

Bryan/College Station Tea Party  
Form of Government  
**Representative, Limited, and Separation of Powers**  
Additional Reading

### REPRESENTATIVE GOVERNMENT

...“Three very definite propositions were set out in its [The Declaration] preamble regarding the nature of mankind and therefore of government. These were the doctrine that all men are created equal, that they are endowed with certain inalienable rights, and that therefore the source of the just powers of government must be derived from the consent of the governed.

“If no one is to be accounted as born into a superior station, if there is to be no ruling class, and if all possess rights which can neither be bartered away nor taken from them by any earthly power, it follows as a matter of course that the practical authority of the Government has to rest on the consent of the governed. While these principles were not altogether new in political speculation, they had never been assembled before and declared in such a combination. But remarkable as this may be, it is not the chief distinction of the Declaration of Independence. The importance of political speculation is not to be under-estimated, as I shall presently disclose. Until the idea is developed and the plan made there can be no action.

“It was the fact that our Declaration of Independence containing these immortal truths was the political action of a duly authorized and constituted representative public body in its sovereign capacity, supported by the force of general opinion and by the armies of Washington already in the field, which makes it the most important civil document in the world. It was not only the principles declared, but the fact that therewith a new nation was born which was to be founded upon those principles and which from that time forth in its development has actually maintained those principles, that makes this pronouncement an incomparable event in the history of government. It was an assertion that a people had arisen determined to make every necessary sacrifice for the support of these truths and by their practical application bring the War of Independence to a successful conclusion and adopt the Constitution of the United States with all that it has meant to civilization.”

....”But we should search these charters [Dutch Independence from Spain 1581] in vain for an assertion of the doctrine of equality. This principle had not before appeared as an official political declaration of any nation. It was profoundly revolutionary. It is one of the cornerstones of American institutions.

...appears in the assertion of the Rev. Thomas Hooker of Connecticut as early as 1638, when he said in a sermon before the General Court that - “The foundation of authority is laid in the free consent of the people.” “The choice of public magistrates belongs unto the people by God’s own allowance.”

*President Calvin Coolidge, 150th Anniversary of Declaration of Independence, July 5, 1926*

### LIMITED GOVERNMENT

#### **Understanding the full importance of Liberty - our right of self-determination.**

“Probably the least familiar concept of liberty used then was that most common to us - that is liberty as personal freedom bounded only by such limits as are necessary if others are to enjoy the same extensive personal freedom. **Before the Revolution liberty more often referred to a corporate body’s right of self-determination.** ... **Liberty in the classical republican tradition pertained to the public realm and not the private. Indeed, it was the capacity of men to rise above personal interest that made republics and therefore liberty possible. Virtue and liberty were indissolubly linked in classical republican theory.** ....Colonists considering their own legislature to be copies of the British Parliament responded equally warmly to the ancient ideal of free men realizing their human potential in service to the commonwealth.

Joyce Appleby, Capitalism and a New Social Order: The Republican Vision of the 1790’s p. 16

A republican form of government assumes man has the ability to rise above human nature - therefore the statesman with an understanding of the accountability of results of our deeds - is more beneficial to continued liberty than the politician that plays to our factious human nature. Therefore, the voter who guards his neighbor's liberty - right to self-determination - as he would guard his own should be considered the most beneficial to community.

**What is the purpose of government as stated in the Declaration?  
What is the duty of our elected representatives?**

**“Consent** is the means by which equality is made politically operable and whereby arbitrary power is thwarted. The natural standard for judging if a government is legitimate is whether that government rests on the consent of the governed. **Any political powers not derived from the consent of the governed are, by the laws of nature, illegitimate and hence unjust.**”  
“The “consent of the governed” stands in contrast to “the will of the majority,” a view more current in European democracies. The **“Consent of the governed”** describes a situation where the people are self-governing their communities, religions, and social institutions, and into which the **government may intrude only with the people's consent.** There exists between the people and limited government a vast social space in which men and women, in their individual and corporate capacities, may exercise their self-governing liberty.”

Edwin Meese III, The Heritage Guide to The Constitution, p. 2-3

**How does limited government best serve at our consent?  
What insight does the grievance section of the Declaration offer in regards to consent and the essential protection of liberty through limited government?**

**LIB'ERTY**, n. [L. libertas, from liber, free.]

1. Freedom from restraint, in a general sense, and applicable to the body, or to the will or mind. The body is at liberty, when not confined; the will or mind is at liberty, when not checked or controlled. A man enjoys liberty, when no physical force operates to restrain his actions or volitions.

2. Natural liberty, consists in the power of acting as one thinks fit, without any restraint or control, except from the laws of nature. It is a state of exemption from the control of others, and from positive laws and the institutions of social life. This liberty is abridged by the establishment of government.

3. Civil liberty, is the liberty of men in a state of society, or natural liberty, so far only abridged and restrained, as is necessary and expedient for the safety and interest of the society, state or nation. A restraint of natural liberty, not necessary or expedient for the public, is tyranny or oppression. civil liberty is an exemption from the arbitrary will of others, which exemption is secured by established laws, which restrain every man from injuring or controlling another. Hence the restraints of law are essential to civil liberty.

The liberty of one depends not so much on the removal of all restraint from him, as on the due restraint upon the liberty of others.

In this sentence, the latter word liberty denotes natural liberty.

4. Political liberty, is sometimes used as synonymous with civil liberty. But it more properly designates the liberty of a nation, the freedom of a nation or state from all unjust abridgment of its rights and independence by another nation. Hence we often speak of the political liberties of Europe, or the nations of Europe.

5. Religious liberty, is the free right of adopting and enjoying opinions on religious subjects, and of worshipping the Supreme Being according to the dictates of conscience, without external control.

6. Liberty, in metaphysics, as opposed to necessity, is the power of an agent to do or forbear any particular action, according to the determination or thought of the mind, by which either is preferred to the other.

Freedom of the will; exemption from compulsion or restraint in willing or volition.

7. Privilege; exemption; immunity enjoyed by prescription or by grant; with a plural. Thus we speak of the liberties of the commercial cities of Europe.

8. Leave; permission granted. The witness obtained liberty to leave the court.  
9. A space in which one is permitted to pass without restraint, and beyond which he may not lawfully pass; with a plural; as the liberties of a prison.  
10. Freedom of action or speech beyond the ordinary bounds of civility or decorum. Females should repel all improper liberties.  
To take the liberty to do or say any thing, to use freedom not specially granted.  
To set at liberty, to deliver from confinement; to release from restraint.  
To be at liberty, to be free from restraint.  
Liberty of the press, is freedom from any restriction on the power to publish books; the free power of publishing what one pleases, subject only to punishment for abusing the privilege, or publishing what is mischievous to the public or injurious to individuals.

Webster's 1828 Dictionary - Online

**Can we accurately declare that Americans live in a state of liberty at present? How has the ObamaCare ruling affected our liberty of self-determination?**

“In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government, but experience has taught mankind necessity of auxiliary precautions.”

James Madison, Federalist 51.

SEPARATION OF POWERS

“Governments do not make ideals, but ideals make governments. This is both historically and logically true. Of course the government can help to sustain ideals and can create institutions through which they can be the better observed, but their source by their very nature is the people. The people have to bear their own responsibilities. There is no method by which that burden can be shifted to the government. It is not the enactment, but the observance of laws, that creates the character of a nation.”

President Calvin Coolidge 150th Anniversary of Declaration of Independence July 5, 1926

“The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny. Were the federal Constitution, therefore, really chargeable with the accumulation of power, or with a mixture of powers, having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system.”

James Madison, Federalist 47.

“But it was not enough to divide power and hope that it remained nicely confined within the written barriers of the Constitution. This was especially the case with the legislature: The “parchment barriers” of early state constitution had proven in inadequate defense against a legislative proclivity in mind that the Constitution grants powers to three separate and distinct branches of government, yielding the concept of the separation of powers. Each branch has only those powers granted to it, and can do only what its particular grant of power authorizes it to do. The full meaning of the separation of powers, however, goes beyond this parchment distinction. *“in framing a government which is to be administered by men over men, the great difficulty lies in this,*” Madison wrote in Federalist 51, *“You must first enable the government to control the governed; and in the next place oblige it to control itself.”* That meant that, in addition to performing its proper constitutional functions (lawmaking, executing and adjudicating the law), there needed to be an internal check to further limit the powers of government. **Rather than create another coercive authority for that purpose (a dubious proposition to say the least),**

**the Founders not only divided power but also set it against itself. This separation of powers, along with the further provisions for checks and balances, creates a dynamism within the workings of government that uses the interest and incentives of those in government to enforce constitutional limits beyond their mere statement.**

The Constitution creates three branches of government, and each is vested with independent powers and responsibilities. Each also has its own basis of authority and serves different terms of office. No member of one branch can at the same time serve in another branch. But their powers aren't separated completely: In order to protect themselves and guard against encroachment, each department shares overlapping powers with the others. Before it become law, congressional legislation, for instance, must be approved by the executive -- who also has a check against Congress in the form of the qualified veto, which the legislature in turn can override by 2/3rds votes in the House and the Senate. The president is commander in chief but the House has the power to declare war, and it is up to Congress to fund executive activities, including war-making. Treaties and judicial appointments are made by the executive but only with the advice and consent of the Senate. The Supreme Court can strike down executive or legislative actions that come up in cases before it as unconstitutional, but Congress has the power to re-enact or modify overturned laws, strip the court's jurisdiction in many cases and impeach federal judges. The solution is found in structuring government such that *"its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places,"* as Madison explained in [Federalist 51](#). In other words, **government is structured so that each branch has an interest in keeping an eye on the others, checking powers while jealously protecting its own.** By giving each department an incentive to check the other --with overlapping functions and contending ambitions -- **the Founders devised a system that recognized and took advantage of man's natural political motivations to both use power for the common good and to keep power within constitutional boundaries.** Or as Madison put it, the *"interest of the man [becomes] connected with the constitutional rights of the place."* [[Federalist 51](#)]

The separation of powers and the introduction of legislative balances and checks, according to Hamilton in [Federalist 9](#) are *"means, and powerful means, by which the excellencies of republican government may be retained and its imperfection lessened or avoided."* **They discourage the concentration of power and frustrate tyranny, At the same time, they require the branches of government to collaborate and cooperate in doing their work, limiting conflict and strengthening consensus. But these means also have the powerful effect of focusing individual actors on protecting their constitutional powers and carrying out their constitutional duties and function -- and that fact transforms the separation of powers from a mere negative concept to a positive and important contributor to limited government and constitutional fidelity.**

Jefferson called the "republican form and principles of our Constitution" and "the salutary distribution of powers" in the Constitution the "two sheet anchors of our union." If driven from either," he predicted, "we shall be in danger of foundering."

Matthew Spalding, [We Still Hold These Truths: Rediscovering Our Principles, Reclaiming Our Future](#), pp. 120,121,122.

**How does this information regarding the intent of separation of power square with an proverb of human nature - What's everybody's business is nobody's business ?**

**Also, what is the responsibility of: the people when elected officials attempt to hold other branches of government accountable to the Constitution?**

Proverbs 17:15 He who justifies the wicked and he who condemns the righteous,  
Both of them alike are an abomination to the LORD.