



## ASSAULT ON AMERICA

### Undermining the Principles of the Declaration of Independence

By Michael J. Chapman

*“Natural rights and natural liberties exist only in the kingdom of mythological social zoology.”<sup>1</sup>*

-John Dewey, 1935

The debate over Minnesota’s Social Studies standards is a continuation of the battle between those who seek to preserve America by passing on America’s Founding principles contained in the Declaration of Independence, and those who believe it’s time to move on.

The Declaration principles include: National Sovereignty; Natural Law; Self-Evident Truths; Equality before God; Creator-Given Unalienable Rights (including life, liberty, and property); Limited Government whose primary purpose is to secure those rights; and Government by the Consent of the Governed. Unfortunately, there are many people in education and government who do not believe in these principles and so wish to exclude them from the new social studies standards in Minnesota.

For example, Senator Steve Kelley – Chairman of the Education Committee, said that: *“The Declaration of Independence has no legal status in defining people’s rights and privileges.”<sup>2</sup>* However, the Declaration of Independence is repeatedly cited by the U.S. Supreme Court as part of the fundamental law of the United States of America.<sup>3</sup> Thankfully, the citizen committee writing the new standards saw the wisdom of including the Declaration principles in direct opposition to the radical views of Senator Kelley.

The inclusion, however, has sparked debate over the relevance of the Declaration of Independence in founding our nation and defining contemporary America. One such “expert” weighing in was Erich Martel, a social studies teacher from Washington D.C., who writes for the Fordham Foundation and Achieve, Inc. He criticized the standards and called it an *“historical error”* to include the Declaration of Independence among *“America’s founding documents that outline [citizens’] rights...”<sup>4</sup>* This view of Martel is not only wrong, it is a radical position.

America’s founders saw this matter differently than do Kelly and Martel. Constitutional scholar, Harry V. Jaffa, explains:

The principles laid down at the birth of the republic on July 4, 1776, are manifestly what the Founders meant to implement, since Madison himself, the Father of the Constitution, held that the Declaration was *“the fundamental act of union of the States.”* [From: The Writings of James Madison] *That is to say, it was the first lawful instrument by which to illuminate the constitutional principles of the American union.* The implications of the fundamental law of the union are too often ignored by constitutional scholars who, nevertheless, cannot deny that the Declaration is placed at the head of the statutes-at-large of the United States Code, and is described herein as one of the *“organic” [p.5] laws of the United States.*<sup>5</sup> (Emphasis added)

On April 30<sup>th</sup>, 1789, during the celebration of the “Jubilee of the Constitution,” John Quincy Adams explained the vital relationship between the Constitution and the Declaration of Independence by saying:

*“The virtue which had been infused into the Constitution of the United States... was no other than...those abstract principles which had been first proclaimed in the Declaration of Independence – namely, the self-evident truths of the natural and unalienable rights of man...and the sovereignty of the people, always subordinate to a rule of right and wrong, and always responsible to the Supreme Ruler of the universe for the rightful exercise of that sovereign...power. This was the platform upon which the Constitution of the United States had been erected.”<sup>6</sup>* (Emphasis added)

That is, the principles described in the Declaration of Independence form the foundation for the Constitution.

Another indication of this important truth is found in several of the State Enabling Acts, which included the assurance that: “The constitution, when formed,

shall be republican, and not repugnant to the Constitution of the United States *and the principles of the Declaration of Independence.*”<sup>7</sup>

What is the real issue here? There is no question that the founders of our nations saw the Declaration principles as the foundation for both our Constitution in particular and for our nation in general. Why would anyone want to dispute that fact? The reason is because they oppose the principles themselves. They want to remove national sovereignty, self-evident truths, inalienable rights and the like from the standards. These individuals do not subscribe to the fundamental principles of our nation, and they are adamantly opposed to having them taught to our children.

In his criticism of the new standards, Erich Martel described the Declaration of Independence as a “propaganda piece” used simply to gain support for the war. Again, this is in stark contrast to historic truth. On July 4<sup>th</sup>, 1821, John Quincy Adams said:

“The Declaration of Independence proclaimed the first principles on which civil government is founded, and derived from them the justification before Earth and Heaven, of this act of sovereignty.”<sup>8</sup>

In other words, separation from England was justified because the King violated certain principles of a higher authority than civil government. Our founders believed these principles were timeless truths that applied to all people and governments at all times. Sir William Blackstone, writer of the Commentaries on the Laws of England, whom Jefferson quoted in the Declaration of Independence, explained this concept in his definition of “Natural Law.”

“As man depends absolutely upon his Maker for everything, it is necessary that he should in all points conform to his Maker’s will. This will of his Maker is called the Law of Nature. ...This law of nature...dictated by God Himself, is of course superior in obligation to any other. *It is binding over all the globe in all countries, and at all times: no human laws are of any validity, if contrary to this.*”<sup>9</sup> (Emphasis added)

Nevertheless, one of the standards removed during the closed-door writing of the third draft, was a reference to Lincoln’s understanding that the Declaration principles were “universal and applicable to all people at all times.”<sup>10</sup> That concept is now entirely missing from the standards. In stark opposition to the education radicals, this is what

President Abraham Lincoln believed:

“[The Founders] erected a beacon to guide their children, and their children’s children.... They established these great self-evident truths that...their posterity might look up again to the Declaration of Independence and take courage to renew that battle which their fathers began, so that truth and justice and mercy and all the humane and Christian virtues might not be extinguished from the land. ...Come back to the truths that are in the Declaration of Independence.”<sup>11</sup>

Which do you want taught to our children: The radical view of Senator Kelley and Erich Martel, or the pro-America’s founding-principles view of Abraham Lincoln? Merely being true to our history requires that we side with Lincoln.

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<sup>1</sup> Dewey, Liberalism and Social Action, 1935, New York: G.P. Putnam’s Sons, p. 17.

<sup>2</sup> MN Joint Education Committee Meeting audio tape, May, 2003

<sup>3</sup> See Gulf, C&S.F.Ry v. Ellis, 165 U.S. 150 (1897); Butchers’Union Slaughter-House & Live-Stock Landing Co. v. Marathon Pipe Line, 73 L.Ed.2d598,608 (1982); United States v. Will, 449 U.S. 200 (1980); Dames & Moore v. Regan, 453 U.S. 654 (1981); Youngstown Sheet & Tube Company v. Sawyer, 343 U.S. 579 (1952); Nevada v. Hall, 440 U.S. 410, 415 (1979); Parklane Hosiery Company v. Shore, 439 U.S. 322, 340 (1979); Faretta v. California, 422 U.S. 806, 829 (1975); South Carolina v. Katzenback, 383 U.S. 301, 359 (1966); See 16 American Jurisprudence 2d, Constitutional Review Section 14, p. 327, cited in Eidsmoe, Christianity and the Constitution, 1987, Grand Rapids, MI, Baker Books, p. 360

<sup>4</sup> testimony found at MDE website

<sup>5</sup> Jaffa, Original Intent and the Framers of the Constitution: A Disputed Question; inquiry, Western Standard Publishing, 1987 cd.

<sup>6</sup> Adams, “Jubilee of the Constitution”, 1839, New York: Colman Publisher, p. 54.

<sup>7</sup> The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the United States, 1878, Washington Government Printing Office, e.g. Colorado: Part 1, p. 218; Nevada: Part II, p. 1246; Nebraska: Part II, p. 1202.

<sup>8</sup> Adams, An Address Delivered At the request of a Committee of the Citizens of Washington: on the Occasion of Reading The Declaration of Independence, on the 4<sup>th</sup> of July, 1821, 1821, Washington, Davis and Force, p. 26.

<sup>9</sup> Blackstone, Commentaries on the Laws of England, Edited by Jones 1916, San Francisco; Bancroft-Whitney Company, Vol I, p. 56 & 63.

<sup>10</sup> Third Draft release of the Social Studies Standard, February 13, 2004, pg. 15 item lined out.

<sup>11</sup> Abraham Lincoln, The Works of Abraham Lincoln: Speeches and Debates, John Clifford, editor, New York: University Society Inc., 1908, Vol. III, pp. 126-127.