A Biomathematical Analysis of the Declaration of Independence

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According to North Carolina State University, “biomathematics is the use of mathematical models to help understand phenomena in biology,” including human organization and language.[[1]](#footnote-1) Because of the “linguistic turn” in biomathematics, these mathematical models can be verbally coded (i.e., they can be explained entirely by words).[[2]](#footnote-2) For example, the great American linguist Noam Chomsky does not use explicit mathematical models when he applies biomathematics to language; instead, he uses philosophical reasoning to represent the mathematical models (e.g., see his work “Biolinguistics and the Human Capacity”).[[3]](#footnote-3) In a similar fashion, this can be done with the Declaration of Independence. By analyzing the United Constitution, the Gettysburg Address, and the Supreme Court case of *Cotting v. Godard* (1901), I will demonstrate that Declarationism is a fundamental American principle.

First, Declarationism is a principle that, in its strictest, maintains that the Declaration of Independence is the Supreme Law of the Land, entitling all Americans to the rights of Life, Liberty, and the pursuit of Happiness as well as the right to a people’s government to continually provide for greater Safety and Happiness. Although it can be argued that the United States Constitution is the Supreme Law of the Land, this would be in error. According to Andrew Dream Johnson, the Declaration of Independence is “superior” to the United States Constitution because the Declaration of Independence declares, “That to secure these rights [of Life, Liberty, Safety, Happiness, and the pursuit of Happiness], Governments are instituted among Men,” thus establishing the right for government to even exist.[[4]](#footnote-4) The confusion over which document is superior arises because contemporary Americans take Life, Liberty, and Safety for granted. If there is a direct threat to our Life, then the Declaration of Independence takes precedence. In other words, all Americans are entitled to the right of Life first, then Liberty second, and then the pursuit of Happiness third, and finally the right to a people’s government that continually provides for greater Safety and Happiness. This is the principle of Declarationism.

Article VII of the United States Constitution connects the United States Constitution, particularly, the Bill of Rights, to the Declaration of Independence. Article VII, with the Bill of Rights, establishes the right to Liberty that People are entitled to. Article VII states, “The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.”[[5]](#footnote-5) This means that of the original thirteen States who signed the Declaration of Independence, nine of them must now agree for “this” Constitution to take effect. The States were ultimately agreeing to the Bill of Rights, signaling that this is the Liberty that People have a right to and that this is the Liberty that governments must protect. In other words, the Bill of Rights now defines the Liberty that the Declaration of Independence guarantees for all People.

Article VII also connects Article VI of the United States Constitution to the Declaration of Independence. Article VI defines the right to the pursuit of Happiness that People are entitled to, which essentially amounts to freedom of religion and to freedom of culture. The first part of Article VI states, “All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.”[[6]](#footnote-6) This means that the United States Government will honor existing and outstanding contracts that have been entered on behalf of the United States of America. This allows the United States of America to honor the very real sacrifice that American Soldiers and People made during the American Revolution. The second part of Article VI states,

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.[[7]](#footnote-7)

This means that the United States of America will honor a person’s culture, in accordance with the United States Constitution, or strictly speaking, the Declaration of Independence. This is the Supremacy Clause. (In other words, no more cutting out women’s genitals, which is a regrettable aspect of certain cultures.) This also specifically states that the United States of America will honor foreign “Treaties,” which is a fanciful term for “debts contracted.” The third part of Article VI affirms freedom of religion, which is important to emphasize. The third part states,

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.[[8]](#footnote-8)

This is also fanciful wording to say that the United States of America will honor a person’s religion, in accordance with the United States Constitution, or strictly speaking, the Declaration of Independence, by not requiring a religious Test. Article VI establishes the right to the pursuit of Happiness, entitling People to freedom of religion and to freedom of culture.

Article VII also connects the Preamble of the United States Constitution to the Declaration of Independence. The Preamble captures the People’s right to a government that will continually provide for greater Safety and Happiness. The Preamble states,

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure 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.[[9]](#footnote-9)

The Preamble spells out the essential duties of government, which the People can do themselves if government fails to do so for some reason. A short equivalent of this in the Declaration of Independence would read, “That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, … [to continually provide for greater] Safety and Happiness.”[[10]](#footnote-10) The Declaration of Independence, through Article VII of the United States Constitution, has evolved to include the Preamble, Article VI, and the Bill of Rights defining our rights of Life, Liberty, and the pursuit of Happiness as well as the right to a people’s government.

The Gettysburg Address establishes that the Civil War was ultimately fought to preserve the Declaration of Independence (as well as the Preamble of the United States Constitution). Abraham Lincoln begins the Gettysburg Address by declaring that America was born in 1776 with the Declaration of Independence, symbolizing that all People are entitled to the rights of Life, Liberty, and the pursuit of Happiness.[[11]](#footnote-11) He also offers the reflection that America was a nation truly “conceived in Liberty.”[[12]](#footnote-12) In other words, if the birth of America was in 1776, then the Americans who died before 1776 truly died for Liberty (and not for the Declaration of Independence). These Americans would be the epitome of Patrick Henry’s “give me Liberty, or give me Death.” Abraham Lincoln concludes the Gettysburg Address by capturing the essence of the Preamble of the United States Constitution—that government is “of the people, by the people, for the people” and that this form of government “shall not perish from this earth.”[[13]](#footnote-13) This is the “just consent” that the Declaration of Independence guarantees us. The Fourteenth Amendment also came out of the Civil War, establishing that States cannot infringe upon the rights of life, liberty, and property.

The United States Supreme Court has even captured the principle of Declarationism in a number of cases. The most notable is *Cotting v. Godard* in 1901, declaring:

The first official action of this nation declared the foundation of government in these words: ‘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.’ While such declaration of principles may not have the force of organic law, or be made the basis of judicial decision as to the limits of right and duty, and while in all cases reference must be had to the organic law of the nation for such limits, yet the latter is but the body and the letter of which the former is the thought and the spirit, and it is always safe to read the letter of the Constitution in the spirit of the Declaration of Independence. No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government.[[14]](#footnote-14)

This describes how the United States Constitution should be read “in the spirit” of the Declaration of Independence. This statement also establishes that there are certain “constitutional provisions” more essential than other provisions in securing our rights to Life, Liberty, and the pursuit of Happiness. I have already described the most salient constitutional provisions necessary to understand the “limits of right and duty” of the People. The Supreme Court here is practicing Declarationism in its reasoning.

In the 21st-Century, a google search of Declarationism captures the current state of thought on Declarationism. The first website to appear with a google query of “declarationism” is a Wikipedia article on “Declarationism.” The next website is an editorial posted on August 11, 2012 by Daniel McCarthy titled “Perils of Declarationism.” McCarthy offers a few warning points of a strict Declarationist revision of the Civil War, which provides a good balance to the points I made regarding the Gettysburg Address.[[15]](#footnote-15) The third website is for the urban dictionary term of “declarationism.” The fourth website is for the urban dictionary term of “Declarationist.” The fifth website is the YouTube Channel for the owner of “declarationism.com.” The sixth website is declarationism.com, which is owned by Andrew Dream Johnson. The seventh website is also owned by Andrew Dream Johnson, and was referenced in this paper. The eighth website is a politico-legal analysis posted on February 11, 2018 by Mateo Portelli titled “A Case for Declarationism.” Portelli provides a much greater look at the political and legal philosophy behind Declarationism.[[16]](#footnote-16) The ninth website is a reddit discussion on Declarationism. These are the websites that currently appear on the first page of a google search as of June 5, 2018.

The second page of listings shows that there is formal academic research into Declarationism. For example, Professor Ken J. Kersch wrote a Maryland Law Review Article titled “Beyond Originalism: Conservative Declarationism and Constitutional Redemption.” Kersch defines Declarationism slightly different than Johnson, Portelli, or I. He writes, “Declarationism is the view that the Constitution can only be understood and interpreted in light of the principles enunciated in the opening words of the Declaration of Independence, which are held to be the Constitution’s beating heart and unshakable foundation.”[[17]](#footnote-17) (p. 229-230). This definition is also correct, although it does not have the same political force as the definitions that Johnson, Portelli, and I use.

Through a biomathematical analysis of the Declaration of Independence, I have shown that the Preamble, Article VI, Article VII, the Bill of Rights, and the Fourteenth Amendment are all part and parcel of the Declaration of Independence. This paper did not discuss how California Proposition 65 is also part of the Declaration of Independence because that is beyond the scope of this paper. The thesis of this paper was to demonstrate that Declarationism is a fundamental American principle, and that I have done.

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