

**The New Federalist Papers, “Unalienable Rights”**

- Publius, Essay 87, December 15, 2009

THE  
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A COLLECTION OF  
ESSAYS,  
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IN TWO VOLUMES.  
Volume IV: ARTICLES OF FREEDOM

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### *“Unalienable Rights”*

*“...endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”*

**July 4, 1776 – Declaration of Independence**

218 years ago today, Dec. 15, 1791, the Bill of Rights was ratified. Unalienable rights are not privileges. Depending on your ideology, rights are either granted to us by our Creator, or by nature, which to most people is one and the same. Privileges are granted by a society, or government entity, and are not the same as rights.

Realizing the Articles of Confederation was flawed, the Founding Fathers set out to create a more perfect union, but the Constitution was not perfect either. There were heated debates over how a central government could be controlled, and prevented from abusing or stripping the individual God-given rights of the People.

There were hundreds of amendments proposed by the states during the ratification process of the Constitution. Even after the 9<sup>th</sup> state, New Hampshire, ratified the Constitution, the debate over amending the Constitution to protect our unalienable rights raged on.

In fact, the debate escalated. Federalist Paper authors Hamilton, Jay, and Madison had stopped writing their essays explaining and promoting the New Constitution once it became binding, and yet, by the time Rhode Island ratified the Constitution, there had been over 200 amendments proposed, nearly 100 of them being unique.

Anti-federalists rallied against the New Constitution, while Federalists, being more pragmatic, embraced it. History bears out that both the federalists and the anti-federalists had valid points.

A strong central government was needed, and strong protections against the abuses of such a government were also needed, lest our unalienable rights be trampled.

Advocates on both sides of the debate often used the “separation of church and state” as part of their argument to either include God, or keep Him out of our laws.

The facts will show that neither argument holds water, and the divisive nature of the debate is intended to divide us, not unite us. Lincoln’s “United we stand. Divided we fall” comment couldn’t be more accurate.

The Founders, mostly religious men, struggled with how to respect their religious convictions and practices, while not alienating or offending others whose views might be different.

Consider the following and judge for yourself if there is really any disagreement at all.

If you believe in a Creator, God, and practice your faith via a religious affiliation, it is really easy to embrace the 10 Commandments, and God’s Word in the Bible, and may

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even consider the Declaration of Independence and Constitution with its Bill of Rights as Divinely inspired.

If you do not follow a particular faith, yet still consider yourself a supporter of the Declaration of Independence, U.S. Constitution and Bill of Rights, you may embrace it from an organic vantage point.

To categorize the two basic groups of patriotic Americans who support the Constitution, as either “faith-based,” or “organic-based.” A brief study of our Founding Documents will bear out that the two are NOT in conflict with one another, and in fact, are seeking the same objective: to protect unalienable rights.

According to the dictionary, organic law is simply the paper version of a society’s principles and values, or the rules of engagement amongst a group of people.

**“Organic law** - the body of laws (as in a constitution or charter) that form the original foundation of a government; *also*: one of the laws that make up such a body”

<http://dictionary.reference.com/browse/organic+law>

Part of the reason our constitutional republic form of government really was a 5000 year leap, is that it embraced both, and encouraged tolerance of individual differences in ideology that did not adversely affect the rights of other individuals.

According to the Bible, God’s Law is Supreme, and above Man’s Law. The Founding Fathers acknowledged God’s Law in most of their writings, meetings, etc..., and included those principles and values in the paper or organic documents that established our constitutional republic.

You will find God in all 50 state Constitutions. The connection is irrefutable.

The actual pen-and-ink manifestation of the principles and values of the Founders are embodied in the Declaration of Independence and the Constitution. That is the “organic law,” or tangible documents that laid the foundation for governance of, by, and for the People of the several States, united under a central federal government.

**In the Declaration of Independence, Thomas Jefferson wrote,**

*“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, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”*

[\*-Declaration of Independence, July 4, 1776. Library of Congress\*](#)

# The New Federalist Papers, “Unalienable Rights”

- Publius, Essay 87, December 15, 2009

## UNALIENABLE RIGHT TO LIFE

The Founders recognized that there were several “unalienable rights,” and itemized the top three, as the right to life, right to liberty, and the right to pursue one’s own happiness. No conflict there. Those Americans with and without faith could embrace such a proclamation without being pressured to “believe” or “not believe in a Supreme Being. What did both groups agree was first and foremost in that list of “unalienable rights,” THE UNALIENABLE RIGHT TO LIFE?

You bet. Without life, nothing else matters. There can be no liberty without life. There can be no pursuit of happiness without life. Protecting life was paramount.

Let’s look at this from the Biblical, faith-based angle. The current President of the United States claimed that we are NOT a Christian nation, ignoring our Judeo-Christian history. The facts and history prove he was dead wrong.

The previous President was quoted as saying the Constitution was “just a piece of paper.” Both comments are disturbing and ignorant at best, and certainly alarming in that We the People are not vetting who we elect to the highest office in the land any better than that, if these are the opinions they are expressing after being elected.

In the King James Version of the Holy Bible, the unalienable right to life, and the opportunity for Eternal Life are plainly clarified by Jesus:

John 3:3 – “Jesus answered and said unto him, **“Verily, verily, I say unto thee, Except a man be born again, he cannot see the Kingdom of God.”**

John 3:4 – “Nicodemus saith unto him, How can a man be born when he is old? Can he enter the second time into his mother’s womb, and be born?”

John 3:5 – Jesus answered, **Verily, verily, I say unto thee, Except a man be born of water and of the Spirit, he cannot enter into the Kingdom of God.”**

John 3:6 – **“That which is born of the flesh is flesh; and that which is born of the Spirit is spirit.”**

John 3:7 – **“Marvel not that I said unto thee, Ye must be born again.”**

While the point of this passage is primarily focused on the spiritual birth as a prerequisite to salvation, it goes without saying there has to be a physical birth first. To have any opportunity for salvation through Jesus Christ, one must first be born of the flesh. By protecting the sanctity of life from the moment of conception, we are preserving the opportunity of each child to have eternal life.

Now, for the Organic-based rationale we need look no further than our Founding Documents to find that we are on the same side, just with different justifications for our positions.

If we support the Declaration of Independence, and the U.S. Constitution, then we are “pro-life” advocates, like it or not. Anything less would be hypocritical.

## The New Federalist Papers, “Unalienable Rights”

- Publius, Essay 87, December 15, 2009

The Declaration of Independence “declared” we have unalienable rights, including life, liberty, and the pursuit of happiness. This is undeniable.

Our “employee handbook,” the U.S. Constitution, right in the Preamble, established that we had a duty to “*secure the Blessings of Liberty to ourselves and our Posterity.*”

### **In the Preamble to the Constitution, James Madison wrote,**

*“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.”*

[-U.S. Constitution, Sept. 17, 1787, Library of Congress](#)

How can there be any blessings of liberty if there is no life?

Posterity means “future generations.” If we do not protect the right to life of future generations, we can never secure the “Blessings of Liberty” for them, now can we? No life; no liberty. No life; no pursuits of happiness.

It is the slipperiest of slopes when we ignore the fundamental unalienable rights granted by our Creator, proclaimed by our Declaration of Independence, and embraced in our Constitution.

Follow the logic of faith-based American history in our Founding Documents, or simply acknowledge the language in those same documents. Either position amongst patriotic Americans dictates that we must be “pro-life.”

The Third Continental Congress was not immune from the heated debates over what “unalienable rights” are, or how best to protect them. In fact, at one point during the debates and voting over an advertised “pro-life” committee report, some delegations walked out in protest as the measure was postponed to a later session.

Others threatened to resign from the Third Continental Congress in protest, citing that if we as a People would not take a stand in support of the “unalienable right to life,” then there was nothing else to talk about.

Fortunately, cooler heads prevailed, and several delegates spent many hours in deep discussion, research, and prayer, seeking an answer to the problem. How could they continue to support an elected body that refused to take a stand in support of human life?

Eventually they realized that the proposed report was so flawed that it needed to be rejected, or postponed, as nearly half of it ceded what are “unalienable rights” (be they granted by Divine Providence or merely recognized in the organic Constitution we were assembled to defend) to the government, making them de facto “privileges,” and not rights.

## **The New Federalist Papers, “Unalienable Rights”**

- Publius, Essay 87, December 15, 2009

Remember, governments don't give you rights. Governments can certainly protect them, (or trample them), but governments do not create or grant rights, only privileges.

This committee report exemplified how our thinking as a People strayed way off the beaten path, and what has been packaged as a “left or right” position, is actually a “right or wrong” one.

If the Declaration of Independence is the “resolves” or “resume” of a free people, then the Constitution is the “employee handbook” of governance.

It does not matter whether we use our faith or the organic documents themselves as a reference to justify our positions, protecting LIFE is embraced by both.

This Third Continental Congress committee report had “Pro-Life” in the title of the report, and yet, over half of it was about abortion and ceding the right to life decisions over to the government via courts, legislation, and policy, making them “privileges,” not rights, and certainly not “unalienable,” which means you can't take them away.

Senator Coburn, (OK), a doctor himself, made a very poignant and compelling argument during the Senate confirmation hearings for Supreme Court nominee Sonia Sotomayor regarding life.

To paraphrase, Senator Coburn pointed out that the definition of “clinical death” was the end of detectable brain activity, and that if that was the standard we apply as a society to define “death,” then why is not the same logic applied to the beginning of life, that being the detection of brain activity in an unborn child? Brain activity is detectable in a fetus within 1-2 weeks of conception, oftentimes, before the mother even knows she is pregnant.

Most people believe life begins at conception. Modern technology allows us to detect and explain things in nature each year that in previous years were mysteries. If we can detect brain activity in an un-born fetus, should we not apply the same logic used to determine the end of life to the beginning of life?

If we answer yes, then we have a duty (be it faith-based, or organic-based) to protect life.

The Third Continental Congress may revisit the issue of abortion in a later session, and would hope they recognize the difference between being “pro-life” and taking a stance on government funding, and involvement in decisions about abortion.

This discussion of supporting life is NOT about abortion, which is the arbitrary ending of life, but rather in support of defending life, even if that life is an unborn fetus. Our nation's faith-based doctrines and organic constitution both require protecting life.

We cannot have our cake and eat it too, whether we apply our principles and values based on faith, or via the organic documents that established our government. Life is THE “unalienable right” we should protect above all others.

## The New Federalist Papers, “Unalienable Rights”

- Publius, Essay 87, December 15, 2009

### **LIBERTY AND THE PURSUIT OF HAPPINESS**

The State of New York, in ratifying the Constitution, made some fundamental declarations, echoing, if not the words, certainly the general sentiment of the People, which their ratification documents bore out:

*“That all power is originally vested in and consequently derived from the people, and that government is instituted by them for their common interest, protection, and security.*

*That the enjoyment of life, liberty, and the pursuit of happiness are essential rights which every government ought to respect and preserve.*

*That the powers of government may be re-assumed by the people, whensoever it shall become necessary to their happiness; that every power jurisdiction and right, which is not by the said Constitution clearly delegated to the Congress of the United States, or the departments of the government thereof, remain to the people of the several States, or to their respective State governments to whom they may have granted the same; and that those clauses in the New Constitution, which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said Constitution; but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution.*

*That the people have an equal, natural and unalienable right, freely and peaceably to exercise their religion, according to the dictates of conscience; and that no religious sect or society ought to be favored or established by law in preference of others.*

*That the people have a right to keep and bear arms; that a well regulated militia, including the body of the people capable of bearing arms, is the proper, natural, and safe defense of a free State.”*

[New York Ratification of Constitution, July 26, 1788](#)

-Publius

Essay 87

December 15, 2009

Bill of Rights Day

# **The New Federalist Papers, “Unalienable Rights”**

- Publius, Essay 87, December 15, 2009

## **SUPPLEMENTAL INFORMATION:**

*Essays 88-99 will revisit many of the 200+ proposed amendments to the Constitution offered by the original 13 states, States’ Rights, and other related topics.*

*Below is the basic outline of “The New Federalist Papers,” and the order of their release.*

*All Volume III essays should be available to the public by Christmas Day, 2009.*

## **THE NEW FEDERALIST PAPERS**

### **Volume III: Unalienable Rights**

#### **A. General Introduction.**

- 1. A Brief History of Constitution & Bill of Rights (Essay 86)**
- 2. Timeline of Ratification of Constitution & Bill of Rights (Essay 86)**

#### **B. Unalienable Rights (Essay 87)**

#### **C. Proposed Amendments to the Constitution (1788-1791)**

- 1. Massachusetts (Essay 88)**
- 2. South Carolina (Essay 89)**
- 3. New Hampshire (Essay 90)**
- 4. Virginia (Essay 91)**
- 5. New York (Essay 92)**
- 6. North Carolina (Essay 93)**
- 7. Rhode Island (Essay 94)**

#### **D. States’ Rights (Essay 95)**

#### **E. Concluding Remarks (Essay 96)**

#### **F. Essays (97-99) Reserved for Supplemental Issues**

### **Volume IV: Third Continental Congress, 2009 Session: “Articles of Freedom”**

#### **A. General Introduction: Preamble, Articles of Freedom (Essay 100)**

#### **B. Adopted Committee Reports of the Continental Congress.**

**Article 1. Sovereignty and The Declaration of Independence (Essay 101)**

**Article 2. Constitutional Laws and the DOI (Essay 102)**

**Article 3. Petition for Redress and the First Amendment (Essay 103)**

**Article 4. Militias, Firearms, and the Second Amendment (Essay 104)**

**Article 5. Privacy and the Fourth Amendment (Essay 105)**

**Article 6. Private Property and the Fifth Amendment (Essay 106)**

**Article 7. Juries and the Seventh Amendment (Essay 107)**

## **The New Federalist Papers, “Unalienable Rights”**

- Publius, Essay 87, December 15, 2009

**Article 8. Income: Tax and the Sixteenth Amendment (Essay 108)**

**Article 9. Foreign Policy and the General Welfare Clause of the Preamble to the Constitution (Essay 109)**

**Article 10. Money and Article 1 of the Constitution (Essay 110)**

**Article 11. Public Debt and Article 1 of the Constitution (Essay 111)**

**Article 12. War Powers and Articles 1 and 2 of the Constitution (Essay 112)**

**Article 13. Eligibility and the Natural Born Citizen Clause of Article 2, Section 1 of the Constitution (Essay 113)**

**Article 14. Illegal Immigration and the Faithfully Execute Clause of Article 2, Section 3 of the Constitution (Essay 114)**

**Article 15. Ancillary Report by the Foreign Policy and General Welfare Committee Regarding the Welfare State (Essay 115)**

**C. Divine Providence (Essay 116)**

**D. Nationwide Civic Action (Essay 117)**

**E. Pledge (Essay 118)**

**F. Concluding Remarks (Essay 119)**

*\* Additional Essays may be necessary following Concluding Remarks.*