

Unalienable.

## The State of a Thing or Right Which Cannot Be Sold

Things which are not in commerce, as public roads, are in their nature unalienable. Some things are unalienable, in consequence of particular provisions in the law forbidding their sale or transfer, as pensions granted by the government. The natural rights of life and liberty are UNALIENABLE. *Bouviere's Law Dictionary 1856 Edition*

"Unalienable: incapable of being alienated, that is, sold and transferred." Black's Law Dictionary, Sixth Edition, page 1523:

You can not surrender, sell or transfer unalienable rights; they are a gift from the creator to the individual and cannot under any circumstances be surrendered or taken. All individuals have unalienable rights.

**Inalienable rights:** Rights which are not capable of being surrendered or transferred without the consent of the one possessing such rights. *Morrison v. State, Mo. App., 252 S.W.2d 97, 101.*

You can surrender, sell or transfer inalienable rights if you consent either actually or constructively. Inalienable rights are not inherent in man and can be alienated by government. Persons have inalienable rights. Most state constitutions recognize only inalienable rights.

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 to 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*

Men are endowed by their Creator with certain **unalienable** rights- 'life, liberty, and the pursuit of happiness;' **and to 'secure,' not grant or create**, these rights, governments are instituted. That property which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation. *Budd v. People of state of New York, 143 U.S. 517 (1892)*

Among these **unalienable rights**, as proclaimed in that great document, is the right of men to pursue their happiness, by which is meant the right to pursue any

lawful business or vocation, in any manner not inconsistent with the equal rights of others, which may increase their prosperity or develop their faculties, so as to give to them their highest enjoyment. The common business and callings of life, the ordinary trades and pursuits, which are innocuous in themselves, and have been followed in all communities from time immemorial, must therefore be free in this country to all alike upon the same conditions. The right to pursue them, without let or hinderance, except that which is applied to all persons of the same age, sex, and condition, is a distinguishing privilege of citizens of the United States, and an essential element of that freedom which they claim as their birthright. It has been well said that 'THE PROPERTY WHICH EVERY MAN HAS IN **HIS OWN LABOR**, AS IT IS THE ORIGINAL FOUNDATION OF ALL OTHER PROPERTY, SO IT IS THE MOST SACRED AND INVIOLABLE. The patrimony of the poor man lies in the strength and dexterity of his own hands, and to hinder his employing this strength and dexterity in what manner he thinks proper, without injury to his neighbor, is a plain violation of this most sacred property. It is a manifest encroachment upon the just liberty both of the workman and of those who might be disposed to employ him. . . The right to follow any of the common occupations of life is an inalienable right, it was formulated as such under the phrase 'pursuit of happiness' in the Declaration of Independence, which commenced with the fundamental proposition that 'all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.' This right is a large ingredient in the civil liberty of the citizen. To deny it to all but a few favored individuals, by investing the latter with a monopoly, is to invade one of the fundamental privileges of the citizen, contrary not only to common right, but, as I think, to the express words of the constitution. It is what no legislature has a right to do; and no contract to that end can be binding on subsequent legislatures. . . *Butchers' Union Co. V. Crescent City Co., 111 U.S. 746 (1884)*

"Burlamaqui (Politique #, . 15) defines **natural liberty** as "the right which nature gives to all mankind of disposing of their persons and property after the manner they may judge most consonant to their happiness, on condition of their acting within the limits of the law of nature, and so as not to interfere with an equal exercise of the same rights by other men;" and therefore it has been justly said, that "absolute rights of individuals may be resolved into the right of personal security--the right of personal liberty--and the right to acquire and enjoy property. These rights have been justly considered and frequently declared by the **people** of this country to be natural, inherent, and **unalienable**." *Potter's Dwarries, ch. 13, p. 429.*

From these passages it is evident; that the right of acquiring and possessing property, and having it protected, is one of the natural, inherent, and unalienable rights of man. Men have a sense of property: Property is necessary to their subsistence, and correspondent to their natural wants and desires; its security was one of the objects, that induced them to unite in society. No man would become a member of a community, in which he could not enjoy the fruits of his honest labour and industry. . . The constitution expressly declares, that the right of acquiring, possessing, and protecting property is natural, inherent, and **unalienable**. It is a right not ex gratia from the legislature, but ex debito from the constitution. . .

Where is the security, where the inviolability of property, if the legislature, by a private act, affecting particular persons ONLY, can take land from one citizen, who acquired it legally, and vest it in another? *Vanhorne's Lessee v. Dorrance*, 2 U.S. 304 (1795)

("[T]he Due Process Clause protects [the **unalienable** liberty recognized in the Declaration of Independence] rather than the particular rights or privileges conferred by specific laws or regulations." *Sandin v. Conner*, U.S. (1995)

In the second article of the Declaration of Rights, which was made part of the late Constitution of Pennsylvania, it is declared: 'That all men have a natural and **unalienable** right to worship Almighty God, according to the dictates of their own consciences and understanding; and that no man ought or of right can be compelled, to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or against, his own free will and consent; nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship; and that no authority can, or ought to be, vested in, or assumed, by any power whatever, that shall, in any case, interfere with, or in any manner controul, the right of conscience in the free exercise of religious worship.' (Declaration of Rights, Art. 2.). . . (The Judge then read the 1st. 8th. and 11th articles of the Declaration of Rights; and the 9th. and 46<sup>th</sup> sections of the Constitution of Pennsylvania. See 1 Vol. Dall. Edit. Penn. Laws p. 55. 6. 60. in the Appendix.) From these passages it is evident; that the right of acquiring and possessing property, and having it protected, is one of the natural, inherent, and **unalienable** rights of man. Men have a sense of property: Property is necessary to their subsistence, and correspondent to their natural wants and desires; its security was one of the objects that induced them to unite in society. No man would become a member of a community, in which he could not enjoy the fruits of his honest labour and industry. The preservation of property then is a primary object of the social compact, and, by the late Constitution of Pennsylvania, was made a **fundamental law**. . . The constitution expressly declares, that the right of acquiring, possessing, and protecting property is natural, inherent, and **unalienable**. It is a right not ex gratia from the legislature, but ex debito from the constitution. *Vanhorne's Lessee v. Dorrance*, 2 U.S. 304 (1795)

I had thought it self-evident that all men were endowed by their Creator with liberty as one of the cardinal **unalienable** rights. It is that basic freedom which the Due Process Clause protects, rather than the particular rights or privileges conferred by specific laws or regulations. . . It demeans the holding in *Morrissey* - more importantly it demeans the concept of liberty itself - to ascribe to that holding nothing more than a protection of an interest that the State has created through its own prison regulations. For if the inmate's protected liberty interests are no greater than the State chooses to allow, he is really little more than the slave described in the 19th century cases. I think it clear that even the inmate retains an **unalienable** interest in liberty - at the very minimum the right to be treated with dignity - which the Constitution may never ignore. *Meachum v. Fano*, 427 U.S. 215 (1976)

All commissions (regardless of their form, or by whom issued) contain, impliedly, the constitutional reservation, that the people at any time have the right, through their representatives, to alter, reform, or abolish the office, as they may alter, if they choose, the whole form of government. In our magna carat it is proclaimed (2d section of the Bill of Rights, under the 9<sup>th</sup> Article of the Constitution of Pennsylvania), that 'all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of these ends they have at all times an **unalienable** and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.' It has been well said, by one of the ablest judges of the age, that 'a constitution is not to receive a technical construction, like a common law instrument or a statute. It is to be interpreted so as to carry out the great principles of the government, not to defeat them.' Per *Gibson, C. J., in Commonwealth v. Clark, 7 Watts & S. (Pa.), 133. Butler v. Com. of Pennsylvania, 51 U.S. 402 (1850)*

The rights of life and personal liberty are natural rights of man. 'To secure these rights,' says the Declaration of Independence, 'governments are instituted among men, deriving their just powers from the consent of the governed.' The very highest duty of the States, when they entered into the Union under the Constitution, was to protect all persons within their boundaries in the enjoyment of these **'unalienable rights'** with which they were endowed by their Creator.' Sovereignty, for this purpose, rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State, than it would be to punish for false imprisonment or murder itself. *U S. v. Cruikshank, 92 U.S. 542 (1875)*

". . . The question presented is not whether the United States has the power to condemn and appropriate this property of the Monongahela Company, for that is conceded, but how much it must pay as compensation therefor. Obviously, this question, as all others which run along the line of the extent of the protection the individual has under the Constitution against the demands of the government, is of importance; for in any society the fulness and sufficiency of the securities which surround the individual in the use and enjoyment of his property constitute one of the most certain tests of the character and value of the government. The first ten amendments to the Constitution, adopted as they were soon after the adoption of the Constitution, are in the nature of a bill of rights, and were adopted in order to quiet the apprehension of many, that without some such declaration of rights the government would assume, and might be held to possess, the power to trespass upon those rights of persons and property which by the Declaration of Independence were affirmed to be **unalienable rights**. *United States v. Twin City Power Co., 350 U.S. 222 (1956)*

'By the common law, the king as *parens patriae* owned the soil under all the waters of all navigable rivers or arms of the sea where the tide regularly ebbs and flows, including the shore or bank to high- water mark. ... He held these rights, not for his own benefit, but for the benefit of his subjects at large, who were entitled to the free use of the sea, and all tide waters, for the purposes of navigation, fishing, etc.,

subject to such regulations and restrictions as the crown or the Parliament might prescribe. By Magna Charta, and many subsequent statutes, the powers of the king are limited, and he cannot now deprive his subjects of these rights by granting the public navigable waters to individuals. But there can be no doubt of the right of Parliament in England, or the Legislature of this state, to make such grants, when they do not interfere with the vested rights of particular individuals. The right to navigate the public waters of the state and to fish therein, and the right to use the public highways, are all public rights belonging to the people at large. They are not the **private unalienable rights** of each individual. Hence the Legislature as the representatives of the public may restrict and regulate the exercise of those rights in such manner as may be deemed most beneficial to the public at large: Provided they do not interfere with vested rights which have been granted to individuals.' *Appleby v. City Of New York*, 271 U.S. 364 (1926)

Elliot's Debates on the Federal Constitution (1876) 319 et seq. In ratifying the Constitution the following declarations were made: New Hampshire, p. 326, 'XI. Congress shall make no laws touching religion, or to infringe the rights of conscience.' Virginia, p. 327, '... no right, of any denomination, can be cancelled, abridged, restrained, or modified, by the Congress, by the Senate or House of Representatives, acting in any capacity, by the President, or any department or officer of the United States, except in those instances in which power is given by the Constitution for those purposes; and that among other essential rights, the liberty of conscience, and of the press, cannot be cancelled, abridged, restrained, or modified, by any authority of the United States.' New York, p. 328, 'That the freedom of the press ought not to be violated or restrained.' After the submission of the amendments, Rhode Island ratified and declared, pp. 334, 335, 'IV. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, and not by force and violence; and therefore all men have a natural, equal, and **unalienable right** to the exercise of religion according to the dictates of conscience; and that no particular religious sect or society ought to be favored or established, by law, in preference to others. ... XVI. That the people have a right to freedom of speech, and of writing and publishing their sentiments. That freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.' *Jones v. City Of Opelika*, 319 U.S. 105 (1943)

As to the objections made on the other side to our interpretation of the compact, that it impugns the right to the pursuit of happiness, which is inherent in every society of men, and is incompatible with these **unalienable rights** of sovereignty and of self-government, which every independent State must possess, the answer is obvious: that no people has a right to pursue its own happiness to the injury of others, for whose protection solemn compacts, like the present, have been made. It is a trite maxim, that man gives up a part of his natural liberty when he enters into civil society, as the price of the blessings of that state: and it may be said, with truth, this liberty is well exchanged for the advantages which flow from law and justice. *Green v. Biddle*, 21 U.S. 1 (1821)

This court said, in the case of *The Bank of Columbia v. Okely* (4 Wheat. 235), in speaking of a summary proceeding given by the charter of that bank for the collection of its debts: 'It is the remedy, and not the right, and as such we have no doubt of its being subject to the will of Congress. The forms of administering justice, and the duties and powers of courts as incident to the exercise of a branch of sovereign power, must ever be subject to legislative will, and the power over them is **unalienable**, so as to bind subsequent legislatures.' And in *Young v. The Bank of Alexandria* (4 Cranch, 397), Mr. Chief Justice Marshall says: 'There is a difference between those rights on which the validity of the transactions of the corporation depends, which must adhere to those transactions everywhere, and those peculiar remedies which may be bestowed on it. The first are of general obligation; the last, from their nature, can only be exercised in those courts which the power making the grant can regulate.' See also *The Commonwealth v. The Delaware & Hudson Canal Co. et al.*, 43 Pa. St. 227; *State of Maryland v. Northern Central Railroad Co.*, 18 Md. 193; *Colby v. Dennis*, 36 Me. 1; *Gowan v. Penobscot Railroad Co.*, 44 id. 140. *U.S. v. Union Pac. R. Co.*, 98 U.S. 569 (1878)

It is significant that the guarantee of freedom of speech and press falls between the religious guarantees and the guarantee of the right to petition for redress of grievances in the text of the First Amendment, the principles of which are carried to the States by the Fourteenth Amendment. It partakes of the nature of both, for it is as much a guarantee to individuals of their personal right to make their thoughts public and put them before the community, see Holt, *Of the Liberty of the Press*, in Nelson, *Freedom of the Press from Hamilton to the Warren Court* 18-19, as it is a social necessity required for the "maintenance of our political system and an open society." *Time, Inc. v. Hill*, *supra*, at 389. It is because of the personal nature of this right that we have rejected all manner of prior restraint on publication, *Near v. Minnesota*, 283 U.S. 697, despite strong arguments that if the material was unprotected the time of suppression was immaterial. Pound, *Equitable Relief Against Defamation and Injuries to Personality*, 29 Harv. L. Rev. 640. The dissemination of the individual's opinions on matters of public interest is for us, in the historic words of the Declaration of Independence, an "**unalienable right**" that "governments are instituted among men to secure." History shows us that the Founders were not always convinced that unlimited discussion of public issues would be "for the benefit of all of us"<sup>13</sup> but that they firmly adhered to the proposition that the "true liberty of the press" permitted "every man to publish his opinion." *Respublica v. Oswald*, 1 Dall. 319, 325 (Pa.). *Curtis Publishing Co. v. Butts*, 388 U.S. 130 (1967)

While the "meaning and scope of the First Amendment" must be read "in light of its history and the evils it was designed forever to suppress," *Everson v. Board of Education*, *supra*, at 14-15, this Court has also recognized that "this Nation's history has not been one of entirely sanitized separation between Church and State." *Committee for Public Education & Religious Liberty v. Nyquist*, *supra*, at 760. "The fact that the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him is clearly evidenced in their writings, from the Mayflower Compact to the Constitution itself." *Abington School District v. Schempp*, 374 U.S. 203, 213 (1963). The Court properly has

noted "an unbroken history of official acknowledgment . . . of the role of religion in American life." *Lynch v. Donnelly*, 465 U.S., at 674, and has recognized that these references to "our religious heritage" are constitutionally acceptable. *Id.*, at 677. *Edwards v. Aguillard*, 482 U.S. 578 (1987)

When the First Congress was debating the Bill of Rights, it was contended that there was no need separately to assert the right of assembly because it was subsumed in freedom of speech. Mr. Sedgwick of Massachusetts argued that inclusion of "assembly" among the enumerated rights would tend to make the Congress "appear trifling in the eyes of their constituents. . . ." If people freely converse together, they must assemble for that purpose; it is a self-evident, **unalienable right** which the people possess; it is certainly a thing that never would be called in question . . . ." *Annals of Cong.* 731 (1789). Since the right existed independent of any written guarantee, Sedgwick went on to argue that if it were the drafting committee's purpose to protect all inherent rights of the people by listing them, "they might have gone into a very lengthy enumeration of rights," but this was unnecessary, he said, "in a Government where none of them were intended to be infringed." *Id.*, at 732. Mr. Page of Virginia responded, however, that at times "such rights have been opposed," and that "people have . . . been prevented from assembling together on their lawful occasions": "[T]herefore it is well to guard against such stretches of authority, by inserting the privilege in the declaration of rights. If the people could be deprived of the power of assembling under any pretext whatsoever, they might be deprived of every other privilege contained in the clause. The motion to strike "assembly" was defeated. *Id.*, at 733. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980)

"Gentlemen, I have insisted, at great length, upon the origin of governments, and detailed the authorities which you have heard upon the subject, because I consider it to be not only an essential support, but the very foundation of the liberty of the press. If Mr. Burke be right in his principles of government, I admit that the press, in my sense of its freedom, ought not to be free, nor free in any sense at all; and that all addresses to the people upon the subjects of government, and all speculations of amendment, of what kind or nature soever, are illegal and criminal; since if the people have, without possible re-call, delegated all their authorities, they have no jurisdiction to act, and therefore none to think or write upon such subjects; and it would be a libel to arraign government or any of its acts, before those who have no jurisdiction to correct them. But on the other hand . . . no legal argument can shake the freedom of the press in my sense of it, if I am supported in my doctrines concerning the great **unalienable right of the people**, to reform or to change their governments. It is because the liberty of the press resolves itself into this great issue, that it has been in every country the last liberty which subjects have been able to wrest from power. Other liberties are held under governments, but the liberty of opinion keeps governments themselves in due subjection to their duties." *Speeches of Lord Erskine* 524-525 (J. High ed. 1876). *Herbert v. Lando*, 441 U.S. 153 (1979)

The denial of human rights was etched into the American Colonies' first attempts at establishing self-government. When the colonists determined to seek their

independence from England, they drafted a unique document cataloguing their grievances against the King and proclaiming as "self-evident" that "all men are created equal" and are endowed "with certain unalienable Rights," including those to "Life, Liberty and the pursuit of Happiness." The self-evident truths and the unalienable rights were intended, however, to apply only to white men. An earlier draft of the Declaration of Independence, submitted by Thomas Jefferson to the Continental Congress, *University Of California Regents v. Bakke*, 438 U.S. 265 (1978)

The Declaration of Independence states the American creed: "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 ideal was not fully achieved with the adoption of our Constitution because of the hard and tragic reality of Negro slavery. The Constitution of the new Nation, while heralding liberty, in effect declared all men to be free and equal - except black men who were to be neither free nor equal. This inconsistency reflected a fundamental departure from the American creed, a departure which it took a tragic civil war to set right. With the adoption, however, of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution, freedom and equality were guaranteed expressly to all regardless "of race, color, or previous condition of servitude." *United States v. Reese*, 92 U.S. 214, 218. *Bell v. Maryland*, 378 U.S. 226 (1964)

### **What does 'unalienable rights' mean in the Declaration of Independence?**

#### **Answer**

The concept of "certain unalienable rights" is evidence that the Founding Fathers of the United States believed in God and for the most part we're strongly religious men with strong beliefs in entitlements bestowed by God upon men, and that these entitlements were so important that no earthly power can rightfully deny them. Therefore, no Government can deny these rights.

The whole of the Preamble to the Declaration of Independence sheds more light on this phrasing:

"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 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.

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right



themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security."

### **Definition**

The definition of "**unalienable** rights," is those rights that cannot be surrendered, sold or transferred to someone else - the government, for example, or another person. Some people refer to these as "natural" or "God-given" rights (life, liberty and the pursuit of happiness). Certain unalienable rights, such as a Social Security number, however, are "unalienable" only because the law prohibits reassigning your number to someone else.

In contrast, "**inalienable** rights" are those rights that can only be transferred with the consent of the person possessing those rights.

### **Answer**

"Endowed by their creator with certain inalienable rights," is the phrase made famous by the U.S. Declaration of Independence. Its intent was to express the truth that every person is a creation of God and has certain rights, simply by virtue of their being created by God. Therefore, those unalienable rights or privileges cannot be transferred or taken away by any man. Those rights as conceived in the Declaration, are "Life, Liberty, and the pursuit of Happiness."

### **Answer**

This means that Jefferson and the other writers of the Declaration wished people to believe that God created human beings with certain rights that should never be taken away -- life, liberty, and pursuit of happiness. They avoided "God" using instead "their creator" to avoid religious disputes because they were preparing to move away from government-sponsored religion.

### **Question: "What does the Bible say about human rights?"**

<http://www.gotquestions.org/human-rights.html>

**Answer:** Any honest study of the Bible must acknowledge that man, as God's special creation, has been blessed with certain "human rights." Any true student of the Bible will be stimulated toward ideals such as equity and justice and benevolence. America's founding fathers put it well: "all men are created equal . . . endowed by their Creator with certain unalienable Rights." Such a statement accords well with Scripture. The Bible says that man is created in the image of God ([Genesis 1:27](#)). Because of this, man has a certain dignity and was given dominion over the rest of creation ([Genesis 1:26](#)).

The image of God in man also means that murder is a most heinous crime. "Whoever sheds the blood of man, / by man shall his blood be shed; / for in the image of God / has God made man" ([Genesis 9:6](#)). The severity of the punishment underscores the severity of the offense. The Mosaic Law is full of examples of how God expects everyone to be treated humanely. The Ten Commandments contain

prohibitions against murder, theft, coveting, adultery, and bearing false testimony. These five laws promote the ethical treatment of our fellow man. Other examples in the Law include commands to treat immigrants well ([Exodus 22:21](#); [Leviticus 19:33-34](#)), to provide for the poor ([Leviticus 19:10](#); [Deuteronomy 15:7-8](#)), to grant interest-free loans to the poor ([Exodus 22:25](#)), and to release all indentured servants every fifty years ([Leviticus 25:39-41](#)).

The Bible teaches that God does not discriminate or show favoritism ([Acts 10:34](#)). Every person is a unique creation of His, and He loves each one ([John 3:16](#); [2 Peter 3:9](#)). "Rich and poor have this in common: / The LORD is the Maker of them all" ([Proverbs 22:2](#)). In turn, the Bible teaches that Christians should not discriminate based on race, gender, cultural background, or social standing ([Galatians 3:28](#); [Colossians 3:11](#); [James 2:1-4](#)). We are to be kind to all ([Luke 6:35-36](#)). The Bible gives strict warnings against taking advantage of the poor and downtrodden. "He who oppresses the poor shows contempt for their Maker, but whoever is kind to the needy honors God" ([Proverbs 14:31](#)).

Instead, God's people are to help whoever is in need ([Proverbs 14:21](#); [Matthew 5:42](#); [Luke 10:30-37](#)). Throughout history, most Christians have understood their responsibility to aid their fellow human beings. The majority of hospitals and orphanages in our world were founded by concerned Christians. Many of the great humanitarian reforms of history, including abolition, were spearheaded by Christian men and women seeking justice.

Today, Christians are still working to combat human rights abuses and to promote the welfare of all people. As they preach the Gospel around the world, they are digging wells, planting crops, giving clothes, dispensing medicine, and providing education for the destitute. This is as it should be. There is a sense in which the Christian has no "rights" of his own, because he has surrendered his life to Christ. Christ "owns" the believer. "You are not your own; you were bought at a price" ([1 Corinthians 6:19-20](#)). But God's authority over us does not negate God's image in us. Our submission to the will of God does not annul God's command to "love your neighbor as yourself" ([Matthew 23:39](#)). In fact, we serve God most when we serve others ([Matthew 25:40](#)).

## Inalienable, [Unalienable] or Natural Rights!

**NATURAL RIGHTS ARE THOSE RIGHTS** such as **LIFE** (from conception), **LIBERTY** and the **PURSUIT OF HAPPINESS** ergo **FREEDOM of RELIGION, SPEECH, LEARNING, TRAVEL, SELF-DEFENSE, ETC.** Hence laws and statutes which violate NATURAL RIGHTS, though they have the color of law, are not law but impostors! The U.S. Constitution was written to protect these NATURAL RIGHTS from being tampered with by legislators. \* Further, our forefathers also wisely knew that the U.S. Constitution would be utterly worthless to restrain government legislators unless it was clearly understood that the people had the right to compel the government to keep within the Constitutional limits.

In a jury trial the ' real judges are the **JURORS!** Surprisingly, judges are actually just referees bound by the Constitution! 'Lysander Spooner wrote as follows:

"Government is established for the protection of the weak against the strong. This is the principal, if not the sole motive for the establishment of all legitimate government. It is only the weaker party that lose their liberties, when a government becomes oppressive. The stronger party, in all governments are free by virtue of their superior strength. They never oppress themselves. Legislation is the work of this stronger party; and if, in addition to the sole power of legislation, they have the sole power of determining what legislation shall be enforced, they have all power in their hands, and the weaker party are the subjects of an absolute government. Unless the weaker party have a veto, they have no power whatever in the government and ... no liberties ... The trial by jury is the only institution that gives the weaker party any veto upon the power of the stronger. Consequently it is the only institution that gives them any effective voice in the government, or any guaranty against oppression."

Essay on the Trial by Jury

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### **THOSE UNALIENABLE RIGHTS**

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Posted on **Saturday, February 22, 2003 1:39:59 PM** by **forest**

When he wrote the Declaration of Independence, Thomas Jefferson took a little editorial liberty with the phrase "Life, Liberty and the pursuit of Happiness." Consequently, if we modern Americans are to fully understand our own personal rights and liberties, this requires a little explanation.

Back in the days of the Founding Fathers, every family was said to have two well studied books in their library. The most important best seller around 1775, of course, was "The Bible." The second best seller in the Colonies was "Blackstone's Commentaries on The Law," then a new three volume set on English common law.

For the Founding Fathers, "Blackstone's Commentaries" was the law book of the day. Of course, the writings of John Locke and others were freely quoted too. But, they were theory. "Blackstone's" was an accurately written description of our Common Law. Since then, "Blackstone's Commentaries" has been used for over two-hundred years in every English speaking law school in the world. Even today, a well read copy of "Blackstone's" can be found in any American law library.

Thomas Jefferson, George Washington, James Madison, Alexander Hamilton, and Benjamin Franklin all studied "Blackstone's" at length, as did all of the Founders. That is very obvious in their writings. They quote and paraphrase the text extensively.

So, it is no surprise that the phrase written by Jefferson in the Declaration of Independence originated in Chapter One of Book One of Blackstone's, titled "Absolute Rights of Individuals." Blackstone describes the absolute rights of individuals as being our right to life, liberty and property. Jefferson took the editorial liberty of changing "property" to "pursuit of happiness," knowing full well that all Colonial Americans would understand exactly what was meant.

It is us, today's Americans, who seem to have a problem with that meaning. We Americans have lost the concept of true freedom because we no longer know exactly what our rights are. In today's United States, the word "rights" has been corrupted so completely that few Americans any longer know the difference between the terms procedural rights and civil rights, and our unalienable rights and liberties. However, the basics can be learned in less than a minute, so let's examine a little of Blackstone's original text.

Sir William Blackstone defines our absolute rights as "those which are so in their primary and strictest sense; such as would belong to their persons merely in a state of nature, and which every man is entitled to enjoy, whether out of society or in it." These rights have also been called natural rights by some.

Blackstone then breaks these rights down into three basic categories:

**LIFE** -- The Right of Personal Security: "This right consists of a person's legal and uninterrupted enjoyment of his life, his limbs, his body, his health and his reputation." Herein can also be found your right of self defense.

**LIBERTY** -- The Right of Personal Liberty: "This consists in the power of locomotion, of changing situation, of moving one's person to whatever place one's own inclination may direct, without imprisonment or restraint, unless by course of law." We find this right protected, to a limited extent, within the body of our Constitution, and further guaranteed within the Bill of Rights.

**PROPERTY** -- The Right of Private Property: "This is the third absolute right, and consists in the free use, enjoyment and disposal by a man of all his acquisitions, without any control or diminution, save only by the laws of the land."

Our Founding Fathers called these absolute rights "unalienable" -- incapable of being given up, taken away, or transferred to another. In Jefferson's first draft of The Declaration of Independence, the word was conventionally spelled inalienable.

However, the newspaper editor among them, Benjamin Franklin, thought unalienable sounded stronger. And, as they say, the rest is history.

Thus, the protection of Life, Liberty and Property -- our natural, absolute and unalienable rights -- became the underlying reason our country was formed.

There is, of course, a caveat here: As members of society, we are also required to respect these rights in all others. Therefore, the most important reason we empower governments to make and enforce laws is to insure that everyone respects the rights of others.

Towards this end, the body of our Constitution was carefully crafted by the Founding Fathers to allow the central government only certain enumerated powers. Although it may not seem like it today -- with our hundreds of thousands of pages of imposing laws, rules and regulations -- the powers of the federal government were designed to be few, and the freedoms of citizens were intended to be many.

Because of the lack of vigilance on the part of the American public, this ratio of government powers to personal freedom has recently reversed. We can probably recoup many of our unalienable rights again. But folks, it's going to take some effort from all of us. Bureaucrats are not about to relinquish their control over us without a lot of kicking and screaming. **END**

<http://nfp.patriotcoalition.com/nfp-87.pdf>

<http://www.freerepublic.com/focus/f-news/2043615/posts>

## **America's Godly Heritage in Government CONSTITUTION**

**Surely the people who wrote and signed the Constitution of the United States of America can be trusted to tell us what it means. Original letters written in their own words give us a much truer understanding of their intentions than third party commentaries written a hundred years later.**

**Listen to the original writers, especially when new historians contradict the original intent of those original authors of the law of this great land.**

**Those letters and speeches made by the Signers of the Constitution and Declaration of Independence are available through this network.**

**You can download more complete information files to your computer and read them at your leisure.**

**Please feel free to share them with your friends. The purpose of**

this is to spread the truth and give understanding of the truth, so that our children and our children's children can live by the truth.

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

President Abraham Lincoln reminded the nation of that great truth contained in the Declaration of Independence when he said, "We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

The Supreme Court declared in 1897, the Constitution is the body and letter of which the Declaration of Independence is the thought and the spirit, and it is always safe to read the letter of the Constitution in the spirit of the Declaration of Independence.

The Constitution itself connects itself to the Declaration of Independence by dating itself from the date of the Declaration of Independence, thereby showing clearly that it is the second great document in the government of these United States and is not to be understood without the first. How many today say the Constitution stands alone devoid of all reference to the Declaration? Let them see hear and understand what those who wrote the Constitution said about our American government. See Article VII.

The Founders believed the Declaration was the foundational document in our Constitutional form of government. The Founders dated their government acts from the year of the Declaration rather than the Constitution. The date of the Declaration of Independence was the recognized date of Sovereignty and Independence of the United States.

In the Declaration, the Founders established the foundation and the core values on which the Constitution was to operate. The Constitution was never to be interpreted apart from those values expressed in the Declaration.

Samuel Adams pointed out: Before the formation of this Constitution this Declaration of Independence was received and ratified by all the States in the Union, and has never been disannulled.

Well into the twentieth century, the Declaration and the Constitution were viewed as inseparable and interdependent.

While the Court's change of standards has perhaps been a display of poor judgment, the Court's actions have actually been illegal under the standards of original intent. Furthermore they have violated the value system of "the laws of nature and of nature's God" established in the Declaration of Independence.

The First Amendment was clearly understood and explained by the man who wrote it and the man who first applied it as law. Fisher Ames wrote the First Amendment. He also wrote that the Bible should always remain the principle text book in America's classrooms. John Jay, original Chief-Justice U.S. Supreme Court, said it is the duty of all wise, free, and virtuous governments to help and encourage virtue and religion.

The Constitution of the United States of America was penned by the man who was head of the committee which created the final wording. That man, Governor Morris of Pennsylvania, was also the most active member of the Constitutional Convention. He spoke 173 times. He also advocated that "education should teach the precepts of religion and the duties of man towards God."

An early House Judiciary Committee affirmed the Founder's lack of pluralistic intent when it declared: "Christianity ...was the religion of the founders of the republic, and they expected it to remain the religion of their descendants."

Words and sentiments of other founding fathers can be given to fill a library; but these few show the whole idea to anyone who is willing to hear.

" You do well to wish to learn our arts and our ways of life, and above all, the religion of Jesus Christ. Congress will do everything they can to assist you in this wise intention." George Washington

" Let...statesmen and patriots unite their endeavors to renovate the age by...educating their little boys and girls...and leading them in the study and practice of the exalted virtues of the Christian system." Samuel Adams

"History will also afford frequent opportunities of showing the necessity of a public religion...and the excellency of the Christian religion above all others, ancient or modern." Benjamin Franklin

"Only one adequate plan has ever appeared in the world, and

**that is the Christian dispensation." John Jay, ORIGINAL CHIEF-  
JUSTICE U.S. SUPREME COURT**

**"The United States of America were no longer Colonies. They  
were an independent nation of Christians." John Quincy Adams**

**A page of history is worth a volume of logic. History shows the  
intent and purpose of our founding fathers. Contemporary logic  
is wrong whenever it contradicts the clear explanations of those  
men who wrote the Constitution.**

**97% of the founding fathers were practicing Christians and  
exercised their faith in public office, at work, at home, and had  
it taught to their children in their schools. 187 of the first 200  
colleges in America were Christian, Bible teaching institutions.  
Entrance to Harvard required strong knowledge of the Bible. The  
money was printed, "One Nation Under God." Noah Webster  
wrote the dictionary with Bible verses explained so children  
could understand the words of God and know the truth of Jesus  
Christ. Webster even wrote a translation of the Bible for the  
American speaking people.**

**You could hardly find a school in America that wasn't Christian  
based with the Bible as its main text book until the 1830's. That  
was when a humanist named Horace Mann worked for ten years  
to deceive the state of Massachusetts to produce its own state  
supported schools and leave the Bible out of those schools. As a  
result of the attack upon children learning the truths of God and  
Salvation, the American Sunday School League was formed  
during that same decade so those children who were deprived  
could still get Bible knowledge.**

**During the next hundred years humanism grew bolder in its  
attack against the founding fathers ideas of education and more  
and more schools omitted the Bible. Fewer and fewer  
remembered the exhortations of those men who established this  
nation to follow Christ and give Christian teaching in the  
schools, as the backbone and main course of our schools. p>**

**The ax has been laid to the very roots of our Constitution. The  
Supreme Court now makes laws. Not only does it make laws, it  
overthrows those which have existed for generations upon  
generations of Americans and calls them unconstitutional. Why?  
Because of the new morality that says, the end justifies the  
means, and if it seems good do it. And no man stood strong  
enough to stop that encroachment when it happened. The  
Founders would have denied what the Warren Court did on the**



grounds of Treason. Why Treason? Because the Founders believed that whosoever attacked the strength and education of Christianity attacked this great nation which was founded on the principles of Christianity. It's OK to exercise free speech on the streets if one wants to attack Christianity, but it is High Treason for a judge to throw down laws that were established to protect Christian education according to individual faith of Americans.

The Socialist minded judges took a bold stroke at our roots and they got away with it. No one impeached them for Treason. Under the power of Mass Media, the public was given opium of "it's all for the good of the nation", and they sat back in their false humility and failed to stand up for Right.

#### U.S.A. IDENTIFIED BY THE DECLARATION OF INDEPENDENCE

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

The Declaration of Independence appeals to God no less than three times. Four to those who can see His Name in the phrase "protection of divine providence". Five to those who can admit the phrase "created equal" means created by God, not evolved from chaos.

Contrary to what is currently taught at most federal and state schools, Samuel Adams pointed out this strong lesson which is contradicted in courts today: "Before the formation of this Constitution...this Declaration of Independence was received and ratified by all the States in the Union and has NEVER been disannuled."

The Declaration and the Constitution were viewed as inseparable and interdependent documents. The Declaration of Independence appeals to God no less than three times. The men who wrote it declared within it their undying faith towards God for all generations to see and follow.

The Articles of Incorporation call the entity into existence and the By-laws then explain how it will be governed. Therefore the governing of the corporation under its by-laws must always be within the purposes and framework set forth in its Articles. The By-laws may neither nullify nor supersede the Articles. The Constitution neither abolished nor replaced what the Declaration had established; it only provided the specific details

of how American government would operate under the principles set forth in the Declaration.

**PROOF** of the Declaration being attached to the Constitution is found in Article VII. The Constitution attaches itself to the Declaration by dating itself as being signed in the twelfth year of the independence of the United States of America! Now that proves the founding fathers considered themselves to have been living in the USA for twelve years under the government document of the Declaration of Independence. Not only was the Constitution dated in recognition of the Declaration of Independence, also the later government acts were dated from the Independence of the United States of America.

"The Jubilee of the Constitution" by John Quincy Adams explains the Constitution as dependent upon the virtues proclaimed in the Declaration of Independence. That's why the Ten Commandments are inscribed in stone on the Supreme Court building. Those men saw the law of God as the basis of all law for all men always, never to be changed! How can we withhold God and His truth from our educational classrooms for children today? One Nation Under God. United we stand together with Christ.

They erected a beacon to guide their children, and their children's children: for all men who would pursue life, liberty, and happiness...they pointed us to God and to His Son Jesus Christ. They desired that their posterity might look again to the Declaration of Independence and take courage to renew that battle which their fathers began, so that truth, justice, mercy, and all Christian virtue not be extinguished from the schools of this land.

If anyone has taught you doctrines conflicting with the light shining through our Declaration of Independence, come back to the truths that were written then for you to see again now.

President Abraham Lincoln reminded the nation of that great truth contained in the Declaration of Independence when he said, "We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

**SUPREME COURT** decision of 1897: Constitution is the body and letter of which the Declaration of Independence is the thought and the spirit, and it is always safe to read the letter of the

## **Constitution in the spirit of the Declaration of Independence.**

**Our government exists to protect the Constitutional rights of the people. Those rights are protected by the Constitution and its Amendments as the law of the land. Only the people have the incontestable, unalienable, unencroachable right to change the laws which they have established. The elected and appointed officials may not change the law of the Constitution, neither can the courts change the law. Not even the Supreme Court can change any law. Courts only judge situations to which the law applies. Courts may not judge the law.**

**Not the courts, not the officials, not even the Supreme Court, have the incontestable, unalienable, and unremoveable right to change the law of the land. Only the people. They do it through their elected officials of the many states. But for such power to make laws to exist in the hands of a few appointed men, untouchable by the people, that is the exact thing our Founders denied. They set up the Constitution so only Congress should have the power to make laws, and Congress is elected by the people. Therefore Congress reflects the will of the people. Judges should only apply the law of the people, not make law for the people to follow. Judges are to follow the law of the people.**

### **See Also:**

<http://www.gemworld.com/USA-Unalienable.htm>

<http://www.youtube.com/watch?v=XwZhU6uv9sA>