THE ASSAULT ON AMERICA – *CONTINUED*

A Response to Erich Martel's Article: "Why the Maple River Coalition [sic] is Wrong", posted at MinnBEST.org, and sent to me by "Sue"

Michael J. Chapman

Dear Sue,

Thank you for forwarding Erich Martel's response to my article: *"Assault on America: Undermining the Principles of the Declaration of Independence."* This is my reply.

First let me point out that Martel never addresses or directly challenges the thesis of my article – that Minnesota ought to be teaching and promoting America's foundational principles contained within the Declaration of Independence. Nor does Martel directly defend his own recommendation (cited in my article), that it would be an "historical error" to include the Declaration of Independence among "America's founding documents that outline our rights…."

The only reasonable conclusion one can reach is that Martel must **not** think the Declaration principles of national sovereignty, self-evident truth, unalienable rights, limited government, popular sovereignty, or natural law, etc. are "foundational" to America's form of government. We consider this a radical viewpoint – that is, out of the mainstream thinking of most Americans and Constitutional scholars, and a dramatic departure from the way American history has been traditionally understood.

While ignoring my thesis (and the bulk of my evidence), Martel instead sought to exploit what he considered the one weak link in my anecdotal evidence – a footnote listing nine Supreme Court decisions referencing the Declaration of Independence. Rather than debate my thesis, Martel sought to discredit me personally. Unfortunately for Martel, he is wrong regarding the proper interpretation of the Supreme Court cases, as I will describe below.

Martel also builds several straw man arguments. For example, he "argues" that the Declaration's *"immediate purpose"* was to *"announce the decision of the Second Continental Congress to separate from England."* Martel's straw man implies that I claimed otherwise. I made no such claim! How absurd that anyone would suggest that the "Declaration" did not "declare" our separation from England.

Before revisiting the unchallenged purpose of my article, I will respond to the only point Martel makes that was genuinely connected to my article. He writes:

> *"The references to the Declaration of Independence in the cases cited by Chapman are all historical references to the period of the American Revolution. In none of the cases he cited and which I excerpted below is the reference to the Declaration even remotely implied to be the source of a constitutional right or legal doctrine – that would have standing in a U.S. or state court."*

After pasting in several blocks of text from four of the nine cases cited in my footnote – all without specific explanation of how I took these out of context – Martel concludes that *"Chapman has committed a serious offense against historical accuracy: he misrepresented his sources. In so doing, he compromised his integrity."* In reality, Martel's examples *actually* strengthen my case.

First, since the Declaration of Independence was written during *the period of the Revolution*, it naturally follows that the court would reference it in a historical context. But *why* did the court mention it? Is Martel suggesting that the justice merely interrupted his case in order to give a

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quick history lesson for no other purpose than to teach us that the Declaration of Independence *was written during the Revolutionary period?* Absurd!

Martel continues with a blanket generalization: *"in none of [these] cases is the reference to the Declaration even remotely implied to be the source of a constitutional right or legal doctrine…"* [My underlines]

The first court decision Martel references, however, includes this statement: *"After the Declaration of Independence, the right of self-representation, along with other rights basic to the making of a defense, entered the new state constitutions in wholesale fashion."* Is Martel suggesting that these rights sprang out of thin air? Perhaps he believes the Supreme Court was simply pointing out an amusing coincidence – that all of a sudden every state wrote constitutions based on identical principles – sometime during the *period of the American Revolution!* A double coincidence is that this took place *after the Declaration*, which just so happened to define the *unalienable right of self-representation*, *and other rights basic to justifying our defense!* But according to Martel, the citation is *not even remotely implied* to be the source of the constitutional rights adopted by "the new states *in wholesale fashion*!"

Martel himself admits that his next three examples *"quote specific grievances listed in the Declaration as…issues* ***relevant to the constitutional question in each case****."* Thanks. That was my point. Even though Martel thinks this is evidence that my integrity is compromised, I'll be charitable to him. Since neither he nor I are constitutional scholars, and since some of the cases are slightly less obvious than his blunders above, I forwarded my article and Martel's response to Dr. John Eidsmoe, the author of those references, for comment. Here's what Dr. Eidsmoe, constitutional scholar and professor of law, had to say:

> *"Your [Chapman's] article is a sound statement of the role of the Declaration…. The Declaration stated the fundamental principles upon which this nation is based; the Constitution establishes the practical means of securing and preserving these principles. In each of the cases Martel refers to, the Declaration is cited, not just as history, but as authoritative evidence that the right referred to therein is in fact a fundamental right recognized by this nation from its inception. You [Chapman] have not misstated them in any way."* (Emphasis enjoyably added.)

Dr. Eidsmoe offered further verifiable evidence. For example, even the "liberal" Supreme Court Justice William O. Douglas, in McGowan v. Maryland, 166 U.S. 420 (1961), stated:

> *"The institutions of our society are founded on the belief that there is an authority higher than the authority of the State; that there is a moral law which the State is powerless to alter; that the individual possesses rights, conferred by the Creator; which government must respect. The Declaration stated the now familiar theme: 'We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.' And the body of the Constitution as well as the Bill of Rights enshrined those principles."*

Dr. Robert C. Cannada, in his book, America's Rule of Law (National Lawyers Association Foundation, Kansas City, MO, 2001, p. 60-61), explains the context for John Quincy Adams Discourse Delivered at the Jubilee of the Constitution celebration on April 30, 1839, which I cite in my article. (By the way, I own the original copy of JQA's speech.) Cannada explains:

> *"This act (the Constitution) was the complement to the Declaration of Independence; founded upon the same principles, carrying them out into practical execution, and formulating with it, one entire system of government. …The Declaration and Constitution are part of one consistent whole, founded upon one and the same theory of government…"*

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Perhaps this explains why The Declaration of Independence is always included in government printed manuals containing “the Fundamental and Organic Laws of the United States of America.”

It is helpful to remember that Lincoln, in his Gettysburg Address, spoke of a new nation created “four score and 7 years ago” – pointing back to 1776, not 1787. We do, by the way, celebrate the nation’s birthday on July 4th for a reason. Lincoln appealed to the timeless and unalienable God-given rights of mankind to justify the civil war and sign the emancipation proclamation.

Throughout American history, as was the case *during the period of the American Revolution*, those principles were called upon to justify the citizen’s right to overturn a faulty application of government (including judicial) power.

Overturning the Supreme Court’s Dred Scott decision and furthering the civil rights causes of Dr. Martin Luther King Jr. were only possible with an appeal to those higher principles as stated in the Declaration of Independence.

If Martel disagrees with these fundamental American principles, that is his prerogative. But as a high school history teacher, he ought to at least acknowledge and teach that our founders held these views. Which brings me back to the original purpose of my paper: An argument that those principles which define America are clearly stated in the Declaration of Independence and, therefore, ought to be an important part of educating our future citizens, voters, and representatives.

The question Martel needs to answer is, why does he think it is an “historical error” to teach the Declaration of Independence as “a founding document that outlines our rights.” I’m curious as to why Martel refuses to answer that question directly. Could it be that Martel *knows* he holds a radical position – that is out of the mainstream?

Martel has referred to me as an “alarmist.” He is correct on that count. I am *alarmed* that an 11th grade history teacher from Washington D.C. would advocate the removal of an important part of America’s founding ideals from the education standards in Minnesota. Censoring the Declaration principles from the knowledge of our future citizens poses a clear and present danger that is most certainly an Assault Upon America.

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