

1—Agency and Accountability

Outcomes and Objectives:

Issues:

1. Agency and Accountability
2. Rights of Man
3. Rule of Law

Student Outcomes:

1. Students will be able to explain the basic concepts and definitions of the three primary principles.
2. Students will be able to cite historical applications of the concepts in the American experience.
3. Students will be able to make application of the principles in their own lives.

Note: First day's reading: pages 1–7; second day's reading, pages 8–14.

All students should come to class prepared to teach the other students in the class what they have learned through preparing for the class and be able to provide evidence to support their ideas.

Agency and Accountability

One of the primary principles embodied in America's political, economic, social, and religious experience is the principle of Agency and Accountability. Although this principle is most often associated with religion and freedom of conscience it also most certainly underlies American traditions about our ability to enjoy the fruits of our labors, reap the consequences of our actions, and "secure the Blessings of Liberty to ourselves and our Posterity."

Free Will & Agency:

D&C 58:27 Verily I say, men should be anxiously engaged in a good cause, and do many things of their own **free will**, and bring to pass much righteousness.

28 For the power is in them, wherein they are **agents** unto themselves. And inasmuch as men do good they shall in nowise lose their reward.

NB: Free will is the ability to choose. Agency is the ability to carry out, or act, on that choice. They are not the same thing (free will and agency).

D&C 101:77 According to the laws and constitution of the people, which I have suffered to be established, and should be maintained for the rights and protection of all flesh, according to just and holy principles;

78 That every man may act in doctrine and principle pertaining to futurity, according to the moral agency which I have given unto him, that every man may be accountable for his own sins in the day of judgment.

79 Therefore, it is not right that any man should be in bondage one to another.

80 And for this purpose have I established the Constitution of this land, by the hands of wise men whom I raised up unto this very purpose, and redeemed the land by the shedding of blood.

Moses 4:3 Wherefore, because that Satan rebelled against me, and sought to destroy the agency of man, which I, the Lord God, had given him, and also, that I should give unto him mine own power; by the power of mine Only Begotten, I caused that he should be cast down;

4 And he became Satan, yea, even the devil, the father of all lies, to deceive and to blind men, and to lead them captive at his will, even as many as would not hearken unto my voice.

2 Nephi 2: 27 Wherefore, men are free according to the flesh; and all things are given them which are expedient unto man. And they are free to choose liberty and eternal life, through the great Mediator of all men, or to choose captivity and death, according to the captivity and power of the devil; for he seeketh that all men might be miserable like unto himself.

Accountability:

D&C 72:3 And verily in this thing ye have done wisely, for it is required of the Lord, at the hand of every steward, to render an account of his stewardship, both in time and in eternity.

4 For he who is faithful and wise in time is accounted worthy to inherit the mansions prepared for him of my Father.

5 Verily I say unto you, the elders of the church in this part of my vineyard shall render an account of their stewardship unto the bishop, who shall be appointed of me in this part of my vineyard.

D&C 42: 32 And it shall come to pass, that after they are laid before the bishop of my church, and after that he has received these testimonies concerning the consecration of the properties of my church, that they cannot be taken from the church, agreeable to my commandments, every man shall be made accountable unto me, a steward over his own property, or that which he has received by consecration, as much as is sufficient for himself and family.

D&C 104: 13 For it is expedient that I, the Lord, should make every man accountable, as a steward over earthly blessings, which I have made and prepared for my creatures.

D&C 134: 1 WE believe that governments were instituted of God for the benefit of man; and that he holds men accountable for their acts in relation to them, both in making laws and administering them, for the good and safety of society.

1. What is the meaning of the word “agency” as used in the scriptures? What does it mean to be accountable? (Is there a difference between accountability and “consequence”?) What does it mean in the scriptures when it uses the words “steward” or “stewardship”?

2. What are some of the choices you have to make in your life today? In what ways are you accountable for those choices?

3. What kinds of political or economic choices do you face and what are your accountabilities for those choices?

Andrew Carnegie and the Homestead Strike

Andrew Carnegie is recognized as one of the major “industrialists” of the late 19th century in America. He is regarded as the quintessential example of America’s “rags to riches” stereotype, starting out as a poor Scottish immigrant and ending up directing one of the largest steel companies in America. He also became one of the most generous philanthropists in American history. Along the way to his success, however, he made both friends and enemies. Rather than “generous philanthropist” or “captain of industry” many would refer to him as a “robber baron.” The decisions and choices he made in the area of labor relations formed a major part of his legacy and how people and history viewed him. The following is an example of agency and accountability from Andrew Carnegie’s life.

“Carnegie had published his guidelines for labor practices in two 1886 *Forum* articles, “An Employer’s View of the Labor Question” and “Results of the Labor Struggle.” The first article argued that the refusal of American employers to recognize labor unions led to unnecessary bitterness. Carnegie defended “the right of the working men to combine and to form trades unions” as “no less sacred than the right of the manufacturer to enter into associations . . . with his fellows.” He then proposed a sliding scale that would tie workers’ wages to employers’ prices.

This piece appeared just in time for a general railroad strike followed by the Haymarket Riots; Carnegie, confident of the inherent conservatism of American workers, felt the need to reassure the public that red revolution [socialist] was not imminent. The workers, Carnegie argued, resorted to violence only when the employers brought in strikebreakers. Thus his second article asked that “the public give due consideration to the terrible temptation to which the working man on strike is sometimes subjected. To expect that one dependent on his daily wage for the necessities of life will stand peaceably and see a new man employed in his stead is to expect too much.” Except for railroads and other public service agencies, industries that were struck should not hire scab labor; they should simply shut down and “await the result.” Scab labor not only caused trouble but did poor work. “Neither the best men as men, nor the best men as workers, are thus to be obtained. There is an unwritten law among the best workmen: Thou shalt not take thy neighbor’s job.” This extraordinary statement had no parallel in public utterances by other major American industrialists of the time. Carnegie’s continual need to reconcile his role as wealthy employer with his radical conscience convinced him that good treatment of workers was good business.

Carnegie basked in the praise that subsequently flowed in from labor leaders everywhere. The Brotherhood of Locomotive Engineers named a lodge after him, an honor he gratefully acknowledged. He should have realized, however, that he was on a collision course with [the man he had appointed chairman of his company, Henry] Frick, from whom he could expect no approval.

Frick’s attitudes toward the workers could only euphemistically be described as “haughty and disdainful.” Nor did he subscribe to Carnegie’s unwritten law. He believed in the written laws that stated he could do with his property as he liked — bring anyone on it, keep anyone off it, and otherwise use and benefit from it in any legal way he chose. This position soon brought him into conflict with Carnegie, for labor wasted no time in testing Andy’s sincerity, and the first test involved the Frick Coke Company.

In the spring of 1887 the workers in the [Carnegie] coal mines and coke plants of the Connellsville region struck. Frick favored a hard line and made an agreement with his fellow coke manufacturers to yield no ground to the strikers and to bring in strikebreakers to resume production. The coal miners, a hard-bitten lot for whom death and violence were routine, had ready access to dynamite and could blow mines up as

well as knock coal down. Both sides entrenched themselves for a struggle.

Others, including Henry Phipps, chairman of Carnegie Brothers, and John Walker, chairman of Carnegie Phipps, were impatient for a settlement. Both men had mills running full blast and large back-orders; neither could tolerate the threatened loss of profits. Phipps and Walker cabled Carnegie, who was honeymooning on the Isle of Wight. Carnegie fired off a peremptory [proclamation] ordering Frick to settle on the strikers' terms.

Frick had to obey; . . . because Carnegie, as majority stockholder in Frick Coke, based his authority on the very laws of property so dear to Frick's soul. Nonetheless, he felt betrayed and foolish, for he who had urged his colleagues to take a rigid stand now became the first to abandon it. He also believed that Carnegie's willingness to surrender to the strikers in no small degree reflected the fact that the name on the company door was Frick's, not Carnegie's. Incensed, Frick threatened to resign, stating his objection "to so manifest a prostitution of the Coke Company's interests in your determination to promote your steel interests."

Carnegie might well have taken warning from this outburst; however, he apparently respected Frick's vigorous defense of his own interest and felt that when Frick became a partner in Carnegie Steel he would transfer this pertinacious dedication to his new domain. In any case, he . . . placated [his] churlish partner and eventually enticed him back to the fold.

The next test of Carnegie's labor attitudes came in the winter of 1887—1888. Carnegie had decided to terminate the eight-hour experiment at Edgar Thomson [steel mill] and to inaugurate a sliding scale that would tie wages to steel prices. He posted a notice to this effect for January 1, 1888. ET's workers put down their tools and went home. Carnegie withdrew to his fortifications — he shut down the works and retired to his home in New York.

A workers' committee arrived to negotiate. Turning on the charm, Carnegie told them amusing stories about the steel business, gave them copies of his *Forum* articles, introduced them to the Prime Minister of Siam who had dropped by for tea, and — refused to budge an inch. There would be no work except on his terms. But there would be no work without a settlement either: "We will never try to fill our works with new men . . . we could never get such good men as you are. It is the scallawags who are idle and looking for work when there is a strike. . . . No one will ever have your places here. We like you too much." There matters rested for four months. At first the firm hardly suffered, because the rail market declined coincidentally. When orders did come in, they were rejected. Confronted again by a workers' committee in New York, Carnegie gave them lunch and a tour of Central Park, but no concessions.

Finally, after a shutdown of nearly five months, Carnegie appeared at a mass meeting of ET's employees. The tense atmosphere frightened Phipps and Lauder, but Carnegie, who never feared his workers ("There can never be any hopeless troubles . . . as long as they call me 'Andy'"), clambered up on the platform and asked for individual grievances. One worker rose. "Mr. Carnegie, you take my job —" He got no farther. "Mr. Carnegie takes no man's job." The tension broke; the battle was won. The men voted to go back to work. Carnegie had come out victorious.

His faith in his program's efficacy was considerably reinforced in the next year when one of his managers abandoned it with unhappy results. In 1889 the firm's contract with the Amalgamated Association at Homestead expired. In April Carnegie instructed his minions to institute a sliding scale and, if that provoked a strike, to deal with it as he had at ET. He then sailed off to Scotland for his annual six months' retreat. On July 1, the strike began. W. L. Abbott, in his first year as president of Carnegie, Phipps Company, lacked his boss's tenacity; he sent for strikebreakers. Soon a trainload arrived, escorted by the sheriff and a hundred twenty-five deputies. This small detachment proved no match for the two thousand angry strikers and their families, who routed the interlopers with a shower of spit, brickbats, anti vituperation.

The Homestead strike of 1892 took place against this backdrop. When the contract came up for renewal, . . . the taciturn Mr. Frick now occupied the seat of power. The Amalgamated Association, however, approached the confrontation confident that as long as Carnegie owned the mills, he would restrain Frick. They erred. Carnegie and Frick had concurred on a two-point negotiation program, and although they differed on how best to secure the men's acceptance of it, Carnegie did not limit Frick's discretionary powers. On the contrary, Carnegie carefully left his manager's hands free.

The first item on the Carnegie-Frick agenda was a reduction of the minimum on the sliding scale which had a lower but not an upper limit. At Homestead, wages were tied to the price of steel billets; wages rose if prices did. The reverse applied, however, only until billets dropped to \$25 per ton. At that point wages froze, no matter how low the price went. The company wanted to reduce the minimum to \$22. The

second part of the program was worse. Carnegie and Frick wanted to eliminate the union as bargaining agent. Carnegie wanted simply to proclaim by fiat that the firm's plants would henceforth be non-union. Frick had more devious methods in mind.

Carnegie went to Scotland shortly before the contract expired, thus removing himself from the scene of the battle just as he had in 1889. Before leaving, he urged his usual negotiating program on Frick:

'My idea . . . is always to shut down and suffer. Let them decide by vote when they decide to go to work. Say kindly "All right, gentlemen, let's hear from you; no quarrel, nor the least in the world. Until a majority vote (secret ballot) to go to work, have a good time; when a majority vote to start, start it is.'"

Whatever course Carnegie thought events would take, he did not order Frick to follow his program as such. He wrote Frick from England that he really did "not believe it will be much of a struggle. We all approve of anything you do, not stopping short of . . . a contest. We are with you to the end. Your reputation will shorten [the] struggle."

Frick's reputation was that of the strongest anti-labor man in business. He preferred to fight and had told Carnegie so. But Carnegie gave Frick a blank check and left England for Scotland. Significantly, he departed from his custom of inviting all his friends to drop in. Instead, he went into seclusion, giving his address only to a trusted few. Apparently his partners feared that if Carnegie could be reached by the press or by his workers, his resolve might weaken, and he might interfere. Phipps and Lauder in particular wanted to avoid involving Carnegie because they knew that Frick would resign as he had before when Carnegie meddled. Quite simply they wanted Frick in charge of Carnegie Steel because he seemed likely to make a lot of money by them by holding down wages. If Carnegie returned, his occasional preference for adulation rather than money might prompt an expensive settlement.

Carnegie accepted the "exile" because he knew his own weakness. He pulled the covers over his head to shut out the sounds of conflict, hoping that when he pulled them off, all would be well, his own reputation as the workers' friend preserved by his absence, and blame (if any) attached to Frick. From Scotland he wrote Frick "Of course you will win, and win easier than you supposes owing to the present condition of the market."

Frick took no chances. He meant to take the offensive. He erected a massive stockade around the works, complete with watchtowers, rifle slits, and barbed wire. Then he ordered the Pinkerton detective agency to assemble three hundred of their finest. To force an all-out struggle, Frick presented the Amalgamated's officers with demands he knew they would have to reject. His plan was to have the Pinkertons take over the works and then reopen with non-union help — with the old employees if they would work, with scabs if they would not.

On July 1, the strike began. Frick ordered the Pinkertons to arrive on July 6. They were to come down the river on barges, at night in absolute secrecy. The idea was to smuggle them into the plant and present the strikers with a *fait accompli* at sunrise. The workers foiled the plan. They spotted the barges passing through Pittsburgh and sent word ahead. The alarm sounded; the population of Homestead rushed to the river bank and launched a ferocious though inept assault.

The battle lasted all day as the strikers kept the Pinkertons pinned down on the barges and tried to kill every last one of them. That they failed testified only to their lack of skill, not to any lack of desire. They charged the town's courthouse cannon with dynamite; it blew up. They poured oil on the river and set fire to it; the wind blew it the wrong way. They threw a lighted stick of dynamite onto a barge; it rolled into a bucket of water. They loaded a flatcar with blazing combustibles and pushed it down the track toward the barges; it derailed.

Finally, in the late afternoon a truce was negotiated. The Pinkertons dropped their guns, and the strikers promised them safe conduct out of town. Unfortunately the promise could not be kept. The fury of the bystanders exceeded even that of the combatants; the Pinkertons had to run the gauntlet of the howling mob. When the battle ended, four guards were dead and all the others sustained injuries.

The rest of the tragedy ran its course quickly. The governor sent eight thousand troops who occupied the plant. Frick received knife and bullet wounds from a would-be assassin. Although the assailant had no connection with the union, his bullet, as one of the Amalgamated's officers said, "went straight through the heart of the Homestead Strike." Frick, though wounded, remained in control and reopened the plant. Frick was satisfied with the outcome and the strategy used to obtain it. He told Carnegie later, "If we had adopted the policy of sitting down and waiting we would have still been sitting, waiting . . . the fight would yet have to be made and then we would . . . be accused of trying to starve our men into submission." This attitude Frick adhered to forever.

Carnegie's emotions, on the other hand, had run the gamut from determination to panic to despair as he

realized the implications of the battle for his cherished reputation. On the day following the clash, he cabled Frick: "All anxiety gone since you stand firm. Never employ one of these rioters. Let grass grow over the works. . . . Use your discretion about terms and starting George Lauder, Henry Phipps, Jr. [,] Andrew Carnegie solid. H. C. Frick forever."

"But Carnegie began to pivot as the wind began to blow foul. He wrote Lauder: Matters at home *bad* — such a fiasco trying to send guards by boat and then leaving space between River & fences for the men to get opposite the landing. . . . We must keep quiet and do all we can to support Frick and those at the Seat of War. I have been besieged by interviewing cables from N. York but have not said a word. Silence is best."

And Carnegie maintained silence publicly. True to his code, he supported Frick's conduct in his public remarks. The public, however, rightly blamed Carnegie, the owner.

On both sides of the Atlantic the newspapers attacked him. In England the *St. James Gazette* said, "Mr. Andrew Carnegie has preached to us upon 'Triumphant Democracy,' he has lectured us upon the rights and duties of wealth It is indeed a wholesome piece of satire." The *St. Louis Post-Dispatch* made the most savage thrust:

"Count no man happy until he is dead. Three months ago Andrew Carnegie was a man to be envied. Today he is an object of mingled pity and contempt. In the estimation of nine-tenths of the thinking people on both sides of the ocean lie had not only given the lie to all his antecedents, but confessed himself a moral coward. One would naturally suppose that if he had a grain of consistency, not to say decency, in his composition. he would favor rather than oppose the organization of trades-unions among his own working people at Homestead. One would naturally suppose that if he had a grain of manhood, not to say courage, in his composition, he would at least have been willing to face the consequences of his inconsistency. But what does Carnegie do? Runs off to Scotland out of harm's way to await the issue of the battle he was too pusillanimous to share. A single word from him might have saved the bloodshed — but the word was never spoken. Nor has he, from that bloody day until this, said anything except that lie had "implicit confidence in the managers of the mills." The correspondent who filially obtained this valuable information expresses the opinion that "Mr. Carnegie has no intention of returning to America at present." He might have added that America can well spare Mr. Carnegie. Ten thousand "Carnegie Public Libraries" would not compensate the country for the direct and indirect evils resulting from the Homestead lockout. Say what you will of Frick, he is a brave man. Say what you will of Carnegie. he is a coward. And gods and men hate cowards."

Despite his public support for Frick, Carnegie privately felt that Frick's obduracy had been stupid, that he, Carnegie, had to undergo these scathing attacks because Frick had not carried out his policy. He wrote Gladstone that it had been a mistake to *try* "to run the Homestead Works with new men. [That was] a test to which working men should not [have been] subjected. It [was] expecting too much of poor men to stand idly by and see their work taken by others." Carnegie attempted to exculpate himself: "The pain I suffer increases daily. The Works are not worth one drop of human blood. I wish they had sunk." In his heart, of course, he knew who was at fault. His *Autobiography* contains a lengthy, anecdote-filled account of his long, happy relations with workers. He put some of the strike leaders on his private pension list (although some refused him), and one of his first philanthropies after retirement was to endow a relief-fund for Homestead employees. Late in life he wrote, "No pangs remain of any wound received in my business career save that of Homestead. . . . I was the controlling owner. That was sufficient to make my name a by-word for years."

Carnegie did not need newspaper editorials to remind him what a mockery the Homestead bloodshed had made of *Triumphant Democracy*, "The Gospel of Wealth," and his prattlings about the dignity of work and the rights of the worker. His chagrin subsequently released enormous energy and determination. He had considered retirement; now he put it aside. He had relinquished control; now he reasserted it more vigorously than ever. He never again trusted Frick. As he guided his firm over the hurdles of the 1890s, he kept Frick under tight rein.

Carnegie was fifty-seven at the time of the Homestead strike. In the ensuing years he gave the virtuoso performance of his life, summoning all his knowledge and skills to survive the recession and to vanquish his rivals. He knew he could not erase the memory of Homestead, but he could try to bury it under new

achievements. All his life he had assuaged his hungers, griefs, and wounds by doing, working, achieving. He had suffered a massive setback; it was just as well that he had massive challenges to confront.¹

4. What are the issues involved in Andrew Carnegie’s handling of the Homestead Strike? What choices did Carnegie make? What were the results of those choices?

5. Describe other situations in the American experience where agency and accountability played a role. Identify situations in your own life where agency and accountability have played and play a role.

[End of first day’s reading.]

¹ Harold C. Livesay, *Andrew Carnegie and the Rise of Big Business* (Boston: Little, Brown and Company, 1975) 135-144.

Rights of Man

The idea of “rights” has long been a center-piece of the American experience. In the media today the terms “human rights,” “civil rights,” and “constitutional rights,” are often used. Where does this American fascination with rights come from? Where do “rights” come from? What were the basic rights described by the founding generation of Americans? How have those rights grown and expanded in the past 200 years?

Dallin Oaks, “Free Agency and Freedom,” 1987:

When I say *free agency* I refer to what scripture calls *agency*, which means an exercise of the will, the power to choose. When I say *freedom*, I mean the power and privilege to carry out our choices.

Because *free agency* is a God-given precondition to the purpose of mortal life, no person or organization can take away our free agency in mortality.

What can be taken away or reduced by the conditions of mortality is our *freedom*, the power to act upon our choices. Free agency is absolute, but in the circumstances of mortality freedom is always qualified.

Freedom may be qualified or taken away (1) by physical laws, including the physical limitations with which we are born, (2) by our own action, and (3) by the action of others, including governments.

We have to accept some government limitations on freedom if we who live in communities are to have life, liberty, and the pursuit of happiness. A condition of uninhibited individual freedom would allow the strong to oppress the weak. It would allow the eccentric desires of one person to restrict the freedom of many.

Freedom is obviously of great importance, but . . . freedom is always qualified in mortality. Consequently, when we oppose a government-imposed loss of freedom, it would be better if we did not conduct our debate in terms of a loss of our free agency, which is impossible under our doctrine. We ought to focus on the legality or the wisdom of the proposed restriction of our freedom.

Magna Carta—1215:

38. No bailiff for the future shall, upon his own unsupported complaint, put any one to his “law,” without credible witnesses brought for this purpose.
39. No freeman shall be taken or imprisoned or disseised or exiled or in anyway destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land.
54. No one shall be arrested or imprisoned upon the appeal of a woman, for the death of any other than her husband.

6. How do the statements of Elder Oaks connect the issues of Agency and Rights (freedom to carry out our choices)? What important legal rights, that are now part of the American legal tradition, were established in the Magna Carta of 1215? Which of the above rights seem outdated and ridiculous?

English Bill of Rights—1689:

Whereas the late King *James* the Second, by the assistance of divers evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the protestant religion, and the laws and liberties of this kingdom.

And whereas the said late king *James* the Second having abdicated the government, and the throne being thereby vacant ... the said lords spiritual and temporal, and commons ... do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties, declare;

1. That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of parliament, is illegal.
2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.

3. That the commission for erecting the late court of commissioners for ecclesiastical causes, and all other commissions and courts of like nature are illegal and pernicious.
4. That levying money for or to the use of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in other manner than the same is or shall be granted, is illegal.
5. That it is the right of the subjects to petition the King, and all committments [sic] and prosecutions for such petitioning are illegal.
6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament, is against law.
7. That the subjects which are protestants, may have arms for their defence suitable to their conditions, and as allowed by law.
8. That election of members of parliament ought to be free.
9. That the freedom of speech, and debates or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament.
10. That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.
11. That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.
12. That all grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void.
13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliaments ought to be held frequently.

7. What important rights, that are now part of the American tradition, were established in the English Bill of Rights in 1689? Which of the above rights seem outdated and ridiculous?

Declaration of Rights and Grievances—Thomas Jefferson, 1774:

Whereupon the deputies so appointed being now assembled, in a full and free representation of these colonies, taking into their most serious consideration, the best means of attaining the ends aforesaid, do, in the first place, as Englishmen, their ancestors in like cases have usually done, for asserting and vindicating their rights and liberties, DECLARE, That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following RIGHTS:

Resolved, 1. That they are entitled to life, liberty and property: and they have never ceded to any foreign power whatever, a right to dispose of either without their consent.

Resolved, 2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England.

Resolved, 3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

Resolved, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council: and as the English colonists are not represented, and from their local and other circumstances, cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed: . . .

Resolved, 5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

Resolved, 6. That they are entitled to the benefit of such of the English statutes, as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

Resolved, 7. That these, his Majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

Resolved, 8. That they have a right peaceably to assemble, consider of their grievances, and petition the king; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

Resolved, 9. That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

Resolved, 10. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed during pleasure, by the crown, is unconstitutional, dangerous and destructive to the freedom of American legislation.

8. What important rights, that are now part of the American tradition, were established in Jefferson's Declaration of Rights and Grievances? Do any of the above rights seem outdated and ridiculous?

Declaration of Independence—1776:

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

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. 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 a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security.

9. What important rights, that are now part of the American tradition, were established in the Declaration of Independence? Do any of them seem outdated and ridiculous? Based on the statements made in the Declaration of Independence, where do rights come from?

Bill of Rights—1791:

Amendment I – Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II – A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III – No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV – The right of the People to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularity describing the place to be searched, and the persons or things to be seized.

Amendment V – No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI – In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have Assistance of Counsel for his defence.

Amendment VII – In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII – Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX – The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X – The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

10. What important rights, that are now part of the American tradition, were established in the Bill of Rights? Do any of them seem outdated and ridiculous?

Economic Bill of Rights, Franklin Roosevelt—1944:

In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed.

Among these are:

The right to a useful and remunerative job in the industries, or shops or farms or mines of the Nation;

The right to earn enough to provide adequate food and clothing and recreation;

The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;

The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;

The right of every family to a decent home;

The right to adequate medical care and the opportunity to achieve and enjoy good health;

The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment;

The right to a good education.

All of these rights spell security. And . . . we must be prepared to move forward in the implementation of these rights, to new goals of human happiness and well-being.

11. What rights are added to the American political and economic experience by Roosevelt’s Economic Bill of Rights? Are these rights still applicable today? Where do these rights come from (as opposed to those listed in the Declaration of Independence)?

D&C 134:2 We believe that no government can exist in peace, except such laws are framed and held inviolate as will secure to each individual the free exercise of conscience, the right and control of property, and the protections of life.”

12. What is the role of government with regard to rights? What specific rights does the Doctrine and Covenants list? Is the list too long, too short, too broad too narrow, too vague, too specific? How does this list relate to others in the documents already discussed.

Proclamation on the Family—1995:

“The family is ordained of God. Marriage between man and woman is essential to His eternal plan. Children are entitled to birth within the bonds of matrimony, and to be reared by a father and a mother who honor marital vows with complete fidelity. Happiness in family life is most likely to be achieved when founded upon the teachings of the Lord Jesus Christ. Successful marriages and families are established and maintained on principles of faith, prayer, repentance, forgiveness, respect, love, compassion, work, and wholesome recreational activities. By divine design, fathers are to preside over their families in love and righteousness and are responsible to provide the necessities of life and protection for their families. Mothers are primarily responsible for the nurture of their children. In these sacred responsibilities, fathers and mothers are obligated to help one another as equal partners. Disability, death, or other circumstances may necessitate individual adaptation. Extended families should lend support when needed.

13. What rights are mentioned in the above statement from the Proclamation on the Family? How do they relate to other rights discussed. Does this result in an expansion of rights? Where do these rights come from?

14. How have rights been expanded overtime in America? What do the terms “Constitutional Rights,” “legal rights,” “civil rights” and “human rights” have to do with the concept of rights in America today and what do they tell us about the change view of where rights originate?

15. What has been America’s contribution to the world’s discussion of “Rights”? Are there such things as rights that are truly American in their development, definition, and application? (Note this last question does not mean that they are rights only applied in America, but are they rights that are seen by Americans and others to be truly part of American culture.)

Once a society loses its moral grounding in terms of the basis of rights (where rights come from) they no longer have the ability to discuss right and wrong. Right becomes that which makes people feel good about themselves and their actions and wrong becomes anything that makes people feel bad about themselves. Thus, trying to impose any kind of moral standard in an immoral world becomes impossible. An understanding of the “rights” and how they will be viewed, interpreted, and protected in any society is extremely important. This common understanding is often the basis of how citizens interact with each other in society and how the government interacts with the citizens.

Rule of Law

The practice of Rule of Law may be the most important principle in any system of government, and of society. With a strong acceptance of rule of law, almost any type of government can effectively govern the people. Without such an acceptance, even the best form of government will descend into either chaos or tyranny.

Definition, **1a**: The opposite of rule of “will,” or the arbitrary rule of an authoritarian ruler or dictator. **b**. a set of regulations or bylaws governing procedures and controlling conduct to which a majority of the people within a nation state agree. **2**. a set of moral and ethical principles (justice, decency, fairness, compassion), to which people subscribe, that set boundaries of self-restraint in the areas of: **a**. how people relate to each other; **b**. how they relate to their government; **c**. how the government relates to the people.

16. In your own words explain what this definition means. Give personal examples from your own life of Rule of Law in operation based upon the definitions above.

Case Study: Near the end of the Revolutionary War several officers in the Continental Army became frustrated with the government’s inability to pay them for their military service. A movement began to force payments using military force. While the officers debated the pros and cons of such an action, a rumor spread that George Washington, still unpaid himself, supported the plan. Eventually, General Washington hears of the plan, the rumor, and of a general meeting called by his officers to decide the issue.

17. What are the issues of this “case?” Explain the possible responses George Washington’s might make and why. How do the principles of Rule of Law as defined above relate to that response?

Marion G. Romney, 1973.

“ ‘The law of Christ’ is all inclusive. It concerns not only the rules that shall govern beyond the grave, but also the law of nature here and now — local, national, and international. When the ‘rule of law’ breaks down in a family, a community, a state, or a

nation, chaos reigns. The kingdoms of heaven are to be free from chaos, because no one will be in any one of them who does not by his own free will obey the laws thereof.”

18. Identify important words and phrases in President Romney’s statement.

Explain how President Romney’s comments relate to the definition above.

Assess what happens in a society when rule of law breaks down. What happens in your family when Rule of Law breaks down?

19. Evaluate how Rule of Law as defined above did or did not play a role in the following situations? [If you do not know about them, try Wikipedia or an Internet search.] 2000 Presidential Election, Enron Collapse, Nixon’s Watergate, the LDS church’s response to the prophet’s martyrdom, other historical situations and/or circumstances you face in your everyday life.

[NB: Some of the material herein may be the work of Gary Marshall and Eric Walz. Marshall’s content may appear in a forthcoming publication.]