



CANNONEER



Newsletter of the *Fernando de Leyba Chapter*

Sons of the American Revolution

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June, 2013

Meets 2nd Monday of every month (except July and August) at
Culpepper Restaurant in St. Charles, MO

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Today in American Revolutionary War History

The Social Contract and Constitutional Republics

1776 - Political philosopher David Hume died in Edinburgh, Scotland. His essay "Idea of a Perfect Commonwealth" affected the ideas of the drafters of the federal Constitution in 1787.

Between 1787 and 1791 the Framers of the **U.S. Constitution** established a system of government upon principles that had been discussed and partially implemented in many countries over the course of several centuries, but never before in such a pure and complete design, which we call a

Constitutional Republic. Since then, the design has often been imitated, but important principles have often been ignored in those imitations, with the result that their governments fall short of being **true republics** or **truly constitutional**. Although these principles are discussed in civics books, the treatment of them there is often less than satisfactory. This essay will attempt to remedy some of the deficiencies of those treatments.

The Social Contract and Government

The fundamental basis for government and law in this system is the concept of the *social contract*, according to which human beings begin as individuals in a *state of nature*, and create a *society* by establishing a *contract* whereby they agree to live together in harmony for their mutual benefit, after which they are said to live in a *state of society*. This contract involves the retaining of certain *natural rights*, an acceptance of restrictions of certain *liberties*, the assumption of certain *duties*, and the pooling and separation of certain *powers* to be exercised collectively.

The social contract is very simple. It has only two basic terms:

- (1) **Mutual defense of rights.**
- (2) **Mutual decision by deliberative assembly.**

There are no agents, no officials that persist from one deliberative assembly to another. The duties of the social contract are *militia*. There may be customs that persist from assembly to assembly, such as customs for due notice, parliamentary procedure, judicial due process, and enforcement of court orders by *militia*. This second term could be called the

constitution of society, but it precedes a constitution of government and should not be confused with it.

There is also a constitution of nature that precedes both the constitution of society and the constitution of government. It is also convenient to speak of a constitution of the state that follows the constitution of society and precedes the constitution of government. It arises after a society is created (by adopting the social contract), and after it acquires exclusive dominion over a well-defined territory. That is when we get things like a right to remain at and to return to one's birthplace, which makes no sense for a society with no territory (such as nomads).

A constitution of government, such as the Constitution of 1787, is the next step in the development. It is to establish institutions, offices, procedures, duties, and structures that persist from one assembly to another that are not just customs. It is at that point that we begin to get things like laws, and paid agents and officials, whose jobs continue beyond transient assemblies. We also get taxes, standing armies, and professional law enforcers.

Such pooled powers are generally exercised by delegating them to some members of the society to act as agents for the members of the society as a whole, and to do so within a framework of structure and procedures that is a **government**. No such government may exercise any powers not thus delegated to it, or do so in a way that is not consistent with established structures or procedures defined by a basic law, which is called the “*Constitution*”.

While it is possible in principle for such a constitution to consist entirely of a body of unwritten practices, traditions,

court decisions, and long-established statutes, in practice no such basic order can be considered secure against confusion or corruption if it is not primarily based on a written document, which prescribes the structure, procedures, and delegated powers of government, and the retained rights of the people, and which is strictly interpreted according to the original intent of the framers.

Although in principle the procedures may allow for the direct adoption of legislation by vote of the people, this is both impractical and potentially dangerous, especially to the rights of the minority, so that it is generally best that most legislation require approval at some point in the legislative process by a deliberating assembly, a body of ***elected representatives*** rather than by ***direct popular vote***, and that any such legislation be subject to ***judicial review***, whereby legislation not consistent with the constitution can be voided. Such a form of government is called a ***republic***, it is distinct from a ***democracy***, in which all legislation is adopted solely by direct popular vote. And if it operates under a well-designed constitution, it is a **constitutional republic**. It is important that the deliberating assembly fairly represent all the competing interests of the people, so that the concerns of the minority can be weighed and not ignored. But fair representation is insufficient if deliberation is not effective in analyzing and anticipating all the consequences of any decisions that might be made. The consent of the majority should be **necessary** for action, but that consent should never be **sufficient** for action.

“*WE THE PEOPLE*”

Next meeting will be on Sept. 9, 2013 and we will meet at Culpeppers 6:30 PM.

Treasurer's report as of June 2013:

Beginning Balance = \$1,869.48– Ending Balance = \$1,51.48

As a reminder to all members Due's for 2014 will be collected during the September Meeting for Josiah Fog award points.

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Genealogist report as of June, 2013:

New Members: Michael Snyder, Jim Bunch, Adam Schnelting, Marvin Koechig, Adam Bell, J.D. Kirtlink

At National: David Hoffman, Ron Hauser

8 New Prospects for Membership: **"FDL 46 members strong"**

- Pat Jefferson (2 supplements)
- John Wilson (1 supplement)
- Charles Lilly (3 supplements)
- Keith Morris (1 supplement)
- Martin White (1 supplement)
- Steve White (1 supplement)
- Marvin Keochig (2 supplements)
- David Cox (1 supplemental)
- Adam Schnelting (1 supplement)
- Michael Snyder (1 supplement)

At the June 10, 2012 meeting:

Meeting Opens 7:00 pm

Introductions: James "Lyle" McPherson,

Martin White and Steve White attended Spit Shined Sharp and Polished in Uniform.

Veterans report: David Christian

JROTC: Beaumont High School May 2, Charles Sumner High School May 6, Gateway Technical High School AFJROTC April 5, Jennings High School JROTC April 5.

1. Charles Lilly: Arizona Project still on Hold.
2. Bill Grate: Color guard recent events – Flag presentation for The American Board of Pharmacy May 19, Fort San Carlos ceremony May 26, Cold Water Creek May 27.
3. Joan Koechig: At the May Chapter meeting we voted to participate with the St Charles DAR Chapter in a Fund raising opportunity by working the concession stands at the Family Arena in St Charles. Joan will send out E-mail invitations to volunteer our participation at scheduled Arena events.
4. New Meeting Location discussions will continue.

Old Business: NASSAR 2013 Congress will be in Kansas City July 6-11. Medals Available for Purchase. Battle of Fort San Carlos possibly to be recognized as a National Event – criteria needs to be submitted to National. May 4 was Fernando De Leyba's 17th anniversary as a Chapter.

New Business: Battle of Fort San Carlos (National Event Candidate) celebration was held Sunday May 26, 2013 at the Missouri History Museum.

Meeting Closed at 8:15 P.M.

June 10 Program: Ron Hauser "Patriots of the Revolution".

Sept 10 Program: John Wilson

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22 Members and Guest in Attendance:

Ron Hauser, Steve White, Valerie White, Martin White, Mimi White, Charles Jefferson, Lyle McPherson, Keith Morris, Barbra Morris, Jim Borgman, Diane Borgman, Bill Grote, Sylvia Grote, Charles Lilly, Milan Paddock, John Rush, Michael Snyder, Joan Koechig, Marvin Koechig, Tom Busken, David Christian, Paul Smith

Announcements:

Pat Jefferson recently had Quadruple Bypass Surgery and is recuperating. Our prayers go out to Pat and we look forward to seeing him at the Chapter meeting with newfound Vim and Vigor.

Revolutionary War Quotes

In a letter to his nephew on September 30, 1776

"I am wearied to death all day with a variety of perplexing circumstances. Disturbed at the conduct of the militia, whose behavior and want of discipline has done great injury to the other troops, who never had officers except in a few instances, worth the bread they eat."

George Washington,





Yesterday is History. Tomorrow is Mystery?? Today is a Blessing!!!

Looking forward to seeing everyone on Monday...

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