

WTN U. Class Notes

Lesson 2 9/19/11

Today going to lay foundation for understanding our Declaration of Independence

“Can the government steal?” Real question is whether government can break the law?

most folks might say government can't steal because it can't break the law cause government makes the law. If that's true, then government can't steal.

If we believe government can't steal, then we're conceding that government (i) owns everything or (ii) has my permission.

Communism is example of first - owns everything. No American would want to concede government owns all because then no one has right to complain about a tax.

Permission/consent is the main justification - no consent/representation one of many charges against the British Empire for declaring our Independence.

Consent. Question: If Congress comes back with a tax increase or eliminates a lot of the personal deductions did we consent because majority of American people consent to have Barack Obama be our president and leader? Did we consent because we elected the people who went to Washington to represent us.

If you say you didn't vote for those folks, did you consent by consenting to live under our form of government that allows the majority view to make the law.

Issue of majority control is what makes which party in control so important. Majority party picks its leader and then that leader essentially dictates the flow of everything through his or her appointments.

Bottom line: for consent to be meaningful, there must be a choice. Many frustrated today because the two parties look essentially the same in what they do. Maybe don't think "consent" is meaningful 'cause no meaningful choice. TEA Party expresses this frustration.

Question: Is there a higher law by which the rightness or the wrongness of man's law can be judged?

Yes - Example of this is the natural law which was basis for the common law. To be distinguished from statutory law.

Natural law is the idea that there is a moral law woven into the nature of things - it's therefore "natural" as opposed to what is called "positive law" - law "posited" by man - man is the measure of the law. Natural law seen as limit on government.

Talked about current day violations of Declaration of Independence - analysis posted on factn.org. Need to read.

Today consent: If today government has a certain circumscribed jurisdiction or function, and takes my property to do things that go beyond its jurisdiction and function, then government's claim to legitimacy is at an end and it is stealing.

Constitution is limit to federal government's legitimacy or jurisdiction. Founders would have said that when the government goes beyond lawful, legitimate functions, then the people have a right to redress, even to abolish or repeal that government.

That's really what our Founding Fathers were saying in the Declaration of Independence — the King's claims were illegitimate and so it was right to throw it off. But didn't just complain of lack of consent but also of violating rights under the "laws of nature and nature's God." Important: established a basis, a "higher law" they could use to justify their actions to other nations — what was being done to the colonies was wrong in the sight of all men and nations.

Declaration served a couple of purposes:

1. By appealing to the "Supreme Judge" for the "rectitude of their intentions," the Founders provided a basis to justify to the nations their declaration of independence.
2. Declared independence from a man-centered law that said man is measure of law - there are some "self-evident" truths, established by our Creator (natural law) - that limit government, that it is not free to do.

We've removed God and without God, no basis for Truth, and now no limit to government other than the Constitution.

What is left to restrain government if the government begins to disregard Constitution? When President, congress disregard and judiciary re-writes it by its opinions.