AMERICAN CIVIC HOLIDAY RESOURCES

PATRIOTS' DAY AND PASSOVER

Themes on Liberty

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As many of our Jewish Day Schools educators celebrate the holiday of Passover and the freedoms associated with this historic milestone, and in the spirit of upcoming Patriots' Day commemorating the beginning of the Revolutionary War, this month's civic resource will center on the theme of liberty. Since our nation's inception, the concept of liberty has evolved in profound ways. While initially focused on securing freedom and independence from Great Britain, the theme of liberty took on new meaning over time.

From the drafting of the Articles of Confederation to the ratification of the Constitution, our nation's founders have grappled with the delicate balance of personal liberty and government authority, and, as the nation ventured forward, with responding to calls for increased government presence in people's lives while balancing a need to preserve a sense of freedom from government. In addition, the paradox of professing liberty while upholding the institution of slavery underscored a profound challenge to the nation's values paradigm and firm foundation.

The following American Civic Holiday Resource will highlight ways in which liberty has played an essential role in our nation's evolving history. It will explore various ways that liberty entered our national institutional design and how this design has faced threats over time.

Source 1: "Brutus I". Essay, October 18, 1787. Excerpt.

Brutus 1 is part of the Anti-Federalist Papers, written under the pseudonym Brutus. Most scholars believe it was authored by New York's Anti-Federalist Robert Yates.

With these few introductory remarks I shall proceed to a consideration of this constitution:

The first question that presents itself on the subject is, whether a confederated government be the best for the United States or not? Or in other words, whether the thirteen United States should be reduced to one great republic, governed by one legislature, and under the direction of one executive and judicial; or whether they should continue thirteen confederated republics, under the direction and control of a supreme federal head for certain defined national purposes only?

This inquiry is important, because, although the government reported by the convention does not go to a perfect and entire consolidation, yet it approaches so near to it, that it must, if executed, certainly and infallibly terminate in it.

This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends, for by the last clause of section 8th, article 1st, it is declared "that the Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution, in the government of the United States; or in any department or office thereof." And by the 6th article, it is declared "that this constitution, and the laws of the United States, which shall be made in pursuance thereof, and the treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution, or law of any state to the contrary notwithstanding." It appears from these articles that there is no need of any intervention of the state governments, between the Congress and the people, to execute any one power vested in the general government, and that the constitution and laws of every state are nullified and declared void, so far as they are or shall be inconsistent with this constitution, or the laws made in pursuance of it, or with treaties made under the authority of the

United States. — The government then, so far as it extends, is a complete one, and not a confederation. It is as much one complete government as that of New-York or Massachusetts, has as absolute and perfect powers to make and execute all laws, to appoint officers, institute courts, declare offences, and annex penalties, with respect to every object to which it extends, as any other in the world. So far therefore as its powers reach, all ideas of confederation are given up and lost. It is true this government is limited to certain objects, or to speak more properly, some small degree of power is still left to the states, but a little attention to the powers vested in the general government, will convince every candid man, that if it is capable of being executed, all that is reserved for the individual states must very soon be annihilated, except so far as they are barely necessary to the organization of the general government.

Questions for Discussion:

1. What general concern about the Constitution is Yates raising?
2. What does he find specifically alarming about the Necessary and Proper Clause?
3. Do you believe, in accordance with the Anti-Federalists, that state governments are better securers of liberty than the national government? Why or why not?

Source 2: Jefferson, Thomas (1787, November 13). Letter to William Stephens Smith. Excerpt.

William Stephens Smith was a United States Representative from New York and the Son-In-Law of President John Adams.

I do not know whether it is to yourself or Mr. Adams I am to give my thanks for the copy of the new constitution. I beg leave through you to place them where due. It will be yet three weeks before I shall receive them from America. There are very good articles in it: and very bad. I do not know which preponderate. What we have lately read in the history of Holland, in the chapter on the Stadtholder, would have sufficed to set me against a Chief magistrate eligible for a long duration, if I had ever been disposed towards one: and what we have always read of the elections of Polish kings should have forever excluded the idea of one continuable for life. Wonderful is the effect of impudent and persevering lying. The British ministry have so long hired their gazetteers to repeat and model into every form lies about our being in anarchy, that the world has at length believed them, the English nation has believed them, the ministers themselves have come to believe them, and what is more wonderful, we have believed them ourselves. Yet where does this anarchy exist? Where did it ever exist, except in the single instance of Massachusets? And can history produce an instance of a rebellion so honourably conducted? I say nothing of it's motives. They were founded in ignorance, not wickedness. God forbid we should ever be 20. years without such a rebellion. The people can not be all, and always, well informed. The part which is wrong will be discontented in proportion to the importance of the facts they misconceive. If they remain quiet under such misconceptions it is a lethargy, the forerunner of death to the public liberty. We have had 13. states independant 11. years. There has been one rebellion. That comes to one rebellion in a century and a half for each state. What country before ever existed a century and half without a rebellion? And what country can preserve it's liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms. The remedy is to set them right as to facts, pardon and pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is it's natural manure. Our Convention has been too much

impressed by the insurrection of Massachusets: and in the spur of the moment they are setting up a kite to keep the hen yard in order. I hope in god this article will be rectified before the new constitution is accepted.—You ask me if any thing transpires here on the subject of S. America? Not a word. I know that there are combustible materials there, and that they wait the torch only. But this country probably will join the extinguishers.—The want of facts worth communicating to you has occasioned me to give a little loose to dissertation. We must be contented to amuse, when we cannot inform. Present my respects to Mrs. Smith, and be assured of the sincere esteem of Dear Sir Your friend & servant,

Th: Jefferson

Questions for Discussion:

1. What is Jefferson's general message to William Stephens Smith?
2. Which historical moment is Jefferson referring to when writing, "Where did it ever exist, except in the single instance of Massachusets? And can history produce an instance of a rebellion so honourably conducted? I say nothing of its motives. They were founded in ignorance, not wickedness?"
3. What does Jefferson mean when he says, "And what country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance?" Do you agree with his stance? Why or why not?
4. What do you think Jefferson meant when he said, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants?"

Source 3: Grimké, Angelina. (1836). Appeal to the Christian Women of the South. New York: American Anti-Slavery Society. Excerpt.

Angelina Grimke was an American abolitionist and political activist. She and her sister Sarah Grimke were southern women abolitionists who spoke forcefully against the evils of slavery.

But some of you will say, we can neither free our slaves nor teach them to read, for the laws of our state forbid it. Be not surprised when I say such wicked laws ought to be no barrier in the way of your duty, and I appeal to the Bible to prove this position. What was the conduct of Shiphrah and Puah, when the king of Egypt issued his cruel mandate, with regard to the Hebrew children? "They feared God, and did not as the King of Egypt commanded them, but saved the men children alive." Did these women do right in disobeying that monarch? "*Therefore* (says the sacred text,) *God dealt well* with them, and made them houses." What was the conduct of Shadrach, Meshach, and Abednego, when Nebuchadnezzar set up a golden image in the plain of Dura, and commanded all people, nations, and languages, to fall down and worship it? "Be it known, unto thee, (said these faithful *Jews*) O king, that we will not serve thy gods, nor worship the image which thou hast set up." Did these men do right in disobeying the law of their sovereign? Let their miraculous deliverance from the burning fiery furnace, answer; What was the conduct of Daniel, when Darius made a firm decree that no one should ask a petition of any man or God for thirty days? Did the prophet cease to pray? No! "When Daniel knew that the writing was signed, he went into his house, and his windows being open towards Jerusalem, he kneeled upon his knees three times a day, and prayed and gave thanks before his God, as he did aforetime." Did Daniel do right thus to break the law of his king? Let his wonderful deliverance out of the mouths of the lions answer. Look, too, at the Apostles Peter and John. When the rulers of the Jews, "commanded them not to speak at all, nor teach in the name of Jesus," what did they say? "Whether it be right in the sight of God, to hearken unto you more than unto God, judge ye." And what did they do "They spake the word of God with boldness, and with great power gave the Apostles witness of the resurrection of the

Lord Jesus;" although this was the very doctrine, for the preaching of which, they had just been cast into prison, and further threatened. Did these men do right? I leave you to answer, who now enjoy the benefits of their labors and sufferings, in that Gospel they dared to preach when positively commanded *not to teach any more* in the name of Jesus.

Questions for Discussion:

1. How does Angelina Grimke make a moral appeal against the brutality of slavery?
2. Which biblical example offers the best parallel in your view? How?
3. How does her argument support Henry David Thoreau's Civil Disobedience?
4. Are there other moments in American history that support Grimke's assertion?