

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

LIBERTY & INDEPENDENCE

LESSON 07 SESSION 01

7.1 Historical background

The historical background of liberty and independence is the story of the human race in every stage of its development and in every corner of the earth. It is told in the ages-old pyramids of Egypt, built upon the backs of human slaves; in the philosophies of Plato and Socrates; and uncovered in the catacombs of Rome. In the German forests it was planted deep in the hearts of Saxon and Norman, and there given its first real semblance of form.

England, in the days of the Saxon and Norman Conquest, in the time of Cromwell and Elizabeth, laid a still broader foundation upon which to build the structure of self-government.

Slowly there was evolved an appreciation of government incorporation of the rights of individuals into fixed laws or practices. Yet there remained the iron heel of government to crush those whose demand for independence and liberty exceeded that granted by the will of the ruling King or Parliament.

7.2.1 Slow development of necessary knowledge

It remained, however, a work still to be accomplished at the time of the first settlements in America, where in the next 150 years slow progress was to be made in developing the necessary knowledge upon which liberty and independence could safely rest.

7.2.2 The Declaration of Independence, a protest

The Declaration of Independence was a protest against the abridgment of such rights as the colonists claimed as subjects of the British Crown. Their anger was directed against Parliament rather than the King because restrictions were placed by law upon the colonists which were not imposed upon citizens of Great Britain residing in the mother country. These operated solely for the benefit of the long-established home government and institutions. Spurred by the spirit of independence engendered through the bitter experiences and necessary self-reliance required in their century-and-a-half battle to conquer the American wilderness, and fired by the indignities and injustice to which they had long been compelled to submit, they threw off the yoke of oppression and set up a government that would forever guard them against tyranny, however it might seek to impose its will.

"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 entitled 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. "

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

No man sought or wished for more than to defend his own. None hoped to plunder or spoil * * * and we all know that it could not have lived a single day under any well-founded imputation of passion. — *Webster.*

7.2.3 Independence of the Colonies.

The American Colonies did not become free and independent until they were strong enough to throw off the yoke of the oppressor; strong enough to set up and control their own Government through the voice of the people; strong enough to protect and defend their country from aggression whether from within or without.

7.2.4 Its enemies.

The "enemies within" who would make the Declaration of Independence a mockery play one group of Americans against another. They fan the flames of prejudice. They magnify fancied evils of injustices to the ignorant. They distort its language to suit their own ends so cleverly that many of the less informed follow them in the name of Americanism.

7.2.5 Its survival.

Every American citizen must be constantly on guard if the principles set forth in the Declaration of Independence are to survive.

7.2.6 Liberty defined

There are two kinds of liberty — absolute liberty: That of the savage, in which any individual may act as he pleases; and civil liberty: That of a civilized community in which human actions are regulated by law for the good of all — subject only to such restraints as a solemn and tolerant judgment determines to be essential.

Political liberty is no other than natural liberty so far restrained by human laws and no further, as is necessary and expedient for the general advantage of the public. — *Blackstone*.

Liberty does not free the people from the necessity for control, but it places a heavy burden of responsibility upon the individual for self-control. It is not license to do as one pleases. Through developed "intelligence" man has power to control his baser and more selfish instincts, compelling their exercise and restriction in the interest of society.

Minority control exercises its will until such time as general intelligence becomes sufficiently informed to establish an order of society with a larger and more even distribution of benefit to all, and the law of will (force) is supplanted by the law of reason.

As defined in the Preamble to the Constitution, liberty is the absence of arbitrary human restraints upon personal conduct other than those imposed by the authority of just laws, obedience to which is an essential part of it.

7.3 Fundamental law.

The rights to life, liberty, and the pursuit of happiness are beyond the right of any government to legally usurp or infringe.

To secure this (liberty) is the main business of governments and the reason for their institution. If they fall in this they have failed in all. — *Blackstone*.

These principles were written by our fathers into a constitution of government, for the first time in human history, when they wrote the Constitution and it became the fundamental law of a new nation dedicated to the proposition that "all men are created equal" and that "government derives its just powers from the consent of the governed."

7.4 Equality.

What is meant by "equality" is clearly defined by Lincoln in his debate with Douglas.

In responding to Douglas's question, "What do you mean — 'all men are created equal?'" Lincoln replied:

"I think the authors of that notable instrument intended to include all men, but they did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral development, or social capacity. They defined with tolerable distinctness in what respect they did consider all men created equal — equal with "certain inalienable rights, among which are life, liberty, and the pursuit of happiness." This they said and this they meant.

They did not mean to assert the obvious untruth that all were then actually enjoying that equality, nor yet that they were about to confer it immediately upon them. In fact, they had no power to confer such a boon. They simply meant to declare the right, so that enforcement of it might follow as fast as circumstances should permit."