Guard With Jealousy the Public Liberty: The American Constitution

If the Gov’t Won’t Do It
By Dr. Mackubin Thomas Owens

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What The Founders Would Say...

“If it is indeed unfortunate that, because of the actions of certain extremists, ‘militia’ has become a term of opprobrium, it should be rehabilitated.”

[An Arizona newspaper has proposed an interesting way to curb illegal immigration during a time of war: the use of a citizen militia. Last month, according to the November 15 Arizona Daily Star, Cochise County’s Tombstone Tumbleweed published an editorial entitled “Enough is Enough!” calling for armed, able-bodied citizens, operating on private property, to "create a presence and a deterrent to illegal border crossers.”

Predictably, the proposal was attacked by “human-rights” activists as a manifestation of “militant vigilantism.” According to Isaac Garcia of Tucson, “to have the official newspaper of [Cochise County] call on people to take up arms is very dangerous, very frightening. Law enforcement and public officials should be concerned.” Imagine! Armed citizens, protecting their homes! Absolutely shocking!

But really, if the federal government can’t or won’t do the job, why not rely on the posse comitatus, the “power of the people” as the framers intended?

So what is the meaning of the reference to the Second Amendment ever being ‘debated’ first place? All one has to do is consult the words of the Founders themselves. "No free man shall ever be deprived of the use of arms," wrote Thomas Jefferson in his proposed Virginia Constitution of 1776. Both the Pennsylvania and Vermont constitutions assert that "the people have a right to bear arms in defense of themselves and the state...

What? A well-regulated militia being necessary to the security of a free state, the right of the People to keep and bear arms shall not be abridged.” Obviously, gun-control advocates see the Second Amendment as a stumbling block to their schemes to disarm the American citizenry, so they purposely have misconstrued it. They have done so by claiming that because

“The American Constitution set up and authorized a General Government for the United States of America. As understood by the people of the era in which it was accepted, this new government was duty bound to uphold and unswervingly operate in harmony with the principles of liberty and union set forth by the Declaration of Independence. That called for a national government of limited powers, based upon the rule of law and consent of the governed. Thus, the primary role given the central government was to secure and protect the people’s God given rights, such that they may attend to prospering themselves. Nevertheless, being fully aware of man’s intrinsic passion to rule over other men, and that “government is not reason...nor eloquence” but rather a coercive “force,” which, like fire, could become a “fearful master,” the Framers proceeded to bind the hands of those put in charge of running the government with the chains of a written Constitution.

Consequently, when it came to parceling out grants of power under the Constitution our nation’s founding fathers left nothing to chance. Power was not to accumulate or be left to concentrate in one or even a few hands; it was to be divided and distributed, checked and balanced, among the three branches: “Power being found by universal experience liable to abuses, a distribution of it into separate departments, has become a first principle of free governments. By this contrivance, the portion entrusted to the same

What The Founders Would Say...

“Every member of the state, ought diligently to read and study the constitution of his country, and teach the rising generation to be free. By knowing their rights, they will sooner perceive when they are violated, and be the better prepared to defend and assert them.”

_ John Jay, 1777

(Continued on page 5 - The Public Liberty)
Roger Sherman was a man who never said a foolish thing in his life.” Patrick Henry claimed him as one of the three greatest men at the Convention. He spoke 138 times there in Philadelphia.

Much of what inspired Sherman’s political concern was his business acumen. He was convinced that paper money held the potential for great injustice. In 1752 because of the weakness of Rhode Island’s currency he penned A caveat Against Injustice. It is an ‘inquiry into the evils of a fluctuating medium of exchange.’ He was angered by the cheapening of useful goods in Connecticut because of the useless money of Rhode Island.

He begins his treatise: “Forasmuch, as there have been many disputes arising of late concerning the medium of exchange in this colony, which have been occasioned chiefly by reason of our having such large quantities of paper Bills of Credit on some of the neighboring governments passing in payments among us, and some of those governments having issued much larger sums of Bills than were necessary to supply themselves with a competent medium of exchange, and not having supplied their treasuries with any fund for maintaining the credit of such Bills; they have therefore been continually depreciating and growing less in their value, and have been the principal means of the depreciation of the Bills of Credit emitted by this colony, by their passing promiscuously with each other, and so have been the occasion of much embarrassment and injustice in the trade and commerce of the colony, and many people — and especially widows and orphans — have been great sufferers thereby.

But our Legislature having at length taken effectual care to prevent further depreciation of the Bills of this colony, and the other governments not having taken such care, it is now high time their Bills of Credit are still sinking in their value, and have in fact sunk much below the value of the Bills of this colony.”

This insightful disposition led him to conclude that only silver and gold were adequate mediums of exchange. “But if what is used as a medium of exchange is fluctuating in its value, it is no better than unjust weights and measures, both which are condemned by the laws of God and man, and therefore the longest and most universal custom could never make the use of such a medium either lawful or reasonable.”

His firm conviction on that point provided the impetus for Article 1 Section 10 of the United States Constitution: “No State shall ... make any Thing but gold and silver Coin a Tender in Payment of Debts.” He knew that paper and ink would always fail as currency. “We would do well as a nation to be provided with a metal coinage.”

Roger Sherman was elected as a Senator from Connecticut at the age of 70. He died in that office in 1793 two years later. He was devoted to his state, his new country, and his God. By Lee Button

Money ought to be something of certain value. . .” With these words Roger Sherman lays a key brick in the foundation of an effective economy. The key word is ‘certain.’ Money must have a certain and consistent standard of worth. Otherwise it and the articles it represents are without any value at all. Mr. Sherman gained a practical understanding of that fact through a lifetime of business building and legal studies.

After his father’s death the family moved to New Milford, Connecticut. After settling in he and his brother opened the first store there. He poured himself into civic affairs and was encouraged to become a lawyer while serving as surveyor of New Haven County. A neighbor had asked Mr. Sherman to address a petition pending before the county court. The lawyer involved in the case was so impressed with the notes that Sherman had prepared he recommended that Roger study and present himself to the Bar. This he did and in 1754 he began his law profession. That while still engaged as store proprietor, town clerk, local representative before the provincial assembly and almanac publisher!

By the age of 40 he had become a very successful businessman and gained a favorable reputation throughout New England. His economic wisdom proved him to be well-schooled at the Treasurer of Yale College. He also taught religion there. Add to his list of accomplishments, justice of the peace and eventually Justice of the Superior Court of Connecticut. The only reason he resigned as judge was his election to the Congress of the United States in 1789. It is also interesting that while serving on the Superior Court he was recognized as such an honorable man he was elected as Mayor of New Haven. He held that office until his death in 1793.

In 1778, as the War for Independence began he was appointed to the Governor's Council of Safety and became Commissioner for the Connecticut troops. Soon after, his fellow patriots awarded him for his faithfulness and wisdom by making him a member of the Committee of Five, responsible for the drafting of the Declaration of Independence.

He had a notable role in the writing of the Constitution. As a delegate to the convention from Connecticut he made the 1787 trip to Philadelphia fully prepared to “patch up the old scheme of government.” He believed that the Articles of Confederation which he had signed years earlier just needed a little revision. He had, in fact, previously presented to Congress a few amendments which would have given the Articles more strength to impose levies, the power to establish a Supreme Court, and to make laws binding on all the people. He soon realized that a new document was needed and jumped into the fray with great enthusiasm.

He disregarded the tendency toward democracy that existed in some of the delegates. He favored an executive branch dominated by the legislature and state representatives elected to two houses of Congress by the state legislatures. One house to address issues related to the people and a second house, the Senate, to address issues related to the states. He also saw no need for the new Constitution to be popularly ratified.

His reasoning skills are witnessed most clearly in two particularly awkward discussions in the Convention of 1787. The New Jersey Plan which gave equal representation to all states was aided by his writing. And the major move of the entire Convention, the decision that moved the Convention forward and produced the Constitution was based on Sherman’s Connecticut Compromise. The delegates were at a standstill. How would slaves be accounted for if the representation to the new Congress was based on population? Roger Sherman drafted a plan which eventually led to the Great Compromise.

Free people would count as 1 person; slaves would count as 3/5 of one person. As tasteful as that compromise may appear it was the decision that moved the Convention forward and made Roger Sherman a most notable character in the plan. His plan included a lower House of Congress, the number of which were based on population and a Senate which provided two members from each state.

Truly unique and thoroughly dignified Roger Sherman is the only Founding Father to have signed all 4 of these key documents: the Articles of Association, The Declaration of Independence, the Articles of Confederation, and the Constitution of the United States. Thomas Jefferson once remarked that Roger Sherman was “a man who never said a foolish thing in his life.” Patrick Henry agreed. He held that office until his death in 1793. On task in particular prepared him for his later experience as a member of the Continental Congress. With a man aptly named Richard Law he was appointed to rewrite the archaic and confusing Connecticut Statutes. The work was highly regarded.

As tension mounted with Great Britain Sherman became active in the efforts for freedom. In 1775, as the War for Independence began he was appointed to the Governor’s Council of Safety and became Commissioner for the Connecticut troops. Soon after, his fellow patriots awarded him for his faithfulness and wisdom by making him a member of the Committee of Five, responsible for the drafting of the Declaration of Independence.

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When we think about the government’s infringement on liberty, dramatic pictures come to mind: citizen, with hands in the air; starving people held captive in barbed wire enclosed concentration camps; armed soldiers marching through streets; firing squads. These thoughts cause a cold hand of fear to grip the heart. Yet, a smart government can take freedoms from its subjects in far more subtle, malevolent, and permanent ways.

Overt overstepping of authority by a government alerts its citizens. They see freedoms disappear as life and property are assaulted. Past history has shown the consequences of an out-of-control government. People are inspired to confront and overthrow these leaders.

However, evil leaders have also taken note of the past. They know how far they can deceive the people while turn against them. They see the consequences of Britain’s heavy-handed control of the Colonies. Royalty in France learned a deadly lesson as eliminating oppression became a goal of many. Russia, in losing its monopoly, spread an evil throughout the world.

In Jonathan Swift’s book, Gulliver’s Travels, the hero was tied down with slender ropes by the tiny Lilliputians as he slept. He needed only to close his eyes and let his guard down allowing a group of diminutive people take his liberty and freedom. How much easier this was than struggling with a fighting giant.

Our government has followed the example of the Lilliputians and is quickly tying us down with a myriad of seemingly minor restrictions. It sings us to sleep with lullabies of safety while it-fashion thin wires which hold us to the desires of the leaders. We lost our freedoms as we watched the Super Bowl and World Series. Comfortable in our homes, the government quietly ties us to its will with a multitude of restrictions.

One thin strand is education. Every parent wishes his children to be well-educated. Most people are aware that a solid education is a reward. As a result, the presidency, Jimmie Carter received the presidency, Jimmie Carter received a solid education, wishes his children to be well-educated. Most people are aware that a solid education for his education, wishes his children to be well-educated. Most people are aware that a solid education.

Expensive programs are used to inflict a poor education on the children of this nation. Rather than teach the students the basic 3’s, time is wasted on relentless sex education, psychiatric evaluation, administration of mind-numbing medication, and a politically correct curriculum. The Department of Education is the largest terrorist organization in the country. And they have done their job well as fewer and fewer of our children are prepared for their future success.

Another thin strand tying down the population is excessive taxation. Hard-earned money is confiscated from paychecks before workers see them. Employers, also highly taxed, become unpaid tax collectors for the Federal Government. Lincoln once said that a nation cannot exist half slave and half free. Yet, the people of this country work for the government almost half of the year, thus making them half slave.

Mothers, who once stayed home to care for children, now find themselves in the workplace to pay for taxes while their children are put into day care centers where they take remedial classes in basic, or simply flunk out.

We have become a nation of complainers. We have no other choice because we are tethered by the countless ropes that appear while we slept. Grumbling has become a way of life for a nation which could have saved itself when there was still time. Now we are tied by the corruption that has infiltrated our political system. Only a mighty push from all can break the ties that enslave us. Is it possible for all to work together to free ourselves from dependence or have too many of us become part of the workers tying the ropes?

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Evangelical Principles—Part I
Hon. Dan Itse

Today our nation, though still the freest in the world is in danger of sliding into tyranny. The reason is best explained in the prelude to the movie “Fellowship of the Ring.” The elf-queen Galadriel is giving a discourse on the history of the ring, and man’s lust for power over other men. Near the conclusion she states “…and some things that should not have been forgotten were lost. History became legend, legend became myth…”

My first and greatest hope for today is to show you the justification for your liberty, that you might fully understand it; to inspire a love for your liberty, and for the constitutions that articulate it; for you to know that you are the masters of your governments. You will notice that I use the plural because each of you lives with two separate governments, governed by separate constitutions, that of your state, and that prepared for the United States of America by representatives of the states. Your first and best protections are found in the constitution of your state.

The first constitution I will deal with is the Constitution of the State of New Hampshire. New Hampshire has the distinction of being the first State to declare itself independent from Great Britain. It also had the first constitution as an independent State on January 5, 1776 and the last post war constitution adopted in 1784. As such it embodied everything that was sustained in the constitutions of the other states, and then some. In Federalist Paper 47, James Madison recognized the genius that being written after the other constitutions afforded the Constitution of the State of New Hampshire. Though Madison was referring specifically to the necessity of commingling the powers of government to preserve liberty, one of the specific improvements they made was to identify what the foundational principles of American Government were.

The Constitution of the State of New Hampshire is the only state constitution which identified the justification for the American liberty. I use the past tense because its identity was removed in 1968. Part 1, Article 6 stated “As morality and piety, rightly grounded on evangelical principles, will give the best and greatest security to government, and lay in the hearts of men the strongest obligations to due subjection.”

Evangelical principles are identified as the foundation of our rights. Evangelical Principles arise from the work of John Calvin and the Geneva bible. The Geneva Bible was what guided the Pilgrims, Puritans, Congregationalists, Baptists and Scotch-Irish Presbyterians.

Some of these Evangelical principles are:
1. Samuel 8 The desire for a king is a rejection of God.
2. Acts 10:34 “God is no respecter of persons.” All men are created equally free and independent, there ought to be no partiality before the law, that there is no divine right of kings.
3. Luke 22:26 “… he who is greatest among you, let him be as the younger, and he who governs as he who serves.” Leaders are accountable to and subject to the people.
4. Romans 13:1-7 “For he (the governing authority) is God’s minister to you for good.” Public service is a ministry under God.
5. Deut. 1:13 “Choose wise, understanding and knowledgeable men from among your tribes (yourselves) and I will make them heads over you.” Self government.

1 Cor. 6:1-7 “Dare any of you go to law before the unrighteous, and not before the saints.” Have wise and Godly men for leaders.

The first document which articulated these principles was the Fundamental Agreement of the Colony of New Haven. They were also articulated in the constitutions of many of the states in 1776 and 1777. The best of these are Massachusetts, North Carolina, Pennsylvania and Virginia. Though none of them had all of the elements, they all required a frequent recurrence to fundamental principles of the constitution. However, none of them specified what those principles were, what they were called. Only New Hampshire, in retrospect, specified that the source of good government is Evangelical principles.

The first ten articles of New Hampshire’s Bill of Rights embody Evangelical principles as follows:
1. Legitimate government originates with people and is founded in consent. Self government.
2. The right to enjoy and defend life and liberty, and to acquire, possess, and protect property.
3. That without the reciprocal protection the surrender of natural rights is void.
4. Certain natural rights are unalienable because nothing of equivalent value can be given or received for them.
5. All men have the right to practice religion as they see fit.

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6. That Evangelical principles will give the best and greatest security to government and lay in the hearts of men due subjection. Schools ought to be established to teach Evangelical principles. All religions are equal under the law.

7. The people have the right to govern themselves, and therefore, create a sovereign state.

8. All legislators and magistrates are accountable to the people.

9. There are no hereditary or divine right rulers.

10. The people have a right to throw off tyrannical government.

If they had only wanted to impart social mores, they could have said Christian. If they had only been concerned with man’s individual accountability before God (Hebrews 9:27), they could have said Protestant. But, they said Evangelical which extends to man’s individual responsibility and authority. (Psalm 82:3, Isaiah 1:17, Galatians 6:5 and 2 Thessalonians 3:10)

It is not only a theology, but also a philosophy for church and civil government. Looking at Part 1, Article 2, it states that all men have natural, essential and inherent rights among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property. Protestant principles would have led them to enjoying life and liberty, and acquiring and possessing property; but, one must go to Evangelical principles to reach defending life and protecting property.

We must ask what did they mean when they said that these principles would lay in the hearts of men due subjection. By including Article 10 which says, “therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.” They obviously were more concerned that people would be too subservient rather than not subservient enough. They were pointing out man’s subjection to God, and the subjection of legislators and magistrates to the people.

Why does this give the best and greatest security to government? Because legislators and magistrates who are aware of their subjection to God and the governed, the people, will not make laws or act in a way that would inspire the people to rebel.

(To Be continued Next Issue)
much at all. Constitutionally speaking, he has but six main areas of jurisdiction; namely, he is: Chief of State, Commander in Chief of the military forces, Chief Executive Officer of the Executive Branch, and America’s face to the rest of the world as our Chief Diplomat. As noted earlier, he wears the hat of Chief Architec-
tect for legislation for the Congress to con-
sider; and, he is the conscience of the nation with respect to the Executive pardoning power. In association with these areas of juris-
diction, the President is charged with:
1. He may require the written opinions of the heads of the major departments that fall within the Executive Branch;
2. He may grant reprieves and pardons, condition-
ally or otherwise;
3. He may make treaties, but only with the advice and consent of the Senate;
4. He may nominate and appoint Ambassa-
dors, Judges to the Supreme Court, the United States Supreme Court, judges to the Supreme Court and other courts specified by law; he has been empowered “to solve ‘national’ and “federalism,” a term that describes the relationship between the States and the Federal government, as it was understood at the founding.
5. He may grant commissions to fill vac-
cancies during Senate recesses;
6. He may recommend legislation he judges necessary and expedient;
7. He shall from time to time give Congress information on the state of the Union;
8. He may convene, on extraordinary occa-
sions, or both Houses and adjourn them to a time he considers proper;
9. He may receive Ambassadors and other public ministers;
10. He is to oversee that the laws are faith-
fully executed;
11. He shall commission all the officers of the United States.

An Elective King!!

Yet, over the last century or so the Presi-
dency has taken on a life of its own, one akin to that of a King. As a matter of fact, the tendency has taken on a life of its own, one akin to that of a King. As a matter of fact, the tendency has taken on a life of its own, one akin to that of a King. As a matter of fact, the tendency has taken on a life of its own, one akin to that of a King. As a matter of fact, the tendency has taken on a life of its own, one akin to that of a King. As a matter of fact, the tendency has taken on a life of its own, one akin to that of a King. As a matter of fact, the tendency has taken on a life of its own, one akin to that of a King. As a matter of fact, the tendency has taken on a life of its own, one akin to that of a King. As a matter of fact, the tendency has taken on a life of its own.

Theodore Roosevelt set a bad example for others to follow: “From this point on, each President looked upon executive orders as a tool to demonstrate the power of his office to take ‘independent action.’” 11 President William Howard Taft, Roosevelt’s vice presi-
dent, successor and later Chief Justice of the Supreme Court learned well from TR; he alone issued 698 executive orders in just one four year term.

Following Taft, came Woodrow Wilson wielding another 1,791 executive orders. Wilson also holds the distinction of being the first president to implement the “national emergency” as well a tool for wielding presi-
dential power; he was also the first to establish federal agencies by executive order. His ac-
tions went so far in the direction of absolute tyranny that one Senate Investigative commit-
tee characterized his administration as one “marked by the acquisition and exercise of dictatorial powers.”

Next came, Herbert Hoover and Franklin Delano Roosevelt (FDR) marching in lock step. Together they issued 723 presidential executive orders with FDR, as one might ex-
pect, authorizing 3,723 of them. Throughout this so called “strong president” era property rights were trampled upon left and right; one of the most sweeping incursions of which was Truman’s 1952 seizure of the steel mills. This action was later ruled unconstitutional by the United States Supreme Court: “The Founders of this Nation entrust the law-making power to the Congress alone in both good and bad times. It would do no good to recall the his-
torical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that such a seizure order cannot stand.”

But perhaps there was no executive order so endangering to the public liberty as to Bill Clin-
ton’s EO13083. Therein, he shamelessly at-
 tempted to redefine the meaning of “federalism,” a term that describes the relation-
s between the States and the Federal government, as it was understood at the founding. Had EO13083 survived, the myriad of federal agencies now comprising the execu-
tive branch, atop of which the president sits like a king over his kingdom, would have been empowered “to solve ‘national’ and ‘multistate’ problems from a list of nine broad ‘circumstances’ purporting to justify such ac-
tions.”

In essence, it would have meant “lights out” for what currently remains of the Tenth Amendment.

The bold, unconstitutional actions taken by the likes of Lincoln, the Roosevelts, TR and FDR, Truman, and Clinton, as American presidents, are examples of ambitious men imposing “ruler’s law” upon the people. Suf-
fice it to say their actions form the antithesis to the Framers’ model of safe government. Hence, it is expedient to recall here that the driving force behind the American colonies call for independence was self-government, to live with a system of government where the people are governed by only those laws of which they themselves approve: “The first grand right is that of the people having a share in their own government by their representa-
tives chosen by themselves, and… of being...
 ruled by laws which they themselves approve... This is a bulwark surrounding and defining their property, which by their... labors they have acquired, so that no portions of it can be legally taken away from them but with their full and free consent.” 15

It is to this standard that all 4,400 carefully chosen words of the Constitution were written and later ratified by the people of the States; it is to this principle that James Madison, chief architect of the new government, declared: “Every word of [the Constitution] decides a question between power and liberty.”16

What Now?

Can executive tyranny be stopped? Jefferson believed the only “true corrective of abuses of constitutional power” 16 was a well informed body politic. If the people were properly informed in the knowledge of the American Founding and the freedom principles upon which the Constitution rested, they would immediately know when their rights were being violated. A body politic made vigilant through knowledge would rise up as necessary to keep the wolf from the door; they would provide the best defense of the public liberty: “I sincerely wish... we could see our government so immediately know when their rights were being violated which the Constitution rested, they would immediately know when their rights were being violated.” 17

Jefferson’s prayer was that American education, preferably entrusted to private hands, could be relied upon to properly prepare each rising generation as the men of the next “...to be the sole guardians of [the] principles” the founding fathers “delivered over to them.” 18

The Public Liberty

Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force you are ruined.

Patrick Henry

Virginia Ratifying Convention

They can give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.

Benjamin Franklin 1759

None but an armed nation can dispense with a standing army.

Thomas Jefferson 1803

“I ask, who are the militia? They consist now of the whole people, except a few public officers.”

George Mason—Author VA Declaration of Rights

The Founding Fathers On The Need for a Militia

“Always remembering, that an Armed and trained militia is the firmest bulwark of Republics; that without standing Armies their liberty can never be in danger; nor with large ones, safe.”

President James Madison

First Inaugural Address, 4 Mar. 1809

“I think the truth must now be obvious that our people are too happy at home to enter into regular service, and that we cannot be defended but by making every citizen a soldier, as the Greeks and Romans who had not any standing armies; and that in doing this all must be marshaled [and] classed by their ages, and every service ascribed to its competent class.”

Thomas Jefferson (1814)

“The militia...ought always to be counted upon as a valuable and powerful auxiliary.”

Alexander Hamilton

Federalist Paper No. 26

“In times of insurrection, or invasion, it would be natural and proper that the militia of the neighboring States should be marshaled into another, to resist a common enemy, or to guard the republic against the violence of faction or sedition...This mutual succor is, indeed, a principal end of our political association.”

Alexander Hamilton

Federalist Paper No. 26

“The supreme power in America cannot enforce unjust laws by the sword; because, the whole body of the people are armed and constitute a force superior to any band of regular troops that can be, on any pretense, raised in the United States.”

Noah Webster

“The President will have only the occasional command of such part of the militia of the nation as by the legislative provision may be called into the actual service of the Union...It would amount to nothing more than the supreme command direction of the military and naval forces, as first general and admiral of the Confederacy.”

Alexander Hamilton, Federalist Paper 969
The first article on the Constitution of the State of New Hampshire presented Articles 1, 7 and 38 to demonstrate that the Constitution of the State of New Hampshire declared that the people of New Hampshire are the sovereigns of sovereign state. As such they have the duty to understand and enforce their constitution. Also included as part of the first installation were Articles 2 and 3.

In this second article we present Articles 4 and 5. In combination with Articles 2 and 3, these articles present the idea of natural rights, that some natural rights can be surrendered for the protection of others, that there are rights of conscience which can not be surrendered, and the right of religion. The idea of surrender of natural rights is clear in that when one commits a crime such as murder, your right to defend life might be surrendered and your ability to enjoy life and acquire property will likely be surrendered. Similarly, if you commit a property crime your ability to protect your property will be surrendered.

In the right of religious freedom, we see a right of conscience which is not absolute. Your right to practice religion exists only so long as it is peaceable. Your practice of religion can not infringe on another’s right to practice their religion. An example of this is the recent law prohibiting the disruption of funerals.

Article 5. [Religious Freedom Recognized.]

Every individual has a natural and unalienable right to worship God according to the dictates of his own conscience, and reason; and no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession, sentiments, or persuasion; provided he doth not disturb the public peace or disturb others in their religious worship. June 2, 1784

This article is the first enumerated right of conscience and codifies the right to practice any religion as long as it does not interfere with the rights of others. Therefore, you can not worship in any way that jeopardizes the safety of another.

It is extremely important that the founders codified Article 5, the original form of Article 6 requiring teachers in the public schools to be protestant, Article 11 the qualifications to vote, and the religious qualification of protestant faith in Part 2 for Governor, Senator, Executive Councilor and Representative at the same time, and therefore, according to Article 37 there is no conflict between these Articles. They saw no conflict between freedom of worship and religious qualification for certain governmental activities and offices. It proves that they believed that the states have the right to establish a religion if they choose, and that, that right continued beyond the creation of the United States of America. It is also important to realize that in the original Constitution of New Hampshire religious protection in Article 6 was only extended to Christian denominations. It embodies the evangelical principle of personal relationship with God.

Hon. Dan Itse

A Constitutional Gem:

Circular to the States, Fitzpatrick 26:494 (1783)

To the Senate and the House of Representatives

Fitzpatrick 31:402 (1791

5. The Founders made the passing of laws slow and complicated. There were several major reasons for taking this position. Can you name just one?

How’s Your Constitutional IQ ?

1. Can congress appropriate money to be expended over a period of ten years on an advanced laser weapon for the military?
2. When a President takes his oath of office he commits himself to do two things. What are they?
3. The income tax was initially viewed as a tax on the wealthy. What single factor, more than any other, shifted it to a tax on the general citizenry?
4. Can the government discriminate in determining who will be allowed to migrate to the United States and who will not?
5. The Founders made the passing of laws slow and complicated. There were several major reasons for taking this position. Can you name just one?

George Washington: America’s Need for a Militia

There can be little doubt but [that] Congress will recommend a proper peace establishment for the United States. In which due attention will be paid to the importance of placing the militia of the Union upon a regular and respectable footing. If this should be the case, I would beg leave to urge the great advantage of it in the strongest terms. The militia of this country must be considered as the palladium of our security and the first effectual resort in case of hostility. It is essential, therefore, that the same system should pervade the whole; that the formation and discipline of the militia of the continent should be absolutely uniform, and the same species of arms, accoutrements, and military apparatus should be introduced in every part of the United States—

(Circular to the States, Fitzpatrick 26:494 (1783)

The militia...is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community, or to the preservation of order. To the Senate and the House of Representatives Fitzpatrick 31:402 (1791)