

BHS 250th Looks at the Founding Documents

The Bennington Historical Society urges the public to review our country's founding documents as we approach the 250th Anniversary of the birth of our Nation. In the third month of its four-year Reading Program, the BHS recommends rereading the Declaration of Independence, the U.S. Constitution and the Bill of Rights and the book *How To Read The Constitution and Why*, by Kim Wehle.

In 1776, the colonies declared independence from England. It took 12 years to agree to the constitution that we still honor today. Thereafter, the "Bill of Rights", the first 10 amendments to the Constitution, was adopted. This process was lengthy and complex.

The Founding Fathers created a Nation organized by and for the people, rejecting models based on a political aristocracy. In so doing, they benefited from the philosophers of the Age of Enlightenment, like John Locke, Adam Smith, and Voltaire. It was Locke who said, "Revolt is the right of the people." Smith touted free enterprise in *The Wealth of Nations*. And Voltaire wrote, "Those who can make you believe absurdities, can make you commit atrocities." In America, Thomas Paine and Thomas Jefferson picked up their pens and continued the quest for Enlightenment.

At the same time, the Protestant Reformation rejected a religious hierarchy and emphasized the organization of the church at the local, congregational level. The Puritan Migration from Boston in 1630, across New England in the mid-1700s further placed community leadership into the hands of the people.

Tensions between England and American from 1620 to 1770 led to the "Seeds of Discontent" erupting into full blown War. Tensions both among the indigenous tribes and between the European and indigenous people, drove the Founders to the need for a different approach. Paine wrote "We fight not to enslave, but to set a country free".

Men from the economically and socially diverse colonies gathered in Philadelphia in the Continental Congresses where they debated, negotiated, and eventually compromised their way to a republican form of government, while protecting individual rights.

The result was a Declaration of Independence that recognized certain "unalienable rights" which were heaven sent and that superseded human forms of hierarchy, i.e., life, liberty, and the pursuit of happiness". These rights were the basis of the American Dream and the freedoms that we cherish.

The Declaration goes on to say

"That in order to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed..." and echoing Locke,

"that whenever any form of government becomes destructive to these ends, it is the right of the people to alter or abolish it and to institute new government...."

The Articles of Confederation were proposed in 1777 as the first attempt to create the rules for governing the new nation, based on "the consent of the governed." But the Articles were ineffective, and a stronger Constitution was written in 1787. It remains the oldest written constitution in use. Its first three words of the U.S Constitution —"We the People"— affirms that the power is derived from "the consent of the governed."

The Legislature is the first of three branches of government created, which again suggests the power of the legislators is based in its election by the people. The Congress controls spending, i.e., appropriations. Congress has the powers to provide for the common Defense and General Welfare, lay and collect taxes, to borrow money on the credit of the United States, to regulate commerce with foreign Nations and among the States, and to declare War. The Senate has the sole power to try all impeachments.

The Executive powers are vested in the President who is primarily responsible for faithfully executing the laws of the U.S. The President is also the Commander in Chief of the Army and Navy and is empowered to make Treaties provided that two-thirds of the Senate present concurs. The President's power to implement an agenda and a budget is derived from his use of the "bully pulpit" to persuade legislators and voters. Thus, the President may prepare and present a budget annually, but it must be submitted to Congress for approval. And the President must report at least once a year to Congress on the State of the Union. Moreover, the President is subject to impeachment by Congress.

The Judicial power of the United States is invested in a Supreme Court and such inferior courts as Congress may establish. Appointments to the courts are made by the President, subject to the approval of Congress. The jurisdiction of the Courts shall extend to all cases arising under the Constitution and the laws of the United States, as well as controversies between the citizens of different States. The early case of Marbury v. Madison held that the federal courts have the power to review the actions of both Congress and the President to determine whether they comply with the Constitution.

The first ten amendments to the Constitution are grouped under the label "The Bill of Rights". The purpose is to protect specific rights on behalf of individual citizens, e.g., religion, speech, press, and peaceful assembly. Less known perhaps but more important, the 10th Amendment declares that "any power not delegated to the United States by the Constitution is reserved to the States respectively or to the people."

The ability to amend the Constitution gives the people the flexibility to adjust. The fact that over 10,000 amendments have been proposed but only 27 have been ratified, suggests that the document has proven itself by the test of time.

Wehle goes on to ask “Why it matters how politicians get hired and fired!” and “What if the Constitution stops functioning?”

Rereading these important documents may raise additional questions in today’s world. For more information on the BHS Book-of-the-Month program, see the Bennington Museum’s website, under the tab for Programming and Events.