

## The General Welfare Is The Constitution's Core

*Lyndon LaRouche addressed a cadre school of the LaRouche Youth Movement in Los Angeles, Calif. on Jan. 28, 2006. The following is his answer to one of the questions after his presentation.*

**Q:** I asked John Yoo [former Justice Department lawyer and author of “torture memos”], when he spoke at Loyola Law School recently, about the role of the Supreme Court. He acknowledged the founders of the United States had said that the Supreme Court should interpret the law, and said that all these powers had been outlined for the branch—but really, “we think this just makes a mess, and it really doesn’t matter.” I asked him about his statement, and he said, “Well—any one of the branches can interpret the law.” And then, when I subsequently cornered him on this, he said, “Well, actually, I don’t know which branch most interprets the law.”

So, I just wanted to know, just to confirm that I’m a sane person, if the Founders really intended these articles, which delineated responsibility for the various branches of government, and that no branch would usurp the role of another branch? You can deliberate, but everyone sticks to their job, just like Plato’s theory of justice, that everyone does what they’re supposed to do, and they do it well.

**LaRouche:** Well, first of all, look at the U.S. Constitution—the Federalist Society is a fraud, of course, the whole thing is, *complete fraud*: Tracing themselves from the Federalists, especially Alexander Hamilton, *complete fraud!* “Oh, you’re a Hamilton supporter, huh? How about the National Bank? Why don’t we have a National Bank? Or, why don’t we have the program which was defined by Hamilton in terms of the paper on credit, the *Report to the Congress on Credit*? Why don’t we have a National Banking system, as prescribed by the one of the founders of our Constitution, Hamilton, the Treasury Secretary? Why don’t we have a policy, like that outlined in quite some detail on the question of manufactures, by Hamilton, in his *Report to the Congress* on this subject?

“Why do we have people who trace their policies, not to Hamilton, but to *opposition* to Hamilton, from among some of the followers of Jefferson; and most exemplary, the case of Andrew Jackson, and Martin van Buren and company?”

These guys are not Hamiltonians: They are radical

British-influenced thinkers. They talk about a British conception of law, which is not an American sense of law.

Now remember, the British constitution—there *is* no British constitution! There’s a legacy, but there is no constitution.

Now take the American Constitution, the Federal Constitution. Or, start with the Declaration of Independence. (The Declaration of Independence was not actually written by Jefferson. Jefferson drafted, made a draft of the Constitution, which was corrected and re-done by Benjamin Franklin. And Jefferson was the secretary of the body, which went through the process of composing what became known as the Declaration of Independence.) But the intention of the Declaration of Independence, which is clear in what it says, contains one formula, which is crucial for all U.S. Constitutional law and conception of law, as opposed to the garbage which has been popularized in recent periods, by all kinds of renegades and confused idiots and whatnot. And that is, the principle of the General Welfare.

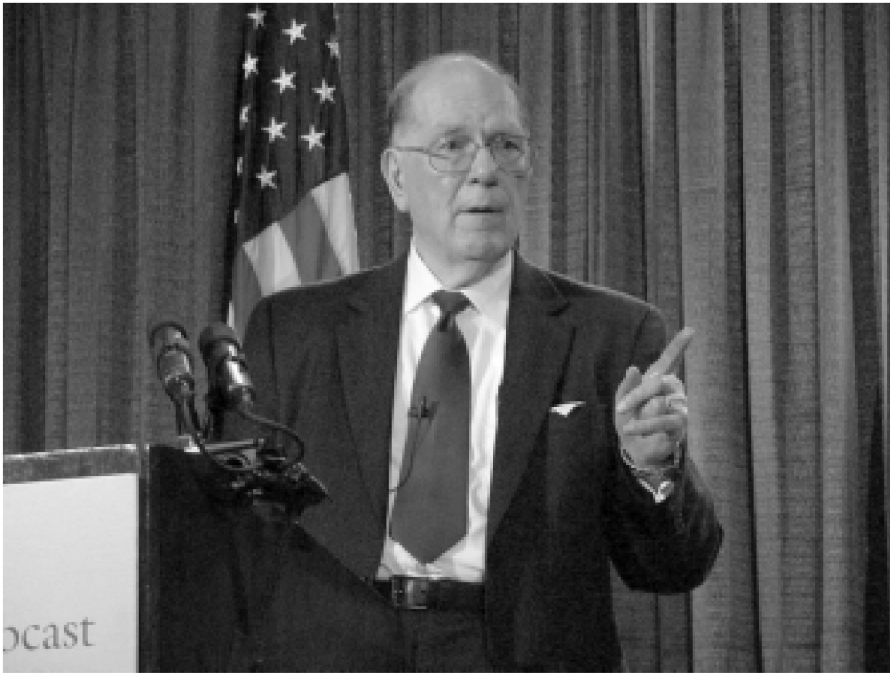
Now, the General Welfare principle, which is the issue of—the recent, first Encyclical of Benedict XVI, is on the General Welfare, on *agapē*, which is a conception which is elaborated as a kernel of the concept of the republic, in Plato’s *Republic*. And it comes out, especially out of the mouth of Socrates against Thrasymachus and Glaucon, who are alternative conceptions of government. So you have three conceptions: Thrasymachus, which is the concept of the Federalist Society! In other words, this is the thing which is denounced, and exposed as a horror-show, by Plato in the *Republic*. The *Republic* which is the document, which is a document of reference for the composition of the Constitution of the United States.

### Power vs. the Constitution

So these guys are the followers of Thrasymachus—the irrationalist! The person that says “power justifies.” “Supreme power is the greatest justification. And it is the power you have, with the power of the executive to act, which is the basis for government.”

But this is *opposite* to the conception of the republic, by Plato. It’s opposite to that of the Founders of the United States, in founding our republican Constitution, our republic. And there was great discussion, both in what is known from reflections of participants in the Constitutional Convention, but also by reference to another convention which was going on at the same time: that of the Cincinnatus Society. The Cincinnatus Society was the society of the veteran officers, and their heirs, of the American Revolution. . . .

Now, the Cincinnatus Society was meeting in the same context, as the meeting of the Constitutional Convention. And what is said in the proceedings of the Cincinnatus Society, is a reflection of the thinking of the same people, who were both members of the Cincinnatus Society, and in the Constitutional Convention: typified by Alexander Hamilton!



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“When you look at the U.S. Constitution and U.S. law,” said Lyndon LaRouche, “. . . it’s all based on one principle . . . the principle of the General Welfare.” Alexander Hamilton understood this explicitly, whereas the opposing position is represented by the Federalist Society, which championed Alito, and falsely claims to trace itself from Hamilton.

## The General Welfare

So therefore, the Federalist conception is that. Now, what’s the conception? Go back to the—again—to the Declaration of Independence, not as crafted by Jefferson, but actually crafted *under the direction of* Benjamin Franklin. And what is the central conception of this? After going through the details of justice, injustice, the causes for freedom of the United States from its British monarch, which is the essential, and central argument there. The argument is: The argument for the commonwealth society, the General Welfare. In this case, they take a phrase directly from Leibniz’s attack on Locke, in the *New Essays on Human Understanding* of Leibniz. Which was a key reference point for the Americans, and especially for Franklin, in forming the United States.

Now, the term is “the pursuit of happiness.” Now, the “pursuit of happiness,” pertains not to greed, or not to utilitarian notions, but rather to the fact that we are all mortal individuals—we die. We all die. Therefore, do we die as animals, or do we die as something else? And this distinction is located, where? And Leibniz is clear on this, as Plato is: The difference between man and beast, lies in those creative powers, which I referenced again today, in terms of the ability to discover a universal physical principle, or to discover the same distinct kind of idea, in the form of, shall we say, [conductor Wilhelm] Furtwängler’s concept of “performing between the notes,” in

terms of the composition in the Bach tradition, a composition based on Florentine *bel canto* voice-training and its application, the idea of the “comma” from the Pythagoreans.

So, this idea of creativity, as a distinction between man and the beast, is the meaning of “happiness.” That is, we’re all going to die, so therefore, how can we take pleasure out of the fact that we’re going to die? We can only take pleasure out of the fact we’re going to die, when what we’re doing while we’re alive, somehow has *permanent value for society*: that we will live in the future, in that way, and practically, as our ancestors, our predecessors, who made discoveries of principle we share, live in us. So therefore, the right to *have a life*, while we live, which is a fulfillment of that which makes us human, rather than monkeys, is the “pursuit of happiness”—the *right to development*, in a sense. The right to education: This was a big issue! As for the question of slaves—it was illegal—you could be

killed, as a crime against the local state, for allowing a slave to become educated to read and write.

This is the same issue raised in the *Prometheus Bound*, as the charge made by Zeus against Prometheus, for allowing people to know how to use fire. And the same thing, the principle of slavery was the stupidity factor: You can live, if you’re *stupid*. And then, when freedom came, then you had liberals in the United States who had been opposed to slavery, but who nonetheless said, “We must not over-educate the children of these ex-slaves.” In other words, again, the same thing: Keep them stupid! And tell them, that their interest is to be stupid! To think stupid things! To eliminate ideas from their life—to be “in their nature,” that is, stupid, uneducated. As against Frederick Douglass and all the freedom fighters, who said that the freedom and development of the mind is the *first step* to freedom of the body. If we don’t have freedom of the mind, freedom of the body is a tenuous thing, which you may lose very easily—because of your mutual stupidity.

So therefore, the issue of “happiness,” is the issue of the education and development of man: So that, while we have a mortal life, we have the prescience, that our life is immortal because it’s a vehicle for contributing something of immortal value from the past, from our own lives, into the future.

And this is the notion of the General Welfare. This notion is not new. The notion is the principle of *agapē*, which is the central conception of the first Encyclical by the most recently

installed Pope, Benedict XVI: the principle of *agapē*. Which is the principle of *I Corinthians* 13, for example. This is the principle.

Now, this principle existed, then. It existed with Plato. It existed before Plato, but it was articulated by Plato, through the voice of Socrates in the *Republic*, and through other writings. That's the issue. But, the society, as a society based on *agapē*, a *political society*, was first established in Europe during the 15th Century. It was defined, first of all, by Cardinal Nicholas of Cusa (before he was a Cardinal), in his *Concordantia Catholica*—Universal Accord. And this superseded the question of *On the Subject of Monarchy* by Dante Alighieri, whose work on poetry and the Italian language, and the development of the Italian language, was the characteristic of all of the work of Dante Alighieri. And this was embodied in this form, by Nicholas of Cusa, subsequently the canon cardinal of the Church. And this was expressed, also, in Cusa's *De Docta Ignorantia*, which was the foundation of modern experimental science.

This form of society was first established, under the influence of the 15th-Century Renaissance, in France under Louis XI. And this was called a commonwealth society, in French. The society was the commonwealth: That is, the monarch is the slave, in a sense, the instrument who must serve the cause of the General Welfare, and this is exactly what Louis XI did, in transforming, and doubling the national income of France, within the period of his reign! He avoided war, when he could; he paid for peace, when he had to; but he *doubled* the national income of France, physically, within his reign. He adopted a member of the British aristocracy, the Norman aristocracy, Richmond, who became Henry VII, who did the same thing in England, and established what became known as the "commonwealth principle" in English law—before Henry VIII.

So, this commonwealth principle, which was embodied, as a declaration in the Plymouth Colony—but explicitly, as the commonwealth principle, in the founding of Massachusetts, as a colony, the founding of Pennsylvania as a colony, and so forth. So, the commonwealth conception was the foundation of the United States: That the state must be the slave of the interests of present and future generations, and the realization of the aspiration of generations before. This is the principle of the General Welfare, which is central to the Constitution.

### Rational Conception of Law

Our Constitution was crafted as a unit, taking into account the whole question, centered around this question of the General Welfare. Not merely to defend the country, and to provide this, and to provide that: But the central thing is, the same principle which is *central* to the Declaration of Independence: the idea of the pursuit of happiness of all persons. *The realization of the meaning of being human; the right to participate in the process, of realizing what it is, the potentiality of be-*

*ing human.*

Therefore, the U.S. Constitution, and U.S. law, has nothing to do with English common law! Nothing! It has nothing to do with this empiricist kind of law. It is based on a *principle* of law—a universal principle of law—not a choice, not a contract. It's not contract law, it's not an agreement. It's not a tyranny.

So, therefore, when you look at the U.S. Constitution and U.S. law, if you look at it sanely, and properly, and competently, *it's all one body of law*. And it's all based on one principle, the same principle which this Pope has just reaffirmed, in his first Encyclical: *agapē*, the principle of the General Welfare. And that's what our law is.

Those who go in another direction on the law, are violators of the law, and must be excluded from exerting control over the interpretation of the law. You see this in the case of Alito: Here you have a guy who is technically a fascist, not because he's of Italian origin. Though you would say with Scalia, as well as Alito—and Roberts—or Scalia and Alito in particular, you're looking at persons of nominally Italian origin, who are fascists. That does not mean that they're followers of Mussolini because they're Italian in their origin, but they're followers of Mussolini because they are of a similar *moral, or immoral, persuasion*. And that's the issue.

But, the law is also something for which you must fight. You must defend the law. You must defend the Constitution, as what it actually means! Some blabbermouth gets out there, some liar, some fascist comes out there, and says, "No!"—and then, you look at Scalia: Scalia is a totally immoral person. He's immoral by Christian standards, with his whole doctrine of text—this is *total immorality!* This is real empiricism.

So anyway, this is the issue. There *is* a conception of law: It's a rational conception of law, in the Platonic sense. It's a law which we know, not only because of what Plato wrote, and because people adopted Plato's precedent as the formation of U.S. law, as opposed to British law. But it's something which is embedded in the experience of history. In the struggle for a society in which some people are not slaves, or not virtual slaves; in which there's not some privileged oligarchy, which reigns over people who are herded as human cattle. That "human cattle" is not an institution we allow in our society—that's the law. And therefore, that's our principle, and that's what we must defend.

If we betray that, if we betray our law, if we allow this kind of garbage coming in—there's this complete *Sophistry*, which is what these guys represent; they lie all the time! You have now, potentially, five Supreme Court Justices—three already, clearly—who wear the mask of a kabuki actor, on the Court: You have Alito, who also put on his kabuki act, in not answering the questions, posed to him by members of the Senate. The guy's a fake! He has no business in government. And, if we allow kabuki actors to take over, we're going to get a result—the worst of the Japanese tradition! And somebody'll be coming around to chop your head off!