

Do Our Rights Come from God, the Constitution, the Supreme Court, or Congress?

By Publius Huldah.

The future of our Posterity depends on a proper understanding of the Source of our Rights. I will explain four views; show you which one is True, and why the other three are False and lead inexorably to the destruction of any country which embraces them.

1. Let us begin with what is True: Our Declaration of Independence says our Rights come from God. Our rights thus pre-date & pre-exist the U.S. Constitution. The Declaration of Independence says:

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...

So these, then, are the foundational principles of our Constitutional Republic:

- Our Rights are unalienable and come from God;
- The purpose of civil government is to protect our God-given Rights;
- Civil government is legitimate only when it operates with our consent; &
- Since the US Constitution is the formal expression of the Will of the People, the federal government operates with our consent only when it obeys the Constitution.

Because the Declaration of Independence identifies The Creator as Grantor of Rights, we look to The Bible – or the Natural Law – to see what those rights are. The Bible – or the Natural Law – reveals many rights, such as the rights to Life, Liberty, the Pursuit of Happiness; to inherit, earn, and keep property; the right of self-defense; the right and duty to demand that the civil authorities obey the Law; the right to speak; the right to live our lives free from interference from civil government; the rights of parents to raise their children free from interference from civil government; the right to worship God; etc.

The distinguishing characteristics of all God-given or Natural Rights 1 are:

- **Each one may be held and enjoyed at NO expense or loss to any other person;** and
- We can look them up for ourselves! They are not subject to someone else's interpretations.

2. But many conservatives mistakenly believe that our rights come from the first Ten Amendments to the Constitution. So they speak of “our constitutional rights”, “the bill of rights”, our “First Amendment right to free speech”; “our Second Amendment right to bear arms”, and so forth. But it is *a dreadful mistake* to think that our rights come from the Constitution. I’ll show you two reasons why this is such a *pernicious error*:

a) **It is logically incoherent to say that our Rights come from the Constitution:** Let us read the Preamble to the US Constitution:

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, 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.**

WE THE PEOPLE established and ordained the Constitution. **WE** are the ones who created the federal government with its three branches: legislative, executive, and judicial. **WE** are the ones who gave the federal government permission to exist and told it exactly what it had permission to do, when **WE** assigned enumerated powers to each branch.

WE are the “creator” – the federal government is merely our “creature”. ([Federalist No. 33](#) (6th para), A. Hamilton.)

So! The Constitution is about the Powers which WE THE PEOPLE delegated to the federal government. The Constitution is NOT about Our Rights, which come from God and thus pre-date & pre-exist the Constitution!

b) Now look at Article III, Sec. 2, clause 1, U.S. Constitution:

“The judicial Power shall extend to all Cases...arising under this Constitution...”.

Think carefully, for this is the hook: If our rights come from the first Ten Amendments or elsewhere in the Constitution, then they “arise under the Constitution”; and *that clause* is what gives federal judges power over our rights!

When judges have power to determine our Rights, our Rights are no longer unalienable – we hold them at the pleasure of five judges on the supreme Court. But because so many of us, for so long, have believed and said that our rights come from the “bill of rights”, those judges have seized on Art. III, Sec. 2, clause 1, to claim the power to determine the scope & extent of our rights!

So! Federal judges claim the power to regulate our political speech and religious speech. They claim the power to determine & regulate our property rights in the fruits of our own labors. They claim the power to control our retirements by forcing us to participate in social security! *They even claim the power to take Life away from unborn babies.*

Thus, when we say our Rights come from the Constitution, we are, in effect, agreeing to the submission of our Rights to the tender mercies of federal judges, because Art. III, Sec. 2, clause 1, gives them power over all cases “arising under the Constitution.”

This is why we must always insist that our Rights have a source – Almighty God , the Natural Law – which transcends the Constitution! 2

And furthermore, why would the Creator of The Constitution (that’s us) grant to our “creature” (the judicial branch of the federal government), the power to determine the scope & extent of OUR Rights? It makes no sense at all!

c) You might well ask, “Why did our Founders add the first Ten Amendments if they were such a bad idea?”

There was controversy over this! Alexander Hamilton warned in [Federalist No. 84](#) (9th para) that a bill of rights would give a pretext for regulating to those inclined to usurp powers. And he was right! The supreme Court has used the first amendment to regulate political speech and to ban Christian speech in the public square: no prayers at football games, no nativity scenes on county courthouse lawns, and Judge Roy Moore is ordered to take down the Ten Commandments.

But some States refused to ratify the Constitution without them.

So, the proper way to look at the first Ten Amendments is this: They are not the source of our Rights since our Rights come from God, and thus TRANSCEND the Constitution. The first Ten Amendments is merely a partial list of things the federal government may not do (they can’t take away our guns), and some things they must do (give accused persons a fair trial).

3. Judges on the supreme Court have claimed, in recent decades, that the source of our “rights” is the Constitution, as such “rights” are defined and discovered, from time to time, BY THEM!

I’ll show you how they did it: [The original intent of the 14th Amendment](#) (one of the “civil war” amendments) was to protect freed slaves from southern Black Codes which denied them basic rights of citizenship.

But judges on the supreme Court have perverted the 14th Amendment to fabricate so-called “rights” which negate Rights God gave us and undermine the Moral Order!

Section 1 of the 14th Amendment reads in part:

“...nor shall any State deprive any person of life, *liberty*, or property, without due process of law...”

The original intent of that clause was that States couldn't go around lynching freed slaves and taking away their freedom and property.

But not so long ago, a handful of supreme court judges looked at the word, "*liberty*" in that clause, and claimed to have "discovered" underneath that word, a "constitutional right" [to kill unborn babies ; and another "constitutional right" to engage in homosexual contact.](#)

We will soon see whether the supreme Court also "discovers" underneath that word, a "constitutional right" to same-sex marriage.

When we substitute federal judges for God as the source of our rights, the entire concept of "rights" becomes perverted. Literally.

4. The "liberal/progressives" say our Rights come from "government". They say a "right" is an entitlement to goods or services produced, or paid for, by somebody else: So, they speak of the "right" to medical care; the "right" to a free public school education; the "right" to housing; the "right" to food stamps; etc.

But it is a contradiction in terms to speak of "rights" to stuff that is produced or paid for, by other people! This is because it undermines our God-given or Natural Rights to private property, to the fruits of our own labors, and to liberty. To hold that people who produce exist to be plundered by civil government for the ostensible benefit of others, is slavery. Just as no one has the right to own another human being; so no one has the "right" to own the fruits of another man's labors.

To sum this up:

REMEMBER that clause in Our Declaration of Independence which states that our rights come from God, are unalienable, and that the purpose of civil government – the federal government – is to secure the Rights GOD gave us.

Our right do not come from the first Ten Amendments; they do not come from the Constitution as interpreted by federal judges; and they do not come from Congress which purports to give to their parasitic constituency the "right" to live at other peoples' expense.

Our Rights were bestowed by God, and as such, they transcend, pre-date & pre-exist the Constitution.

End notes:

1 "Natural Law" refers to that body of Law which is woven into the Fabric of Reality: The laws of physics, economics, logic, morality, etc. Non-theists, such as the brilliant philosopher, [Ayn Rand](#), saw Rights as inherent to the nature of man. Either way, one comes up with essentially the same set of Rights. And if you listen carefully to "liberals/progressives" as they speak on any topic, you will see that their war is against Reality itself – they reject altogether the concept of transcendent Law. This is because they know no "law" but their own Wills.

2 Re the “tender mercies” of federal judges: During [Senator Tom Coburn’s](#) questioning of Elena Kagan during her confirmation hearings, she refused to acknowledge the fundamental Principle stated in Our Declaration of Independence that our Rights pre-date & pre-exist the Constitution. Kagan in effect claims to sit on God’s Throne and to decide what “rights” you have and what “rights” you don’t have.

The only Document The Hard Left *hates* as much as the Bible is Our Declaration of Independence. PH