

Almost Everyone Gets the First 3 Words of the Constitution Wrong

“America is the only nation in the world that is founded on creed,” observed English writer G.K. Chesterton in [What I Saw in America](#). America’s creed, Chesterton explained, “is set forth with dogmatic and even theological lucidity in the Declaration of Independence; perhaps the only piece of practical politics that is also theoretical politics and also great literature.”

Margaret Thatcher put it this way: “Europe is a product of history. America is a product of philosophy.”

The creed, the philosophy, to which Chesterton and Thatcher refer is the protection of “unalienable” natural rights.

The Founding Fathers were heavily influenced by John Locke’s ideas on natural rights. In Locke’s [The Second Treatise on Civil Government](#), he explains natural rights and the purpose of government:

“Every Man has a Property in his own Person. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his...The great and chief end therefore, of Mens uniting into Commonwealths, and putting themselves under Government, is the Preservation of their Property.”

Notice that Locke intertwined personal and economic liberty. These are the rights that Jefferson in the Declaration of Independence immortalized as “unalienable”:

“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.”

In his book [To Secure These Rights: The Declaration of Independence and Constitutional Interpretation](#), law professor Scott Gerber explains how “the natural-rights principles embodied in the Declaration [of Independence] are not ‘above’ or ‘beyond’ the Constitution; they are at the heart of the Constitution.”

With certainty, Gerber writes, “To secure natural rights is, therefore, why the Constitution was

enacted, and to secure natural rights is how the Constitution should be interpreted. That is the 'original intent' of the founders."

Holding to America's creed and affirming "original intent" does matter. All three branches of government increasingly ignore the natural rights basis of the Constitution and, as a result, our rights as individuals are eroding.

"Governments are instituted to 'secure' our preexisting rights, not to bestow them," George Will makes clear in his forward to law professor's Randy Barnett's book, [*Our Republican Constitution: Securing the Liberty and Sovereignty of We the People*](#). "Government can derive many powers from the consent of the majority," Will explains, "but not all exercises of those powers are, *simply because they flow from a majority, just.*" [Italics added.]

Will cautions that if you don't understand the natural rights basis of the Constitution, you're likely to misinterpret the first three words of the Constitution. "We the People" is not referring to a collective entity. When you understand the Constitution was meant to protect the inherent rights of individuals, you see clearly that "We the People" refers to individuals.

Thus, "We the People" signals that the Constitution, rather than being an open-ended document intended to enable majority rule, is in Will's words a "a device for limiting government, including government's translation of majority desires into laws and policies when those conflict with government's business of securing the natural rights of individuals."

When we forget the natural rights basis of the Constitution we allow our unalienable rights to be abridged by government in the pursuit of some vaguely defined "social good."

To those who are so willing to violate the rights of others while pursuing a "social good" we might ask this question: If you want to live in a world where rights are not unalienable, who or what do you think will guarantee your rights?

If individual rights are not secure, has America lost its creed?

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