



# Original Intent

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## Restoring the Framers' Republic: A Chimerical Thing?

### CHAIRMAN'S CORNER For Heaven's Sake... America IS a Republic!

—Dianne Gilbert



Dianne Gilbert  
Chairman NHCCS

Our nation was born a republic! Yet, to our own demise, Americans are of a nature to call their government a DEMOCRACY! Intentionally or through ignorance, the term *democracy* rolls off the lips of elected officials, political hacks, and TV talking heads to describe our system of government. Its use is further *encouraged* by a government education system notwithstanding the fact that we “pledge allegiance to the flag of the United States of America and to the **REPUBLIC** for which it stands!” But then, that might well explain the push to remove the Pledge of Allegiance from America’s classrooms, for it stands in stark contrast to what is being taught there today.

#### It Was a Plan...Not a “Great Experiment!”

Though we often hear differently, America is neither a democracy nor something akin to a “great experiment.” To the contrary, many of the ideas the Framers instituted were not of their own creation and, most certainly, not experimental in nature. Our nation’s forefathers were avid students of history and well studied in all of the ancient governments. In their pursuit to craft a more perfect union, they stood on the shoulders of liberty oriented political theorists; those like Richard Hooker, John Locke, Montesquieu, Blackstone and many more. They scrutinized the various systems of government known to have operated in their time and before their time. They were careful to avoid the failures of both the Roman Republic and the Greek Democracy. As Benjamin Franklin explained: “We have gone back to ancient history for models of government, and examined the different forms of those Republics...And we have viewed modern states all around Europe.”<sup>1</sup>

#### The Making of America

With the lessons of history guiding them, the delegates to the 1787 Constitutional Convention labored to craft a government that would not exploit the people, a government well suited to guaranteeing its citizens their God-given unalienable rights, the most important of which include life, liberty and the pursuit of happiness. To hedge the inherent risks of creating a more powerful central government, they modeled the American Republic

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### What Kind of People Should We Elect To Public Office?

—Dr. Earl Taylor

Dr. Earl Taylor, Jr. is President of the National Center for Constitutional Studies. He has taught *The Making of America Constitutional Study* course to thousands of people over the past twenty years throughout the nation, and has developed other study courses for a wide range of participants, from high school students to state legislators.

Educated in Washington State and Arizona, Mr. Taylor graduated from Arizona State University and received his Masters Degree in Political Science from George Wythe College and Coral Ridge Baptist University. He has had the privilege of being privately tutored by Dr. W. Cleon Skousen over the course of many years, a man to whom we owe a great debt of gratitude.

Dr. Taylor became President of the National Center for Constitutional Studies (NCCS) in 1995, an organization founded by Dr. Skousen in 1971 as the Freeman Institute for the purpose of teaching Americans the exciting message of the Founding Fathers. Mr. Taylor was awarded an Honorary Doctor of Law degree from George Wythe College and Coral Ridge Baptist University. He also serves as a member of the adjunct faculty of George Wythe College.

In his desire to begin to train young people in the American founding, Dr. Taylor established one of the first charter high schools in Arizona, *Heritage Academy*, where he has developed a special curriculum for teaching hundreds of students the exciting message of our nation’s Founding Fathers.

Dr. Taylor has been a special friend to NHCCS. He is a true friend of liberty and to the Framers’ Constitution. Reprinted with permission from NCCS March 2010 newsletter.

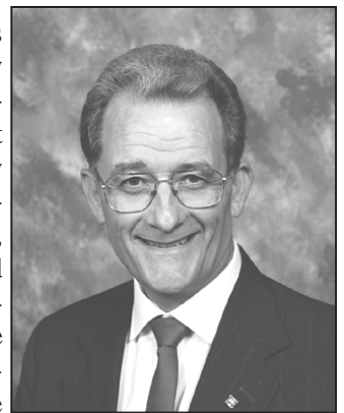
Several years ago I was to drive from Phoenix to Tucson to attend a political meeting. Just before I left, a young man phoned and asked if he could ride with me to the meeting. As we became acquainted during the drive, I found he was a student at the university and majoring in political science. I asked him what he wanted to do with such a degree when he finished school and he replied: I want to have a career in politics.

My mind immediately reflected on the words of Samuel Adams who said:

“But neither the wisest constitution nor the wisest laws will secure the liberty and happiness of a people whose manners are universally corrupt. He therefore is the truest friend to the liberty of his country who tries most to promote its virtue, and who, so far as his power and influence extend, will not suffer a man to be chosen into any office of power and trust who is not a wise and virtuous man.”



Sam Adams went on to say that public officials should not be chosen if they are lacking in experience, training, proven virtue, and demonstrated wisdom. He said the task of the electorate is to choose those whose “fidelity has been tried in the nicest and *tenderest* manner, and has been ever firm and unshaken.”



Earl Taylor Jr.

While this young man had the best of intentions, I am sure, and we did have an enjoyable visit the rest of the way, I couldn’t help asking myself: Where is this young man’s experience? His training? His proven virtue? His demonstrated wisdom? How has his fidelity to principle been proven to be firm and unshaken? According to Adams, these qualities should be developed *before* seeking public office.

#### Building a Natural Aristocracy

Jefferson said in America we reject the artificial aristocracy of Europe, wherein political office is gained through inheritance, wealth, or birth. He said that under American liberty and equality, a natural aristocracy would develop based on virtue and talents. This natural process will come about without force, almost silently, like cream rising to the top of a gallon of raw milk. As people seek to develop themselves and their life’s work, they will become wise. They will perhaps learn what it is like to live under unjust laws or high taxes. They will learn how to deal justly with people and how to persuade them to do good. They will come to appreciate what freedom does for people. In the process, others will come to

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### What Would They Say...

**When the public virtue is gone, when the national spirit is fled...the republic is lost in essence, though it may still exist in form.**

—John Adams to Benjamin Rush 1808

## Biographical Sketch: Luther Martin ~ Federal Bull Dog



Luther Martin  
1748—1826

*“The ratification of this Constitution is so repugnant to the Terms on which we are all bound to amend and alter the former that it became a matter of surprise to many that the proposition could meet with any countenance or support.*

*Our present Constitution expressly directs that all the States must agree before it can be dissolved; but on the other hand it was contended that a Majority ought to govern--That a dissolution of the Federal Government did not dissolve the State Constitutions which were paramount to the Confederacy. That the Federal Government, being formed out of the State Governments the People at large have no power to interfere in the Federal Constitution. Nor has the State or Federal Government any power to confirm a new Institution. That this Government if ratified and Established will be immediately from the People, paramount the Federal Constitution and operate as a dissolution of it.”*

So intensely did Luther Martin believe that the new Constitution was unlawful and contrary to the desires of the people that he walked out of the Philadelphia Convention before the debates were concluded. He did reappear two weeks later but continued to oppose what he may have called a national usurpation of states' authority. His dogged determination to stop the Constitution led Thomas Jefferson to name him the 'Federal Bulldog.'

He was not greatly prominent at the outset. *“This gentleman possesses a great deal of information but he has a very bad delivery, and so extremely prolix (verbose), that he never speaks without tiring the patience of all who hear him.”* So James Madison describes him.

In defense of Madison, Martin did speak for 3 straight hours in opposition to the Virginia Plan. (That was sure to bore a Virginian.) But in the next few months and years, his reputation and legacy grew. How did Mr. Martin get here?

Luther was born in New Brunswick, NJ, February 9, 1748. Like many of his fellow convention lawyers he was trained at the College of NJ, Princeton. Relocating to Queenstown, Maryland, he studied law and was eventually admitted to the bar of Maryland and Virginia. His practice in Somerset became extremely lucrative, the largest law office in the state. Before the court in Williamsburg, Virginia, in one term he defended 38 clients- 29 were acquitted. He was a busy man.

His reputation for bold, consistent speech led to his appointment on a commission to oppose the claims of King George regarding the Colonies. As Maryland State Attorney General, he hounded Loyalists, bringing as many to trial as he could.

During the War he showed his patriotic zeal by joining the Baltimore Dragoons. His fervor for the independence of the states was never doubted. That may be why he opposed the direction of the new Constitution.

If the states had coalesced so generously to gain freedom from an oppressive power, why should that open association be locked up by a far stronger, central power. Luther Martin saw that as wrong. But in spite of his strong oratory and passion the Constitution was ratified. (His own state, Maryland was seventh in that process.)

One of the areas about which he was most passionate was sovereignty. He submitted what eventually became Article VI as a construction for states to maintain their voice at the national level. Compared to his proposal, the final copy is clearly 'big government,' Martin's words. Resolved, *“that Legislative acts of the U.S. made by virtue of and in pursuance of the articles of Union, and all Treaties made and ratified under the authority of the U.S. shall be the supreme law of the respective States, as far as those acts or treaties shall relate to the said States, or their Citizens and inhabitants-& that the Judiciaries of the several States shall be bound thereby in their decisions, anything in the respective laws of the individual States to the contrary notwithstanding.”*

The final copy read: *“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”*

It may seem like a minor adjustment, but exchanging the supreme law of the states to the supreme law of the land is a sea change in authority. Martin intended to keep maximum power at the state level. The Constitution invests that control in Congress. This is but one example of how that contract decided a question of power. Does the term 'law of the Land' carry the same significance as 'laws of the respective states?' Where does the power lie?

It was Luther Martin's belief and contention that the States were supreme. And he spent his life fighting for the rights of states.

*“He lamented the ascension of the national government over the states and condemned what he saw as unequal representation in Congress. Martin opposed including slaves in determining representation and believed that the absence of a jury in the Supreme Court gravely endangered freedom. At the convention, Martin complained, the aggrandizement of particular states and individuals often had been pursued more avidly than the welfare of the country.”* And what did this term 'Federal' imply?

Among his notable cases are his defense and acquittal of Aaron Burr in 1807, and his friend, Supreme Court Justice Samuel Chase, in 1805. But, in regard to his championing of states' rights, McCullough vs. MD, 1819, must take priority. In a grueling 3-day long argument, he contended that Congress did not have power to grant charters to incorporations; and that, if they did,

the states had power to tax the same. He lost this case to the plaintiff, ably defended by Daniel Webster and David Pinckney. That ordeal took its toll on Martin physically.

He eventually suffered a severe stroke and a resulting paralysis. Penniless, he was taken in by Aaron Burr and spent his remaining years as a guest in Burr's home. He died July 10, 1826.

During the days of the Convention, Luther Martin said to fellow Delegate Daniel Jenifer about the Constitution: *“I'll be hanged if ever the people of Maryland agree to it.”* Mr. Jenifer responded, *“I advise you to stay in Philadelphia lest you should be hanged.”*

To the contrary, in 1822 the state of Maryland passed a law, an unprecedented mandate, requiring every lawyer to pay an annual tax of \$5.00 in support of Luther Martin. Hanged indeed!



Lee Button, Vice-Chairman NHCCS

### How's Your Constitutional IQ?

Based upon U.S.I.Q. from NCCS

- 1) **Certain huge cities have become larger in population than a number of states. Some want their own representatives in Congress and the Senate, even though they are not necessarily asking for full statehood. Could this be achieved by an amendment to the Constitution?**
- 2) **What is the one offense the President cannot pardon?**
- 3) **Name two reasons why the Founders were so strongly opposed to direct taxes, especially income taxes.**
- 4) **Which amendment deals with warrants of arrest?**
- 5) **Name the two most unpopular amendments to the Constitution.**
- 6) **Benjamin Franklin said that most people have a “natural inclination” to drift toward what kind of government?**
- 7) **In what city was George Washington first inaugurated as President of the United States?**
- 8) **When the President nominates a person for a high office in government, what portion of the Senate must confirm the nomination?**
- 9) **According to the Constitution there are two kinds of treason. What are they?**
- 10) **Who was the only President to serve in Congress after being President?**

Answers:

1) No. The Constitution specifically says that no amendment can deprive the states of equal representation and voting rights in the Senate. To give cities special representation would violate this provision. 2) Impeachment 3) Direct taxes such as the income tax and poll taxes; they are impossible to assess fairly and directly. 4) The Fourth Amendment 5) 18th Amendment providing for the right of the taxpayers. 6) A strong central government, such as a government with a king. 7) New York City which was the capital of the United States at that time. 8) A majority of those present. 9) Waging or levying war against the United States and giving aid and comfort to an enemy. 10) John Quincy Adams served in the House of Representatives for nearly 17 years after being President.



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after two ancient examples; namely: the representative republic established by Moses for governing the ancient Israelites<sup>2</sup> and the republic established in England, in or about 450 AD, by the Anglo-Saxons.<sup>3</sup>

These two governments were not only similar in structure but also in the way they operated. Accordingly, the Framers turned to what Jefferson called the “ancient principles” for two reasons: 1) to provide for the safety of our personal liberties; and, 2) to provide stability for the new government by lodging it in the unchanging principles of natural law, God’s Law.

Informed by Enlightenment thinker and English Philosopher, John Locke, the founders subscribed to the belief that: “[T]he Law of Nature stands as an eternal rule to all men, legislators as well as others. The rules that they make for other men’s actions must...be conformable to the Law of Nature, i.e. to the will of God.” In other words, the actions we take, at any level of society, had better conform to the “positive law of Scripture otherwise they are ill made”<sup>4</sup> and violate God’s will for His people.

Thus, it should come as no surprise to see an image of Moses carrying the Ten Commandments carved into the edifice of the U.S. Supreme Court building. Nor, for that matter, to see the Ten Commandments etched into its metal doorframes; and, better yet, to see them carved into the marble frieze directly above the area where the Supreme Court Justices sit, symbolic of the Framers’ ensconcing American Civil Law in biblical principle.

Our nation’s Founding Fathers were God fearing men who knew their place; they understood that what God gave only God could *rightfully* take away. Understanding they would answer to God in the next world for their actions in this one, our forefathers avoided implementing any form of government, or law, found to violate God’s sovereign right to govern His people. And so, outside of writing into the Constitution the democratic method of electing representatives by qualified voters, the Framers steered clear of establishing anything resembling a democracy. For, the lessons of history had clearly revealed that form of government as one built upon a foundation of shifting sand, therefore a threat to individual liberty.

This explains why the word *democracy* is nowhere to be found in the Constitution, nor in any State constitution or, for that matter, in any of the four founding documents comprising American organic law. Yet, in Article IV of the Constitution, the Framers do guarantee: “to every State in this Union a Republican Form of Government...”<sup>5</sup> [emphasis added].

#### Republic v. Democracy...Synonyms or Antonyms?

Although the words *democracy* and *republic* are used interchangeably today, our forefathers understood their difference. As James Madison, father of the Constitution, noted, democracies were “spectacles of turbulence and contention” and were “incompatible with personal security or the rights of property; and have in general been as short in their lives as they



have been violent in their deaths.”

Governor Edmund Randolph, a Virginian and delegate to the 1787 Constitutional Convention, pointed out that the whole purpose of the Philadelphia Convention was “to provide a cure for the evils under which the United States labored; that in tracing these evils to their origin every man had found it in the turbulence and trials of democracy...”

Not to be out done, Alexander Hamilton, New York delegate to the Constitutional Convention, and a nationalist at heart, found democracy, as a form of government, wholly unsuitable for governing a nation of liberty-loving people. He said, “The ancient democracies in which the people themselves deliberated never possessed one good feature of government. Their very character was tyranny; their figure deformity.”

Anyone who has experienced the *Town Meeting* form of government knows exactly what these Founding Fathers are saying. What goes on at a town meeting is democracy in action, the ganging-up of special interest groups in support of each other’s agenda. They unite to form a solid voting block then proceed to vote to themselves whatever they wish under the *color of law*, after all, it was voted upon wasn’t it? They apply the concept of majority rule without understanding the limited role the Framers assigned to its use; they exercise it without regard to the constitutionally protected rights of the minority or to the long run impact respecting their own personal liberties or that of their posterity.

Our founding fathers would frown upon such behavior; essayist Ralph Waldo Emerson would label it “government by bullies;” and American statesman, James Russell Lowell, would say it is democracy demonstrating what democracies do best, giving “to every man the right to be his own oppressor.”

#### America Reduced to a Democracy

America was established as a Republic and not by happenstance! Her institutions under the Constitution were checked, balanced and tied to a doctrine of constitutional supremacy, not the whims of man. Her parts were carefully drawn from time-tested ideas to create a government uniquely American. Its authority to act was limited; its powers were enumerated, spelled out in plain language between the covers of the nation’s owners’ manual, the Constitution for the United States of America.<sup>6</sup>

Now, some 213 years after the ratification of the Constitution, progressivism (euphemism for European socialism), has all but destroyed what the founding fathers painstakingly crafted. To our own detriment, we have allowed this destructive ideology to transform the Framers’ benign republican government into a collectivist scheme. American government now operates as if it had been instituted as a democracy. It was given its legs under the progressive administrations of Teddy Roosevelt and Woodrow Wilson; it proliferated under the administration of Franklin Delano Roosevelt and some that were yet to come.

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## “In Pursuance thereof...” Law vs. the Color of Law

If our Founding Fathers were here today, they would be appalled at the number of laws Americans are made to live under currently. Much of what is commonly referred as *Federal Law*, would not be considered law at all by the Framers of the constitution. But, because these bad pieces of legislation are passed by a vote of the Congress, they take on *the color of law*. Our Founding Fathers declared that all laws passed by the Congress must conform to the Constitution, otherwise these so-called *laws* are void and unenforceable. The Framers expressed the conformance rule in Article 6 Clause 2 of the Constitution: “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ...shall be the supreme Law of the Land;...”

“I do not know a word in the English language so good as the word **pursuance**, to express the idea meant and intended by the Constitution...When Congress makes a law in virtue of their **constitutional authority**, it will be an **actual law**... every law consistent with the Constitution will have been made in pursuance of the powers granted by it. Every usurpation or law repugnant to it cannot have been made in pursuance of its powers. The latter will be **nugatory and void**...”

—Thomas Johnston

“They can, by this, make no treaty which shall be repugnant to the spirit of the Constitution, or inconsistent with the delegated powers. The treaties they make **must be under the authority of the United States**, to be within their province. It is sufficiently secured because it only declares that, **in pursuance of the powers given**, they shall be the supreme law of the land, notwithstanding any thing in the constitution or laws of particular states.”

—Wilson C. Nicholas, Delegate from VA.

“What is the meaning of this, but that, as we have given power, we will support the execution of it?...It is saying no more than that, when we adopt the government, we will maintain and obey...Then, when the Congress passes a law consistent with the Constitution, it is to be binding on the people. If Congress, under pretense of executing one power, should, in fact, usurp another, they will violate the Constitution...The question, then, under this clause, will always be whether Congress has exceeded its authority. If it has not exceeded it, we must obey, otherwise not.

—James Iredell, Delegate from N.C.

“[I]t is said that the laws of the Union are to be the supreme law of the land—It will not, I presume, have escaped observation, that it expressly confines this supremacy to laws made pursuant to the Constitution.

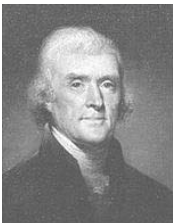
—Alexander Hamilton, Federalist Paper #33

“This Constitution, as to the powers therein granted, is constantly to be the supreme law of the land...**It is not the supreme law in the exercise of a power not granted**. It can be supreme only in cases consistent with the Powers specially granted, and not in usurpations. If you grant any power to the federal government, the laws made in pursuance of that power must be supreme and uncontrolled in their operation.”

—William Davie, Delegate from N.C.

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trust them more and more. People will seek counsel at their hands. They will become pillars of strength in their homes, their businesses, and their communities.



After explaining the wonders of this natural aristocracy, Jefferson said we should so construct a government, which will then provide a system whereby these leaders in private endeavors can be skimmed off

the top and entrusted with political leadership of the people for a time. Said he:

"May we not even say, that that form of government is the best, which provides the most effectually for a pure selection of these natural aristoi into the offices of government?"

John Adams had the same feelings about those who served in political office. They were repulsed by those who wanted these offices for their own gain (or should we say for a career). John Adams observed:

"How is it possible that any man should ever think of making it (political office) subservient to his own little passions and mean private interests? Ye baseborn sons of fallen Adam, is the end of politics a fortune, a family, a gilded coach, a train of horses, and a troop of livery servants, balls at Court, splendid dinners and suppers?"

#### A Divine Science

I have always appreciated the definition which John Adams attached to politics. He said, "Politics are the divine science." Today, politics is thought of as merely an art—the art of negotiating. Whoever can win the debate, be the most persuasive, and get the most votes is the best politician. The Founders did not agree it should be that way in America. They said politics is the sacred duty to preserve the God-given rights of the people. To them, there was something godly about public service. They agreed with the Roman statesman Cicero who said:



"For there is really no other occupation in which human virtue approaches more closely the august function of the gods than that of founding new States or preserving those already in existence."

Since the Creator endowed each individual with liberty and agency, would He not be very concerned that a society be so structured and led, so that these liberties may be preserved? In other words, such leadership may be termed a godly function!

#### A Sacred Calling or Mission

Think of what a society would be like if its leadership offices would be thought of as a service or a mission. A person who has proven experience or talents, perhaps retired so that he does not need a big salary, would be asked to serve his country for a time. Dr. Skousen writes:

"In the early history of the United States, community offices were looked upon as stations of honor granted to the recipients by an admiring community, state, or nation. These offices were therefore often filled by those who performed their services with little or no compensation. Even when an annual salary of \$25,000 was provided in the Constitution for President Washington, he determined to somehow manage without it. Some might think that this was no sacrifice because he had a large plantation. However, the Mount Vernon plantation had been virtually ruined

during the Revolutionary War, and he had not yet built it back into efficient production when he was called to be President. Washington declined his salary on principle. He did the same thing while serving as Commander-in-Chief of the armed forces during the Revolutionary War. Not all could afford to do this, but it was considered the proper procedure when circumstances permitted it."

#### Political Office-A Unique Opportunity

The Founders considered political office to be quite different than any other undertaking. In politics, there is a combination of human passions found in no other place. Benjamin Franklin described it this way:

"Sir, there are two passions which have a powerful influence in the affairs of men. These are *ambition* and *avarice*; the love of power and the love of money. Separately, each of these has great force in prompting men to action; but when united in view of the same object, they have in many minds the most violent effects. Place before the eyes of such men a post of honor, that shall at the same time be a place of profit, and they will move heaven and earth to obtain it."

The uniqueness of politics is that it gives to office holders the power over other peoples' lives and over other peoples' money. No other occupation or business provides this kind of control. And that is why political power is so corrupting. Few men or women can handle it very long without gradually beginning to exercise unrighteous dominion over others. It is a fact of human nature.

#### What about Salaries of Public Officials?

The Founders felt that as soon as a salary is attached to a public office, it immediately becomes a job which people want to keep—even for a career. It is no longer considered a real service. Franklin explained to a friend the difference between public service in America and in Europe:

"In America, salaries, where indispensable, are extremely low; but much of public business is done gratis. The honor of serving the public ably and faithfully is deemed sufficient. Public spirit really exists there, and has great effects. In England it is universally deemed a nonentity, and whoever pretends to it is laughed at as a fool, or suspected as a knave."

In the Constitutional Convention, Franklin gave a lengthy discourse on this subject. He warned that high salaries for government offices are the best way to attract scoundrels and drive from the halls of public office those men who possess true merit and virtue.

He asked: "And of what kind are the men that will strive for this profitable preeminence, through all the bustle of cabal, the heat of contention, the infinite mutual



abuse of parties, tearing to pieces the best of characters? It will not be the wise and moderate, the lovers of peace and good order, the men fittest for the trust. It will be the bold and the violent, the men of strong passions and indefatigable activity in

their selfish pursuits. These will thrust themselves into your government, and be your rulers."

His next statement has turned out to be prophetic:

"Sir, though we may set out in the beginning with moderate salaries, we shall find that such will not be of long continuance. Reasons will never be wanting for proposed augmentations; and there will always be a party for giving more to the rulers, that the rulers may be able in return to give more to them."

#### But...Don't We Have to Pay Sufficient Salaries to Attract Good People?

Franklin had an answer for those who worried that not paying high salaries would deprive our country of its best leaders. He used the example of George Washington but he did not use his name so as to not further embarrass him who was presiding at the Convention:

"To bring the matter nearer home, have we not seen the greatest and most important of our offices, that of general of our armies, executed for eight years together, without the smallest salary, by a patriot whom I will not now offend by any other praise; and this, through fatigues and distresses, in common with the other brave men, his military friends and companions, and the constant anxieties peculiar to his station? And shall we doubt finding three or four men in all the United States, with public spirit enough to bear sitting in peaceful council, for perhaps an equal term, merely to preside over our civil concerns, and see that our laws are duly executed? Sir, I have a better opinion of our country. I think we shall never be without a sufficient number of wise and good men to undertake, and execute well and faithfully, the office in question."

A modern-day comparison will bear out the truth of Franklin's statement. In the state of New Hampshire, the state legislators receive no salary. There is also no state income tax in the state of New Hampshire! In California, state legislators are paid an annual salary of \$72,000 per year. California has one of the highest state income tax rates in the nation. The conclusion is self-explanatory.

Long before the Constitutional Convention, where Franklin had made his plea for modest salaries, Pennsylvanians had put the following provision in their State Constitution. It included a solution to the problem of many people wanting the same office:

"As every freeman, to preserve his independence, (if he has not a sufficient estate) ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit; the usual effects of which are dependence and servility, unbecoming freemen, in the possessors and expectants; faction, contention, corruption, and disorder among the people. Wherefore, whenever an office, through increase of fees or otherwise, becomes so profitable, as to occasion many to apply for it, *the profits ought to be lessened by the legislature.*"

Hopefully, through the work of freedom-loving people and with the grace of God on our country, [last] year's elections will begin to produce the kind of elected officials the Founders envisioned.

\_Dr. Earl Taylor President, NCCS

1. All quotes taken from the Five Thousand Year Leap by Dr. W. Cleon Skousen, pp. 59-73.

The National Center for Constitutional Studies (NCCS) is on the web at: [www.nccs.net](http://www.nccs.net)

#### What Would They Say...

We all agree that a general government is necessary: But it ought not to go so far as to destroy the authority of the members [states] ... The state constitutions should be the guardians of our domestic rights and interests; and should be both the support and the check of the federal government.

\_Melancton Smith  
New York Ratifying Convention 1788



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Little by little, they began tearing down the pillars that the Framers had erected to undergird the safety of the republic: "...from the very beginning the whole drive to convert our republic into a democracy was in two parts. One part was to make our people come to believe that we had, and were supposed to have, a democracy. The second part was actually and insidiously to be changing the republic into a democracy."<sup>7</sup>

#### Can the Framers' Republic Be Saved?

The founding fathers established a Constitutional republic. They did so in order to provide the highest protection possible for our God-given rights. To that end, the Framers incorporated the freedom principles embodied by the Declaration of Independence into the Constitution itself. In other words, these principles were made "...a part of the very foundation of our republic. And [these principles] said, that man has certain unalienable rights which do not derive from government at all." Considering that, both the government and the people themselves "...are restricted in their power and authority by man's natural rights, or by the divine rights of the individual man. And, those certain unalienable and divine rights cannot be abrogated by the vote of a majority any more than they can be by the decree of a conqueror."<sup>8</sup> [emphasis added]. That is, some rights are so precious to individual liberty that they must **never** be made subject to a vote!

But here the virtue of the people, the prevailing culture, come into play. For, as Madison warned, the American Constitution is but "a mere demarcation on parchment." It is ineffectual as a barrier against "tyrannical concentrations" most likely to exist within a nation that has lost its way: "To suppose that any form of government will secure liberty or happiness without any virtue in the people, is a chimerical idea."<sup>9</sup>

To survive, a republic, such as the one our forefathers built, requires the support of a high caliber body politic; one whose citizens are properly educated in their Judeo-Christian heritage and, by necessity, remain connected to the longstanding traditions that define the American culture.

Unfortunately, this is not the situation today. Consequently, if we are to preserve this nation for ourselves and our posterity, a restoration of the ideas and principles of the men who founded it becomes imperative. We can begin the restoration by not calling America what she is not and was never intended to be..., a democracy!

#### America was founded as a Constitutional Republic ... Based upon the rule of law. Call her by her right name!

Dianne Gilbert  
— Chairman NHCCS, Inc.

<sup>1</sup>As printed in *Original Intent: The Courts, the Constitution & Religion*, David Barton, p 213

<sup>2</sup>Book of Exodus, 18:26. Moses, leader of the Ancient Israelites, was advised by his father-in-law Jethro to divide the people into manageable groups for the purposes of electing their own leaders that they may govern themselves. Moses did as advised creating several levels of government in between himself and the self-governing groups of people.

<sup>3</sup>Anglo-Saxons brought their culture to England around 450 B.C. Jefferson discovered they had organized their government in much the same manner and according to principles similar to those instituted by Moses on behalf of the ancient Israelites. *Making of America: Discovery of the Ancient Principles*, Chapter 2, W. Cleon Skousen.

<sup>4</sup>As printed, *Original Intent*, David Barton, p218; John Locke, *Two Treatises*, Book II, p. 285, Chapter xi, §135

<sup>5</sup>American organic law comprises four (4) foundational documents making up Title I of the U.S. code: *The Declaration of Independence*, *The Articles of Confederation*, *The Northwest Ordinance of 1787*, and *The Constitution for the United States of America*.

<sup>6</sup>The 10<sup>th</sup> amendment: all powers not granted to the national government nor prohibited to the States are retained by the States or by the people. The 9<sup>th</sup> amendment, penned by James Madison is its sister amendment. It states that the omission of any right within the Bill of Rights is not to be considered given up by the people. It reads: "*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.*"

<sup>7</sup>The *New American*, June 30, 1986; From a speech delivered at a *We, The People*, Constitution Day luncheon, Chicago, September 17, 1961; Robert Welch

<sup>8</sup>Ibid.

<sup>9</sup>James Madison, VA Ratification Convention., June 1788

### I Liked It Better When...

☞ Children in 4<sup>th</sup> grade were reading material beyond 12<sup>th</sup> grade level rather than adults having to write at a 4<sup>th</sup> grade level in order for other adults to understand.

☞ The strength of the President was reflected by his character not by his abs.

☞ Christ and the Ten Commandments were welcomed in school and condoms were not.

☞ The citizenry heard Harvard University's famous motto: "Veritas pro Christo et ecclesia" (*Truth for Christ and his Church*) rather than hearing the words America is "no longer a Christian nation."

☞ People were more concerned about placing virtuous character into each student rather than money.

☞ People turned to the truth to face reality rather than relying upon myths.

☞ People understood America is a Constitutional republic and did not speak of her as a democracy.

☞ Government proclamations were about fasting and praying rather than eating and having fun. ( See: <http://www.michigan.gov/gov/1,1607,7-168-25488-232493--,00.html>)

☞ People got their doctrine from church rather than their indoctrination from the public schools.

☞ People understood that ultimate authority was in the hands of the people and not in the government.

☞ People made decisions based on facts rather than by mere feelings.

☞ A day of humiliation meant submission to the Divine Will not being groped by a TSA agent.

Although I liked it better "when," I do look forward to tomorrow! I look forward to even more Americans appreciating their heritage and the phrase "a shining city on a hill" as in Matthew 5:14-16: "**You are the light of the world; a city set on a hill cannot be hid.**"

And, better still... when the people come to understand that America is *free* only because our Constitutional Republic was established upon a solid foundation of unchanging Biblical principles.

— Arline Helms  
Sr. Advisor NHCCS Michigan

### Sound Bites...

"The best argument against democracy is a five-minute conversation with the average voter."

— Winston Churchill

### Prophetic Words...

Our country is too large to have all its affairs directed by a single government. Public servants, at such a distance [WASHINGTON, DC], and from under the eye of their constituents, must, from the circumstance of distance, be unable to administer and overlook all the details necessary for the good government of the citizens; and the same circumstances, be rendering detection impossible to their constituents, will invite the public agents to corruption, plunder, and waste. And I do truly believe that if the principle were to prevail in the United States in which the general government possesses all the powers of the state governments, and reduces us to a single consolidated government, it would become the most corrupt government on the earth. You have seen the practices by which the public servants have been able to cover their conduct, or, where that could not be done, delusions by which they have varnished it for the eye of their constituents. What an augmentation of the field for jobbing, speculating, plundering, office building, and office hunting would be produced by an assumption of all the state powers into the hands of the general government!

— Pres. Tho. Jefferson  
2nd Inaugural Addr. 1805

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"The Constitution defines the powers of Congress; and every power not expressly delegated to that body, remains in the several state-legislatures. The sovereignty and the republican form of government of each state is guaranteed by the constitution; and the bounds of jurisdiction between the federal and respective state governments, are marked with precision." — Noah Webster 1787

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## A Commentary on the Constitution of the State of New Hampshire The People's Liberty



Hon. Dan Itse  
This article is in continuation of the series of documentaries on the New Hampshire Constitution. The following five articles deal with the administration of government. They work to define the relationship between the people and their government. Though they contain fundamental principles, in many ways they go beyond the general statements of principal and give instruction on how certain powers are to be delivered.

### Art. 11. [Elections and Elective Franchises.]

All elections are to be free, and every inhabitant of the State of 18 years of age and upwards shall have an equal right to vote in any election. Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where he has his domicile. No person shall have the right to vote under the Constitution of this State who has been convicted of treason, bribery or any willful violation of the election laws of this State or of the United States; but the supreme court may, on notice to the attorney general, restore the privilege to vote to any person who may have forfeited it by conviction of such offenses. The General Court shall provide by law for voting by qualified voters who at the time of the biennial or State elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot, are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. The right to vote shall not be denied to any person because of the non-payment of any tax. Every inhabitant of the State, having the proper qualifications, has equal right to be elected into office.

- June 2, 1784
- Amended 1903 to provide that in order to vote or be eligible for office a person must be able to read the English language and to write.
- Amended 1912 to prohibit those convicted of treason, bribery or willful violation of the election laws from voting or holding elective office.
- Amended 1942 to provide for absentee voting in general elections.
- Amended 1956 to provide for absentee voting in primary elections.
- Amended 1968 to provide right to vote not denied because of nonpayment of taxes. Also Amended in 1968 to delete an obsolete phrase.
- Amended 1976 to reduce voting age to 18.
- Amended 1984 to provide accessibility to all registration and polling places.

Article 11 describes the qualifications for the right to vote. It is important that originally this Article had only the first six words and the last sentence. The intervening language consists of specific causes for which the suffrage can not be denied and must be denied. It is interesting to note that these all constitute qualifications for suffrage which have been generally covered in Part 2, Article 28 (repealed 1976). Unfortunately, by that point, understanding of the parts of the Consti-

tution was being lost. Mixing elections with voter qualifications has caused confusion. In reference to the recent controversies, it states the equal right to office and establishes exclusive jurisdiction over absentee ballots to the General Court. The obsolete phrase removed in 1968 is not delineated, and as the Article still contains all of the original language, it is probably the qualification of reading English, added in 1903, that was removed. The positive qualifications for franchise are inhabitancy and age. The concept of free elections flows out of the Magna Carta and is reiterated in the English Bill of Rights 1689.

The meaning of inhabitant as a qualification for the right to vote (suffrage) is being questioned and is being defined in law such that it alters the Constitution; which is unconstitutional. In order to understand the true intent of the founders, the definitions of the words as they understood them are important.

Following are definitions from Thomas Sheridan's, "A Rhetorical Grammar," London, 1780:

- **Inhabitant:** Dweller, one that resides in a place.
- **Dwell (v):** to inhabit, to live in a place, to reside, to have a habitation.
- **Habitation (n):** place of abode, dwelling.
- **Abode:** Stay; continuation in a place.

Since these definitions are hardly exclusionary, we can look for guidance in Webster's 1828 "Dictionary of the American Language". This is especially important as Sheridan's does not include the word domicile, but Webster's does.

**INHABITANT**, n. A dweller; one who dwells or resides permanently in a place, or who has a fixed residence, as distinguished from an occasional lodger or visitor. One who has a legal settlement in a town, city or parish. The conditions or qualifications which constitute a person an inhabitant of a town or parish, so as to subject the town or parish to support him, if a pauper, are defined by the statutes of different governments or states.

Inhabitant is defined in Part 2, Article 30 as being an inhabitant of where one is domiciled. This is a higher level of definition than can be achieved in a statute.

**RESIDENT**, n. One who resides or dwells in a place for some time.

**DOMICIL**, n. [L., a mansion.] An abode or mansion; a place of permanent residence, either of an individual or family; a residence, animo manendi.

**DOMICIL, DOMICILIATE**, v.t. To establish a fixed residence, or a residence that constitutes habitancy

**DOMICILED**. Having gained a permanent residence or inhabitancy. Clearly, at least in the American context, the fundamental qualification for voting and holding office was to be a permanent resident. Domiciled is used to define inhabitant in Part 2, Article 30. Domicile is clearly defined as a place of permanent residency. Furthermore, it is the qualification for being elected a Representative or Senator

(Continued on page 8 NH Constitution)

## We're So Sorry Mr. Franklin...

—Romelle Winters



Romelle Winters

One evening, on the O'Reilly Factor, Rep. Anthony Weiner (D.NY) told the story about Ben Franklin. After the Constitutional Convention, Franklin was asked by a woman, Mrs. Powell, "Mr. Franklin, what kind of government have you given us?" Franklin

responded, "A democracy, if you can keep it."

Whoa. That's not right. Franklin never mentioned democracy but told Mrs. Powell that we would have a Republic. Though, it appears we haven't kept it.

Congressman Weiner seems not to know what kind of government the Founders, in their wisdom, gave us, but also misreads and misquotes History.

Congressman Weiner? That's right. A man who -- under oath -- swore to uphold the Constitution apparently does not understand the government he has been given. And, he is not alone. Mr. O'Reilly, who claims to have been a History teacher didn't correct him.

Newscasters, newsreaders, talking heads, commentators and the rest of the sniveling sycophants, who attempt to enlighten us, also appear to be totally clueless. No newscast or congressional speech is complete without hearing our government called a democracy. The Cabinet, the Supreme Court members, and even Presidents appear to be unaware that the Constitution gives us a Republic.

The question arises: Do our elected representatives not know what form of government we have or are they trying to ingrain the concept of a democracy into our oatmeal-filled brains? Do they not know that different forms of government must be treated differently in order to retain their character? How can anyone with a functioning conscience and minuscule intelligence not know a society cannot fulfill its responsibilities to a nation when it is controlled by an ignorant and misadjusted leadership?

Unfortunately, our present crop of officials doesn't know; and, they are trying to change the form of government we've been bequeathed by minds far greater than our own. They don't know what they are changing from or what they are changing to. The voters have little choice in options on the ballot and speak of 'picking the lesser of two evils.' How sad that the dreams of men with superior minds and values are being undermined by the nightmare goals of small minds and smaller ideals.

School textbooks insidiously tell students that our democracy is governed by a "living document." That is an outright lie fostered by the misguided philosophy of the spoiled brats allowed to run free during the 60's. President Obama, sounding like the typical child of the 60's, speaks of the wave of revolution and unrest in the world, when he praises the

(Continued on page 7 Sorry Mr. Franklin)



(Continued from page 6 - Sorry Mr Franklin)  
undisciplined actions of the “youth” as they attempt to change the world. Doesn’t he know that maturity is an important factor in shaping the lives of billions of people? Does he wish to encourage immature behavior and promote the thought that youthful ideas are the best? Does he want to continue to support unrestrained energy? When will he learn that in time his authority will be questioned? Hasn’t he noticed that his hair is getting a little gray?

Unless you are standing on a firm foundation, you cannot function properly. You will flounder like an aardvark in quicksand. That is no way to run a government. Our Constitution is the guide to good government; and, when coupled with properly educated leadership, it offers a rocklike foundation from which to govern fairly and intelligently.

What in the world is going on in our country? It is quite obvious. Some people know that we have a Republic and don’t like it. The prime example of this is our President. He claims to be a Constitutional expert, but obstructs the Constitution at every opportunity. We must realize that he knows the Constitution but doesn’t like it. Why? The thought of getting into his mind is a truly scary concept. It is unexplored territory. One can only surmise that he doesn’t like the Constitution because his communist/socialist friends don’t like it. His left-wing mother probably infused that concept into his mind at an early age. His beatnik grandparents probably reinforced it. Obama is a genetic Constitution hater.

The Founders would never have believed that the populace would be so ignorant. In their day, almost every citizen owned and read the Federalist Papers. Today, that book is only skimmed by History majors in college. It’s a little difficult to read and understand by today’s undereducated scholars. We wouldn’t want their squishy minds to have to work, would we?

Let’s face it; our government can succeed only with informed voters and officials. We have neither. How can we expect to put intelligent people into office when we do not recognize intelligence, or when our colleges don’t teach truths, and when our people have been misled by teachers and textbooks?

Do you have your children in a private school? Don’t expect their knowledge to be greater than the public school students. Teachers are trained in the same dumb-down universities, available textbooks are inaccurate, and no one seems to know better, or to care.

Since the rush of women into the workplace, the best and brightest of the population is no longer going into teaching -- one of the few jobs once available to educated women. The draft-dodgers, running away from the unconstitutional war in Viet Nam, began to infiltrate the easy “A” classes in education and sociology. Voila! Teachers are no longer the best and brightest, but rather a haven for the many that would have been, at one time, deemed “not college material.” If your teachers are not the best, how can they challenge those students who are?

Colleges and universities became filled with ideologues that, in the 60’s, protested not because they thought the war to be unconstitutional, but because they were spoiled brats

who objected to being told what to do. They believed in the left-wing command to “challenge authority” -- unless it was socialist authority.

They questioned the authority of their parents, their government and even God. They wanted no one to tell them what to do except those who gave them their marching orders. They took to marching in the streets with fists pumping in support of Communism, Socialism, Nazism, or any other ism which upheld their need to be independent. Their lack of experience and maturity blinded them to the stronger reins of their beloved *ism*. So they, and we, will be enslaved by what they have chosen for us.

Many of these mis-contents flocked to higher education and became PhDs. Thus, we have a plethora of young people being educated by the hippie generation, which has never dropped its philosophy of big government. It is odd that those who don’t want to be ordered around by those in authority have fallen for extreme authoritarian philosophies. Students joined by their sandaled and beaded professors with gray pony tails, riot with thugs and mob bosses against the freedom that the Constitution offers its people. They have been propagandized and lobotomized into believing that an ignorant government can provide the authority they strive to avoid.

Yes, Mr. Franklin, we had been given a Republic, but our laziness has taken it from us. We could not keep it. We have far to fall but the acceleration is increasing and soon we will be mired in the depths from what you and the other Founders attempted to protect us. The fall began with the downfall of education. No nation that prizes freedom can tolerate ignorant leaders who encourage their own replication. Will parents reverse this trend and bring our nation back to its once-great height?

Sadly: The more things change, the more they remain the same. Welcome King George, Hitler, Stalin, Marx and Weiner. We have seen our future and it is you.

\_Romelle Winters, Public Relations NHCCS

### Cicero: Treason from Within...

“A nation can survive its fools, and even the ambitious. But it cannot survive treason from within.

An enemy at the gates is less formidable, for he is known and carries his banner openly.

But the traitor moves amongst those within the gate freely, his sly whispers rustling through all the alleys, heard in the very halls of government itself.

For the traitor appears not as a traitor; he speaks in accents familiar to his victims, and he wears their face and their arguments, he appeals to the baseness that lies deep in the hearts of all men.

He rots the soul of a nation, he works secretly and unknown in the night to undermine the pillars of the city, he infects the body politic so that it can no longer resist.

A murderer is less to fear. The traitor is the plague.”

\_ Marcus Tullius Cicero

### The Referendum... It’s Not Quite Republican!

The Fourth Article of the Federal Constitution states per clause 4: “The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and, on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.”

Per the late Dr. Cleon Skousen, Author, Law Professor, and Constitutional Attorney admitted to practice law in the District of Columbia and before the District Court of Appeals and the United States Supreme Court: “This provision gives the United States government the RIGHT to intervene in the affairs of any state whenever the right to freely elected representative government has ceased to exist or is in jeopardy of being destroyed.”

Dr. Skousen goes further to define the term *republican government*: A republican form of government is one in which the people are governed by freely elected representatives...[and] presumed to be one in which political power is divided, balanced, and limited, much as in the arrangement set forth in the United States Constitution.

But, what of those States whose constitutions “allow the people themselves to make laws by voting on an *initiative referendum*”? Dr. Skousen questions “...whether or not this is ‘un-republican’ and in violation of this clause.”

We are not likely to learn the answer any time soon: “So far, the Supreme Court has refused to rule on whether or not the referendum process is an unlawful delegation of legislative authority under the republican system of government...” Although, the Court did decide, in *Luther v. Borden*, “that questions arising under this section are political, not judicial, and that ‘it rests with Congress to decide what government is the established one in a state... as well as its republican character.’”

Nevertheless, the practice of referendum is flawed; for, as Dr. Skousen points out, it has allowed the legislature of referendum states to “sometimes shirk its responsibilities on delicate issues by using a referendum at the next election to have the people make a determination of a legislative issue. Unfortunately, referendum issues are sometimes deliberately prepared so as to confuse the public. For example, if one is opposed to a proposal it is sometimes written so that in order to reject the proposal one must vote *yes*, or to ratify the proposal one must vote *no*.”

Then too, “it has also been observed that the referendum is an unsatisfactory legislative procedure when the issue is too complex and will require too much study time for the general public to understand it or vote on it intelligently.”

It is for reasons like these that the Framers gave the *referendum* no role in the American Constitution. For the most part, they opposed the practice of direct democracy setting up instead, a representative republic where the views of the people could be refined through a body of elected officials assembled for just that purpose.

Moreover, in a free society, there are some issues that should never be put to a vote, especially when the outcome of that vote has the possibility of trampling upon one’s inalienable right of conscience, for example.

\_Pat Sutcliffe

Finance Chairman, NHCCS

1) Based on the writings of Dr. W. Cleon Skousen, pp: 639-640

(Continued from page 6 - NH Constitution)  
that one be an inhabitant of the District. An absentee is an inhabitant who is residing elsewhere temporarily. However, they still vote where they are a permanent resident, not where they are a temporary resident.

*Art.12.[Protection and Taxation Reciprocal.]*  
Every member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service when necessary. But no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. Nor are the inhabitants of this State controllable by any other laws than those to which they, or their representative body, have given their consent. June 2, 1784.

Article 12 ties the protection of one's liberty and property to the expense and execution thereof. This principle was used in the original apportioning mechanisms for the two chambers of the Legislature. The first chamber, the Senate, represented those who paid taxes. The second chamber, the House of Representatives, represented the people who were to be protected. The last phrase in the first sentence establishes justification for mandatory service in the Militia. This imparts the one of three duties imparted to the people by the Constitution: financial and military support of the State in return for protection of natural rights (Article 2). Of course, according to Article 3, if the protection is not rendered, the taxes and service are not due.

The second sentence is the protective statement of eminent domain, and as it uses the term property, not real estate, or estate; therefore, it extends to protection of chattel and money. This second sentence flows out of the Magna Carta.

The last sentence in Article 12 is one of the most elegant in the Constitution. It prohibits anybody other than the Legislature from making any law (or requiring any law to be made). This principle is restated in Article 28 in regard to taxes and in Article 29 in regard to general laws though with more emphasis than in Article 29 as it refers both to the inception and cessation of laws. The fact that these protections are stated twice as fundamental liberties underscores the importance that the people can only be subject to laws that the Legislature enacts and eliminates the capacity of the Judiciary to write or eliminate law. This concept flows directly out of the English Bill of Rights of 1689.

*Art.12-a. [Power to Take Property Limited.]*  
No part of a person's property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development of other private use of the property. Nov. 7, 2006

Article 12-a was added in response to the Kelo Decision in Connecticut (2005). It clarifies the purposes for which eminent domain can be used, and substantially limits legislative prerogative. It states that eminent domain can not be used to transfer property between individuals or private parties. However, a strict reading of Part 1, Articles 1 and 10 would have arrived at the same result.

*Art. 13.[Conscientious Objectors not Compelled to Bear Arms.]*

No person, who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto. June 2, 1784. Amended 1964 by striking out reference to buying one's way out of military service.

Article 13 is an enumerated right of conscience. It is interesting to note that consistent with Article 12, conscientious objectors were originally compelled to substitute finances for military service, rendering personal service when necessary. It is also interesting that removing the requirement to pay an equivalent for exemption was thought of as buying one's way out of military service when it was removed. However, it is clear from Articles 3 and 4 that the intent was allowing conscientious objection without eliminating the need to contribute to the defense of the State.

*Art.14.[Legal Remedies to be Free, Complete, and prompt.]*

Every subject of this State is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws. June 2, 1784

Article 14 declares a right of free access to redress of wrongs resulting in injury or loss. It prevents the government from creating the jeopardy of having to pay all legal costs in the event of losing a case on questionable constitutional grounds, though this might be required in a commercial contract. It also makes the practice of having to pay a fee to gain access to the courts patently unconstitutional. This Article flows out of the Magna Carta.

Currently, the Legislature is working to make our statutes to conform to this Amendment. The most recent issue is the taking of land for public utilities. The law is being amended to require that to not authorize eminent domain would jeopardize the delivery of electricity.

—Hon. Dan Itse  
NHCCS Sr. Advisor, NH

## The Founding Fathers on the Evils of Democracy

Our nation's Founding Fathers could have chosen to establish a democracy rather than a republic. But they chose NOT to do so. Here's why:<sup>1</sup>

“Democracy will soon degenerate into an anarchy, such an anarchy that every man will do what is right in his own eyes and no man's life or property or reputation or liberty will be secure...”

—John Adams  
2nd President, Signer: Declaration of Independence

“Democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general, been as short in their lives as they have been violent in their deaths.”

—James Madison, 4th President  
Father of the American Constitution

“A democracy is a volcano which conceals the fiery materials of its own destruction. These will produce an eruption and carry desolation in their way. The known propensity of a democracy is to licentiousness which the ambitious call, and ignorant believe to be liberty”

—Fisher Ames  
Author of the House Language for the First Amendment

“We have seen the tumult of democracy terminate...as [it has] everywhere terminated, in despotism...Democracy! savage and wild. Thou who wouldst bring down the virtuous and wise to thy level of folly and guilt.”

—Gouverneur Morris  
Signer and Penman of the Constitution

“Remember, democracy never lasts long. It soon wastes, exhausts, and murders itself. There never was a democracy yet that did not commit suicide.”

—John Adams

“The experience of all former ages had shown that of all human governments, democracy was the most unstable, fluctuating and short-lived.”

—John Quincy Adams  
6th President of the United States

“A simple democracy...is one of the greatest evils.”

—Benjamin Rush  
Signer of the Declaration of Independence

“In democracy...there are commonly tumults and disorders...Therefore a pure democracy is generally a very bad government. It is often, the most tyrannical government of earth.”

—Noah Webster

“Pure democracy cannot subsist long nor be carried far into the departments of state—it is very subject to caprice and the madness of popular rage.”

—John Witherspoon  
Signer of the Declaration of Independence

“It may generally be remarked that the more a government resembles pure democracy the more they abound with disorder and confusion.”

—Zephaniah Swif  
Author of America's First Legal Text

1. As printed in Original Intent: the Courts, the Constitution, and Religion.; D. Barton. Pp.335-336

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**Larry Schweikart**  
What Can the States Do Now?:  
To restore their sovereignty

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