



CHAFFEE COUNTY PATRIOTS_{LTD.}

THREATS TO A CONSTITUTIONAL REPUBLIC

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- HISTORY - AFTER THE DECLARATION OF INDEPENDENCE

The Founding & Development of the Federal Era

Highlighting the Founder's Thoughts through Robert Winthrop (1st Speaker of the US House)

Each Independent State wanted autonomy but developed the Articles of Confederation (1777-1781)

- THE CONSTITUTIONAL CONVENTION – Spring of 1787

Delegates from the States travelled to Philadelphia at Independence Hall (where the Declaration of Independence was signed 11 years earlier) Opened up by George Washington

Each State gave Different “plans” for the Constitution:

Virginia Plan – James Madison

New Jersey Plan – William Paterson

New York Plan – Alexander Hamilton

Connecticut Compromise – Roger Sherman

All major differences were centered around debate over representation of states in the Senate. James Wilson from Philadelphia used Sherman’s compromise and applied those to the selection of the President, resulting in what was called the Electoral College.

The Electoral College gave not just the people but also the states a voice in choosing a president. If they elected the president at that time solely by the national popular vote, the four largest states could have outvoted the other nine, thus giving the smaller states less voice and less protection in the election.

- CONSTITUTIONAL CONVENTION (Con't)

***The Declaration of Independence and the Constitution should be Viewed Side by Side ***

Samuel Adams reminded Americans – “Before the formation of this Constitution...this Declaration of Independence was received and ratified by all the States in the Union and has never been disannulled”

For this reason, the Constitution dates itself to the Declaration, and federal laws passed since 1789 (when the Constitution was ratified and President Washington was inaugurated) likewise date to the Declaration, not the Constitution

- THE CONSTITUTION & SEPARATION OF POWERS

John Adams stated “There is no man so blind as not to see that to talk of founding a government upon a supposition that nations and great bodies of man, left to themselves, will practice a course of self-denial is either to babble like a new-born infant, or to deceive like an unprincipled impostor.” Quoting Jeremiah 17:9 “the heart is deceitful above all things, and desperately wicked”

Based on the principle cited by Adams – the Founders separated the functions of the branches from each other, providing internal checks and balances to limit corrupt officials.

James Madison affirmed this in the Federalist Paper #51 when he wrote: “What is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary... In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed, and in the next place oblige it to control itself.”

- THE CONSTITUTION & THE PREAMBLE

The Preamble, that is, the introduction to the Constitution sets the tone for the document, declaring: (underlines added)

“We the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

(Stated Objectives)

Establish Justice

Insure Domestic Tranquility

Provide for the Common Defense

Promote the General Welfare

Secure the Blessings of liberty

- APPROVING THE CONSTITUTION

The conclusion of the Constitutional Convention was on September 17, 1787.

39 of the 55 Delegates signed the final document. Several delegates refused to sign since they wanted a Bill of Rights to provide specific protections for individual God-given rights.

With the Constitution finished, the time had come for the states to decide whether it would become the nation's governing document. This took months from 1787 to 1788. For the Constitution to become operational, it would take two-thirds of the states (i.e. 9 of the 13 states)

Four of the first five state conventions promptly ratified (Delaware, New Jersey, Georgia and Connecticut). The fifth, Pennsylvania was controversial abstaining unless a Bill of Rights (amendments) was attached to the Constitution. The sixth state, Massachusetts, would agree if a Bill of Rights was attached. The seventh, Maryland ratified, South Carolina was the eighth state. Finally, with anticipation, New Hampshire became the ninth state to ratify with the condition to include a Bill of Rights.

- THE BILL OF RIGHTS (AMENDMENTS TO THE CONSTITUTION)

The Declaration of Independence in 45 words set forth three fundamental principles that guided State and Federal Bill of Rights (underlines added): **“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. That to secure these rights, governments are instituted among men....”**

The Founders in 1776, created various State Bills of Rights. That is why many delegates at the Constitutional Convention insisted on the addition of a Federal Bill or Rights.

God given rights verses governmental given rights.

God given rights per the Founders

Right to Life

Right to Liberty

Right to Property

Right to Self-Defense

Right to Justice

Right to Free Speech

Right to Assemble

Right to Religious Liberty

- THE BILL OF RIGHTS (Con't)

Previously mentioned that the Founder's were divided about having a Bill of Rights or not (saying those rights were implied) However, all Founders finally agreed that a Bill of Rights was necessary due to the "depravity of man"

The States submitted 124 proposed constitutional amendments.

Congressman James Madison compiled a list of 20 amendments for Congress. They rejected some of his amendments, modified wording on others and came up with 12 amendments. Upon reaching agreement to the 12 amendments, Congress unanimously asked President Washington to issue a proclamation calling for a day of prayer and thanksgiving. Washington happily complied stating “*the duty of all nations to acknowledge the Providence of Almighty God, to obey his will, to be grateful for His benefits, and humbly to implore His protection and favor*”

Of the 12 proposed amendments, the states ratified 10 to become our federal Bill of Rights. Summarized Below:

AMENDMENT I

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War, or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due

process of law; nor shall private **property be taken for public use without just compensation.**

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining Witnesses in his favor and to have the assistance of counsel for his defense.

AMENDMENT VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

CONCLUSION

The first 10 amendments to the Constitution, and 2 others that failed to be ratified, were proposed by the Congress on September 25, 1789. Ratification was completed on December 15, 1791.

The Bill of Rights was the capstone of the Constitution. It was built upon the Biblical concept of protecting the rights that God had bestowed upon every individual. As US Supreme Court Chief Justice Earl Warren in 1954 affirmed:

“I believe the entire Bill of Rights came into being because of the knowledge our forefathers had of the Bible and their belief in it: freedom of belief, of expression, of assembly, of petition, the dignity of the individual, the sanctity of the home, equal justice under law, and the reservation of powers to the people...I like to believe we are living today in the spirit of the Christian religion. I also like to believe that as long as we do so, no great harm can come to our country.”

