

'being necessary to the security of a free State'; Natural Rights

NOTE: Bible classes cancelled on Sunday, 26 January 1997 due to weather.

The Founders were well read in the Classics of Greece and Rome as well as the Scripture. They discussed the principles found in each as they contemplated the structure of a national constitution which would preserve the inalienable rights of a free people.

We hear a lot today about rights, and preserving the Constitution, and individual freedom, and the inherent evil of militias and so on, but that discussion becomes aggravated whenever light is focused upon what the Founders originally intended by what they wrote into the Constitution, especially when the discussion turns to the Second Amendment.

Those who were to become citizens of a new nation called the United States considered themselves first and foremost to be citizens of their respective States. The reason they made the decision to unite was for the common defense against foreign aggression, internal tyranny, and personal danger.

In the case of foreign aggression, the well-regulated militia was an instant reaction force available as a reserve to supplement the national armed forces.

In the matter of internal tyranny, the well-regulated militia stands as a reminder to those in power that the government is of the people. Each individual must remain free and may not be molested without warrant, probable cause, and due process.

In the case of personal danger, the well-regulated militiaman was under obligation to protect himself and his household against dangers from nature, meaning wild animals, and his fellow man, meaning the criminal element.

A person's citizenship responsibilities towards his State superseded those of the national government. This attitude is best illustrated by General Robert E. Lee's decision to reject appointment to supreme command of the United States Army offered to him by President Abraham Lincoln in March 1861.

Jones, J. William. "Duty: The Key-note of His Life." In *Personal Reminiscences of General Robert E. Lee*. New York: Appleton and Co., 1875. Reprint. Baton Rouge: Louisiana State University Press, 1994, 133,136-41.

The writings of English politician Algernon Sidney were widely read by citizens of the American colonies, especially his *Discourses Concerning Government*, published in 1698.

Halbrook, Stephen P. *That Every Man be Armed*. Albuquerque: University of New Mexico Press, 1984. Reprint. Oakland: The Independent Institute, 1984; 31:

Sidney held that:

"each individual is naturally free; that by the law of nature each person has a right to his own life, liberty, goods, and lands; and that tyrannical governments may rightfully be abolished."

Among the French Whigs influenced by Algernon Sidney were John Trenchard and Thomas Gordon, whose joint essays influenced American critics of standing armies and were highly regarded by John Adams and Thomas Jefferson.

One of the most influential Whig treatises in the American colonies was James Burgh's Political Disquisitions published in 1774. Over one hundred pages of the work are devoted to stressing the virtues of an armed people over a standing army. He reminded his readers of Aristotle's dictum that those who have arms are masters of the state, and of Andrew Fletcher's argument that possession of arms distinguishes freemen from slaves.

"Without the people's having some knowledge of arms, I see not what is to secure them against slavery."

Montesquieu's (Moan-tes-que) The Spirit of the Laws, published in 1748, was a widely-read work on political theory and greatly influenced political thought in Europe and America. In it he writes:

"It is unreasonable to oblige a man not to attempt the defense of his own life. Hence it follows that, where bearing fire-arms is punished as a capital crime and where it is not more fatal to make an ill use of them than to carry them, is not agreeable to the nature of things."

It is from writers such as these that our Founders were influenced to insist that the right to bear arms be codified into the Bill of Rights.

Further, the introductory statement of the Second Amendment served as the Founders' rationale for appending the right to keep and bear arms to the text of the Constitution:

"a well-regulated militia, being necessary to the security of a free State."

C. "the right of the people to keep and bear arms"

We must first of all establish precisely what constitutes a right. The **Oxford English Dictionary** defines a right as follows:

Right. 1. The standard of permitted or forbidden action within a certain sphere. 2. That which is proper and incumbent for one to do; one's duty. 9. A legal, equitable, or moral title to the possession of property or authority; the enjoyment of privileges and immunities.

The **American Heritage Dictionary** defines the noun "right" and the term "natural rights" as follows: right. That which is due to anyone by law, tradition, or nature.

Synonyms: right, franchise, birthright. These terms apply to powers and possession and one's established claim to them.

Right refers to a just claim, legally, morally, or traditionally: the right of free speech. Franchise denotes specific rights formally and legally granted. Birthright applies to heritable rights as a result of birth.

natural. 1. Present in or produced by nature. 8. Established by moral certainty or conviction: natural rights.

Webster's New Collegiate Dictionary, 2nd edition, gives us the following under its definition of the adjective "natural":

4. Pertaining to or determined by nature; specif.: a Designating law (natural law) discernible to reason, as disting. from law laid down in codes by state, church, etc.; hence, deriving its validity from natural law; as, natural rights, the rights to life, liberty, and the pursuit of happiness.

Jefferson, Thomas. The Declaration of Independence. Philadelphia: The Thirteen United States of America, 1776, passim:

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 them 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 affect their Safety and Happiness.

The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has kept among us, in times of peace, Standing Armies, without the Consent of our legislatures. —He has affected to render the Military independent of and superior to the Civil power. ... For quartering large bodies of armed troops among us: —For protecting them, by mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States. He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people. —He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

What we see by way of definition is a description of how our forefathers looked upon the rights which are enumerated in the Bill of Rights.

They did not consider themselves to be establishing a code. Their intent was to enumerate certain natural rights which they feared the new centralized government might someday seek to deny “*the people*.”

The rights enumerated were considered to be God-given at birth and as far as government is concerned, it could only protect and defend those rights, never deny or infringe upon them.

There is a principle which emerges here: What the government does not have the power to grant it does not have the power to take away.

Government may only protect and defend the rights of the people. Once it seeks to deny or infringe upon the people's natural rights, then it has moved away from servant of the people to master of the people. Once this occurs then a once free people fall under tyranny and become slaves.

No Client Nation with a strong Pivot ever falls under tyranny. Should it come to pass that it does then it means the Pivot has shrunk to the point that Jesus Christ must impose national discipline.

Clarence Manion, dean of the University of Notre Dame's school of law from 1941–1952, describes the ebb and flow of this process in his famous anadiplosis written in the early 1950s:

*Man begins his existence in bondage,
and rises from bondage through spiritual faith,
from spiritual faith to courage,
from courage to liberty,
from liberty to abundance,
from abundance to selfishness,
from selfishness to complacency,
from complacency to apathy,
from apathy to dependency,
from dependency back into bondage.*