



## The Founding: SS.7.CG.1.2

### Founding Principles

### VIDEO SCRIPT

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1. Let's begin with a question. Do you know how principles such as rule of law, natural rights, and limited government influenced the writing of the Declaration of Independence and the development of the US Constitution? In this video, we are going to answer that question about those principles and more.

2. After watching the video, you will be able to:

- recognize principles contained in the founding documents (e.g., due process of law, equality of mankind, limited government, natural rights, the rule of law).
- explain why religious liberty is a protected right.

So let's dive in and start talking about these influential principles.

3. America has stood as a symbol of liberty and freedom since its inception in 1776. The Founding Fathers wanted to ensure that the new republican government was unlike any other that existed before, and illustrated principles from around the world into many of the founding documents that shaped America. Two in particular are the Declaration of Independence and the U.S. Constitution.

4. Let's dig deeper into specific ideas that the Founding Fathers used from the Enlightenment.

5. The Declaration of Independence, written in 1776, listed the **grievances**, or complaints, of the British colonists against England, including King George III and Parliament, and declared the colonies to be free and independent states. The Founding Fathers were influenced by **John Locke**, an **Enlightenment** philosopher who believed that people were born with the right to life, liberty (freedom), and property.

6. The Declaration of Independence expands on those ideas, and asserts that government is meant to protect the natural rights of the governed and ensure the equality of mankind. This is echoed in the **Preamble** of the Declaration of Independence, "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.*"

7. Let's go ahead and define our terms. Natural rights come from the idea of natural law, which is the belief that people are born with certain rights that should be protected by government and can't be taken away by government without due process, such as life, liberty, and property.

8. The Founding Fathers were also influenced by John Locke's concept of **social contract**, or the idea that the people enter into an agreement with a government for the protection of natural rights by obeying its laws. This idea was expanded in the Declaration of Independence after the British monarchy failed to acknowledge the colonists' rights, "*--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government...*" In other words, to create a new social contract.

9. So let's take a look at more of these important principles. **Limited government** protects citizens by making sure the government does not have too much power. Both the Declaration of Independence and the U.S. Constitution address the idea of limited government. For example, the Constitution has the separation of powers into three branches, and also the concept of federalism. The Declaration of Independence talks about unalienable rights and the importance of the consent of the governed.

10. Remember that the principle of limited government says the government can do only what we allow it to do. The powers and responsibilities of federal and state governments are outlined in the Constitution. Another important principle is the **rule of law**. This is the idea that the law applies to everyone equally. There are no exceptions for important people or political leaders. Let's take a look at one of those political leaders.

11. During his presidency, Richard Nixon was accused of covering up crimes of people working for him. After he resigned from office, he did an interview about what he did during his presidency. When asked whether it could be considered some of his actions were breaking the law, he declared that 'when the president does it, that mean's it is NOT illegal.' But President Nixon was very wrong, because in the United States we have what is called the rule of law. And this applies to everyone, from the poorest citizen to the President of the United States of America.

12. Another important idea is the **due process of law**. Due process is the right of people accused of crimes to have laws that treat them fairly, so they cannot lose their lives or freedom without having their legal rights protected. Let's talk a little bit more about due process.

13. Due process is so important that we see it in the Constitution twice. We see it in the 5<sup>th</sup> Amendment, and we see it in the 14<sup>th</sup> Amendment. So what IS due process? The 5<sup>th</sup> Amendment says that no-one shall be deprived of life, liberty, or property without due process of law, while the due process clause of the 14<sup>th</sup> Amendment says the exact same thing in the exact same words. What this means is that there is a legal and required process that must take place before the government can challenge your liberty or take your property. You'll learn a lot more about due process throughout this course.

14. An important way due process is protected is what is known as habeas corpus, which is Latin for 'produce the body.' In other words, when you are arrested, they must be able to show why you were arrested and why you are being detained. This protects your due process rights.

15. Now in case you haven't figured it out, U.S. citizens enjoy many rights that are considered protected, or unalienable. Unalienable rights may

not be denied. The U.S. Constitution lists all rights guaranteed to its citizens; specifically, the Bill of Rights lists the first ten amendments written to protect the rights of individual people.

16. One protected right in particular is religious liberty, or freedom of religion; found in the First Amendment of the Constitution. **Religious liberty** is the right for citizens to practice the religion of their choice without government involvement. Specifically, the First Amendment states “*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...*”

17. Religious liberty has existed well before the establishment of the United States, and has roots in the British colonies. Many people left England and settled in America for religious freedom and to freely practice their beliefs. Colonies such as Massachusetts Bay, Connecticut, Rhode Island, New Hampshire, and Pennsylvania became popular to those seeking religious freedom. Thomas Jefferson, the Founding Father who drafted the Declaration of Independence, also wrote the Virginia Statute for Religious Freedom in 1779. *We the General Assembly of Virginia do enact [Be it enacted by the General Assembly] that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.*

18. Well that was a lot of old time words, so let’s put it in plain English for us. Basically, what this means is that you cannot force anyone to attend or support or pay for religious services. You cannot deny anyone the right to attend or support or pay for religious services. And you cannot punish anyone for their religious beliefs or their lack of belief. And so this document, the Virginia Statute of Religious Freedom, was one of the first to express the idea of the rights of everyone to choose their own religious practice, and to promote **tolerance** within the new United States.

19. Let’s recap what we’ve learned. Our founding principles include due process, equality of mankind, limited government, natural rights, and the rule of law. We find these principles in our founding documents like the Constitution and Declaration. These shape our constitutional republic and protect our rights and liberties. You can learn a lot more about all these different principles throughout our course and Civics360.