

The Breakfast Club

Constitutional Minute for 15 November 2022

What is a Constitution and Why Do We Have One? Part 2

I was invited to deliver the annual “One Nation Under God” address to the combined Peninsula Exchange Clubs this past Saturday. It was quite an honor to be asked, and I enjoyed the research that went into preparing my remarks. (remarks I’ll be glad to share with anyone is interested, just ask). In my research into the history of the Pledge to the American Flag and an assessment of whether we were or still are a Christian Nation, I happened upon this quotation from that great American “theologian,” Carl Sandburg, who once wrote: *“When a nation goes down, or a society perishes, one condition may always be found; they forgot where they came from. They lost sight of what had brought them along.”*

I don’t usually go looking for pithy quotes from Carl Sandburg, but when I stumbled upon that one, it really struck me as quite true. The quote is similar in a way to the more familiar: *“Those who forget the past are doomed to repeat it,”* which is a slight modification of the original quote by American philosopher George Santayana: *“Those who cannot remember the past are condemned to repeat it.”*ⁱ

We all know it is embarrassingly true that Americans for the most part ignore history in general, and their own country’s history in particular. We memorized enough to pass our tests in school and then promptly shunted it aside to make room for “more important” information, like the batting averages of all the players on our favorite baseball team. I’m not saying that memorizing the batting averages of all the players on your favorite baseball team is not important, but let’s put things in perspective.

Last week I introduced you to the idea that the concept of a *written* constitution found its basis in the written church covenants the early colonists brought with them from England and which they continued to rely upon in forming their congregations in the New World. But we’ve skipped a step if we think that Church Covenants led directly to the U.S. Constitution. We’ve missed the important influence of the state constitutions.

In September 1775, (five months after Lexington and Concord) the state of New Hampshire asked the Second Continental Congress if it would be advisable to enact a new constitution of government for their state, their Royal Governor and much of the legislature having fled the state for England. Congress encouraged them to *“establish such a form of government as would best promote the happiness of the people,”* which New Hampshire proceeded to do, approving it on January 5th 1776.

Seeing New Hampshire’s action, South Carolina did the same on March 29th, 1776. On May 4th, Rhode Island unilaterally declared independence from Great Britain and two days later, Virginia began a convention in Williamsburg to draft their new constitution, which they approved on

June 29th. New Jersey approved their new constitution on July 2nd, 1776, the same day that Richard Henry Lee's resolution for "independency" passed in the Congress. Two days later, when Mr. Jefferson's Declaration of Independence was approved, five states had already severed relations with Great Britain by enacting new constitutions or unilaterally declaring their independence.

Delaware put a new constitution into effect on September 21st; Pennsylvania on September 28th; Maryland on November 8th; and North Carolina on December 8th. By the end of 1776 there were eight states operating under new written constitutions. Georgia adopted her first constitution on February 5, 1777, and New York on April 20th. Massachusetts dug their heels a bit and didn't approve their new constitution until 1780. What about Connecticut? Connecticut decided their Royal Charter would serve them well after substituting the words "the people" for "the King." Rhode Island did the same.

The preamble to Massachusetts's new constitution, drafted by none other than John Adams himself, ties us back to the idea of "Constitution as Covenant" I introduced two weeks ago:

"The end of the institution, maintenance and administration of government, is to secure the existence of the body-politic; to protect it; and to furnish the individuals who compose it, with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life: And whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

*The body-politic is formed by a voluntary association of individuals: It is a social compact, by which the whole people **covenants** with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a Constitution of Government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them.*

*We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the Great Legislator of the Universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit, and **solemn compact** with each other; and of forming a new Constitution of Civil Government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, DO agree upon, ordain and establish, the following Declaration of Rights, and Frame of Government, as the **CONSTITUTION** of the **COMMONWEALTH** of MASSACHUSETTS. (emphasis added)*

Prepared by: Gary R. Porter, Executive Director, Constitution Leadership Initiative, Inc. for The Breakfast Club.
Contact: gary@constitutionleadership.org; 757-817-1216

p.s. Don't forget to sign up for the Virginia Constitution seminar on 10 December in Newport News.

ⁱ As stated in his work, *The Life of Reason: Introduction and Reason in Common Sense*, published in five books from 1905 to 1906.