

American Heritage School



The U.S. Constitution – Part 1 2010-2011 School Year

By Bill Duncan

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THE U.S. CONSTITUTION
PART I
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Patrick Henry Speech
St. John's Church, Richmond, Virginia
March 23, 1775.

MR. PRESIDENT: No man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the House. But different men often see the same subject in different lights; and, therefore, I hope it will not be thought disrespectful to those gentlemen if, entertaining as I do, opinions of a character very opposite to theirs, I shall speak forth my sentiments freely, and without reserve. This is no time for ceremony. The question before the House is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery; and in proportion to the magnitude of the subject ought to be the freedom of the debate. It is only in this way that we can hope to arrive at truth, and fulfil the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time, through fear of giving offence, I should consider myself as guilty of treason towards my country, and of an act of disloyalty toward the majesty of heaven, which I revere above all earthly kings.

Mr. President, it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those who, having eyes, see not, and, having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst, and to provide for it.

I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging of the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years, to justify those hopes with which gentlemen have been pleased to solace themselves, and the House? Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with these war-like preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled, that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation; the last arguments to which kings resort. I ask, gentlemen, sir, what means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great Britain any enemy, in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us; they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British ministry have been so long forging. And what have we to oppose to them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves. Sir, we have done everything that could be done, to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and Parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne. In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free² if we mean to preserve inviolate those inestimable privileges for which we have been so long contending² if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained,

we must fight! I repeat it, sir, we must fight! An appeal to arms and to the God of Hosts is all that is left us!

They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance, by lying supinely on our backs, and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak if we make a proper use of those means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations; and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat but in submission and slavery! Our chains are forged! Their clanking may be heard on the plains of Boston! The war is inevitable and let it come! I repeat it, sir, let it come.


It is in vain, sir, to extenuate the matter. Gentlemen may cry, Peace, Peace but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

Source: Wirt, William. Sketches of the Life and Character of Patrick Henry. (Philadelphia) 1836, as reproduced in The World's Great Speeches, Lewis Copeland and Lawrence W. Lamm, eds., (New York) 1973.

**John Dickinson Speech
Constitutional Convention
Philadelphia, August 13, 1787**

Mr. DICKENSON. Experience must be our only guide. Reason may mislead us. It was not Reason that discovered the singular & admirable mechanism of the English Constitution. It was not Reason that discovered or ever could have discovered the odd & in the eye of those who are governed by reason, the absurd mode of trial by Jury. Accidents probably produced these discoveries, and experience has give a sanction to them. This is then our guide. And has not experience verified the utility of restraining money bills to the immediate representatives of the people. Whence the effect may have proceeded he could not say; whether from the respect with which this privilege inspired the other branches of Govt. to the H. of Commons, or from the turn of thinking it gave to the people at large with regard to their rights, but the effect was visible & could not be doubted-Shall we oppose to this long experience, the short experience of 11 Years which we had ourselves, on this subject. As to disputes, they could not be avoided any way. If both Houses should originate, each would have a different bill to which it would be attached, and for which it would contend. -He observed that all the prejudices of the people would be offended by refusing this exclusive privilege to the H. of Reprss. and these prejudices shd. never be disregarded by us when no essential purpose was to be served. When this plan goes forth it will be attacked by the popular leaders. Aristocracy will be the watchword; the Shibboleth among its adversaries. Eight States have inserted in their Constitutions the exclusive right of originating money bills in favor of the popular branch of the Legislature. Most of them however allowed the other branch to amend. This he thought would be proper for us to do.

Source: Notes of Debate in the Federal Convention of 1787 Reported by James Madison



United States Constitution

Introduction to the Course

Class Goals

- Gain an understanding of the meaning of the Constitution.
- Gain an awe and appreciation for the Framers and the document they produced.
- Gain tools and resolve to participate in public discussions where the Constitution is relevant.

Overview of Course

- Origins of the Constitution
What are the major influences on the Constitution and how do they help us understand the Constitution?
- Framing
What does the Constitution say?

Overview of Course

- Major Themes
What are some of the significant controversies stemming from the Constitution?
- Interpretation
How have courts interpreted Constitutional provisions?

Class Assignments

- Notebook
- Word studies
- Multiple choice tests
- Essays

United States Constitution

Experience and Reason

Experience and Reason

- Key Question: why has the Constitution been so vital and relevant for so long?

Constitutional Experience: U.S.

- Articles of Confederation (1781-1787)
- U.S. Constitution (1787-present)

Constitutional Experience: France

- First Republic (1792-1804)
- First Empire (1804-1814)
- Bourbon Restoration (1814-1830)
- July Monarchy (1830-1848)
- Second Republic (1848-1852)
- Second Empire (1852-1870)
- Third Republic (1870-1940)
- Fourth Republic (1946-1958)
- Fifth Republic (1958-present)

What explains this difference?

- The nature of the two states.
- Teleocratic v. Nomocratic (Michael Oakeshott)

Teleocratic State

- Driven by ideology
- Procrustean bed
- Perfectibility of mankind

Nomocratic State

- Focus on process
- Pluralism
- Limitations on human nature

Example

- What's the slogan of the French Revolution?
Liberte, egalite, fraternite
- What's the slogan of the U.S. Constitution?

Experience—a Clue

- "Experience must be our only guide. Reason may mislead us." John Dickinson
- "Experience is the oracle of truth; and where its responses are unequivocal, they ought to be conclusive and sacred." Federalist 20
- "I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging the future but by the past." Patrick Henry

American Colonial Experience

- Jamestown Colony (1607)
- Virginia House of Burgesses (1619)
- Mayflower Landing (1620)

Origins of the Constitution Topics

- Ancient world
- Judeo-Christian heritage
- Magna Carta
- English Bill of Rights
- Rights of Englishmen
- Mayflower Compact
- Colonial experience
- War of independence
- State constitutions
- Political philosophy
- Declaration of Independence
- Articles of Confederation