

BASIC CONCEPTS OF "GOVERNMENT"

Where do "Rights" come from? What is "federalism"? Does our Constitution "evolve"? What's a "Republic"? What is the function of a constitution?

By Publius Huldah

Think NOT that you must have a law degree to understand the Constitution of the United States; or that the lawyers, law professors and black robed judges are the ones who understand it best. They are the ones who perverted it. To restore constitutional government, We the People must learn the basic concepts of "government"; and we must learn the Constitution, elect representatives who will honor their oaths to support it (Art VI, clause 3), and remove from office those who don't.

The Constitution is a short document which anyone – who makes a reasonable effort – can understand quite well. You need only (1) The Declaration of Independence, (2) The Constitution, and (3) The Federalist Papers. The latter is a collection of 85 essays written for the public by Alexander Hamilton, James Madison, and John Jay, and published during 1787 and 1788, in order to explain the proposed Constitution to the People and to induce them to ratify it. [1] Also, since word meanings can change drastically throughout time [2], if we are to understand the objective meaning of the Constitution – the original intent – we must understand the words the same way the founders understood them. An American Dictionary of The English Language, Noah Webster (1828), published in facsimile edition, is readily available.

1. The function of a Constitution is to *restrict the power* of civil government:

...In free states, the constitution is paramount to the statutes or laws enacted by the legislature, limiting and controlling its power; and in the United States, the legislature is created, and its powers designated, by the constitution. (Webster's 1828)

2. "**Federal**" refers to *the form* of our government: An alliance of States with close cultural and economic ties associated together in a "federation" with a national government to which is delegated supremacy over the States in specifically defined areas. [3]

3. A "**republic**" is "a state in which the exercise of the sovereign power is lodged in representatives elected by the people..." (Webster's 1828). A "**constitutional republic**" is a state in which the representatives (and other officials) are limited and restricted by a constitution. *This country* was established as a **constitutional republic**.

4. A “**democracy**” is two wolves and one sheep voting on what to have for dinner.

5. Decentralization: In a free country, *government is decentralized*: there exist various kinds of government, each with their own sphere of operation. Webster’s (1828) lists three: “**self-government**” – man’s control and restraint over his own temper, passions, and social actions; “**family government**” – parents’ authority over their children and other family matters; and **civil government** – the form of, and the rules and principles by which a nation or state is governed.

There is also **government in religious associations** (e.g., Mat 18:15-17); **charities**; **professional, trade, and sports associations** (in earlier times, these set the standards and handled the discipline for their members); and other voluntary organizations with their own rules and requirements.

But in a totalitarian country, *the civil government eliminates the other forms of government so that its power is unchallenged in all spheres of life*:

a) Our national government is *eliminating self-government* by taking away the responsibility of individuals to act morally and responsibly in the conduct of their own affairs. Not only does it *force* individuals to participate in government retirement and medical programs – matters which in the past were considered to be individual and family responsibilities; it now, with respect to daily expenses, “bails out” the least responsible at the expense of the more responsible! We are no longer required to govern ourselves: We may sit around, indulging in blame shifting, excuse-making and nursing grievances, and the government pays our living expenses! As individuals, we have abandoned self-discipline altogether – we abuse our own health with our excesses and bad habits!

b) It is *eliminating family government* by dictating as to the discipline and education of children, and insisting that minor children may obtain *abortions* without their parents’ knowledge or consent! Matters that were, in the past, treated as *family* responsibilities (financial and other assistance to family members; education of children, care of aging parents, etc.) have been taken over by civil government. We no longer look to our families for assistance – we look to the civil government! Is it any wonder we now consider the president as “the one” to “save” us?

c) Previously, **churches** were the moral authorities in our country. But the national government has *eliminated* that moral authority! Even though the modern “welfare” state is based on Coercion & Looting & Distribution of Plunder to favored groups – the legalization of Envy & Theft [4] – the Pastors dare not speak out against it – they have been silenced by the 501 c (3) tax exemption. So we have been deprived of the benefit of their moral guidance on issues affecting our country – *that’s what the national*

government demands! So the churches are restricted to speaking on saving souls, “escape” or “rescue” from this Earth, what happens when we’re dead, and other such matters that don’t challenge Caesar’s sovereignty on Earth. For *Caesar* claims that the Earth and everything on it *belongs to him!*

d) **Charity** is properly the work of individuals, churches, and private associations. Some, such as The Salvation Army, provide Christian instruction along with assistance. But a totalitarian government will not tolerate this challenge to its total power; so it now speaks of reducing the tax deduction for charitable giving. As economic conditions worsen, charitable giving will decline; private charities will diminish, but the national government seeks always to expand.

e) The state governments have taken over the licensing and disciplining of the **trades and professions**; and Congress conducts hearings on whether **sports figures** take steroids!

6. Decentralization & Local Governments: In a free country, *civil government itself is decentralized* – we have **city** governments, **county** governments, and **state** governments, as well as the federal government. Each local government has its own constitution that defines its powers & duties.

When speaking of the national government, do not confuse *its* few powers – those enumerated in the U.S. Constitution – with the more extensive powers that may be granted to **State and local governments** in *their* constitutions. James Madison wrote in The Federalist Papers, No. 45 (9th paragraph):

The powers delegated by the proposed Constitution to the federal government are few and defined. Those that are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people....

So, do you see? The federal government isn’t supposed to have anything to do with our lives, liberties and properties except as follows: Other than those in military service, it has no lawful criminal jurisdiction over us unless we are counterfeiters, pirates or traitors; it has no civil jurisdiction over us unless we file for bankruptcy; if we are inventors or writers, it secures for us the rights to patents & copyrights; it makes rules for naturalizing new citizens, and it delivers our mail! (Art I, Sec 8 & Art III, Sec 3, U.S. Constitution) That’s basically it, Folks!

So mortgage bailouts, medical care, pensions, family matters, education, housing, food stamps, tattoo

removal, Nancy Pelosi's mice, "community redevelopment", light bulbs, and the like, are NONE OF THE FEDERAL GOVERNMENT'S BUSINESS! The *local governments*, if the People have authorized such in the *local constitution*, may address such matters. **But the only areas in which the federal government may lawfully act are those enumerated in the U.S. Constitution.**

7. In a free country, civil government is restrained – *it is limited by the constitution in what it is allowed to do*. But in a tyranny, those who hold power do whatever they want – they know no law but their own ideas, whims, self-interest, self-glorification, and lust for power. Webster (1828) defined "govern":

To direct and control...either by established laws or by arbitrary will...Thus in free states, men are *governed* by the constitution and laws; in despotic states, men are *governed* by the edicts or commands of [a tyrant].... [5]

WE the People created the national government when We, as States, ratified the Constitution. WE determined its powers and duties and enumerated those powers and duties in the written Constitution. None of the three branches of the national government: neither the Legislative, nor the Executive, nor the Judiciary, may do ANYTHING unless WE first gave it permission in the Constitution. WE are the Creators; those in the national government, be they Senators, Representatives, federal judges, or the President, are mere creatures. Alexander Hamilton said in The Federalist Papers, No. 33, (6th paragraph):

If the federal government should overpass the just bounds of its authority and make a tyrannical use of its powers, the people, **whose creature it is**, must appeal to the standard they have formed [the Constitution], and take such measures to redress the injury done to the Constitution as the exigency may suggest and prudence justify. [emphasis added]

Our Constitution is the Supreme Law of the Land (Art VI, cl.2); and anything contrary to our Constitution is *lawlessness* – no matter who in office *or on the bench* does it.

8. How should we understand the Constitution? Should we understand it the same way our founders did ("original intent")? Or, does its meaning "evolve" throughout time, so that it "means" whatever the gang in power (at any point in time) says it means?

a) One side – the "strict constructionists" or "originalists" – say the Constitution has a fixed meaning, and we must look at the original intent of the Constitution. We easily learn this original intent by understanding the words the same way our founders understood them [e.g., Webster's 1828 Dictionary] & by referring to The Federalist Papers. [6]

b) The other side (composed primarily of activist judges, totalitarian leftists and people who don't think) say the Constitution has no fixed meaning. They say it is an "evolving", "living, breathing" thing that means *whatever the judges, from time to time, say it means* [7] or, like Congress and many of our presidents, ignore it altogether.

And just how do we learn what the judges say the Constitution means? Well, you really have to go to law school and learn how to do legal research; how to read judicial writing (which is often intended to conceal the judges' complete lack of intellectual honesty); and how to construe conflicting court decisions. Then, you usually end up going with the court's latest pronouncement (once you have located it) – knowing full well that it may change when a new gang gets on the bench. [8]

Obviously, under the second view – we don't have constitutional government. Instead, the judiciary, the Congress, and the Executive Branch **impose their unfettered wills on us**; and THIS is how we have been transformed from a "free state" where we were *governed* by the constitution and laws; into a despotic state, where we are *governed* by the edicts or commands of judges, congressmen & senators, presidents, and meddlesome federal agencies.

9. What are "Rights" and where do they come from? Are rights unalienable gifts from God? Are rights inherent to our nature as humans? Is the Bill of Rights (the first 10 Amendments to the U.S. Constitution) the source of our rights? Are "rights" entitlements to stuff paid for by other people?

a) Our Declaration of Independence says our Rights are *unalienable* and come from God:

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... [9]

b) The Philosopher Ayn Rand correctly saw rights as inherent to the nature of man; although she thought God had nothing to with it. In John Galt's speech (Atlas Shrugged), he said:

The source of man's rights is not divine law or congressional law, but the law of identity. A is A—and Man is Man. Rights are conditions of existence required by man's nature for his proper survival. If man is to live on earth, it is right for him to use his mind, it is right to act on his own free judgment, it is right to work for his values and to keep the product of his work. If life on earth is his purpose, he has a right to live as a rational being: nature forbids him the irrational. Any group, any gang, any nation that attempts to negate man's rights, is wrong, which means: is evil, which means: is anti-life.

c) Others say that our rights come from the Bill of Rights. *But this is a pernicious error.* To say that the Bill of Rights “confers” our rights; or to discuss “the full scope” of any of the First Ten Amendments, constitutes a restriction on, and reduction of, the rights given by God. **To say that the Bill of Rights is the source of our rights, diminishes them from their proper status as unalienable gifts from God, and transforms them into privileges which we hold, or not, according to whether they are recognized in a document written by men; and according to the interpretations of judges!**

d) The statist view is that rights come from “the government”. The statist is not concerned with Life, Liberty and the Pursuit of Happiness! [10] To them, a “right” is a claim for stuff paid for by somebody else: The “right” to a public school education; the “right” to medical care; the “right” to housing; etc. But it is a contradiction in terms – *it is a perversion* – to speak of “rights” to stuff that is produced by, or paid for, by others! To hold that people who produce exist to be plundered by civil government for the ostensible benefit of others is nothing less than slavery. Just as no one has the right to own another human being; so no one has the right to own the fruits of another man’s labors.

10. The U.S. Constitution is the document that *created* the national government. [11] When the People through their States ratified the Constitution, the People and the States did not lose their status as independent sovereigns who would be capable of corrective action if the national government were to exceed the powers granted to it.

Except for those few powers (primarily relating to national defense & other external objects) that the People and the States specifically delegated to the national government, the People and the States remain independent and sovereign.

Furthermore, the Tenth Amendment to the Constitution states:

The powers not delegated to the United States by the Constitution, nor Prohibited by it to the States, [12] are reserved to the States respectively, or to the people.

So when the “creature” usurps powers not granted in the Constitution, the “Creators” are not bound by the usurpations. Those usurpations are, by definition, lawless. When this happens, the States have the Right and the Duty to rein in their creation – for the creature has become Frankenstein.

Tenth Amendment Resolutions, nullification by States, Jury nullification, etc. are lawful, consistent with our Constitution, and if properly implemented, can restore our Constitutional Republic with its federal form of government! *That*, instead of a totalitarian dictatorship with a populace forever crushed with

debt, is the Blessing we want to leave our Posterity.

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[1] The authors' 18th century style of writing might seem difficult at first; but if you stick with it, you will get used to it, and may come to find it delightful.

[2] E.g., "mean" used to mean "poor"; "nice" used to mean "precise, exact"; "gay" used to mean "jovial, merry", etc.

"Welfare" as used in the Preamble & in Art I, Sec 8, cl 1, U.S. Constitution, meant "Exemption from any unusual evil or calamity; the enjoyment of peace and prosperity, or the ordinary blessings of society and civil government" (Webster's 1828). But The American Heritage Dictionary of the English Language (1969), adds a new meaning: "Public relief" – on welfare. Dependent on public relief". Do you see how our Constitution is perverted when 20th century meanings are substituted for the original meanings?

[3] As the national government usurps more & more of the powers retained by the States or the People, **the form** of our government becomes less & less "federal", and more & more "national".

[4] See Frederic Bastiat's short & easily understood work, *The Law* (1848), which is without a doubt, the best thing to ever come out of France. A *magnificent* refutation of socialism. On-line English ed. at bastiat.org

[5] In the classic work on political philosophy, *Lex, Rex, or The Law And The Prince*, Samuel Rutherford (1644), Rev. Rutherford sets forth the biblical model wherein the king is subject to the Law *to the same extent* as the citizens: e.g., Deut 17:18-20; 2 Kings 22:8-13; 23:1-3. *THIS* is what "The Rule of Law" means – when the "king" is under the Law. When the "king" claims that he is above the law, then we have "the Rule of Men" – i.e., tyranny.

Contrast Rutherford's model, which the drafters of our Constitution followed, with that of the German philosopher Georg Wilhelm Friedrich Hegel (1770-1831), who glorified the state and saw it as superior to the people. *THAT* is the political philosophy that gave rise to German statism, the Third Reich, and Hitler worship.

[6] It's fast & easy: With an annotated copy of the Constitution, you look up the Federalist Paper cited, skim through it until you get to the relevant passage, and in a few minutes, you usually can know the original intent. You then know more than our judges know! Congratulations! [But sometimes we also

have to refer to other contemporaneous works.]

[7] Thus, instead of the judges being subject to the Constitution; the Constitution is subject to the will of the judges.

[8] Franz Kafka's novel, *The Trial* (1937), describes an arbitrary and incomprehensible legal system where the peoples' access to The Law is cut off. "Before the Law, stands a door keeper... ". The hero of Kafka's novel couldn't get past the doorkeeper and so was denied access to The Law. Folks, that's what our courts – the doorkeepers – are doing to us. The U.S. Constitution is the supreme Law of the Land (Art VI, cl. 2); but the Courts have taken it away from us and *won't give it back!* *The Trial* is on-line in English translations from the German.

[9] The Bible reveals additional rights bestowed on us by God, such as the right to inherit, earn, & keep property; the right of self-defense; the right & duty to demand that the "king" adhere to the Covenant of civil government; etc. The distinguishing characteristics of all these God-given rights are (1) they are necessary for man to exist as man and (2) they ***may be held and enjoyed at NO expense or loss to any other man.*** (Ayn Rand was 100% right on these points.)

[10] They *love death*: abortion, assisted suicide, and euthanasia. They *hate* private property. They *hate* Liberty. Productive men exist, not to pursue their own Happiness or to serve God; but to be plundered by civil government. Folks, we need to face Reality and acknowledge that these are *not* people whose "intentions" are "good".

[11] It is important that you always keep at the front of your mind: **The national government is a creation of the People & their States. The People & their States are the Creators – the national government is merely the creature.**

[12] Art I, Sec 10 prohibits the States from exercising powers specifically delegated to the national government, and from passing those obnoxious laws which are inimical to a free country such as Bills of Attainder, ex post facto Laws, laws impairing the Obligation of contracts, or granting Titles of Nobility.

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