



# Original Intent

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## Where an Excess of Power Prevails: Property of No Sort Is Duly Respected

### CHAIRMAN'S CORNER Passing of a Great Patriot



Dianne Gilbert

America lost a fine and dedicated patriot with the recent passing of Dr. W. Cleon Skousen. I am grateful to the work and patriotism of this wonderful man; he was my wakeup call regarding the duty every citizen owes his country; and hence, the inspiration behind the founding of *The New*

*Hampshire Center for Constitutional Studies*. God Bless you Dr. Skousen for your dedication and loyalty to the American Constitution and for all of your work teaching and propagating the core principles upon which our Founding Fathers rested it. Thank you for touching my life in a way no one else except one of your caliber could.

In lieu of my regular column, I offer the following tribute written by a longtime friend and former student of Dr. Skousen so that you might get to know him, be inspired to read and study him. For without his effort we may not have the American Constitution today.

—Dianne Gilbert

### The Character of W. Cleon Skousen

By Earl Taylor Jr.

Last month we recounted the wonderful facts in the life of Dr. W. Cleon Skousen. Throughout this last month, as I have contemplated the contributions that he made during his life, I could not help but think about the number of occasions in which I was privileged to be personally tutored by Dr. Skousen. The following are from observations I made during the many times I was fortunate enough to be with him. These are characteristics which have helped me smooth out some rough edges in my own life.

#### Always Welcomed... Though Not Always Convenient for him.

For several years during the mid 1980s, we had the privilege of hosting Dr. Skousen and his wife in Arizona for a few weeks during the winter. It was the time he was writing *The Making of America*. We would try to keep others from knowing he was in town, an idea that was blown the first time he went to church. He would write during the day or night, but preferred the night when he would be undis-

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### Whatever Happened to the Ownership Society?

by Dr. Larry P. Arnn, President of Hillsdale College

**Dr. Larry P. Arnn** is the twelfth president of Hillsdale College. He received his B.A. from Arkansas State University and his M.A. and Ph.D. in Government from the Claremont Graduate School. He also studied history at the London School of Economics and at Worcester College, Oxford University. Dr. Arnn is the author most recently of *Liberty and Learning: The Evolution of American Education*, published in 2004 by Hillsdale College Press. Reprinted by permission from IMPRIMIS, the national speech digest of Hillsdale College. [www.hillsdale.edu](http://www.hillsdale.edu).

Before Hurricane Katrina flooded the tear ducts of our politicians and the vaults of our treasury, President Bush had us talking about America's "ownership society." This is one of the best things he has done. He did it prominently in his reelection campaign. He did it bravely in relation to Social Security, which risks the outrage of the media and the votes of older people who always vote. If he did it in some ways foolishly, never mind. It showed promise because it had us talking about something central for a change. This question of ownership is at the heart of America. It always has been.

"No taxation without representation" echoed in the hearts and spirits of our fathers because it called up the ideas they held most dear. If you may not tax me except as my representative, then for the same reason you may not govern me except by my consent. If you cannot take my property except by law and with difficulty, then my title to my property is real. It is truly mine. *I own it*. And if James Madison is to be believed, my ownership of my property stands on just the same footing as my entitlement to speak my mind or to say my prayers or to vote my conscience.

It is therefore no accident that the Virginia Declaration of Rights, when it lists our inherent rights, mentions the "means of acquiring and possessing property" alongside life, liberty, and the pursuit of happiness and safety. This document was adopted on June 12, 1776, less than a month before the Declaration of Independence, and Thomas Jefferson turned to it in the writing of the Declaration. Several people voted for ratification of both documents.

It is therefore no accident that the Bill of Rights in regard to the federal government, and the 14th Amendment in regard to the states, protects against the deprivation of our "life, liberty, or property" without due process of law.

It is therefore no accident that the idea of one man owning another man was condemned by our Founders, some of them slaveholders themselves who were, and who knew they were, condemning themselves. Our right to our property, by their principles, stems from the same source as our right to all things that naturally belong to us, including our bodies, our conscience, and our relationship with our Maker. One man, said Abraham Lincoln famously, has no right to eat the bread wrung from the sweat of other men's faces.

If this question of the ownership society is controversial today, it is another among many signs that we are in a time of fundamental dispute. If it has been engulfed for a moment by the Gulf of Mexico, it will come back nonetheless for two reasons: first, because it is engraved upon us by our first coming together; and second, because it is in jeopardy today.

#### The Direct Assault on Property Rights

This jeopardy is plain in several facts of direct relation to the right to property, and in several indirectly related, through their implications for constitutional government.

Start with the direct. The right to property stands now, after a generation of court rulings and political practices, upon a different footing. This is true at every level of government, from all three branches of the federal government down to the smallest tribunal in the smallest hamlet. Which property owner, wishing to build a house or expand a factory, does not fear exactions, delays and denials that may ensue anywhere and are bound to ensue wherever land is

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Dr. Larry P. Arnn

### What The Founders Would Say...

Some boast of being friends to government; I am a friend to righteous government founded upon the principles of reason and justice; but I glory in publicly avowing my eternal enmity to tyranny.

—John Hancock 1774

No punishment is too great for a man who can build his greatness upon his Country's ruin.

—George Washington

## Biographical Sketch: Fisher Ames ~ The American Demosthenes



Fisher Ames

The last battle of the Revolutionary War may have been fought in Springfield, Massachusetts in 1787. This 'last battle' is extremely significant. The events leading to it illustrate clearly the inability of the Articles of Confederation to provide effective leadership for the new nation. It was also this failure to perform that inspired a quiet, eloquent lawyer from Dedham, Massachusetts to take center stage as a notable, quotable founding father of America.

Home from the war many soldiers in Massachusetts, particularly farmers, naturally found their property in disarray. It would take some time to make the land productive again. Although many of these men held promissory notes from a loosely constructed Federal government they had no real money. Many of them had already sold their notes for less than valued just to get home and reorganize. They had left with debts; they returned in greater debt. Land taxes increased, lien holders became more and more aggressive and, unable to meet his financial obligation, man after man ended up in debtor's prison. The Massachusetts legislature refused to stop foreclosures or keep debt-ridden farmers out of prison. The farmers near Worcester took matters into their own hands.

Captain Daniel Shays was a respected and decorated war hero. Dismayed by the current situation, frustrated by the Senate's inactivity and coaxed by his neighbors he agreed to lead a protest. In the ensuing days rebels closed courthouses so that judgments against debts could not be made. In September of 1786 the insurgents forced the Supreme Court in Springfield to adjourn. The State was still reluctant to get involved, first refusing and then unable to call together an army. The national government, operating under the Articles of Confederation, authorized the raising of troops to combat the rebels but was powerless to raise the financing. Finally, the wealthy businessmen of Boston with Governor James Bowdoin's support hired an army of 4400 men to defeat Shays and his followers. On January 25, 1787 the protestors moved to take over the Armory at Springfield. But before the Army from Boston arrived the local militia staved off the attack and Shays' Rebellion was effectively ended. The legacy of Fisher Ames was just beginning.

Fisher Ames was born on April 9, 1758. His father, Daniel, was a physician, innkeeper and almanac maker. Young Fisher learned much of public affairs by listening to the heated but friendly discussions of the inn's patrons. His father's death, when Fisher was 6, increased his mother's desire for her son's formal education. That year he began a study of Latin and through her urging he was accepted into Harvard College at the age of twelve.

After graduating he began to teach in his hometown. During those years he read everything he could find. He memorized with great delight many excerpts from English poets. He admired Virgil. He was a student

of the Scriptures. He believed that, "No one ever became, or can become truly eloquent without being a reader of the Bible, and an admirer of the purity and sublimity of its language." His teaching years served as school for him as well as his students.

By 1778 Mr. Ames had begun his study of law with Boston attorney William Tudor. He was admitted to the bar in 1781. For seven years his practice grew but he was destined for more than a lucrative legal career. When the state entered the turmoil of Shays' Rebellion in 1786 he entered the political arena in defense of a strong central government posting essays written under the Latin pseudonyms of 'Lucius Junius Brutus' or 'Camillus.' At the Massachusetts State Ratification Convention he represented the town of Dedham. His two speeches in support of the representative republic established by the Constitution were well received and the Federalists were impressed.

"Much has been said about the people divesting

**"Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience."**

—Fisher Ames

themselves of power, when they delegate it to representatives; and that all representation is to their disadvantage, because it is but an image, a copy; fainter and more imperfect than the original, the people, in whom the light of power is primary and unborrowed, which is only reflected by their delegates. I cannot agree to either of these opinions. The representation of the people is something more than the people. I know, sir, but one purpose which the people can effect without delegation, and that is to destroy a government. That they cannot erect a government, is evinced by our being thus assembled on their behalf. . . . I think it will not be denied that the people are gainers by the election of representatives. They may destroy, but they cannot exercise, the powers of government in person, but by their servants *they* govern: they do not renounce their power; they do not sacrifice their rights; they become the true sovereigns of the country when they delegate that power, which they cannot use themselves to their trustees."

He was elected to a seat in the State House of Representatives in May of 1788. There he would devise the plan adopted for the election of Federal Representatives. In December, running as a last minute candidate in the district of Suffolk, he was elected to that office. He won by 7 votes over two other candidates, including the notorious Sam Adams.

For the next 8 years he served faithfully as Boston's Representative to Congress. He never requested a leave of absence and left his historical mark through energetic oratory with a steadfast conviction that central government must have a strong foundation. His precise understanding of the role and nature of representative government is clearly seen through his repulsion of democracy. "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 the ignorant

believe to be liberty." "A government by the passions of the multitude, or, no less correctly, according to the vices, and ambitions of their leaders is a democracy."

An example of his regard for the centrality and strength of the Federal government is his support for notions like a Bank of the United States. This based on Congress' Constitutional ability "to make all laws which shall be necessary and proper. . ." This same clause led him to agree with a proposal for government subsidy to support a Mr. Amelung's glass factory.

He vociferously defended a site on the Susquehanna River for the seat of Federal Government. This would, of course, have been more beneficial for New England. Or at least, less beneficial for New York or Philadelphia. He called the debate "this despicable Grog shop contest, whether the taverns of N. York or Philaa. shall get the custom of Congress." "I would not find fault with Fort Pitt [Pittsburgh], if we could . . . proceed in peace and quietness."

His brilliant oratorical skills did not always win his case. The earliest example of this is also the most significant. His support for a superior central government made him a Federalist. As such he was leery of any amendments to the Constitution which limited the power of that government. He believed that through these additions "the government was laid prostrate, and every artery ceased to beat." He urged that the First Congress not go quickly into a discussion of proposed alterations to the recently ratified Constitution. He objected both to the timing of the amendments and to the substantial changes they projected. It was an objection disregarded. He failed to win support.

But Fisher Ames was a patriotic realist. Although he once said, "All political parties die at last by swallowing their own lies," he was not willing to let that happen. The cohesion of this new nation was more important than his ideals. So he joined amiably in the debate on the Bill of Rights. So active was his role in the discussion that he is regarded as the author of the first amendment. The House of Representatives accepted this first clause motivated by Mr. Ames. "Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience." A conference committee of House and Senate agreed on the version as we now have it. "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Fisher Ames love for true patriotism is aptly expressed in this way. "Is it possible for a real American to look at the prosperity of this country without some desire for its continuance—without some respect for the measures which, many will say, produce, and all will confess, have preserved it?" He returned to Massachusetts in 1797 where he continued his law practice and served on the Governor's Council. He died on July 4, 1808 as one biographer says, without a blemish on his character.

—By Lee Button —Vice-Chairman of NHCCS

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**DEPARTMENT OF EDUCATION: USELESS, EXPENSIVE, UNCONSTITUTIONAL**

*—Romelle Winters*



**Romelle Winters**

Picture a snowball that has just rolled down a long hill. At the top it was small and would fit into your hand. By the time it reaches the bottom it is bloated and too massive to be handled easily. Closer inspection would show that it had picked up more than snow on its journey. It would be filled with

stones, leaves, twigs and other useless sundries it gathered from the hillside. It is no longer a larger version of its beginning but a mass of debris without purpose or use. The snowball had grown because of the addition of rubbish which could not justify its existence alone.

Bureaucratic entities are like that snowball. They become engorged with hangers-on who appear not to be able to find useful work outside of the government. The federal Department of Education is a perfect example of that runaway snowball. It is distending and useless, becoming in its travels much like an evil monster from a horror movie. No matter how many times it is killed, it keeps returning to frighten you.

When the National Education Association used its bully pulpit to help elect Jimmie Carter, they received their plumb award -- a cabinet level Department of Education. This was in violation of the 10th Amendment. If Carter wasn't aware of this, he should not have been president. If he was, he should not have been president. If the NEA did not know about this, they must have had poor teachers indeed -- probably members of its union.

Presidents Reagan, Bush, Clinton, and Bush should have immediately dismantled any cabinet post that violated the Constitution -- particularly the Department of Education. Instead, like Topsy, it just grew and grew, until it is now an unsightly mess of graft, corruption, and stupidity.

Under George II, through his program of *No Child Left Behind (NCLB)*, the DoE has been given a role in shaping the schools in this nation that even the NEA had never envisioned. The cost under Bush II, has reached obscene levels with no end to the gouging of taxpayers in sight. What is seldom mentioned is that the amount allocated to the NCLB debacle is merely the tip of the iceberg.

In order for states to receive money, they must apply. This means that the federal DoE must set up some kind of criteria. These guidelines are worked out by faceless bureaucrats in the government whose salaries are in

reverse proportion to their value to the education of our children. The state must then hire its own bureaucrats to write grant applications, using a myriad of printed information developed by the people in DC. The application is then sent in and must be reviewed by other overpaid pencil pushers. They must determine whether the state is willing to implement the various, useless programs that the educators and sociologists have determined are necessary to teach the *chiiiiiiiiidrrreeennnn*. The voucher is then sent to the state which must begin to determine what the gobbled-goop people in Washington were talking about -- and what their grant writers had agreed should be the standard. In order to do this, the state must hire people who are familiar with the language of *educatorese* -- a mixture of nonsense, psychobabble, and idiocy.

Once accepted, these people must then rewrite the guidelines so it is somewhat more intelligible to teachers who may or may not be able to actually read the directives -- depending on their knowledge of phonics. There are also endless reports to be sent to DC to prove that the state is in compliance with the goals of NCLB. (I suspect there is no need to be too careful about these because they are not understandable by any species in this world or Rozwell.) People are hired in Washington to read these reports and chuckle or cluck about their effectiveness.

A short time later, after the state implements the nonsense programs required by the feds, they discover the money has dried up. The full cost now relies on the taxpayers of the state whose property taxes go higher and higher with fewer and fewer results. But, never fear, the DoE has more interesting programs it wants the states to implement and the expensive process begins again. \

At the state level, their own Department of Education attempts to justify its existence by issuing standard tests. It is proclaimed that the students are doing better and better under the "progressive" education they receive. Unfortunately, that education has nothing to do with knowledge, learning, or reality. It has everything to do about how effective the ineffective programs mandated are doing to dumb down our children.

If anyone doubts the growing twaddle in our schools, go to the want ads and look at the employment section. Find the jobs available in the schools and ask yourself how many are needed, how many are productive and how many even make sense. You might also wonder how any of these positions actually contribute to the expanded knowledge

of the students rather than the expanded pocketbooks of educational bureaucrats. Look around and see how many young lives have been ruined by what is passing for education in the classrooms of the US. How many graduates have the capabilities to do more than ask, "Shall I supersize your order?"

Make no mistake about it. These bloated schools will continue to demand more and more money with fewer and fewer positive results. And when the taxpayers can no longer afford the expanded taxes commanded by the schools, there's always eminent domain which will turn their property into a WalMart or gambling casino.

Remember the old adage: Those who can -- do. Those who can't do -- teach. Add to that: Those who can't do or teach -- work for the Department of Education and receive inflated paychecks.

Call your representative and senators. Ask them if they know that the Department of Education is unconstitutional and what they are going to do about it. We all know the answer. But we do have to be somewhat kind to them -- after all they attended government schools. Romelle Winters is Public Relations Chairman for NHCCS.

**Jefferson: On Government Extravagance**

We must make our election between economy and liberty, or profusion and servitude. If we run into such debts as that we must be taxed in our meat and in our drink, in our necessities, for our callings and our creeds, as the people of England are, our people, like them, must come to labor sixteen hours in the twenty-four, give the earnings of fifteen of these to the government for their debts and daily expenses; and the sixteenth being insufficient to afford us bread, we must live, as they now do, on oatmeal and potatoes; have no time to think, no means of calling the mismanagers to account; but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow-sufferers... This example reads to us the salutary lesson, that private fortunes are destroyed by public as well as by private extravagance. And this is the tendency of all human governments. A departure from principle in one instance becomes a precedent for a second; that second for a third; and so, till the bulk of the society is reduced to be mere automatons of misery, and to have no sensibilities left but for sinning and suffering.

*—Thomas Jefferson to Samuel Kercheval, 1816*

**Tyranny: A Noiseless Thief**

Our duty is to frame a government friendly to liberty and rights of mankind, which will tend to cherish and cultivate love of liberty among our citizens. If this government becomes oppressive it will be by degrees: It will aim at its end by disseminating sentiments of government opposite to republicanism; and proceed from step to step in depriving the people of a share in the government.

*—Melancton Smith  
New York Ratifying Convention 1788*

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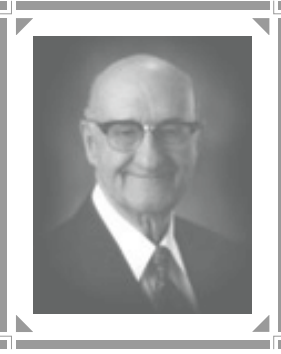
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Dr. W. Cleon Skousen

turbed. I had the pleasant task of going to his apartment periodically and carrying each chapter to the post office to be sent back to headquarters. I always hesitated going because I never knew when he was napping. Once in a while when he came to the door, I could tell I had awakened him, but he would welcome me in as though he was just expecting me, sit me down, offer me food and drink, ask about my welfare, tell me of some exciting thought he had written about, and share perhaps some personal insights which I have come to treasure. I cannot recall one time when he made me feel the time of my visit was inconvenient for him, even though I knew I had disturbed his routine. Those interviews have become precious memories for me.

#### A Grateful Person.

Dr. Skousen made many friends during his lifetime and some were closely involved with him in the work of teaching the Founding Fathers' formula for freedom, particularly after he founded the Freeman Institute. On several occasions, he would remark to me how grateful he was for those few people who really stuck with him through thick and thin. He said to me that he had seen a lot of people come into the freedom effort. Many were very talented. They would stay for a while and contribute greatly to the cause, then for whatever reason, would fade into the background and pursue other courses. He said that, for whatever reason, there are very few that had really stuck with him in this effort. For those he was particularly grateful.

I have seen Dr. Skousen in times of great disappointment, when those whom he thought were his true friends turned out to be lesser friends. Perhaps they were still supportive of the cause, but they were not as involved as perhaps they could be. Over the years, some people have made great promises to him, promises of financial support, promises of involvement, but as it is with human beings, sometimes performance does not always follow promises. But I never found him to be really very critical, just observant. One time he expressed to me the feeling he had that he was so grateful that the Lord had so blessed him so as to be able to be involved in this work on a fulltime basis.

#### "The Law Should Apply to Everyone Equally."

One of the interesting anecdotes which Dr. Skousen discussed with me one time was the way in which he solved the problem of fixing tickets for politicians when he was Chief of Police of Salt Lake City. In his book, *Notes for the New Chief*, he writes as follows:

"Nothing destroys confidence in traffic enforcement faster than ticket-fixing. There was a time when politicians counted ticket-fixing as part of the spoils of winning an election. To be a "somebody" at city hall a politician had to be able to take care of tickets for personal or political friends. This corruption of the judicial process was not only demoralizing to police personnel but it also turned out to be bad

politics.

"Inevitably those "insiders" who got their tickets fixed bragged about it to show how much influence they had. As the word got around, the public set up such a howl of protest against these crooked practices that most states succeeded in driving such practices out of existence or greatly minimizing them.

"One of the first things a new chief should establish with his mayor and city council is that every ticket must be cleared through court. If tickets are written in triplicate and officers are made to account for every ticket issued (appropriately explaining any which are canceled) it is possible to prevent the revival of the ticket-fixing bugaboo.

"Recently, one chief induced his mayor and city council to deliberately park their cars where they would get tickets. Each official then paid his ticket in due course and proudly displayed the receipt in his office with a sign saying: *'The only way to fix it is to pay it.'*

"The local press played up the incident with pictures and stories. The politicians found themselves praised for such unpolitical behavior and it gave the chief the authority to say to his department: 'Officials of our city expect no preferential treatment. Our mayor and city council support the department in its policy of impartial enforcement.'

"No Chief will miss the significance of this kind of announcement in raising the morale of a police department!"

#### An Honest Scholar.

One of the things I greatly admired about Dr. Skousen is the fact that if his research produced a conclusion, he would not depart from it. Some people have been very critical of Dr. Skousen for drawing certain conclusions from his study of history. I have come to learn that those persons usually have certain agendas by which they are driven and want history to prove them right so badly, that they reject the literal meaning of historical fact and research. You will notice that Dr. Skousen's works are always very well footnoted. That's because some people, who have desired other conclusions, have accused him of poor research or drawing his own conclusions. As I personally have followed the footnotes which he has given, I have not only found them to be accurate, scholarly work, but I have realized, after reading those sources, that I would come to the same conclusion he did.

An honest researcher is always open to new ideas which will be developed by further and newer research. I have heard Dr. Skousen say on numerous occasions, that he has done it as good as he could; that perhaps others can do it better; and, if others discover new research or new facts he would welcome it, but he has done it the best he could from the research that was available to him. To me, that's an honest scholar.

Once in a while, as I move about the nation teaching the message of the Founding Fathers, I am confronted by someone who says, "Well, I don't agree with a Cleon Skousen". My response is usually: "What specifically don't you agree with him on?" The person usually can't come up with specifics, but says he just heard such comments from

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dear?

Right here in southern Michigan, some local officials oppose in principle the "conversion of public land to private," as when a property owner might take control of the unused alley behind his house. These officials have forgotten, if they knew it, that Michigan was part of the Northwest Territory. Almost the whole of that territory was converted *en masse* to private use, else we in Michigan would have nowhere to build our homes. The Northwest Ordinance, and the Land Ordinance of 1785 that preceded it, are among the finest pieces of legislation ever passed. They mark a turning away from the use of land and property as a means of control. They part from the practice of the Czar of this and the King of that, that only the Czar and the King may say who owns what and who does what with it. We are the first people fully to recognize that the public interest is best served when private people hold the means of their own existence in their own hands.

In the notorious *Kelo v. New London* decision this last summer, the Supreme Court has decided that the property of one can be taken and given to another so that the other may make more money and pay more taxes with it. The old man in his childhood home, and the widow in the dwelling where she raised her children, are no longer secure in their abodes. The Fifth Amendment states: "Nor shall private property be taken for public use without just compensation." There is no provision in the document for the taking of private land for other private uses.

In *Lucas v. South Carolina* in 1992, several members of the Supreme Court opined that Mr. Lucas could be deprived of the use of his property without compensation, so long as any small use was left to him. One Justice was of the opinion that Mr. Lucas should be happy so long as he was allowed to picnic and camp upon his parcel. The land in question was on the sea shore, and Mr. Lucas had bought it at great expense. There were houses to the left and right of him. He did manage finally to prevail, though after years of litigation and massive expense.

Mr. Lucas came out better than poor Susette Kelo. She had purchased a little pink house on the river that had been her dream. The family of one of her neighbors had lived in the region since 1895. Another lives next door to his parents, who have owned the residence since the 19th century (I know these facts from the splendid Institute for Justice, who represented Ms. Kelo).

These takings of land upon the least pretext, and the heavy regulation of land use at every level of government, form the direct assault upon the principle of ownership. The indirect assault is equally dangerous and much more

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general. Ultimately, it is an assault upon constitutional government itself. To understand this, we must think for just a minute about the foundation of the right to property and our other natural rights.

**Why Limited Government?**

The key to understanding natural rights lies in the word “nature.” It means the essential attribute of anything, whatever makes a thing what it is. It also means, for living things, the process of begetting and growth by which they come to be and thrive.

The Founders were keen students of this subject. They located the nature of man above the beasts and below God. Being imperfect—partaking of the divine but not divine—man is capable of both good and evil. Free from the government of iron instinct, he must govern himself. Government is therefore necessary, and also natural, to the human being. But in forming governments, we must remember that those who hold the power of government are human, too. They, too, are capable of evil. And so for the same reason that government is necessary, it is necessary that it be limited. In *Federalist 51* Madison writes:

But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.

Madison is writing here about the organizing principle of the Constitution: separation of powers. That principle means simply that all the powers of government are not to be united in a single set of hands.

Separation of powers is one of the two chief safeguards built into the Constitution against unlimited or despotic government. The other is enumeration. This principle means simply that certain things are delegated to the federal government to do. There are many of these things, and they are important. They make, and they are meant to make, a powerful government, a government powerful enough to defend our rights against enemies foreign and domestic. But although it is to be a powerful government, it is to be also a finite government. It may do the things enumerated, but not others.

Madison had written earlier, in *Federalist 10*, that the “first object” of government is to protect the “diversity in the faculties of men,” in which property rights originate. Government must, Madison is saying, begin with the job of protecting property. This is the first step toward protecting what he will later define as the “permanent and aggregate interest” of the society. Only a government whose powers are divided, and only a government that is limited in scope, can be trusted effectively to protect civil and religious freedom, of which the right

to property is a key element. Only such a government will leave room for people to tend to their own subsistence by the accumulation of the fruits of their own labor. Winston Churchill, especially when he was protesting against the carelessness of generals with human life and property, liked to say that in a free society, money must be allowed “to fructify in the pockets of the people.”

Make no mistake, then, that the condition of the ownership society, as it was conceived by those who built the first one ever to exist, was a government limited in scope, economical in function, devoting its powerful yet finite authority to the protection of individual rights, correctly conceived.

**The “Rights” Revolution**

“Correctly conceived” is precisely the problem today. The ownership society is, as President Bush says, in jeopardy. It is in jeopardy because government has now grown beyond every constitutional bounds. Over the past generation, our government has been transformed to undertake any project, however remote, miniscule, or local. There is no interest, however isolated, parochial, or private, in which it will not meddle. This is unmistakably a change of constitutional proportion, a change in the very way we live. As it continues, it will necessarily alter not only our relation to the government, but also our habits of mind and the disposition of our character.

Like most powerful and sustained movements in American history, this one begins with a variation on our central idea. This variation has a strong appeal, and there is good in it. That accounts for its strength. It is, however, contradictory of our central idea and destructive of the benefits that originally flowed from it.

The variation is explained beautifully in the short message Franklin Roosevelt sent to Congress in 1944 regarding an “Economic Bill of Rights.” The theme of this message is plainly revolutionary, even if on the surface it pretends only to complete the work done by the American Founders. The rights articulated by the Founders, Roosevelt says, are “inadequate,” because “necessitous men are not free men.” These “economic truths” have become “accepted as self-evident.” They require a “new bill of rights.” He proceeds to list the components in this new bill of rights. The list is compelling in a way that is evident all about us. Today we are constantly making new bills of rights: the Victim’s Bill of Rights; the Patient’s Bill of Rights; the Academic Bill of Rights; soon enough, the Aardvark’s Bill of Rights

Roosevelt’s list is compelling because it is a list of good, even vital things. The list includes the right to a job, to food and clothing, to medical care and to an education. These things are indeed valuable and some of them necessary to

(Continued on Page 6 - Dr. Larry P. Arnn)

**How’s Your Constitutional IQ ?**

1. Two of South Carolina’s delegates to the Constitutional Convention had the same first and last names. What was their name?
2. Name the month and year the Constitutional Convention first officially met in session?
3. What was the first act of Thomas Jefferson as a legislator in Virginia?
4. Name one of the two ancient peoples Thomas Jefferson proposed to memorialize on the official seal of the United States?
5. Can the Congress appropriate money to be expended over a period of ten years on advanced laser weapons?
6. During 1787, did all of the southern states vote to outlaw slavery in the future states?
7. Which Article of the Constitution is the longest?
8. Suppose a judge commits treason or some other serious crime. Which government body can bring impeachment charges against him?

**Answers**

(1) Charles Pinckney, the men were cousins. (2) May 14, 1787 (3) He introduced a measure providing for the gradual elimination of slavery. (4) The Israelites and the Anglo Saxons. (5) No. The Constitution restricts military appropriations to a maximum of two years. (6) Yes. They did this by passing the Northwest Ordinance in 1787. (7) Article I which deals with the legislative department. (8) The House of Representatives

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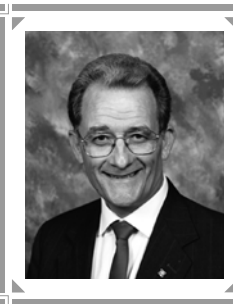
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Continued from Page 4—Dr. Skousen



Earl Taylor Jr.

others.

Dr. Skousen was always a person who never wanted to hurt or disparage another person. He would go out of his way to make another person feel good, even a person who didn't agree with him. I always thought it interesting, and perhaps to him it was a little dif-

ficult, that while it was not in his nature to spread gossip about others and to try to cast others in a negative light, still, as an honest researcher, he had to sometimes conclude that there had been some very unscrupulous characters, even ones in places of great influence, who had worked tirelessly to destroy our God-given freedom.

#### Always Teaching.

One of the remarkable things I learned and observed from Dr. Skousen was that, of the many times I was with him, I always came away having learned something. Whether it was an encounter for just a few minutes or if it was a time I was with him for several hours, I do not recall a time when I didn't come away having learned something. I don't know whether it was intentional on his part or whether it was just the way he was, but he was always teaching. I remember feeling on many occasions that, even though he wanted to hear my opinion on things, I always wanted to hear from him, because it seemed that what I had to say was always so trite. And I knew that if I listened intently to what he was saying, I would always learn something much more interesting.

We could all benefit by implementing this characteristic in our own life, but I have a long way to go to make my teaching as interesting and appealing as what I found Dr. Skousen's to be.

#### Moderation and Softness in His Teaching.

Even though the subjects he taught were based on solid principles and to him were "cut-and-dried", so to speak, his approach to teaching them was so soft and moderate that he endeared his students to him as they learned. In the subject of politics, it is easy to take fixed, immovable positions, especially when one believes his opinion is based on solid, timely principles. Many times I observed Dr. Skousen's masterful art of influence in bringing people around to his conclusions without appearing overbearing. He may have been taught this by one of his admired mentors, Benjamin Franklin, who said:

"I made it a rule to forbear all direct contradiction to the sentiments of others, and all positive assertion of my own. I even forbid myself, agreeably to the old laws of our Junta, the use of every word or expression in the language that imported a fixed opinion, such as *certainly*, *undoubtedly*, etc., and I adopted, instead of them, I *conceive*, I *apprehend*, or I *imagine* a thing to be so or so, or it so *appears* to me at *present*. When another asserted something that I thought an error, I denied myself the pleasure of contradicting him abruptly and of showing immediately some absurdity in his proposition; and in answering, I began by observing that in certain cases or circumstances his opinion would be right, but in the present case there *appeared* or *seemed* to me some difference, etc. I soon found the

advantage of this change in my manner; the conversations I engaged in went on more pleasantly. The modest way in which I proposed my opinions procured them a readier reception and less contradiction; I had less mortification when I was found to be in the wrong, and I more easily prevailed with others to give up their mistakes and join with me when I happened to be in the right."

#### An Unselfish Man

Dr. Skousen expressed to me that the Lord had so blessed him on several occasions with such success in his writing that he was able to accumulate a little savings. With these funds he was able to found the Freemen Institute. To my knowledge, he never took any money in the way of salary or wages. Some of his expenses would be paid by the organization, which relied wholly on contributions from many people, but he never took any for himself. As a matter of fact, he was quite embarrassed that perhaps just the appearance of some personal expenditure might look to others that he was somehow benefiting personally from the contributions of others.

Some will remember in the early 1980s, when a good friend offered to sell him his used Lincoln Town Car at a price lower than a used Ford or Chevy would have cost him. Dr. Skousen needed another car, but was embarrassed to even think about what others would think if he went around driving this fancy Lincoln Town Car. He decided to buy it from his generous friend, but would always park it around the back and out of sight so that others would not think he was using their contributions to enrich himself.

Quite contrary to that situation, I know of several occasions when he personally paid for expenses or other obligations incurred by people at the Freemen Institute just to help them out or prevent embarrassment—all in the spirit of furthering the cause.

#### God Favors Actions...Not Merely Words.

Perhaps no writing about Dr. Skousen could better portray the character of this man better than what he wrote himself. In his book, *The Third Thousand Years*, Dr. Skousen entitles his first chapter, "Who are God's Chosen People?" Here, in part, is what he wrote:

"Across the sweeping vista of human history there are whole chapters of blood-soaked pages which tell the torturous tales of brutal and passionate men who tried to set up a master race. With satanic zeal they set out to conquer the whole earth. Down through the ages, these sword-wielding conquerors emerged singly and in clusters from the major nations -- the Babylonians, the Assyrians, the Medes, the Persians, the Egyptians, the Greeks, the Romans, the Mongols and the Moslems.

Today, the fallen, broken monuments of their fleeting glory lie crumbling in the dust.

But the tragic lessons they left for history seem wasted on many modern minds. The things which ancient greed and ferocious brutality failed to do, certain power-hungry men of modern times think they yet can do. They still seek to build by force and fear a master race which will become an "instrument of destiny." The Napoleons, Kaisers, Hitlers, Mussolinis, Tojos, and Stalins of modern centuries are merely the more recent counterparts of the Caesars, Pharaohs, emperors, kings and khans of the historic past."

#### God's Ways Are Not Man's Ways

In contrast to all of this, God has proposed a completely different kind of leadership. God's plan does not call for a master race, but a society of "master servants," inspired

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life. And yet they differ from the list of rights in the original Bill of Rights, as Roosevelt admits. While admitting the difference, he conceals the nature of the difference. The rights protected in the original Bill of Rights do not demand anything of another except their recognition. One may pray all he pleases, and others are left free to pray or not, and with all their property intact. Short of slander, libel, or treason, one may say what he pleases and do no harm to another. We may come together, or as the Bill of Rights says, we may "assemble," and so long as we do not obstruct the traffic, others may go freely about their business.

One can see how the right to property, properly conceived, has this same attribute. If my property is the fruit of my labor, and not of yours, then we have no conflict. You may have your property, and I may have mine. What is good for me is good for you. My having my good deprives you of none of yours, and your having your good leaves me secure in mine.

The interesting thing about this understanding of rights is the harmony it breeds in society. My getting the things of which I am entitled takes nothing from you. I may own what is mine, you may own what is yours, and we may be at peace with each other. This harmony—or to use the political term, this justice—is the reason why our Constitution has lasted so long and our nation has prospered so well. We can all share hope, and in that hope we can all build our property to sustain ourselves and our families, and to provide charity for our neighbor when he is in need.

#### The Current Crisis

We can see today the effects of the "new self-evident truths" (as if there could be such a thing) and the "new bill of rights." The system of philanthropy, unique to our country, that had prevented people who suffered misfortune from starving, is now replaced by a general system of taxpayer aid that has encouraged the destruction of family life, the essential way to raise children. This is nowhere more evident than in the fact that the illegitimacy rate in the 1950s, before the federal War on Poverty was launched, was four percent, whereas today it is 35 percent (68 percent among black Americans).

Or consider the "right to an education." Education was vital to the people who built our country. In the aforementioned Northwest Ordinance, they wrote: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall ever be encouraged." They proceeded then to provide the most massive subsidy to education that has ever been given in this country. The one exception to the conversion of public land to private was the holding back of 1/36th of the western land for the provision of education locally, and of course under the direction of state governments which had the constitutional power.

Today, by contrast, we have the centralized Department of Education at the federal level. In providing the "right to an education," it regulates our nation's colleges in the closest detail (Hillsdale College being an important and rare exception). Since September 11, 2001, defense spending in the U.S. has risen

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almost 60 percent; spending on higher education has risen more than 200 percent.

What do we get for this money? Not learning. It is notorious that college graduates today know little to nothing of the history of our country or its constitutional meaning. If you doubt this, ask a senior a few questions about the Declaration of Independence or the Constitution.

Nor does the money buy political support for the party that has voted these massively increased subsidies. It is notorious that the beneficiaries of federal aid to higher education, namely those who work in colleges, support the other party by embarrassing margins.

Nor do we get patriotism. In fact, a consortium of colleges is suing the federal government right now because they object only to the requirement that military recruiters be admitted to their campuses as a condition of receiving federal aid. Already these colleges are abiding thousands of pages of regulation. They object to this specific one. Perhaps they have forgotten that Article I, Section 8 of the Constitution—which enumerates the powers of Congress—mentions defense eight times. Education is not mentioned at all.

A good word is due here about many in government today. President Bush introduced the idea of private accounts in Social Security, and it has lately foundered. But the cause has been taken up by a group of young members of Congress. They are proposing variations on the powerful idea, expounded by the American Institute for Full Employment, that the portion of Social Security taken directly from a worker's pay should be placed in a private account. The other half could be used to pay benefits to those now on retirement or soon to retire. This idea would be a massive step back toward the ownership society in its full meaning.

Likewise, one wonders why those who make law today would not simply emulate the Founders in providing education. If you want to subsidize education, why not find a constitutional way? Why not a tax deduction or even a credit? Anything would be better than the current top-down bureaucratic control of matters that are essentially local or private or both.

It was well known to those who built the United States that education, food, and medicine are important. This importance has been known to nearly any fool, for as long as there has been civil society. The question is only how these things should be provided. Our Founders practiced the art of constitutional government, under which government is limited and people have the right to provide for themselves. Under this system one gets more food, and more medicine, and more education than under bureaucratic rule. Also, he gets his liberty under the law.

It was no small achievement to build the first ownership society known to man. Those who built it thought it fragile. It could be sustained only under the right principles, embodied in and practiced through the right constitutional structure. If we lose that, we will find ourselves in a condition of poverty too deep to measure in money terms.

—Larry P. Arnn

Study History or Be Doomed to Repeat It.

Advice On Constitutional Interpretation from the Instrument's Architect:  
JAMES MADISON

“But, after all, whatever veneration might be entertained for the body of men who formed our constitution, the sense of that body could never be regarded as the oracular guide in the expounding the constitution. As the instrument came from them, it was nothing more than the draught of a plan, nothing but a dead letter, until life and validity were breathed into it, by the voice of the people, speaking through several state conventions. If we were to look therefore, for the meaning of the instrument, beyond the face of the instrument, we must look for it not in the general convention, which proposed, but in the state conventions, which accepted and ratified the constitution.”

—J. Madison, Speech in Congress, Apr. 1796

“The legitimate meaning of the Instrument must be derived from the text itself; or if a key is to be sought elsewhere, it must be not in the opinions or intentions of the Body which planned and proposed the Constitution, but in the sense attached to it by the people in their respective State Conventions where it received all the authority which it possesses.”

—J. Madison To T. Ritchie, 15 Sept. 1821

“But whatever might have been the opinions entertained in forming the Constitution, it was the duty of all to support it in its true meaning as understood by the Nation at the time of its ratification.”

—J. Madison to J. Jackson, 28 Dec. 1821

“If the instrument [the U.S. Constitution] be interpreted by criticisms which lose sight of the intention of the parties to it, in the fascinating pursuit of objects of public advantage or convenience, the purest motives can be no security against the innovations materially changing the features the Government.”

—J. Madison to Andrew Stevenson, 25 Mar. 1826

Editors Note: James Madison attended every meeting of the Philadelphia Convention; he took copious notes at each session. These were later published as *Madison's Notes on the Convention*.

You will find these at the NHCCS website.  
[www.nhccs.org](http://www.nhccs.org)

Advice on the Education of Youth from America's First Schoolmaster  
Noah Webster

Every child in America should be acquainted with his own country. He should read books that furnish him with ideas that will be useful to him in life and practice. As soon as he opens his lips, he should rehearse the history of his own country; he should lisp the praise of liberty and of those illustrious heroes and statesmen who have wrought a revolution in her favor.

A selection of essays respecting the settlement and geography of America, the history of the late Revolution and of the most remarkable characters and events that distinguished it, and a compendium of the principles of the federal and provincial governments should be the principal schoolbook in the United States. These are interesting objects to every man; they call home the minds of youth and fix them upon the interests of their own country, and they assist in forming attachments to it, as well as in enlarging the understanding....


Two regulations are essential to the continuance of republican governments: (1) Such a distribution of lands and such principles of descent and alienation as shall give every citizen a power of acquiring what his industry merits. (2) Such a system of education as gives every citizen an opportunity of acquiring knowledge and fitting himself for places of trust. These are fundamental articles, the sine qua non of the existence of the American republics....

...children should be taught the usual branches of learning, submission to superiors and to laws, the moral or social duties, the history and transactions of their government...The virtues of men are of more consequence to society than their abilities, and for this reason the heart should be cultivated with more assiduity than the head. Are parents and guardians ignorant that children always imitate those with whom they live or associate?...It is therefore a point of infinite importance to society that youth should not associate with persons whose manners they ought not to imitate...For these reasons children should keep the best of company that they might have before them the best manners, the best upbringing, and the best conversation. Their minds should be kept untainted till their reasoning faculties have acquired strength and the good principles which may be planted in their minds have taken deep root. They will then be able to make a firm and probably a successful resistance against the attacks of secret corruption and brazen libertinism.

—Noah Webster (1790)

Editors Note: Compare Noah Webster's advice on the education of American youth with that offered in the public schools, and some private schools, today. To be sure, Noah Webster predates the hijacking of America's education system, as well as other of her republican institutions, by the Progressives. Recall their big-government philosophies took America by storm early in the 20th century. They're gone; but their remnant remains, among them an education system controlled by a public labor union. Noah Webster would not approve.

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(Continued from Page 6—Dr. Skousen)

men who lead with love, not lashes, and who excel in service, not suppression.

From earliest times the Lord has endeavored to promote this kind of leadership and this type of society. In the days of Enoch, God's revealed plan for happy living became the most dominant force on earth, but at other times it often dwindled to a mere shadow and was not allowed to have any significant influence among mankind whatsoever. Nevertheless, whether accepted or rejected, God's society has always constituted the one and only way to achieve a lasting pattern of universal peace and universal prosperity.

Those who are willing to consecrate their total energies and resources to the building up of such a society are called God's "chosen people." He calls them "chosen," not because he would exclude the rest of mankind from the same blessings, but simply because these are they who chose to accept God's call to service. With the Lord, a call to leadership means a call to service, and therefore his chosen people are really his 'master servants.'

To me, W. Cleon Skousen was one of God's master servants, who became so because of his actions and his character. His memory gives us great hope to also be anxiously engaged in such noble causes, to carry on the work of spreading the message of freedom which he so magnificently packaged, and to bring about much righteous influence among our fellow men.

—Earl Taylor, Jr.

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## Why the Old Man of the Mountain Fell!

—By Pastor Dave Philbrick

A few years ago when I heard the news of the Old Man falling from his lofty perch, I wondered what natural causes had made this happen. I listened like most people in New Hampshire to the radio and TV and newspaper reports and the different reasons that were given. Some made sense, some were a bit on the crazy side if you were to ask me, although most people wouldn't.

I listened to people saying we should try and rebuild him, make memorials to him, there were all kinds of ideas. I thought, "sure he symbolized New Hampshire and it was sad that he was gone; but, he was a natural phenomenon so let's get on with life." Besides, anything done to rebuild or memorialize him was sure to come out of the taxpayers' pockets and the State is already taking enough. Why give them reason to take even more? So I was happy when then Governor Craig Benson approved an inexpensive way to remember the Old Man, and with that I stopped dwelling upon it and moved on.

Since all of that happened, I have moved my family to North Carolina. That done, I have since reflected upon my former home State and the way it has changed over the past few decades. I started thinking about the Old Man again and why it was that he so symbolized New Hampshire; that is, the New Hampshire I knew upon first moving there from the Socialist Republic of Massachusetts. I came to conclude the connection was in the way he symbolized a once rock solid conservative New Hampshire at one with its *volunteer* Legislature and known for its strict adherence to a philosophy of low or *no* taxes, its respect for private property rights, local control and funding of public schools along with other conservative and time-tested Yankee ideals.

But in more recent years, the Old Man was made to watch New Hampshire's conservative culture slowly erode away. He saw her *citizen* Legislature take on the character of the professionally paid Legislatures of other States; its members voting to keep themselves in office, doing what they "think" is right for the State rather than to follow the State constitution which they took an oath to uphold. He must have thought: "How could they lose sight of why they are there? Don't they know their job is to represent the interests of the *WHOLE* people not just a powerful few? What about their obligation to ensure the citizens' constitutionally protected rights and to maintain New Hampshire's long standing culture of low or no taxes?" He must have felt great remorse at the steady stream of liberals emigrating to New Hampshire, most in an effort to escape the cultural mess in the Socialist Republics of Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Vermont etc., from which they hailed. They embraced a different culture, one which embodied liberal tax and spend ways, the notion of State control rather than local control over education. They came seeking the social services they

left behind. They drove up taxes on those already here.

Then he watched as New Hampshire's "Live Free or Die Motto" lost its thrust, its original meaning. He was saddened by all of these changes and preferred to think about happier days when only Indian tribes inhabited the land beneath him or when New Hampshire became a State. He never felt sad then, only now as he watch New Hampshire being transformed into the northern extension of the Socialist Republic of Massachusetts.

In retrospect, I think what happened to the Old Man was perhaps a blessing. The good Lord upon looking down and seeing the Old Man's deep sorrow, His being a merciful God, felt the Old Man had endured enough. So it was, in the early hours of that fateful morning, the He reached down from the Heavens into Franconia Notch and cupping the Old Man's tear stained face in His loving hands said: "You will suffer no more." At that, He took the Old Man from his home high on the mountaintop, and laid him to rest on the mountainside below no longer having to watch the cultural debasement of his beloved "Live Free or Die State." Pastor Philbrick is a Sr. Advisor with NHCCS.

## A Constitutional Gem:

—By Donald Conkey

"A constitution should be structured to permanently protect the people from the human frailties of their rulers."

Dr. Skousen reminds us "Every constitutional action has usually been justified because it was for a **"good cause."** Every illegal transfer of power from one department to another has been excused as **"necessary."** The whole explosion of bureaucratic power in Washington has been the result of "trusting" benign political leaders, most of whom really did have good intentions." Thomas Jefferson once wrote "that confidence is everywhere the parent of despotism; free government is founded in jealousy, and not in confidence; it is jealousy, and not confidence, which prescribes limited constitutions to bind down those whom we are obliged to trust with power . . . by [the] chains of the Constitution."

"A diffusion of knowledge is the only guardian of true liberty."

—James Madison to George Thompson, 1825

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