

# Constitution 101: The Meaning and History of the Constitution

## "Crisis of the Constitution: Slavery & Secession"

### Session 6

**Overview**---Beginning in the 1830s, leading voices in the South, the foremost being \_\_\_\_\_, (J. Davis, A. Stephens) embraced slavery as what they called a “positive good,” and rejected any limits on slavery. These Southerners knew the Founders opposed slavery in principle—and also knew the Founders had taken significant actions, for example with the \_\_\_\_\_, to contain the institution and to roll it back wherever possible—but they thought that the Founders were wrong to do so. The Founders felt that slavery undermined “all men are created equal” and seemed to hope that with their “first steps” of limiting, which included limiting of importation of slaves [Jefferson 1808] and other laws that the next generation would take further steps to abolish this practice. As we know that was NOT the case and it eventually, culminated in 4 years of Civil War. In fact, science and religion will now enter the picture to “substantiate” the “positive good” of slavery and the inferiority of a “cursed race.” While the Founders were compromising they were trying to preserve the Union.

**Northwest Ordinance** dealt with the areas we now call Ohio, Indiana, Illinois, Michigan, Minnesota and Wisconsin.

**Art. 6.** There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Lincoln said, “One section of our country believes that slavery is right and ought to be extended while the other believes it is wrong and ought not to be extended. This is the only substantial dispute.” [1<sup>st</sup> Inaugural Address]

Slavery is Right	Slavery is Wrong
The State is Sovereign	We the People is Sovereign

**SLAVERY**—As our nation grew in population it also grew geographically. And the battle of whether to allow slavery in these new areas was on the front burner. Events leading up to the Civil War.

**Northwest Ordinance 1787**—dealt with land acquisition around the Great Lakes area and prohibited slavery in these new areas.

**Louisiana Purchase 1803**—Acquisition of land up the western Mississippi valley area.

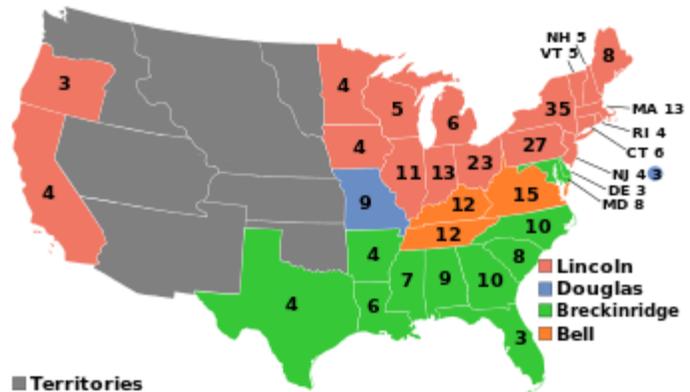
**Missouri Compromise 1820**—Admitted \_\_\_\_\_ as a free state and \_\_\_\_\_ as a slave state.

**\*Kansas-Nebraska Act 1854**—Repealed the anti-slavery aspect of the Missouri Compromise and allowed each state to decide for itself on the slavery issue. This document along with the ...

**Dred Scott Case 1857**—SCOTUS basically ruled pro-slavery in the new territories. Neither Congress nor the territories can limit/prohibit slavery. Democratic president Buchanan pushed for SCOTUS to vote pro-slavery which hurt him politically and did not run for re-election, which was a first.

**\*Note**—it is in 1854 that the current Republican Party was formed to oppose \_\_\_\_\_ in the new territories. The Wilmot Proviso [1846-8] may have been the first stirrings for this new party. The Democratic Party, up until most recently, was extremely racist/pro-slavery.

In 1860 the Democratic Convention wrestles with the slavery issue and actually splits and has a southern/pro-slavery candidate (Breckinridge) and a northern/anti-slavery candidate (Douglas) almost assuring the newly-formed Republican (Whig) Candidate a win. Another party was formed about that time as well, the Constitutional Union Party (Bell) that lasted that one election.



Lincoln wanted to follow the \_\_\_\_\_ and get back on track with abolishing slavery. Lincoln is elected and within 4 months later 7 southern states secede.

**SECESSION**—Do states through their state leadership have a right to secede from the Union? Jefferson Davis, Calhoun and others believe a state legislature can simply vote and secede. That the Federal government is a result of a covenant among states. This puts an emphasis on the “\_\_\_\_\_.” They tried to cite the events in the mid-1780’s process to justify this thinking. However, those events (going from Articles of Conf. to the Constitution) were not secession in nature. On the other hand, Lincoln believes (as the Founders) that the state legislature cannot secede on their own but that the Federal gov’t is a result of “we the people” which puts the emphasis on the individual. So, Lincoln (as did Andrew Jackson) argues....

1. The Union is Perpetual/Indissovable
2. The Union \_\_\_\_\_ the Constitution---Articles of Association, Confederation, etc. united us first.
3. The Constitution only makes the Union more perfect. The Constitution was made by “we the..”

**Note:** Here is the heart of conflict in regard to the Civil War. It was not just about slavery but mainly States’ rights. It seems that the only way a state can secede, constitutionally, is that a state who wants to secede by a vote of its people must then submit to the permission of the \_\_\_\_\_. The South sees it as simply a legislative matter. This impasse causes war, though neither side really wanted it. Lincoln actually is willing to allow the current slave states to remain slave states. So, the battle is over the new territories and their status.

## “The Progressive Rejection of the Principles of the Declaration” Session 7

In the early 20th century, a new political theory—known as Progressivism—rose to prominence in America. This theory held that the principles of the American Founding, expressed most eloquently and concisely in the Declaration of Independence, were \_\_\_\_\_ to modern life. Progressives taught that stringent restrictions on government power were no longer necessary to protect liberty, since human nature and science had advanced greatly during the 19th century. Progressives did not believe that individuals are endowed with inalienable rights by a Creator; rather, they believed that rights are determined by \_\_\_\_\_ and bestowed by the \_\_\_\_\_. In conjunction with this new theory of rights, Progressivism holds that government must be able to adapt to ever-changing historical circumstances.

Progressives falsely assume the Founders formed a Gov’t that would never change. That is foolish thinking since there are change provisions in the Constitution. What the Founders DID say was that the \_\_\_\_\_ of Gov’t should not change---protection of Life, Liberty and the Pursuit of Happiness. Calvin Coolidge in a speech implies “how is it progressive to move away from” the protection of L, L, PH?

These Progressive principles are much in play today and are a bone of contention dealing with current conflicts. Furthermore, these principles have shaped our current gov't into a much larger, controlling entity than we had before. Two of the Major Movements to come out of Progressive Philosophy was the \_\_\_\_\_ under FDR and the \_\_\_\_\_ under LBJ. Both of these men make it clear that Progressives were their motivations, especially Woodrow Wilson but also Teddy Roosevelt. (Read FDR's Commonwealth Address 1932)

**What is Progressivism?** Progressivism (1880-present) means to progress beyond the Founders or away from the Founders and enlarge/adjust the scope of government. They say it is a response to the economic and cultural changes that the Founders could not have possibly envisioned. Thus, you hear arguments, for example, against the second amendment because the Founders could not have conceived of a machine gun or automatic weapons, etc. and had they known there would not have been a 2<sup>nd</sup> Amendment. So, the Second Amendment to them is out-of-date/obsolete and needs replaced or removed.

They would say the Founders' thinking may have been perfect for their time but times have changed. A new kind of political system is needed to deal with these new, unique conditions. Progressives might agree that the Gov. is to protect Life and Liberty, but they would substitute Happiness for the "pursuit of happiness." And their list of unalienable rights (not God-given but Gov-given) goes much further to include housing, welfare, medical care, etc. This extra list they say brings happiness. The stress today is not character or virtue, etc. it is on

\_\_\_\_\_!! For me, much of this is rooted in Pride and Rejection of God. It is to believe that we are now "superior" in many ways (natural selection/survival of the fittest) to the Founders generation who, after all, were slave holders. We are much more enlightened and are more capable of \_\_\_\_\_. So, these restrictions that the Founders put on central gov't because they were so depraved can be released because we are so wise now (I wanted to vomit here but withheld).

Theodore Roosevelt and Woodrow Wilson stressed progressive philosophy. Wilson stated, "*If you want to understand the real Declaration of Independence, do not read the preface*" (1911 Jefferson Club Los Angeles). That statement shows the true underlying thinking of Progressives. (Read WW's What is Progress?) In order to implement Progressive strategies the D of I must be discarded and the Constitution must be eliminated/rewritten. The fundamentals of our nation have to be drastically transformed. Gee, where did I hear that recently?

But what is in the preface of the D of I that we need to ignore? It contains boring, irrelevant stuff like "All men are created equal," God-given rights, and consent of the governed to mention a few. Wilson is basically saying that if you want to enjoy the D of I for its historical value fine, but we should not try to transcend those values of a primitive past to an enlighten present.

Here are some samples of what Prog say..... It's a new day and we have new problems and we need a new form of State (gov't) to deal with them (in other words we are not a republic based on absolute, unchanging principles of the Bible. Now we can make it up as we go along). They would say, *We are not criticizing the founding, but the principles of the founding need to be limited to then. The sin of the Founders was not their concepts but that they implied that they were universal and applied to all men for all time. After all, who are they to tell US what to do? The Founders were arrogant to force all of this on subsequent generations. How could they know what would be appropriate 200 years later?* These statements are pure progressivism.

If you want to see what Progressives want just look at \_\_\_\_\_. That's their goal. There Society is primarily important not the \_\_\_\_\_. Frank Goodnow feels that if we acknowledge that we have God-given rights at birth as a human being then the gov't has no right to take them away especially since we had those rights before our gov't was formed. But if there is no God, then we have rights given to us by the gov't/society and therefore they have the authority to give and take as they please or by majority vote (democracy).

John Dewey believed that these “relics” (beliefs) from a “bygone” era is what is causing many societal problems. In fact, the Founders “absolute beliefs” actually blinded them to reality and progress. Other progressive voices would be John Dewey, Upton Sinclair, Margaret Sanger, Roger Baldwin, Sal Alinsky, Earl Warren, Thurgood Marshall, John Hopkins.

**Sources of Progressive Thought**—The second half of the 1800’s is when our higher education system transformed. It was then that it was vogue to go to Europe for higher education. Germany was especially influential through the likes of Immanuel Kant and Friedrich Nietzsche. From Nietzsche they learned life has no meaning (nihilism) and from Kant they learned that we don’t need God we have our minds and our will. Ironically, the country that printed the first \_\_\_\_\_ is now the country that promotes atheistic ideas. As people received higher degrees they returned to America to become professors and university leaders.

What did our students learn in Germany?

1. **Critique of Individual Rights**—are not primary but secondary to society rights. The needs of the many outweigh the needs of the one (Socialism).
2. **Critique of Natural Rights**—rights are not given by Nature’s God but by society and can be removed by the same
3. **Organic Changing State**—Government is not mechanical (Newtonian) but living (Darwin) and must adapt to survive.

Most Progressives realize that the Gov’t is not ready to take on all they desire to control and dictate. They mean to dictate \_\_\_\_\_ of our lives. Where we can live, not live, drink cokes, not drink cokes, etc. So, they are in the process of making it so. It is obvious they want a larger, controlling gov’t--- “radically transformed.” In order to control all areas you must have an expansive bureaucracy for all that administration.

As Progressives tried to make these changes of more expansive, controlling role in gov’t their efforts were often struck down by the courts especially during the \_\_\_\_\_ (1890-1940) which saw the courts as activists from a conservative, constitutional approach. T Roosevelt constantly criticized the courts actions striking down progressive measures in favor of smaller gov’t. He wanted to find ways to bypass the judicial holdups and other holdups by introducing concepts such as direct democracy (alias mob rule). He saw human rights superior to property rights (this leads to redistribution) as expressed in his speech “The Right of the People to Rule.” The Founders did not see these rights opposed but complimentary—property rights is a human right! TR also preferred the parliamentary structure and did not like the separation of powers (no progressives do). He saw it as inefficient and irresponsible. TR greatly influenced WW. Progressives, like TR, also saw early on they needed to control the courts all the way to the SC. Changing courts/judges is a slow process since judges are appt for life. Progressives also consider separation of powers horizontally and differences vertically (local to federal) to be hindrances to a uniform ability to solve problems.

We hear so much today about gridlock but that is exactly what the Founders wanted---slow, toilsome change. TR and WW wanted strong a administration, especially more powers in the Presidency beyond just the executive branch—since he/she is voted by the people (direct democracy). Progressives hate separation of powers. They think the people-elected President should be able to pressure the other branches to follow his lead. That’s why we hear the word “\_\_\_\_\_” when a progressive is elected (not when a Constitutionalist is elected). Progressives feel that the Presidents should be able to do anything not prohibited in the Constitution. The Founders would say the President can only do what is clearly specified by the Constitution and all other matters are in the hands of the people. This is expansive President of the Progressives is nothing more than the old idea of the prerogative of the crown by the King.

## Answers:

John C. Calhoun, Northwest Ordinance, Maine, Missouri, Slavery, Founders, Collective, Predates, Other States, Irrelevant, Social Expediency, Government, Purpose, New Deal, Great Society, Happiness, Self-governance, Europe, Individual, Bibles, Every Area, Lochner Era, Mandate

# What's Happening at DLBC

## September

**Fri., 29th** Ladies Craft Night at 6:30 pm in the Fellowship Hall

## October

- Sun., 1st** Small Group - Bible Study at 8:30 am, 8:45 am, 9:00 am, 11:15 am  
Celebration Day and Annual Meeting at 10:00 am in the Worship Center  
Celebration Day Luncheon after the Service in the Fellowship Hall  
Sunday Night Bible Study at 6:00 pm in the Fellowship Hall
- Mon., 2nd** Student Ministry Spirit Night at Sonny's BBQ all day Monday
- Wed., 4th** Mid-week Service at 6:30 pm in the Worship Center  
Youth Night at 6:30 pm in the Fellowship Hall  
Compass Cove—Children Ministry at 6:30 pm upstairs in the children's area
- Sat., 7th** COTN Crate Packing in Orlando at 7:00 am returning at 3:00 pm
- Sun., 8th** Leadership Breakfast at 7:30 am in the Fellowship Hall  
Small Group - Bible Study at 8:30 am, 8:45 am, 9:00 am, 11:15 am  
Church Service at 10:00 am in the Worship Center  
Sunday Night Bible Study at 6:00 pm in the Fellowship Hall
- Mon., 9th** Church Office is Closed in observation of Columbus Day
- Tues., 10th** Ladies night out at Mi Mexico at 6:30 pm in Deland
- Wed., 11th** Mid-week Service at 6:30 pm in the Worship Center  
Youth Night at 6:30 pm in the Fellowship Hall  
Compass Cove—Children Ministry at 6:30 pm upstairs in the children's area
- Sun., 15th** Small Group - Bible Study at 8:30 am, 8:45 am, 9:00 am, 11:15 am  
Church Service at 10:00 am in the Worship Center  
Student Leadership lunch at 11:15 am in the Fellowship Hall (bring your lunch)