

A Principle of The Traditional American Philosophy

5. Limited Government

Governments derive "their just powers from the consent of the governed" - ([Declaration of Independence](#))

The Principle

1. The traditional American philosophy teaches that government must be limited in power if Individual Liberty is to be safeguarded, if each Individual's God-given, unalienable rights are to be made and kept enduringly secure.

"Just Powers" Defined

2. This philosophy asserts that the self-governing people allow any government they may organize to possess, by grant from them, only the limited and few powers with which the people think the particular government may sensibly be entrusted in order to serve their purposes without endangering their rights--their liberties or freedoms. These powers constitute the "just powers" of government, as the Declaration of Independence phrases it. This is in keeping with the primary purpose for which the people organize governments: to make and keep these unalienable rights secure and most beneficial to themselves and to Posterity--time without end.

"Limited" - a Key Word

3. "Limited government" is a key term in the American philosophy. Its great significance is indicated by describing the purpose of limiting government's power in these words: Limited for Liberty. This summarizes what is meant by the statement in the Declaration of Independence about governments being limited in power "to secure these rights"--to make and keep them ever secure. "Limited" means limited by a written Constitution adopted by the sovereign people as their basic law--never changing in its meaning, as originally intended by The Framers and Adopters, except

subject to change by the people only by amendments at any time and to any extent they may see fit. All governments in America are thus limited by written Constitutions--by the [United States Constitution](#) as the "supreme Law of the Land" and, as to each State government, by that States' Constitution. (Note again [Par. 4 of Principle 3](#), regarding the first eight, or Bill of Rights, amendments being intended to apply against the Federal government only.)

Limited Powers, Duties, Responsibilities and Limited Threat to Liberty

4. The few and limited powers of the United States government are enumerated and defined in the people's fundamental law--the Constitution, as amended. This is the basis of Rule-by-Law (basically the people's fundamental law, the Constitution) in contrast to Rule-by-Man. The limited quantity of its powers means it is limited in potential threat to the people's liberties. These "just powers," being few and limited, automatically define the limits of the duties which the people assign to this government. It can have no duties, no responsibilities, other than those consistent with the limits of the powers granted to it by the people in the Constitution, as amended, It is equally as violative of the Constitution for government to assume duties--to pretend to have responsibilities--as it is to grasp powers, beyond these prescribed limits.

Division of Powers and Checks and Balances

5. As a further safeguard for the people's rights, The Framers and Ratifiers of the Constitution provided for division of powers not only between the Federal and State governments but also within the Federal government between its three, separate Branches and, further, specified various checks and balances among these Branches, to help prevent either usurpation of power (grasping unauthorized power) or misuse of the limited quantity of power granted to it by the people: as explained, for instance, by Madison in *The Federalist* [number](#)

[51](#). Each of the Branches was designed to help restrain the other Branches from any violation of the Constitution. The admonition on this topic expressed in Washington's [Farewell Address](#) reflected the conviction of all of The Founders.

"It is important, likewise, that the habits of thinking in a free Country should inspire caution in those entrusted with its administration, to confine themselves within their respective Constitutional spheres; avoiding in the exercise of the Powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create whatever the form of government, a real despotism. The necessity of reciprocal checks in the exercise of political power; by dividing and distributing it into different depositories, and constituting each the Guardian of the Public Weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them."--George Washington ([Farewell Address](#); Emphasis added)

The Compound Republic

6. The limitation of government's power, by a written Constitution adopted by the people (by the electorate), is the main distinguishing characteristic of a Republic. The correct definition of a Republic is: a constitutionally limited government of the representative type, created by a written Constitution--adopted by the people and changeable (from its original meaning) by them only by its amendment--with its powers divided between three separate Branches: Executive, Legislative and Judicial. Each American government, Federal and State, is a Republic; and such a form of government is expressly guaranteed to each State by the United States Constitution. ([Article IV, Section 4](#).) This makes the American system a combination, or federation , of Republics--a

compound Republic as noted in *The Federalist* [number 51](#) by Madison. Although the term "Federal Republic" has sometimes been used to refer both to the central (Federal) government and to the federated system of Republics--including both central government and State governments (all Republics)--it will facilitate clear thinking if this term "Federal Republic" is applied only to the central government while using the phrase "federated system of Republics" or "federation of Republics" to designate the combination, or confederation, of all of these Republics. Clarity of understanding will be best assured by referring to the central government as the central Republic.

The electorate adopt a Constitution as their basic law by utilizing a Constitutional Convention to frame it for their final approval, or ratification, as was done successfully for the first time in history by the people of Massachusetts with regard to its [Constitution of 1780](#); it was so framed by a convention specially chosen by the people for this sole purpose and then submitted to the people for approval. Final adoption, or ratification, may also be effected in behalf of the people by a specially chosen convention for this sole purpose; and later amendments may be so approved for the people or through the regular legislative body--the alternatives specified in the [United States Constitution](#). This Constitution was framed by the Federal (Constitutional) Convention in 1787 and then adopted in 1787-1788 by State Ratifying Conventions especially chosen by the people for this sole purpose; which is the complete and perfect method of Constitution-making. A Constitutional Convention--one chosen by the people for the sole purpose of framing or ratifying a Constitution--is one of America's greatest contributions, to the mechanics of self-government through constitutionally limited government.

Federal Delegated-Power, and State Full-Power, Republics

7. The Federal government is a delegated-power Republic which possesses only the comparatively few and limited powers granted to it by the people as enumerated in the United States Constitution, as amended--chiefly the powers

concerned with "war, peace, negotiation, and foreign commerce" (quoting *The Federalist*, [number 45](#) by Madison. It is in sharpest contrast that each State government is a full-power Republic which possesses the vast and varied powers needed to administer intra-State affairs--"all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State" (again quoting number 45). The full-power Republic of each State is subject to the State Constitution, as well as to the united States Constitution as the "supreme Law of the Land." Neither the Federal, nor any State, government therefore possesses legal sovereignty--the unlimited power of sovereignty--while the people's political sovereignty is limited in favor of preserving inviolate the God-given, unalienable rights of each Individual. (See [Par. 3, Principle 4.](#))

The "General Welfare" in Relation to the Constitution

8. The [Preamble of the United States Constitution](#) specifies "the general Welfare" merely as one of the listed goals to be served by the Federal government in the exercise of the limited powers delegated to it, as enumerated in the body of that instrument. This mention of "the general Welfare" in the Preamble was intended, therefore, to serve in effect as a limit on the use of those delegated powers. The Preamble does not constitute a grant of any power whatever to the government. The only other mention of the words "general welfare" in the Constitution is in the Taxing Clause ([Article I, Section 8](#)) which authorizes Congress to collect taxes ". . . to pay the Debts and provide for the common Defense and general Welfare of the United States . . ." Here, too, the words "general Welfare" were designed to serve as a limitation in effect--as a limit on the power granted under that clause. This excludes any power to tax and spend for all purposes which would not qualify as being for the "general Welfare of the United States" as a whole--for instance, it is excluded if for the benefit merely of a locality or some Individuals in the United States. The clause does not empower Congress to spend tax monies for any and

every purpose it might select merely on the pretense, or even in the belief, that it is for the "general welfare." (Discussed also in [Pars. 4 and 5](#) of Principle 11.) Congress possesses no "general legislative authority," as Hamilton stated in *The Federalist* [number 83](#).

Hamilton's Opinion

9. All of those who framed and ratified the Constitution were in agreement on this point of the limited and limiting meaning of the words "general Welfare" in the Taxing Clause. As Secretary of the Treasury, Hamilton contended for the first time in 1791 ("[Opinion as to the Constitutionality of the Bank of the United States](#)") in favor of a broader interpretation of this clause than he had formerly espoused and broader than that which Madison - with Hamilton's silent acquiescence--had presented in 1788 in *The Federalist* (especially [number 41](#)) as reflecting the controlling intent of the Framing Convention, which Madison and Jefferson consistently supported. Hamilton did not claim, however, that this clause gives to the Federal government any power, through taxing-spending, so as in effect to *control* directly or indirectly anything or anybody, or any activities of the people or of the State governments. Despite his assertion that this clause gives Congress a separate and substantive spending power, Hamilton cautioned expressly (Report on "Manufactures," 1791) that it only authorizes taxing and spending within the limits of what would serve the "general welfare" and does not imply a power to do whatever else should appear to Congress conducive to the "general welfare"--that it does "not carry a power to do any other thing not authorized in the Constitution, either expressly or by fair implication."

The Supreme Court's 1936 Decision Ascertaining and Defining the Original, Controlling Intent

10. As the Supreme Court decided (1936 *Carter* case) in ascertaining and defining the original, controlling intent of the Constitution as proved by all pertinent records and confirming

its prior decisions over the generations since the adoption of the Constitution, the contentions advanced from time to time that "Congress, entirely apart from those powers delegated by the Constitution, may enact laws to promote the general welfare, have never been accepted but always definitely rejected by this court." It also decided that the Framing Convention "made no grant of authority to Congress to legislate substantively for the general welfare . . . [citing 1936 *Butler* case] . . . and no such authority exists, save as the general welfare may be promoted by the exercise of the powers which are granted." The American people have never amended the Constitution so as to change the limited and limiting meaning of the words "general Welfare" in the [Taxing Clause](#), as thus originally intended by The Framers and Adopters in 1787-1788.

The Founders' Warnings

11. As Jefferson warned many times in his writings, public and private--for instance in the Kentucky Resolution--in keeping with the traditional American philosophy, strict enforcement of the Constitution's limits on the Federal government's power is essential for the protection of the people's liberties. This point was stressed at great length in *The Federalist* (notably numbers [17](#), [28](#), [33](#) and [78](#) by Hamilton and [44](#) and [46](#) by Madison) in reporting and explaining the intent of the Framing Convention expressed in the Constitution--as was understood and accepted by the State Ratifying Conventions. Hamilton's repeated warnings against permitting public servants to flout the people's mandate as to the limits on government's power, as specified in their basic laws (Constitutions) creating their governments, were in keeping with his words on one occasion in relation to the New York State Constitution. He stated ("Letters of Phocion," 1784) that any such defiance, by public servants, of the Constitution would be "a treasonable usurpation upon the power and majesty of the people . . ." Washington's [Farewell Address](#) expressed the conviction of The Founders of the Republic and their fellow leaders, in keeping with history's lesson, when he warned that usurpation

"is the customary weapon by which free governments are destroyed."

Resistance to Usurpers, as Tyrants, Is Obedience to God

12. It is a traditional American motto that: "Rebellion to tyrants is obedience to God." This motto was suggested by Benjamin Franklin in mid-1776 in the Congress as being an appropriate one for the seal of the United States; and it was so truly expressive of traditional American thinking that Jefferson adopted it for use on his personal seal.

A major part of the American philosophy underlying the resistance to the tyranny of king and parliament prior to the [Declaration of Independence](#), and in support of that Declaration in 1776, was as follows. Public officials who exceed the limits of the powers delegated to them by the people under their fundamental law and thus violate, or endanger, the people's God-given, unalienable rights thereby and to this extent make of themselves defaulting trustees, usurpers, oppressors and tyrants. They thereby act outside of this supreme law, which defines these limits and the scope of their authority and office, and therefore act without authority from the people. By thus seceding and violating the restrictions of this law, they act outside of Law: lawlessly, as "out-laws." As Samuel Adams stated: "Let us remember, that 'if we suffer tamely a *lawless* attack upon our liberty, we encourage it, and involve others [Posterity] in our doom'" (Emphasis added.) They thereby, in practice, replace Rule-by-Law with Rule-by-Man. These defaulting trustees--thus acting lawlessly--thereby free the people from any duty of obedience; because legally and morally, under Rule-by-Law, obedience by the self-governing people is required only to Law and not to law-defying public servants.

The reasoning supporting the above-quoted motto's concept of moral duty is this: Man, being given by his Creator unalienable rights which are accompanied by corresponding duties, has the moral duty--duty to God--to safeguard these

rights for the benefit of self and others, including Posterity. Man is therefore obligated to oppose all violators of these rights; and such failure betrays Man's duty as the temporary trustee of Posterity's just heritage. This is in keeping with the philosophy of the Declaration of Independence as reiterated in part, for example, in 1788 in the Virginia Ratifying Convention's proposals for amendments to the Constitution including a Bill of Rights stating in part as follows:

". . . that the doctrine of non-resistance against arbitrary power and oppression is absurd slavish, and destructive of the good and happiness of mankind."

Applied to the United States Constitution, which Federal and State officials are sworn to support, this means that--in resisting Federal officials who, as usurpers, defy the limits on their powers imposed by the "supreme Law of the Land"--the people and governments of the States are opposing Rule-by-Man and defending Rule-by-Law (basically the people's fundamental law: the Constitution). They are thus defending the Constitution against its violators: the Federal usurpers; and they are acting in defense of the people's God-given, unalienable rights and the States' reserved powers. The American philosophy and system of constitutionally limited government contemplates that the people of the several States--acting through their State governments--will, *in last resort*, use force to oppose any force employed by the Federal usurpers, that they will use military force (Militia of the States) to oppose any military force used by such usurpers; as Hamilton and Madison explained in detail in *The Federalist*, numbers [28](#) and [46](#).

The Conclusion

13. The American philosophy reflects the knowledge that the history of Individual Liberty is the history of the effective limitation of government's power, which is expressed in the traditional principle summarized in the phrase: Limited for

Liberty.

[Quotes from *The American Ideal of 1776* supporting this Principle.](#)