



## LECTURE FOUR

# 1776 - 1789: FROM INDEPENDENCE TO THE CONSTITUTION

### GENERAL OBJECTIVES

It is our intent and our hope that the student will appreciate the historical events leading up to and surrounding the adoption of the Constitution and their relationship to the religious and philosophical worldviews of the Framers and the American culture.

### SPECIFIC OBJECTIVES

- ☆ *Articulate the historical events and circumstances which preceded the formal adoption of a Biblical (American View) of civil government among the English Colonies in America.*
- ☆ *Appreciate the content and context of the Declaration of Independence and its importance as a document of Biblical Interposition.*
- ☆ *Learn the relationship between the Declaration of Independence and the Constitution.*
- ☆ *Understand and articulate the basic outline and purposes of the Articles of Confederation and have and understanding of the perceived limitations of this document.*
- ☆ *Understand the dynamics and operation of the Constitutional Convention of May-September 1787 and the principle actors and their roles.*

“Proclaim liberty in all the land to all the inhabitants thereof...”

–Leviticus 25:10

(Also inscribed on the Liberty Bell)

“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.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed...”

–Declaration of Independence, 1776<sup>1</sup>

<sup>1</sup> NEED SOURCE



**Lecture Four:** 1776 - 1789: From Independence to The Constitution; follow along with the notes in the following section.

## FACTORS LEADING TO INDEPENDENCE

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- A. Colonists' belief in ancient rights of Englishmen.
- B. English abrogation of colonial charters' autonomy.
- C. Parliament's taxation without representation.
- D. The "Glorious Revolution" (1688) that overthrew the Stuart kings.
- E. English abrogation of feudal vassal/lord relationships.
- F. English rejection of colonists' petitions.

## DECLARATION OF INDEPENDENCE

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- A. Drafted by congressional committee: Thomas Jefferson, Benjamin Franklin, John Adams, Roger Sherman and Robert Livingston.
- B. Congress voted to declare independence on July 2, 1776 and adopted the Declaration of Independence, on July 4, 1776. (Rhode Island had declared independence on May 4, 1776).
- C. Outline of the Declaration of Independence.

1. The colonies are entitled to independence by "the Laws of Nature and of Nature's God," but "a decent respect to the opinions of mankind" required the colonies to state their reasons.

2. Self-evident truths:

- a. All men are created equal.
- b. All men are endowed by Creator with unalienable rights: life, liberty and the pursuit of happiness.
- c. Civil government is instituted to secure these rights.
- d. Civil government derives its just powers from the consent of the governed.
- e. Civil government may be altered or abolished when it violates these principles.
- f. People should abolish civil government only after a "long train of abuses and usurpations."



3. England engaged in a “long train of abuses and usurpations” against the colonies:
  - a. Refused to assent to necessary colonial laws.
  - b. Dissolved colonial legislatures.
  - c. Prevented emigration to colonies.
  - d. Made administration of colonial justice impossible by controlling judges and refusing to approve needed laws.
  - e. Appointed bureaucrats to harass colonial population.
  - f. Keeping standing armies in colonies, not subject to control of colonial government.
  - g. Cutting off colonial trade with the rest of the world.
  - h. Taxation without representation.
  - i. Denial of trial by jury.
  - j. Transporting colonists for trial in England (fatiguing into compliance).
  - k. Abrogating English common law in Canada, setting example for same in colonies.
  - l. Abolishing colonial charters.
  - m. Taking colonists captive on high seas.
  - n. Incited insurrection and Indian warfare against the colonists
  - o. Conclusion: King “unfit to be the ruler of a free people.”
4. Colonists’ efforts to resolve grievances peaceably have gone unheeded.
5. Declaration: “That these United Colonies are, and of Right ought to be Free and Independent States....”
6. “Firm reliance on the protection of divine Providence....”

## THE RELATIONSHIP BETWEEN THE DECLARATION AND THE CONSTITUTION



Declaration of Independence sets forth the basic ideals of the new nation. In effect, it is the true preamble to the Constitution. Declaration answers the question “Why”; Constitution answers the question “How.” Constitution does not abrogate the Declaration nor repeal it in any way. The American View (Biblical worldview) shines through the Constitution just as it is transparent in the Declaration.

“The rhetoric of a public document, and especially of a state paper which is so fundamental as a constitution, is very important, for such rhetoric contains propositions which are basic to the legal and political order – beliefs which enable one to understand the principles and purposes of that order. Moreover, such rhetoric conveys a public teaching about what its framers and ratifiers consider to be the most important things for the people who are ruled under the authority of that document to believe. Such beliefs, in turn, imply public and private actions which affect the individual, society and civil government. These beliefs and teachings are crucial for the individual, society, and the political order: they mean sickness or health, slavery or liberty, death or life.”<sup>2</sup>

A.

B. Often asked question - Where is God in our Constitution?

1. Subscription clause: “In the year of our Lord..”
2. Excepting of Sundays (Article I, Section 7): Honoring the Sabbath.
3. Oath (Article II, Section 1).
4. Biblical principles are found throughout, such as:
  - a. The separation of powers, based on Isaiah 33:22 - “For the Lord is our Judge [Judicial branch], the Lord is our Lawgiver [Legislative branch], the Lord is our King [Executive branch].”
  - b. Reason for this separation - Jeremiah 17:9 - “The heart is deceitful above all things and desperately wicked: who can know it?”
  - c. Reference to the “Blessings of Liberty” in the Preamble.
  - d. Necessity of two witnesses in capital cases (Deut. 17:6).
  - e. Proscription against “corruption of blood” (Deut. 24:16).

## ARTICLES OF CONFEDERATION AND PERPETUAL UNION

A. Drafted by congressional committee led by John Dickinson 1776: approved in modified form by Continental Congress 1777, not ratified by all States until 1781.

B. More a compact among States than a true Constitution.

C. Brief outline of Articles of Confederation and Perpetual Union:

1. Name: United States of America.
2. Sovereignty of States: “Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in Congress assembled.”<sup>3</sup>

<sup>2</sup> Archie P. Jones, *America's First Covenant: Christian Principles in the Articles of Confederation*, p9.

<sup>3</sup> NEED SOURCE



3. Purpose: "league of friendship"<sup>4</sup> for common defense, security of liberty, and mutual welfare.
4. Rights of citizens while in other states.
5. Structure of Congress.
6. States may not make treaties or maintain standing armies except as necessary for defense.
7. States appoint militia officers (except generals).
8. Costs of war paid out of confederacy treasury.
9. Powers of Congress.
10. Committee of States, or nine States, may act when congress in recess.
11. Canada may join confederacy.
12. Confederation will honor past debts.
13. Unanimous consent of all States required for amendments.

**D.** Perceived limitations of Articles of Confederation and Perpetual Union:

1. Lacked central power. While this looks attractive today, it virtually made federal operation impossible.
2. No chief executive.
3. No Federal judiciary.
4. No Federal taxing power; only voluntary requisitions (Congress asked States for money; States did not cooperate very well).
5. No Federal enforcement powers.
6. All States must consent to amendments.

## EVENTS LEADING TO CONSTITUTIONAL CONVENTION

**A.** The Articles of Confederation and Perpetual Union held the country together during the War, but after the war many problems surfaced:

1. Combined inflation and recession. (inherent in use of Fiat Money)
2. Congress was unable to raise money by requisitions.

<sup>4</sup> NEED SOURCE

3. Domestic disturbances.
4. States treating each other as foreign nations.
5. Border problems among States.
6. Border problems with the English in Canada, and Spanish in the West.

B. During the War, Alexander Hamilton wrote letters urging a stronger central government.

C. After the War, Alexander Hamilton persuaded New York to pass resolution urging a constitutional convention - no other state joined.

D. In 1783: Alexander Hamilton urged Congress to call a convention - no success.

E. In 1785: George Washington wrote letter to the 13 States urging a constitutional convention.

F. In 1786: Congress called a trade conference, but only five States sent representatives.

G. In 1787: Congress called for Constitutional Convention to be held in Philadelphia May 14th "for the sole and express purpose of revising the Articles of Confederation and Perpetual Union."

H. On May 14, 1787: Delegates from only two States had arrived, Convention did not begin until May 25th.

I. On May 14, 1787: Madison and others prepared "Virginia Resolves" which became the basic agenda for the Convention.





# THE CONSTITUTIONAL CONVENTION MAY 25TH TO SEPTEMBER 17TH 1787

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A. Attended by 55 delegates from 12 States (Rhode Island did not send delegates).

B. Delegates were intelligent and well-educated, with vast and varied experience:

1. 31 lawyers
2. 19 military veterans.
3. 28 former delegates to the Continental Congress.
4. Two college presidents.
5. Three college professors.
6. Nine foreign born.
7. Several doctors and scientists.

C. Delegates agreed on basic values and principles:

1. The Laws of Nature and of Nature's God.
2. God-given unalienable rights: life, liberty, property.
3. Civil government is established by covenant, authorizing only such limited power as the people delegate to it.
4. All people, rulers included, have a sinful nature.
5. People need order, but rulers need limits.

D. Procedures established:

1. President elected (George Washington).
2. One vote per state, cast as majority of State's delegation desired.
3. To prevent false rumors, proceedings kept secret until last delegate died (James Madison, 1836).
4. No delegate could speak more than twice on issue until all others had spoken, then only by permission of convention.
5. All remarks addressed to President.

E. Most issues resolved by reaching consensus.

F. Three issues required compromise:

1. Representation in Congress: Large States wanted proportionate representation, but small states wanted equal representation. Therefore, Roger Sherman (of Connecticut) suggested bicameral Congress – with a House and Senate.
2. Counting of slaves for voting and taxes:
  - a. North wanted to count slaves for taxes, not voting.
  - b. South wanted to count slaves for voting, not taxes.
  - c. Compromise: For both purposes, the Constitution specifies 3/5 of a number and refers to slaves as persons. It does not say slaves were counted as 3/5 of a person.
  - d. This compromise language has been mischaracterized by revisionist historians who claim it demonstrates the Constitution is a pro-slavery document, declaring slaves less than fully human.
  - e. Frederick Douglass, born a slave in 1817 and who rose to become an advisor of President Lincoln declared just the opposite: “It [the three-fifths clause] is a downright disability laid upon the slaveholding States; one which deprives those States of two-fifths of the natural basis of representation... Instead of encouraging slavery, the Constitution encourages freedom by giving an increase of “two-fifths” of political power to free over slave States...”<sup>5</sup>
3. Compromise: Congress may not end slave trade for 20 years (1808).

G. In June, Convention degenerated into discord.

H. June 28th: Franklin’s motion for prayer helped restore harmony, and progress resumed.

I. Closing days of Convention:

1. July 26th: Committee on Detail appointed to work out details.
2. August 6th: Committee on Details presented report; Delegates refined it until September 8th.
3. September 8th: Committee on Style appointed to prepare draft; Gouverneur Morris did most of writing of final draft.
4. September 12th: Committee on Style presented report; Convention considered it and adopted it with a few minor changes September 15th.
5. September 17th: Signing of Constitution. Majority from each State signed, but three Delegates did not: Elbridge Gerry of Massachusetts, and George Mason and Edmund Randolph of Virginia. Edmund Randolph later supported Constitution, but Luther Martin (Maryland) signed but later opposed Constitution.

<sup>5</sup> Frederick Douglass, explaining the true meaning of the three/fifths compromise in a speech delivered in Glasgow, Scotland, March 2, 1860.



6. As the delegates signed the Constitution, Ben Franklin spoke. He referred to an etching of a sun on the back of George Washington's chair; "I have often in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that [chair] behind the president without being able to tell whether it was rising or setting. But now at length I have the happiness to know that it is a rising and not a setting sun."<sup>6</sup>



## JURISDICTIONAL BOUNDARIES – GOVERNMENT

Definitions, Jurisdictions, Levels & Boundaries

**GOVERNMENT** – Direction, regulation, control, restraint. (*Webster's 1828 Dictionary*)

There are four distinct **jurisdictions** – limits within which each government power may be exercised according to *Webster's 1828 Dictionary*:

### First

**SELF-GOVERNMENT** – Men are apt to neglect the government of their temper and passions.

### Second

**FAMILY GOVERNMENT** – The exercise of authority by a parent or householder. Children are often ruined by a neglect of government in parents.

### Third

**CHURCH GOVERNMENT** – The persons or council who direct the ministries and ordinances of the church.

### Fourth

**CIVIL GOVERNMENT** – That form of fundamental rules and principles by which a nation or state is governed; a constitution by which the rights and duties of citizens and public officers are prescribed and defined.

Within the Civil Government there are three **levels**, Federal, State, and Local. Each of these also have their own distinct jurisdictions – Constitutional limits within which their power to direct, regulate, control or restrain may be exercised. This is described in the Tenth Amendment which states the following: "**The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.**"

Below are the biblically described details and *boundaries* - jurisdictional realms – of FAMILY – CHURCH – CIVIL – government:

Family	Church	Civil
Marriage – Exodus 22:16-17	Public ministry of the Word of God - Timothy 4:1-2	Ministry of justice - Romans 13:1-4
Raising children – Ephesians 6:1-4	Public ministry of worship - 1 Timothy 2	Ministry of military defense - Numbers 31:3
Property ownership – Leviticus 25	Ministry of ordinances (communion, baptisms, etc.) - 1 Corinthians 11	
Business ownership – Leviticus 25		
Inheritance – Leviticus 25	Ministry to those who do not have family - 1 Timothy 5:3-16	
Education – Deuteronomy 6:7-9		
Welfare - 1 Timothy 5:8		



OPTIONAL  
READING  
ASSIGNMENTS

LECTURE FOUR

1. *The Law* by Frederick Bastiat. Start at “Perverted Law Causes Conflict” and read to “How to Identify Legal Plunder” (Pgs. 244-245).
2. The U.S. Constitution (included in the appendix of this in Student Manual). In preparation for the three following lectures which will overview the seven articles of our Constitution.

LECTURE REVIEWS

1. Complete Lecture Four Review Worksheet.
2. Complete Lecture Four Quiz, including True & False Questions.

GOING DEEPER: SUPPLEMENTAL READING & VIDEO OPTIONS



Found at [www.theamericanview.com/constitution-course-supplemental-assignments](http://www.theamericanview.com/constitution-course-supplemental-assignments) which can also be found at the bottom of TheAmericanView.com under Resources.

*The Articles of Confederation and Perpetual Union*. This will give the student an understanding of the first general government under which the thirteen original States cooperated together.