

THE JUBILEE OF THE CONSTITUTION

by John Quincy Adams

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In his 1839 discourse entitled, **The Jubilee of the Constitution**, John Quincy Adams, sixth U.S. President, stated:

“...Resistance, instantaneous, unconcerted, sympathetic, inflexible resistance like an electric shock startled and roused the people of all English colonies on this Continent. This was the first signal of **the North American Union**. The struggle was for the chartered rights - for English liberties - for the cause of Algernon Sidney and John Hambden - for trial by jury - the Habeas Corpus and Magna Charta.

But the English lawyers had decided that parliament was omnipotent, and Parliament in their omnipotence, instead of trial by jury and the Habeas Corpus, enacted admiralty courts in England to try Americans for offences charged against them as committed in America - instead of the privileges of Magna Charta, nullified the Charter itself of Massachusetts Bay, shut up the port of Boston; sent armies and navies to keep the peace, and teach the colonies that John Hambden was a rebel, and Algernon Sidney a traitor. English liberties had failed them. From the omnipotence of Parliament, the colonists appealed to the rights of man and **the omnipotence of the God of battles**. Union! Union! Was the instinctive and simultaneous cry throughout the land. Their Congress assembled at Philadelphia, once - twice had petitioned the king; had remonstrated to Parliament; had addressed the people of Britain, for rights of Englishmen - in vain. Fleets and armies, the blood of Lexington, and the fires of Charlestown and Falmouth, had been the answer to petition, remonstrance and address.

Independence was declared. The colonies were transformed into states. Their inhabitants were proclaimed one people, renouncing all allegiance to the British Crown, all co-patriotism with the British nation; all claims to chartered rights as Englishmen. Thenceforth their charter was the Declaration of Independence. Their rights, the natural rights of mankind. Their government, such as should be instituted by themselves, under the solemn mutual pledges of perpetual union, founded on the self-evident truths proclaimed in the Declaration. **The Declaration of Independence** was issued, in the excruciating agonies of a civil war, and by that war independence was to be maintained. Six long years it raged with unabated fury, and the Union was yet no more than a mutual pledge of faith, and a mutual participation of common sufferings and common dan-

The omnipotence of the British Parliament was vanquished. The Independence of the United States of America was not granted, but recognized. The nation had “assumed among the powers of the earth, the separate and equal station, to which **the laws of nature and nature’s God**, entitled it,” - but the one, united people had yet **NO GOVERNMENT**...

In these events there had been much controversy upon the platform of English liberties - upon the customs of the ancient Britons; the laws of Alfred, the Witena gamote of the Anglo-Saxons, and **the Great Charter of Runnymede** with all its numberless confirmations. But the actors of those times had never ascended to the first foundation of civil society among men, nor had any revolutionary system of government been restored upon them. The motive for **the Declaration of Independence** was on its face avowed to be “a decent respect for the opinions of mankind.” Its purpose to declare the causes which impelled the people of the English Colonies on the Continent of North America to separate themselves from the political community of the British Nation.

They declare only the causes of their separation, but they announce at the same time their assumption of the separate and equal station to which **the laws of nature and nature’s God** entitle them, among the powers of the earth. Thus their first movement is to recognize and appeal to the laws of nature and to nature’s God, for their right to assume the attributes of sovereign power as an independent nation.

The causes of their necessary separation, for they begin and end by declaring it necessary, alleged in the Declaration are all founded on the same laws of nature, and nature’s God - and hence as preliminary to the enumeration of the causes of separation, they set forth as self-evident truths, the rights of individual man, by the laws of nature and nature’s God, to life, to liberty, to the pursuit of happiness. That all men are created equal. That to secure the rights of life, liberty and the pursuit of happiness, governments are instituted among men, deriving their just powers from the consent of the governed. All this, is by **the laws of nature and of nature’s God**, and of course presupposes the existence of a God, the moral ruler of all institutions of human society and of government. It avers, also, that governments are instituted to secure these rights of nature and of nature’s God, and that whenever any form of government becomes destructive of those ends, it is the right of **THE PEOPLE** to alter, or to abolish it,



EDUCATION

The Education Stained-glass Window. Abraham Lincoln’s Church, Washington, D.C. In the center, the rays of a candle placed upon the Holy Bible, emanate throughout every segment of American society - the Bible being virtually the only textbook in early America. The little red school house and a log cabin school are seen beneath the Holy Bible. To the right is a colonial hornbook.

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abolish it, and to institute a new government – to throw off a government degenerating into despotism, and to provide new guards for their future security. They proceed then to say that such was then the situation of the colonies, and such the necessity which constrained them to alter their former systems of government.

Then follows the enumeration of the acts of tyranny by which the king, parliament, and the people of Great Britain, had perverted the powers to the destruction of the ends of government, over the colonies, and the consequent necessity constraining the Colonies to the separation.

In conclusion, **the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world** for the rectitude of their intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these United Colonies, are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown; and that all political connection between them and the States of Great Britain, is, and ought to be totally dissolved; and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. The appeal to **the Supreme Judge of the world**, and the rule of right and wrong as paramount events to the power of independent States, are here again repeated in the very act of constituting a new sovereign community.

It is not immaterial to remark, that the signers of **the Declaration**, though qualifying themselves as the Representatives of the United States of America, in General Congress assembled, yet issue the Declaration, in the name and by the authority of the good people of the Colonies - and that they declare, not each of the separate Colonies, but the united Colonies, free and independent States. The whole people declared the Colonies in their united condition, of RIGHT, free and independent States.

The dissolution of allegiance to the British Crown, the severance of the Colonies from the British Empire, and their actual existence as Independent States, thus declared of right, were definitively established in fact, by war and peace. The independence of each separate State had never been declared of right. It never existed in fact. Upon the principles of **the Declaration of Independence**, the dissolution of the ties of allegiance, the assumption of sovereign power, and the institution of civil government are all acts of transcendent authority, which the people alone are competent to perform – and accordingly, it is in the name and by the authority of the people, that two of these acts – the dissolution of allegiance, with the severance from the British Empire, and the declaration of the United Colonies, as free and independent states, were performed by that instrument.

But there still remained the last and crowning act, which the people of the Union, alone were competent to perform – the institution of civil government, for the compound nation, the United States of America...

That Committee reported on the 12th of July, eight days after **the Declaration of Independence** had been issued, a draught of Articles of Confederation between the Colonies. This draught was prepared by John Dickinson, then a delegate from Pennsylvania, who voted against the Declaration of Independence, and never signed it - having been superseded by a new election of delegates from that State, eight days after his draught was reported.

There was thus no congeniality of principle between **the Declaration of Independence** and the **Articles of Confederation**. The foundation of the former were **a superintending Providence** – the rights of man, and the Constituent Revolutionary power of the people. That of the latter was the sovereignty of organized power, and the independence of the separate or disunited States. The fabric of the Declaration and that of the Confederation, were each consistent with its own foundation, but they could not form one consistent symmetrical edifice. They were the productions of different minds and of adverse passions – one, ascending for the foundation of human government to **the laws of nature and of God, written upon the heart of man** – the other, resting upon the basis of human institutions, and prescriptive law and colonial charters. The cornerstone of the one was right - that of the other was power.

The work of the founders of our **Independence** was thus but half done. Absorbed in that more than Herculean task of maintaining that independence and its principles, by one of the most cruel wars that ever glutted the furies with human woe, they marched undaunted and steadfast through the fiery ordeal, and consistent in their principles to the end, concluded, as an acknowledged sovereignty of the United States, proclaimed by their people in 1776, a peace with their same monarch, whose sovereignty over them they had abjured in obedience to **the laws of nature and nature's God**. But for their United States, they had formed no Constitution. Instead of resorting to the source of all constituted power, they had wasted their time, their talents, and their persevering, untiring toils, in erecting and roofing and buttressing a frail and temporary shed to shelter the nation from the storm, or rather a more baseless scaffolding on which to stand, when they should raise the marble palace of the people, to stand the test of time.

Five years were consumed by Congress and the State legislatures, in debating and altercation and adjusting the Articles of Confederation. The first of which was: Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

Observe the departure from the language, and the consequent contrast of principles, with those of the Declaration of Independence. Each State **RETAINS** its sovereignty, &c.- where did each State get the sovereignty which it retains?

In **the Declaration of Independence**, the delegates of the Colonies in Congress assembled, in the name and by the authority of the good people of the Colonies, declare, not each

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Colony, but the united Colonies, in fact, and of right, not sovereign, but free and independent States. And why did they make this declaration in the name and by the authority of the one people of all the Colonies? Because by the principles before laid down in **the Declaration**, the people, and the people alone, as the rightful source of all legitimate government, were competent to dissolve the bands of subjection of all the Colonies to the nation of Great Britain, and to constitute them free and independent States. Now the people of the Colonies, speaking by their delegates in Congress, had not declared each Colony a sovereign, free and independent State - nor had the people of each Colony so declared the Colony itself, now could they so declare it, because each was already bound in union with all the rest; a union formed de facto, by the spontaneous revolutionary movement of the whole people, and organized by the meeting of the first Congress, in 1774, a year and ten months before the Declaration of Independence.

Where, then, did each State get the sovereignty, freedom and independence, which **the Articles of Confederation** declare it retains? Not from the whole people of the whole nation - not from the Declaration of Independence - not from the people of the State itself. It was assumed by agreement between the legislatures of the several States, and their delegates in Congress, without authority from or consultation of the people at all.

In **the Declaration of Independence**, the enacting and constituent party dispensing and delegating sovereign power, is the whole people of the United Colonies. The recipient party, invested with power, is the United Colonies, declared United States.

In the Articles of Confederation, this order of agency is unmerited. Each State is the constituent and enacting party, and the United States in Congress assembled, the recipient of delegated power - and that power, delegated with such a penurious and carking hand, that it had more the aspect of a revocation of **the Declaration of Independence** than an instrument to carry it into effect. It well deserves the judicious inquiry of an American statesman, at this time, how this involuntary and unconscious usurpation upon the rights of the people of the United States, originated and was pursued to its consummation.

In July, 1775, soon after the meeting of **the Second Revolutionary Congress**, and a year before the Declaration of Independence, **Dr. Franklin** had submitted to their consideration, a sketch of **the Articles of Confederation** between the Colonies, to continue until their reconciliation with Great Britain, and in failure of that event, to be perpetual.

The third article of that project provided "that each Colony shall enjoy and retain as much as it may think fit, of its own present laws, customs, rights, privileges, and peculiar jurisdictions within its own limits; and may amend its own constitution, as shall seem best to its own assembly or convention." Here was and could be no assertion of sovereignty...

Washington, though in retirement, was brooding over the cruel injustice suffered by his associates in arms, the warriors of the Revolution; over the prostration of the public credit and the faith of the nation, in the neglect to provide for the payment even of the interest upon the public debt; over the disappointed hopes of the friends of freedom; in the address from Congress to the States of the 18th of April, 1783 - "the pride and boast of America, that the rights for which she contended were the rights of human nature."

At his residence of Mount Vernon, in March, 1785, the first idea was started of a revisal of **the Articles of Confederation**, by an organization of means differing from that of a compact between the State Legislatures and their own delegates in Congress. A Convention of delegates from the State Legislatures, independent of Congress itself, was the expedient which presented itself for effecting the purpose, and an augmentation of the powers of Congress from the regulation of commerce, as the object for which this assembly was to be convened.

In January, 1786, the proposal was made and adopted in the Legislature of Virginia, and communicated to the other State Legislatures. The Convention was held at Annapolis, in September of that year. It was attended by the delegates from only five of the central States, who, on comparing their restricted powers, with the glaring and universally acknowledged defects of the Confederation, reported only a recommendation for the assemblage of another Convention of delegates to meet in Philadelphia, in May, 1787, from all the States and with enlarged powers.

The Constitution of the United States was the work of this Convention. But in its construction the Convention immediately perceived that they must retrace their steps, and fall back from a league of friendship between the sovereign States, to the constituent sovereignty of the people; from power to right - from the irresponsible despotism of the State sovereignty, to **the self-evident truths of the Declaration of Independence**. In that instrument, the right to institute and alter governments among men was ascribed exclusively to the people - the ends of government were declared to be to secure the natural rights of man; and that when the government degenerates from the promotion to the destruction of that end, the right and the duty accrues to the people, to dissolve this degenerate government and to institute another...*

A Constitution for the people, and the distribution of the legislative, executive and judicial powers was prepared. It announced itself as the work of the people themselves;..." (Excerpted from, *The Christian Heritage of the 50 United States of America*, copyright © 2000 by Catherine Millard).

*Editor's Note:

According to brilliant statesman, **John Quincy Adams**, 6th U.S. President, "...when the government degenerates from the promotion to the destruction of that end (to secure the natural rights of man), the right and duty accrues to the people, to dissolve this degenerate government and to institute another..." It behooves every American to take to heart this profound statement at the crossroads of history in which this nation finds itself today. The U.S. Constitution, together with each of the 50 States' Constitutions commence thus: "**We, the People....**" not, "**We the Government...**"