

# *The Bill of Rights Explained*

When *The Unanimous Declaration of the thirteen united States of America* was published on July 4<sup>th</sup>, 1776, it contained the following statement, "*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*". This is arguably the most important statement in United States literature and possibly the entire English language. The problem was that the "*certain unalienable rights*" were not enumerated. This omission delayed the final ratification and acceptance of The Constitution for a decade and a half, until those rights were enumerated in the *Bill of Rights*. This document was appended to the constitution as the first ten amendments, becoming part of the overall procedure to constrain the U.S. Federal Government. The Bill of Rights is preceded by its own preamble, the second in The U.S. Constitution. Its purpose is to leave no doubt why those rights are considered the fundamental rights of all individual human beings. See John Locke, *The 2<sup>nd</sup> Treatise of Government*, 1690, which is the basis of both The Unanimous Declaration and The U.S. Constitution. The preamble states:

*"The Conventions of a number of the States  
having at the time of their adopting the Constitution  
expressed a desire, in order to prevent misconstruction or abuse of its powers,  
that further declaratory and restrictive clauses should be added:  
and as extending the ground of public confidence in the government  
will best insure the beneficent end of its institution."*

This preamble declares that the states wanted to prevent any present or future governments from misconstruing the intentions of those writing the Constitution. To this end the Bill of Rights was to add further declaratory and restrictive clauses, as clarification to the limits of government empowerment (Federal and State). The preamble was included so that the public would see that the intentions of the new government were entirely honorable and it would inspire public confidence in the new government, illustrating just how far the institution of government was prepared to go in order to show its good intentions or beneficence. This Preamble and the tenth amendment form bookends for the document that enumerates the rights of the people.

The first eight amendments of the *Bill of Rights* enumerate the inalienable, basic human rights. It only recognizes these inalienable rights, but does not bestow them. Those rights are endowed in perpetuity by our Creator and independent of government. No government has any empowerment or authority

over these rights. The Bill of Rights enumerates a nominal two dozen rights written in a significant sequence.

The 1<sup>st</sup> amendment enumerates the cerebral or philosophical rights, the rights of thought and idea exchange. These are not physical rights and are not enforceable as standalone rights (as demonstrated in 20<sup>th</sup> century Europe with Hitler, Stalin, Mussolini, etc). To be effective, they need to be physically defended.

The 2<sup>nd</sup> amendment provides this defense, which additionally defends the other rights. This is the *Keystone* amendment. As with an arch, if the keystone loses its integrity, the arch collapses. So it is with the Bill of Rights. If the keystone amendment loses its integrity, the Bill of Rights will collapse.

The 3<sup>rd</sup> and 4<sup>th</sup> amendments provide for the security of personal property. This shall not be arbitrarily taken by government without due process of constitutional law (John Locke & the acquisition of property).

The 5<sup>th</sup> and 6<sup>th</sup> amendments are relevant to criminal law and how it shall be conducted. Of special note is the power of the jury in a court of law. The jury has a primary responsibility for justice and not necessarily the law.

The 7<sup>th</sup> amendment is relevant to civil law and how it shall be conducted.

The 8<sup>th</sup> amendment is relevant to criminal and civil law and how it shall be concluded.

The 9<sup>th</sup> amendment states that although the preceding eight amendments enumerate the primary, inalienable rights, the list is not exhaustive. There are additional, inalienable rights retained by the people but not addressed in the Bill of Rights.

The 10<sup>th</sup> amendment states that those specific powers delegated to the Federal Government by the Constitution, (Article 1, section 8; seventeen specifics), are the limit of Federal empowerment. **No other powers are delegated to or authorized for the Federal Government.** In Federalist Paper 45, Madison states, "*The powers delegated by the proposed Constitution to the federal government are few and defined*". Note that there is no *authority* given to the federal government, only *empowerment delegated*, not *given*, by The People via The Constitution. The Constitution also prohibits the States from interfering in any way with the inalienable rights. The States do, however, have the authority to pass laws beyond the seventeen specific areas of the Federal Government, provided that they that do not contravene the inalienable rights enumerated in the primary eight amendments.

Supreme Court Justice Brown (1897) declared, “The law is perfectly well settled that the first ten amendments to the constitution, commonly referred to as “The Bill of Rights”, were not intended to lay down any novel principles of government, but simply to embody certain guarantees and immunities which we had inherited from our English ancestors, and which had (existed) from time immemorial ...”.

Another Supreme Court ruling solidifying the Founding Fathers’ intent concerning The Constitution and the embedded Bill of Rights is frequently referred to as *Constitutional Supremacy*. The case, Reid v. Covert, 354 U.S. 1 (1957), is a landmark case in which the United States Supreme Court ruled “*The Constitution supersedes international treaties ratified by the United States Senate.*” The individual human rights enumerated in the Bill of Rights are supreme and beyond government authority or empowerment.

In the same case, Justice Black made a most significant statement when he declared, “*The concept that the Bill of Rights and other constitutional protections against arbitrary government are inoperant (sic) when they become inconvenient or when expediency dictates otherwise is a very dangerous doctrine and if allowed to flourish would destroy the benefit of a written Constitution and undermine the basis of our government.*” This reinforces that the Bill of Rights is to protect the people from government, making several recent government rulings totally unconstitutional, e.g. entering ones home without a warrant under any condition.

**The Bill of Rights is Supreme. All we have to do is enforce it!**