner in which he operates seem to naturally push against the Administrative State. At the time I was preparing for this class and different matters came to mind, I was listening to Rush Limbaugh and he discussed some of the things I had prepared for this lesson. It was about the Administrative State and how it is adverse to President Trump.

Rush mentioned how we should be naturally suspicious of the Administrative State of bureaucrats, because it is the Administrative State that has been trying to ruin Trump, who

fought against his presidency, and here they were advising him on all matters of health and economics and so forth. I am not discussing if they are wrong or not in their information just that when we understand how pervasive the Administrative State is and how they have demonstrated the ability to orchestrate against a president or others that are a threat to them, it requires a natural and healthy skepticism. We should have that kind of skepticism of our leaders elected or not.

In a speech at the Constitutional Convention on July 11, 1787, James Madison said: *All men having power ought to be distrusted to a certain degree.* During the Constitutional Convention the Founding Fathers were concerned about power in the hands of those who would be elected or appointed to office. Certainly, knowledge of human nature as the Founding Fathers seemed to have a good grasp of made them take into account the temptations inherent in political power.

There is no choice in a representative republic but to give power to a few. It is power from the many, meaning the American people, who are the fount of power, given to the few through the election process. John Adams wrote in 1776 in "Thoughts on Government": *As good government is an empire of laws, how shall your laws be made? In a large society, inhabiting an extensive country, it is impossible that the whole should assemble to make laws. The first necessary step, then, is to depute power from the many to a few of the most wise and good.*

Notice that John Adams, and the other Founders as well, expected that the American people would elect the "most wise and good." Even though all of those in elected and appointed public office are predisposed to vice given their position in power, the wise and good are not as apt to fall prey to this inherent pitfall. Yet, they too should not be completely trusted. Good men can turn bad and the wise become fools given human nature and the tendency toward vice that powerful positions present with. The bad and foolish rarely become the wise and good once in office given the temptations that are too easily available to them.

James Madison is reported by his colleagues to have said: I believe there are more instances of the abridgment of freedoms of the people by gradual and silent encroachment of those in power than by violent and sudden usurpations. One of the concerns of the Founding Fathers was usurpation of freedom of the American people through those in power who quietly and often behind the scenes gradually take away their God-given rights and power. The Constitution spells out that the power comes from the people through their elected officials.

What may seem like a tolerable or minimally restrictive law from the legislative branch or decision or opinion from the judicial branch or from unconstitutional bureaucratic regulations will over time result in the wholesale abridgment of freedom to the point where America is no longer recognizable as the home of the brave and the land of the free. The once grand

experiment of nations on the earth that has been respected and lauded for its generosity, freedom, and equal rights will look no different than any soft dictatorship or despotic nation. The country that people of the earth looked to for leadership will fail them at every turn and its own inhabitants will be seen as downcast, downtrodden creatures imprisoned by the very officials they trusted to keep the representative republic doing what the Founders intended.

There must be a natural cynicism with any elected official. All office holders must be kept an eye on and reigned in and replaced as soon as possible. They must be held accountable by all legal means, if still available, and through the electoral process. Only a people who recognize they are the fount of power and have the high standards of virtue and knowledge applicable to liberty that this type of government requires are able to maintain freedom.

If we should have a degree of distrust with our elected officials, how about those who are unelected? Those who advise our elected officials in a bureaucratic environment or devise regulations and laws, which is the same as legislating? Consider the IRS. Remember under the previous administration when it was targeting conservative groups and organizations, and particularly the Tea Party. Was there justice for the victims in that situation? Instead, the perpetrators were let go but with full benefits at taxpayers' expense. Also, consider that the government is not supposed to tell us what to think. Yet we have government agencies that involve National Public Radio, PBS, and Voice of America who present a particular viewpoint, a progressive one, to the world.

The Fourth Branch of government, the administrative state, is all about progressivism. And make no mistake about it, progressives are inherently humanistic. The ideology and policies are all secular humanistic. The Administrative State is based on progressivism and is completely against the Laws of Nature and of Nature's God. It was as if our government is telling us we don't have free will in the matter; that our unalienable right to consent doesn't really matter. It has been overlooked far too long. The progressives take a crisis and turn it into an opportunity to promote their agenda. This is what has happened before us and is happening now.

Whether you agree with what any of the bureaucrats are saying or not, the bottom line is that many of these departments and agencies are unconstitutional. There are some who would argue that the special counsel is unconstitutional. It seemed that the special counsel as we saw the last several years was more powerful than the president and put the president in a bind where he can't fire him even though he legally could but because of the political firestorm the backlash would be great. If the Administrative State had not grown so big there would be order and more freedom. The Administrative State is a progressive's dream because the consent of the people is ignored. You can go down the list of these bureaucratic entities and determine which ones violate the Constitution, which ones engage in any of the Constitutional duties of the three legitimate branches. The Department of Education is one. There are many more.

We talk about the Three branches of government, the executive, the legislative and the Judiciary. But there's that big elephant in the room which is the Fourth Branch. I ran across an article in the Federalist news magazine. The author of the article was summarizing a book on this subject matter and I thought he made some interesting points that is worth repeating. This is important to understand because if the Administrative state continues it will not get better; it will get worse and it will completely erode all of our other rights; it eats away at the fabric of our nation and undermines all our freedom.

These are the author of the article's own words with some quotes from the book interspersed: "If a written constitution is to have any meaning, it must have a rational or theoretical ground that distinguishes it from government. When the principles that establish the legitimacy of the constitution are understood to be changeable, are forgotten, or are denied, the constitution can no longer impose limits on the power of government. In that case, government itself will determine the conditions of the social compact and become the arbiter of the rights of individuals. When that transformation occurred, as it did in the twentieth century, the sovereignty of the people, established by the Constitution, was replaced by the sovereignty of government, understood in terms of the modern concept of the rational or administrative state. Marini

What Marini describes is nothing less than the progressive inversion of our entire political system. Marini claims "rights and freedom were not natural or individual but social and dependent on historical development," and "[p]olitical life and religion...vanish to enable the perfecting of economic and social conditions through the establishment of new social sciences that could bring about an uncoerced rational society," culminating in the "rule of organized intelligence, or bureaucracy."

He adds: "After nearly a half century of its growth, the bureaucracy has revealed itself to be the conservative defender of liberalism, the keystone of the rational state. Once established, the bureaucracy, and the political, economic, and social forces beholden to it, have sought to progressively replace politics by substituting administrative rulemaking for general lawmaking, and rule by expert in place of that of elected official. In practice, this means that the political rule of law must increasingly give way to executive or administrative discretion."

The practical effect of the advent of the administrative state by progressives in the early 20th century, expanded under presidents Franklin Delano Roosevelt and Lyndon Baines Johnson, has been not only an ever-bigger government, but a government divorced from the people it exists to represent. We are increasingly governed without our consent. What of the branches of government that exist to represent us, and protect our rights?

As Marini puts it, Congress, “became, primarily, an administrative oversight body.” He continues, “To the extent that Congress is still tempted to make laws, it does so primarily on behalf of the expansion of the administrative state.” In other words, the legislative branch willfully gave up its primary power, to legislate, potentially unlawfully delegating power to federal agencies or punting it to the courts. Talk about a dereliction of duty.

Meanwhile, we the people were definitionally moved further away from the policymaking apparatus. Deferring to experts in the bureaucracy in and of itself should have been a big red flag for the American people: Should the federal government be regulating every area of public life, requiring highly specialized technical expertise, or better for such complex matters to be left to the people?

As for the judiciary, Marini writes that it: “had to be transformed. The bureaucracy has no constitutional authority, but it was given enormous power by the political branches. In the administrative state, the courts have been required to enter the policymaking process, as the final arbiters in the adjudication of cases arising in the administrative process. As a result, they have become fundamental players in the political and policymaking process.” Once the die was cast, naturally the judicial branch had to play a role in the administrative state scheme.

He concludes: “The administrative state reflects a concern with administrative detail rather than principle, rulemaking rather than lawmaking, and the attempt to placate every private interest rather than the obligation to pursue a common good. In these ways, it subverts the aspiration for the fundamental ideal of government, that which makes human community possible: the desire for justice.”

To describe such efforts as an attempted coup would be apt under Marini’s framework: Trump represented a potential regime change—closer to what the Founders envisioned—and the regime in power is doing everything it can to thwart him.

It is not the Deep State’s job to police a president because it disagrees with or is threatened by his policies. That power falls to the Congress as representatives of the people, and ultimately to the people themselves. The attempt to “Resist” by those tasked with ensuring our national security and conducting foreign affairs (areas in which the executive branch has significant latitude) represents an administrative state-driven constitutional crisis.

But then, the administrative state itself represents a slow-motion, rolling, constitutional crisis. The Deep State is its apotheosis. “Exaltation to divine rank or stature; deification. Elevation to a preeminent or transcendent position; glorification: The elevation of a person to the rank of a god. the ideal example; epitome. the perfect form or example of something. the highest or best part of something.”

From the book itself: “The political practice of modern centralized governments, therefore, seemed to tend almost inexorably in the direction of what Tocqueville had called centralized administration. He was convinced that this was the new form of despotism that threatened democratic societies. The obsessive concern with administrative detail would render democratic man incapable of self-government.”

As Tocqueville noted, “One forgets that it is above all in details that it is dangerous to enslave men. For myself, I would be brought to believe freedom less necessary in great things than in lesser ones if I thought that one could ever be assured of the one without possessing the other... In vain you will charge these same citizens, whom you have rendered so dependent on the central power, with choosing the representatives of this power from time to time: that use of their free will, so important but so brief and so rare, will not prevent them from losing little by little the faculty of thinking, feeling, and acting by themselves, and thus from gradually falling below the level of humanity... I add that they will soon become incapable of exercising the great, unique privilege that remains to them... If one must conduct small affairs in which simple good sense can suffice, they determine that citizens are incapable of it; if it is a question of the government of the whole state they entrust immense prerogatives to these citizens; they make them alternately the playthings of the sovereign and its masters, more than kings and less than men... It is in fact difficult to conceive how men who have entirely renounced the habit of directing themselves could succeed at choosing well those who will lead them; and one will not make anyone believe that a liberal, energetic, and wise government can ever issue from the suffrage of a people of servants.”

It seemed that modern tyranny was linked to a rejection of nature and natural right. The political moderation of constitutional democracy was a consequence of a philosophy of government that was grounded in natural reason and laws of nature. By attempting to understand the theoretical origins of the administrative state, it was necessary to examine the fundamental transformation in American politics brought about by the intellectual and political victory of Progressivism. It revealed a complete break with the American Founding and a total rejection of constitutionalism.

The progressives in America accepted the Hegelian assumption that “the general dividing line between constitutions is between those that are based on nature and those based on freedom of the will.” Consequently, there could be no higher authority than the will of the sovereign people. In short, the modern administrative state was meant to establish the rational or technical means to carry out the will of the people. It required unlimited power in the state, and it was meant to replace constitutional or limited government. **END of Marini**

These are politicians whose ideologies are diametrically opposed to the Constitution and we can add into that bureaucrats who help form or promote policy. They play into the Hegelian

Dialectic, influencing policy and the direction of this country away from the vision of the Founding Fathers. The Hegelian Dialectic is a philosophy that involves a thesis and an anti-thesis, resulting in synthesis. This is fine if you are debating whether to use salt or sand on icy roads, but not if you are discussing unchangeable principles and inalienable rights. This was a method that Carl Marx used in forming his thesis on communism.

This is what the Progressives have done. We've seen how a crisis gives rise to petty tyrants who think nothing of trampling on our rights. John Locke in his Second Treatise 19 wrote: "...tyranny is the exercise of power beyond right, which nobody can have a right to. And this is making use of the power any one has in his hands, not for the good of those who are under it, but for his own private, separate advantage. –When the governor, however entitled, makes not the law, but his will, the rule; and his commands and actions are not directed to the preservation of the properties of his people, but the satisfaction of his own ambition, revenge, covetousness, or any other irregular passion."

The Tenth Amendment: What the Framers of the Constitution wanted was to establish a federal government and specify its limitations, so it didn't infringe on the rights of the people nor interfere with the states, which had their own constitutions. The 10th Amendment, which Thomas Jefferson said is the foundation of the Constitution, gives the federal government some of the power but most of it remains with the states.

The Tenth Amendment says: "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." It is incumbent upon the states to make sure the federal government stays within its powers. The states not only have a right, but it is their duty, as James Madison puts it, "*to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.*" When states fail to do this, there is no limit to the infringement on liberties.

One of those delegated powers of the federal government is to ensure national security and protect the states. But what happens if the government fails to protect us from our enemies and keep our borders safe? Thomas Jefferson says: "*If Congress fails to shield the States from dangers so palpable and so imminent, the States must shield themselves and meet the invader foot to foot.*"

So, when the Congress fails to protect the states, it is up to the states to do it. It is their duty to do it. Just as it is their duty to protect the state from federal power grabs. The issue of encroachment into states' rights by the federal government is not a modern-day development. Even during Thomas Jefferson's time there was concern about usurpation of states' rights. Thomas Jefferson wrote: *I see,... and with the deepest affliction, the rapid strides with which*

the federal branch of our government is advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their power.... It is but too evident that the three ruling branches of [the Federal government] are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all functions foreign and domestic.

The Founding Fathers thought the states' rights were something to protect and pay special attention to. When the federal government and the states are acting within their respective authority, there is security for the people. Alexander Hamilton wrote about it: *This balance between the National and 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.*

Thomas Jefferson said it was a natural right of the states to protect themselves from the federal government. He stated: Every state has a natural right in cases not within the compact (casus non faederis) to nullify of their own authority all assumptions of power by others within their limits. Without this right, they would be under the dominion, absolute and unlimited, of whosoever might exercise this right of judgment for them. Liberty requires constant vigilance and that is up to the people who are the guardians, those whom the governor and state legislatures are built upon. It is up to the people to check their elected officials when they have gone too far or go astray. What about at the state level?

State's Rights: The Framers of the Constitution gave the majority of power to the states. They designed the American government with a small federal government with limited powers. James Madison wrote in The Federalist paper No. 45: *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 powers of the federal government are not many and what there are, are well defined, they are specifically laid out. The rest of the powers are with the state government. Notice those powers are "numerous and indefinite."

James Madison also wrote in The Federalist paper No. 45: 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. When there is a large and powerful centralized government, the result is always tyranny. Given human nature and the corruption inherent in power and money, the slide is toward barbarous and vicious acts of a tyrannical dictator. World history is replete with

examples of what happens with a large centralized government. The founding fathers knew what they were doing when they delegated the majority of the power to the states.

And what is the state but the people?! The Tenth Amendment to the Constitution in the Bill of Rights says: 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. When there is a large and powerful central federal government every state becomes affected. That is why when a state or states determine to act within the massive amount of power that is delegated to them in the Constitution, they are exercising their Constitutional powers. It is for the sake of America, for liberty, that the states use the full scope of their powers.

In The Federalist Paper No. 46, James Madison wrote: But ambitious encroachments of the federal government, on the authority of the State governments, would not excite the opposition of a single State, or of a few States only. They would be signals of general alarm... But what degree of madness could ever drive the federal government to such an extremity.

According to James Madison, a federal government encroaching on the authority of state governments, would not be opposed by just one or a few states only but by a multitude of states. It should not be just one state that takes a stand against such behavior by the federal government. It should be all the states or the majority of them. This encroachment by the federal government should be "signals of general alarm" for the states. The people need to take notice! What is your state doing about overreach and unconstitutional actions by the federal government? Is your state doing its job to defend the Constitution? What are your elected officials doing? Are they keeping their oath to defend the Constitution?

Madison went on to question regarding the federal government "what degree of madness" to behave in what he called "such an extremity." Notice, this is extreme for the federal government to infringe on states' rights. And Madison calls it madness! Each citizen must determine if the federal government is infringing on states' rights and what their state and others are doing about it. Are the states opposing it? If not, then the states have relegated their Constitutional authority to the federal government and tyranny is not far behind.

But what about states where petty tyrants rise up in the leaders. Where they go too far? Leaders telling citizens to spy on each other, where they close churches and gun stores but where you can buy pot and get an abortion? Where you can buy candy in one aisle but you can't buy seeds and gardening tools in the next aisle.

Civil Liberties: We hear a lot about civil liberties these days, but have you ever asked yourself just where does civil liberty come from? What is its source? Noah Webster writes in his

textbook from 1841, "Early American History from Genesis to the Constitution:" *Almost all the civil liberty now enjoyed in the world owes its origin to the principles of the Christian religion. Men began to understand their natural rights as soon as the Reformation from papacy began to dawn in the sixteenth century; civil liberty has been gradually advancing and improving as genuine Christianity has prevailed. By the principles of the Christian religion we are not to understand the decisions of ecclesiastical councils, for these are the opinions of mere men; nor are we to suppose that religion to be any particular church established by law with numerous dignitaries living in stately palaces, arrayed in gorgeous attire and rioting in luxury and wealth squeezed from the scanty earnings of the laboring poor; nor is it a religion which consists in a round of forms and in pompous rites and ceremonies. No. The religion which has introduced civil liberty is the religion of Christ and His apostles, which enjoins humility, piety and benevolence and acknowledges in every person a brother or a sister, and a citizen with equal rights. This is genuine Christianity, and to this we owe our free constitutions of government.*

Founding father and Chief Justice of the Supreme Court, John Jay, after calling for a public praise and thanksgiving to the Creator for the blessings He bestows, expressed similar sentiments when he wrote: *The most effectual means of securing the continuance of our civil and religious liberties is always to remember with reverence and gratitude the source from which they flow.* Jedidiah Morse, a geographer, historian, and minister stated: *To the kindly influence of Christianity we owe that degree of civil freedom and political and social happiness which mankind now enjoys. All efforts made to destroy the foundations of our Holy Religion ultimately tend to the subversion also of our political freedom and happiness. In proportion as the genuine effects of Christianity are diminished in any nation... in the same proportion will the people of that nation recede from the blessings of genuine freedom... Whenever the pillars of Christianity shall be overthrown, our present republican forms of government – and all the blessings which flow from them – must fall with them.*

The Framers of the Constitution recognized that our liberties come from God. If they came from the government then the government can take them away. But they do not come from man. It is the Constitution that protects those freedoms. And people will lose the protection of civil liberties to the degree a nation rejects the Giver of them. Since the type of government the founding fathers gave us was a republican one, it calls upon people who realize where their liberties come from in order to keep it. Daniel Webster said: *[T]o the free and universal reading of the Bible... men [are] much indebted for right views of civil liberty.* To reject where genuine civil liberties come from and to no longer understand what constitutes the right views of civil liberty is to lose them. This is what the Founders fought for and the Framers of the Constitution sought to protect. A people ignorant of the Christian principles that led to and undergird the American form of government, the very pillars it is based upon, and are unwilling to accept and promote them, will lose their liberty.

During this crisis, complaints of violation of property rights have come up. Property rights are covered in the Constitution in the Fifth and Fourteenth Amendments: Property is more than your physical and material possessions, it is everything that pertains you, including intellectual property. James Madison explained it in the National Gazette Essay, March 27, 1792 when he wrote: *As a man is said to have a right to his property, he may be equally said to have a property in his rights. Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person, his faculties, or his possessions.*

It is the job of government to protect our property of every kind, without respect to position or title or station in life. James Madison also wrote: *Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a just government which impartially secures to every man whatever is his own.*

The Fifth Amendment is regarding the federal government and the individuals' protection from its encroachments. It says that "no person shall be": *...deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation.* The Fourteenth Amendment is regarding the state governments its encroachments: *No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without the due process of law;*

It is important for citizens to pay attention to the different governmental agencies, both federal and state, to determining if they are encroaching on his person and property, whether it be his opinions or possessions. The American people have a right to the protection of property, as it is a natural right. James Madison said in his Address at the Virginia Convention: *It is sufficiently obvious that persons and property are the two great subjects on which Governments are to act, and that the rights of property, are the objects, for the protection of which Government was instituted. These rights cannot well be separated. The personal right to acquire property, which is a natural right, gives to property, when acquired, a right to protection, as a social right.*

Property rights are considered vulnerable and some historians call them "the first line of defense" for all other rights. Property rights and personal rights were just as important to the Founders. Some, including James W. Ely, Jr. in "The Guardian of Every Other Right: A Constitutional History of Property Rights," makes the case that property rights guarantee all other rights and that it was a primacy with the founding fathers.

It is important that the American people make certain their legislatures and other elected officials defend the Constitution in the area of property rights as a line of defense for the protection of other rights. When personal and property rights are infringed upon, other rights

will be infringed upon as well. Property rights are tied into economic freedom, of which the Founding Fathers were also concerned. Where a people are not economically free, they have no freedom.

John Locke on property: John Locke was an enormous philosophical influence on the founding fathers including Thomas Jefferson in his drafting of the Declaration of Independence. Locke's philosophy was derived from the bible, which some historians agree is the primary influence on the Founding Fathers and the principles the Republic is based on. Revisionists of history like to ignore this point and call Locke an empiricist. Locke's own words are in direct contrast to what the revisionists would like us to believe. It is evident from Locke's writings that he was a man who believed in God and in the absoluteness of truth. To take something else out of his writings is to purposefully manipulate his own words.

One of the beliefs of Locke that the Founding Fathers embraced was that law was to protect and increase freedom, not diminish it. Locke wrote: *The end of law is not to abolish or restrain, but to preserve and enlarge freedom. For in all the states of created beings capable of law, where there is no law, there is no freedom.*

The progressives and liberals think that the government can ensure our happiness through its expansion and largesse, furthering its intrusion into our lives and control over us, diminishing our freedom. One of those intrusions is in the area of property. Property is important to a free people and is one of those inalienable rights. Locke says about property: *Everyone has property in his own person. This nobody has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his.*

Property is not only what we own but what we do, what we generate. Locke believed that a purpose of government was the preservation of property. He says: *Government has no other end, but the preservation of property. Whenever the legislators endeavor to take away and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any further obedience.*

A government that abuses its Constitutional authority depends on the ignorance of the American people. They want a people ill-informed as to the beliefs of the Founding Fathers and the intent of the Framers of the Constitution. The educational system we have today does not seek to promote critical thinkers, which is important for a representative republic. Look out for catch phrases and word manipulations in the media that become accepted "truth" after a while. The purveyors of language, the academic and media elite, those who would exchange the truth for a lie, would have you come to terms with their superior intellect and their take on

the Constitution. They want us to believe that the Constitution in many ways is antiquated and subject to change from its original intent.

Locke's statement that the end of law was to enlarge freedom is the foundation of America's primary purpose, which is to reconcile liberty with law. Our representative republic does that, but there are those who seek to undermine the very premise which the Founding Fathers fought for, that underlying grand plan for a country that ensured us the freedom to life, liberty, and the pursuit of happiness. We need to know who we are as a people and what our rights are under the Constitution as given to us by our Creator in order to preserve that which the founding fathers fought so hard to give us. Liberty is to be protected.

Liberty once lost: Ebenezer Bridge, a member of the clergy, in 1767 said in his election sermon: A government, such as one that secures the mutual dependence of the sovereign or ruling powers, and the people on each other, and which secures the rights of each, is a great blessing to a people. The people are blessed when the government functions as it should. The government serves the people but there is a dependence of the people on the government to protect their natural rights; life, liberty, and the pursuit of happiness.

In a letter to his wife, Abigail, on July 7, 1775, John Adams wrote: But a Constitution of Government once changed from Freedom, can never be restored. Liberty, once lost, is lost forever. When the People once surrender their share in the Legislature, and their Right of defending the Limitations upon the Government, and of resisting every Encroachment upon them, they can never regain it.

What was it that Adams understood to make such a statement about liberty once lost, is lost forever? Was he making an overstatement or did he understand something about human nature? It is important for the Constitution to be protected at all costs, that every encroachment on the people is resisted from the beginning; that the citizens do not shirk in this duty. Why can't liberty be restored once it is lost?

John Adams wrote, in "The Rights of the Colonists," November 20, 1772: It is the greatest absurdity to suppose it in the power of one, or any number of men, at the entering into society, to renounce their essential natural rights, or the means of preserving those rights; when the grand end of civil government, from the very nature of its institution, is for the support, protection, and defense of those very rights; the principal of which, as is before observed, are Life, Liberty, and Property. If men, through fear, fraud, or mistake, should in terms renounce or give up any essential natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. 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.

What Adams rhetorically asked was, what person in their right mind would renounce their natural rights or the means of preserving those rights? Americans can, through fear, fraud, or mistake, as Adams says, renounce natural rights. But there is that eternal law of reason Adams speaks of that would vacate or do away that kind of renunciation. The natural rights still exist because they come from God and He does not take them away, but a people no longer practically free through bad choices, do not live those freedoms. This is why the people are to elect wise and virtuous leaders and replace them if they fail to uphold the Constitution. Also, there is supposed to be a small central government for a very good reason.

Thomas Jefferson said: *A government big enough to give you everything you want, is a government big enough to take away everything you have.* Once personal and private property is taken, and the people have become of such a mind to give up their share in the legislature and have relinquished their natural rights, and they are encumbered with a big federal government and I need to add here the powerful unconstitutional Administrative state; it is difficult to get liberty back. The Constitution must be kept one of freedom.