Principles and Precepts of Government

This chapter requires a companion activity book in which students respond to questions on text content. Answers are found in the Teacher's Resource Kit.



Chapter 1 Text

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Introduction: Principles and Precepts of Government



As we begin this study of ***Government***, compare your mind to a computer. It has to be set up, formatted, and fed data. You load it with programs both to build and to access your data base. Also, a security program is needed to protect against viruses and other destructive agents from hindering or destroying the control module. Much the same is true for the computer of the mind. The acronym GIGO (Garbage In, Garbage Out) depicts the outcome of erroneous programming, be it in a computer, the human mind, or government.

Reformatting your Mind

Benefitting from the educational process entails reformatting your mind with an interpretative system by which you will be able to gain knowledge of reality. *Reality* is the inter-related structure of things that *actually* exist, as opposed to one's *idea or notion* of what exists. Only four major components of reality exist. How the relationship of these four entities are perceived will determine your ***worldview***, by which you interpret all new concepts or ideas.

The four basic components of reality are (1) time, (2) matter, (3) man and other life forms, and (4) a Supreme Being or Force ordering the universe. How we comprehend the interrelationship and activity of these four is the ***rubric*** by which we interpret all reality: our *worldview*. As we study government, we will discover that differences in worldviews largely explain the differences in types of governments. The second system to be formatted in your mind is a ***value system***. Values are the benchmarks or standards by which we make choices and order life's priorities. Hence, every decision is driven by our values. As we study government, we should look behind each decision made by officials who fashion ***governance*** and seek to comprehend the value base for those decisions. Wise people study and assess the values on which legislation is passed by lawmakers.

The third system to be formatted for education and life is a personal ***authority system***, just as the Rule of Law is the foundational principle for a state or nation.

Enlarging Your Data Base

This course will concentrate on three areas of study. Chapter I: the historic foundations of government and the contributions of America's Founding Fathers to contemporary US government. Chapter II: the US Constitution and functions of governance that it demands. Chapter III: citizen responsibilities and rights.

VOCABULARY

Government: a system of regulation and control of a state as the ultimate authority over that state
Worldview: the overall perspective from which one sees and interprets reality
Rubric: an established standard or guide
Value System: a set of principles that drive one's priorities; the basis for all decisions and resulting behavior
Governance: the process of governing
Authority System: a set of principles or ideals that determine to whom, or to what, we will submit for control or jurisdiction over our actions

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Principles and Precepts of Government

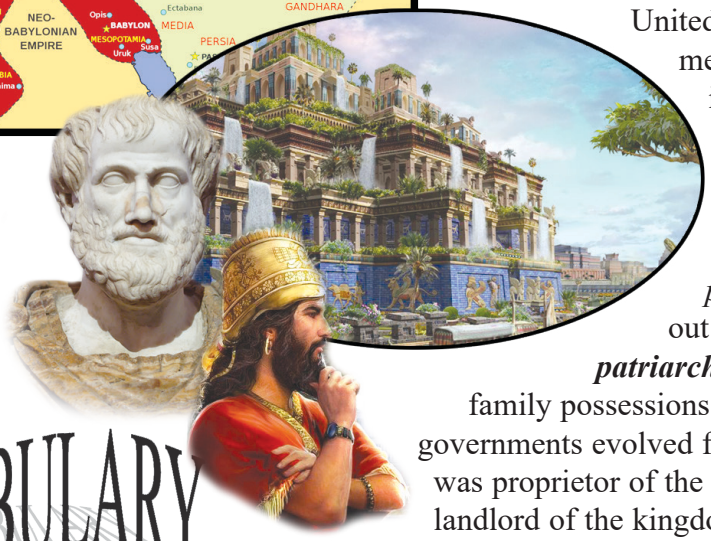
Topic 1
Evolution of Government

Chapter 1

Section One
Topics 1-5

Foundations





Whenever people lived in community, they sensed a need for laws to control and protect the wellbeing of individual members of the community. In the study of government, we use the term *State*, not as we speak of a state in the United States, but as the term really means: a body of people, living in a defined territory, organized politically, and with the power to make and enforce laws.

The earliest form of government was the *patriarchal* system which grew out of governance of a family. The ***patriarch*** was sole ***proprietor*** in whom family possessions were ***vested***. Historically, all governments evolved from this concept; the chief was proprietor of the clan or tribe, and the king was landlord of the kingdom.

Although governments grew out of the patriarchal system and assumed ***autocratic*** control, the right of the ruler was based on a different system of interpretation than the right of the father. The father's right was based on his role of ***progenitor***, whereas the autocratic ruler based his right of governance upon *Divine Rights*, meaning that God had placed the ruler over a group of people. Hence the ruler's authority was the "authority of God". Autocratic rule became known as a *monarchy*, which comes from the Greek word *mono*, meaning *single* or *alone*, and *archy*, meaning *leader* or *ruler*. *King* was the older name for monarch. The modern word for monarch is *dictator*. The main difference in the two concepts is that a king inherited his rights, while a dictator usually takes control by force.

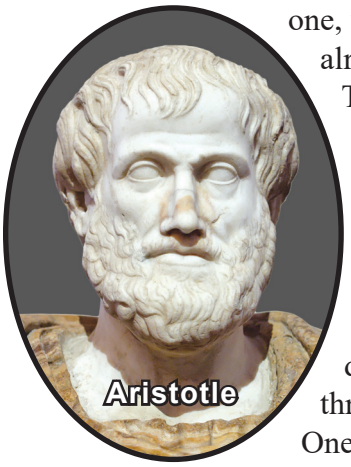
We are indebted to Aristotle (384–322 BC), a Greek philosopher and scientist, for the classification of governments we still use today. The first in this classification was the rule of

VOCABULARY

Patriarch: male head of a family
Proprietor: owner
Vested: fully guaranteed as a legal right
Autocratic: rule of one
Progenitor: male parent, the begetter of children
Provinces: divisions of a country having subordinate jurisdictions; similar to counties
Foment: to be politically incited, stirred-up to rebellion
Mercenary: a soldier hired from a foreign country

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one, which we have already addressed. The second term Aristotle used was *oligarchy*, which defined governance by a small group, and has taken different forms throughout history. One is an *aristocracy*, which comes from the Greek word *aristos,* meaning *most virtuous, noblest,* or *finest*. Such rulers were usually defined by social standing or wealth.

The second type of oligarchy is a *theocracy* which is rule by priests or religious groups. Aristotle's third category of oligarchy was a *democracy*, which literally means *rule by the people*. Various kinds of democracies have existed since Aristotle, but the two main types are known as a *representative democracy* (in which the people participate through elected representatives) and a *direct democracy* (in which all citizens participate directly in policy creation and enactment)—as in New England Town Hall meetings where citizens of a community gather to vote directly on issues affecting the town.

Another form of democracy is so-called *democratic centralism* and is associated with communist regimes of the twentieth century. It is far removed from Aristotle's definition of democracy, since the State exercises total control over every aspect of life.

Three other theories of government that vary from Aristotle's classifications follow: The *Force Theory* holds that governments resulted from one group conquering another and forcing its rule upon the vanquished group. The *Divine Right Theory* postulates that governments resulted from rulers deriving their authority from God; and their families and heirs govern in like manner. Several ancient cultures, in countries such as China, Egypt, and South America, also subscribed to this theory and assigned godlike qualities to rulers. The *Social Contract Theory* was developed in the 17th and 18th centuries, in opposition to the Divine Right concept. In this view, governments were created by people cooperating with each other to follow a set of rules to bring order and safety to the populace.

Historic Empires

An empire is a major political unit having a territory of great extent or a number of territories or peoples under a single sovereign authority. Empires were usually formed by military conquest, in keeping with the Force Theory.



Artist's concept of the Hanging Gardens of Babylon

<u>The Babylonian Empire.</u> Ancient Jewish prophetic writings presented an overview of the empires of the world, which came from the period of the Babylonian Empire while the Jews were in captivity there, due to the overthrow of their nation by Babylon. The King had a dream that was interpreted by Daniel, one of the Jewish captives, which described a huge image of a man with a head of gold, chest and arms of silver, belly and thighs of bronze, legs of

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iron, and feet of iron and clay. The King was told that he was the head of gold, and that lesser kings, represented by silver, bronze, iron and clay, would rule in ages to come.

Many scholars who study ancient prophecies, comparing them with history, acknowledge that the giant image may describe the major empires of history. The Babylonian civilization, which existed from about 350-500 BC, included Egypt, Iraq, Jordon, Israel, Turkey, plus parts of Saudi Arabia and Iran. It had a strong government with one ruler, and effective laws with punishments and rewards. The laws were extremely harsh; for example, if a doctor operated on a patient who died, the doctor's hand would be amputated. If a builder built a house that collapsed and killed the owner, the builder would be killed.

The Persian Empire. The Babylonians were conquered by the Persians under King Cyrus in 539 BC. Cyrus, often referred to as "Cyrus the Great," extended his empire from the border of India and Pakistan in the east, to the Balkan Peninsula in the west, and from the Persian Gulf in the south to Central Asia in the north. His son, Cambyses, added Egypt. The next ruler, Darius I (522-486 BC), added regions in India and Europe, making Persia the largest empire of ancient history. He reorganized it into 23 ***provinces*** called *satraps* and provided the details to maintain a strong and stable government that lasted about 200 years as an autocratic monarchy, in which the king ruled by the power of his presumed divinity.



The governor of each satrap was also called a *satrap* and ruled as a viceroy or king's representative. The satrap was in charge of the land he administered in every detail and maintained a small army to put down local rebellions. The satrap was aided by various royal appointees, including an emissary called "the eye of the king".

Darius introduced major innovations in travel and communication to tie the huge empire together. Highways were built to unify the kingdom, including the King's Highway which was more than 1600 miles long. These highways were guarded and had water and inns placed at strategic points about one travel-day apart. A courier service, much like the Pony Express in America, was also established.



Darius introduced fair economic policies, as well as strong social policies to placate citizens. Conquered peoples were allowed to continue their religious practices; and Persia was the first nation to attempt to alleviate discrimination among different ethnic populations. However, toward the end of Darius' reign, rebellion began to ***foment***. In 499 BC, he had to quell an uprising, followed by the Persian and Greek Wars that lasted over a quarter of a century. These were followed by revolts in Syria and Egypt. Persia was truly in decline by 464 BC. Then in 330 BC, Alexander the Great of Macedonia defeated the Persian armies; thus, the Empire that had incorporated the major parts of Asia, Africa, and Europe fell to the Greeks.

The Grecian Empire. The Greeks experimented with various forms of government. Throughout much of its history, Greece was a loose confederation of city-states in which the prevailing types of

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governments were monarchies ruled by kings, each with a small group of advisors.

Monarchy. From approximately 2000 to 100 BC, the Mycenaean people comprised what we know today as Greece. They were a warrior people, ruled by a king who usually served for a lifetime and was succeeded by his eldest son. If he had no son, military leaders usually vied for kingship. The Mycenaean monarchies survived until about 1200 BC, when their trade routes were pirated; and internal conflicts tore the city-states apart. Invaders destroyed what remained of the monarchies, and autocratic government disappeared from Greece.

Oligarchy. Between 1100 and 800 BC, oligarchies ruled many of the Greek city-states. Then, from 800 to 400 BC, they began to disappear for various reasons. Severe problems arose causing wealthy land owners to build armies and procure ***mercenary*** warriors to oppose political leaders. Around 400 BC, only Sparta remained an oligarchy.

Tyranny. During this same time period, merchants and manufacturers, who made up the growing middle class in many of the Greek city-states, demanded greater political and social rights. When the oligarchy refused to grant social privileges, strong leaders (often from the military) would lead an insurrection to establish a form of government known as a *tyranny*. This term comes from the Greek word *tyrannos* and means "*usurper with supreme power.*" The leader, known as a *tyrant*, exercised absolute, oppressive power. A tyrant differs from a monarch in that neither he nor his heir can claim a *right* to rule. Tyrannical rule spread across the Greek city-states during the 6th century BC. Then in 510 BC, invasion forces from Sparta and Athens forced Hippias, the last tyrant of Greece, to abdicate and abandon Greece.

LIFE PRINCIPLE:



"It is our choice of good or evil that determines our character, not our opinion about good or evil."

– Aristotle (Philosopher)

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Principles and Precepts of Government

Topic 2
Evolution of Government

Chapter 1

Section One
Topics 1-5

Transition to Roman Government



The word "democracy" is comprised of two Greek words: "demos" meaning *people*, and "kratos" meaning *power*. It is a form of government where power comes from the people themselves.

During the last century of the oligarchy, there were many rebellions, and leaders of the oligarchy would often elect a tyrant to steer the state during crises. Elected tyrants often objected to leaving power, and hence encouraged ***anarchy***. The city-state of Athens, in the last decade of the 590s B.C., was ruled by nine members of the oligarchy, called *archons*. Government power was maintained by the aristocrats for their own good, while the economic needs of the people were largely ignored. To address its growing economic and social problems, Athens elected a tyrant named Solon. To address social issues, he abolished all debts and slavery due to debt, and made it illegal for any Athenian to own another Athenian. He then instituted political reforms that changed the entire power base of government.

Among other reforms instituted, he granted all citizens voting rights. With these reforms set in law, and with the promise that Athens would not change them for a decade, Solon resigned and left Athens. However, in less than five years, his reforms were abandoned, and tyranny returned. In 510 BC, an aristocrat named Cleisthenes joined with the Spartans to remove the last tyrant, Hippias (as previously noted). However, the Spartans conquered Athens, and Cleisthenes was exiled. Shortly thereafter, the citizens of Athens revolted, executed the rulers, established a government in the pattern of that created by Solon, and called Cleisthenes from exile to complete the reforms. With support of the people of Athens and the surrounding area, Cleisthenes created the world's first democracy. Other Greek city-states also experimented with democracy, but Athens was the most successful and best documented experiment, hence its ***moniker*** as the "birthplace of democracy".

VOCABULARY

Anarchy: lawlessness, mob rule
Moniker: nickname
Mantle: leadership, authority, and responsibility
Provincial: pertaining to provinces
Codified: systematized, classified, reduced to a code
Partisans: persons fiercely supportive of a person or political party

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The democracy of Athens was a *direct democracy;* however, it was also a *limited democracy*, since not all citizens were able to vote. Voting rights were held by adult, male citizens who had completed military training. Most of the population, made up of slaves, freed slaves, foreigners, women and children, did not have voting rights. Women were border-line citizens with restricted public movement and commonly segregated from men.

Roman Governments

The founding of Rome is somewhat clouded by myths of both Greece and Rome, dating back to stories of gods and goddesses intermixing with men. These myths place the founding of the city-state of Rome between 758 and 728 B.C. It further alleges that twin brothers, Romulus and Remus, were conceived by either the god Mars or Hercules. As the mother's brother tried to kill the twins, they were saved first by a wolf and later by a shepherd and his wife who raised the boys to manhood.



Statue depicting Romulus and Remus

As young men, they desired to found a city, but an argument ensued and Remus was killed. Romulus built the city, and it grew rapidly by the immigration of refugees from warring regions. As the story goes, Romulus ruled the city, giving it his name, and established the first legions, comprised of both infantry and cavalry. Romulus selected 100 wealthy nobles called *Patricians* to form a council, which became the first Senate.

Although hard pressed to separate facts from fiction in these legends, historians do associate Romulus with the founding of Rome and the fashioning of its primary government. Although during the first Roman age (circa. 758-509 BC), political rule was by kings over city-states, with input from selected citizens as the possible forerunner of parliaments.

The Republic of Rome

In 509 BC, Rome defeated their Etruscan kings and established a form of governance that set a pattern for the world and future nations. They formed a *republic*: government in which supreme power resides in a body of citizens entitled to vote. It is exercised by elected officers, who, as representatives of the citizenry and responsible to them, govern according to laws of the state. Although a republic is based on the *principles* of democracy, it is in its operation vastly different from a democracy. In a democracy, all people with voting rights are, or can be, involved in making all governance decisions. In a republic, the voting citizenry elect representatives to make governance decisions.

During this same time period, war seemed endless as the Persian empire was defeated by the Macedonian king, Alexander the Great. The Greek city-states fought for leadership and peoples from the area of France moved into the Mediterranean area of northern Italy to challenge Rome.

The city-state of Rome dominated central Italy by 300 BC. Surrounding countries all attempted to defeat Rome, but failed; so, by 202 BC, Rome became the leading power from Spain and France in the west to Macedonia, Syria, and Egypt on the east.

Citizenship. Rome's first citizens were males over 15 years old, and descendants of the original tribes that comprised Rome. As the Republic evolved,

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three levels of citizens emerged. The full citizen could vote, marry free-born women, hold public office, and practice commerce. The second rank was not allowed to vote or hold office but held other rights. A third level of citizenry could vote and engage in commerce, but could neither hold office nor marry free-born women. Women were citizens but could not vote or hold political office.

During early days of the Republic, the aristocracy was dominant. This class was known as *patricians*. Persons from the lower class were *plebeians* and had little influence in government. Gradually, the ***mantle*** of power shifted, after an uprising by the plebeians. Plebeians were elected to a body of representatives, called Tribunes; and gained power to veto actions taken by the Senate. This system was forerunner to a people's chamber in the scheme of government. The power of plebeians continued, and eventually they were able to be elected as consuls.

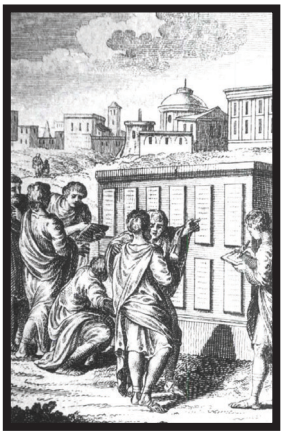
Branches of Government. Ultimate power in this ancient republic was vested in the people, who convened in legislative assemblies to enact laws and elect magistrates. The Senate managed day-to-day operations of government, while individual senators presided over courts. Executive magistrates enforced the law and presided over the Senate and legislative assemblies.

Assemblies. Two Roman Assemblies originally functioned as the legislative branch, enacted all legislation as a direct democracy, and elected magistrates. The Tribal Assembly brought together the citizens of the 35 tribal groups that comprised Rome and met for legislative, electoral and judicial purposes. The Century Assembly, which held power to declare war and elect the highest-ranking Magistrates, also served as the highest court of appeals in certain judicial cases, and, to ratify the Census.

Senate. The Senate, which had been formed by the first king of Rome, was continued in the Republic. It was no longer a body of advisors, as it had been under the kings, but was active in operations of governance. Its duties included supervising the public welfare, overseeing religious laws, preparing legislation for the assemblies, overseeing fiscal affairs, and managing relationships with other nations. Requirements for becoming a senator included being a patrician by birth, possessing at least 100,000 denarii worth of land (in the range of $350,000 in present US dollars), and having held public office at least once. New Senators had to be approved by sitting members of the senate.

Consuls. Two executive magistrates, called Consuls, formed the head of the Roman Government. They were elected annually by the citizens and advised by the Senate. Their duties included presiding over the Senate, commanding the armies in times of war, executing the will of the Senate, and appointing ***provincial*** governors, which were approved by the Senate.

Dictator. If a national crisis arose, the Senate and the Consuls had power to appoint a dictator to rule for a limited period of time to resolve the crisis. The dictator had complete power to make decisions and control the military.



The Twelve Tables.

One of the chief values of the Republic was the belief that all citizens had equal treatment under the law. To ensure that Rome was a nation of law, all laws of the Republic of Rome were ***codified*** and carved into Twelve Tables of stone in 449 BC, concerning the following issues:

I. Procedures for courts and trials
II. Judgments and Thefts

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III. Debt
IV. The Rights of a Father and Marriage
V. Estates and Guardianships
VI. Acquisition and Possession of Property
VII. Land Rights
VIII. Torts and delicts (Laws of injury)
IX. Public Law
X. Sacred Law
XI. Supplement I
XII. Supplement II

Decline and Fall of the Republic

Under rule of the Republic from 509 BC to about 300 BC, Rome expanded from a city-state to encompass the entire Mediterranean world. During the following century, Rome dominated Greece, North Africa, the Iberian Peninsula, and the territory of southern France. During its final two centuries, Rome annexed the remainder of modern France and much of the Middle East.

Most of Rome's expansion was carried out by military force, and in the later period of the Republic, uprisings became numerous. Civil wars erupted: some from slave uprisings and others from former allies who had shared the risk of Rome's military campaigns, but not in its rewards. Finally, in 82 BC, a Roman army invaded Rome, which was protected by an army of the Roman Senate and paved the way for destruction of the Republic.

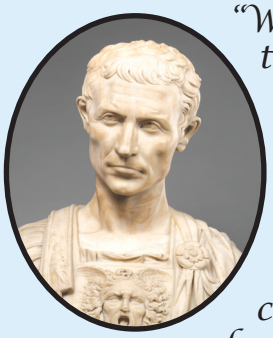


Julius Caesar

In the final decades of the Republic, financial collapse drove farmers from their bankrupt lands. Hordes of unemployed peasants flooded Rome. Voters elected candidates who promised free aid; consequently, a culture of dependency, along with a wave of political and moral corruption, and gang violence overflowed the Republic.

On January 10, 49 BC, Julius Caesar, who had been given an ultimatum to lay down his arms or be declared an enemy of the Republic, crossed the Rubicon River at the head of an army on his way to Rome. He was facing the Senate's army under General Pompey, who had just been given dictatorial powers by the Senate. Caesar's rapid advance caught Pompey's untested army off guard, and forced Pompey, the Consuls, and the Senate, to leave Rome and retreat to Greece. Caesar became both dictator and tribunate. He had power to veto Senate action. He then increased the Senate to 900 members and filled it with his own ***partisans***, thus becoming the absolute ruler of the Roman regions. Julius Caesar was assassinated on March 15, 44 BC. Mark Antony then formed a ruling alliance with Caesar's adopted son, Octavian. Later, Antony and Octavian fought each other and Octavian won, prompting Antony to commit suicide. In 29 BC, Octavian returned to Rome as the unchallenged ruler of the state and accepted the title Caesar Augustus—*the exalted one*. He instituted constitutional reforms, which redesigned the old republic and created the Roman Empire. By this process, Rome was transformed from a city-state with a network of dependent states into the capital of a world empire.

LIFE PRINCIPLE:



"Without training, they lacked knowledge. Without knowledge, they lacked confidence. Without confidence, they lacked victory."

– Julius Caesar (Roman Emperor)

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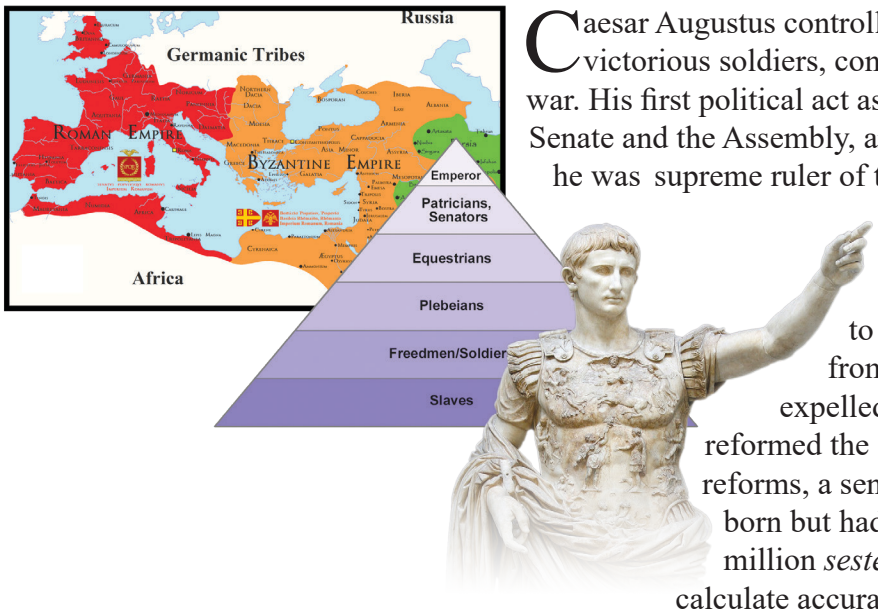
Principles and Precepts of Government

Topic 3
Evolution of Government

Chapter 1

Section One
Topics 1-5

Roman Government



Caesar Augustus controlled 44 legions of tested and victorious soldiers, conquerors from 20 years of civil war. His first political act as Emperor was to reform the Senate and the Assembly, and to increase his authority until he was supreme ruler of the Empire.

Reform of Government

Caesar's first strategy was to reduce the size of the Senate from 900 to 600. In so doing, he expelled all senators of low birth and reformed the selection process. Under his reforms, a senator not only had to be free-born but had to possess assets worth one million *sesterces*. It is probably impossible to calculate accurately the value in terms of today's monetary standards; however, the amount would probably be around $20,000,000. A candidate for election to the Senate also needed approval of the Emperor to qualify for election; or be appointed directly to the Senate by the Emperor.

Furthermore, the Emperor's power over the Senate grew to absolute. He possessed a lifetime tenure and outranked all senators. He presided over sessions of the Senate while seated between the two Consuls. Hence, over a period of time, Augustus reduced the legislative and judicial power of the Assembly and assumed control of the Senate, which became only houses of prestige and privilege—but with little power.

Design of Government

Centralization of Government. The Emperor's title was *Princeps*, which meant *first citizen;* and under this entitlement he assumed the power of two former officials. First, he assumed executive power with absolute authority of the *Consul* who had been the chief magistrate. Then, he ***usurped*** the office of high priest of the Roman religion.

VOCABULARY

Usurped: seized power of an office without legal claim
Monogamy: marriage between one man and one woman
Chastity: abstaining from sex outside of marriage
Virtue: goodness, honesty, purity, morality
Hierarchy: a classification in which each member or unit is subordinate to the one above it
Vassal: a person of low estate in a subservient position
Parameters: boundaries which provide both limits

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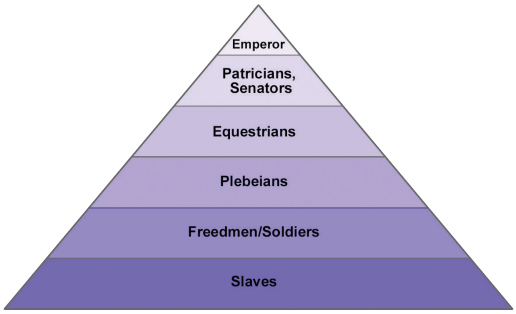
Additionally, Augustus assumed authority of *imperium proconsulare* which was the governorship and command of the Provinces. Thus, he had power to trump any magistrate in the Empire. Eventually, he took charge of all lawmaking authority so that by the time of his death, Augustus Caesar had centralized government in the office and person of the Emperor.

Provincial Government. The extreme size and diverse cultures of the Empire posed a virtually impossible task to govern as a unified state. Therefore, it was divided into multiple provinces. During the Republic era, 16 provinces had comprised the Empire.

During the rule of Augustus, provinces were totally reorganized, and their number increased. The two main classes of authority were the *senatorial* and *imperial*. The first were provinces that continued to be under control of the Senate; the imperial class was under direct control of the Emperor, and were usually provinces on the frontier that required a large military presence. The governor of each imperial province served as a lieutenant of the Emperor. Province Governors of either class were responsible for a plethora of tasks, including taxation and finances, judicial and military issues, plus humanitarian and social regulations.



Military. As Emperor, Augustus retained the title of *Imperator*, which made him Commander in Chief of the military. Each of his 44 legions was comprised of 5,120 soldiers. He utilized the army as an arm of government, both to protect from outside invaders and to control internal incidents. He also posted former soldiers throughout the provinces to provide political and cultural influence favorable to the Emperor.



Roman Social Classes

Social Classes. The Roman Empire inherited a class system of society that ranged from privileged status to slaves. The legal system did not consider all citizens equal under the law.

The highest class, which had historically been the ruling class, was the *senatorial*, which led the government as well as the judicial system. The *equestrian* class, which had originally been the cavalry, evolved into the premier business executives of bankers, exporters, contractors, builders (buildings, roads, aqueducts), exporters and others. Members of this class were recognized as elite and privileged.

The plebeian class were ordinary working people, who were all free Romans, but were not members of the other upper classes. When major problems arose in Rome, plebeians were the first to challenge the government; so, the practice of later emperors was to keep them from rioting by giving them free bread and entertainment.

Freedmen were previous slaves who had been released by their owners or had raised funds to pay for their own freedom. These could become citizens.

Slaves constituted the lowest class and were considered property rather than persons. Hence, they were neither citizens nor voters. Although slavery was practiced, it was not based on race.

Women were members of the class of their families, since their politics were defined by fathers or husbands. They had limited citizenship and could neither vote nor run for

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Western Roman and Eastern Byzantine Empire before the collapse of Western Rome in 476 AD

office; but women did have the right to own property, divorce, and operate a business. All eligible adult Roman citizens held voting rights, but Roman culture had not endorsed the doctrine that "all men are created equal."

Religious and Social Reforms. Augustus realized that low moral behavior prevailed in the Roman Empire, as did decadent conditions in many traditional religious and social institutions. Augustus, himself, held a value system that embraced ***monogamy***, ***chastity***, and ***virtue***. He began to address moral reform with encouragement of art and literature. He then launched a reform movement of old religions and restoration of temples. He hoped for a revival of worship of the ancient gods, and he discouraged the introduction of foreign deities. By these reforms, Augustus hoped to elevate the values, ethics, and moral conditions of the Roman Empire. He sought to temper the superficial excesses of elite society, attempted to restore marriage, restrain divorce, and prevent many vices that infected Roman culture.

Augustus' reforms of Roman society, for the most part, constituted vast improvements which resulted in the empire lasting about two centuries: an era known as *Pax Roma*, or "Peaceful Rome". It was the longest period of relative peace in Roman history, and perhaps the history of the world. Although Augustus held supreme power over the huge Empire, he was quite conservative morally, and many of his reforms were motivated by a deep concern for the welfare of Rome.

Decline and Fall of Roman Empire

For a little over five centuries, the Roman Empire continued under the nearly despotic rule of about 100 emperors. Although changes occurred in the power and rule of emperors, the form of government remained the same. Then, in the late third century AD, the empire was divided into Western and Eastern Empires. Western Rome fell in 476 AD; but the Eastern portion continued for about an additional thousand years as the Byzantine Empire.

Historians suggest several reasons for the collapse of the Western Empire. Following are several reasons that contributed to its fall:

1. Repeated invasions by barbarian tribes,
2. Economic problems and over-dependence on slave labor,
3. Rise of the Eastern Empire,

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4. Over-expansion and Military expenditures,
5. Government corruption and political instability,
6. Mass migration of the nomadic Huntribes,
7. Weakening of the Roman military.

Why We Study Rome

We study the great empires of history, first, to avoid what George Santayana wisely stated: "Those who cannot remember the past are condemned to repeat it" (meaning we should learn from the mistakes of our predecessors). The second purpose is to develop a concept of government and understand the worldviews, values, and theories of political authority---- as in the differences between the rule of government in a republic and an empire. Each type of government represents a different worldview which interprets reality from two views of man. Human values provide a ***hierarchy*** of priorities that place a certain worth upon man and the understanding of his values and sense of authority. These are the building blocks of government, and life in general.

Think carefully how each type of government views man and authority. In a *monarchy*, the king or emperor is considered to have the position, mind, authority and will of a god. Man is considered to be a mere ***vassal*** of the king, and man's personal worth, in relation to the king, is very low.

In a *democracy*, government is based on the authority of the people to be directly involved in their governance. The worth of man and his rights is a high priority in the shape and scope of government.

A *republic* is a government in which people elect someone who can be trusted to represent the people and their values in framing their government. In both a democracy and a republic, the consent of the governed sets the ***parameters*** for government.

Property rights are another value demonstrated in different types of governments. As we study the historic background to formation of the US Government, property rights will be a primary issue.

LIFE PRINCIPLE:



"The first duty of a man is the seeking after and the investigation of the truth."

– Marcus Tullius Cicero (Roman statesman, philosopher)

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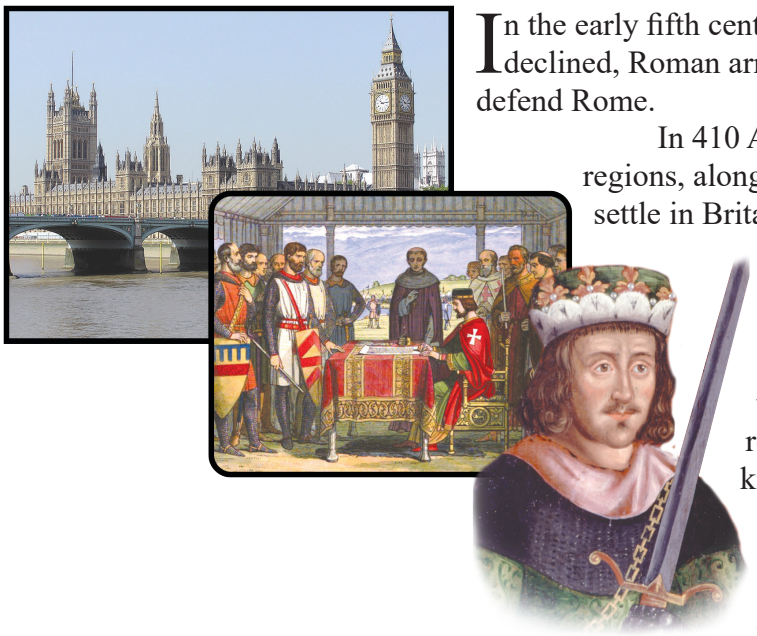
Principles and Precepts of Government

Topic 4
Evolution of Government

Chapter 1

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Roots of US Government



In the early fifth century, as the Western Roman Empire declined, Roman armies withdrew from the British Isles to defend Rome.

In 410 AD, Anglo-Saxons from certain Germanic regions, along with tribes from Denmark, began to settle in Britain. The Anglo-Saxons became dominant, and in 597 AD Saint Augustine came to Britain and converted most of the country to Christianity.

Britain remained divided into various kingdoms until Vikings invaded, resulting in the survival of only one kingdom. In 954 AD, the Vikings were defeated. England was united under one King, and Anglo-Saxon rule continued until 1066, when Norman (French) invaders conquered Britain at the Battle of Hastings.

The Development of British Government

English government foundations were laid by the Saxons, who had divided England into *shires* which were later called *counties* by the Normans. Each shire was governed by a noble (whom the Normans designated as *Sheriff)*, and had appointed magistrates called Justices of the Peace. Saxons also had a ruling council called the *Witan*, comprised of nobles and members of the clergy. When William the Conqueror became King of England (as William I, in 1066), he replaced senior Saxon clergymen with men loyal to himself. Although he was a harsh ruler, he did establish a strong ***Rule of Law***.

A century and a half later, on June 15, 1215, King John and his army were surrounded by a ***cordon*** of powerful barons, demanding that John provide certain rights and legal procedures, enumerated in 63 Chapters or laws. This document, known as the Magna Carta, is valued as one of the greatest legal documents of all time.

VOCABULARY

Rule of Law: a legal principle that all people and institutions are accountable to law that is fairly applied and enforced
Cordon: a line or group of people
Parliament: a two-house legislative body
Critique: a detailed analysis and assessment of a thing

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Contents of the Magna Carta



King John Signing the Magna Carta

Several concepts of law and justice within the Magna Carta have become cornerstones in both British and United States' governments. The term "Rule of Law" not only pertained to the citizenry, it also introduced the idea that *government* is bound by law. In addition, the seeds of equality, trial by jury, due process, habeas corpus, and property rights are all contained in Chapters of the Magna Carta in language clearly demonstrating that its values derive from Judeo/Christian traditions, with rights of churches versus Government being clearly defined.

Additional Foundational Stones for Liberty

Petition of Rights. Another government crisis occurred in 1628 when King Charles I abolished ***Parliament*** and ruled alone. Sir Edward Coke, a member of Parliament, presented a document to the King entitled, "The Petition of Rights", which cited the Magna Carta and reminded the King that he had violated this basic English Law. The King accepted the Petition of Rights for a short period of time but then resumed his violations. This precipitated a civil war which ended with the beheading of Charles I in 1649.

English Bill of Rights. In 1689, Parliament limited the power of the Crown as a part of what history has called "The Glorious Revolution." The monarch could not, without the consent of Parliament, establish personal courts, act as judges, prevent Protestants from bearing arms, create a standing army, impose fines or punishment, impose unusual punishments, or restrict freedom of speech in Parliament. Britain's Magna Carta, The Petition of Rights, and the Bill of Rights all address political rights of citizens to participate in a self-governing society—foundational to our own Bill of Rights.

Parliament

The contemporary Parliament of the United Kingdom traces its roots back to two elements of Anglo-Saxon government: The *Witan* and the *Moots*: forerunners of the two chambers of Parliament. The Witan, a council of trusted men, advised the king but did not help frame laws. The Moots were meetings of representatives of each shire. After the Norman invasion, the Moots were named the County Court, and foreshadowed representative government in local jurisdictions.



King Edward I

Edward I made Parliament a regular body comprised of nobles and churchmen, who also issued writs (orders) for the election of two representatives from each county, city, and town. They convened on summons, usually twice a year. Then in 1275, Edward created "the Model Parliament" that included two knights from each county and two burgesses who met on a regular schedule. Parliament gained power and later removed Edward's son from the throne. The Model Parliament became the pattern for three bodies to comprise Parliament: Lords, Commons, and the Monarch.

Several practices during the reign of Edward III became permanent features of Parliament with increasingly active participation in government. It met separately from the King and his nobles; a spokesman for the King (Speaker of the House) was inaugurated, and prosecutorial action was

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taken against appointees of the King. As a result, a few years later, Richard II was placed on trial and removed from kingship.

Eventually, over a couple centuries, Parliament gained authority to manage financial issues, legislate laws, settle official religious controversies, and become a co-member with the Crown in the affairs of governing. Today, the British Parliament is a bicameral legislature with three main functions: (1) ***critique*** the work of government, (2) engage in legislation, (3) enable the raising of taxes.



British Parliament

Operation of the UK Government

The United Kingdom (Britain and Northern Ireland) is a *constitutional monarchy* with a parliamentary system of governance. Parliament is the legislative body, and the Crown is the Head of State with ceremonial and governmental duties but is neutral in politics.

Role of the Crown. The Crown's position in government is stated as "Crown in Parliament." The parliamentary role of the Crown is to approve all legislation passed by Parliament, make certain appointments, and summon or dissolve parliament.

Role of the Prime Minister. The Prime Minister and members of his government lead executive functions of government with support of the cabinet and ministers. Together, they develop policies and make decisions on the application of laws enacted by Parliament. He is responsible for appointments to government agencies and is the central figure in the House of Commons.

Role of Parliament. The two houses of Parliament are The House of Commons and The House of Lords. The House of Commons is the lower chamber, whose members are elected to represent a voting constituency. There is no set term for Members of Parliament (MPs) to serve, as elections are determined when Parliament is dissolved—usually every 5 years. The Crown may dissolve Parliament, or the Prime Minister may request that the Crown dissolve Parliament. Certain events may precipitate an election: (1) A no-confidence vote in the existing government which may be passed by a simple majority, or, (2) A two-thirds vote of all seats of The House of Commons calling for an election. Following an election, the political party with a majority forms a new government, and the Crown appoints a Prime Minister, usually from among the MPs of the victorious party.

The House of Commons alone makes decisions and passes laws on financial and new taxation bills. The House of Lords (the Upper House) is comprised of titled nobility. It shares the task of legislating, critiquing and challenging the work of government. Currently, members are seated either due to social positions held or appointment by the Crown. Also, prior to constitutional reform in 2009 that established a Supreme Court, the Upper Chamber served as the UK's supreme court.

LIFE PRINCIPLE:



"Where there is no law, there is no freedom."

– John Locke
(Philosopher)

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Principles and Precepts of Government

Topic 5
Evolution of Government

Chapter 1

Section One
Topics 1-5

US Government Foundations







We were introduced to the Magna Carta in the previous lesson. Now, we shall dig deeply into its history and content to examine its true scope as the foundation to both English and American systems of law.

The Charter has been evaluated by several famous personages of history. Sir Winston Churchill, Prime Minister of England during World War II, described the Magna Carta thusly:

"Here is a law which is above the King and which even he must not break. This reaffirmation of a supreme law and its expression in a general charter is the great work of Magna Carta; and this alone justifies the respect in which men have held it."

Lord Denning, Head of Civil Justice under the Lord Chief Justice (1962-82), stated concerning the Magna Carta, *"The greatest constitutional document of all times—the foundation of the freedom of the individual against the arbitrary authority of the despot."*

British Prime Minister (1766-1768), William Pitt, the Elder described the importance of the Magna Carta in these words: "[Magna Carta is] *the Bible of the English Constitution.*"

The thirty-second president of the United States, Franklin D. Roosevelt, stated in his Third Inauguration Address in 1941, as war raged in Europe and threatened democratic nations:

"The democratic aspiration is no mere recent phase in human history. It is human history. It permeated the ancient life of early peoples. It blazed anew in the Middle Ages. It was written in Magna Carta."

Writers of the Declaration of Independence and the Constitution of the United States studied the Magna Carta and imprinted many of its principles in America's basic documents.

VOCABULARY

Fealty: allegiance loyalty
Mission: an important task or duty that is assigned, allotted, or self-imposed
Due Process of Law: no citizen may be denied his or her legal rights and all laws must conform to fundamental, accepted legal principles, as the right of the accused to confront his or her accusers
Extant: still existing
Distrain: to force or compel to satisfy an obligation by means of a distress

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Historic Setting of the Magna Carta

In 1066, Normans had invaded England and conquered the Anglo-Saxon kings. Although the government of that period had been a monarchy, the counties and towns had enjoyed local government and civil courts with a degree of local representative input. The Normans destroyed local representation and imposed a feudal system. In that system, a vassal (peasant or worker) received a piece of land to manage in return for serving a lord or king, and then paid the lord fees or taxes for the privilege of living on and working the land. The basic administrative unit was the *manor*. Since all land was owned by the king, the barons and earls who administered these holdings were called tenants-in-chief.


King John

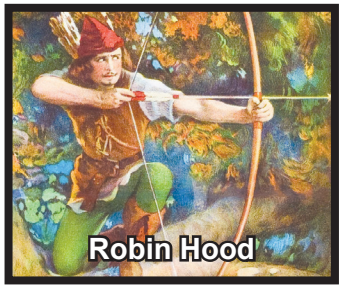
Many wars and much turmoil dominated Britain during the 150 years prior to the signing of the Magna Carta. King John had been away from England fighting an unpopular war. The French had captured several districts in England which John planned to recapture. Taxes and levies were extremely high to support the wars; therefore, barons questioned his leadership.

John also was in trouble with the Roman Catholic Church. The Pope had appointed Stephen Langton as Archbishop of Canterbury in 1205, and King John refused to allow him to come to England; so the Pope excommunicated John. This action raised the question whether John then possessed the Divine Right of Kings to rule. In 1212, John submitted to the Pope, paid a large fine to the Catholic Church, and then accepted Langton. John pledged to support the Catholic Church and ruled Britain as a fiefdom. He levied extortionate taxes on the Barons, who rebelled. Then, John was defeated in battle, and as he returned to England, the Barons determined to limit John's power and make him govern by laws that had prevailed in the old Anglo-Saxon era.

In January 1215, the Barons presented demands to King John. Upon receiving no response from him, the Barons rebelled and captured London in May of that year. In June, the Barons made a surprise visit to Windsor Castle in full battle dress and demanded a meeting with the King, who reluctantly agreed to meet with the Barons on the meadows of Runnymede, west of central London. Then, on June 10, as the hesitant King saw the massive military force surrounding him, he agreed to the 63 chapters of the document, and signed the Magna Carta. On June 15, the Barons reciprocated by renewing their Oath of ***Fealty*** to King John, and formal copies of the Magna Carta (Great Charter) were sent to bishops, sheriffs, and other dignitaries throughout England.

Key Concepts of the Charter

The document signed by the King was a treaty by which the King would abide by the rules contained therein and the Barons would cease their rebellion. Secondly, it was an agreement that the power of the King would be subservient to the legal principles of the Charter. Thirdly, it was a written legal document presenting the Rule of Law—equally binding upon the king and the people.


Robin Hood

The Magna Carta was originally written in Latin and is a reflection of its setting in the Middle Ages or Medieval Times. Hence, the Magna Carta reflects the times of Robin Hood, in which John was the bad King.

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Reform. The general purpose for the Magna Carta, as stated in the introduction, includes the wording *"for the reform of our realm . . . ."*

Chapter One contains two great guarantees of liberty granted first to the English Church, and second:

> *We have also granted to all freemen of our kingdom for us and our heirs forever, all the underwritten liberties, to be had and held by them and their heirs, of us and our heirs forever.*

Mission. This is an outstanding understanding of their ***mission*** regarding the destiny of a nation involved in revolutionary reform that would impact all time and liberate all of their people from unlawful constraints of governments.

Watch Video:
Reading of the Magna Carta

A copy of the document with added underlining of most of the rights addressed and implied in this Charter is available by simply scanning the adjacent QR-code.

Following are certain selected rights that are vital to the unfolding history of American rights and liberties, for which the Magna Carta was a great foundation stone.

Rights of Citizens

Due Process of Law and Trial by Jury. ***Due Process of Law*** is a constitutional guarantee that prevents abusive government infringements not in keeping with the law. This same quotation also establishes the right of trial by a jury of peers. Chapter 39 of the Magna Carta states:

> *No freeman shall be taken or imprisoned . . . or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land.*

In a 1354 version, the term "due process of law" replaced "the law of the land" in at least one instance This was the first time the new term appeared in Anglo-American law to describe this procedural guarantee.

In earlier times, both in the Anglo-Saxon rule and the early Normandy law, a grand jury system was ***extant***. Although the Carta statement does not establish the modern jury system, it was a means to limit the judicial authority of the king. In Chapters 18-21, a circuit court system is implied, and implications of a jury of peers are again stated.

The Right of Habeas Corpus. The Magna Carta does not present the full-blown *Writ of Habeas Corpus*, but it does plant the seed. Habeas Corpus provides that persons who are arrested and incarcerated may challenge the validity of the arrest through a judicial inquiry.

Chapter 39, referenced above, guarantees free men immunity from illegal imprisonment; and in Chapter 61, the Twenty-five Barons were empowered to seek out any unjust actions being perpetuated by government and address them legally. These were the seeds of the Writ of Habeas Corpus, and they grew and matured into the Habeas Corpus Acts passed by Parliament in 1640 and 1679.

No Taxation without Representation. Although no concise statement declares that government will not tax without representation, the seeds of that concept are written into the Magna Carta. In Chapter 12, the King agreed not to levy *scutage*, a tax on vassals or knights in lieu of military service, or *aid* (a tribute from a counsel to his lord) "without the counsel of the kingdom." This phrase demonstrates that the people had rights and were capable of placing limits on the king.

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Executive Power. Chapter 61 has been called the security clause of the document. It also demonstrates that no man is above the law—not even the king. If John failed to uphold the laws agreed upon in this document, the 25 Barons *"together with the community of the whole land"* could ***distrain*** and distress us—that is seize the King's property to make amends, thereby demonstrating that rule by law prevailed over the King.

The Rule of Law. The rule of law is restriction of arbitrary exercise of power by subordinating it to well-defined and established laws. Although the Magna Carta does not use the term, it is driven by the *concept* of Rule of Law. Furthermore, it seems to portray that laws were established by the fundamental rights of freemen, and that the authority to enforce these rights came from the *"community of the whole land."*

The Authority of the Charter



A reissued version of the Magna Carta

The history of legislation by the English Parliament certainly attests to the legal authority granted to the Magna Carta. After the death of King John, his son (Henry III) reissued the document in 1216 without some of the more radical content. It was reissued the following year as part of a treaty ending the First Barons War. This is when the document known as The Charter was given the title, Magna Carta.

Henry reissued it again in 1225; it was also reissued by his son, Edward I, in 1297, both times in exchange for grants of new taxes. The issue by Edward I confirmed the Charter as part of England's statute law. The Magna Carta became a fixture of the English political life and was renewed by each new monarch. However, as the English Parliament grew in stature and passed stronger laws, the document lost some of its practical significance. One thing is certain, the Magna Carta has made a profound impression on English Law and was foundational to the Constitution of the United States.

LIFE PRINCIPLE:



"Where law ends, tyranny begins."

– William Pitt the Younger
(British Prime Minister, 1783-1801)

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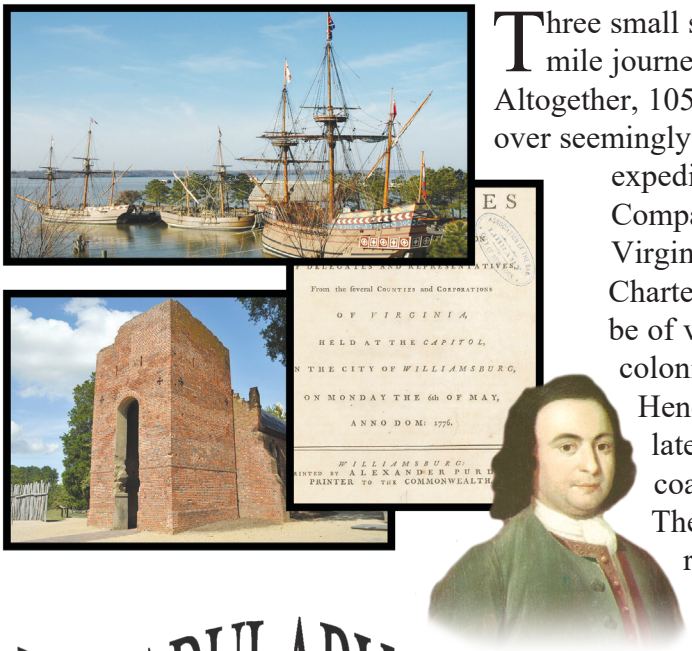
Principles and Precepts of Government

Topic 6
Emergence of US Government

Chapter 1

Section Two
Topics 6-10

The Virginia Colony



Three small ships sailed westward from England on a 3,650 mile journey to the New World on December 20, 1606. Altogether, 105 settlers and 39 crew members endured the trip over seemingly endless miles of hazardous Atlantic Ocean. The expedition was underwritten by the London Virginia Company, as a business venture to plant a colony in Virginia territory. English King James I provided the Charter for the Colony, since a colony there would be of value in challenging the spread of Spanish colonization and to expand Protestant Christianity. Hence, three motivations drove the venture. In late April, the passengers arrived on the Virginia coast. The Charter contained two instructions. (1) They were to locate about 100 miles upstream on a river with a northwest orientation, so they could also engage in finding a Northwest Passage to the Orient, and "Jamestown" seemingly met those conditions. (2) They were to abide by the King's appointed Governors Council of seven members to provide leadership for the Colony.

Illness, problems with Indians, and tragedies took a harsh toll. By winter 1608-09, the president of the Council was under house arrest, one member had been shot, and another was about to be hanged. Thus, the Virginia Company declared ***martial law*** and empowered the Governor with dictatorial powers. By spring of 1610, only 38 of the original settlers were alive, and they were ready to forsake the settlement. Then, two ships arrived from England with a new governor, 150 new settlers, and supplies.

Formation of Representative Government

In 1618, after nearly a decade of martial law, the Colony had grown and stabilized. The new leader of the Virginia Company believed that more traditional institutions should be established in Virginia. Therefore, the Company issued a new Charter, *"to establish one equal and uniform government over all Virginia"* and

VOCABULARY

Martial Law: law administered by military force; invoked by a government in emergencies when civilian law enforcement agencies are unable to maintain public order and safety
Convened: to cause to assemble
Weal: well being
Emoluments: Advantages
Suffrage: the right of voting
Adherence: steady or faithful attachment
Frugality: economical use of resources
Dictates: ruling principles

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enact *"Just laws for the . . . governing of the people . . . .",* which contained the following instructions to the new Governor:

1. Martial Law would be replaced with English Common Law,
2. Local administration would be implemented in all local settlements,
3. A new land policy was enacted to allow settlers to own and work their own land,
4. A General Assembly would be ***convened***, comprised of two members elected from each of the 11 major settlements. The men, known as *burgesses*, would sit with the Governor and his appointed council.



Church Where the Assembly Met

On July 30, 1619, the men so-elected came to Jamestown and duly convened the first General Assembly for Virginia with the understanding that "no one is above the law"—a fundamental tenet of the Rule of Law.

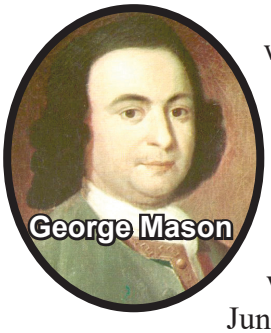
Germination of Virginia's Government

In 1624, King James annulled the charter of the Virginia Company, and Virginia became a Royal Colony, directly answerable to the king. Its governing body continued to convene, and elected burgesses met with the governor to continue the Assembly's work of representative government. The Assembly acknowledged the right of the people to petition government for the redress of grievances and to provide input into policies and laws of Virginia. The Assembly also served as the court of the land before courts were established.

In 1643, Governor William Berkeley began allowing burgesses to meet in a separate house; and the Assembly's authority increased and matured into a genuine check and balance on actions of the Governor. True representative government had been born. These Burgesses had transplanted their English concept of the rights of man and limits on an arbitrary ruler (granted by The Magna Carta) and brought the concept of parliamentary government to Virginia. The Assembly matured into a bicameral legislature and became Virginia's General Assembly, which in turn became the model for other New England Colonies and for the government of the United States. Next, we shall fast-forward one and one-half centuries to get an overview of the progress of governance in Virginia.

Virginia Government at the time of the Revolution

By 1774, problems between the colonies and Great Britain were becoming heated. When the House of Burgesses demonstrated resistance to the Crown, the royal Governor dissolved The House of Burgesses.



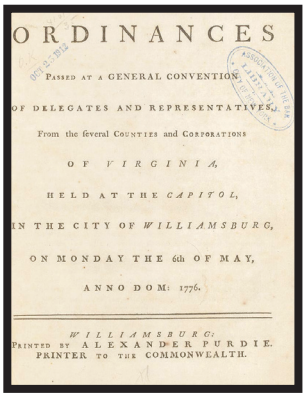
George Mason, with input from James Madison, Thomas Jefferson, and Patrick Henry, drafted Virginia's first Constitution which was adopted on June 29, 1776, as early events of the American Revolution ignited. This Constitution declared that (in Virginia) the rule of Great Britain was over with and accused King George III of *"detestable and insupportable tyranny."* By this action, Virginia was transformed into an independent republic. Her Constitution was first in the colonies, first in the world, and forever altered the course of history. The Virginia Constitution created a new General Assembly comprised of a Senate and House of Delegates. Two Senators were elected

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from each of twelve senatorial districts. The House of Delegates membership consisted of two elected persons from each county, and one from each city. Bills could originate only in the House, giving it the most political power. This House of Delegates served as a training ground for many patriots who became leaders in birthing the United States, including, George Washington, Thomas Jefferson, Patrick Henry, and James Madison. Virginia's Constitution with its Bill of Rights became the first initiative for the creation of government *"of the people,"* and served as a model for other American Colonies.

Virginia's Bill of Rights was written mainly by George Mason and was adopted by the Virginia Constitutional Convention on June 12, 1776. The Bill constitutes Article I of Virginia's Constitution:


ORDINANCES

PASSED AT A GENERAL CONVENTION

OF DELEGATES AND REPRESENTATIVES,

From the several COUNTIES and CORPORATIONS

OF *VIRGINIA*,

HELD AT THE *CAPITOL*,

IN THE CITY OF *WILLIAMSBURG*,

ON MONDAY THE 6th OF MAY,

ANNO DOM: 1776.

WILLIAMSBURG:
PRINTED BY ALEXANDER PURDIE,
PRINTER TO THE COMMONWEALTH.

Virgina's Declaration of Rights

A Declaration of Rights made by the representatives of the good people of Virginia, assembled in full and free convention which rights do pertain to them and their posterity, as the basis and foundation of government.

Section 1. That 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.

Section 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants and at all times amenable to them.

Section 3. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of maladministration. And that, when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public ***weal***.

Section 4. That no man, or set of men, is entitled to exclusive or separate ***emoluments*** or privileges from the community, but in consideration of public services; which, nor being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

Section 5. That the legislative and executive powers of the state should be separate and distinct from the judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burdens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part, of the former members, to be again eligible, or ineligible, as the laws shall direct.

Section 6. That elections of members to serve as representatives of the people, in assembly ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of ***suffrage*** and cannot be taxed or deprived of their property for public uses without their own consent or

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that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented for the public good.

Section 7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights and ought not to be exercised.

Section 8. That in all capital or criminal prosecutions a man has a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of twelve men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land or the judgment of his peers.

Section 9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Section 10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive and ought not to be granted.

Section 11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other and ought to be held sacred.

Section 12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

Section 13. That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

Section 14. That the people have a right to uniform government; and, therefore, that no government separate from or independent of the government of Virginia ought to be erected or established within the limits thereof.

Section 15. That no free government, or the blessings of liberty, can be preserved to any people but by a firm ***adherence*** to justice, moderation, temperance, ***frugality***, and virtue and by frequent recurrence to fundamental principles.

Section 16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the ***dictates*** of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity toward each other.

Note the special attention to the rights of the people, the source of governmental authority, and the rule of law. These rights are declared to be the basis and foundation of all good government, and thus laid the groundwork for the US Constitution.

LIFE PRINCIPLE:



"It is impossible to rightly govern a nation without God and the Bible."

– George Washington (1st US President)

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Principles and Precepts of Government

Topic 7
Emergence of US Government

Chapter 1

Section Two
Topics 6-10

The Plymouth Colony



Plymouth Colony, the second British settlement in North America, was founded in 1620 by 102 Britishers known as Pilgrims. To escape religious persecution for not adhering to the state Church of England, they had first taken refuge in the Netherlands for a number of years before embarking on their voyage to the New World where they could live, work, and worship according to their own conscience. *Pilgrim* is the name given to this group simply because they journeyed to a foreign land for religious purposes.

Originally, these people were English men and women living during the time of religious reformation in Europe. England had become a protestant country in 1554, and in the 1600s was ruled by King James I who authorized the King James Bible translation of 1611. The Church of England was the State Church, and law forbade formation of any other church. Nevertheless, many people who did not believe the doctrines of the State Church separated from the Church and worshipped and trained their children by Biblical convictions. These people were called *Separatists* because they believed that the Church of England could not be reformed; so, rather than attempting to purify the church, the Pilgrims desired a total separation. Some dissenters were known as *Congregationalists*, because they believed that the local church congregation should determine rules for worship. Pilgrims were one of several separatist churches pastored by William Bradford who later became governor of Plymouth Colony.

Some of their same group, who also wanted to go to America, had remained in England; so together they obtained a land patent from the London Virginia Company, allowing them to settle at the mouth of the Hudson River, which at that time was the northernmost point of land chartered by the Virginia Company. The group in the Netherlands purchased a ship named *Speedwell* and

VOCABULARY

Congregational: placing final authority in the assembly of the local congregation
Civil: relating to law of personal rights and remedies
Body Politic: a group of people considered as a collective unit
Indentured: a person who signs and is bound to work for another for a specified time, especially in return for payment of travel expenses and maintenance
Anarchy: a state of lawlessness due to the absence of government

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sailed to England to join other dissenters. The group in England had leased another ship called the *Mayflower*, and together they departed England's shores and set sail for America, but had to return after traveling about 300 miles, since the *Speedwell* took on water and was deemed unseaworthy. Thus, on September 6, 1620, the *Mayflower* set sail again from England, with 102 passengers, and about 30 crew members. The *Mayflower* had been a small cargo ship with one open room in the middle deck measuring about 24 feet wide by 68 feet long by five feet high. This allotted a space about four feet by four feet for each person during a 66-day trip of some 3,000 miles.

They took the northern Atlantic route to avoid pirates, but they encountered fierce storms. Sea sickness was epidemic. One person was swept into the sea, and a storm cracked one of the large wooden beams that framed the ship. The beam was repaired with "a great iron screw" which may have been from the printing press they carried. Land was sighted on November 9; and winter had already invaded the wild New England coast. Since the *Mayflower* was further north than the land grant, the crew tried to sail south; but another fierce storm threatened to wreck the ship, and the captain decided the trip south was too dangerous to attempt. On November 11, 1620, the *Mayflower* anchored in Provincetown Harbor. The Pilgrims continued to live on the ship while scouting parties determined where camp should be established. An abandoned Indian campsite near Plymouth Harbor was discovered and became the building site. On November 16, the ship anchored at Plymouth and the Pilgrims began to build, while the *Mayflower* continued to be their home as well as their infirmary during the cold, harsh winter. The buildings were nearly completed by February, but by March the Pilgrims' number had been reduced to 52 survivors.

When they had first anchored in Provincetown Harbor and determined to settle in that area, they understood that they were neither on their land grant nor under the agreement with the London Virginia Company. This meant that they were not governed by any state or king and would need to obtain a new land patent. They also were a mixed group: only about half were from the separatist church; the others were from different backgrounds, so the colony needed an agreement of how decisions would be made. Understanding the need for a rule of law, and knowing ***Congregational*** principles from church experience, they determined to draw up a compact among themselves. This compact would formulate the basis of law to maintain order and provide a ***civil*** society for their settlement.



William Bradford depicted on half dollar

On November 11, 1620, on board the *Mayflower*, the following document composed in William Bradford's handwriting was signed by 41 men:

In the name of God, Amen. We whose names are underwritten, the loyal subjects of our dread Sovereign Lord King James, by the Grace of God of Great Britain, France, and Ireland King, Defender of the Faith, etc.

Having undertaken for the Glory of God and advancement of the Christian Faith and Honour of our King and Country, a Voyage to plant the First Colony in the Northern Parts of Virginia, do by these presents solemnly and mutually in the presence of God and one of another, Covenant and Combine ourselves together in a Civil ***Body Politic****, for our better ordering and preservation and furtherance of the ends aforesaid;*

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and by virtue hereof to enact, constitute and frame such just and equal Laws, Ordinances, Acts, Constitutions and Offices from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names at Cape Cod, the 11th of November, in the year of the reign of our Sovereign Lord King James, of England, France and Ireland the eighteenth, and of Scotland the fifty-fourth. Anno Domini 1620.

This was considered a *"contract of cooperation"* by the settlers and became the basic constitution for their governance. By this authorization, a governor was elected, and a treaty was made with the Wampanoag Indians with the following mutual agreement articles:

1. Neither the Wampanoag nor the Pilgrims would cause harm to one another.
2. If anything was stolen from the other party, the stolen item would be returned, and the offender would be subjected to discipline by their own people.
3. Weapons would not be brought to meetings of the two parties.
4. If war occurred, the two parties would be allies.



The First Thanksgiving

These were the same natives who assisted the Colonists in raising crops, and with whom the Pilgrims celebrated the first Thanksgiving.

Other dissenters from England joined the Plymouth colony. By 1627, Plymouth was a stable settlement of 160 people, and continued to grow. In 1691, Plymouth Colony became part of the larger Massachusetts Bay Colony.

The First Self-Governing Body

While Jamestown Colony constituted the first *representative government* in America, Plymouth Colony was the first *self-governing body* in America, with the Mayflower Compact as its Constitution.



<u>Projected Purpose.</u> During the voyage from England, continuous friction had arisen between the very religious Pilgrims and the secular "Strangers", as they were called by the "saints". Knowing the sharp differences, both groups knew they had to work together to survive in the New England wilderness. The "Strangers" were not unified by religion or family, and were common laborers, tradesmen, craftsmen, and ***indentured*** servants. They were unsophisticated, and when they discovered their circumstances were outside the constraints of a land patent, some wanted to settle in and forget protocol. The "Saints" on the other-hand were, in practice, quite intolerant of any hint of wrongdoing. They had a higher level of education and wanted to wait until they could lawfully petition for a land patent. Leaders of the "Saints" knew that disembarking on a barren, isolated shore

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without any vehicle of restraint, would yield only ***anarchy*** and chaos. They knew they had to begin discussions that would result in a strategy for survival. The Mayflower Compact was the result.

Contents of the Compact. The Compact is short and to the point. It begins with a statement of their belief that they were on a journey for the advancement of the Christian Faith and to honor their King and Country by planting a Colony in Northern Virginia. The next expressed intent was to "Covenant and Combine ourselves together in a Civil Body Politic." This is an expression of bonding together in unity. A *covenant* is a solemn, binding promise, and commitment. "Combine ourselves together" makes an emphatic statement of unified intent as a Civil Body Politic.

The purpose for unity was threefold: (1) "For better ordering" to provide organized and optimized decisions, and application of those decisions; (2) for preservation of their work in planting a Colony; and (3) furtherance of the stated objectives of glorifying God, honoring the King and Country, and the advancement of the Christian Faith.

Based upon their bond of unity, they agreed to enact just and equal laws, ordinances, acts, constitutions, and offices that would best benefit the Colony. This compact was, in fact, a descriptive list of the functions and objectives of proper government. The Pilgrims and "Strangers" concluded their compact with a promise to each other that their attitude would demonstrate as they worked together: that they would be in submission to the Compact.


King James I

Greater Impact. Beyond the Compact itself, is the system of governance that developed from it. The concept of self-government was thus instituted in another Colony in America.

The Pilgrims appealed for a land patent for the region in which they landed. On June 1, 1621, the Pierce Land Patent was granted by King James; included in it was a clause granting the right of self-government. Nearly 200 years later, John Quincy Adams, in a speech in 1802, called the Mayflower Compact the foundation of the Constitution of the United States.

Democracy has two pillars: Self-government and the right of every citizen to choose a belief system and a philosophy of life appropriate to personal beliefs. We have seen the contribution to history via the Magna Carta, the English Bill of Rights, the Virginia Bill of Rights, and now the Mayflower Compact. These four documents laid the foundation for self-government and individual rights; and each document contributed heavily to the development of the Constitution of the United States.

LIFE PRINCIPLE:



"All great and honorable actions are accompanied with great difficulties, and both must be enterprised and overcome with answerable courage."

– William Bradford (Leader of the Pilgrims)

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Principles and Precepts of Government

Topic 8
Emergence of US Government

Chapter 1

Section Two
Topics 6-10

Enlightenment



The roaring flames of democracy and the human urges for self-government were not ignited overnight. We have seen that the first colonial attempts to develop a democratic experience in governance took about 150 years to create a revolution. The early years of revolution were extremely rocky, but after the US Constitution was written and adopted, the political environment changed dramatically. Establishment of the American republic set a precedent for the way people perceived the role of government and sparked a world-wide interest in the concept of liberty.

After the fall of Rome, political darkness had enveloped nations of the world and **despotism** flourished. Then, in 1438, a little light appeared from a blacksmith shop in Germany, where Johannes Gutenberg invented the movable-type printing press, that allowed production of printed books. This invention opened the era of mass communication and altered the very structure of society, as unrestricted ideas and information flowed across Europe. Gutenberg's printing press produced 200 copies of the Gutenberg Bible in 1455, which were sold-out before the printing was even completed. Prior to invention of the printing press, monks laboriously wrote out each copy of the Bible by hand on treated calf or sheep skins known as *vellum*.

According to the British Library, the Gutenberg press *"meant more access to information, more dissent, more informed discussion and more widespread criticism of authorities."* This free flow of information was like a match igniting a blaze that pierced the darkness in Germany in 1519, as Catholic priest Martin Luther nailed his 95 Theses to the door of Wittenberg University, sparking Reformation fires within the Catholic Church that blazed across Europe. That spark provided copies of the Bible in the hands of the ***laity***, which instigated the Protestant Reformation. This was a revolt against the autocratic authority of the Catholic Church which

VOCABULARY

Despotism: a system of government in which the ruler has unlimited power
Laity: common people of a faith, non-clergy
Apologetics: reasoned arguments or writings in justification of a theory or doctrine
Rhetoric: spoken or written communication
Etymological: analyzing history of words
Corollary: a proposition or concept that follows naturally or parallels one already proved
Principle: a comprehensive and fundamental truth, or truism

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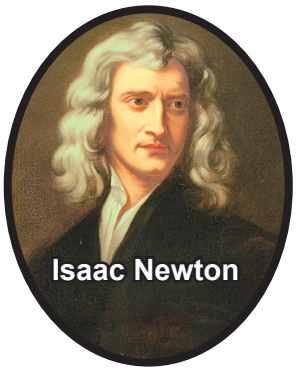
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had withheld the Bible from the common people and restricted the basis for salvation to policies defined by the Pope.



Martin Luther and his 95 Theses

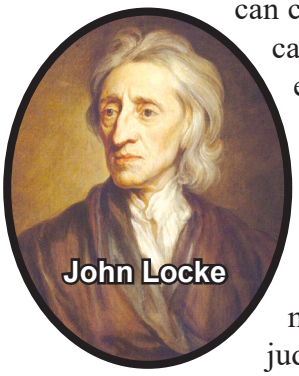
The printing press allowed a flow of critique and ***apologetics*** in pamphlets and books across Europe, encouraging spread of Reformation ***rhetoric*** concerning religion, philosophy, and politics. A new day had dawned and transformed the medieval world Dark Ages into an age referenced as the *Enlightenment* where theologians and philosophers dotted the landscape.



Fast-forward to the year 1651, when England was still basking in the afterglow of Magna Carta (1215) and enjoying the outcome of the Petition of Rights (1628), which extended the rights of *"commoners"* to have greater participation in government. The Enlightenment blaze continued with the *Glorious Revolution* and *the English Bill of Rights* in 1688-1689. In America, the Mayflower Compact had been working for 20 years. Isaac Newton had published "*Principia Mathematica*" in 1686; and John Locke, dubbed 'morning star of the Enlightenment', released his "*Essays Concerning Human Understanding*" three years later. These two works provided the scientific, mathematical, and philosophical tools for Enlightenment expansion.

John Locke, Morning Star of the Revolution

The publication by Locke was a letter debating one Thomas Hobbes and addressed fears that Catholicism might be taking over England. Hobbes believed that a uniformity of religion was a necessity for a well-functioning civil society. Locke countered with the belief that civil unrest ensues when a magistrate attempts to prevent diversity of religious groups, rather than to tolerate their proliferation. Locke's primary goal was to demonstrate that the role of government in a state was different from the role of religion. Government is instituted to promote *external* interests of life, liberty, and the general welfare, while the church exists to promote *internal* interests of the soul's salvation and spiritual life. His conclusion was that government should not involve itself in the care of souls, and that only churches tolerant of other church's right to exist should be allowed in society. To support this argument, Locke presented three postulates: (1) individuals cannot allow secular forces of government to divest people of control of their souls, (2) force cannot precipitate the change necessary for salvation; although it can coerce obedience, it cannot change belief; (3) even if coercion could persuade a person to change a notion, it could not ensure salvation. There is no evidence that magistrates are reliable judges of religious truth.



Two Treatises of Government

Locke's Book I of the Two Treatises of Government was a refutation of a contemporary writer who had written a book asserting that civil society was founded on a patriarchalism that was sanctioned by God. Locke contested each point presented in the

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book and refuted them with Biblical passages. He concluded that no government can be justified by the philosophy of the divine right of kings. Book II is an outline of Locke's beliefs concerning civil society. His starting point is a description of the state of nature and argues that all men are created equal by God. He continues by tracing the rise of civilization and the ownership of property and concludes that the only legitimate governments are those that have the consent of the governed. The people have the right to overthrow any government that fails to meet that test.

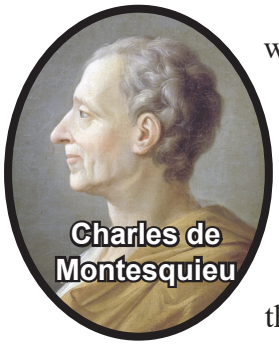
State of Nature. Locke explained the natural state of man as well as the proper government for man. Locke argued that by nature, man is in a state of perfect freedom to act upon or dispose of his own possessions and person as he thinks fit within the constraints of natural law. He does not have to seek permission to act, nor depend upon the will of another person to arrange the personal circumstances of life. Moreover, Locke defined the natural state of the individual as one of equality in power and jurisdiction with other men; no one individual has greater equality status than another. They have no subordination to another person unless God has clearly set one person above another. Although nature does not provide for an institutionalized government, society is not lawless, since man is still subject to the laws of God and of nature. No one should harm another—his life, health, liberty, or possessions. However, man's life, liberty, and possessions are constantly exposed to others and are in grave danger. Therefore, men are compelled to join in a union with other men for the mutual preservation of their lives, liberties and property.

Property. Locke defined property based on the ***etymological*** meaning of the word in Latin: *"that which is one's own, including oneself."* Thus, property includes life, liberty and estate. He continued with the understanding that everyone "*owns himself*". This is a ***corollary*** to the concept that each individual is free and equal in the state of nature, and that he owns his own labor, since not having it would make him a slave. Locke argued that a full economic system exists within the state of nature. Property predates government, and thus society can be dedicated to the protection of property.

Representative Government. Locke did not demand that the form of government be a republic. He believed a legitimate contract could be made between citizens and a monarchy, an oligarchy, or an independent community. Locke believed that governance in any of these types of government must be by declared and accepted laws, rather than by autocratic decrees. Furthermore, that governments are charged by the majority consent of the governed, or by representatives elected by them.

Right of Revolution. Under natural law, people hold a right to revolt and remove a government that does not live up to the social contract that bound them together. Locke supported this belief by logic: Whenever a government attempts to take away the property of citizens, or to reduce them to slavery under arbitrary power, it places itself in a state of war with the citizenry. Hence, the people are absolved of further amenability, and natural law reinstates to the people the right of nature to resume their original liberty. In Locke's words, "*The necessity of pursuing happiness [is] the foundation of liberty.*"

Charles de Montesquieu



Montesquieu was born in southwest France in 1689 of noble ancestry. During his early life, England had declared herself a Constitutional Monarchy as a result of the Glorious Revolution

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and had joined with Scotland to form the Kingdom of Great Britain. In France, the age of Enlightenment had begun, and Montesquieu was destined to become a beacon of that enlightenment. Although trained in law, he gave up that practice to enshrine his studies in writings and books. And although he was to write on many social subjects, he is best remembered for his works on law and government. His book, The Spirit of the Law, had a significant impact on the American Revolution. A present-day political scientist stated that Montesquieu was the most quoted authority on government and politics in Colonial America and was cited more by America's Founders than any source other than the Bible.

His philosophy of the history of nations was that *chance* did not rule the world. Instead, every historical event was driven by a ***principle***. He pointed to the Romans who had a continuous sequence of success when they followed a given plan, and a series of reverses when they changed to another plan. Every government is based on moral and physical principles, that if *honored*, the country prospers, but if they are *dishonored*, the nation is dashed to ruin. Furthermore, Montesquieu asserts that if a country is brought to defeat by a single battle, that it was not the battle, but the loss of principle which caused that state to perish in a single battle. He noted that if Caesar and Pompey had not cooperated to take over the Roman Republic, someone else would have done it, since the Republic had repudiated its principles for existence.

In his book, Montesquieu attempted to look behind the form and letter of government, and identify the *principles* at work therein. First, he stated that only three general forms of Government existed, each based on a *social principle*. Monarchies are free governments headed by a king, queen, or emperor, and are based on *honor*. Republics are governments elected by the people and are based on *virtue*. Governments that are led by despots or dictators are based on *power and fear.* Montesquieu also defined two types of power functioning in government: *sovereign* and *administrative*. Sovereign would be the power demonstrated by the Divine Right of Kings' theory or dictatorial power, ruling by autocratic power and fear. A*dministrative* powers are executive, legislative, and judicial. These must be separate from, yet dependent on, each other, so that the power of any one entity could not exceed the power of the other two singly or combined. This was a truly revolutionary concept for that time in history. From his definition of power in government, Montesquieu created a form to house it: a constitution. The Constitution of the Roman Republic was his model. Fixed into the law of the Constitution was a tri-part government—the philosophy that the government of a state must have a strict separation between three independent branches of governance—executive, legislative, and judicial. Additionally, a system of civil and criminal law must be detailed to ensure security of person. These should include presumption of innocence until proven guilty, assurance of habeas corpus, the right of trial by jury, and proportionality of punishment to the crime. Montesquieu also argued against slavery and for freedom of thought, speech and assembly.

LIFE PRINCIPLE:



"The deterioration of a government begins almost always by the decay of its principles."

– Charles de Montesquieu (Political Philosopher)

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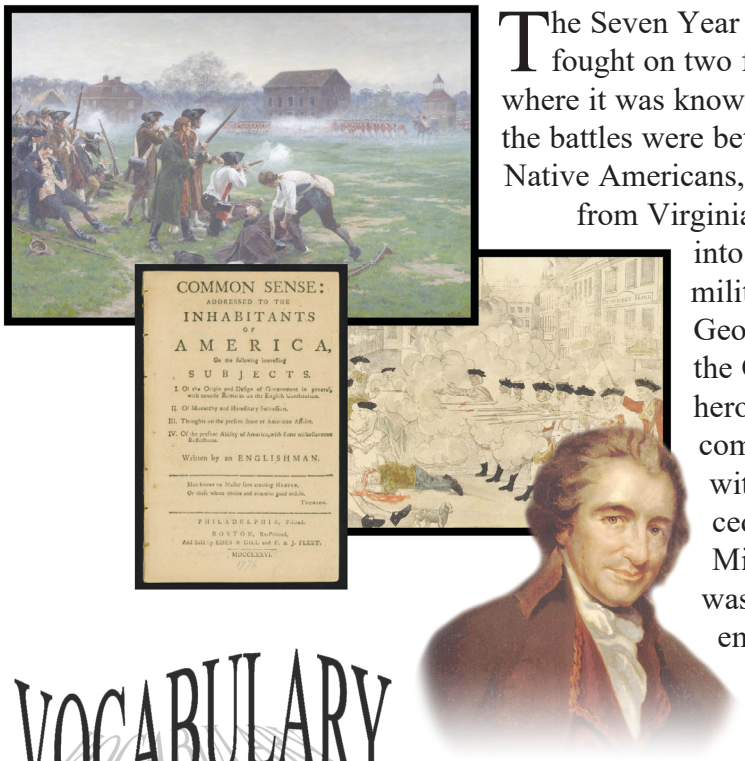
Principles and Precepts of Government

Topic 9
Emergence of US Government

Chapter 1

Section Two
Topics 6-10

"The Shot Heard 'Round the World"



The Seven Year War between England and France was fought on two fronts: in Europe, and in North America where it was known as the French and Indian War. Here, the battles were between British and French troops, aided by Native Americans, and were fought along borders of Colonies from Virginia to Nova Scotia. The dispute had flamed into violence in May 1754, when Virginia militiamen, commanded by a 22-year-old George Washington engaged a French patrol in the Ohio wilderness. Washington later earned hero status for saving the British army from complete destruction. The war ended in 1763 with the French signing a treaty whereby they ceded Canada and French territory east of the Mississippi River to Great Britain. Britain was also victorious in Europe. However, she emerged from the war with many pressing issues and a massive national debt. Since the British had defended their Colonies in North America, King George III began looking for ways by which the benefitting Colonies could help bear Britain's war debt. Realizing the high cost of defending the Colonies, King George prohibited all settlement west of the Appalachian Mountains. This angered the Colonists, who felt it was their natural right to settle uninhabited areas. Then, Britain attempted to offset some of the costs of keeping soldiers in the Colonies and by implementing the Sugar Act in 1764, which was a levy on several imports and exports.

In March of the following year, 1765, parliament passed the Stamp Act as the first internal tax ever imposed on the American Colonists, which applied to all articles of printed paper. This included legal documents, bills of sale, contracts, wills, almanacs, pamphlets, advertising, and even gaming cards. The Colonists responded that, as British subjects under the English Bill of Rights, the Stamp Act was unconstitutional. Two months later, Parliament

VOCABULARY

Subsidizing: helping to pay for the cost of something
De Facto: exercising power as if legally constituted
Autonomous: having the right or power of self-government
Minutemen: militia trained to respond at a moment's notice
Enshrined: to preserve or cherish as sacred
Cogent: persuasive
Incendiary: inflammatory, tending to excite or motivate action.

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passed the Quartering Act, requiring Colonial assemblies to pay for British garrison supplies, including troop barracks. If barracks were insufficient, then soldiers were to be quartered in local inns or houses. New York Colonists refused to comply.

In the summer of 1765, a group of shopkeepers and artisans called The Loyal Nine began agitation against the Stamp Act. Soon, patriots across the Colonies began forming secret groups to protect their rights and to fight the abuses of Britain's unlawful taxation. These men became known as Sons of Liberty. In towns all across New England, poles or ship masts were erected, capped with a red Phrygian cap—a cap historically worn by Ancient Rome's freed slaves. Sons of Liberty groups surrounded these poles, handed out pamphlets, and exhorted Colonists to stand for liberty.



Depiction of Boston Massacre, by Paul Revere

In October of the same year, representatives of nine of the thirteen Colonies met in the Stamp Act Congress and declared the Stamp Act unconstitutional for British subjects under British Law. The following March, Parliament repealed the Stamp Act; but the next spring, Parliament passed the Townshend Act, placing duties on tea, glass, lead, paper, and paint. This also was condemned in assemblies across the 13 Colonies. Then, with political unrest festering across New England, Britain sent troops to Boston in October 1768. Resistance increased and crowds began throwing snowballs. Muskets were fired, resulting in the death of five Colonists. The incident was dubbed "the Boston Massacre".

Agitation increased, when Parliament passed another extremely unpopular bill that exempted the East India Company from import duties in the colonies. This was seen as an indirect tax ***subsidizing*** a British company. The Sons of Liberty, angered by the Tea Act, dressed as Mohawk Indians, boarded ships, and dumped the British tea into Boston Harbor. The British responded by revoking self-governance and judicial independence in Massachusetts and placing it under military control.

Tensions heightened as 56 delegates appointed by the legislatures of 12 of the 13 Colonies met in a First Continental Congress, September 5 to October 26, 1774. They addressed the latest Intolerable Acts of Parliament and the stripping of independence from Massachusetts. The Congress issued a general boycott of all British goods and appealed to King George III to repeal the Intolerable Acts. It then called for another Continental Congress if the King did not respond positively to their appeal.

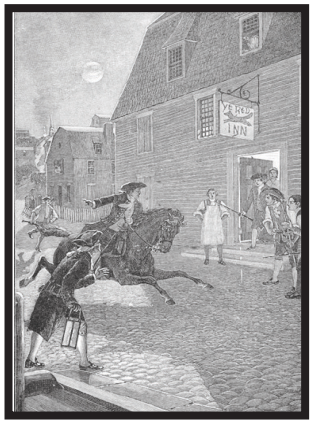
While the First Continental Congress was in session, the governor of Massachusetts dissolved the provincial assembly, but Colonial members reconvened in Concord to form a ***de facto*** government with John Hancock as president. It assumed governmental power, except over the city of Boston, to collect taxes, purchase supplies, and form a militia. Paul Revere was sent to the meeting of the Continental Congress with the report that Massachusetts had declared its independence and formed the first ***autonomous*** government in New England.

On April 15, 1775, General Thomas Gage, military governor of Massachusetts in Boston, was ordered to capture and destroy guns and powder stashed in Concord by the local militia. He devised a plan to march on

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Lexington, capture Samuel Adams and John Hancock, and then go to Concord where weapons were stored. Thus, at midnight on April 19, with a military column of about 650 soldiers, the British force left Boston and marched toward Lexington, closely observed by Paul Revere. William Dawes, Dr. Samuel Prescott, and Paul Revere then rode from town to town spreading alarm of British action. At dawn, the British approached Lexington Green, where a group of about 40 ***minutemen*** were stationed. Shots broke the morning silence, and eight of the minutemen lay dead with about another dozen wounded.



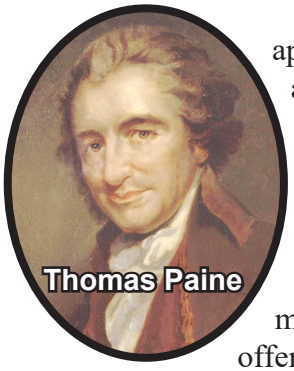
Midnight Ride of Paul Revere

British troops, then advanced on Concord and encountered another detachment of militia at the North Bridge. The British fired, but the militia stood firm and fired back routing the British on the Bridge. As they retreated to Boston, more militia from other surrounding towns joined the fray. They did not fight the British in rank and file formation. Rather, they fought from behind trees and walls, giving no targets for the British. The terrified British were outflanked and outgunned, as they broke ranks and ran. Both their ranks and spirits were decimated by over 20 percent casualties. They had experienced the "shot heard round the world." The Revolutionary War had unofficially begun. Ralph Waldo Emerson ***enshrined*** the moment in his poem, "The Concord Hymn":

> *By the rude bridge that arched the flood,*
> *Their flag to April's breeze unfurled,*
> *Here once the embattled farmers stood,*
> *And fired the shot heard round the world. . . .*

Common Sense – Thomas Paine

As these events were transpiring, a young man moved to America upon the recommendation of Benjamin Franklin and began working for the *Pennsylvania Gazette* in Philadelphia. The Second Continental Congress had convened and appointed George Washington Commander in Chief of the Continental Army. The Battle of Bunker Hill had also been fought and Boston was liberated at the cost of more than one thousand British soldiers and 367 Continentals.



Paine, the newly appointed editorial aide, wrote a 50-page pamphlet entitled *Common Sense*, which was more like a sermon than a political article, proclaiming the message of liberty and offering a solution to patriots who were alarmed with the tyrannical rule of King George. Written in a style that called for action, Paine presented a ***cogent*** argument for revolt and freedom. *Common Sense* was outlined in four divisions, with the first entitled: "Of the Origin and Design of Government in general, with Concise Remarks on the English Constitution."

Paine first described the difference between society and government and demonstrated that government increases as society grows, and elections become imperative. Paine believed in a balance between society and government. He then addressed the Constitution of the United Kingdom and found two tyrannies embedded within it: monarchial tyranny and aristocratic tyranny. He demonstrated those tyrannies by examining the king, the peers, and the commons.

The second section of *Common Sense* is entitled: "Of Monarchy and Hereditary Succession." Paine described the monarchy,

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first from a Biblical view, and then from an historic view. He suggested that the distinction between kings and subjects is false, since in creation all men are equal. He presented an overview of all the problems kings have caused historically and concluded:

> *Government by kings was first introduced into the world by the Heathens, from whom the children of Israel copied the custom. It was the most prosperous invention the Devil ever set on foot for the promotion of idolatry. The Heathens paid divine honours to their deceased kings, and the Christian world hath improved on the plan, by doing the same to their living ones. How impious is the title of sacred majesty applied to a worm, who in the midst of his splendor is crumbling into dust!*

He then ended with the following lines:

> *In England a king hath little more to do than to make war and give away places; which in plain terms, is to impoverish the nation. . . . A pretty business indeed for a man to be allowed eight hundred thousand sterling a year for, and worshipped in the bargain! Of more worth is one honest man to society and in the sight of God, than all the crowned ruffians that ever lived.*

The Third section is entitled: "Thoughts on the Present State of American Affairs." Here Paine presented the hostilities between England and the Colonies and laid out the best course of action—independence. He proposed a Charter of the United Colonies that could be an American Magna Carta, securing freedom and property to all men and guaranteeing the free exercise of religion. He then outlined a form of government for the Colonies and how it could be formulated.

The last section is entitled: "On the Present Ability of America with some Miscellaneous Reflections." In this section, Paine laid out not only the present ability, but pointed to the vast potential of unsettled land, trees to make ships, and untapped resources.

Early in this section he stated, *"It is not in numbers, but in unity, that our great strength lies."* He then built up to the declaration that independence is the only course:

> *These proceedings may at first appear strange and difficult; but, like all other steps which we have already passed over, will in a little time become familiar and agreeable; and, until an independence is declared, the Continent will feel itself like a man who continues putting off some unpleasant business from day to day, yet knows it must be done, hates to set about it, wishes it over, and is continually haunted with the thoughts of its necessity.*

He continued and built to a crescendo with persuasive arguments and then concluded:

> *Under our present denomination of British subjects, we can neither be received nor heard abroad: The custom of all courts is against us, and will be so, until, by an independence, we take rank with other nations.*

In a very few months, 500,000 copies of *Common Sense* sold in the Colonies. One historian described it "*as the most* ***incendiary*** *and popular pamphlet of the entire revolutionary era,*" and certainly prepared the landscape for the Declaration of Independence.

LIFE PRINCIPLE:



"Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it."

– Thomas Paine (Political Philosopher)

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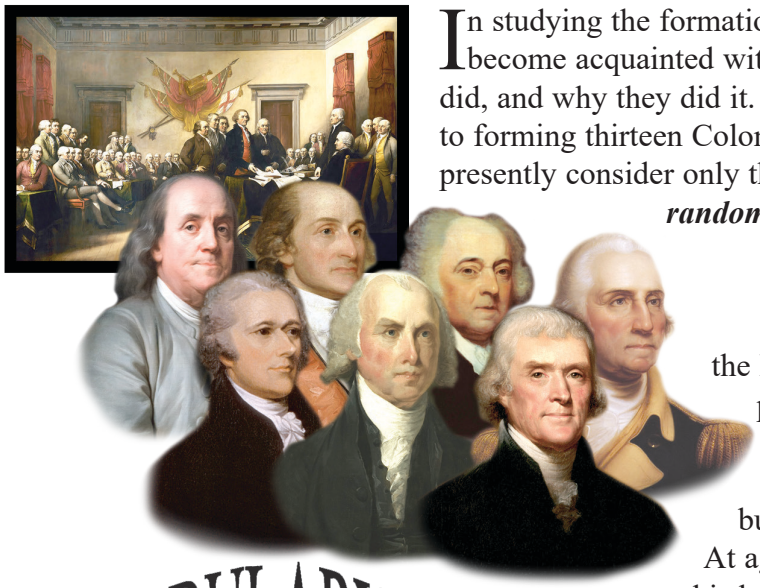
Principles and Precepts of Government

Topic 10
Emergence of US Government

Chapter 1

Section Two
Topics 6-10

Fathers of Liberty



In studying the formation of US government, it is necessary to become acquainted with the Founders—who they were, what they did, and why they did it. Although hundreds of patriots contributed to forming thirteen Colonies into these United States, we shall presently consider only the top seven of our Founding Fathers, in ***random*** order.

Benjamin Franklin

Benjamin Franklin, elder statesman of the Revolutionary Era, was also an author, publisher, scientist, and inventor. Born in England as the son of a candle and soap maker, he had limited formal education, but was a lifelong, self-educated learner. At age 12, he became a printer apprentice to his brother in Boston and began contributing essays by the time he was 16 under a ***pseudonym***. *Three* years later, Franklin opened his own printing shop in Philadelphia, acquired the *Pennsylvania Gazette* newspaper, and became a highly successful printer and editor. His Poor Richard's Almanac book of clever sayings and life principles, with circulation in excess of 10,000 copies, made him both rich and popular.

During the 1730s, Franklin founded a public library, a fire company, police patrol, and organized a militia. He led a project to pave and light city streets, raised funds to build a hospital, and helped create the Academy of Philadelphia, which later developed into the University of Pennsylvania.

In 1754, a Colonial delegation met in Albany, New York, to plan defense strategies from French soldiers and Indian warriors during the French and Indian War. Franklin proposed a plan to unite all the colonies under one government; and although never implemented, it later became the basis of the Articles of Confederation: the first Constitution of the United States.

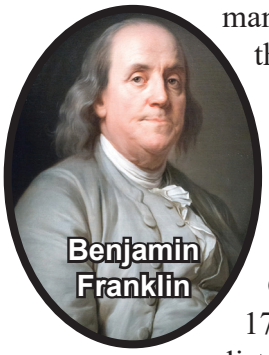
In 1775, Franklin was selected as a delegate to the Second Continental Congress, where he became part of a five-

VOCABULARY

Random: without any particular order
Pseudonym: a fictitious name; a pen name
Melancholy: depression of spirits; a pensive mood
Lambasting: Attacking verbally
Precursor: something that precedes and indicates the approach of another
Vortex: whirlwind
Metaphysics: the part of philosophy that is concerned with the basic causes and nature of things
Effulgence: brilliance, radiant splendor

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man committee to write the Declaration of Independence. Congress also appointed him as the United States' first Postmaster General. Franklin was sent by Congress to France in 1778 and successfully enlisted their help in winning the war, after which he continued in France and helped negotiate the Treaty of Paris that officially ended the war.

Four years later, back in Pennsylvania, Franklin was appointed as a Constitutional Convention delegate. For five weeks delegates debated issues without resolution. The larger states wanted representatives selected on the basis of population, while the smaller states wanted representation on a one-state one-vote rule. The future of the nation was in a perilous deadlock. Then, 81-year-old Franklin rose and stated how for five weeks they had reviewed all the historic and contemporary governments, finding no resolution. He called it a "***melancholy*** proof of the imperfection of human wisdom", and then he said:

> *I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid?*

He then called on the Convention to have prayer before each day's business began. Soon after, the spirit of hopelessness lifted and the Great Compromise (discussed later), was adopted to allow the Convention to produce the US Constitution. Benjamin Franklin was the only Founding Father to have signed four of the distinctive documents that birthed the nation: The Declaration of Independence, the Treaty of Alliance with France, the Treaty of Paris, and the US Constitution.

John Jay



John Jay was born into a wealthy family in New York in 1745. He studied Law at King's College, which later became Columbia University. Upon graduation, he practiced law and gained respect as a reputable jurist, majoring in property rights and the rule of law. He served as a delegate to both the First and Second Continental Congresses. He also held several important posts during the War for Independence, including President of the First Continental Congress, Peace Commissioner, and Secretary of Foreign Affairs. Jay was the key negotiator at the Treaty of Paris that officially ended the war, after which he helped the United States secure all land east of the Mississippi River (except Spanish territory in Florida) which effectively doubled the size of the fledgling nation.

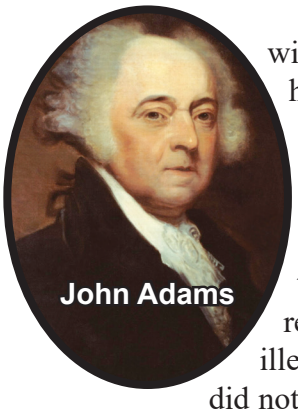
Politically, Jay valued a strong-but-balanced federal government. He joined Alexander Hamilton and James Madison in writing the *Federalist Papers*, an effort to educate the new American population of the need for a strong and balanced federal government. Later, President George Washington nominated John Jay as the first Chief Justice of the Supreme Court; and in his most notable case, he established that the federal government ultimately has power over the states. In 1777, he drafted New York's first Constitution. In 1795, he was elected governor of New York, at which time he resigned from the Supreme Court; and as governor, in 1799, he signed a bill outlawing slavery in New York.

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John Adams

John Adams, the first Vice President and the second President of the United States, was born in the Massachusetts Bay Colony of Puritan stock. He earned both his undergraduate and master's degree from Harvard. He studied law and was admitted to the Bar in 1758.


John Adams

Adams identified with the patriots early in his career and wrote a series of articles for the *Boston Gazette* ***lambasting*** the Stamp Act of 1765, arguing that taxation without representation was illegal, since the Colonists did not have a representative in Parliament. In 1770, Adams was elected to the Massachusetts Assembly, and in 1774 was one of five representing Massachusetts at the First Continental Congress. He was also a dominant figure in the Second Continental Congress in 1775, at which he nominated George Washington to be Commander-in-Chief of the Continental Army.

In May of 1776, Adams proposed to the Congress that each of the Colonies should adopt an independent government. The resolution was adopted as ***precursor*** to the Declaration of Independence. John Adams, Thomas Jefferson, Benjamin Franklin, Robert Livingston and Roger Sherman were selected as a committee to draft the Declaration of Independence, which was adopted on July 4, 1776.

During the next several years, Adams served on more committees, at home and abroad, than any other Congressman, and in 1785 became the first US ambassador to England. John Adams was a courageous statesman whose commitment to rule by law set him apart from many Colonists. His insight, moral values, and political astuteness fitted him well as a Founding Father and major contributor of ideas built into the US Constitution.

Alexander Hamilton

Alexander Hamilton was born on a Caribbean island in 1757 to a Scottish father and French mother, the youngest of two children. Alexander's father abandoned the family when Alexander was just a lad, leaving the little family in an impoverished condition. Then, Alexander's mother died, leaving 11-year-old Alexander orphaned. Determined to become responsible for himself, he became employed as clerk in an accounting firm. He was bright and applied himself with diligence – so much so that the owner of the firm went to sea for five months, leaving 14-year-old Alexander in charge of the business. Upon his return, the owner was so impressed with the outcome, that he and a minister friend sent young Alexander to America for a formal education. Thus, in 1773, at about age 16, Hamilton enrolled in King's College (now Columbia University) but soon was in the ***vortex*** of revolutionary events.

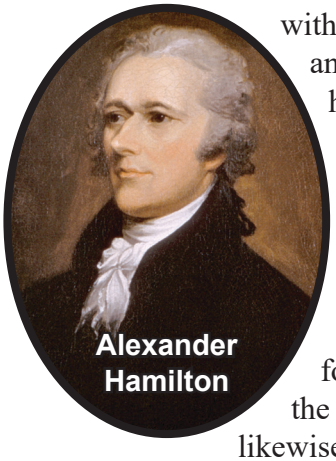
In 1774, Hamilton wrote his first political essay defending the patriots against pro-British loyalists. As the War for Independence erupted, he joined the military fighting in and around New York, and earned the rank of lieutenant colonel. He soon drew the attention of General Washington, who selected Hamilton as his assistant, in charge of reports and correspondence. Later, Hamilton requested permission to lead the charge against Cornwallis at the battle of Yorktown in 1781. With naval support from France, the Colonists won a decisive victory there which led to a peace treaty and the end of the War.

Next, Hamilton began to study law, was admitted to the Bar, and became a highly successful trial attorney. He helped institute a judicial review system and assisted in establishing the Bank of New York. His law experience, and deeply

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held principles equipped Hamilton to make brilliant contributions to the US Constitution, largely by means of his collaboration with James Madison and John Jay in writing 51 of 85 essays and publishing them as the *Federalist Papers*. Together, they educated the public about the central purposes of the Constitution. As the New York Constitutional Ratification Convention convened, nearly two-thirds of the delegates were *opposed* to ratification. Hamilton was an ardent advocate *for* ratification; and with effective debate and brilliant logic, he persuaded the delegates to ratify the Constitution. As soon as New York chose ratification, the eight remaining states necessary for legitimizing the Constitution did likewise.


Alexander Hamilton

President George Washington appointed Hamilton as Secretary of the Treasury where he instituted the National Bank of the United States and continued to strengthen authority of the central government. The final chapter of Alexander Hamilton's life is a tragic commentary on political animosity gone amuck. Hamilton's life had been a thrilling illustration of living the American Dream. However, in the final episode, long-standing and bitter political rival Aaron Burr sought revenge against Hamilton after losing a presidential election to Jefferson, due to Hamilton's influence. Thus, Burr challenged Hamilton to a pistol duel. Hamilton reluctantly submitted to the challenge but determined to "waste my first shot". On July 11, 1804, Burr shot and `mortally wounded Hamilton who died the next day.

James Madison

James Madison was born in 1751 in Virginia, the first child in a family of 12. His early education was between a local school and home-tutoring, mastering Latin and Greek before the age of 18. At that age, he entered the College of New Jersey (which later became Princeton University) and graduated after two years. Back in Virginia, he studied law, but became disinterested and joined a local Committee of Safety, which had oversight of the local militia.

As the War for Independence erupted, Madison became a member of the revolutionary Virginia Convention and became acquainted with Governor Thomas Jefferson. In 1778, Madison became a member of the Virginia Council of State, serving under Jefferson, and at age 29 was appointed to the Continental Congress as the youngest member. One year later, he became the leader of the Congress and worked tirelessly to pass legislation to strengthen the confederacy by building a strong federal government with a military force that could defeat England.

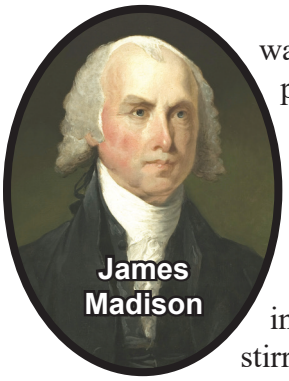
In 1784, he returned to the Virginia House of Delegates, believing that the loose knit Articles of Confederation made the young Republic vulnerable to foreign attack. Madison influenced other patriots to call a meeting "to render the Constitution of the Federal Government adequate to the exigencies of the Union", and led the Virginia delegates when the Constitutional Convention was convened in Philadelphia on May 14, 1787. There, he supported an appeal that General Washington chair the meeting. In the following weeks, Madison became the floor leader for delegates who supported a strong central government and provided a plan that included many concepts of liberty expressed by Hamilton, which eventually became the road map for the new Constitution.

Madison emerged from this assembly as the "voice" of the new Constitution and later became known as the "Father

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of the Constitution". As the ratification process unfolded, Madison, Hamilton, and Jay published the *Federalist Papers* in newspapers across the Colonies. Madison, using the pseudonym, *Publius*, wrote 28 of the 85 articles. His major theme was that the United States must have a strong central government, subject to an extensive system of checks and balances. Following ratification by the states, Madison was elected to the House of Representatives where, in 1791, he guided the first Ten Amendments—The Bill of Rights—through the amendment process. When Jefferson became President, Madison became his Secretary of State—supporting the Louisiana Purchase and war against the Barbary pirates.


James Madison

In 1808, Madison was elected as fourth president of the United States. During his presidency, Britain continued harassment of American shipping, forced American sailors into the British navy, and stirred-up Native American tribes who fought against settlers. Madison declared war on Britain, although the United States was ill-prepared for military conflict. Several battles of the War of 1812 were lost, one of which caused Madison and government officials to flee Washington as the British invaded and burned the White House, the Capitol, and the Library of Congress. Four months later, the Treaty of Ghent was signed in Europe, ending the war; but the news did not reach British and American troops fighting on US soil for some time. Therefore, the Battle of New Orleans, giving the United States an outstanding victory, was fought two weeks after the War was officially over.

James Madison's knowledge of history and writings of men such as Locke, Montesquieu, Moses, and Solomon enabled the Virginia statesman to incorporate profound wisdom and understanding into the framework of the US Constitution, making it one of the foremost documents in history.

Thomas Jefferson

Thomas Jefferson, draftsman of the Declaration of Independence, was born at the family farm in Virginia. His father died when Thomas was quite young and he inherited about 5,000 acres, including Monticello, his later home. His early education was by tutors at home. Formal education began at age nine in a school where Thomas studied Latin and Greek. At age 14, he studied classical languages, literature, and mathematics at a private school. At 16, Jefferson enrolled in the College of William and Mary, where he studied ***metaphysics***, philosophy and mathematics, and was introduced to the writings of John Locke, Francis Bacon, and Isaac Newton. Jefferson graduated from college after two years, became a law clerk, and began to study law, along with English classics and politics. He loved learning and maintained a large library. He was admitted to the Virginia Bar in 1767.

The next year, he was elected to the Virginia House of Burgesses, becoming associated with Patrick Henry and George Washington. Jefferson penned his first political work entitled, "A Summary View of the Rights of British America" and began to gain a reputation as a spokesman for American concepts on freedom and personal responsibility. In 1775, he was a delegate to the Second Continental Congress. In June 1776, Congress appointed a five-man committee to compose a Declaration of Independence. Jefferson was asked to write a first draft, over which he labored for 17 days before presenting his composition. Minor edits were made, but its striking Preamble has become immortalized in our History: *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable*

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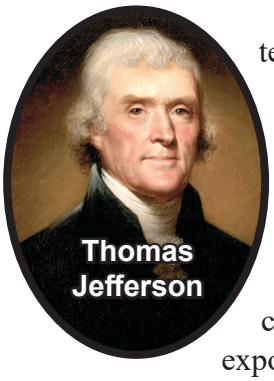
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Rights; among these are Life, Liberty, and the pursuit of Happiness." Jefferson then returned to Virginia and served for the next three years in its House of Delegates. During that time, he helped revise Virginia's legal code and authored the Virginia Statute for Religious Freedom, which he felt was one of his greatest accomplishments.

In 1779, he became the second governor of Virginia. Several events marred his tenure as governor and he returned to private life; moreover, Jefferson was devastated by the death of his wife. Then, following months of mourning, he returned to public life and led the Virginia delegation to the Confederation Congress in 1783. He was appointed to replace Benjamin Franklin as Minister to France in 1785. After five years, he returned to America and realized how much his appreciation for America had grown while abroad. He wrote to his friend and future president James Monroe, *"My God! How little do my countrymen know what precious blessings they are in possession of and which no other people on earth enjoy."*

Washington was elected President in 1789, and appointed Jefferson as Secretary of State. The first years of government under the new Constitution were very turbulent. Jefferson was an ardent spokesman for state's rights, while Alexander Hamilton, Secretary of the Treasury, was a vocal advocate of a strong central government. Thus, in under four years, frustrated by the endless political battles, Jefferson resigned and again returned to his farm, assuming he was through with politics; however, the Republicans selected him as candidate for president. He did not win the election, but by rules of the day, he was a close second to John Adams, and so became his Vice President. In the presidential election of 1800, Jefferson and Aaron Burr tied with 73 electoral votes. The election process went to the House of Representatives, which elected Jefferson President and Burr as Vice President.

His first term was quiet and successful. He reduced the size of the army, as well as government bureaucracy, and lowered the national debt by more than $30 million. In 1803, Jefferson experienced the greatest achievement of his presidency and nearly doubled the size of the country by negotiating the Louisiana Purchase with France; thus the US acquired land west from the Mississippi River to the Rocky Mountains. He then authorized the Lewis and Clark Expedition to explore, map, and report their discoveries to the American people.



Jefferson's second term was not as successful as his first, because war between England and France clouded the political world. Both of those nations were harassing American cargo ships carrying exports to Europe. In the face of navel harassment, Jefferson authorized an Embargo Act which suspended all trade with Europe. The Act was a disaster for the American economy and precipitated the War of 1812 with Britain.

Following his presidency, Jefferson again retired to his beloved Monticello. His closing years of life involved founding the University of Virginia, the first secular college in America, and personally designing its campus. As Jefferson neared death, he designed his own gravestone and wrote the following epitaph, which summarized the things for which he desired to be remembered:

Here was buried
Thomas Jefferson
Author of the Declaration of American Independence
of the Statute of Virginia for religious freedom
and Father of the University of Virginia.

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George Washington

George Washington, *Father of our Country*, was born February 22, 1732 in Virginia. Washington's father had farms, mills, and iron mines but died when George was 11, leaving him as the ward of his older brother, who later died and left George as the owner of Mount Vernon, one of Virginia's most prestigious estates.

George learned surveying, and at age 16 became the official surveyor of Culpepper County. In his late teens, he was appointed to the Virginia militia and soon earned the rank of major. In 1753, he was ordered to retake a British fort that the French had captured in southwestern Pennsylvania. Washington's small militia unit attacked the fort, killed its commander and several others, and took the remainder captive, thus igniting the French and Indian War. Washington fought with the British army in several other battles, during one of which he sustained four bullet holes in his coat, yet without injury.



Committee of Five presenting the Declaration of Independence to the Second Continental Congress

After the war, he retired from the militia, married, and managed his extensive agricultural estate. Washington resisted taking a role in Colonial opposition to Britain until after the Townshend Act in 1767 which stirred him to action. He introduced a bill in the House of Burgesses proposing that Virginia boycott British goods until that Act was repealed. When Britain passed the Intolerable Acts in 1774, Washington became a delegate to the First Continental Congress and supported the use of armed resistance, if necessary, to obtain justice. In April 1775, the battles of Lexington and Concord enlarged the threat of all-out war. In May, as a delegate to the Second Continental Congress, Washington appeared in Philadelphia in full military uniform, and on June 15 was selected as Major General and Commander-in-Chief of the Continental army.

Battles of the Revolutionary War swayed back and forth, with Washington's forces tasting both defeat and victory. Washington's valor, character, and courage equipped him to take calculated risks, as in crossing the Delaware River amid floating ice chunks to stage a victorious, surprise attack on Hessian mercenaries. Support from France helped produce victory over England at Yorktown in 1781; and Washington again retired to his Mount Vernon estate, where he proved the practical aspects of Free Enterprise.

Stories of Colonial bickering over boundaries, war debts, and huge taxes placed upon various citizens by their states, with some causing armed uprisings, reached Washington's ears. He realized the insufficiency of the Articles of Confederation for a republic, and knew the fledgling government had to be strengthened. Washington supported a Constitutional Convention and was asked to preside over it in 1787. This Convention produced the awesome US Constitution that has now endured for over 200 years.

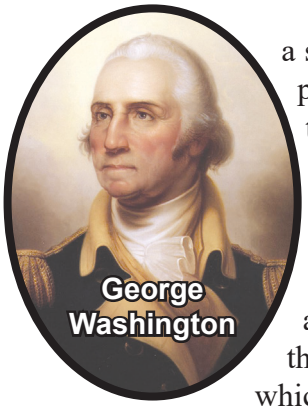
As the new Constitution was enacted and a president of the United States of America was to be elected, George Washington received a unanimous Electoral College vote (the only such vote in US history). As President, Washington proved to be an able administrator. He selected strong cabinet members and delegated authority wisely. His greatest asset was his integrity to

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exercise executive power with restraint and honesty.

Tension existed within his cabinet, however, as Alexander Hamilton and Thomas Jefferson constantly opposed each other over a strong federal government versus states' rights. Their political polarization galvanized the two-party political system. However, when President Washington prepared to step down from office after one term, Jefferson and Hamilton joined forces to persuade Washington that the nation could not yet sustain a change of leadership, and feared it would disintegrate without his leadership.



After completing a second term, people pressured Washington to run for a third; but he refused, since he wanted to set a standard for future presidents. He penned a farewell address to the American people, which appeared in Philadelphia's *American Daily Advertiser* on September 19, 1796, to "friends and fellow citizens." The theme of his address was that the success of the nation rested on the union of interests and principles, and he issued several warnings to prevent distractions from that union. He first cautioned against factionalism of political parties that would give greater loyalty to parties than to the nation, and warned that so doing could enable *"cunning, ambitious and unprincipled men . . . to subvert the power of the people and to usurp for themselves the reins of government."*

He continued with warnings against *"the insidious wiles of foreign influence"* and counseled against *"permanent alliances"* with foreign nations, stating that American foreign policy should be fair and honest, but carefully guard American interests. His final admonitions included a call to maintain public character, stating that virtue and morality are necessary components of good government. He pointed to the role of religion as necessary in maintaining a free people's liberty and respect for the rights of others. He then summarized:

> *"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. 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 man and citizens."*

Washington retired to Mount Vernon. Two years later he became wet and chilled from inspecting his plantation on horseback in a driving snowstorm. Arriving home, he became deathly sick over the next two days, and on December 14, 1799, he passed from life.

Major Henry "Light Horse Harry" Lee, who served under General Washington and had been his bodyguard, gave the eulogy to a joint session of Congress, describing Washington as:

> *First in war, first in peace, and first in the hearts of his countrymen, he was . . . pious, just, humane, temperate, and sincere: uniform, dignified, and commanding, his example was . . . . edifying to all around him . . . Correct throughout, vice shuddered in his presence and virtue always felt his fostering hand. The purity of his private character gave* ***effulgence*** *to his public virtues.*

LIFE PRINCIPLE:



"Religion is the only solid base of morals and morals are the only possible support of free governments."

– Robert Morris (Penman and Signer of the Constitution)

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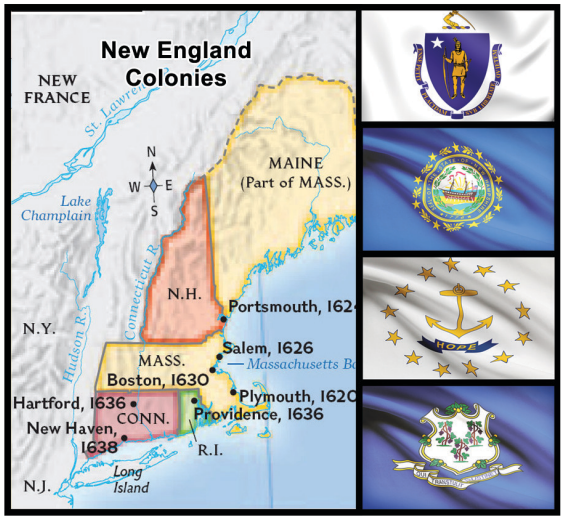
Principles and Precepts of Government

Topic 11
Establishment of US Government

Chapter 1

Section Three
Topics 11-15

Values and Views of the New England Colonies



The United States may be compared to a mighty oak tree, in that four centuries ago the seed of freedom found fertile lodging on the shores of the eastern seaboard. The several fragile roots, robustly tightening their grip on American soil, represent the thirteen Colonies which sprouted to become the increasingly strong trunk of the United States with numerous branches and lush foliage, providing a ***myriad*** of benefits to the world.

In Topic 6, we studied the settlement of Virginia and the government formed. Now, we proceed in studying the other dozen Colonies to understand the motivating worldviews and values that drove the settlement of each Colony and trace the development of their Colonial governments. In so doing, we shall learn how these ***rudimentary*** worldviews, values, and governments blended to form the Constitution and design of these United States.

The original 13 Colonies are usually grouped according to their geographic areas: New England, Middle, and Southern. Therefore, we shall study their governance in that sequence.

Massachusetts Bay Colony

We have already studied the Pilgrims who arrived on the *Mayflower* in 1620 and established the Plymouth Colony. Ten years later, another group of about 800 Christian settlers, led by attorney John Winthrop and known as Puritans, came to the same area and settled The Massachusetts Bay Colony. Both ***emigrant*** groups were victims of religious persecution but differed in their approach to the problem. While the Pilgrims completely separated themselves from their persecutors (the Church of England), the Puritans chose to remain connected to the Church, attempting to reform, or purify, it from within – hence the name *Puritans.* While still on their flagship, Mr. Winthrop delivered a sermon outlining the Puritans' purpose in the New World:

. . . We must consider that we shall be a city upon a hill.

VOCABULARY

Myriad: a great number
Rudimentary: involving or limited to basic principles
Emigrant: one who leaves his place of residence or country to live elsewhere
Piety: dutiful devoutness in religious beliefs
Freehold estate: the exclusive right to the use and possession of real property for an indefinite period of time
Gubernatorial: pertaining to a governor
Provincial Congress: a type of temporary or transitional Congress or Convention to maintain stability in uncertain times

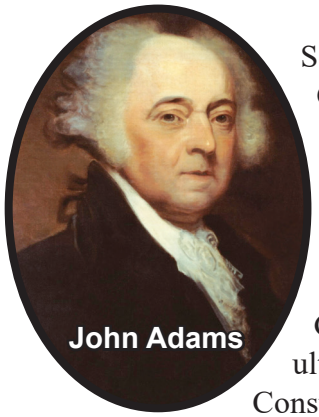
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The eyes of all people are upon us, so that if we shall deal falsely with our God in this work we have undertaken, and so cause Him to withdraw His present help from us, we shall be made a story and a byword through the world.

This concept of a "city on a hill" has been used by many, particularly President Ronald Reagan, to describe America's exceptionalism and unique Constitutional government. Winthrop's Colony grew rapidly; and during the following decade, more than 20,000 new settlers arrived. The Puritans valued life as a gift from God, and likewise valued the liberty of following their convictions of conscience. Moreover, they were on a mission to establish a church and community that esteemed purity of life and conduct.

Their Charter from King Charles II provided for a governor, plus 18 magistrates to serve as the governor's council who were elected annually. As the Colony grew and more towns were established, each town held Town Hall meetings to elect delegates to comprise local assemblies, thus exemplifying the spirit of democratic self-government.


John Adams

In 1775, the Second Continental Congress directed each Colony to develop its own government, based on a constitution. The Massachusetts General Court ultimately organized a Constitutional Convention which appointed a committee to draft a proposal. Committee member John Adams wrote the draft which was ratified June 15, 1780. The Preamble defined government as empowered by the people to furnish rights and blessings of life; and when rights were not forthcoming, the people had the right to alter the government.

The first part of the Massachusetts Bay Colony Constitution was comprised of three articles declaring the rights of the people. Article one conveyed that all men are born free and equal and have natural, essential and unalienable rights pertaining to liberty, acquiring and protecting possessions, and seeking and obtaining safety and happiness.

The second article addressed religious rights, stating that it is the duty of all men to worship the Supreme Being, who is Creator and Preserver of the universe. Furthermore, all subjects had the right to worship God, free from restraint, according to the dictates of personal conscience.

The third article articulated that since the preservation of order and good government depended upon ***piety***, religion and morality, the legislature should be vested with authority to ascertain that religious bodies and societies were fulfilling their purposes. It further linked both public education and religious training as jointly responsible for training in piety, religion and morality.

The 27 remaining articles declared that the people of the Commonwealth had the exclusive right of self-governance and that government is instituted for the common good, protection, safety, prosperity, and happiness of the people. Every person had the right to find a remedy for all injuries or wrongs upon his person, property, or character through due process of law or the decision of a jury of peers. People also had a right to be secure from searches, and seizures, except by proper warrants. They had the right to bear arms, assemble, deliberate and debate. No soldier could be quartered in a residence without consent of the owner. Liberty of the press, being essential to the freedom of the Commonwealth, was not to be restrained.

The second part of the Massachusetts Bay Colony Constitution defined the frame of government. The name of the state was

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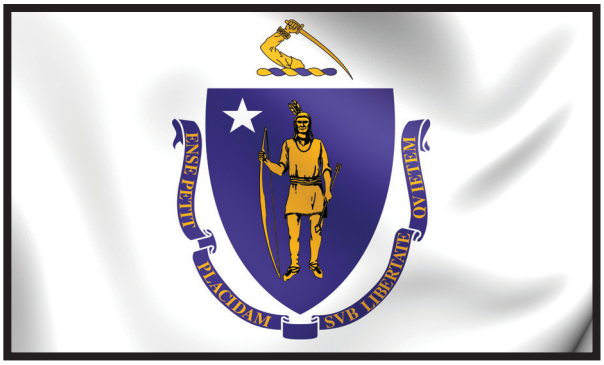
The Commonwealth of Massachusetts. It established three branches of government as executive, legislative, and judicial. The legislative branch of government was bicameral, comprised of a Senate and a House of Representatives.

The Senate was to be elected annually by eligible, tax-paying voters of Commonwealth districts. Senate *candidates* had to be freedmen, live within the commonwealth for five years, and own a ***freehold estate*** worth 300 pounds or a personal estate of 600 pounds. To be eligible to *vote* for Senators a citizen had to be male, 21 years or older, have a freehold estate of at least 60 pounds, and vote in the district where he owned a home.

Members of the House of Representatives were elected by town voters, one or more, proportionate to the town's population. Qualifications for election required that the candidate own a freehold valued at 100 pounds, or an estate of 200 pounds. Eligible voters were any male person at least 21 years old, having been a resident of the town, where he was voting for at least one year, owned a freehold, and earned at least three pounds annually, or had an estate of at least 60 pounds.

Qualifications for ***gubernatorial*** candidates required residency in the Commonwealth for at least seven years, a freehold of at least one thousand pounds, and declaration as a Christian. Candidates were to be nominated by those voting at the election of Senators and members of the House of Representatives. The two candidates receiving the highest number of votes were presented to the Senate for election. All judicial officers were to be appointed by the governor upon the advice and consent of the executive council. All senators, representatives, and executives of the Commonwealth were to subscribe to the following declaration:

I do declare that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.



Massachusetts Flag

Massachusetts is often called "the State of Firsts:" It had the first public high school, the first college (Harvard), the first constitution (Mayflower Compact), the first Thanksgiving, and the first "shot heard 'round the world". It was also the first Colony to have a printing press, newspaper, and library.

New Hampshire

In 1622, Captain John Mason, governor of Portsmouth in Hampshire, England, obtained a land grant for territory that was partly in each of what later became Maine and New Hampshire. In 1623, two parties of emigrant traders and fishermen established settlements in what became Portsmouth and Dover. In 1629, the Reverend John Wheelwright purchased a tract of land from the Indians, between the Merrimack and the Piscataqua Rivers, and founded the town of Exeter. In the same year, the land that had been part of the grant to Mason was named New Hampshire.

In 1641, these New Hampshire settlements formed a coalition with Massachusetts, which provided protection, until the King ordered that it be separated, and New Hampshire became a Royal Province. It was then governed by a President and Council appointed by the King, and

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a House of Representatives elected by the people. The first Assembly under the Royal Charter issued a first-of-its-kind Colonial declaration demonstrating the Colonial spirit of liberty, self-governance, and independence:

> *No act, imposition, law, or ordinance shall be imposed upon the inhabitants of the province, but such as shall be made by the assembly, and approved by the president and council.*

In 1774, problems with Britain escalated as King George III banned arms and ammunition exports to America. Early the following year, Parliament placed an embargo on Colonial trade with countries other than Britain and British West Indies and barred New England ships from fisheries in North America.

After New Hampshire's militia was involved in the Battle of Bunker Hill in June of 1775, the frightened Royal Governor closed the Colonial government and fled to England. Without a government, and upon the recommendation of the Second Continental Congress, many New Hampshire leaders who had served in the Royal Assembly formed a ***Provincial Congress***. In December, that Congress began to debate the formation of a new government.

In early January 1776, a temporary Constitution was adopted, which provided an elected lower house, and appointed an upper chamber council. It also stated that if an unhappy dispute (with England) continued longer than a year, and upon the concurrence of the Continental Congress, a council would be elected by the people of each respective county. There was no governor, declaration of rights, or judiciary; but it did establish legislative powers, taxation, judicial appointments, and a militia. Then, in June 1778, elected legislative leaders convened in Concord to form a *permanent* New Hampshire government—the first time in history that delegates elected by the people met for the singular purpose of drafting a Constitution that would be ratified by the people (who summarily rejected the first two drafts); but finally, in 1784, a Constitution was adopted.

One-third of the New Hampshire Constitution was a comprehensive Bill of Rights clearly enunciating that all men are born equally free and independent; therefore, all government or right originates from the people. It declared that each person had the right of conscience and the natural and unalienable right to worship God according to dictates of personal conscience rather than by dogma issued from a state church.



New Hampshire State House

Elections were to be free, guaranteeing every state inhabitant having proper qualifications the equal right to elect and to be elected. Every person was entitled to legal recourse for injuries to person, property, or character. Citizens had the right of due process with trial by a jury of one's peers; and all legal punishments had to be proportionate to the offense.

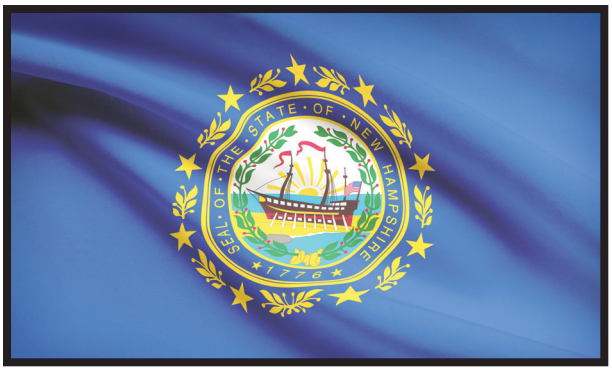
Other rights addressed included the right to be secure from unreasonable search and seizure, liberty of the press, the right of free speech, the right to assemble in an orderly manner, and a proper administration of justice. Changes from the previous Constitution included the election of senators, the addition of a president as supreme executive, and the addition of a judicial system.

A *candidate* for election to the Senate had to be a protestant, 30 years of age or older, have an estate of 200 pounds, and be a resident for seven years. Similar rules applied to House and gubernatorial candidates. Anyone *voting* for Senators or House members had to be at least age 21, a resident of a town, parish, or district, and pay a poll

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tax. The Senate and House together comprised the General Court of New Hampshire and established and maintained the judicial system.



New Hampshire Flag

New Hampshire's motto, *"Live Free or Die",* certainly describes the second Colony which declared its severance from England six weeks before the Declaration of Independence was signed and was the first State to create a *State* Constitution. New Hampshire still operates on its 1784 Constitution. Although amended several times, it remains the second oldest Constitution in the nation, and its government is still housed in its first Statehouse.

Connecticut

In the language of Native Americans there, Connecticut means *"the long river"*. Multiple groups settled the area, many of whom felt the Puritans of the Massachusetts Bay Colony were intolerant of non-Puritans. Exodus from the Bay area began in 1630 when a proprietary grant was obtained for the part of New England stretching from the Narragansett River 120 miles southwest to the coast. The following year, John Winslow, son of the Governor of Plymouth, was commissioned to build a fort at the mouth of the Connecticut River.

In June of 1636, two Massachusetts pastors from Dorchester and Waterford led their congregations a hundred miles over mountains, through swamps and rivers, driving 160 head of cattle, and settled at present day Hartford. Thus, during 1635-36, the settlements of Winsor, Wethersfield, and Hartford were founded by Christian Congregationalists from Massachusetts. Patent holders, still in England, and the Massachusetts Court that had given permission for the settlement of Connecticut, were both claiming jurisdictional over the new Colonies.

A compromise was reached during the 1637 March Commission, and a governing document was drawn up by Attorney Robert Ludlow which provided a commission of eight magistrates, including Ludlow, and two magistrates from each of the three settlements who were to govern and devise a structure for the further governance of the territory. On May 20, 1638, Magistrate Ludlow wrote to Massachusetts Governor Winthrop, stating that the Connecticut colonists desired "*to unite themselves to walk peaceable and lovingly together"* and to "*bring ourselves to some rules, articles and agreements."* The latter elements were then written in a document called the Fundamental Orders of Connecticut.

Two days later, Thomas Hooker, pastor of the largest church and leader of Hartford, addressed the General Court of Massachusetts to present the case for a new government for the union of Hartford, Wethersfield, and Windsor. Of the few notes that remain from his address, he declared that God was the source of all laws but has given people the power to appoint magistrates and to set bounds and limits. He identified three points that were vital in a Biblical Commonwealth:

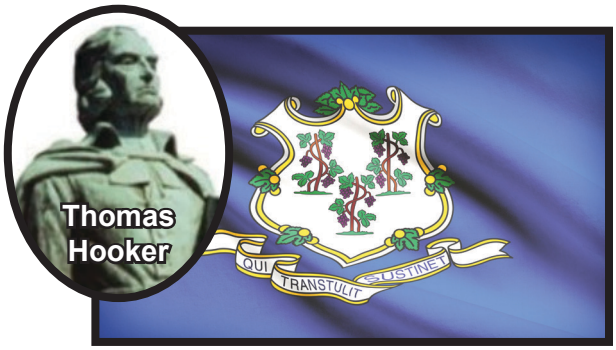
1) All civil authority rested with the people.
2) This authority must be written and documented.
3) The electoral franchise might be expanded.

The General Court studied the proposed Fundamental Orders for six months, finally approving the document on January 14,

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1639— thus birthing the Commonwealth of Connecticut.



Connecticut Flag

The Fundamental Orders consisted of a Preamble and 11 Orders. The Preamble begins with a declaration asserting that it had pleased Almighty God to have providentially brought the inhabitants of the three settlements together. It further asserted *"where a people are gathered together the word of God requires that to maintain the peace and union of such a people there should be an orderly and decent Government established . . . ."* They then pledged for themselves and their successors, to form a Commonwealth *"to maintain and preserve the liberty and purity of the Gospel of our Lord Jesus . . . and in our civil affairs to be guided and governed according to such Laws, Rules, Orders and Decrees as shall be made, ordered and decreed as follows."*

The 11 Orders established both the form and the function of self-government and governance in Connecticut. It first defined the supreme power of the Commonwealth as the General Court, comprised of the governor and six magistrates nominated by the Court and elected by the freemen of the Commonwealth. Four deputies were elected by ballot from each town.

The General Court met four times a year with power to *"make laws or repeal them, to grant levies, to admit freemen…and any other matter that concerns the good of the commonwealth."* The remainder of the Orders provided details for elections, court proceedings, maintenance of law and order, and taxation.

Due to population growth and addition of new towns, Attorney Ludlow was asked by the General Court in 1646 to compile a body of law to be added to the Fundamental Orders, *"grounded in precedent and authority and fitted to the necessities of the new civilization."* This code of laws containing 77 Titles was adopted by the Court in 1650. It began with a declaration of rights and contained language foundational to due process. It defined inheritance laws, fines, punishments, and imprisonment while rejecting fines or imprisonment for debt. Capital punishment was appropriate for certain crimes, including treason, murder, rape, and sodomy.

Family matters and marriage between a male and female were primary concerns; therefore, laws for marriage, divorce, and illegitimacy, as well as education, were addressed. Marriage was entirely controlled by civil authorities, and divorce was tolerated only in very unusual cases. Formal education was required with a teacher being publicly funded in towns of 50 families, while schools were required in towns of 100 or more families. Additional titles dealt with such things as pricing of products, and treatment of servants and animals.

Although the Fundamental Orders were tested several times during the 150 years from its inception to the Revolution, and modified by necessary changes in relation to growth and other factors, the basic government remained intact—to *"levy war, conclude peace, contract alliances, establish commerce and . . . all other acts which independent States may of right do."*

For a long time, the Fundamental Orders had been known as the first written Constitution in America; and in 1959, the General Assembly designated Connecticut as the *Constitution State*. Although contemporary scholars debate whether the Orders met the

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total criteria for being a Constitution, it served for about 150 years and created a unified, independent, self-governing state. As such, it was a vibrant root that fed development of the US form of constitutional government.

Rhode Island

The tiny land mass of Rhode Island—48 miles long and 37 miles wide—was called *Isle of Peace* by Native Americans and *Red Island* by Dutch explorers, since the beaches were red clay.



Rhode Island Flag

Roger Williams, having been banished from Massachusetts in 1636 for disagreement with the Puritans over religious freedom, purchased land from the Narragansett Indians and named it *Providence*, because of gratitude for the mercies of God. During the next few years, Williams was joined by friends from Massachusetts in establishing a colony which has been described as the world's first example of perfect religious toleration. Each member of the community was permitted to hold religious convictions and to worship God as he pleased without fear of persecution by others. Still, Catholics were unwelcome until 1780.

Knowing the need for civil government, Williams required all settlers to sign a covenant respecting all rules for civil order. The colony was self-governed with legislative, judicial and executive functions performed by town meetings. Two deputies were appointed to preserve order, call town meetings, preside over them, and to execute decisions of the meetings.

Two years later, other freedom-seekers established Portsmouth. Soon, another settlement developed in Newport, and the three settlements merged, calling the colony *Rhode Island Plantation*. A government for the Plantation was formed in the mode of the ancient Jews before they had a king. A magistrate, called a Judge, was assisted by three elders, who were elected, and served until a charter was obtained.

In 1663, Williams obtained a Royal Charter from King Charles II, which granted religious freedom and allowed the Plantation to be self-governing, with a General Assembly consisting of a governor, assistant governor, ten assistants, and representatives from the towns and cities. The Assembly was responsible for enacting laws, monitoring trade, and establishing a militia. This Charter Government served Rhode Island for 180 years. Then, as the winds of Revolution blew across New England, the Continental Congress directed each of the 13 Colonies to form a government and compile a written constitution. Rhode Island complied by simply keeping their original Charter as their Constitution. Rhode Island, the smallest Colony (and the smallest state) pioneered religious freedom and declared its independence from Great Britain on May 4, 1776, two months before the Declaration of Independence was signed.

LIFE PRINCIPLE:



"The foundation of authority is based upon the consent of the people."

– Thomas Hooker
(Founder of Connecticut)

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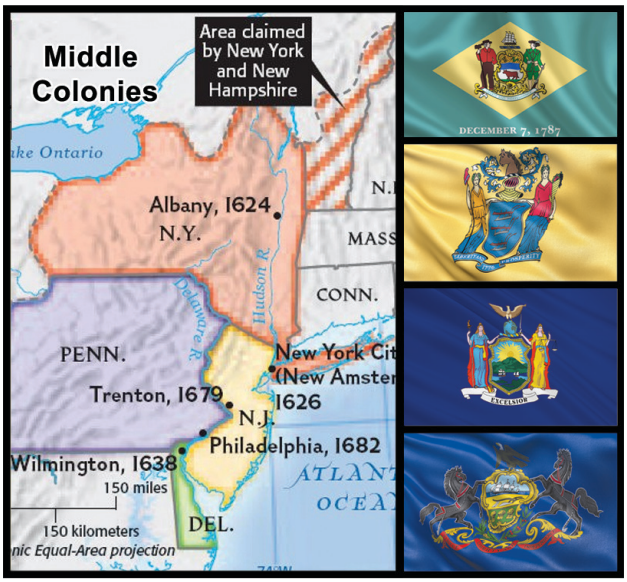
Principles and Precepts of Government

Topic 12
Establishment of US Government

Chapter 1

Section Three
Topics 11-15

Defending Life and Liberty in the Middle Colonies



In studying the Middle Colonies, note how individual rights were first defined, and how worldviews and values were the drivers of laws and documents to constrain and direct government.

Delaware

Delaware has a *territorial* history rather than a formal colonial history. Dutch emigrants were the first Europeans to settle near present-day Lewes in 1631 but were massacred by Native Americans. Swedish settlers followed in 1638, establishing The New Sweden near what is now Wilmington. Seventeen years later, the Dutch conquered New Sweden and incorporated it into the Dutch New Netherlands. Then, in 1664, the English captured New Netherlands and Delaware became part of the Colony of New York. In 1681, William Penn obtained a land grant from King Charles II to establish the Colony of Pennsylvania which included the ***proprietary*** territory of Delaware. Delaware's geographic location down river from the main Pennsylvania Colony caused the territory to be known as The Three Lower Counties or The Counties of New Castle, Kent and Sussex upon Delaware.

On June 15, 1776, delegates from the three counties met in a Constitutional Convention to separate from Pennsylvania, draft a constitution and organize a state government. Thus, the three counties became the State of Delaware. Its legislative body was called the General Assembly of Delaware and was comprised of an upper house—the Legislative Council, with three members elected from each county, and a lower house – called the House of Assembly, with seven elected from each county. A President, or Chief Magistrate, was elected by a joint ballot of both houses. A court system was comprised of a Supreme Court, Courts of Common Pleas, Orphans' court, and Courts of ***Chancery***. The remainder of the Constitution described the responsibilities and functions of each body and office. Article 22 required all office

VOCABULARY

Proprietary: holding an exclusive right to something
Chancery: equity; free from bias or favoritism
Impinge: to infringe upon or violate
Inviolable: secure from assault or trespass
Ecclesiastical: pertaining to church matters
Remonstrance: an earnest presentation of reasons for opposition or grievance

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holders to "*bear true allegiance to the Delaware State, submit to its constitution and laws, . . . And also make and subscribe the following declaration, to wit: "I, (*name*), do profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the holy scriptures of the Old and New Testament to be given by divine inspiration."*



Delaware Flag

The Constitution was preceded by a Declaration of Rights, detailing the legal rights of citizens, and clearly stated that "*all (*good*) government originates from the people, is founded in compact only, and instituted solely for the good of the whole."* It provided the religious right to worship God according to the dictates of conscience, and that government does not have the right to ***impinge*** the free exercise of religion. It also established that every member of society had a right to protection in the enjoyment of life, liberty, and property. It provided the right to petition for the redress of grievances, the right of trial by jury, the right of due process, the right to be searched only by warrant, and that no excessive fine or bail, or cruel or unusual punishment is legal. Four articles dealt with regulation of the militia and prohibited quartering of troops without the consent of the owner. The final right defined was *"that the liberty of the press ought to be* ***inviolable*** *preserved."* Unlike the US Constitution, Delaware's Constitution has been amended so many times since its inception that it has been called "a work in progress". Delaware's nickname is "The First State", due to having been the very first state to ratify the US Constitution.

New Jersey

In 1664, Elizabethtown, the first permanent Colony in New Jersey, was settled by people from Long Island. The next year, a government was instituted by a proprietor who had obtained land grants and had also created a constitution for the Colony under British rule. The government was comprised of a governor and council having executive powers and were tentatively appointed by the proprietor, as were legislative representatives. After the initial terms expired, all office holders were elected by towns.

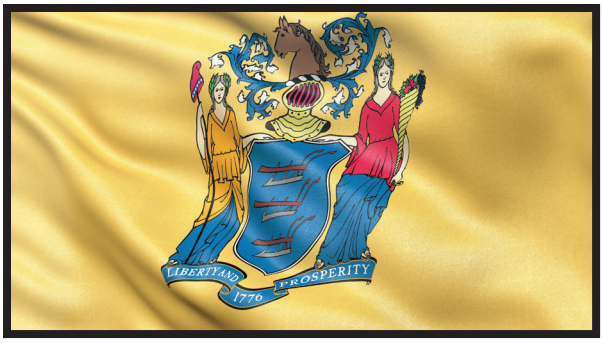
War broke out between Britain and Holland in 1672, and the Dutch briefly seized control of the Colony. In 1676, the province was divided into East and West Jersey. West Jersey first became a dependency of New York, and later annexed to New England. Later, East and West Jersey were reunited, annexed to New York, and became a Royal Colony with its government directly under the rule of British Queen Ann. In 1738, it became a separate Royal Colony.

As the Revolutionary War began, a Provincial Congress of New Jersey was created, and the Governor was deposed. Under threat of a pending British invasion, and after Washington's troops had been defeated in New York, delegates of the Provincial Congress speedily drafted a new Constitution and ratified it August 31, 1776. Thus, the new state of New Jersey was formed and provided a government vested in a Governor, Legislative Council, and General Assembly. The Legislative Council delegates were elected, one from each county, and were freemen who had resided in the county for one year and possessed an estate of at least 1000 pounds value. Each county also elected three members of the General

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Assembly who were resident freemen worth at least 500 pounds. The two houses jointly elected a Governor. A Vice President of the Council was chosen, who would also serve as Vice-Governor. The Governor and Council comprised the Court of Appeals; and the Council and Assembly were responsible to appoint, along with the Governor's commission, all judges and officers of the court system. Voting eligibility was granted to all inhabitants who were of "full age," worth 50 pounds money, and resident within the county for the previous twelve months. Townships and towns were responsible for electing their own officials for local governments. Religious liberty provided *"that no person shall ever be deprived of the inestimable privilege of worshipping Almighty God in a manner, agreeable to the dictates of his own conscience, nor . . . be compelled to attend any place of worship, contrary to his own faith . . . ."* Furthermore, they determined that no religious sect would be established in preference to another, and that no Christian protestant inhabitant would be denied his civil rights on religious principles.



New Jersey Flag

New Jersey differed from other States in two main ways. First, both women and freed slaves who met the financial worth conditions were given voting privileges. Married women were not granted voting rights, because they were not allowed to own property, but single women could vote. Later changes allowed exercise of voting rights to married women.

The other provision was that if a reconciliation between Great Britain and the Colonies should occur, and if protection and government of the Crown was again extended, the Charter would be null and void. Although the New Jersey Constitution was rushed and contained no direction for amending, it remained as the governing document for New Jersey for 68 years.

New York

In 1609, Henry Hudson, an English sea captain working for the Dutch East India Company, attempted to find a passage to India by sailing into what we know as New York Harbor. For ten days he sailed up the river (later named for him) beyond the current city of Albany, then returned and gave his report to the Dutch Company. English King James I, fearing that the Dutch would claim the area, forbade Hudson to return to Holland. However, Holland did lay claim to the area and facilitated the settlement of various Colonies.

For the next several years, constant ownership struggles erupted between England and Holland. The Dutch West India Company was given a territory including the present states of New York, Delaware, New Jersey, part of Connecticut, and Long Island. That area began to be settled as "New Netherlands" or "New Amsterdam"; and several other Colonies were founded. The British captured New Amsterdam in 1664, and Charles II gave a land grant to his brother James, Duke of York, as a proprietorship. When James II became King in 1685, the colony became a Royal Colony, renamed as New York, and was granted a representative legislature and extended personal freedoms through the Governor's authority. Political turmoil and corruption, laced with polarization of the population by the two factions, burned across the Colony for the next six decades. The state-of-affairs worsened with the passage of the Stamp Act and other tax Acts passed

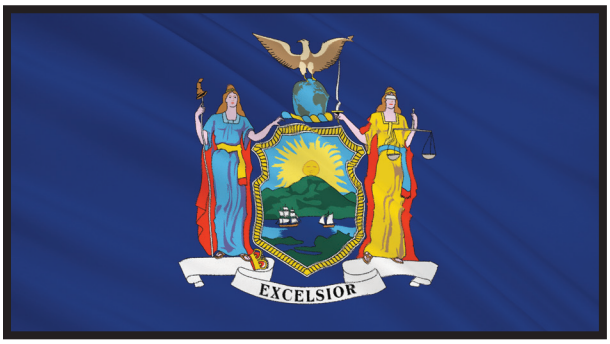
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by the British Parliament. As Revolutionary War events escalated over the next year, four separate Provincial Conventions or Congresses were convened to address the ongoing issues. The Fourth Provincial Congress convened on July 9, 1776, promptly changed its name to Convention of the Representatives of the State of New York, and compiled a Constitution for New York State. In that document, the authority of government was strictly granted by citizens of the State, as defined in the opening article: *"This convention, in the name and by the authority of the good people of the State . . . that no authority shall . . . be exercised over the people or members of the State but such as shall be derived from and granted by them."*

The government of the State was vested in two legislative bodies: The Assembly and The Senate. The Assembly, consisting of at least 70 members, and not to exceed 300, was to be elected by the counties in proportion to population in numbers ranging from 2 to 10 from each county. Voting eligibility included being a "full age" male, a resident of 6 months in the county wherein he was voting, possessing an estate of at least 20 pounds, and willing to take an oath or affirmation of allegiance to the State. The Senate, consisting of at least 24 members and never over 100, was to be elected by freeholders possessing estates valued at over 100 pounds above any debt. The counties were divided into four districts which were based on census data, and members were elected in each district in proportion to the number of freeholders in that district

The supreme executive authority of the State was vested in a Governor, who was to be elected by ballot of qualified freeholders of the State. He was authorized to commission military officers, the Chancellor, judges of the Supreme Court, and first judge of each County Court. Legal and judicial rights were guaranteed to citizens of New York under conditions that they *"shall not be disfranchised or deprived of any rights or privileges secured to the subjects of this State by this constitution, unless by the law of the land, or the judgment of his peers."* Laws concerning religious rights declared: *"in the name and by the authority of the good people of the State . . . that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within the State to all mankind."* Because ministers were dedicated to the service to God and the care of souls, and should not be diverted from these duties, they were not eligible to hold civil or military office.



New York Flag

A militia was authorized to be at all times armed, disciplined, and ready for service. The State was also ordered to institute and maintain a magazine with warlike stories with a number of copies proportionate to the population in every county. This was to be a positive educational tool preparing the youth for any eventual war.

The naturalization of persons born on the sea or out of the United States was addressed and placed under legislative jurisdiction. It also directed that an oath of allegiance to the State was mandatory, and residents had to renounce allegiance and subjection to foreign rulers and States in all matters both ***ecclesiastical*** and civil. This Constitution was adopted April 20, 1777. Then, on July 9, 1778, New York signed the Articles of Confederation and became a State within the United States of America.

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Pennsylvania

Pennsylvania, meaning "Penn's Woodlands", was the name Charles II gave to a land charter presented to William Penn to repay a debt owed to Penn's father. The early history of the region began around 1600, when the English, Dutch and Swedish all laid claims. The first settlement was established by the governor of New Sweden. The Dutch gained control of the region in 1655; but in 1664, the British seized control. Hence, on February 28, 1681, the land charter was given to William Penn, a devout Quaker, who had experienced persecution for his faith. He considered his colony to be an experiment to provide a place of refuge for persecuted people, by providing to them equality and freedom.



Pennsylvania Flag

The early framework of government, called *The Frame of 1682*, was developed by Penn and early settlers, and constituted a bicameral legislature. The upper house was called the Council and consisted of 72 members who were the first fifty purchasers of 5,000 or more acres of land. The Council had the authority to propose legislation, nominate officers of churches and state agencies, and supervise the military and all financial affairs. The lower house, the Assembly, was comprised of smaller land holders, and did not propose legislation, but had authority to accept or reject proposals by the Council. The governor exercised executive privileges with the assistance of Parliament.

Non-Quakers within the Assembly thought this government gave too much power to the Council and rejected it. Therefore, the next year, the Frame of 1682 was replaced by the Frame of 1683. It was a major compromise and held that all laws should be passed by the governor and the freedmen in Council and Assembly. It also gave the proprietor veto power over legislation. This Frame also included religious freedom, right of trial by jury, freedom of the press, and limited capital punishment. The system worked while Penn was present, but when he traveled to England, problems arose that led to suspension of the Charter for a time.

With restoration of the Charter, the Assembly was granted more power, and Frame 1696 was approved; but problems continued in Penn's absences. Therefore, the Assembly presented him with The Frame of 1701 or The Charter of Privileges, which gave the Assembly the sole right of legislation, the election of its own officers, to judge qualifications of its members, and power to impeach government officials. Members were to be elected by freemen comprised of four representatives from each county. The Council could be elected by the governor to assist with executive affairs but had no role in legislation. Furthermore, all property claims were to be heard by regular courts. This framework of government remained the Pennsylvania Constitution for 75 years.

Hostility of British actions and the presence of the Continental Congress in Philadelphia caused heightened cries for a new form of government. Delegates convened in late June 1776, and by July had elected delegates to write a new State Constitution under chairmanship of Benjamin Franklin. With the words of the Declaration of Independence echoing in their minds, delegates forged a document that proclaimed the rights of citizens and extended voting rights to all freemen. The State Constitution began with a Preamble that defined government and laid out reasons for independence from Britain.

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A Declaration of Rights containing 16 paragraphs was presented. The first was that all men are born equally free and independent and have natural, inherent and inalienable rights of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing happiness and safety. The second addressed religious rights, including a right to worship "*Almighty God according to the dictates of their own consciences and understanding*", and that no one who acknowledges God could be deprived of any civil right because of his religious sentiments.

The remaining paragraphs addressed the source, actions, and authority of government flowing from and benefiting the people. Elections were to be free, and all men had a right to elect officers or to be elected to office. Personal rights gave citizens protection of person and property. Citizens had the right of due process, a speedy public trial before an impartial jury of peers, and could not be found guilty, except by laws of the land or judgment of their peers. People retained the right to hold their possessions free from search and seizure, except by proper warrant. In controversies respecting property, parties had the right of trial by jury. The right of free speech in various forms, and freedom of the press were not to be restrained. They also had the right to bear arms for defense of the State and personal property. They had the right to assemble for their common good, to instruct their representatives, and to apply for redress of grievances by address, petition, or ***remonstrance***.

This plan of government stated that the Commonwealth or State of Pennsylvania would be governed by the Assembly of freeman, a President, and Council. The House of Representatives had supreme legislative power, and executive power was vested in the President and Council. Courts of justice were established in Philadelphia and in every county of the state. Voting eligibility was granted to freemen at least 21 years of age, resident in the State 12 months before the election, and having paid public taxes. Sons of freemen of the age of 21 could vote, even though they may not have paid taxes.

Members of the House of Representatives were elected annually by freemen of the State, and subscribed to the following before being seated*: "I do believe in one God, the creator and governor of the universe, the rewarder of the good and the punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration."*

No further religious test would ever thereafter be required of any civil officer or magistrate in the State. The Council of twelve persons was to be selected by each county electing one Councilman. The President and the Council had power to appoint judges, military officers and members to replace vacant positions. They were also the court for impeachment, treason, and murder cases.

The state President and Vice President were elected annually by a joint ballot of the General Assembly and the Council.

Schools were to be established in each county at public expense for the instruction of youth. The Pennsylvania Constitution was adopted in Convention on September 28, 1776, and became a forerunner of the Articles of Confederation, the first United States Constitution.

LIFE PRINCIPLE:



"A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law."

– Martin Luther King, Jr. (Civil Rights Leader)

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Principles and Precepts of Government

Topic 13
Establishment of US Government

Chapter 1

Section Three
Topics 11-15

Pursuit of Happiness in the Southern Colonies



European colonization of the New World occurred for three basic reasons: political, religious, and/or economic. The Virginia Colony, which we studied in Topic 6, was the first colony to survive. We shall now study the remaining Southern Colonies.

Maryland

George Calvert, British Secretary of State (having been stripped of his title due to being Catholic), envisioned a refuge in the New World for Catholics who were being persecuted at that time in Britain. His appeal to Charles I for a Royal Charter produced proprietary rights to land east of the Potomac River, which were transferred to his son upon George's death.

Officially, the name *Maryland* was reported to be in honor of Queen Henrietta Maria, wife of Charles I; but some Catholic scholars believe it was to honor Mary, the mother of Jesus. The first 250 settlers landed at St. Clement's Island in southern Maryland on March 25, 1634, where they celebrated the first Catholic Mass in America, a date still commemorated as Maryland Day. Their first settlement was in what is now St. Mary's County. St. Mary's City is known as the birthplace of religious freedom for Catholics in America.

Calvert first attempted to govern by a feudal system, but by 1635 he established a representative assembly, or House of Delegates, with the right to initiate legislation. Most of the gentlemen were Catholic, but others were Protestant, which engendered heated debates. At length, the Assembly became bicameral with the Upper House comprised of the Governor and his council, and the Lower House being comprised of delegates from towns, and later from counties. However, religious dissention continued, so that in 1649 the Assembly adopted the Maryland Act of Toleration, which granted freedom of religion to all who worshiped Christ. This Act left a historic ***legacy***, which would later culminate in the First Amendment to the US Constitution.

As Revolution dawned, Maryland was reluctant to separate from England, but realized that their ***ad hoc*** government needed to be changed. Delegates to their State Convention met in July

VOCABULARY

Legacy: something transmitted by or received from an ancestor or predecessor or from the past
ad hoc: for the particular end or case at hand without consideration of wider application
Incursion: an invasion
Huguenot: French Protestant
Portend: to forewarn or have a premonition about something
Repugnant: extremely unpleasant, repulsive

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1776 to produce a State Constitution, which was adopted in November of that year, and established a government *"of the people only"*.

The Constitution began with a long Declaration of Rights, listing forty-two detailed rights that defined government and the powers thereof. Portions include:

I-II. That all government of right originates from the people . . . and is instituted solely for the good of the whole, and that the people have the right to regulate their government.

III-IV. That the inhabitants of Maryland are entitled to trial by Jury . . . and that duly elected persons are accountable for their conduct, and if perverted need to be reformed or replaced.

V-VI. That the right of the people to participate in the Legislature is the best security of liberty, to wit: elections ought to be free and frequent . . . and that the legislative, executive and judicial powers of government be separate and distinct from each other.

VIII-XII. That freedom of speech and debates, redress of grievances, and the right to petition be maintained. . . . And that excessive bail or fines not be required, nor cruel or unusual punishments inflicted by the courts of law.

XXXV. That no other test or qualification ought to be required, on admission to any office of trust than an oath of support and fidelity to this State, and a declaration of a belief in the Christian religion.

XXXVIII-XXXIX. That liberty of the press must be preserved . . . .And that monopolies which are contrary to the spirit of a free government should not be allowed.

The Constitution provided for The General Assembly of Maryland, a bicameral legislature consisting of the House of Delegates and the State Senate. Governing rules and regulations, powers of office, qualifications for election, and terms of office were set forth for Assembly members, Governor, Judges, and other public office holders such as county Sheriff, and Justice of the Peace. Any candidate for Governor was admonished to be "a person of wisdom, experience, and virtue".



Maryland Flag

Of historical note is that a mere thirty-six years after adoption of its Constitution, Maryland's harbor at Baltimore was the site of an all-out British naval attack during the War of 1812 where Francis Scott Key witnessed the bombardment of Ft. McHenry and penned four stanzas of what became America's National Anthem. Most of the fourth verse serves as a type of hopeful benediction:

. . . Blest with vict'ry and peace, may the heav'n rescued land
Praise the power that hath made and preserv'd us a nation!
Then conquer we must, when our cause it is just,
And this be our motto—"In God is our trust,"
And the star-spangled banner in triumph shall wave
O'er the land of the free and the home of the brave.

North Carolina

The first, although unsuccessful, English settlements in America began on the eastern shores of North Carolina in the

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late 1500s—the most famous one being the mysterious "Lost Colony" of Roanoke, chartered by Sir Walter Raleigh. The name of *Carolina* was given by an early French explorer in honor of Charles IX (as "Charles", in Latin, is *Carolus)*, and was retained by the British in honor of their King Charles II. Permanent settlements were made in 1653 by emigrants from Virginia, New England, and Barbados. In 1663, Charles II issued a Charter to eight of his friends for a parcel of land that included what later became both North and South Carolina.



North Carolina Flag

North Carolina was first a Proprietary Colony that was in constant turmoil involving several attempts at government, none of which included self-governance. Finally, in 1692, with only two surviving settlements hundreds of miles apart, North Carolina became a Royal Colony ruled by the British King, who appointed a governor and advisors, and allowed the people to elect an assembly or parliament. All action adopted by the Assembly had to be approved by the Governor.

In the summer of 1774, The Lower House of the Assembly (in opposition to the Governor), proposed to elect delegates to the Continental Congress. To do this, they called for a Provincial Congress which convened in August, at which time they selected delegates to the Continental Congress and approved a trade boycott in response to several punitive actions imposed by Great Britain. Consecutive meetings were held in April and August of 1775, as the Provincial Congress approved actions of the Continental Congress and established a Provincial Council to conduct affairs of the province, since the frightened Governor had fled and the Royal Colony governance had collapsed. The state Congress also issued bills of credit for money to fund defense and government.

The Fourth Provincial Congress convened during April and May of 1776 in Halifax. Tensions had risen due to an impending British ***incursion*** on Cape Fear. Thus, the Halifax Resolves were adopted as one of the first official Colonial actions for independence. These Resolves described the acts of war instituted by Great Britain and resolved to join with other Colonies in declaring independence and forming their own constitutions.

A Fifth Provincial Congress met to draft the North Carolina Constitution and Declaration of Rights, which established a Government with *"all political power vested in and derived from the people only."* Legislative authority was vested in the Senate and the House of Commons. Members of the Senate were elected, one from each county; House members were elected on the basis of two from each county and one from each of the six larger cities.

Senate members were required to be residents and own at least 300 acres of land. House members had to be residents and own at least 100 acres. Eligibility for voting for Senate members included being a freeman at least age 21, living in the county for at least 12 months previous to election, and owning at least 50 acres of land. To vote for all other positions, a voter had to be a freeman, have lived in the town or county for at least 12 months prior to the election, and have paid taxes for the year.

A Governor was to be elected by a joint meeting of the Senate and the House of Commons. He would have executive powers and be Commander-in-Chief of the militia. A Council of State, to assist the governor, was also elected by the General Assembly.

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A court system was implied, but not clearly defined. The House of Commons held prosecutorial powers, and a Supreme Court existed. Justices of Peace for each county were appointed by the Governor.

Although the right to worship God after the dictates of conscience appears in the Declaration of Rights, Article XXXI of the original Constitution states that active clergymen of any denomination were restricted from holding positions in either chamber of the Assembly. Article XXXIV specifies that no single religious church or denomination could be held in preference to any other. Article XXXII speaks loudly to the values and worldview of those first-generation US citizens:

> *. . . that no person who shall deny the being of God, or the truth of the Protestant religion, or the divine authority of either the Old or New Testaments, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office, or place of trust or profit, in the civil department within this State.*

The basic Declarations of Rights put forth in the various Colonies were quite similar, due to itemizing inherent human rights. North Carolina echoed others in declaring that all political power was vested in and derived from the people only, in granting all citizens trial by jury and due process, and in stating that taxation must be only by the permission of the taxed or their representatives in the General Assembly. It also stated that freedom of the press was one of the greatest bulwarks of liberty and ought never be restrained.

It further declared the right of the people to assemble, to instruct their representatives, and to apply for redress of grievances. All men had the right of free speech and the bearing of arms for protection. Thus, we see an overview of a future state of the Union that may have had the greatest heterogeneous mixture of ethnic and religious backgrounds, join together in the formation of a self-governing state.

South Carolina

Colonial settlements in *Carolina* were attempted by three other nations before the English began colonization there: a Spanish Colony in 1526 that did not survive, a French ***Huguenot*** Colony begun on Paris Island in 1562, and Spanish missions and forts extending north from Florida, almost to what is now Charleston. "Carolina" was divided into North and South in 1712. South Carolina became a Royal Colony in 1729 and was governed in the pattern of other Royal Colonies.



South Carolina Flag

South Carolina enjoyed the privileges and protection of British rule until the enactment of the Stamp Act and Townshend Acts, when political pressures awakened residents to impending danger from England. A movement for independence began, and in March 1776, a temporary Provincial Government was established, and a Constitution was written, which began with a long treatise documenting the acts of intolerance committed by the British Parliament that had fueled the movement toward independence. This government was a fully representative General Assembly which elected a legislative council. These two groups jointly elected a President and Commander-in-Chief. The remainder of the Constitution provided direction for these offices, courts,

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and local magistrates, justices of the peace, and others.

In 1778, a new State Constitution was adopted, a permanent government formed, and the State of South Carolina was born. The governmental bodies consisted of a General Assembly comprised of a Senate and a House of Representatives. The Senate was elected by parishes and districts, each of which elected one or two delegates based on population. Senators had to be Protestant, own an estate of fairly significant value, and have been a resident for at least five years.

The House of Representatives was elected by parishes and districts based on population. The number of delegates ranged from two to thirty members. These had to be white, free, Protestant men who acknowledged God, believed in the future state of rewards and punishments, were at least 21 years of age, and had lived in the area for at least one year and in the State for three years. Each one also had to own a modest estate valued at the price of fifty acres of land.

A Governor was elected by a ballot of the two Houses jointly or a vote of the people at large. He was also the Commander of the militia and Executive Officer of the State. All other State officials were to be elected or appointed in the following manner: Justices of the Peace were to be nominated by the joint Houses and commissioned by the Governor; judicial officers, sheriffs, and all officers of the militia were to be elected jointly by the two Houses. No pastor or public preacher could be elected to any public office for at least two years after leaving his religious duties.

While there was no separate Declaration of Rights, the closing articles addressed religious and legal rights. All churches and religious organizations that desired to be incorporated had to include five articles in their bylaws:

1st) That there is one eternal God, and a future state of rewards and punishments.

2d) That God is publicly to be worshipped.

3d) That the Christian religion is the true religion.

4th) That the holy scriptures of the Old and New Testaments are of divine inspiration and are the rule of faith and practice.

5th) That it is lawful and the duty of every man being thereunto called by those that govern, to bear witness to the truth.

The final Articles addressed the rule of law (in that no freeman may be deprived of life, liberty, or property, except by a trial by jury of his peers), penal laws, freedom of the press, and military subordination to State civil power.

While governance issues were progressing, the Colony suffered a major military defeat with the British siege of Charleston which nearly resulted in British re-annexation. Two heroes emerged. Francis Marion, veteran of the French and Indian War, used hit-and-run tactics learned in that war with great cunning, resourcefulness and determination in rural and swampy areas, creating hope and helping keep the cause of independence alive in the South—all of which earned him the nickname *“Swamp Fox.” He also served in the First Provincial Congress, Assembly, and later helped write the State Constitution of 1790. Meanwhile, Commander-in-Chief George Washington sent gifted, dependable Major General Nathanael Greene to rescue the South. Soon after taking command, the British were routed and the tide of the war turned to favor the Patriots, causing Greene to be known as “Savior of the South.” *(“The Patriot” movie was Hollywood’s rendition of Francis Marion’s war activities.)



Georgia Flag

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Georgia

Georgia, the last of the 13 Colonies to be established, was first mentioned in 1540 by Spanish explorer Hernando De Soto. Spain and England sparred over the territory for nearly a century. The Colony was named in honor of King George II, from whom Colony founder James Oglethorpe had received a Charter in 1732. Oglethorpe, a veteran of European wars, had served in Parliament. During that time, he became acquainted with the squalor of debtor's prisons and envisioned a plan to take these prisoners to the American wilderness as settlers.

The Charter named 21 trustees to govern the Colony and granted Englishmen's liberty and freedom of religion to all except Catholics and Jews. The Colony was established for three reasons: first, to provide a new beginning for unfortunate poor people; second, to offer refuge to persecuted Protestants; and third, to be a military buffer between Spanish Florida and British Carolina. In the original rules, hard liquor, slaves, and lawyers were forbidden in Georgia.

Governor Oglethorpe sailed from England with 35 families in 1733 and founded Savannah. The next year, a group of German-speaking Protestant refugees, called *Salzburgers*, settled Ebenezer. George Whitfield, a prominent British preacher, migrated to Georgia for a time to start an orphans' home in Savannah. The early settlers were a mixture of English, German, Italian, Scottish, and Swiss.

In 1752, Georgia became a Royal Colony in which men possessing at least 500 acres of land could be elected to the Common House of Assembly which could pass all laws, but the Royal Governor or the King could veto them. Later events that seemed to ***portend*** war produced sufficient agitation to urge the Colony to create its own government. In 1775, as the independence movement grew in the Colonies, the people of Georgia convened a Provincial Congress; and in concert with other colonies, drafted a temporary Constitution called "Rules and Regulations". These declared Georgia's independence from Great Britain and established a Council of Safety as a legislative body, plus a President as Chief Executive and judicial officer.

The following year, a Constitution was finalized. Executive, legislative, and judicial branches were clearly identified. The legislative branch was a unicameral House of Assembly. Members were elected annually, with 10 representatives from each county. The Assembly then elected the Governor.

Voting eligibility required persons to be white, 21-year-old protestant males, residing at least six months in the State, possessing an estate of at least 10 pounds, and liable to pay State tax or have a trade. An oath or affirmation of allegiance to the State was required.

The Constitution also defined creation of a militia. It established a court in each county, along with judicial regulations, including formation of juries and grand juries. Each county was to build a Court House and jail, and erect and maintain schools. All persons were granted free exercise of religion, providing it be not ***repugnant*** to the peace and safety of the State.

Georgia joined the Union of states under the Articles of Confederation and became the fourth state to ratify the Constitution of the United States of America.

LIFE PRINCIPLE:



"In free governments the rulers are the servants, and the people their superiors and sovereigns."

– Benjamin Franklin
(US Founding Father)

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Principles and Precepts of Government

Topic 14
Establishment of US Government

Chapter 1

Section Three
Topics 11-15

Undergirding Principles of the Declaration



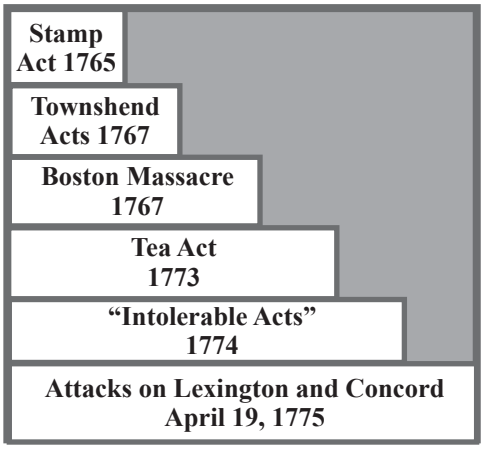
The French and Indian War (1754-1763) was only one front of the larger Seven Years War between France and England in Europe. The main cause of that war in North America was the competition between superpowers Britain and France for control of the continent. With the expansion of British colonies threatening French territorial claims and their trade routes, both sides saw the War as a way to gain final control of North America. Ultimately, the spark that ignited the war was a British-Virginia regiment commanded by 21-year-old Lt. Colonel George Washington who was under orders to conquer a French-held fort in disputed territory.

Early in the war, Britain had called for a meeting of representatives from each Colony, held in Albany, New York, to discuss the war effort. During the meeting, Benjamin Franklin offered his Albany Plan which proposed a ***confederation*** of the Colonies to levy taxes, regulate Native American affairs, and establish an army and navy. The plan did not materialize, due to British opposition that it would give the Colonies too much power.

Following the war, the British were saddled with heavy war debts, and Britain was determined to make the Colonies help pay the indebtedness. Thus, the fallout from one war became the catalyst for another war—America's War for Independence.

VOCABULARY

Confederation: a group of people, countries, organizations, etc., that are joined together in a major effort
Sanctions: economic punishment or penalties for infractions of laws or treaties
Conduce: to lead or tend to a particular and often desirable result



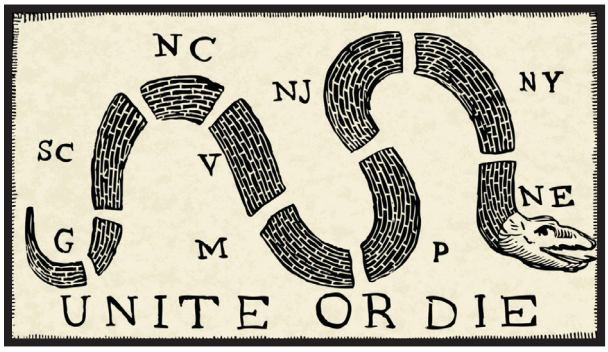
Downward Stairway to War

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First Step Down To War

Parliament enacted trade laws, including the Stamp Act, to force the Colonies to help pay for their upkeep and defense. The Colonies protested, since they had no representation in Parliament, and they were firmly opposed to taxation without representation. The Sons of Liberty (discussed previously) were formed and set up protest meetings and groups in every Colony. Colonial leaders called for a meeting and nine Colonies sent representatives to what became known as the Stamp Act Congress in October of 1765, which adopted a plan that petitioned Parliament to repeal the tax and placed an American ban on buying or selling British merchandise. Sons of Liberty protests continued, and in the early months of 1766, the clamor was so great that a number of Royal Governors went into hiding. Coupled with chaos in the Colonies, Parliament felt the heavy trade loss from the imposed ***sanctions***; and repealed the Stamp Act.



Cartoon by Benjamin Franklin - Repeal of the Stamp Act

Second Step Down to War

However, still intent on raising revenue from the Colonies, Parliament passed the Townshend Acts in 1767 with taxes on everyday items such as paper, paint, glass and tea, and at the same time ordered the closure of New York's Colonial Assembly.

Third Step Down to War

Protests raged across the Colonies and a new ban on trade cut half of the British trade volume. When Massachusetts challenged Parliament that it was violating the British rights of Colonists, Britain sent troops to Boston and required that the Colony provide food and quartering for British soldiers. Violence flared in 1770, when British troops shot five protesters in what became known as the "Boston Massacre". Parliament then repealed the Townshend Act but left a tax on tea, the main Colonial beverage.

In 1772, Samuel Adams organized Committees of Correspondence throughout the Colonies, independent of the Colonial governments, to develop and implement plans for resistance against British actions.

Fourth Step Down to War



Boston Tea Party

The next year, Parliament passed a new Tea Act to assist the failing East India Company and gave them the exclusive rights to supply tea to America. This action, along with the continued tax on tea, was more than the angry Colonists could tolerate, and the "Boston Tea Party" was executed: Colonists, dressed as Native Americans, boarded British cargo ships at night and threw about 300 cases of tea into Boston Harbor.

Fifth Step Down to War

In retaliation, Britain passed a series of new laws, which Colonists dubbed the *Intolerable Acts*. These included the closing of Boston Harbor, detailing laws of how protesters would be tried in British court, removing the right of representation in the Massachusetts Colonial government, the Quartering Act for British soldiers, and the Quebec Act. This Act reestablished the boundaries of Quebec contrary to the

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Charters of several colonies and changed the government of Quebec, impinging upon American Colonial governments.

In the face of these Intolerable Acts, Massachusetts and Virginia called for a convention of Colonial representatives to determine how to counter the oppressive new laws; and on September 5, 1774, the First Continental Congress convened in Philadelphia. Delegates included many distinguished men such as George Washington, John Adams, Samuel Adams, Patrick Henry, Richard Lee, John Jay, and others.

In session for two months, this First Continental Congress compiled a Declaration of Rights which declared that the Colonists were entitled to the same rights as persons living in England, and that Parliament had illegally violated those rights under British Common Law. A ban on all imports from any British territory was adopted and a date was set to reconvene the following spring.

Sixth Step Down to War

Such Congressional actions were seen by Parliament as open rebellion; and British soldiers were dispatched to Lexington and Concord to destroy the arms and munitions stored there, as well as to arrest Samuel Adams and John Hancock. Minute Men militia responded, and the yet-undeclared Revolutionary War exploded.



Second Continental Congress

Against this backdrop of events, the Second Continental Congress convened May 10, 1775, with delegates from all 13 Colonies. John Hancock was elected president of the Congress and executive committees were formed to implement decisions enacted, and to direct the war. It established an army, named George Washington commander, created a navy, and borrowed and issued money.

The Congress was severely divided on the issue of independence. Nearly half wanted to reconcile with Britain and continue as British Colonies. The other favored a complete severance from England. However, on May 10, 1776, the Congress notified the Colonies that had not yet formed a new government that they should *"form such governments as shall . . . best* ***conduce*** *to the happiness and safety of their constituents."*

On June 7, Virginia delegate Richard Henry Lee offered a resolution to dissolve all political bonds between the Colonies and Great Britain. A committee was named to draft a proposed declaration of this resolution (The Declaration of Independence), consisting of John Adams, Roger Sherman, Benjamin Franklin, Robert Livingstone, and penman Thomas Jefferson. On July 2nd, the Declaration was unanimously approved. A second committee, with one delegate from each colony, was also appointed to draft *"the form of a confederation to be entered into between the colonies"*—the Articles of Confederation which would soon serve as the first Constitution of the United States.

Knowing the Declaration would be signed and made public on July 4th, John Adams wrote a letter to his wife on the 3rd, regarding Independence Day, stating that *"It ought to be commemorated, as the Day of Deliverance by solemn Acts of Devotion to God Almighty. It ought to be solemnized with Pomp and Parade, with Shews, Games, Sports, guns, Bells, Bonfires and Illuminations…forever more.…I am well aware of the Toil and Blood and Treasure, that it will cost Us to maintain this Declaration, and support and defend these States. Yet through all the Gloom I can see*

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the Rays of ravishing Light and Glory. . . ." The 56 Signers of The Declaration had pledged their lives, their fortunes, and their sacred honor in pursuit of liberty. These were not uneducated immigrants—twenty-four were lawyers, eleven were merchants, nine were farmers and plantation owners—they were all well-educated and moderately wealthy. Yet they signed this sacred pledge knowing full well that, if caught, they could be stripped of property and executed for treason.

Benjamin Franklin stressed the need to maintain steadfast unity of purpose by reminding them, with his usual wit, "We must all hang together, or we shall all hang separately"! The Signer's names were protected from public disclosure for six months. Yet, as it was, some were arrested, some lost their fortunes, while others' homes were looted and burned.

A Priceless Piece of Paper

The Declaration of Independence is one of the most significant documents in American History, since it provides the justification and principles upon which the country was founded. This priceless document is composed of three basic parts:

1) **The Justification:** The rights and duties of man are given by God—that governments are instituted to protect these rights, deriving their power from the consent of the governed, and if found to be destructive should be altered or abolished.
2) **The Grievances:** why the Colonists were separating from England. Evidence presented was the recitation of 27 exact actions both illegal and tyrannical under the British rule of law.
3) **The Conclusion:** the actual declaration of independence from England, as well as itemizing basic powers of an independent nation, and an appeal to "*Divine Providence*" for protection.

LIFE PRINCIPLE:



"Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."

– Benjamin Franklin (US Founding Father)

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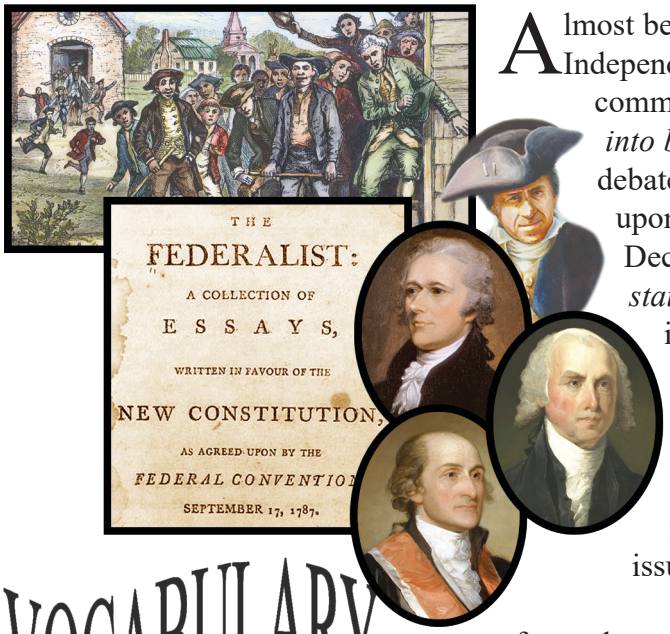
Principles and Precepts of Government

Topic 15
Establishment of US Government

Chapter 1

Section Three
Topics 11-15

Casting the Nation's Foundation



Almost before the ink was dry on the Declaration of Independence, members of the Continental Congress committee on *"the form of government to be entered into between the colonies"* were locked in fierce debate trying to determine the form of government upon which they could agree. The statements of the Declaration were unclear as to whether the *"united states of America"* was one nation-state or 13 independent states. It used both terms: *"united states"*, but also stated that these states are *"free and independent states."* The committee soon agreed that a federal government was necessary, and events of the ongoing war, including the capture of Philadelphia, made the issue urgent.

The next agreement established one vote for each state, and authorized taxes proportional to the value of lands. The Articles of Confederation produced by this committee defined the relationship between the states and a federal government as a "*firm league of friendship and perpetual union"* to secure *"their common defense, the security of their liberties, and their mutual and general welfare."* The states retained their *"sovereignty, freedom, and independence"*. These Articles could not be amended to give more power to the federal government, except by a unanimous vote of the 13 states. This first US Constitution was adopted by the Continental Congress in November 1777, but not ratified by all the states until 1781.

The central government created by The Articles of Confederation was quite weak. In fact, George Washington described it as *"little more than the shadow without the substance."* All of its powers were vested in a ***unicameral*** Congress. This Congress could neither levy nor collect taxes; it had no control over foreign trade or interstate trade; it lacked authority to enforce its own laws and had little power in disputes between states. Furthermore, it needed the vote of nine states to pass any law. It

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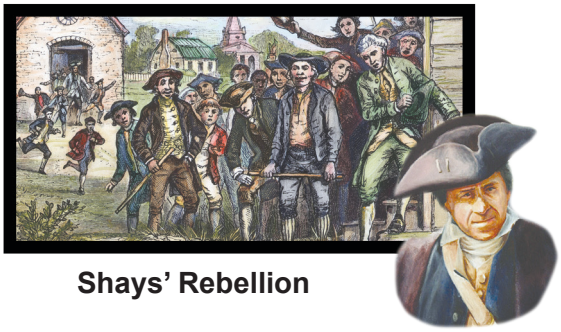
Unicameral: A legislative body having or consisting of one legislative chamber.
Clarion: an urgent call to action
Exigencies: an urgent need or demand
Quorum: the minimum number of members of an assembly that must be present at any of its meetings to make the proceedings of that meeting valid.
Apportioned: the act of allocating or distributing representation or taxes among the states based on US law
Ratification: to approve or sanction formally

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was truly a trial-and-error, learn-as-you-go situation.

In the face of these weaknesses, however, the Articles did accomplish several significant actions: The states remained united to win the Revolutionary War, negotiate the Treaty of Paris, and establish working committees of Congress for foreign, military, and financial executive affairs. It also adopted the Northwest Ordinance of 1787 which outlined the structure for development of the land north of the Ohio River and westward to the Mississippi River.



Shays' Rebellion

Even with these accomplishments, events were occurring that demonstrated the utter weakness of the central government. Economic problems were skyrocketing, and a grave postwar depression gripped the new republic. Violent public demonstrations plagued Massachusetts, where hundreds of angry farmers and laborers marched on government buildings, freed debtors from jails, and had to be stopped by the state militia. One uprising, known as Shays' Rebellion, was lead by Daniel Shays, a decorated Captain from the Revolutionary War.

Fear spread across the new nation; and the Virginia legislature, with pressure from Washington and Madison, issued a ***clarion*** call to other states to meet in convention to discuss economic issues and the state of the Union. Delegates from five states convened in Annapolis, Maryland, in September 1786, and issued an appeal for a meeting of all the states concerning the numerous issues facing the country. In February of the next year, Congress requested all the states to send delegates to Philadelphia in early May

> *. . . for the sole and express purpose of revising the Articles of Confederation and... render the federal Constitution adequate to the* ***exigencies*** *of Government and the preservation of the Union.*

Thus, Shays' Rebellion served ultimately as a catalyst for Washington's return to public life, a new Constitution, and a stronger nation.

Delegates from 11 states responded on the date of the meeting, although delegates from New Hampshire came late and Rhode Island did not participate. Of the seventy-four delegates appointed, only 55 participated. These were mostly educated men who averaged 42 years of age. Many had served in colonial and state legislatures; seven had been governors. Tensions arose in the opening meeting between those who were convinced that a much stronger national government was needed and those who believed that states had to remain dominant.

Delegates to this Constitutional Convention looked to their elder statesman, Benjamin Franklin, as their presiding officer. He declined but recommended George Washington, who was unanimously elected as president of the Convention. Parliamentary rules were simple: each state had one vote, seven states constituted a ***quorum***, proposals needed a majority vote for passage, and the proceedings were to be kept secret.

Early in the session, Virginia Governor Edmund Randolph proposed a sweeping plan to strengthen the federal government. His Virginia Plan contained three main proposals:

1. There would be three branches of government: executive, legislative and judicial.
2. The legislative branch would be comprised of two houses. The lower

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house would be elected by the people, and then it would select the upper house.

3. Laws passed by the national legislature would out-rank state law and be enforced in the states.

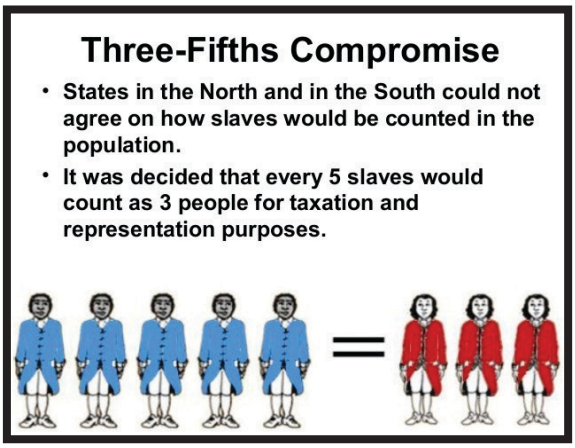
Two weeks of debate followed, with large states favoring that plan; but smaller states, fearing they would have an insignificant voice in government, favored the New Jersey Plan, presented by New Jersey Governor William Patterson, which somewhat resembled the Articles of Confederation. It also contained three proposals:

1. There would be a one-house legislature, with each state having one vote, and those legislators would be selected by the state legislatures.
2. There would be two or more national executives selected by the national legislature.
3. Members of a supreme court would be appointed by the executive officers and serve for life.

Debate continued for the next five weeks with questions of representation being the central focus. A pall of disunity and discouragement clouded the Convention until, as one described it, they were "scarce held together by the strength of a hair."

Just as hope seemed gone, a compromise known as the Great Compromise or the Connecticut Compromise was presented from a committee. The lower house (House of Representatives) would be elected by the people of the states and ***apportioned*** by population. The upper house (Senate) would have an equal number of members for each state and elected by the state legislatures. Hence, the larger states would be favored in the House, and smaller states would be favored in the Senate, with each state having two members.

Another critical issue of representation loomed, since approximately two and one-half million white Americans, nearly five hundred thousand black slaves, and sixty thousand free black Americans lived in the United States. Delegates from the South wanted to count slaves in determining state representation in Congress, but not for taxation. Northern delegates argued that this would give an unfair advantage to the South and also encourage adding to the slave population. At length, the dilemma was solved by the "The Three-Fifths Compromise", authored by Declaration signers James Wilson and Roger Sherman, which advocated counting "three-fifths" of the slave population for both representation and taxation.



Other problems remained to fuel debate. Northern states wanted the federal government to regulate both foreign commerce and trade among states. Southern states feared federal control of agricultural products and slave importation which Southerners deemed essential to their economic welfare. Thus, another vital compromise was endorsed: The Northern interests were protected by Congress being given the power to regulate foreign trade and interstate commerce. The President was given authority to negotiate treaties with foreign states. The Southern interests were satisfied with the following three agreements:

1. Slave trade would not be prohibited before 1808.
2. Congress did not have power to impose duties on exports.

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3. Treaties would be approved by a two-thirds vote of the Senate.

One last issue remained. The Articles of Confederation did not allow for a president; and when it was determined that a president was needed, the question of how he would be elected flared into strong debate. Some delegates favored popular election, but others feared that the electorate would not be sufficiently informed. The concept of having the senate of each state elect a president was discussed. The winning compromise called for delegates to be popularly elected to form an Electoral College, that would in turn elect the president.

On September 17, 1787, after four months of intense debate and compromise, George Washington had the entire Constitution read before the assembly and called for the vote. Benjamin Franklin arose, and after having his speech read because of ill health, said to the delegates:

> *It therefore astonishes me, Sir, to find this system approaching so near perfection as it does. . . . I cannot help expressing a wish that every member of the Convention who may still have objections to it, would with me, on this occasion doubt a little of his own infallibility, and to make manifest our unanimity, put his name to this instrument.*

Franklin's motion was approved by all the states, and thirty-nine delegates stepped forward to sign the magnificent new Constitution.

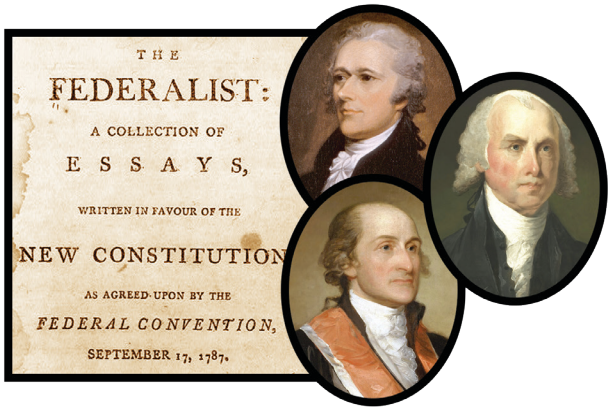
Ratification of the Constitution

The next challenge was to obtain ***ratification*** from the independent states. Article VII required nine states to ratify the Constitution before it could become law. This ratification was not to be done by the state legislatures, but by a special convention created by each state legislature. The Constitution was presented for this process September 28, 1787.

Immediately two opposing camps were crystallized: The Federalists, who favored ratification; and the Anti-federalists, who opposed. The opposition had two major complaints: First, they feared the national judiciary would overrule state laws; and second, since there was no Bill of Rights, a strong national government would overpower individual liberties.

At first, the Federalists did not believe a Bill of Rights was necessary since most states had their own such bills; but due to non-ratification clamor, Federalists reversed their position and promised to include such a bill once the Constitution was ratified. Madison prepared a draft of The Bill of Rights, with input from ranking anti-federalists, for its inclusion as the first ten amendments to the Constitution.

Voters in each state chose delegates to the ratifying conventions; and arguments and debates ensued, dwarfing even the debates in the Constitutional Convention. They raged in Town Hall-type meetings, newspaper articles, churches, and local taverns. One day before the Constitution was even presented for ratification, articles began appearing in the New York press opposing ratification under the title of "Cato, Brutus, and 83 others". These became known as *Anti-Federalist Papers.*



During the winter and spring of 1787-1788 Hamilton, Madison, and John Jay pushed back, publishing 85 essays in New York newspapers where the debate was extremely

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intense. These essays, which today we know as the *Federalist Papers*, were designed not only to educate individual voters, but also to provide arguments for local debaters, and were published under the pseudonym, "Publius."

On December 7, 1787, Delaware became the first state to submit ratification, followed by Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland and South Carolina. Then on June 21, 1788, New Hampshire ratified the document to make the Constitution official.

However, the Federalists knew that without the two powerful states of New York and Virginia, the government would be unworkable. In both of these states, debate was fierce between talented leaders and debaters. In Virginia, the Anti-Federalists were led by the brilliant orator Patrick Henry, and the Federalists by sharp-witted James Madison. In New York, Abraham Yates led the Anti-Federalist campaign, while Alexander Hamilton and his colleagues argued the Federalist cause.

Virginia ratified just four days following New Hampshire, and New York concurred on July 26, 1788. Events were then set in motion to inaugurate the new government. Elections were set for the first Wednesday in February 1789, with Federal Hall in New York being secured as the temporary national capitol. The new government began operations in April 1789, and on September 25, 1789, James Madison introduced amendments comprising the Bill of Rights. Within the year, North Carolina and Rhode Island ratified the Constitution and joined the *"more perfect Union."*

LIFE PRINCIPLE:



"Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

– John Adams (Founding Father and 2nd President of the US)

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The Declaration of Independence
of the
United States of America

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. — That to secure these rights, Governments are instituted among Men, 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. 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 suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses 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. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

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He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their PublicRecords, for the sole purpose of fatiguingthem into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected, whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice by refusing his Assent to Laws forestablishing Judiciary Powers.

He has made Judges dependent on his Willalone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harassour people and eat out their substance.

He has kept among us, in times of peace,Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the CivilPower.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by ourlaws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armedtroops among us:

For protecting them, by a mock Trial from punishment for any Murders whichthey should commit on the Inhabitants ofthese States:

For cutting off our Trade with all parts of the world:

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For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefit of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies

For taking away our Charters, abolishing our most valuable Laws and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with powerto legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation, and tyranny, already begun with circumstances of Cruelty & Perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become theexecutioners of their friends and Brethren,or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages whose known ruleof warfare, is an undistinguished destructionof all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions havebeen answered only by repeated injury. A Prince, whose character is thus marked byevery act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentionsto our British brethren.

We have warned them from time to timeof attempts by their legislature to extend an unwarrantable jurisdiction over us.

We have reminded them of the circumstances of our emigration andsettlement here.

We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justiceand of consanguinity.

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We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold therest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these united Colonies are, and of Right ought to be Free and Independent States, that they areAbsolved from all Allegiance to the British Crown, and that all political connection between them and the State ofGreat Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to doall other Acts and Things which Independent States may of right do. — 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, andour sacred Honor.

— John Hancock

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Signers of the Declaration of Independence

(New Hampshire)

Josiah Bartlett, William Whipple, Matthew Thornton

(Massachusetts)

John Hancock, Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry

(Rhode Island)

Stephen Hopkins, William Ellery

(Connecticut)

Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott

(New York)

William Floyd, Philip Livingston, Francis Lewis, Lewis Morris

(New Jersey)

Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark

(Pennsylvania)

Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross

(Delaware)

Caesar Rodney, George Read, Thomas McKean

(Maryland)

Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton

(Virginia)

George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee, Carter Braxton

(North Carolina)

William Hooper, Joseph Hewes, John Penn

(South Carolina)

Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., Arthur Middleton

(Georgia)

Button Gwinnett, Lyman Hall, George Walton

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