

The Breakfast Club

Constitutional Minute for 4 July 2025

The Lessons of the Declaration

The Declaration of Independence is rightfully celebrated as one of the greatest expositions on the principles of liberty in the history of mankind. Thomas Jefferson typically gets singular credit, but the completed essay was actually the effort of much of the Continental Congress. Jefferson complained of the “mangling” of his work (such as the deletion of his section denouncing the slave trade), but most today agree that the edits improved the draft. I will offer one exception to that sentiment. I find Jefferson’s original words: “We hold these truths to be *sacred and undeniable*,” to be a more powerful and eloquent statement than the final “*self-evident*” truths (probably word-smithed by Ben Franklin).

The Declaration is most often valued for the action it performed – separating the colonies from Great Britain – than for the immense wisdom it captured, and continues to capture; wisdom that can be used today if we will but seek it out. On July 4th of each year it is not unusual to find the local selected narrator reading the opening paragraphs of the document and then jumping to the exciting concluding paragraph, skipping the middle section with its “boring” and enigmatic detail. But studying this section will help you understand the U.S. Constitution.

Let’s take a peak:

Few people today notice that, read properly, the Declaration is actually an enunciation of America’s unwritten Constitution of 1776. America had a Constitution in 1776? Yes, in a very real way we did; and the violation of that Constitution was Jefferson’s chief reason for including all the “complaints” we find in the middle of the document. Consider Jefferson’s own words: “He (the King) has combined with others (the Parliament) to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation.” “Foreign to our Constitution?” What Constitution? Weren’t the Articles of Confederation America’s first Constitution?

Consider this: Black’s Law Dictionary definition of Constitution says: “The organic and fundamental law of a nation or state, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organizing the government, and regulating, distributing, and limiting the functions of its different departments, and prescribing the extent and manner of the exercise of sovereign powers.” (emphasis added)

A Constitution need not be written; Britain to this day is generally considered to have an “unwritten” Constitution – unwritten in the sense that it is found in many documents and

customs, not a single document like our own. Jefferson clearly believed the American colonies had a Constitution and the King's and Parliament's actions had done it great violence. Those actions comprised a "long train of abuses and usurpations" and the "train" of abuses seemed to be pursuing the "same Object:" i.e., reducing the governance of the colonies to "absolute Despotism."

If we can agree with Jefferson that the twenty-seven or so complaints he lists are at least examples of "bad government" if not despotic government, it follows that if we reverse each complaint, we should discover an example of good government. And if our present Constitution is as good as we say it is, we should expect to find at least some of these "good government" examples built in to it.

For example, King George had to give his assent for a bill passed by Parliament to become law. The same policy extended to laws passed by the colonial legislatures. Yet Jefferson's very first complaint says: "He has refused his Assent to [our proposed] Laws, the most wholesome and necessary for the public good." The King was refusing to even consider some colonial legislation, let alone approve it and had thus become an obstacle to good governance. The policy requiring the King's assent was an example of bad government. How did the drafters of our Constitution fix this? When Congress passes a bill, the President has ten days to veto it or it becomes law with or without his signature. The President does not have to give his "assent," he can only take action to prevent a bill from automatically becoming law (unless presented to him in the last ten days of a session, in which case the bill can be "pocketed" without a veto).

Another example: one of the pieces of "pretended legislation" required "transporting us beyond the Seas to be tried for pretended offences." The King was ordering trials to be conducted in England. If you wanted witnesses in your favor you had to pay their way to England, which few could afford, so you went without and took your chances. Our Constitution's remedy: Article 3, Section 2, Clause 3 requires jury trials to be held in the State where the crime was committed.

A final example: "[The King] ... dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people." Under our Constitution the President has no power to "dissolve" or even adjourn Congress unless the two houses are unable to agree on a time for adjournment (Article 2, Section 3)

Studied this way, when you add in the principles enunciated in the beginning of the document, the Declaration provides us with more than twenty principles of good government. Consider these:

The Executive (and the government as a whole) must not become tyrannical and the President must not be able to dissolve Representative bodies unilaterally.

The Legislature's laws must be implemented or vetoed; they cannot be ignored. Legislative bodies must have the latitude to set their own agenda and rules, free from constraint or influence from the Executive. The power to legislate is permanent and devolves to the people when suspended. Rules for immigration and naturalization fall under the purview of the Legislature, not the Executive.

Government should always have judicial branch (unlike the Articles of Confederation government). Judges should be independent and act free from influence by the Executive. Their salaries should not be set by the Executive. Military law should be subservient to civil law. Infractions by the military should be punishable in civil court.

The people have the following rights: a right to be secure in their life, liberty and their pursuit of happiness (or property); the right of representation in government; the right of habeas corpus and local trial; the right of petition for redress of grievances; the right to be taxed only by consent and the right to consent to quartering troops in their homes. The people also have an obligation to make their objections known and they have both the right and the duty to throw off oppressive government.

All these are lessons we can learn from the Declaration, rightly understood, and most of these lessons were applied as the Constitution was drafted.

Some of these rights are inalienable, a free gift of God, some are a product of civil government (and thus alienable), created by statute law. How do you determine which rights are which? That's where natural law comes in. America's Founders were deeply steeped in natural law; they knew God created natural laws to assist mankind in rightly ordering society, and that natural laws begat natural rights. Natural law was discernible through reason, but, as Sir William Blackstone so fitly put it: "[D]ivine providence... in compassion to the frailty, the imperfection, and the blindness of human reason, hath been pleased, at sundry times and in diverse manners, to discover and enforce its laws by an immediate and direct revelation. The doctrines thus delivered we call the revealed or divine law, and they are to be found only in the holy scriptures."¹ In case reason fails us, God has revealed certain precepts of natural law in scripture.

The Declaration of Independence, along with the Articles of Confederation, Northwest Ordinance of 1787, and the Constitution, have been declared by Congress to represent our "Organic Law," and since Organic Law, says Mr. Black,² is "the fundamental law, or constitution, of a state or nation, written or unwritten; that law or system of laws or principles which defines and establishes the organization of its government." and since the U.S. Supreme Court has held that the Declaration and Constitution are to be interpreted together — the Constitution being the "body and letter" of our government while the Declaration forms the "thought and spirit"

of that government³ — it behooves us to know the lessons of the Declaration as well as the contents of the Constitution. Thank you, Mr. Jefferson.

For further reading:

- [Defending the Declaration](#), by Gary Amos, 1989. Note: I highly recommend this book. It ably refutes the “secularization” of Jefferson’s Declaration claimed by most modern writers.
- [American Scripture: Making the Declaration of Independence](#), by Pauline Maier, 1998. The best rendition of the events surrounding the creation of the Declaration.
- [A Transaction of Free Men, The Birth and Course of the Declaration of Independence](#), by David Freeman Hawke, 1964/1989.
- [Declaration, The Nine Tumultuous Weeks When America Became Independent](#), by William Hogeland, 2011.
- [Lives of the Signers of the Declaration of Independence](#), by Benson John Loosing, Originally published in 1848, Reprinted many times since, lastly in 2017. A classic, thankfully reprinted. If you want to view an 1858 copy, plan a visit to the Foundation for American Christian Education library.

Have a wonderful 4th of July and, if you have time, enjoy [this essay](#) about this magnificent document by Rod Martin. You should also consider subscribing to his Substack.

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

Previous Constitutional Minutes can be accessed [here](#).

¹ William Blackstone, Commentaries on the Laws of England, Book 1, Chapter 2.

² Black’s Law Dictionary, 4th Edition.

³ *GULF, C. & S. F. R. CO. v. ELLIS*, 165 U.S. 150 (1897) - See more at: <http://caselaw.findlaw.com/court/us-supreme-court/years/1897#sthash.xcTmZSUg.dpuf>.