

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

THE PURPOSE OF GOVERNMENT

LESSON 08 SESSION 01

8.1 Progress of government

In the beginning of human history, with needs and wants limited to food and shelter, man's dominating impulse was the preservation of life.

His social instinct led to the establishment of families, groups, and tribes. Transmitting habits, traditions, customs, and superstitions to succeeding generations, there came to be formed definite and distinctive racial types with fixed governing principles.

Governments of a kind were set up, order was created, but with the accumulation of property, and increasing wants, conflicts occurred, the strong despoiling the weak. Alliances for defense and offense were formed. Agreements between rulers and subjects and forms of treaties with nations brought about a more or less defined code of conduct and law, invariably enforced to the benefit of those who held the power.

8.1.1 Government by autocracy.

Selfish and often cruel leaders preyed upon the weak and ignorant in the accomplishment of their ambitious designs. Autocracy held power through appeal to the emotions engendered by pomp and glitter of the court, or by fear created through control of military forces and the means of livelihood.

By various methods the rights of citizenship were confined to the prescribed limits dictated by "will" (force) until increasing intelligence within the ranks of the people began to exert a counteracting influence.

The historical development of the "ancient liberties" of the English people, establishing individual rights, began with the meeting of King John and the Barons on the field of Runnymede in 1215 A. D., where the Magna Charta was signed, which guaranteed rights

beyond the power of the king to take away. By successive steps, in protection of these rights, came the act of Parliament (1295), Petition of Rights (1628), habeas corpus act (1679), Bill of Rights (1689), and the act of settlement (1701).

These liberties did not originate with charters but were simply confirmed by them and made the "fixed principles of freedom."

Restrictions of government on the life of the people created caste, favoritism and taxation became oppressive, and men left Europe and came to America.

8.1.2 Government of laws.

Until the adoption of the Constitution, government was imposed by the will of the minority and enforced by absolute control of economic institutions and military forces.

Under the Constitution a "Government of laws and not of men" was formulated out of the experiences of the centuries in which feudalism, despotism, autocracy had given form to the ruling forces of government.

8.3 Sources of the Constitution

The underlying principles of the Constitution were not formulated in a day. The three great American charters of liberty contained the fundamental principles of American government: "Bill for establishing religious freedom in Virginia," "Virginia Bill of Rights," and "Declaration of Independence." Before the Constitutional Convention met in Philadelphia, many plans and suggestions were drafted and presented to the convention.

In addition to this careful preparation after more than a century of self-government, there were in the convention men of extraordinary natural ability and wide experience, like Washington, Franklin, and Hamilton. There were men who had studied law at the Inner Temple in London, who had been educated in the University of Edinburgh, who had been graduated from American colleges, who had been governors of States, chief justices of supreme courts, and men who had achieved distinction at the bar and in business life.

Edmund Burke stated in the House of Commons in March, 1776, that more books of law were going to America than any other kind. Of the 55 members of the Constitutional Convention, 31 were lawyers.

Blackstone's Commentaries were taught by Chancellor Wythe in William and Mary College before the Declaration of Independence. John Marshall, Thomas Jefferson, and James Monroe were among his pupils.

When our Constitution was written Harvard College (1636) had been sending out, educated young men for just a century and a half, William and Mary College (1603) had been graduating learned youths for almost a century, Tale College (1701) had been contributing to the education of the people for more than three-quarters of a century, and Princeton (1746) had been teaching for half a century. The people were well prepared for their great endeavor. — *Thomas James Norton*.

8.4 The purpose of government

A correct understanding of the purposes of government furnishes a remedy for erroneous and dangerous ideas threatening this country.

Government is instituted for the common benefit, maintaining order, and protecting life, liberty, and property.

To secure liberty is the main business of governments and the reason for their institution. — *Blackstone*.

8.4.1 Paternalism.

The paternalism of communism which provides both property and subsistence for the individual is not a proper function of government. It results only in individual irresponsibility.

8.5 The Preamble to the Constitution

The Preamble to the Constitution is a most accurate and comprehensive statement of the purpose of government. It explicitly sets forth the fundamental purposes for which government is primarily organized. The brevity, simplicity, and directness of its original draft, after 150 years of experience, require no change.

“We, the people of the United States, in order to form a more perfect Union, establish Justice, insure Domestic Tranquility, provide for the Common Defense, promote the General Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution of the United States of America.” — *Preamble to the Constitution.*

8.5.1 **“We, the people.”**

The convention, which met in Philadelphia in 1787, adopted a Constitution based upon the proposition that a people are able to govern themselves.

Under the Articles of Confederation the State assumed control. A single State might exercise veto power over the will of all the others.

In the government set up under the new Constitution the power and rights of the people are the source and final authority. It derives its "just powers from the consent of the governed." For the first time in human history "the people" assumed control and government became subject to their will.

Nowhere is American independence and self-reliance better exemplified than in the words, "We, the people."

The people, the highest authority known to our system, from whom all our institutions spring and upon whom they depend, formed it. — *President Monroe.*

Its language, "We, the people," is the institution of one great consolidated national government of the people of all the States, instead of a government by compact with the States for its agents. — *Patrick Henry.*

8.5.2 **“A more perfect Union.”**

In the original federation the States were but loosely joined. The Constitution was a demand for more effective control of the Union by the Government.

In the efficacy and permanency of your Union a government for the whole is indispensable * * *. You have improved upon your first essay (Articles of Confederation) by the adoption of a constitution of government « » » for the efficacious management of your common concerns. * * * Indignantly frown upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts. — *Washington — Farewell Address.*

In the course of the Civil War the Southern States sought to dissolve our Union; President Lincoln sought to preserve our Union.

The States have their status in the Union, and they have no other legal status * * *. The Union, and not themselves separately, procured their independence and liberty. * * * The Union is older than any of the States and, in fact, created them as States. — *Abraham Lincoln — Message to Congress, July 4, 1861.*

The right of secession was forever settled by the fourteenth amendment to the Constitution, which declares, "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside." The National Government is not an assemblage of States, but of individuals.

To refuse allegiance to the United States is to be a traitor to the Nation. However, in the dual capacity of citizenship, we render service as citizens of both the State in which we hold legal residence and the United States. Each of our 48 States retains its own sovereignty in all matters relating exclusively to State affairs, in which it is protected by its own constitution. In all interstate, national, or international affairs both the citizen and the State owe allegiance to the Union.

8.5.3 **"Justice."**

Our Government assures "justice" in that it is a government of laws, not of men. In the heat of passion or sectional interest, in clashes between groups or questions of policy, no minority or bloc may enforce its will.

Should a majority seek to injure the rights of an individual citizen, the power of veto resting in the President, or the power of the Supreme Court as an unbiased tribunal, will insist that justice be done.

A series of checks and balances, which prevent the selfish interests of either individuals or groups from exercising their will to the injustice of another, is provided by the Constitution. Wherever there is an interest and power to do wrong, wrong will generally be done, and not less readily by a powerful and interested party than by a powerful and interested prince. — *James Madison*.

In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief to the chains of the Constitution. — *Thomas Jefferson*.