THE BILL OF ‘ABSOLUTE’ RIGHTS

On April 8th, from the Rose Garden of the White House, President Biden—to use his own words as a former Senator—made a ‘bone-head’ statement. When rolling out his executive orders on gun control, he said—“no amendment [of the US Constitution] is absolute.” And he said it (again) in his recent address before Congress. I wish I could tell you this is ‘fake news’—but it is not! The very person who took an oath-of-office (on the Holy Bible)—to uphold the Constitution—apparently hasn’t a clue as to our “inalienable rights”—that is to say—our “absolute rights”— granted to us, not by government, but by the Creator God.

If you asked the average American today, “What is the national motto of America?” many of them would not know the answer is, “In God We Trust.” And though this has only been since the 1950s, this harkens back to America’s founding. Our national birth certificate—the Declaration of Independence—says Americans have been “endowed by their Creator with certain unalienable rights.” If one removes the Creator, then those rights are in jeopardy.

The U.S. Constitution was signed “in the year of our Lord” 1787 and in the 12th year of Independence. The Constitution is predicated upon the Declaration. The Declaration explains the ‘why’ of our government (God-given rights)—while the Constitution explains the nuts and bolts of ‘how’ it works.

Virtually all the early charters of the colonies and all the early constitutions of the original 13 states mention God—in one way or another. But, given today’s ‘cancel culture’ it sure doesn’t seem to be the case that “In God We Trust” … does it?

We see examples of this all over the place. Just to sight two:
- Biden’s proclamation for the National Day of Prayer had no reference to God.
- In Congress, Rep. Jerome Nadler (NY) said recently: “What any religious tradition describes as God’s will is no concern of this Congress.”
- In churches, various pastors are battling over the notion that America is—or ever was—a Christian nation.

The fight over the National Anthem is an interesting conflict. The words are attributed to Francis Scott Key—who wrote it as witnessing the Battle in 1812 of the British bombardment of Fort McHenry in Baltimore Harbor. In the rarely-sung 3rd stanza we read—“And this be our motto, ‘In God is our trust.’” This is the source of our national motto.

During the Civil War presidency of Abraham Lincoln, we have the first appearance of “In God We Trust” on our U.S. currency.

But today’s ‘woke’ crowd would rather disrespect the National Anthem then to celebrate it. It is being treated as if it has something to do with racism in America’s past.

Earlier this year, Seth Jahn—a Native-American who honorably served in the U.S. Armed Forces in Iraq and Afghanistan—was removed from his post in the U.S. Soccer Federation’s Athlete Council because he defended the National Anthem. Despite his 11-years’ service in the military, he has become persona-non-grata for wanting to honor America and its traditions. He said—“…in all of history, only one country has fought to abolish slavery, the United States of America, where nearly 400,000 men died to fight for the abolishment of slavery underneath the same stars and bars that our athletes take a knee for. Their sacrifice is tainted with every knee that touches the ground.”

The Founders of America spoke on numerous occasions about the importance of recognizing God’s Providence—even in our becoming a nation in the first place.

The very first inaugural address (April 30, 1789) delivered by the

(continued … on page two)
first president, George Washington, stressed the importance of our national obligation to thank God for His help that we even exist as a nation. Said Washington: “No People can be bound to acknowledge and adore the invisible hand, which conducts the Affairs of men more than the People of the United States. Every step, by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency.”

Our second president, John Adams, noted in a letter to our third president, Thomas Jefferson: “The general Principles, on which the Fathers Achieved Independence, were the only Principles in which, that beautiful Assembly of young Gentlemen could Unite … And what were these general Principles? I answer, the general Principles of Christianity.”

But today, a new crop of American leaders—calling themselves ‘progressive’—is trying to exclude God and Christian influence from having anything to do with the public arena. But since God is the source of our rights, that is like the proverbial man sitting on a branch while he is busily trying to saw that limb off the tree.

Listen: Government is not the source of our rights! Our rights come from the Creator God!

The 1776 adoption of the Declaration of Independence—authored primarily by Thomas Jefferson and intended as a simple statement of the former British colonies’ basis for separation from the British Empire—is one of the most astounding events in the history of the western world. For the first time, a people declared their own independent right to establish a political community—based not upon heritage, or wealth, or the “Divine Right of Kings”—but upon an idea. An idea about natural rights, the sovereignty of the people, and the basis of just government. Far from being outdated historical relics, these truths are just as applicable (now) as they were over two hundred years ago.

Jefferson begins the Declaration by discussing natural rights. Jefferson places the origin of natural rights in the “Laws of Nature and of Nature’s God,” as well as being self-evident. Natural rights spring from the very nature of man. These rights are “unalienable”—meaning that they can be neither taken nor given away. Any government action attempting to infringe such rights would be—by its very nature—illegitimate. These rights exist, not according to which group you categorize yourself, but belong instead to each individual. Jefferson makes clear that natural rights are not a gift of government—to be arbitrarily modified or expunged by the stroke of a pen or will of a tyrant in an executive order—but instead belong solely to each sovereign individual.

In describing natural rights, Jefferson first writes that “all men are created equal.” This equality is not one of result—in which material benefits might be confiscated and redistributed—but one in which no individual enjoys any rights-based advantage over their neighbors—due to heredity—and all are held equal before the law. Specifically, Jefferson describes the broad categories of natural rights as including “Life, Liberty, and the Pursuit of Happiness.”

- Not the right to total happiness—but to pursue happiness.
- Not the right to liberty to be free from want—but the liberty to be free from government coercion.
- Not the right to a life to which one feels entitled—but the right to live your life as you see fit according to the dictates of your own conscience and within the bounds of the rights of your neighbors to the same.

They do not describe what one is owed by the government or society; they describe our right to be left alone.

Thus, the source and operation of our natural rights have vast implications for what constitutes good and legitimate government. As Jefferson writes, the entire purpose of government is to protect the pre-existing natural rights of individuals. Governments are not founded to create new rights and arbitrarily dispense benefits upon preferred groups—but to secure rights that existed before governments were ever created.

It is “we the people” who give the government its power—without which it would be powerless, and without which it cannot legitimately act. Jefferson writes that when and if an established government fails to protect our natural rights (its only legitimate function), it is the right of the people to abolish it and establish new government to achieve these ends.

These ideas were, and continue to be, nothing short of revolutionary.

But that is not how the ‘progressives’ see things. For the ‘progressives’ the natural rights theories of the Founders are incompatible impediments to the government driven “progress” they wished to achieve. John Dewey, the progressive father of modern education theory, once wrote—“Liberalism is committed to the idea of historic relativity. It knows that the content of the individual and freedom change with time…”

Thus, the Founder’s natural rights based political science—in which government exists to secure the natural rights of the people—is
traded for rights as the gift of arbitrary and unlimited government.

According to Jefferson’s model, there is no such thing as “women’s rights” or “gay rights” which can be granted, modified, or restricted based on nothing more than the political winds or desires of fluctuating majorities. There is only inherent human equality and the rights to life, liberty, and the pursuit of happiness possessed by all—regardless of circumstances. These rights exist beyond the reach of any government’s power. To be sure, the sin of slavery and long subjugation of women in American society are scars that will not easily heal—the former requiring a Civil War, constitutional amendments, and a Civil Rights Movement, and the latter decades of concerted efforts by activists that continues to this day. But the Founders were not unaware of these seeming contradictions, and the Declaration is not a perfect reflection of 18th, 19th, or perhaps even 20th century American society. But it is an ideal to which Americans have strived and should continue to strive as the foundational statement of our highest principles.

Having successfully broken away from the mighty British Empire in the War of Independence, the Founders (soon to be the Framers) became tasked with the creation of a new system of national government that would both guarantee the liberty of each individual while also securing the support of each of the constituent states. Their solution was nothing short of genius. If the Declaration of Independence is the beating heart of the American republic, the U.S. Constitution is the body that brings it to life. The Constitution represents not only the ultimate expression of political compromise and level-headedness, but is the most envied, most copied, and most successful founding document in the history of the world. But it doesn’t end there.

Before the Constitution took its place among the annals of western civilization, its drafting and attempted enactment threatened to tear the fledging country apart. Despite efforts to remain unified, the Framers became divided into two camps: the Federalists and the Anti-Federalists. The Federalists advocated for the new Constitution, and the Anti-Federalists stood opposed to what they considered a far too powerful government that would swallow up the sovereign rights of both the states and the people. The Anti-Federalists demanded the inclusion of a specific listing of individual rights that the new government would be prohibited from violating. The Federalists countered, perhaps naively, that the newly proposed federal government was to be one of specific and enumerated powers, and therefore was incapable of exercising powers not specifically listed. Further, a specific listing might imply to future generations that only those rights included require constitutional protection—to the detriment of other unlisted rights.

Eventually the two camps reached a compromise. Influenced by the Virginia Declaration of Rights written by George Mason, James Madison’s resulting proposed amendments encompass those natural rights considered most essential to the Framers, and thus qualified to be specifically protected from the new federal government. Seventeen of those amendments were approved by the House of Representatives, and of those seventeen, twelve were approved by the Senate. Of those twelve, ten were ratified by the state legislatures effective December 15, 1791.

If the Constitution’s system of checks and balances is the wall of a castle that keep federal power within its proper limits, the Bill of Rights is an individual suit of armor through which even constitutionally exercised power cannot penetrate.

The Bill of Rights do not describe what we must do, or what must be done for us—but instead describe our already existing natural or self-evident (absolute) rights to be left alone. As Justice Brennan (1956-1990) would later describe it: “The Framers of the Bill of Rights did not purport to ‘create’ rights. Rather, they designed the Bill of Rights to prohibit our Government from infringing rights and liberties presumed to be pre-existing.” The Bill of Rights also does not make any distinctions between the rights contained therein. It does not say “The First Amendment is super important, but the Second is probably outdated,” or “The Ninth and Tenth Amendments don’t really count.” Tiers of scrutiny, in which courts provide more protection for some constitutional rights rather than others (or not at all)—are an invention of the Progressive Era which should be relegated to the dustbin of history.

Justice Robert Jackson (1941-1954) once wrote: “One’s right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.”

May the Bill of Rights continue to restrain every governmental body, official, or majority that seeks to infringe its sacred and unalienable protections. And why is that important? … because absolute government power corrupts absolutely!

James Madison, the “Father of the Constitution,” once wrote: (continued … on page four)
If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may appoint teachers in every State, county and parish and pay them out of their public treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision of the poor; they may undertake the regulation of all roads other than post-roads; in short, everything, from the highest object of state legislation down to the most minute object of police, would be thrown under the power of Congress. Were the power of Congress to be established in the latitude contended for, it would subvert the very foundations, and transmute the very nature of the limited Government established by the people of America.

As Constitution signer John Dickinson explained— an unalienable right was a right “which God gave to you and which no inferior power has a right to take away.” John Adams similarly attested that the unalienable rights of man were rights “antecedent to all earthly government; rights that cannot be repealed or restrained by human laws; rights derived from the great Legislator of the universe.” It was from among such unalienable—or natural—rights that the Framers specifically identified the right to life, liberty, property, self-protection, pursuit of happiness, etc.

Thomas Jefferson asserted that government was “to declare and enforce only our natural rights and duties and to take none of them from us.” In fact, Jefferson even queried, “can the liberties of a nation be thought secure when we have removed their only firm basis: A conviction in the minds of the people that these liberties are of the gift of God?”

American government was built around the belief that there were unalienable rights that it was the purpose of government to protect— and those rights were protected so that man was free to enjoy the pursuit of happiness.

As John Quincy Adams explained regarding natural rights: “That bestowed as they were by God, their Creator, they never could be divested of them, even by themselves, and much less could they be wrested from them by the might of others … And hence the rights derived from it are declared to be unalienable … And thus the acknowledgment of the unalienable right of man to life, liberty, and the pursuit of happiness, is at the same time an acknowledgment of the omnipotence, the omniscience, and the all-pervading goodness of God.”

Mr. Biden: As I’ve listened to you, so you listen (now) to me. Our unalienable rights—that is ‘absolute’ rights—are derived from that view of civilization which embraces a belief in theistic origins—that are shielded against the encroachments of civil government with the Declaration enshrined in our documents that “We hold these truths to be self-evident, that all men … are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness … [And] that to secure these rights, governments are instituted among men.” With nearly 50-years on the government’s payroll, it is about time you understand your role—to secure these ‘absolute’ rights of “we the people.”

Let us pray.

O God our Creator, from Your provident hand we have received our right to life, liberty, and the pursuit of happiness. You have called us as Your people and given us the right and the duty to worship You, the only true God; and Your Son, Jesus Christ.

Through the power and working of Your Holy Spirit, You call us to live out our faith in the midst of the world, bringing the light and the saving truth of the Gospel to every corner of society. We ask You to bless us in our vigilance for the gift of religious liberty.

Give us the strength of mind and heart to readily defend our freedoms when they are threatened; give us courage in making our voices heard on behalf of the rights of Your Church and the freedom of conscience of all people of faith. Grant us a clear and united voice in this decisive hour in the history of our nation; so that, with every trial withstood and every danger overcome—for the sake of our children, our grandchildren, and all who come after us—this great land will always be “one nation, under God, indivisible, with liberty and justice for all.” We ask this through Christ our Lord. Amen.

Footnote: This message was preached on Sunday (May 16th, 2021) from the pulpit of the historic Fort Snelling Memorial Chapel. My sermon was entitled— “The Constitution’s Bill of ‘Absolute’ Rights.” It was largely inspired by President Biden’s statement regarding the Bill of Rights— “No amendment is absolute.”

“BE DOERS OF THE WORD, NOT HEARERS ONLY.” (JAMES 1:22)