

**No Trespassing**  
*The US Constitution, the Circumpunct,  
and the Morality of Self-Restraint*

*Jim Hoerricks, PhD, 33° PWM*

Presented to the Pasadena Consistory, A.A.S.R.  
Pasadena, CA USA  
September 6, 2019

**Introduction**

Pasadena is an amazing city. It's a magical city. Just down the road, we have the California Institute of Technology. Nestled in the mountains, we have the Jet Propulsion Laboratory. Pasadena's City College welcomes tens of thousands of learners to its Art Deco buildings each year. And this, our beautiful cathedral, is one of the jewels in Crown City's tiara.

I want to thank the Master of Kadosh for inviting me to speak here tonight. When he asked me to give a talk for the Valley's Constitutional Observance, my brain went instantaneously in two directions.

To Keith: yes, absolutely. I'm happy to do whatever I can to help

And to Ill. Ed Griffiths, who was the Venerable Master when I was Wise Master of Pasadena's Chapter of Rose Croix. Ed was so concerned that his year as Venerable Master go smoothly that all of us had to have our schedules confirmed and each month's entertainment booked before we were installed in our offices.

I say this, not as critique of anyone, but to help illustrate the point that I'll make tonight. What do CalTech, JPL, PCC, and this Cathedral all have to do with Constitution? Why would a simple request make me recall my time as Wise Master?

Love.

Enabled by JPL's really cool toys, the wizards of smart at CalTech are probing the universe and expanding our understanding of Creation. But, not everyone is ready for the intense experience of being a student at CalTech straight out of high school. Because we love our next generation so much, we have a system of community colleges (8<sup>th</sup> Degree) that serve as bridge to better opportunities (19<sup>th</sup> Degree).

As a species, we love to learn and explore. As a species, we love to love Pasadena's a great place to see it all in action.

But, what is love? English being a terrible mash-up of old languages, what do I mean when I say love (18<sup>th</sup> Degree)?

From Hebrew, the word “ahab” can be defined as “to love that in which a man delights, or which he earnestly desires; it implies ardent and vehement inclination of the mind, at the same time tenderness and fullness of affection,...and is used of the unspeakable love and tender mercies of God in covenant with his people.” Basically this verb is equivalent to the English ‘to love’ in the sense of having a strong emotional attachment to and desire either to possess or to be in the presence of something precious.

In the Old Testament, the word “ahab” is used of the love of Isaac for his wife Rebekah (Genesis 24:67), of parents for children, for example Abraham for his son Isaac (Genesis 22:2), and of Jonathon for David, his closest friend (1 Samuel 18:1). Jonathon’s totally unselfish treatment of David is a human example of the type of love God has for us. Jonathon put David’s interests before his own.

It’s this type of love that is at the heart of our nation’s foundational documents – that of parents for children, of brothers, of close friends – the desire to be in the presence of something precious.

Our Constitution is often presented in a way that casts a negative shadow – what it doesn’t do, what it doesn’t say, how it may restrict one activity or another. Rarely is it presented from the standpoint of why it was created and the mindset, the foundational beliefs, of the authors.

That’s where I want to spend my time this evening. I want to introduce the Constitution in a way in which you may not have considered. Along the way, we’ll meet some of the forgotten names of the of the founding.

But first, the title of tonight’s talk – No Trespassing – needs some explanation. Why do we have No Trespassing signs posted on our property? Why? There’s something precious behind that sign that we’d very much like to protect. We ask the unknown person, perhaps a Cowan or Eavesdropper, to wait a time with patience outside of that boundary until the reason for their approach can be ascertained, and our answer returned.

No Trespassing signs are an outward expression of our love for the things on our side of that boundary line. But, such signs do no enforce a prohibition on entry. They have no enforcement mechanism – they’re just pieces of metal, wood, or plastic. They require that those who would approach practice self-restraint – the circumscribing of their desire to enter.

This word, self-restraint, is where I want to go next.

### **Joseph Addison’s Cato**

One of the single most influential people on the founding of our country, that you’ve likely never heard of, was an Englishman named Joseph Addison.

Addison began his career as a popular essayist, ultimately becoming the acknowledged master of what was then a relatively new form. He contributed to the [Whig Examiner](#) (1710), which responded to the Tory paper [Examiner](#), and worked with his boyhood friend Richard Steele on the [Tatler](#) (1709–11). From there, Addison and Steele joined forces on the paper that truly cemented Addison's reputation, [the Spectator](#) (1711–1712, 1714).

Situating the Spectator in the tradition of influential Renaissance texts such as Giovanni della Casa's [The Book of Manners](#) and Baldesar Castiglione's [The Book of the Courtier](#), Johnson described the purpose of Addison's essays in the following manner: "*To teach the minuter decencies and inferior duties, to regulate the practice of daily conversation, to correct those depravities which are rather ridiculous than criminal, and remove those grievances which, if they produce no lasting calamities, impress hourly vexation. . . .*"

Phrased another way, *to instruct the reader in the many ways in which one can and should circumscribe their desires and keep their passions within due bounds.*

After his run with the Spectator, Addison penned the final act to the four acts he had already written for his masterwork, [Cato, A Tragedy](#).

Based on the last days of [Marcus Porcius Cato Uticensis](#), the play deals with conflicts such as individual liberty versus government tyranny, [Republicanism](#) versus [Monarchism](#), logic versus emotion, and Cato's personal struggle to retain his beliefs in the face of death. That Addison wanted the message of the play to transcend party politics can be seen in his commissioning a Tory, [Alexander Pope](#), to write the play's Prologue and a Whig, [Sir Samuel Garth](#), to compose the Epilogue.

The play was a success throughout the British Empire. It continued to grow in popularity, especially in America, for several generations. It is cited by some historians as a literary inspiration for the [American Revolution](#), being known to many of the [Founding Fathers](#). [General George Washington](#) sponsored a performance of Cato for the [Continental Army](#) during the difficult winter of 1777-78 at [Valley Forge](#). According to [John J. Miller](#), "*no single work of literature may have been more important than Cato*" for the leaders of the American revolution.

Scholars have identified the inspiration for several famous quotations from the American Revolution in [Cato](#). These include:

- [Patrick Henry's](#) famous ultimatum: "*Give me liberty or give me death!*" (Supposed reference to Act II, Scene 4: "*It is not now time to talk of aught/But chains or conquest, liberty or death.*").
- [Nathan Hale's](#) valediction: "*I regret that I have but one life to give for my country.*" (Supposed reference to Act IV, Scene 4: "*What a pity it is/That we can die but once to serve our country.*").

- Washington's praise for [Benedict Arnold](#) in a letter: "*It is not in the power of any man to command success; but you have done more—you have deserved it.*" (Clear reference to Act I, Scene 2: "*'Tis not in mortals to command success; but we'll do more, Sempronius, we'll deserve it.*").

Cato was so popular in America. Not only did it's lines and thoughts inform the greats of the founding, but they also entered into everyday discourse. In his March [1821 letter](#) to [James Madison](#), [Francis Corbin](#) uses imagery from Cato in opining about current events. Years previous, it was Corbin delivered a detailed rebuttal of [Patrick Henry's](#) objections to the Constitution in Virginia. He spoke at length on the necessity of adopting a new framework for a federal government and argued that only through a strong union could the country survive.

Nevertheless, the language and themes within Cato – love of liberty, love of humanity, and self-restraint in our daily affairs - hit receptive ears as the Spectator was quite popular in America. Madison biographer, [Ralph Ketcham](#), notes that James Madison read the paper avidly as a teenager. It is said to have had a big influence on his world view, lasting throughout his long life.

### **James Madison's Federalist 10**

It is quite clear, in analyzing Madison's life and works, that he loved liberty. It's also clear that he was concerned about restraining government – so that it wouldn't intrude upon Natural Rights. Nowhere is this more clear than in his advocacy for the [Bill of Rights](#).

As a part of his advocacy for the inclusion of a Bill of Rights in the Constitution, In Federalist 10, James Madison argued that the best security for individual rights is the promotion of an extensive system of opposite and rival interests that, in turn, are filtered into the institutions of government by means of a scheme of representation.

Federalist 10 addresses the question of how to reconcile citizens with interests contrary to the rights of others or inimical to the interests of the community as a whole. Madison saw factions as inevitable due to the nature of man—that is, as long as men hold differing opinions, have differing amounts of wealth and own differing amount of property, they will continue to form alliances with people who are most similar to them and they will sometimes work against the public interest and infringe upon the rights of others. He thus questions how to guard against those dangers.

This is an essential question of government, and one we still face today. How do you effectively restrain a person or group incapable of self-restraint? Can desires be circumscribed from the outside? Parents and police officers know how hard this question is to answer.

Nevertheless, Madison saw the Constitution, with the inclusion of the Bill of Rights, as the best way to have a functioning government whilst making it really hard for the

government to infringe upon fundamental rights (aka circumscribe government's desires).

But that was then. What about now?

### **Barack Obama and the 'Charter of Negative Liberties'**

Although many paths may lead to the presidency of the United States, the most common job experience, occupation, or profession of U.S. presidents has been that of a lawyer. Of the 44 different people who have or are currently serving as president, 26 were previously lawyers. Of those 26, only one was a university lecturer who focused on the US Constitution – Barack Obama, the 44<sup>th</sup> President of the United States.

In 2001, then Illinois State Senator Obama opined in a now famous [interview](#), "*... as radical as I think people try to characterize the [Warren Court](#), it wasn't that radical. It didn't break free from the essential constraints that were placed by the founding fathers in the Constitution, at least as its been interpreted and Warren Court interpreted in the same way, that generally the Constitution is a charter of negative liberties. Says what the states can't do to you. Says what the Federal government can't do to you, but doesn't say what the Federal government or State government must do on your behalf, and that hasn't shifted ...*"

What the former President hints at is precisely what the Anti-Federalists, and certain Federalists like Madison warned about. Unless specifically enumerated, a powerful government would not believe itself restrained and would infringe upon natural rights.

Consider that the concept of [universal franchise](#), also known as general suffrage or common suffrage, consists of the right to vote of all adult citizens, regardless of wealth, income, sex, race, or ethnicity, subject only to minor exceptions. What did government do? It infringed upon the natural rights of women and minorities to elect those that would represent them in government. Is that a loving thing to do? Of course not. Thus, because we love people, the [15<sup>th</sup>](#) Amendment became necessary to restrain government from infringing upon the right to vote. But, those that wished to continue to infringe upon a woman's right to choose her representatives, pointed out that the 15<sup>th</sup> Amendment only dealt with race and those who were previously held as slaves. It would take 50 more years for that issue to be sorted out. In 1920, because we love people and want the best for them, the [19<sup>th</sup>](#) Amendment was passed to keep the government properly restrained against infringing upon a woman's Natural Right to vote. It would take another 50 years, and the passage of another [amendment](#), to restrain government from infringing upon young adult's rights to choose their representatives.

You can see, in issue after issue, this "charter of negative liberties" is necessary to ensure liberty against the government's desire for power and control over the lives of the people.

## Conclusion

As Masons, we understand what Washington and Adams were saying. The concept of self-restraint and morality are baked into our degrees, and our lives as Masons. What both were saying is that the Constitution is just a piece of paper – it means nothing to an immoral people, incapable of circumscribing their desires and keeping their passions within due bounds. Essentially, the Constitution has no enforcement mechanism. It means the same as a No Trespassing sign to a person bent on robbery or thievery – it's nothing, not even an inconvenience.

Thus, on this day of Constitutional Observance, I hope that you will consider this trip through history a gentle reminder about the sacredness of our foundational document. As a public official, I swore an oath to protect and defend it. During my career in police service, I was regularly reminded of our duties to those we serve in light of the Constitution. [Constitutional policing](#) promotes a keen awareness of the civil liberties of society. Police forces shouldn't just ask what the Constitution allows them to do, or restrains them from doing. Whilst restoring order to communities, they should actively work to protect the natural / civil rights of the people in the areas that they are policing.

If there is a lesson in all of this, it is that our Constitution is neither a self-actuating nor a self-correcting document. It requires the constant attention and devotion of all citizens. There is a story, often told, that upon exiting the Constitutional Convention our Worshipful Brother from Pennsylvania (M.W. Benjamin Franklin, PGM) was approached by a group of citizens asking what sort of government the delegates had created. His answer was: "*A republic, if you can keep it.*" The brevity of that response should not cause us to under-value its essential meaning: democratic republics are not merely founded upon the consent of the people; they are also absolutely dependent upon the active and informed involvement of the people for their continued good health.

In the 18<sup>th</sup> Degree, we learn that the law of love should govern our lives. I see the US Constitution as the embodiment of that sacred law. I love you so much that I don't want to impose myself upon you – allowing you the maximum freedom to be the best you that you can be. This is the miracle of our founding and it's what makes the US such an exceptional place.

Getting back to my original thoughts on Pasadena's scientific and academic foundations, of space exploration, space-time, and love. Love is the one thing we're capable of perceiving that transcends the boundaries of time and space. It's a string that connects seemingly disconnected events. It's the tie that binds us all together, that spans generations and builds bridges to the future. Nothing is more evident of this property or quality of love than our Constitution.

Thank you for your time. Good night.

## Lecture Notes

“It was said of [Socrates](#) that he brought Philosophy down from Heaven, to inhabit among Men; and I shall be ambitious to have it said of me, that I have brought philosophy out the Closets and Libraries, Schools and Colleges, to dwell in the Clubs and Assemblies, at Tea-Tables and Coffee-Houses.”

- Joseph Addison, in [Spectator 10 \(1710\)](#).

Citing [Seneca](#) and [Montaigne](#) as his models, Addison sought not only to educate his audience, but also to regulate their passions and to promote self-discipline, moderation, and pursuit of the public interest. *Why does this sound familiar?*

### Introduction

Why are we here?

[Constitution Day](#) is an American federal observance that recognizes the adoption of the United States Constitution and those who have become U.S. citizens. It is normally observed on September 17, the day in 1787 that delegates to the [Constitutional Convention](#) signed the document in [Philadelphia](#). For [freemasons](#) in California, September is designated Constitutional Observance month.

Constitution Day came about via [an amendment](#) to the 2004 Omnibus Spending Bill, submitted by the late [Sen. Robert Byrd](#) (D. WV).

36 U.S. Code § 106. Constitution Day and Citizenship Day

(a) Designation.—

September 17 is designated as Constitution Day and Citizenship Day.

(b) Purpose.—

Constitution Day and Citizenship Day commemorate the formation and signing on September 17, 1787, of the Constitution and recognize all who, by coming of age or by naturalization, have become citizens.

(c) Proclamation.—

The President may issue each year a proclamation calling on United States Government officials to display the flag of the United States on all Government buildings on Constitution Day and Citizenship Day and inviting the people of the United States to observe Constitution Day and Citizenship Day, in schools and churches, or other suitable places, with appropriate ceremonies.

(d) State and Local Observances.—

The civil and educational authorities of States, counties, cities, and towns are urged to make plans for the proper observance of Constitution Day and Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside.

What is the [US Constitution](#) and why celebrate it?

Like the [Ten Commandments](#) of the Judeo-Christian faith, the [US Constitution](#) is a list of “*thou shalt not*s.” It is a charter that enumerates those boundaries that the US federal government shall not pass. In this, it is very similar to [the circumpunct](#) of the 1<sup>st</sup> Degree of Masonry, also known as “the point within the circle.” There, the degree has the individual Brother as *the point* and *the circle* as the boundary line of his duty to God and to man, beyond which a man should not allow his passions, prejudices, or interests to betray him. This ties the symbol to the concept of [Temperance](#) – one of the [Four Cardinal Virtues](#) inculcated in the Entered Apprentice Degree.

One does not have to stretch one’s imagination to consider that given all impositions and intolerances that the [Revolutionaries](#) had fought with [Britain](#) to end, this charter, this *boundary line*, was entirely necessary to “secure the Blessings of Liberty” for the people of the United States, “and our [Posterity](#).”

*“We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”* So begins the Constitution of the United States of America.

But, these concepts didn’t begin in a vacuum, or in 1787 for that matter. These concepts began in the minds of men like Socrates, Seneca, and Montaigne; as well as Joseph Addison and James Madison.

### **Joseph Addison’s Cato**

The eighteenth century saw the rise of a new literary form - [the essay](#) - whose growth can be attributed to several causes. With the lapse of government monopoly control of publishing licenses in [1695](#), there was a proliferation in all sorts of literature, including periodicals, which relied upon brief pieces of writing. This same period also witnessed greater commercial activity and the rise of a new merchant class with opportunities that had not previously existed for leisure and for conversation. Men and women of this new [bourgeoisie](#) frequently gathered for conversation in coffeehouses, which functioned as slightly more democratic versions of [the salon](#), and there they discussed political, moral, literary, and aesthetic matters. Lacking iPhones, periodicals provided the coffeehouse patrons with topics of light conversation as well as gentle guidance in sensibilities, manners, and other matters of taste. Describing the periodical essay, [Samuel Johnson said](#), “*For this purpose nothing is so proper as the frequent publication of short papers, which we read not as study but amusement. If the subject be slight, the treatise likewise is short. The busy may find time, and the idle may find patience.*”

Into the salons came [Joseph Addison](#) and his periodical, [the Spectator](#).

Addison was born in 1672 in the [Wiltshire](#) hamlet of [Milston](#), where his father was the [church rector](#). In 1687, he matriculated at [Oxford](#), studying first at [Queen's College](#) before being elected to [Magdalen College](#). At Oxford, he acquired a reputation for poetry and criticism; his studies focused on the classics, with an orientation more to Latin than to Greek. After leaving Oxford in 1699, Addison traveled for four years through France, Italy, Switzerland, Austria, Germany, and Holland. Upon his return to Britain, he came quickly to the attention of key [Whig](#) political figures such as [John, Lord Somers](#), and was commissioned to write [The Campaign](#), a long poem commemorating [Marlborough's](#) 1704 victory over the French at [Blenheim](#). Addison quickly rose through the Whig political ranks, holding government positions including the position of Commissioner of Appeals (having been recently vacated by [John Locke](#)), Under-Secretary of State, Secretary to the Lord Lieutenant of Ireland, Chief Secretary for Ireland, and eventually Member of Parliament for [Malmesbury](#).

Addison was born into a world that had recently witnessed the tumult of the [English Civil War](#) and the beheading of [Charles I](#), followed by [Cromwell's Puritan commonwealth](#). Britain's political instability continued in Addison's early life, with the Restoration of the [Stuart](#) monarchy in 1660 and the [Glorious Revolution](#) of 1688, in which another king—[James II](#)—was forced by Parliament to flee the country. The mature Addison's writing career spanned the period of British history marked by the conclusion of [Queen Anne's](#) reign in 1714 and the inauguration of the [Hanoverian](#) succession. This was a time of political upheaval and uncertainty, filled with resistance and uprisings by [Jacobites](#) who retained loyalty to the Stuart family line. Disturbances of this nature were a challenge to the very legitimacy of the Hanoverian succession. These years were characterized by intense factional conflict between Whigs and [Tories](#) over political control, with 1710–14 being the final years of Tory control before the extended period of Whig dominance that began with the accession of [George I](#) to the throne in 1714.

During this period, Addison began his career as a popular essayist, ultimately becoming the acknowledged master of what was then a relatively new form. He contributed to the [Whig Examiner](#) (1710), which responded to the Tory paper [Examiner](#), and worked with his boyhood friend Richard Steele on the [Tatler](#) (1709–11). From there, Addison and Steele joined forces on the paper that truly cemented Addison's reputation, [the Spectator](#) (1711–1712, 1714).

Situating the Spectator in the tradition of influential Renaissance texts such as Giovanni della Casa's [The Book of Manners](#) and Baldesar Castiglione's [The Book of the Courtier](#), Johnson described the purpose of Addison's essays in the following manner: "*To teach the minuter decencies and inferior duties, to regulate the practice of daily conversation, to correct those depravities which are rather ridiculous than criminal, and remove those grievances which, if they produce no lasting calamities, impress hourly vexation. . . .*"

Phrased another way, *to instruct the reader in the many ways in which one can and should circumscribe their desires and keep their passions within due bounds.*

After his run with the Spectator, Addison penned the final act to the four acts he had already written for his masterwork, [Cato, A Tragedy](#).

Based on the last days of [Marcus Porcius Cato Uticensis](#), the play deals with conflicts such as individual liberty versus government tyranny, [Republicanism](#) versus [Monarchism](#), logic versus emotion, and Cato's personal struggle to retain his beliefs in the face of death. That Addison wanted the message of the play to transcend party politics can be seen in his commissioning a Tory, [Alexander Pope](#), to write the play's Prologue and a Whig, [Sir Samuel Garth](#), to compose the Epilogue.

The play was a success throughout the British Empire. It continued to grow in popularity, especially in America, for several generations. It is cited by some historians as a literary inspiration for the [American Revolution](#), being known to many of the [Founding Fathers](#). [General George Washington](#) sponsored a performance of Cato for the [Continental Army](#) during the difficult winter of 1777-78 at [Valley Forge](#). According to [John J. Miller](#), "*no single work of literature may have been more important than Cato*" for the leaders of the American revolution.

Scholars have identified the inspiration for several famous quotations from the American Revolution in [Cato](#). These include:

- [Patrick Henry's](#) famous ultimatum: "*Give me liberty or give me death!*" (Supposed reference to Act II, Scene 4: "*It is not now time to talk of aught/But chains or conquest, liberty or death.*").
- [Nathan Hale's](#) valediction: "*I regret that I have but one life to give for my country.*" (Supposed reference to Act IV, Scene 4: "*What a pity it is/That we can die but once to serve our country.*").
- Washington's praise for [Benedict Arnold](#) in a letter: "*It is not in the power of any man to command success; but you have done more—you have deserved it.*" (Clear reference to Act I, Scene 2: "*'Tis not in mortals to command success; but we'll do more, Sempronius, we'll deserve it.*").

Cato was so popular in America. Not only did its lines and thoughts inform the greats of the founding, but they also entered into everyday discourse. In his March [1821 letter](#) to [James Madison](#), [Francis Corbin](#) uses imagery from Cato in opining about current events. Years previous, it was Corbin delivered a detailed rebuttal of [Patrick Henry's](#) objections to the Constitution in Virginia. He spoke at length on the necessity of adopting a new framework for a federal government and argued that only through a strong union could the country survive.

Nevertheless, the language and themes within Cato hit receptive ears as the Spectator was quite popular in America. Madison biographer, [Ralph Ketcham](#), notes that James Madison read the paper avidly as a teenager. It is said to have had a big influence on his world view, lasting throughout his long life.

So who was James Madison?

### **James Madison's Federalist 10**

James Madison (1751-1836) was a member of the Virginia legislature in 1776-80 and 1784-86, of the Continental Congress in 1780-83, and of the [Constitutional Convention](#) in 1787, where he earned the title "father of the U. S. Constitution." He was a member of the U. S. House of Representatives from 1789 to 1797, where he was a sponsor of the [Bill of Rights](#) and an opponent of [Hamilton's financial measures](#). He was the author of the [Virginia Resolutions of 1798](#) in opposition to the [U. S. alien and sedition laws](#). He was U. S. secretary of state in 1801-09, President of the U. S. in 1809-17, and rector of the University of Virginia, 1826-36.

It is quite clear, in analyzing Madison's life and works, that he loved liberty. It's also clear that he was concerned about restraining government – so that it wouldn't intrude upon Natural Rights. Nowhere is this more clear than in his advocacy for the [Bill of Rights](#).

The argument over the need for a Bill of Rights breaks down to two opposing sides – now called the Federalists and the Anti-Federalists.

The Anti-Federalists were critics of the version of the Constitution drafted by the Framers and submitted to the states for ratification in 1787. Some Anti-Federalists were unconditionally opposed to adopting the Constitution, while others demanded amendments or pressed for a second convention to correct the "errors" of the first. They were not (as the name "Anti-Federalists" suggests) opposed to a federal system of government – indeed, they claimed to be the "true Federalists" – but they believed the proposed Constitution gave too much power to the national authority and left too little to the states. Ultimately, they feared a "consolidated" government that would "swallow up" the states and subvert the liberties of the people. In essence, they believed that the federal government would not believe itself restrained and would infringe upon the people's Natural Rights.

Opponents of ratification of the Constitution argued that the absence of a bill of rights demonstrated that rights were insecure under the proposed Constitution. They considered the proponents' arguments to be clever at best: how could the Constitution be a bill of rights (an argument proposed by [James Wilson](#) and Alexander Hamilton), yet include certain rights, (Hamilton pointed to [Article I, Section 9](#)) and then ignore such fundamental rights as freedom of religion, freedom of the press, and trial by jury? How could one grant Congress the power of governing ([Article I, Section 8](#)) and constitutional supremacy over state laws, ([Article VI](#)) and still argue that the Constitution is a document in which, according to Wilson, in his State House Speech, "everything which is not given, is reserved?" Thus argued the Anti-Federalist [Brutus](#) as well as the Minority at the Pennsylvania Ratifying convention.

Enter [Federalist 10](#). In Federalist 10, James Madison argued that the best security for individual rights is the promotion of an extensive system of opposite and rival interests that, in turn, are filtered into the institutions of government by means of a scheme of representation.

Federalist 10 addresses the question of how to reconcile citizens with interests contrary to the rights of others or inimical to the interests of the community as a whole. Madison saw factions as inevitable due to the nature of man—that is, as long as men hold differing opinions, have differing amounts of wealth and own differing amount of property, they will continue to form alliances with people who are most similar to them and they will sometimes work against the public interest and infringe upon the rights of others. He thus questions how to guard against those dangers.

This is an essential question of government, and one we still face today. How do you effectively restrain a person or group incapable of self-restraint? Can desires be circumscribed from the outside?

Federalist No. 10 continues a theme begun in [Federalist No. 9](#) and is titled "*The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection*". The whole series is cited by scholars and jurists as an authoritative interpretation and explication of the meaning of the Constitution. Historians such as [Charles A. Beard](#) argue that No. 10 shows an explicit rejection by the Founding Fathers of the principles of [direct democracy](#) and factionalism, and argue that Madison suggests that a [representative republic](#) is more effective against partisanship and factionalism.

Madison saw the Constitution as forming a "*happy combination*" of a republic and a democracy, with "*the great and aggregate interests being referred to the national, the local and particular to the State legislatures*" resulting in a decentralized governmental structure. In his view this would make it "*more difficult for unworthy candidates to practice the vicious arts by which elections are too often carried*".

Madison saw the Constitution, with the inclusion of the Bill of Rights, as the best way to have a functioning government whilst making it really hard for the government to infringe upon fundamental rights (aka circumscribe government's desires).

But, that was then. What about now?

### **Barack Obama and the 'Charter of Negative Liberties'**

Although many paths may lead to the presidency of the United States, the most common job experience, occupation, or profession of U.S. presidents has been that of a lawyer. Of the 44 different people who have or are currently serving as president, 26 were previously lawyers. Of those 26, only one was a university lecturer who focused on the US Constitution – Barack Obama, the 44<sup>th</sup> President of the United States.

In 2001, then Illinois State Senator Obama opined in a now famous [interview](#), *"If you look at the victories and failures of the civil rights movement and its litigation strategy in the court. I think where it succeeded was to invest formal rights in previously dispossessed people, so that now I would have the right to vote. I would now be able to sit at the lunch counter and order as long as I could pay for it I'd be o.k. But, the Supreme Court never ventured into the issues of redistribution of wealth, and of more basic issues such as political and economic justice in society. **To that extent, as radical as I think people try to characterize the [Warren Court](#), it wasn't that radical. It didn't break free from the essential constraints that were placed by the founding fathers in the Constitution, at least as its been interpreted and Warren Court interpreted in the same way, that generally the Constitution is a charter of negative liberties. Says what the states can't do to you. Says what the Federal government can't do to you, but doesn't say what the Federal government or State government must do on your behalf, and that hasn't shifted** and one of the, I think, tragedies of the civil rights movement was, um, because the civil rights movement became so court focused I think there was a tendency to lose track of the political and community organizing and activities on the ground that are able to put together the actual coalition of powers through which you bring about redistributive change. In some ways we still suffer from that."*

What the former President hints at is precisely what the Anti-Federalists, and certain Federalists like Madison warned about. Unless specifically enumerated, a powerful government would not believe itself restrained and would infringe upon natural rights.

Consider Obama's examples. The concept of [universal franchise](#), also known as general suffrage or common suffrage, consists of the right to vote of all adult citizens, regardless of wealth, income, sex, race, or ethnicity, subject only to minor exceptions. What did government do? It infringed upon the natural rights of women and minorities to elect those that would represent them in government. Thus, the [15<sup>th</sup>](#) Amendment became necessary to restrain government from infringing upon the right to vote. But, those that wished to continue to infringe upon a woman's right to choose her representatives, pointed out that the 15<sup>th</sup> Amendment only dealt with race and those who were previously held as slaves. It would take 50 more years for that issue to be sorted out. In 1920, the [19<sup>th</sup>](#) Amendment was passed to keep the government properly restrained against infringing upon a woman's Natural Right to vote. It would take another 50 years, and the passage of another [amendment](#), to restrain government from infringing upon young adult's rights to choose their representatives.

You can see, in issue after issue, this "charter of negative liberties" is necessary to ensure liberty against the government's desire for power and control over the lives of the people.

[John Adams](#) is famous for the quote on this topic, *"We have no government armed with power capable of contending with human passions unbridled by morality and*

*religion. Avarice, ambition, revenge or gallantry would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution is designed only for a moral and religious people. It is wholly inadequate for any other."*

These words of President Adams remind us of what used to be a common idea—liberty entails responsibility, and absent religion ( or even with it) many people will choose immorality and irresponsibility. President Washington said much the same thing in his "[Farewell Address](#)": "*Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. . . . And let us with caution indulge the supposition that morality can be maintained without religion."*

As Masons, we understand what Washington and Adams were saying. The concept of self-restraint and morality are baked into our degrees, and our lives as Masons. What both were saying is that the Constitution is just a piece of paper – it means nothing to an immoral people, incapable of circumscribing their desires and keeping their passions within due bounds. Essentially, the Constitution has no enforcement mechanism. It means the same as a No Trespassing sign to a person bent on robbery or thievery – it's nothing, not even an inconvenience.

### **Conclusion**

Thus, on this day of Constitutional Observance, I hope that you will consider this trip through history a gentle reminder about the sacredness of our foundational document. As a public official, I swore an oath to protect and defend it. During my career in police service, I was regularly reminded of our duties to those we serve in light of the Constitution. [Constitutional policing](#) promotes a keen awareness of the civil liberties of society. Police forces shouldn't just ask what the Constitution allows them to do, or restrains them from doing. Whilst restoring order to communities, they should actively work to protect the natural / civil rights of the people in the areas that they are policing.

If there is a lesson in all of this, it is that our Constitution is neither a self-actuating nor a self-correcting document. It requires the constant attention and devotion of all citizens. There is a story, often told, that upon exiting the Constitutional Convention our Worshipful Brother from Pennsylvania (M.W. Benjamin Franklin, PGM) was approached by a group of citizens asking what sort of government the delegates had created. His answer was: "*A republic, if you can keep it.*" The brevity of that response should not cause us to under-value its essential meaning: democratic republics are not merely founded upon the consent of the people; they are also absolutely dependent upon the active and informed involvement of the people for their continued good health.

Thank you for your time. Good night.

## References

- Addison, J., *Cato: A Tragedy and Selected Essays*, ed. Henderson & Yellin. Indianapolis: Liberty Fund, 2004.
- Burkle, W. The point with a circle - more than just an allusion. Scioto Lodge No. 6, Chillicothe, Ohio.
- Hoerricks, K.J. (2019). *Leadership in the Lodge of Perfection*. San Francisco, CA: Blurb.
- Hutchens, R. (1995), *Pillars of Wisdom: the Writings of Albert Pike, Supreme Council, 33°, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction, United States of America*, Washington, D.C.
- Johnson, S. (1951). *Lives of the Poets*. In *Johnson: Prose and Poetry*, selected by Mona Wilson. Cambridge, Mass.: Harvard University Press, 872-881.
- Ketcham, R. (1990). *James Madison, A Biography*. University of Virginia Press.
- Lomas, R. (2010), *The Secret Science of Masonic Initiation*, Weiser Books, San Francisco, CA.
- MacKey, A.G. (1966), *Encyclopedia of Freemasonry*, Macoy, New York, NY.
- Maltz, M. (2015). *Psycho-Cybernetics: updated and expanded*. New York: Perigee, an imprint of Penguin Random House LLC.
- Pamphlets on the Constitution of the United States, published during its Discussion by the People, 1787-1788*, edited with notes and a bibliography by Paul Leicester Ford, Brooklyn, N.Y., 1888.
- Pike, Albert. *Morals and Dogma*. Arturo DeHoyos (ed.) 2011. pp. 73-76 *The Supreme Council, 33°, Southern Jurisdiction*, Washington, DC.
- Plutarch, *Life of Cato the Younger*, vol. 4 of *Plutarch's Lives*, ed. A. H. Clough. Boston: Little, Brown and Co., 1907.
- Unknown Author. *Entered Apprentice Candidate Guide*. pp. 7-8. Grand Lodge of California Free and Accepted Masons.
- Unknown Author. 1925. *Sound of the Gavel*. pp. 134-136 In S. Brent Morris (ed.) 2013. *The Short Talk Bulletins Volumes 1-15 1923-1937* Masonic Service Association of North America, Burtonsville, MD.
- Unknown Author. *Temperance*. 3-Minute Masonic Education. Robert Burns Lodge #243. Edmonds, WA.
- Unknown Author. 1928. *Tools*. pp. 239-244 In S. Brent Morris (ed.) 2013. *The Short Talk Bulletins Volumes 1-15 1923-1937* Masonic Service Association of North America, Burtonsville, MD.

## **About the Author**

Jim Hoerricks, Ph.D., was initiated, passed, and raised to the sublime degree of Master Mason in North Hollywood Lodge #542 (2003-2004) but now spends his time at the Archimedes Lodge UD in Pasadena, CA, as well as travelling the world visiting Masonic bodies in his spare time. Being very busy professionally, he has also been a member of Oasis Lodge #854 (Chaplain, 2012), Lancaster Lodge #437, Reseda Lodge #666, and Beverly Hills Lodge #528 (Treasurer, 2006). He is a member (33°) of the Scottish Rite bodies in Pasadena, CA and Guthrie, OK., the San Fernando Valley York Rite bodies, the Allied Masonic Degrees, the Grand College of Rites, the Royal Order of Scotland, MSRICF (VII°), Al Malaikah Shrine, the Scottish Rite Research Society, the WSB Club, and the Oklahoma Lodge of Research.

Jim is an active Masonic speaker and can be found on the Grand Lodge of California's Masonic Education Speaker List. He is a graduate of the Grand Lodge of California's Lodge Management Certification Program. He is certified by the Grand Lodge of California to deliver the Masonic Funeral Service.

Jim has been most active in the Ancient and Accepted Scottish Rite of Freemasonry, SJ. He has served the Valley of Pasadena, Orient of California, in many ways. He was Wise Master of the Pasadena Chapter of Rose Croix (2012) and served as Classroom Director from 2008-2014. Prior to his receiving the investiture of K.C.C.H., he served in the Valley's Knights of St. Andrew service organization, attending to the Valley's needs as necessary.

Find out more: [hoerricks.com](http://hoerricks.com)