How the "Homosexual Rights" Claim Destroys the Logic of Liberty

By Dr. Alan Keyes

The Annihilation of Marriage-Part One

by Alan Keyes on April 28, 2009

Yesterday Iowa became the third state in the Union where individuals can receive a legal document purporting to confer on two people of the same sex the legal status of a married couple. A combination of judicial fiat and executive imposition has produced a result that strikes at the heart of the moral understanding that supports the existence of civil and political society not only in Iowa, but everywhere in the United States. A new law has been enacted in Iowa without the consent of the people.

As elsewhere, a combination of factors has produced this tyrannical act. However, I think the main contributing factor is a profound, and in some cases willful, misunderstanding of the nature of the issue involved. The judges promoting homosexual marriage pretend that their opinions are justified by the equal rights argument used to attack the regime of racial discrimination in the United States. But the equal rights argument only applies where the criterion for discrimination has no objective validity. When a minor league baseball team holds tryouts for a new pitcher, someone with a bad arm cannot claim an equal right to be made part of the bull pen. The assertion of right arises from a standard or rule that reflects the substantive requirements of the activity in question.

Every assertion of fundamental right similarly involves the invocation of a standard or rule that governs the human activity with respect to which the assertion is made. The standard or rule establishes the rightness of the activity. The nature and extent of the asserted right depends in turn on the nature and extent of the authority that governs its rightness. Under our constitutional system the ultimate authority for positive law is the will of the people, as expressed in laws enacted by legislatures composed of their constitutionally elected representatives. Judges have no authority to enact new laws. They may only apply laws properly enacted by the appropriate legislative body.

How then do the Iowa judges purport to establish as law a practice that contradicts and overturns existing legislation? They may do so only if and when existing legislation contradicts a higher law. The highest form of human positive law in Iowa (the State constitution) provides no explicit basis for overturning existing Iowa's existing marriage legislation. But using a specious application of the equal rights argument, the Iowa judges appeal to the still higher legal authority from which the people themselves derive their right to representative self-government, i.e., government based upon the consent of the governed. This is the authority of substantive rightness, which is the basis for the concept of unalienable right that underlies both the people's right of self-government and every individual's claim to equal treatment under the law. But unalienable right arises (as the term suggests) with respect to actions or activities that are inseparable from the human existence and identity of the individual. It is not only about what individuals are free to do. It is about what they are substantively required to do in order to preserve their human existence and identity. Unalienable right is therefore grounded in the obligations connected with human self-preservation. Since it is right to fulfill these obligations,

every individual has the right to do so. Respect for moral obligation thus constitutes the rightness of the right.

Every assertion of right therefore assumes some such ground of rightness. The ultimate and most general assertion of rightness arises in the context of the standard or rule that constitutes the human existence and identity of each individual. The American Declaration of Independence alludes to this standard when it asserts that "all men are created equal and endowed by their Creator with certain unalienable rights." On account of this standard, government must be based upon the consent of the governed. As they exercise the sovereign authority they acquire on account of this requirement of justice, the people cannot violate it, not without destroying their claim of sovereignty and vitiating the lawful authority of what they do. Where it can be shown that marriage legislation involves such a violation, the Courts may rightly reject it, on the grounds that the people are obliged to respect the exercise of unalienable right (that is the fulfillment of the obligation to act rightly) by individuals seeking the legal status of a married couple.

Obviously this means that before a right to marry can be understood and asserted we must understand the rightness of marriage, which is to say the connection between the activity the institution of marriage regulates and the human obligation it fulfills. The individuals forming the marriage bond formalize an existing or prospective relationship. But so do individuals who join a club, or form a business partnership or a political association. However a special purpose or intention distinguishes the bond of marriage from other contractual private associations, one that is special in the precise sense that it relates not only to the preservation of the individuals, but also of the species as a whole on which their identity as individuals partially depends.

In the debate over homosexual marriage, much is made of the emotional bond established by mutual consent. But all human friendship involves such a bond. No institution is required to regulate emotionally formed human friendships. Indeed the element of coercion involved in institutionalizing an emotional relationship in some degree contradicts the freedom of choice and action that makes real friendship such a cherished (and rare?) experience.

The institution of marriage necessarily involves an element of obligation. The individuals involved must agree to be constrained in their relationship by rules and expectations that at every moment contradict, or at the very least cast doubt on the notion that their actions are freely performed on account of the emotional tie between them. This ever present whiff of constraint is what leads some couples to shy away from marriage. They sense that it involves something inconsistent with the precious reality of the freely formed and sustained friendship that they cherish toward one another.

Yet we recognize this element of obligation and constraint as an essential feature of the marriage institution. Marriage is established in the first instance by a binding promise or vow. Though at first freely made it is thereafter supposed to constrain and command the behavior of the marriage partners. Unlike other vows of intimate, private friendship however, this one is a public commitment which places at the disposal of the marriage partners an apparatus of law and enforcement that signifies a public interest in what is up to that point a private and personal

relationship. What explains this public interest? What explains the implication of legal coercion otherwise so alien to the very idea of a friendship sustained by love, freely given and received?

The answer of course is simple and has been obvious to common sense throughout human history. As a legal and public institution marriage has nothing to do with satisfying the emotional needs of the parties involved, except insofar as those needs arise from and relate to the activity of procreation. The coercive elements of marriage reflect the existence and fulfillment of obligations that naturally arise from the activity of procreation- the business of conceiving, bearing and rearing human offspring. Apart from this activity, marriage can have no justification as a legal institution distinct from other contractual human associations and activities (such a business partnerships, professional firms and other such private enterprises.) But the public interest in this activity does not arise solely from the need to regulate consequences of procreation. It arises from the obligation of each individual, and the society as a whole, to the preservation of the human whole (the species) which any given individual or society partially represents.

Ironically, this fact explains a misunderstanding that continually bedevils the debate over homosexual marriage. It has to do with the relationship between what we imprecisely refer to as sexual activity and the marriage institution. The contemporary concept of sexual activity simply refers to physical relations that involve the pleasurable stimulation of the physical organs and senses otherwise involved in the act of procreation. Obviously once the term is applied to homosexual behavior, the actual connection with procreation is gone, and even the reference to sex becomes equivocal. (It once signified the particular syndrome of responses associated with the moments of life that most acutely and especially aroused the sensual awareness of the sexual difference. This awareness is precisely and necessarily absent from homosexual relations.)

The conceptual connection between procreation and the institution of marriage gave rise to a customary association between marriage and sexual activity. Those who intended to procreate were expected to marry. As a public institution, marriage necessarily acquired the respectability associated with institutions subject to public approbation and support. Sexual activity not connected with procreation, and therefore not conceptually connected with marriage, enjoyed no such respectability. For those who valued public respect, the conventional rule arose that sexual activity outside of marriage was not respectable. Respectable people who wanted to have sex therefore felt obliged to get married.

As is often the case with conventional wisdom, this maxim represented a misplaced kernel of truth. It preserved the element of coercion necessarily connected with the concept of marriage, but lost sight of the logical rationale for it. The necessary logical connection is not between sex and marriage, but between marriage and procreation.

Insofar as the push for homosexual marriage is part of the homosexuals' quest for public acceptance and respectability, this misunderstanding accounts for it. But because it *is* a *misunderstanding* of the marriage institution it results in what is presumably (for those sincerely seeking public respect) an unintended consequence- the conceptual annihilation of the marriage institution. This conceptual consequence will inevitably lead to calls for the abolition of legal

marriage, since without the conceptual connection with procreation there is no public interest justification for its existence. By the same token, however, it destroys the rational basis for asserting that there exists an unalienable right to marry that trumps the sovereign will of the people when it comes to legislation on the subject. In my next posting we will take a more extended look at this self-contradictory result. In the process we will more fully explore the transcendent moral obligation of society as a whole that the institution of marriage is intended to fulfill. We will see how the present push for homosexual marriage denies this obligation in a way that threatens the very idea of the unalienable individual rights legitimate government exists to secure. Even more ominously, it involves disavowing the compact or covenant that is the basis for civil society as such, and so portends its moral and material dissolution.

The Annihilation of Marriage- Part Two

by Alan Keyes on May 1, 2009

In its opinion contending that homosexuals may have an equal right to marry, the Iowa Supreme court takes the position that the understanding of equal rights evolves. Rights are therefore artificial constructs that reflect changing societal norms. Even if this contention were true, it would not explain how, in a society based on the sovereignty of the people, the task of changing the laws to reflect that evolution falls to the judicial branch of government, which has no lawmaking power. Why is it rational to conclude that a handful of judges catering to the feelings of a small minority of the people reflect changed norms more accurately than the elected representatives of the people?

Of course, the court's opinion purports to respond using the argument that, with respect to the unalienable rights of their humanity, even a small minority of the people may claim protection against the unjust will of the majority. This correct reasoning was the basis for overturning laws that established racial discrimination. But the concept of unalienable human rights relies upon an understanding of right or justice promulgated by a permanent authority existing beyond human power or agreement, and therefore beyond changing societal norms. So the doctrine that rights are evolving artificial constructs, which the court cites to justify the homosexuals' equal right to marry, contradicts the doctrine of unalienable rights on which it relies to justify its rejection of the existing marriage laws properly enacted by the State legislature. The court's opinion treats unalienable rights as if they are merely conventional (that is, based on changeable human agreement), but then purports to defend them against existing law (which reflects the prevalent conventional opinion of the people of Iowa) as if they are not. In order properly to defend the claim that homosexuals have an unalienable right to marry equal to that of heterosexual couples, the court would have to show that they are in some fashion inextricably involved with the preservation of human existence or identity, understood without reference to conventional views. The Iowa court's opinion fails even to address this logical requirement. It therefore falls prey to absurd self-contradiction.

What the Iowa court fails to do with respect to artificially construed homosexual marriage rights can easily be done when we turn away from artificial fabrications to the simple

facts of nature. The preservation of humanity depends upon procreation. Procreation cannot take place without the presence and participation of male and female elements of humanity. It is right to preserve humanity. Those who act with respect for this right have the right to do so. Society establishes the institution of marriage to acknowledge and codify its respect for this right and the subsidiary rights that flow from it (e.g., the authority of parents over their children, the nature and duration of the subordination of children to this authority, the obligations of parents toward their children, etc.).

Because the preservation of the species is self-evidently an aspect of preserving the existence and identity of all the individuals that comprise it, the right connected with procreation is an unalienable right. Any society that fails, in its institution of government, to respect this right, departs from the standard of justice that determines the purpose of that institution. ("To secure these rights governments are instituted among men deriving their just powers from the consent of the governed….") But since justice is the end or aim of civil society, such a society also violates the understanding on which civil society itself is based. Respect for justice compels the individuals thereby deprived of their right (i.e., their opportunity to do what is right) to disregard and resist this violation, and to continue in their right course of action. If force is used to impose it, the right of self-preservation requires that they resist, so that civil society gives way to war and conflict.

It turns out that, while speciously claiming to defend the fabricated rights of homosexual individuals the Iowa supreme court opinion violates the most fundamental right of society (civil peace secured by respect for unalienable right), as well as one of the most obvious rights of all individuals (the right to do what preserves humanity.) The judges camouflage this egregious and ultimately violent abandonment of right with a discussion that dwells on the incidental feelings and emotions of homosexuals while ignoring the disposition and inclinations of humanity in general. But in so doing, they casually perpetrate an atrocious violation of individual rights as well.

Every child conceived and born in the context of a homosexual "marriage" represents a biological parent cut off from the opportunity to do what is right by his or her offspring. The relation between parent and child is the natural paradigm of all belonging. On account of a fact that in no way depends on human power or agreement, the child belongs to the parent and the parent to the child. The fabrication of homosexual marriage casually deprives both parent and child of this natural belonging, perpetrating a criminal theft that strikes not only at individuals, but at the very concept of ownership (and therefore of property) for which their mutual belonging provides the natural pattern.

The fabrication of homosexual marriage thus represents an assault against the conceptual basis of the rights of property. If, on account of the bond derived from the production of life itself, there arises no unalienable right of belonging, what other form of labor or production can give rise to such a right? This means that the right of property must be regarded as purely conventional, subject to the imposition of whatever happens to be the prevalent force of opinion at the moment. But if individuals have no belongings beyond determination by this human force,

what becomes of their claim to possess unalienable rights that that must be respected by human laws and governments?

In light of these reflections we realize that it is no accident that the definitive push to impose homosexual marriage takes place in the context of a general effort to overthrow the institutions of individual liberty, limited government and the private enterprise economy. The natural family is the conceptual and material basis for the possibility of a human community that respects individual belongings. In order to establish a thoroughly collectivist and socialist regime, it must be completely discarded and destroyed. It must be annihilated. The fabrication of homosexual marriage thus appears as part of the more general war against liberty that is now coming to a head. Once we realize this, we understand the inadequacy of the strategy and tactics employed until now by those who profess to defend the natural family against this fabrication. In the next posting I will discuss their shortcomings, and the remedy for them.

Legalizing homosexual marriage impairs unalienable right

When it comes to gay marriage and abortion rights, Laura Bush says she and former President George W. Bush have simply agreed to disagree. She's for both, he's against them.

The former first lady said on "Larry King Live" Tuesday she "totally" understands "what George thinks and what other people think about marriage being between a man and a woman. . . . But I also know that, you know when couples are committed to each other and love each other that they ought to have, I think, the same sort of rights that everyone has." "You think [legalization of same sex marriage] is coming?" King asked.

Citing a "generational" shift in opinion on the issue, she replied, "Yeah, that will come, I think."

The Republican Party reaps political benefits from its reputation as the political home for Americans who demand that government fulfill its obligation to secure unalienable rights, beginning with the right to life and including the rights of the natural family. Of course such Americans include a large number of women, found in the ranks of such organizations as Concerned Women for America and Eagle Forum. But as I noted in a recent post, Laura Bush's remarks during an appearance on the Larry King show last week focused renewed attention on the fact that, starting with Pat Nixon, none of the recent Republican First Ladies has been among them.

This illustrates the great divide between the grassroots voters the GOP relies on for electoral success and a prominent element of the Party's most influential elite. Beyond this, Mrs. Bush's remarks are also a fairly representative expression of the logic many people rely on to justify their support for legalizing homosexual marriage.

At first blush, it sounds plausible enough. After all, isn't love the foundation of marriage? Why should some loving couples enjoy legal recognition and privileges that are denied to others?

But the plausible conviction that loving homosexual couples "ought to have…the same sort of rights that everyone has" immediately runs afoul of the simple fact that homosexuals are not the only loving couples without the legal right to marry. Parents and their children don't have it. Siblings don't have it. Children not yet of legal age don't have it; and so on. In principle, all such people are capable of forming loving, committed relationships. By the logic Mrs. Bush relies on, "they ought to have… the same sort of rights that everyone has."

Why are parents and their children forbidden to marry one another? Cut to the chase and the answer is simple. The right to marry includes legal recognition (legitimization) of the married couple's right to have sexual relations with one another. But it is wrong for parents to have sexual relations with their children. It's wrong for siblings to have sexual relations with each other. It's wrong for adults to have sexual relations with underage children. Obviously, unless Mrs. Bush means to argue that these restrictions are unjustified, a committed loving relationship is not enough to establish that people "ought to have" the right to marry.

Mrs. Bush's use of the word "ought" deserves further attention. The difference between what people do and what people ought to do is a matter of moral judgment. The word "ought" implies the application of a moral standard, a rule or principle that distinguishes right from wrong. People ought to do what is right. They ought not to do what is wrong. When people do what is right, they have the right to act (i.e., have right on their side as they act.) But can the same be said of those who do what is wrong?

In everyday parlance these days, we use the term "right" as though it is synonymous with the freedom to act as we choose. But if the choice is wrong, it makes no sense to assert that the chooser has the right to act on it (i.e., has right on his side as he does so.) What someone can do (has the physical capacity or opportunity to do) differs from what they ought to do. This is in fact the rationale for all criminal laws. It's what allows us to recognize that simply having the opportunity and power to take someone's life or goods does not grant the right to do so, does not make it right.

Does this mean that it's simply illogical to suggest, as Mrs. Bush does in her comments, that each individual "ought to have… the same sort of rights that everyone has?" Not necessarily. But to make sense of it we have to realize that every time we assert a right, we are making a statement about what is right. This is, in fact, the reason the homosexual lobby is pushing so hard for the right to marry. Implicit in the legalization of homosexual marriage is the legitimization of homosexual "sexual" relations; the public declaration that they are right. This is why the political campaign for legalization goes hand in hand with the effort to stigmatize and forbid the public expression of religious convictions that declare homosexual activity sinful and wrong.

But if there are certain actions that all human beings are obliged by lawful authority to undertake, then as all are under the same obligation all may invoke the authority of that obligation to justify their action, to prove that it is right. With all justly claiming the same

authority to act, all have the right to do so. The "rights that everyone has" are therefore connected with the duties and obligations imposed upon them by the law to which they are all subjected.

But is there one lawful authority to which all human beings are subject? If there is, then it makes sense to say that there are certain rights all people "ought to have." If there is not, then it makes no sense, except as an arbitrary assertion by one person or group. Such an assertion establishes no right beyond what their power can sustain, and therefore represents no standard but that of power. Might makes right.

Like Laura Bush, many Americans are used to talking about rights. But many also fail seriously to consider the logical prerequisites of what they say. Given well known history of the United States, however, this lack of reflection is easily remedied. The act by which the United States appeared in the world as a free and independent state was accompanied by a Declaration that succinctly summarized the understanding on which the idea of equal rights for all depends. Relying on the authority of the Creator God, it reasoned from the self-evident truths of human equality and unalienable rights, to the conclusion that *lawful* government comes not by power but by the righteous consent of the governed. (Their aim when they institute government is to secure their unalienable rights. In this regard their consent is guided by the standard of right, and is therefore righteous.)

Procreation is one of the natural obligations of humanity. Just as individuals cannot survive without doing what is necessary to eat, drink and protect themselves from hostile conditions, humanity as such cannot survive without procreation. In this respect, procreation is the paradigm of the natural obligation all individuals have to the human community. This natural obligation gives rise to the natural rights associated with family life, including the parental rights grounded in the parents' obligation to care for their children. Like all natural rights, these natural family rights are antecedent to all civil government. They are among the unalienable rights governments are instituted to secure.

As a matter of civil law, marriage exists as the institutional expression of every government's obligation to respect these rights. This also involves respecting the underlying natural obligation from which they arise. Everyone acting on the obligation ought to have the rights. But in what sense do the people involved in homosexual relations act from obligation? Even if one does not agree with the historically common view that such relations are contrary to nature, in what sense is their pursuit of mutual fulfillment and satisfaction connected in principle with the individual's obligation to perpetuate the species as a whole? If everyone were to act as they do (which is the logical implication of an obligation imposed on all) would it contribute to or defeat the purpose?

Not all loving human relationships ought to be the subjects of legislation. Indeed, the purest expressions of human friendship have usually been regarded as matters best left free of the implicit coercion associated with every use of government power. From this perspective, the demand for so-called homosexual marriage does more to threaten than advance the human freedom of those it supposedly benefits. Moreover it encourages people like Laura Bush to speak

of a "right to marry" that has no natural basis as if it is the same as the unalienable right rooted in natural obligation. This in turn prepares people to accept the pernicious notion that our claim to rights arises from the fiat of government rather than the will of the Creator God.

Not all of those who promote or accept legalized homosexual marriage realize that it involves this transformation in our concept of basic rights. But for those who do, the demand for homosexual marriage is but another aspect of their effort to transform America from a society based on unalienable right to one based on the alien concept of government domination. Is this the fate the good-hearted Former First Lady wants for her posterity? I seriously doubt it.

How MD GOP Del. Kach betrayed the defense of marriage

by Alan Keyes on February 25, 2012

I just read a Los Angeles Times report about the hearing that caused a GOP member of the Maryland House of Delegates to change his mind about a legislative proposal to redefine marriage in the State. Wade Kach cast a vote that "might have proved decisive in its final passage through the State's General Assembly…." The report cites Kach's explanation: "I saw with so many of the gay couples, they were so devoted to [one] another. I saw so much love," quotes the report. "When this hearing was over I was a changed person in regard to this issue. I felt that I understood what same sex couples were looking for."

Kach's putative explanation illustrates the dangers of electing politicians who take the right position on an issue, but for the wrong reason. Judging by his explanation, Kach opposed homosexual marriage because he believed that same-sex couples feel no love toward one another. Confronted by evidence that challenged this belief, he had a change of heart. Or so we are supposed to believe.

There is, of course, the possibility that Kach took his original position in a calculated effort to consolidate support from the moral conservatives in his GOP constituency. Perhaps the supposed effect of the affectionate homosexual couples he saw is merely an convenient excuse for finally recanting a position that did not reflect his true convictions. After all, the witnesses he saw were chosen as part of a carefully contrived campaign to win passage of the bill in question. If he was serious about representing the voters who elected him, a thoughtful person would look for proof that these witnesses accurately reflected the norm for homosexual couples; and that they weren't handpicked to be exceptionally appealing to legislators who would otherwise be put off by the truth.

Such a dutiful representative would also think about the full implications of the reason for his supposed change of heart. Those living in what are now call plural relationships (where one party has several "wives" or "husbands"); or incestuous relationships; or inter-species relationships; or adult-child relationships, may also display genuine feelings of love toward one another. Would Kach vote for legislation that extended the state's definition of marriage to include such couples?

Beyond such punch line rhetoric, however, the legalization of homosexual marriage involves issues that upset the very foundations of Constitutional government in the United States, the republican form of government Kach and all officials like him are sworn to uphold. In this respect the proponents of homosexual marriage are more serious about their responsibilities than he is. They do not demand the legalization of homosexual marriage as a matter of sentiment. They demand it as a matter of constitutional equality and right. Along these lines, in an interview I wrote about on this blog in 2010, former First Lady Laura Bush (Republican past President G. W. Bush's singular spouse) offered the more serious rationale for Kach's betrayal of his electoral supporters on this issue:

The former first lady said on "Larry King Live" Tuesday she "totally" understands "what George thinks and what other people think about marriage being between a man and a woman. . . . But I also know that, you know when couples are committed to each other and love each other that they ought to have, I think, the same sort of rights that everyone has." "You think [legalization of same sex marriage] is coming?" King asked.

Citing a "generational" shift in opinion on the issue, she replied, "Yeah, that will come, I think."

I wonder if Kach has ever considered the cogent reasoning that refutes Laura Bush's specious assertion that homosexuals should have an "equal right" to marry, reasoning I sought carefully to follow in the above referenced blog post. Even given the benefit of the doubt as to the sincerity of his convictions, Kach's reversal on the issue points to a serious deficiency in his understand of the reasoning that supports the position he chose to abandon. Thanks to this deficiency, the voters who supported him because he claimed to be a defender of God endowed marriage lost a critical legislative vote. More than that, his explanation for the flip-flop lends credibility to the charge that the position he took on their behalf was the result of bigoted ignorance, ignorance that will be remedied once people like them are re-educated by exposure to public displays of homosexual affection, such as led Kach to change his vote.

I wouldn't be surprised to find some advocates of homosexual marriage citing his change of heart as proof that what America really needs is a Federal program that promotes public attendance at so-called "gay pride parades". This would allow more people of all ages to see the public displays of affection that sapped the strength of Kach's support for God endowed marriage. Given the aspects of "homosexual love" which he chose not to investigate however, not a few of the displays commonly seen at such parades would prove that he should have looked into things more carefully before he abandoned his duty to his constituents and the republican principles he is sworn to uphold.

Ninth Amendment Rights-Breaking the Silence

by Alan Keyes on March 20, 2013

> ***The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. (The Constitution of the United States, Amendment IX)***

[In my WND column this week, I discuss in particular the application of the U.S. Constitution's Ninth Amendment to two issues that arise from the elitist faction's campaign to deny and disparage our Ninth Amendment rights, which are: the provisions of Obamacare that force people to fund, participate in, or make available health care practices their consciences condemn; and the general offensive under way to or to force the American people to accept, or refrain from disparaging, sexual practices that contradict and subvert the natural human rights of the God-endowed family. These campaigns are key objectives of the elitist strategy to replace America's constitutional self-government with an elitist tyranny, wherein the powerful rule without regard for right; and make justice a commodity which they discard or redefine as and when it suits their lust, greed or ambition. The following discussion is intended to help readers think through the logic of Ninth Amendment rights. By applying this logic, conscientious Americans can effectively oppose ongoing efforts to deny and disparage their Ninth Amendments rights, so as to thwart the anti-American agenda of the elitist would-be tyrants who are working to eviscerate constitutional self-government of, by and for the people of the United States.]

These days if you ask an American how we know what our rights are, their answer is likely to make some reference to the U.S. Constitution. But among the provisions the Constitution makes to assure respect for the rights of the people, one plainly states that the people retain rights not enumerated in those provisions. This begs a question, doesn't it? How are we to know when we are dealing with a government law, decision or action that "denies or disparages" such rights? The Constitution identifies itself (and the treaties and laws made in accordance with its provisions) as the Supreme Law of the land. Yet by acknowledging that people have and retain bone fide rights not enumerated in its provisions, the Constitution constrains the governments established by or subject to its provisions to do nothing that "denies or disparages" them.

Logically, the fact that the Constitution does not enumerate these rights means that its provisions are not the source of the legal authority that gives rise to them. Moreover, by forbidding any construction of its terms that denies or disparages them, the Constitution gives due deference to the authority from which they arise. It's as if a king or sovereign should make it clear that nothing he or she commands is to be construed to deny or disparage actions authorized by *another sovereign*, whose jurisdiction in this respect therefore remains unimpaired.

Because their bigoted understanding of human "law" forbids all reference to God's authority, the practitioners of legal positivism, who have come to dominate American jurisprudence, want to avoid the need to consider who this other sovereign must be. Thanks to this bigotry, the Ninth Amendment has become almost invisible in their Constitutional jurisprudence. Sometimes seen (as in Griswold v. Connecticut) it is rarely heard from, and never relied upon. For this reason it has been dubbed the silent Amendment. For this reason too, even those who purport to hear from it end up discussing the "rights" it envisages in a way that has no constitutionally justiciable rhyme or reason.

Like the "natural born citizen" provision of the Constitution, which I have elsewhere frequently discussed, the Ninth Amendment depends upon the existence and logical application of God endowed natural law. It cannot be construed without reference to the other Organic Laws of the United States, in particular, the American Declaration of Independence. The Declaration clearly identifies the sovereign authority whose provisions substantiate a claim of unalienable human right that all governments are obliged to respect. It is the authority of the Creator, who informs human nature with "the laws of nature and of nature's God"; who implements thereby the righteous sentences of "the Supreme Judge of the world." The Creator's authority also commands human forces inspired by "a firm reliance on the protection of divine Providence…," as they implement the Creator's will.

According to the Declaration all human beings are "endowed by their creator with certain unalienable rights." Because they come from the hand of God, these rights derive from an authority that supersedes, and is antecedent to, the authority of any government instituted by human action. The Ninth Amendment simply states, with emphatic clarity, the logically obvious conclusion that the Constitution of the United States is not to be construed to deny or disparage the rights endowed by God's provision, rights *permanently retained* by the people He has created.

Though this is logically consistent with America's founding premises, it still leaves us with a challenge, which must be met before Americans can assert a Ninth Amendment claim. How are we to recognize a bona fide Ninth Amendment right? The task of doing so is next to impossible if we accept the absurd illogic (dominant in our politics at the moment) that conflates right with freedom. In the strict sense of the term, we are free to do whatever we have sufficient power to do. In this sense, if I have sufficient power to take your wallet, steal your car, or take your life, I am free to do so. But only the insane self-righteousness of a thoroughly criminal character feels righteous indignation when such criminal acts are prevented or punished. Even when sustained for long periods by massively organized power, regimes of such character are not, on that account, less criminal. Indeed they are more monstrously so.

Conscience condemns freedom when it is employed without regard for right. But this means that freedom and right are not simply identical, whatever the lax usage of our time allows. Conscience responds in light of a standard so intrinsic to the way that we are made (our nature) that we feel its effects even when (indeed, especially when) we violate its precepts. Of course, long habit, particularly when instilled by and supported with the full weight of prejudicially fabricated human social institutions, can drown out the sentences of conscience, more or less

permanently repressing their effects. Yet and still some individuals remain susceptible to its voice. Despite their social circumstances, they display their heart's allegiance to the sovereign whose will seeks to preserve and perpetuate the integrity of human life even when custom barely adumbrates the distinctive boundaries that define the special meaning of humanity.

One of the most commonplace and nearly universal manifestations of this heartfelt allegiance constitutes the bond of family life, recognizable as such throughout the earth. The spectacle of parents grieving the loss of their children; or seeking against all probability to interpose themselves between their offspring and some source of danger, speaks with a grammar so immediate that its meaning needs no further explanation. This primordial spur toward human community acts upon us with the force of hunger, thirst or breathing. It is imperious, almost irresistible, but somehow subtly voluntarily nonetheless.

This is the force of natural obligation. What we do in response to that force we do freely, in the sense of freedom from all self-conscious hesitation and constraint, as a river flows, or waves rise and fall. Yet as self-conscious beings we may choose to restrain ourselves, and even to make that self-restraint into a second nature that reflects our sense of responsibility for the consequences. So we substantiate the possibility of self-conscious choice, whereby we resist or follow the inclinations of passion; heed, or else oppose and set aside, the prods and checks of conscience. This possibility arises with the capacity to regard both nature and conscience as curiosities, questions put to us that we cannot answer without taking into account the qualities that give meaning to our distinctive nature, setting apart our special contribution to the whole of things (nature itself).

We are human, but on that account we are made to choose for or against our humanity. We are bound to be what we are, yet capable of ignoring or rejecting that obligation. The difference between right and wrong, for us, lies in the end in our acceptance or rejection of the choice that makes us possible in the first place; the choice not simply our own, that is expressed in the voice of the Creator. Since God's voice proclaims that it is right for us to be here, the choice for God-endowed right affirms that possibility. It accepts the boundaries and limits that delineate the separate and distinctive way of being whereby the Creator constitutes our existence. This acceptance of God's will; this willingness, as it were to match our breathing (L. *spirare)* to the breath (L. *spiritus*) of God who made us, is the fruit of the indwelling spirit of the law which makes human self-government possible. The actions that we take in consequence of this righteous spirit of the law are right. They accord with the relations we are obliged to maintain, amongst ourselves and with the whole of things in order to preserve and perpetuate the distinctive existence each of us has in common with the rest of humanity.

So, to identify an unalienable right we must first identify the obligation, entailed by some provision God makes for our existence as human beings, from which that right derives. As and when we choose to fulfill the obligation from which it derives, we exercise the right (put it into action). Because this exercise implements God's will for our nature, all creatures capable of consciously or self-consciously responding to His will are prohibited from denying or disparaging our action. In respect of our righteous action, they are obliged to leave us alone, to let us act freely. Thus each individual's unalienable right involves the freedom to act, but only if

and when the freedom to act is being exercised to fulfill some natural obligation incumbent upon the individual on account of the will of the Creator.

It is common enough these days to encounter the view that a valid claim of right makes it incumbent upon others to respect the right. However when right is conflated with *arbitrary* freedom, this leads to the absurd consequence that when one person chooses to do evil, others may not interfere. You don't need the experience of Dirty Harry to realize that, as a basis for human government, accepting such a notion of rights makes it impracticable to devise or properly enforce the laws required to establish even minimal security for persons or property. Because it minimizes the effect of the internal constraints of God-fearing conscience, it amounts to the imposition of government by superior force- might makes right. Not surprisingly, this self-destructive view of rights is precisely the one encouraged by self-serving elitists these days. No doubt they expect the competition of really lawless power that results from it to favor their superior talents and abilities, as it has throughout most of human history.

Restoring America's principles: How 9th Amendment rights are key.

by Alan Keyes on March 25, 2013

[For reference, this is my WND column, published last Friday]

The headline said "Meese promotes Returning America to Founding Principles."

> ***Former Attorney General Edwin Meese told CPAC 2013 attendees that the best approach for the country's future is one that emphasizes returning to the original principles that built America, as opposed to the more powerful centralized government favored by President Barack Obama. "It's the responsibility of conservatives to go back to those principles and get away from the all-powerful state that the current administration wants," Meese said.***

As a matter of historical fact, the people who drafted the original Constitution of the United States and went on to lead the campaign to secure its ratification aimed, for very practical reasons, to establish *a more coherent and powerful national government* than was possible under the Articles of Confederation. They sincerely believed in libertarian self-government. But for that very reason they did not lie to themselves about its defects. Those defects were clear to them, not only from the history of other times and places, but from their own experience, ongoing at the time.

Though deeply and habitually attached to liberty, they had the intellectual and moral integrity to acknowledge that great care is needed to preserve the distinction between liberty and

licentiousness; and between the love of liberty and arrogant disdain for just authority and law. They were profoundly aware of the fact that such care was especially important in order to conserve government based on the consent of the governed, in which the people are empowered to be the arbiters of access to government power. As they decide what to do as individuals they determine, as a whole, what the government will be like.

The Constitution the founders produced was intended to lead the nation *toward* a more powerful central government, *not away from it*. Is Attorney General Meese simply mistaken when he says that the nation's founding principles have a different aim? He is not mistaken; but his statement only makes sense when we remember that, though the U.S. Constitution was framed in light of America's founding principles, it is not the document from which we learn what they are. That document is the American Declaration of Independence. It must be, for that very reason, included among the Organic Laws of the United States.

The Declaration provides the basis for understanding the true origin, aim and end of constitutional self-government. In this respect it deals first with the origin or principle that defines human nature. From this it derives the aim and end of the governments instituted by those who share that nature. Human nature is the work of the Creator, who is determined to preserve and sustain humanity. On account of this determination it is incumbent upon each human individual, insofar as we are able, to preserve humanity in ourselves and as a whole.

People who accept this obligation consent to do what is right, according to our God-endowed nature. God-endowed unalienable rights arise from this decision. They are therefore, in the first place, rooted not so much in our freedom as in our *right exercise* of freedom, our willingness to implement the "provision God makes for our existence as human beings." Yet "because this exercise implements God's will for our nature, all creatures capable of consciously or self-consciously responding to His will are prohibited from denying or disparaging our action. In respect of our righteous action, they are obliged to leave us alone, to let us act freely."

Thus, as a logical consequence of the principles of the Declaration, every valid claim of right is associated with the freedom to exercise the right. But in light of those same principles, not every exercise of freedom entails a valid claim of right. This is the essential point forgotten or willfully rejected by many so-called libertarians these days. As a result they advocate positions that ignore what America's founders were determined to respect, to wit, the distinction between liberty and licentiousness; and between the wholesome courage wherewith we stand upon our rights and the rebellious arrogance that disdains decent self-government.

As I point out in the essay on Ninth Amendment rights quoted above, the Declaration's logic in this respect allows Americans to recognize and properly assert rights not mentioned in the Constitution. The 9th Amendment exists to provide them with clear Constitutional grounds upon which to stand as they invoke these rights, as constraints upon government power. At the moment, the relevance of this Constitutional claim is painfully obvious. The elitist faction forces presently controlling the U.S. government, and some State governments, (including Republicans as well as Democrats) are moving to deny the Constitutional right of individuals or States to oppose the taking of human life, as required by the first law of "nature and Nature's God." They

are doing so in the context of an insidious, persistent assault on second amendment rights. They are also doing so in the context of Obamacare, as they prepare, by force of unconstitutional edicts and "laws", to deny the Constitutional right of individuals and States to refuse complicity in so-called health care practices that disregard this same life-preserving natural law obligation. In addition, by promoting so-called homosexual rights, they are engaged in a general offensive to disparage, subvert and ultimately deny the Constitutional rights, — rooted in obligations antecedent to any and all humanly instituted law or government— that are inherent in the God endowed family, the primordial institution that is the paradigm, in terms both of liberty and obligation, for natural justice and human community.

The Constitution's Ninth Amendment provides the key to recognizing and justifying legal and other moves to oppose what amounts, on every front, to a wholesale assault on the first principle of constitutional self-government in the United States, i.e., the Declaration's affirmation of God-endowed individual rights. Next week I plan to post an article at my blog in which I will discuss specific instances in which politicians and other public figures, who claim to be conservatives, are cooperating with this assault. By discussing these examples I hope to awaken Americans committed to our founding principles, and to the constitutional republic based upon them, to a simple fact: No one prominently associated with, or promoted by, either of the so-called major parties appears to share this commitment. Unless Americans who do share it rouse themselves and unite against the regressive elitist faction agenda, the incomparably successful American experiment in principled self-government will give way, first to disorder and dissolution and then, in all likelihood, to the most thoroughly totalitarian elitist despotism humankind has ever known.

Why De Facto Government (Tyranny) is replacing the Constitution

by Alan Keyes on March 29, 2013

In my WND column today I apply the logic of America's founders to the Constitutional issue raised by Obama's refusal to defend the DOMA signed into law during the Clinton era. Like the partial birth abortion ban from roughly the same period, the law may have been a political ploy, intended to provide cover for elitist faction politicians (Republicans and Democrats) who wanted to have a vote they could cite as proof of their support for "traditional" morality. It allowed them to do so without taking a forward position on the issue of gay marriage that would expose them to attack from the elitist forces pushing to eviscerate the God-endowed rights of the natural family.

Obama's pretended change of heart (actually, as Michael Gaynor points out, a reversion to type) signaled the launch of what is intended to be the elitist faction's decisive offensive against the natural family's God endowed rights. This offensive is the culmination of the decades-long effort to erode the nation's allegiance to the self-evident truths upheld in the

Declaration of Independence, beginning with the truth that, as the Creator of human nature, God determines the natural rights of all humanity.

By acknowledging the Creator as the arbiter of justice in human affairs, the Declaration set aside the then still prevalent claim that the de facto superiority of the powerful gave them the natural and unchallenged right to rule over all the rest. It made clear that, in God's will, power alone is not the standard of right. It articulated, for purposes of human government, the understanding that allowed each and every human being to claim the sanction of God's authority for those actions, necessary for their good and that of all humanity, which the laws of nature and of nature's God entitled them to undertake.

With this understanding, the Declaration emboldens the relatively weak to stand firm against abuses perpetrated by those who are relatively stronger. When the latter disparage, thwart, usurp or despoil activities entailed by God's endowment of justice, the Declaration reminds us of the rights to which all who bear the title of humanity have equal claim. Thus emboldened by their consciousness of right, the weak may be moved to stand together, and by their common stand of righteous conscience transform their relative weakness into superior strength, sufficient to repel the abuses perpetrated against them.

In practical terms this common stand of righteous conscience is the origin and method of governments which derive their just powers from the consent of the governed. For it represents the common impulse to righteous action, rooted in the affirmation of God's authority. That affirmation creates circumstances which make it necessary for the powerful few to take account of the will of all the rest, rather than simply imposing their own will upon others, as they are disposed to do. It allows those who are governed by conscience (their consciousness of God-endowed right) to check and constrain those who are otherwise inclined to govern without regard to God or conscience.

Readers who are willing to ponder and meditate upon this observation will inevitably realize that the moral understanding expressed in the Declaration of Independence is the sine qua non of republican self-government. Destroy the moral understanding that emboldens the people, and you destroy the motive for united action that is persistent enough to allow the people who are relatively weak to maintain the community of strength required to keep a cabal of the relatively strong from simply imposing their rule. Government by the consent of the governed (i.e., those who are governed by their consciousness of God-endowed right) constrains the rule of gangsters who would otherwise govern with no consciousness but of their own powerful will.

As I point out in my WND article, because of its power to impeach and remove officials serving in the other branches of government, the U.S. Congress is the only branch to which the Constitution gives the power to force an alteration in the composition of the other branches. Thus, when Constitutional disputes arise among the branches of the U.S. government, the legislative branch is the one especially empowered to arbitrate them, but only when the community of strength from which the government derives its powers is at its peak, so that a sufficiently large majority makes impeachment and/or removal feasible.

But in the absence of a due regard for good conscience (i.e., the will to follow the God-endowed inclinations the voice of conscience articulates), the community of strength that constitutes the just powers derived from the consent of the people falls prey to the manipulation of material passion and fear. The powerful obviously have greater resources with which to undertake such manipulation. A de facto government of powers without regard to justice replaces the government of just powers derived from the consent of the governed. This fulfills the expectation expressed in William Penn's famous dictum: "Those who will not be governed by God will be ruled by tyrants."

It is no mere coincidence that with respect to all the most important issues of the nation's life right now, de facto government is replacing constitutional government as the order of the day. The root cause of this is exemplified by the fact that when the President refuses to enforce a law made pursuant to the Constitution the members of Congress respond by appealing to the Supreme Court. The Constitution vests Congress with the power to discipline the President. What sense does it make for Congress to seek such disciplinary action from the Judicial branch, which has no power to act without the President's aid? The Constitutional obligation to hold the President accountable for dereliction of duty clearly follows the responsibility for impeachment and removal. The U.S. Constitution gives that responsibility to Congress, not the Supreme Court.

It's disingenuous to object that there is, at present, not a sufficient majority in the U.S. Senate to remove Obama from office from his dereliction. The GOP has a sufficient majority to initiate and secure impeachment. The process of doing so would give the Republicans in the House repeated opportunities to convince voters of the gravity of his offense and its grave consequences for the survival of America's constitutional, republican form of government. The interim elections would then test the effect of their efforts, giving the people the opportunity to rise in defense of the God-endowed rights of the natural family.

The GOP leadership refuses to mobilize the Constitution's provisions in this regard because they do not in fact believe that it is vital to defeat the elitist faction's assault on the natural family. More and more, the GOP elitists are joining in that assault, even though it involves openly abandoning the stand for God-endowed natural rights articulated in the Declaration of Independence. In coalition with Obama, the GOP leaders are in fact working to procure the formal, final and complete abrogation of the Declaration's principles, and with it the de facto overthrow of America's Constitutional self-government. Without a political vehicle to represent Americans determined to uphold the Declaration's God-acknowledging principles, this nefarious coalition will succeed. Such a vehicle would, like Noah's arc and the Cross of Jesus Christ, signify our total reliance upon the justice, mercy and providence of God. And in this time of its greatest spiritual peril, that reliance would be our de facto prayer, calling upon His aid on behalf of our faltering nation.

The Suicide of Self-government

by Alan Keyes on April 1, 2013

[This is a comment from one of my Facebook readers, with my reply. It was occasioned by my last post entitled "Bullying 'bible thumpers', O'Reilly rejects God-endowed rights".]

THE COMMENT: The states should decide. It's not a federal issue. Look at what has happened to the Bill of Rights every time Congress thinks they have a problem only the Federal government can solve. Oh, that's right. We haven't had a Bill of Rights since the Rule of Abe the Innocent.

MY REPLY: "To secure these rights governments are instituted among men deriving their just powers from the consent of the governed." That applies to the State governments as well as the US government. All governments are obliged to respect God-endowed right. The bill of rights does not license the states to do otherwise. The U.S. Constitution accommodated slavery as a matter of fact, not as a matter of right.

Nota bene: As it appears in the Declaration, consent is the source of powers, not the source of rights. When individuals consent to do right, as God gives them to see the right, they have the right to act as they do. Just powers are wielded by those who consent to do right. Those who consent to wrongs wield unjust powers, which are not the powers referred to in the Declaration's words.

State "laws" that violate God-endowed right are no more legitimate than US government laws that do so. Your error arises from the fact that you assume that the just authority of government derives from the consent of the people. But God is the author from whom the people derive their right of self-government. He is their authority. When they consent to act accordingly, their exercise of right institutes just government. But when they consent to disregard the rights He has endowed, they depart from His authority, thereby surrendering the right to govern themselves. As and when they return to respect for God-endowed rights, they regain it.

The Declaration explains itself as the result of events whereby it became necessary "for one people to dissolve the political bands which have connected them with another…." The Declaration thus represents the first self-consciously independent assertion by the American people as a whole. It is the first appearance of the union of goodwill and righteous purpose wherein the nation was conceived and brought forth, as Abraham Lincoln accurately observed later on. Because the British government violently resisted its emergence, this union of the American people had first to be vindicated through the travails of the Revolutionary war. Only thereafter, could the American people, as such, act to institute a government for themselves that self-consciously reflected the basis for their unity.

On this account, we understand how the words of the U.S. Constitution could be written in the voice of the whole "people of the United States." It clarifies the reason why the first goal the people state in the preamble to the Constitution is not to initiate union, but *to form a more perfect union*, i.e., bring to completion what they (the people) have already proven to exist. Some so-called conservatives claim that the government established by the Constitution consists of powers delegated by the State governments. But it is the whole people of the United States that speaks. It is the whole people whose will has ratified the decision that determines which

powers belong exclusively to the US government, which powers remain with the States, respectively and the people, and which powers are shared among them.

The failure to appreciate the significance of this fact is the source of much tragic misunderstanding these days. According to the Constitution the union which constitutes the people of the United States, as such, exists before the words of the Constitution are spoken. The union of the nation (i.e., the American people as a whole) is antecedent to the union government they ordain and establish by and through the Constitution. That government derives its authority from the people. But this begs a question, a question that is not answered in the Constitution because it has to be answered apart from and before the Constitution can have authoritative significance: What is the source of the people's authority?

The Declaration answers that question. Its words and logic establish the people's right to govern themselves. And both unequivocally verify that the authority of the people derives from the Creator, the author of their nature and of nature as a whole.

Issues like slavery, abortion and the God-endowed rights of the natural family are issues that challenge the people to respect or discard the words and logic of the Declaration. If, at any level of government, they consent to discard them, they discard the authority that makes their consent the basis of just government. This is the suicide of liberty; the self-murder of self-government, of by and for the people. When the people of any State or States of the Union decide to take any such course of action, the American people as a whole have the duty to prevent them. When the government of the United States embarks upon any such course of action, the people, on their own, but more effectively in and through their State governments, have the duty to resist and prevent them. Either way it comes, the people of the United States face a crisis that must determine whether they survive as a nation exercising right (putting it into practice) and, therefore endowed by God with liberty.

As rights are unalienable, the battle for right can never be surrendered

by Alan Keyes on April 8, 2013

"Conservative talk-show host Rush Limbaugh said Thursday that those who support same sex marriage have already won the culture war. 'This issue is lost,' Limbaugh said. 'I don't care what the Supreme Court does, this is now inevitable—and it's inevitable because we lost the language on this.'"

In the last little while Rush Limbaugh has *talked* like someone who cares about the issue of marriage. He now declares the issue lost. Is this intended to have a demoralizing effect on people who either don't remember or never knew that Rush surrendered the issue of marriage years ago? Back in September 2010 I posted an article on my blog entitled "Rush to judgment on Gay Marriage." In it I discussed a clip Steve Deace played on his radio show (he was still with

WHO radio at the time) that led me to remark that "Rush Limbaugh has now openly joined the moral shrug-meisters, who dismiss the issue of gay marriage." In light of this fact, it comes as no surprise that he now rushes to declare as lost a battle he never took seriously in the first place.

In that 2010 article I discussed the connection between the battle for marriage and the fight for economic liberty, which Limbaugh and so many other self-styled conservatives profess to care about deeply. I urge everyone to read and carefully ponder the logic I examined at that time. It leads inevitably to the conclusion that "if the government is not obliged to respect the rights of the natural family…it has no inherent obligation to respect any property rights whatsoever."

> *Once this fundamental point becomes clear, there is something tragically pathetic about the doomed protestations of so-called "economic conservatives" trapped in the delusion that we can defend all the institutions derived from property rights (such as free enterprise economic activity) when we have denied the basis for all individual claims to any property whatsoever.*

The leftists responsible for the assault against marriage understand this perfectly well. Do you really think they care very much about how a small, relatively privileged minority of the population scratches their sexual itch? Of course not; they are people who admire leaders like Mao, Lenin and Fidel Castro; communist leaders who tried to make sure of the outcome of history by systematically sacrificing not just the feelings, but the *lives*, of millions of human beings, on the altar of their communist/socialist ideology. To put it bluntly, such people are not staying awake at nights anguishing about the emotional distress occasioned by society's rejection of anal intercourse. The only lust they care about is for material power.

Their assault on marriage is part of their cold-blooded agenda to seize and permanently control such power. As part of this agenda they have done, and are doing, everything they know how to degrade the moral and intellectual condition of the American people. They are pushing toward the moment when some Americans are so depraved, and others so craven and confused as to allow a little clique of elitist usurpers to define away familial belongings to which all human beings have an inherent, primordial claim, antecedent to all humanly instituted governments whatsoever. They know that once they have redefined marriage without regard to the natural ties that bind children to their parents, and parents to their children, according to the natural ordinance of God, there is no claim of property those who control government cannot eventually undo.

(In America today, the process of that undoing is already well under way. In my upcoming WND column on Friday I will discuss a breaking news story that illustrates this.)

The architects of socialist domination are counting on the fact that, once Americans are brought to relinquish the familial belongings that are the obvious paradigm of natural right, they will no longer have the sense to recognize, much less rationally sustain, their claim upon the other rights and belongings to which their God-bestowed humanity entitles them. They will fall prey to force and fear; to addictive materialist appetites and narrow self-obsessed lusts and

ambitions; until they find themselves once again toiling in the fields of slavery and serfdom, as people mostly did before the light of Christian reasoning justified their claim to God-endowed unalienable right.

This is the irony of the regime of entitlement which the elitists are shrewdly reconstructing as the purpose of government. Today many Americans still buy into the delusion that the entitlements are for the poor, the weak, the disadvantaged or abused. Yet somehow the resources being ruthlessly extracted from the income of the wage-slaving multitudes ends up financing bankster schemes that leave a larger and larger share of the world's wealth in the hands of an elitist few. Behind the façade of the welfare state, the elitists are reconstructing the regime of oligarchic entitlement like those that governed humanity's fate throughout most of history. These are regimes in which those with superior power, from whatever advantage of wealth, knowledge or physical prowess it derives, abuse the institutions of law and government. By this abuse they establish and sustain a way of life in which they are exempt from the burdens they impose on others, whom they speak of with contempt as the "masses" (like the mass of dehumanized tissue their regime of legalized murder has disposed of via millions of abortions.)

As it was preserved by previous generations, the United States of America posed the greatest obstacle to the elitists' restoration of this age-old pattern of oligarchic domination. As it was, and for as long as enough of its people strove to remain true to the principles of God endowed natural right on which it was founded. Those principles embolden people to fight for the self-evident truth which declares that true law and justice are determined by a standard of God-endowed right that transcends and limits the claims of human power, not by the standard of that power alone.

This is the first principle from which America's constitutional self-government is ultimately derived. Anyone who joins in the assault on the rights of the natural family supports the overthrow of this principle. So does anyone who surrenders to that assault. As we decide issues that involve our adherence to this principle, we decide the fate of liberty and justice in our land. In past generations a majority of Americans invariably emerged who understood that.

That's why so many were willing to fight to the death rather than allow the permanent entrenchment of practices (like slavery in the 19th century and socialist government in the 20th) that contradict it.

Now, in the early morning of the 21st century, we shall see whether such a majority can still find the way to make its voice prevail. Rush Limbaugh may think that the battle is over. But in the life and death struggle for unalienable right, *as long as life endures, the battle may not justly be surrendered*. That's what the term unalienable signifies. With respect to the natural rights of family; or the right to keep and bear arms; or any other right entailed by the obligations of our God-endowed humanity, what's involved is right in a way that cannot justly be despoiled or given up for lost. Rush Limbaugh and others may no longer remember or care for that meaning of the term, but I earnestly pray God for a sufficiency of true Americans who do.

Wrongdoing- an unalienable right?

by Alan Keyes on May 31, 2013

[This is a comment and reply occasioned by my WND piece today, "On Rights and Righteousness".]

The Comment

I respect Keyes, I really do. He is so wrong here…

There are at least two meanings of the word "right". One means all that is morally correct to do; the other mean all that I have been given the authority to do. When one looks at all that Christ told us is wrong we realize that the "right to only do right" is incredibly limited, to the point that no man save the Creator has done it. If lust and hate are the same as adultery and murder, and the punishment for these was death, then how can we claim that we have the "right" to even feel or think for ourselves? Why do we call the 1st amendment a "right" if it says that we can choose something other than God and blaspheme him? By this understanding, a govt that only recognized our "rights" would be a Theocracy of the worst kind.

We have the "right", as the Founders used the term, to do some wrong things. That isn't to say that we won't be held accountable for them, simply that God gave us the authority to do them and they don't fall under govt's purpose. I have no right to murder, as that takes the "right to life" away from another. I DO have the right to do other sins, such as certain addictions, as long as these don't take the rights away from others. It is still wrong, I will still be judged for them, but I have the right to do them. As Jefferson put it, as long as it didn't "pick his pocket or break his leg", he said it wasn't a governmental issue.

What did Christ say we should do about evil in the world? He said we should be salt and light, we should train our children up in the way they should go, he recognized our right to defend ourselves from a direct threat of harm (Luke 22:36-38). He did NOT advocate the use of govt to make people good (neither did the apostles). If we (Christians) were to actually do as commanded instead of trying to use force of arms against sinful people (as the Pharisees did), then we wouldn't be in this mess. We have lost our first love…

My reply

In your analysis of the word "right" you confuse things in a way America's founder's did not, when they wrote the Constitution. Though we carelessly refer to first amendment "rights", the Constitution actually speaks of the "freedom of speech and of the press" but the "right…peaceably to assemble." It speaks of "rights" in the ninth amendment, but uses the word "powers" in the Tenth Amendment.

Instead of imposing a false distinction on the Constitution, why not carefully think through the distinctions it actually makes. For example, by using the word "freedom" with respect to speech and the press, the Framers avoid the pitfall to which you refer (i.e., referring to wrongs as rights). Also by referring to the free exercise of religion, they allow a certain tolerance

with respect to religious practices, without falsely denying the difference between that religion which is true to God, and therefore right, and that which is false.) Do you think this respect for truth was intentional or just an accident? By the same token, people tend to confuse the 9th and Tenth Amendments, but if they gave careful thought to the distinction between "rights" in the one and "powers" in the other they would gain great insight into understanding of human sovereignty the Constitution implements.

Sometimes, instead of using the Constitution to make a point, it's important first to consider what point is made by its actual wording.

You also fail to see the very practical reason for my concern about the right meaning of rights. My reasoning helps people to recognize the boundaries of the government's enforcement power, which is properly limited to the business of securing unalienable rights, as they are endowed by the Creator (not human free will). Though the Creator authorizes us to be free, He is precisely not the author of any given use of our freedom. If He were, the choice would not be ours but His. So though He permits us to use or abuse our freedom, he only authorizes uses that accord with His righteous provisions.

By confusing right and freedom you actually open the door to the claim that unjust government is authorized by God. Why? Because superior power gives people the freedom to do as they please. If God authorizes them to do wrong, victorious conquerors who rule as unjust tyrants are correct when they claim the divine right to do so. But America's founders rejected the species of absolutism based on the understanding that, in and of itself, proven superior human power constitutes divine justice, and must therefore always be reverenced as law.

But if the standard of right is not power, there must be a difference between being free (i.e., powerful enough) to do something and having the right to do it.

According to America's principles the standard of right is determined by the power of the Creator, not by any merely human power. Those principles further declare that His standard obliges government to confine its use of coercive power to that which is necessary for the security of individuals willing to take certain actions which the Creator encourages in all human beings, as such; and which He therefore authorizes as right for all humanity.

This standard of right allows us to distinguish the individual uses of freedom that government is obliged to protect; from the abuses of freedom government is obliged to curtail (mainly, as you suggest, those which, by endangering the unalienable rights (right usages) of others defy the authority of the ultimate sovereign of all; and to distinguish both the foregoing from exercises of freedom which may be tolerated for good reason, even when in some respect they fall short of the perfect standard of God's righteousness (which, as you say, only God can properly administer.)

These days the main point of resistance against the righteous basis of rights has to do with sexual freedom. Like the tares that Christ advises his disciples to leave to the disposition of

the master of the house (Matthew 13:24-30), there are sexual practices best left to God's judgment, for mercy or for punishment. However, when those who engage in such practices falsely promote them under the name of "right", they ascribe to God (who is the author of right) what is in fact the consequence of their own will. They unjustly demand that people willing to exercise their freedom according to right, as God intends, abandon the rights of the natural family and/or purposely raise up children who will not be encouraged to respect the obligations that give rise to them. They abuse the powers of government, which are meant to secure rights, to force such people to deny or disparage that exercise of right whereby the Creator provides for the perpetuation of human nature, individually and on the whole.

Faced with such demands and abuses of power, people determined to exercise their rights are obliged to answer as Peter and the other apostles did: "We ought to obey God rather than men." (Acts 5:29) For obedience to God is service to true liberty. It is the substantive ground of proof for every just claim of right. For the validity of which, when all else fails, we may appeal to Him, as to the Supreme Judge of the World, just as America's founders did.

Scalia Indicts Windsor Decision's Intentional Bias

"It is enough to say that the Constitution neither requires nor forbids our society to approve of same-sex marriage, much as it neither requires nor forbids us to approve of no-fault divorce, polygamy, or the consumption of alcohol." (*United States* v. *Windsor*, Scalia, J. Dissenting, p.18)

If falsely allowed to stand in place of the U.S. Constitution, the opinion recently expressed by a majority of Supreme Court Justices in *United States* v. *Windsor*, marks the end of self-government, of, by and for the people of the United States. Americans sincerely loyal to the U.S. Constitution, and the republican form of government it guarantees (Article IV.4), are right to react to their opinion with a deep sense of grief, anger and resentment. Tragically, many of the people who feel this way are ill equipped to present the reasoning that justifies their feelings.

Given his reputation as a "conservative" many of these people doubtless thought they could rely upon the expectation that Justice Antonin Scalia's dissent from the majority opinion In Windsor would do for them what they believe they are unable to do for themselves. It's is a sign of the times, ominous for the recovery of America's liberty, that this expectation turned out to be mistaken. Justice Scalia argued with some cogency, on technical grounds, that the particular issue at stake in Windsor had already been resolved by lower court rulings. In his opinion, it was therefore unconstitutional for the Supreme Court to assert jurisdiction in the matter.

When it came to the supposed logic of the decision, Justice Scalia accurately ridiculed the majority's substitution of deployment of invective instead of reasoning logically rooted in the Constitution. But, after shrewdly demonstrating the way in which the Court's diatribe against opponents of homosexual so-called marriage is likely to be abused in future rulings from the

Federal Judiciary, Scalia offered nothing in his dissent to forestall that abuse except the demonstrably false pretense of Constitutional neutrality quoted at the outset of this essay.

In his criticism of the *Windsor* majority's questionable assertion of jurisdiction in the case, Justice Scalia shrewdly discerned the derogatory significance of the majority's careless zeal. It indicates that they were prejudiced, firmly determined to rule in a certain way without fairly considering arguments that ran against their predisposition. The result was not an exercise of judicial review, arising because they fairly considered the merits of the case in light of the Constitution's provisions. Rather, from the outset they aimed to usurp legislative authority. As a political tactic, they ornamented their intention with dishonorable mentions of this or that Constitutional provision. They deployed this tactic without bothering to set out the logical reasoning (ratio) needed to substantiate a conflict between the Constitution and the law duly made by Congress in pursuance thereof, which must otherwise be honored as the Supreme Law of the land (Article VI.2). Absent a reasonably logical demonstration that such a conflict exists, the Court's exercise of superior jurisdiction in the case was just an excuse to substitute their will for that of the constitutionally ordained legislative power. This usurpation of legislative power was especially egregious because the subject matter that underlies the case is so crucial to the orderly perpetuation of the social life, civil liberty, and real self-government of the American people.

By itself the majority's obviously prejudiced approach to judgment warrants impeachment and removal of the Justices complicit in it. By destroying the Supreme Court's credibility as an unbiased tribunal, they directly undermine its vital contribution to the actual and perceived integrity of the U.S. Judiciary, the Constitution and the whole government it establishes for the United States. At present that government is already rife with scandals that have undermined the people's confidence in its conduct of their affairs. The Windsor majority's open display of biased judicial intent pushes the nation further toward the sort of irreconcilable breach that occasioned the only outbreak of civil war in the nation's history. This is especially true in the Windsor case, because the Court's action affects the concrete integrity of the family, the institution most critical to the character and welfare of the individuals that make up the society. If the Windsor majority's willfully injudicious handling of this matter does not qualify as a high crime and misdemeanor of the gravest import, nothing ever will.

As it is, Justice Scalia's dissent could almost be taken for the opening statement of the prosecutor at the trial these Justices richly deserve for their misconduct. He masterfully traces the technical considerations that prove the majority's political motive for taking the case. Then he demonstrates that this prejudicial motive resulted in a tendentious, incoherent, and self-contradictory expression of opinion that left the majority's decision in the case as groundless, in Constitutional terms, as its purloined jurisdiction over it. Having torn away any pretense of fairness and rationality from the majority's decision, he decries the majority's vicious verbal assault against the opponents of homosexual so-called marriage. He shrewdly discerns their prejudicial intent to bias future decisions of the Federal Judiciary so that arguments which justify government action in defense of marriage as a God-endowed unalienable right will never again receive a fair hearing in any U.S. Court.

Scalia's Windsor dissent: Deficient in principle?

"The right defence against false sentiments is to inculcate just sentiments." (C.S. Lewis, ***The Abolition of Man****)*

Justice Antonin Scalia's dissent in the *Windsor* case reminds me of a skilled tennis player locked in a longstanding competition with an outstanding rival. He delivers superb performances, that win cheers and respect from the crowd, but at the most crucial moments (e.g., when they meet in the finals of a Grand Slam event) he ends up losing because something about his style of play cedes his normally decisive advantage to his nemesis.

In what might have been an historic dissenting opinion in *United States* v. *Windsor*, Justice Scalia conclusively proves that the opinion of the Supreme Court's majority is a biased and irrational diatribe. But to fulfill the great promise of his dissent, he needed to place their prejudiced tirade in a setting that makes plain the willful nature of their judicial malfeasance. He needed to present the well-reasoned, logical construction of the Constitution that would show up their behavior for what it is: the utter refusal to fulfill their oath to support and defend the Constitution. Instead, as I noted at the beginning of my last post, he falsely asserts the Constitution's neutrality on the issue of marriage. He thus tacitly validates the majority's specious allegation that the Congress acted from malice toward a particular mode of sexual conduct. In fact it acted to assure respect for the unalienable rights of those individuals willing to fulfill their natural obligation to propagate humanity. According to the organic law of the United States such unalienable rights are endowed by the Creator. They are therefore antecedent to all government except that of the "laws of nature and of nature's God." On this account they are called "unalienable" because, being inseparable from human nature, an individual's claim to right is not granted, nor can it justly be taken away, by human fiat.

As I have more fully discussed elsewhere, the antecedent rights of the natural family, endowed by the Creator, *must* be among the rights not enumerated in the Constitution, yet retained by the people. The 9th Amendment forbids the U.S. government (and therefore any Court acting under its auspices) to "deny or disparage these unalienable rights." Can there be any greater disparagement of the rights of the natural family than to take the term used to designate and institutionalize the relationship that is fundamental to its nature, and apply it to personal relations in no way connected with the natural obligation to propagate humanity, from which those rights are derived?

The advocates of slavery in the United States often attempted to justify that institution by denying black people their share in human nature. On this account, they pretended that the notion of unalienable rights did not apply to black people, and that they therefore had no rights

government was obliged to respect and secure. In like fashion, the advocates of homosexual so-called marriage now seek to deny the nature of marriage. They do so on the excuse of promoting equal treatment for homosexuals. But the necessary and intended result of their advocacy is to deny the family's functional claim to be an expression of human nature, indeed the primordial expression of its social aspect. This, in turn, allows them to deny that the individuals who make up the family are engaged in an exercise of right, according to the laws of nature and of nature's God. Once this is successfully denied, the activities arising from their exercise of right need no longer be respected as unalienable rights, antecedent to all human governments, which it is government's aim to secure.

In what amounts to an effort to overturn the whole idea of unalienable rights that gives rise to constitutional self-government, some elements of America's judiciary have moved to proclaim it as law that marriage must be redefined in a way that accommodates homosexual relationships. But this means that a human relationship in no way rooted in the Creator's provision for our nature must be allowed to usurp the name, authority and rights of the God-endowed institution. That institution naturally arises in and from the human relationship that reciprocally defines man and woman respectively, in terms of the specific difference constituted of, by and for the perpetuation of humanity as such. Once the authority of the natural law is thus denied, the family and everything connected with it ceases to be the locus for any claim of unalienable right. Such rights must be rooted in the Creator's endowment of our nature. Otherwise they are not unalienable, but entirely subject to arbitrary determinations of human will.

Once this effect upon the unalienable rights of the natural family is understood, it becomes clear that the Constitution is not neutral with respect to the approval or disapproval of same-sex marriage, in the name of law. There is an explicit Constitutional prohibition against denying or disparaging rights, unenumerated in the Constitution but retained by the people. Since the unalienable rights of the family arise from the individual's commitment to fulfill the natural law by propagating humanity, they are certainly among these unenumerated right. Therefore, Congress simply did its duty, in accordance with the 9th amendment, when it moved to prevent the denial and disparagement of the rights of the natural family by judges and justices seeking to replace the natural family with a tyrannically defined fabrication.

Why did Justice Scalia fail to take note of this Constitutional justification for the DOMA, utterly ignored by the *Windsor* majority? Why, instead, did he pretend that the issue involved can simply be decided by majority vote of the people in their respective states, as if the human sovereignty that constitutes government, at any level, has authority to override right and justice as endowed by the Creator? In this respect, neither the Windsor majority nor Justice Scalia's dissent shows any respect for the premises that informed the deliberations of the Framers of the U.S. Constitution. Yet without those premises, the declared purposes and essential features of the constitution they devised cannot be properly understood. In my next post, I begin to examine the cause and grave consequences of this purposeful abandonment of America's founding principles.

Windsor Majority Breaches US Constitution

In their argument against the Defense of Marriage Act (DOMA) in ***United States** v. **Windsor***, the Supreme Court justices in the majority allude to the fact that marriage and the regulations of law and administration connected with it, have always been regarded as matters to be determined by the State governments, under the auspices of the people in their respective States. They rely on the impression that this longstanding practice means that the Constitution prohibits the Federal Legislature from constraining the acts of State governments in this regard.

Yet with respect to abortion the Court majority in ***Roe** v. **Wade*** discovered a shadowy aspect of individual privacy rights that supposedly makes it an exercise of right for a mother to procure the murder of her nascent offspring. But if longstanding practice *precludes* the Federal Government from constraining the regulatory decisions of the State governments where marriage is concerned, what authorized the Federal Judiciary to interfere with what was the longstanding practice of the State governments to prohibit the murder of nascent human beings in the womb?

According to the principles of the organic law of the United States (in particular the American Declaration of Independence), the opinions, laws and actions that employ the just powers of government are supposed to secure the rights intrinsically derived from each individual's voluntary decision to implement (exercise) the right, as authorized by the Creator. When they are demonstrably inconsistent with this defining premise of just government, there is, on the face of it, good reason to suspect that the exercise of government power is unlawful and illegitimate, at whatever level of government it takes place.

According to the Court's abortion jurisprudence, a speciously fabricated, constitutionally shady notion of privacy rights authorizes the Federal Judiciary to interfere with actions taken by the State governments to prohibit the self-evident violation of unalienable rights involved in slaughtering millions of innocent human offspring by way of abortion. By contrast in the DOMA the U.S. Congress simply sought to implement by law the Constitutional obligation to respect the natural law's provision for the human family, including the unalienable rights of biological parents. These rights include the parents' exercise of authority over their children, as well as their obligation to provide their children with food, clothing, shelter and all things otherwise required for their reasonable care. In principle, these unalienable rights do not depend on government power. They arise directly from the endowment of the Creator, an authority antecedent and superior to all human governments whatsoever.

The 9th Amendment to the U.S. Constitution states unequivocally that "the enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people." In their attack on the DOMA the majority in ***United States** v. **Windsor*** pretends to have respect for longstanding views and practices affecting the authority of governments in the United States. In this regard, the longest standing view of the American people, stated in the very act by which they declared their independent existence as a people, holds that human beings are "endowed by their Creator with certain unalienable rights"; and that "to secure these rights governments are instituted among men."

This longstanding view, cited innumerable times in every conceivable aspect and expression of America's political life and law, specifies that the Creator is the authority from

which all people may claim an endowment of rights. There is, therefore, no mystery about the source of the unenumerated rights retained by the people. Nor is the logic obscure by which such rights may be recognized and rationally substantiated. They are not shadowy constitutional fabrications, like the spurious privacy right in
Roe v. Wade, visible only to the high priests of legal mumbo-jumbo. Nor are they fanciful legal prosthetics, applied without reason or reasoning, to give the appearance of legality to heinous wrongs and injustices that degrade and demoralize the American people. As Alexander Hamilton observed "They are written, as with a sunbeam, in the whole volume of human nature, ***by the hand of the divinity itself***; [emphasis mine] and can never be erased or obscured by mortal power." (*The Farmer Refuted*, 1775)

The unalienable rights of the natural family are self-evidently among them. They have been taken for granted practically in every age, in every precinct of the earth. They became clear, in part, because of human experience with nature at large, as human reason applied itself to the task of appropriating nature's resources in order reliably to sustain human life (animal husbandry, for instance. If people hadn't realized the importance of getting roosters and chickens to interact…; and so forth.)

So on the one hand the Supreme Court's jurisprudence relies on the notion that the Federal government can act through the courts to secure a mother's patently spurious right to murder innocent children. But on the other it purports to keep the U.S. Congress from protecting the right of the human institution that is the focal point of all the God-endowed natural rights of family life and procreation. This is so patently irrational that it raises a suspicion of insanity. Or else it suggests malice toward human life and human nature that is so malignant its intensity beggars description. Yet this is the notion the *Windsor* majority wants Americans to accept as lawful. However, in light of America's organic and constitutional principles of law, it can be seen as lawful only in some tyrannical sense of the term. Tyrants ultimately do not submit to reason, which is the natural law, but only to the unreasoning force of superior power.

By the unreasonable illogic of their so-called jurisprudence, the justices in the *Windsor* majority's decision fall short of establishing that their decision on the DOMA has any rational connection with the Constitution's provisions. Indeed, it is clear that they are part of the ongoing insurrection against the very foundation of the Constitution's authority that has been spreading through the American Judiciary for some time. But apart from the authority of the Constitution, the justices have no claim to represent the justly sovereign will of the people in any way whatsoever. And where they have no authorization from the rightful sovereign, they can have no claim to dictate law or justice, unless they mean to rely on government's coercive power, unjustly abused.

But, as Alexander Hamilton accurately observes in Federalist 78, under the U.S. Constitution the Supreme Court does not command the coercive force of government. That is the prerogative of the President of the United States, who is vested with its Executive power. At the moment the opinion of *Windsor* majority's Justices coincides with the stance of the lawless clique presently in control of the Executive Branch. Is this what gives the Justices confidence that the law of tyrannical force will suffice to impose their opinion, even if their irrational and

self-contradictory jurisprudence leaves no reasonable support for the claim that they speak with the force of law? If so, the Constitution provides the means to correct their tyrannical arrogance, provided faithful Americans have the intelligence and courage to see and make use of them.

Supreme Court's Windsor Sarumans abandon reason for madness

"But though this be a State of liberty, yet it is not a state of license; …The state of nature has a law of nature to govern it, which obliges everyone; and reason, which is that law, teaches all mankind who will but consult it…." (John Locke, *The Second Treatise of Government*, Chapter II)

"Tell me, friend, when did Saruman the Wise abandon reason for madness?" (Gandalf to Saruman, *Lord of the Rings Part I, The Fellowship of the Ring*")

When it comes to abortion or laws against homosexuality, the Supreme Court's current jurisprudence relies on the notion that that the Constitutionally expressed will of the people at the national level, represented by the Supreme Court, overrides the will of the people in their respective States. Dealing now with the marriage issue they claim that the will of the people in their respective states overrides the Constitutionally expressed will of the people at the national level, represented in Congress. By this maneuver they slyly implement a "divide to conquer" strategy, intended to imprison the people of the United States in a "house divided against itself", where their sovereignty in one guise nullifies their sovereignty in another.

They do this in order to give a powerful elitist minority the opportunity to undermine the house of liberty altogether. Furthermore, they implicitly legitimize the notion that the irresponsible will of the people is, in and of itself, the source of sovereign authority. This paves the wave for a "tyranny of the majority", which in practice becomes the forceful tyranny of an elitist clique, ruling without constraint over the all individuals, including the majority in whose name they have usurped lawless, absolute power.

God knows under the influence of what corrupting power, a majority of the U.S. Supreme Court Justices have now openly abandoned the discipline of reason. In their decision in the ***United States** v. **Windsor***, they refused to apply the law laid down by Congress in the Defense of Marriage Act (DOMA). Their questionable insistence on assuming jurisdiction in the case suggests that their decision is part of a larger agenda. It is the opening gambit in a design for despotism that entails a manifestly self-contradictory jurisprudence because it aims to overthrow constitutional self-government. Except we keep this malicious objective in mind, the Windsor majority's opinion is so evidently unreasonable that it warrants the suspicion that these Justices have gone mad.

The 14th Amendment to the Constitution declares that "No state shall…deny to any person within its jurisdiction the equal protection of the laws". On account of this language, the

Justices in the *Windsor* majority pretend that the Federal Legislature has no power to secure the properties with which the "laws of nature and of nature's God" endow the human family, in order to perpetuate the species. Yet the Constitution's 5th Amendment declares that "No person shall… be deprived of life, liberty or property, without due process of law, nor shall private property be taken for public use, without just compensation." What compensation can justly requite human beings for government action or *inaction* that deprives them of the bond of mutual obligation, ***antecedent to all government*** whereby, in the first instance children belong to their biological parents and those parents belong with their children?

This mutual belonging is the natural paradigm of all private property. It is the defining ground of the first civil society, the family. It makes clear, in the experience of all humankind, that peace is the default condition of human social life. Arising from the consensual and voluntary observance of God-endowed natural law, this peace secures the preservation and perpetuation of humanity, individually and as a whole. By their decision the *Windsor* majority ignores, contradicts and undermines the effective authority that is a God-endowed property of the natural family. It is the institution whereby, in view of their first, very vulnerable condition as helpless infants, the natural law makes reliable provision for the preservation and security of all human beings. Moreover, the effective operation of the natural family, which is the paradigm of government by the consent of the governed, is by and large what makes it possible to implement the principle of consent as the basis, in fact, for orderly civil self-government.

So, by attacking the God-endowed authority of this natural institution, the justices directly attack the common good of the whole society. They set the coercive force of human law above the consensual force of natural law. This makes coercion the basis for government, rather than consent. It substitutes "might makes right", i.e., the principle of tyranny, for the "consent of the governed", which is the principle of constitutional self-government.

Moreover, the majority in ***United States v. Windsor*** simply ignores the fact that when the U.S. Congress enacted the DOMA, it acted in defense of the God-endowed unalienable rights of the natural family. The *Windsor* justices assert that that the "Federal Government uses the state-defined class…to impose restrictions and disabilities." They assert that the DOMA is "seeking to injure the very class New York seeks to protect…. " They assert that DOMA arises from "a bare congressional desire to harm a politically unpopular group." This entire line of attack implicitly denies and disparages the unalienable rights of the natural family, and Congress's Constitutional duty to respect them. In doing so the *Windsor* decision does what the U.S. Constitution's 9th Amendment explicitly forbids. Eschewing the logic of that Constitutional provision, it rejects the premise of God-endowed unalienable rights.

Ever since the American people first declared their independence, the premise of God-endowed unalienable rights has been essential to their identity as a free people. That premise is the basis and justification for the assertion that government exists to secure unalienable rights. And it is in the context of that fundamental purpose of government that America's founders asserted the principle that the just powers of government are derived from the consent of the governed. The majority's decision in ***United States v. Windsor*** is therefore a radical attack

against the form of government that respects and implements that indispensable principle of constitutional self-government.

In its abortion jurisprudence the Court relies on the notion that governments at all levels in the United States are obliged to respect the provisions of the bill of rights. This is the famous (or infamous) incorporation doctrine, erected with reference to the language of the 14th amendment. The doctrine allows the U.S. Supreme Court to assert a Constitutional duty to safeguard the individual rights of persons against action or neglect by the State governments. But if that doctrine allows the Federal government to override the longstanding practice of respecting the will of the people of the States, respectively, when it comes to abortion or the practice of homosexuality, why does that permission suddenly disappear when the U.S. Congress acts to safeguard the God-endowed unalienable rights of the natural family?

Does the majority in the DOMA decision want us to believe that the opinion of judges not elected by the people, which relies on illogically self-contradictory jurisprudence with respect to U.S. Constitution, nonetheless supersedes the authority of a Congressional majority relying on the duty to implement the explicitly stated constraints of the 9th Amendment? Without the Constitution, the justices represent no one but themselves, whereas the Congressional majority can claim to represent *the present will* of a majority of the whole people, the very will that speaks with the voice of overall sovereignty in the language of the U.S. Constitution? On what grounds does the sovereign will of the people in their respective states override the sovereign will of the American people as a whole when it comes to upholding the unalienable rights the just powers of *all* governmental authorities are supposed to secure? If "to secure these rights governments are instituted among men", neither God nor the Constitution authorizes government at any level to permit attacks upon them, even in the name of longstanding practice and tradition.

U.S. Judge discards unalienable right of marriage

"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…" (U.S. Declaration of Independence)

"But if there are certain actions that all human beings are obliged by lawful authority to undertake, then as all are under the same obligation all may invoke the authority of that obligation to justify their action, to prove that it is right. With all justly claiming the same authority to act, all have the right to do so. The "rights that everyone has" are therefore connected with the duties and obligations imposed upon them by the law to which they are all subjected." (Legalizing homosexual marriage impairs unalienable right)

Most of my thinking about the crisis of America's liberty has been predicated upon the evident fact that a substantial portion of America's elite has rejected the fundamental premise of liberty and justice in the United States. There is no mystery about that premise. It was clearly

articulated in the words with which the American people, as such, stepped onto the stage of history.

As stated in the words of the U.S. Declaration of Independence, quoted above, this premise has been at the heart of all the various struggles for justice and right that have advanced the true cause of liberty for people in the United States, as individuals and as a nation.

The Declaration's logic provides the rational foundation for America's institutions of government, including the Constitution of the United States. At its core, that logic depends on three essential concepts: self-evident truth, the existence and authority of the Creator, and the Creator's endowment of unalienable rights, vested in every individual included in the name of humanity.

The elitists' push to legalize, and forbid disapproval of, homosexual relations is the most telling evidence of their hostility toward America's way of life. It is also the key, in principle, to their thus far successful strategy to overthrow America's historically exceptional government of, by, and for the people; and to restore unchallenged rule by and for the advantage of, the most powerful elitist clique.

The latest case in point is the ruling of U.S. District Judge Terrence C. Kern re same sex marriage, overturning the amendment by which Oklahomans restricted the State's recognition of marriage to heterosexual couples. Though the decision contained nothing new, both its content and the manner in which it was argued by both sides, illustrate the deadly legal chicanery by which the elitist faction means to dissolve the moral, legal and institutional basis for just government, i.e., government aimed at securing the God-endowed unalienable rights of the people.

Nowhere in his judgment does Judge Kern refer to this fundamental purpose of government. This omission is the key to understanding the deadly legalistic deception his decision carries on. So is the fact that he pretends to talk about rights, but ignores the special natural prerogative that gives rise to the institution of marriage.

He pretends to see no rational basis for restricting the legal recognition of marriage to couples that are, in principle, capable of natural procreation. (In principle, means, of course, with respect to their God-endowed nature as human beings, not their incidental circumstances or intentions.) Yet the unalienable right of marriage depends on the special prerogative (i.e., natural command or rule of the Creator) of procreation. Members of a same sex couple cannot humanly procreate with one another in the natural way. So they have no basis on which to claim the right rationally connected with the special prerogative of procreation.

Judge Kern purports to discuss *natural* procreation, but he omits to discuss its connection with natural right. But he also omits to discuss the fact that the whole people of the United States have a vital interest in the meaning and significance of all such actions and activities as human beings are moved, *by their nature* (i.e., the way the Creator made us) to undertake.

But where there is no respect for the authority of the Creator, there is no concept or claim of unalienable right. Where there is no concept or claim of unalienable right, legitimate government is not inherently required to respect it. Where government is not inherently required to respect antecedent, unalienable rights, there is no limit, in rational principle, to the use and abuse of the powers of government.

If the prerogatives of our natural condition give rise to no obligations, and if those obligations give rise to no *special* (i.e., of or related to our species, our humanity) claim of right, the whole logic of our liberty disintegrates. So our nations claim to liberty is at stake in the issue of what our laws and governments do in respect of the natural basis for marriage.

When human beings act to fulfill the special obligations that arise from their nature as human beings, special prerogatives attach to their activities. Those prerogatives are rooted in the transcendent authority of the Creator. As they act at the behest of the highest possible authority, no (necessarily subordinate) human authority may simply countermand their action.

This is precisely the logic that in principle limits the just authority of *all human governments whatsoever*. Such governments exercise just power only insofar as they respect the prior determinations of the Creator (referred to in the American Declaration of Independence as "the laws of nature and of nature's God.) In light of this natural limitation, Federal judges and justices can have no authority to interfere with the actions State governments take to give due respect to the prerogatives of the natural family.

America's founders relied on this natural reasoning when they resisted the authority of the British government at the time of the American Revolution. Judge Kern, and indeed the whole so-called jurisprudence by which the U.S. Supreme Court purports to vest marriage rights in same sex couples, omits and discards this logic of natural right. They tacitly assert that there is no rational basis for defending the unalienable rights that arise from the *special prerogatives* (i.e., the Creator's natural and supremely authoritative demands for action, inherent in human nature and antecedent to all human law and government) of the natural family.

But if the obligations of natural right do not rationally substantiate the claims of the natural family, neither do they substantiate the special prerogatives of the people of the United States, including their sovereign authority. Yet only by this natural authority, exercised in and through the Constitution of the United States, do they lawfully limit and distribute the powers of government, or elect those who make and carry out the laws.

By the Constitution's 9th Amendment, the Judges and Justices of the Federal Judiciary are forbidden to disparage or deny the antecedent rights retained by the people. In addition, the 1st Amendment withholds from the U.S. Government any lawful basis for actions "respecting [with respect to] an establishment of religion". The U.S. Supreme Court is in our day continually violating these Constitutional provisions.

In its Defense of Marriage Act the Congress of the United States sought to protect against these judicial abuses. In doing so, it sought to fulfill the U.S. Government's overriding obligation to secure the antecedent unalienable rights of the natural family.

By the First amendment, the power to make law with respect to an establishment of religion is withheld from the Federal Government. By the Tenth Amendment it is "reserved to the States, respectively and to the people." This reservation defines one of the most vital privileges and immunities of American citizens. So when they act in defense of the natural family, both the U.S. Congress and the State governments fulfill the 14th Amendment's injunction against State actions (including neglectful inaction) that abridge such privileges and immunities.

By contrast the Judges and Justices, deny and disparage authoritatively antecedent unalienable rights retained by the people (e.g., the heterosexual couple's exclusive prerogative of procreation which gives rise to the institution of marriage and its attendant rights.) They seek to establish an unconstitutional regime of constraint upon one of the powers of government constitutionally reserved to the States, respectively, or the people (i.e., the power to make laws "respecting an establishment of religion.") The will to resist such abuses as these called the American people into existence as a nation. If today that will has failed, its failure will be the headstone that marks our nation's demise. Be advised, this tragic conclusion is the purpose of the whole "gay marriage" maneuver.

It is irrational to assume that the same Judiciary that has been the source of these abuses will now suddenly cease and desist. To stop their attack, we must implement the Constitution's provisions for the impeachment/removal of civil officers who persistently violate their Constitutional oath of office. Want to know more? Follow this link.

Liz vs. Mary: How Both Cheneys Mistake the "Gay Marriage" Issue

[This post takes it for granted that the reader is aware of my carefully reasoned opposition to so-called "gay marriage". I point this out because the first portion of the essay, which deals with the relative weakness of Liz Cheney's response to her sister Mary's "equal rights" position, may at first glance, give a contrary impression. Best to follow my reasoning to the end.]

The headline reads: Dick Cheney 'Pained' by Public Flap, Sides with Daughter Liz. The story is about the family feud between US Senate candidate Elizabeth Cheney and her pro-"gay rights" sister Mary, over Liz Cheney's reiterated statements of support for "the traditional definition of marriage." Apparently, the Cheney family's willingness to show, in very public ways, their personal support for Mary Cheney's much flaunted sexual orientation, isn't reciprocated in the political arena.

I certainly understand the anguish this issue can inflict upon a family. What must make it even more difficult for the Cheney family, however, is the somewhat contradictory character of the pro-marriage stance Liz Cheney is taking in her bid for office.

The American sense of justice is rooted in the notion of equal rights for all. "Gay rights" activists like Mary Cheney take the position that, as a legal institution, marriage is a matter of equal rights. She asserts that it is no more acceptable to deny homosexuals the right to marry on account of their "sexual orientation" than it is to deny blacks the right to vote on account of their skin color.

In the context of this equal rights argument, her sister Liz asserts her personal belief in "traditional" marriage. From Mary Cheney's perspective, it's as if someone were to oppose equal voting rights because of their "personal belief" in racial segregation. In America, a valid claim of fundamental right legally trumps personal beliefs, however longstanding the tradition that indulges them.

Mary Cheney's position casts the issue in terms of justice and injustice. Liz Cheney's position makes it a matter of personal moral sentiment. But, are personal moral sentiments any excuse for supporting laws that perpetuate unjust practices? At best this only makes sense when the force of public feeling makes it impossible to do otherwise.

So Mary Cheney's Facebook response to her sister appears to make some sense: "Liz—this isn't just an issue on which we disagree, you're just wrong— and on the wrong side of history." Now, where history is the judge, laws simply reflect the relative forces that support this or that practice. People may or may not realize it, but when its advocates use the phrase "traditional marriage" they too are referring to the resultant of historical forces. Such are the beliefs and practices that survive simply because they are handed down without question from one generation to the next. (This is literally the meaning of the Latin root of the word "tradition").

Here's where the shoe pinches. According to the American understanding of law and justice, tradition alone cannot be decisive when it comes to issues of right and wrong. Justice must take account of what the Declaration of Independence alludes to as "the laws of nature and of nature's God." Before *that higher bar of justice*, traditional practices must justify themselves with reasoning, reasoning that is consistent with its timeless and permanent standard of right. This is *the fatal weakness of Liz Cheney's response to Mary.*

But *it is also the fatal flaw in Mary Cheney's assertion of "gay rights"* with respect to marriage. For, when it comes to human society, the meaning of marriage, and the right connected with it, are among the first consequences of "the laws of nature and of nature's God". In light of natural right, Liz Cheney is wrong to make marriage a matter of tradition. But Mary Cheney is equally wrong when she makes it a matter of personal freedom. The very idea of the law of nature relates to the fact that there are certain things human beings, as such, are bound to do; certain obligations naturally connected with the existence and perpetuation of humanity, individually and as a whole.

Procreation is self-evidently one of those obligations. When individuals voluntarily choose to follow their natural inclination to fulfill this obligation, they do what is right, not just for themselves or their offspring, but for the species as a whole. Certain special qualities of human nature result in a capacity for self-conscious individual choice. Accordingly, for individuals who deliberately take responsibility for the consequences of procreation, what they do is not just an attribute of their species as a whole. It is their personal belonging, engendered in consequence of their personal decision to conform their way of living to the requirements of survival for the species as a whole.

But this decision is not just an invisible inner determination of their intangible will. It is expressed concretely, through the voluntarily use of their primordial natural possession: the individual physical body, insofar as it informs and is responsive to their will. The traceable connection between their will, their physical actions, and the new instance of human life that results, gives this belonging a concrete certainty that becomes the implicit paradigm for all the severable forms of human property that are grounded in natural right.

The institution of marriage is thus rooted in the natural belonging that arises in connection with accepting the obligation to perpetuate the species. The claims of *natural right* connected with marriage are logically connected with voluntarily fulfilling this obligation. To be sure, a variety of customs, traditions and religious disciplines have overlaid this natural right with all kinds of conventional and legal trappings.

But the notion of equal rights involved, for instance, in America's civil rights movement; the notion that Mary Cheney and other "gay rights" advocates rely upon, is not about the laws and trappings that result exclusively from human will and agreement. If it were, justice would be conclusively decided by whatever happened to be the relative disposition of forces at a given moment in history. But the civil rights movement succeeded because people like Martin Luther King changed America's historical disposition, by appealing to a standard of justice beyond merely human will, power and convention.

This took years of effort aimed at rousing the nation's conscience. One example of that effort is Martin Luther King's famously stirring cry for justice in the *Letter from Birmingham City Jail*. His argument in that essay makes no sense apart from the appeal it contains to "eternal law and natural law." But the very idea of natural law involves respect for boundaries and relationships laid out in view of what "the moral law or the law of God" ordains. (Quotation marks denote phrases from King's essay.)

But what natural obligation is involved in homosexual relations? Even if, for argument's sake, one accepts the absurd view that the human individual's natural desire for sensual pleasure constitutes a law of nature, humanly speaking , by what reasoning could we reach the conclusion that this imperative of individual pleasure, is equal or superior to the natural obligation of procreation? The latter serves and preserves helpless individual humans in their infancy. It also cultivates a capacity for self-sacrifice that contributes to the preservation of the species in innumerable ways like providing the emotional touchstone of respect for the requirements of

human social life. All of this tends to preserve humanity, in the moral as well as physical sense, from extinction.

To be sure, individual human beings who identify themselves as homosexuals may wish to take advantage of opportunities like adoption, available in today's society, to indulge the experience of "parenting." But to harness the force of law, so that this indulgence is poised to usurp the name and rights of the natural family; to abuse the respect for law in order to denigrate the choice that accepts, as a natural obligation, the God ordained vocation of procreation; and withal to pervert the enforcement of law in order to persecute those who oppose this capital injustice— all this is worse than folly and sly selfishness. It is the deployment of a social weapon of mass destruction aimed at dissolving the existential foundation of human society, while bringing down the ideas of higher law and natural right that are the hallmarks, in particular, of the American way of life.

Too bad Liz Cheney and other such GOP candidates, who seem so determined to exploit conservative voters for political gain, only do so as a matter of personal sentiment and self-justification. Their pose would be more credible if they took the time to digest and articulate the powerful arguments that reasonably justify the decent, thoroughly American common sense of the people they are offering to represent. After all, isn't this one of the services a truly capable representative is supposed to provide?

The flaw of Judge Allen's precluded muddle

I have frequent recourse to the *Federalist Papers* whenever I'm thinking about issues related to the U.S. Constitution. I do so when I recall that Publius made an observation, analysis or argument relevant to the particular subject I'm trying to think through. But there are times when I do so simply in order to breathe in the atmosphere of logical reasoning, deeply respectful of experience and common sense, which prevails throughout the work. This atmosphere permeates its pages so that, even though it is comprised of articles from three different pens, it has such consistency that historians have disagreed about which pen authored one article or another.

I thought of this recently as I read about Judge Arenda Wright Allen's incompetently argued ruling that the provision of Virginia's constitution that bans homosexual marriage somehow contradicts the U.S. Constitution, and is therefore invalid. To be fair, the Judge's incompetence had its counterpart in the similarly negligent arguments made by some critics of her decision.

I use the word 'incompetent' advisedly, to refer to the question of whether the Judge had any authority to rule as she did in the matter at hand. The people of Virginia have exercised their authority to define marriage, for purposes of law, since long before the adoption of the U.S. Constitution. There can be no doubt that at the time the Constitution was adopted they had the right to do so.

Nothing in the Constitution explicitly delegates any aspect of authority over this matter to the Federal Government. In accordance with the Tenth Amendment, that authority is therefore retained by the State and people of Virginia, who rightly exercised it when they approved the Constitutional provision that, for purposes of law, excluded homosexual relations from the definition of marriage in the State.

In her ruling Judge Allen expressed the view that the State's marriage laws "perpetuate prejudice and stigma and pain", but her personal feelings provide no warrant of authority for interfering with the rightful exercise of authority over the definition of marriage by the people of Virginia. Moreover, Judge Allen may believe that the U.S. Supreme Court's supposed recognition of a so-called right of homosexuals to marry, puts the people's exercise of their authority in conflict with the Supreme Law of the Land. But given the plain language of the U.S. constitution it is logically impossible for her, or any other Federal Judge or Court (including the Supreme Court) to demonstrate by rational argument that this is so. In proof of which I offer the following:

Either there is some ground or basis in the U.S. Constitution for the so-called right of homosexuals to marry or there is not. If there is ground, then something in the U.S. Constitution has been construed to establish this so-called right. But the people of Virginia have exercised their rightful authority to define marriage since before the adoption of the U.S. Constitution, and Article X of the Constitution (the Tenth Amendment) plainly states that after its adoption they retained that rightful authority, which is nowhere to be found among the powers explicitly delegated to the U.S. Government.

Any authority the U.S. Judiciary purports to assert over the power of the people of Virginia (or any other State) to define marriage within their jurisdiction must therefore arise in the context of some general power delegated to the U.S. Government, and applied to constrain the authority over marriage by construing the provision for that general delegation of power in such a way that it warrants the U.S. Judiciary's interference with this particular authority of the people of Virginia (or any other State).

But Article IX of the U.S. Constitution unequivocally states that "the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Thus even if the so-called right of homosexuals to marry be found by some trick of the eye to be among those entitled to be protected as Constitutionally enumerated rights, this construction may not be used to deny or disparage rights retained by the people.

The people of Virginia (and every other state) had, at the time the Constitution was adopted, rightful authority over marriage within their jurisdiction. The authority being rightful, it is therefore their right to exercise it. No right espied by subsequent observation to be lurking in the shadows of some shrewdly constructed wall or fixture of the U.S. Constitution may be construed to deny or disparage the right obviously retained by the people of the States during the centuries since the Constitution was adopted.

Such retained rights are therefore immune from denial or disparagement by the U.S. government or any of its branches. Moreover, the language of the 14th amendment explicitly says that "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." The states are thereby forbidden to enforce as law any decision of any court (including the U.S. Supreme Court) that abridges the privilege (i.e., the proprietary right by law) to define marriage which the people of the states retain pursuant to the language of the Ninth Amendment.

By this simple reasoning (applying the basic logical rule known as the law of the excluded middle) no U.S. Court can have the authority to interfere with the retained right of the people of Virginia (or any other state) to define marriage for purposes of law.

For the so-called right of homosexuals to marry is either found explicitly among the enumerated rights in the Constitution, or it is not. By direct observation we ascertain that it is not found there explicitly. Therefore, if it is numbered among the rights the U.S. Constitution protects, its inclusion must be by construction upon some existing provision or provisions.

But the ninth amendment clearly forbids any such construction if it denies or disparages rights retained by the people. Logically, therefore, the U.S. Courts (including the Supreme Court) cannot deprive the people of a retained right in order to impose respect for a right subsequently found, by ingenious construction, to be lying about in the shadows cast by that construction.

The only way to overcome this logical conundrum is by amending the U.S. Constitution so as to explicitly provide a basis for the U.S. government's power to enforce this subsequently recognized right. This was the logical reason why prudence dictated adoption of the 13th and 14th Amendments to the U.S., Constitution. Reasonable people concluded that without them the citizen rights of persons freed by the abolition of slavery would have been subject to continual challenge.

How have we lost touch with the rationality that was so endemic to Americans that, even after the enormous sacrifices of the Civil War, they recognized and patiently acted upon its requirements? By abandoning this respect for reason, we move decisively from a government legitimized by the rational construction of just laws, to a government based simply upon the forceful imposition of prevailing opinion, however contrary to established, antecedent right, including the rights arising from the "laws of nature and of nature's God."

Some may pretend that such forceful imposition advances justice or compassion. But in fact it brings us closer to the day when Americans who thirst for justice will find no satisfaction except to seek it in the baneful prosecution of just war against those who deny and disparage their right to do what is right.

Enslaved by mammon: Brewer, GOP elitists abandon unalienable right

It's evident that the elitist faction's political, money, and media powers have a virulent prejudice against practicing Christians. This was evident in the blackmail threats they made against the people of Arizona. These threats successfully induced Arizona Gov. Jan Brewer to thwart the people's will, made clear in a law passed by the Arizona legislature. The law sought to protect Arizonans from judges who are abusing their position in order to coerce the conscience of people who refuse to cooperate with the denial and denigration of the unalienable rights of the God-endowed family.

With no warrant but their personal whims, Federal judges are purporting to force Arizona and other states to violate their duty (made explicit in the 14th Amendment) to refuse enforcement of laws (including judicial decisions purporting to have the force of law) that "abridge the privileges or immunities of citizens of the United States" within their jurisdiction. By their action these Federal judges deny and denigrate the unalienable rights of the natural family. These rights arise from respecting the law of nature and nature's God, which provides for the perpetuation of the species through the union of man and woman in marriage.

The unalienable rights of the natural family were unquestionably possessed and retained by all the citizens of the United States at the time they adopted the U.S. Constitution. The 9th Amendment plainly states that "the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." By their decisions some Federal judges are disrespecting the rights of the natural family (such as, for example, the right of each child to know and be cared for by his or her natural parents; the right of every natural parent to demand respect for the parental authority connected with this natural duty of care; the right of both parents and their children to respect for the natural bond that establishes their mutual belonging to one another; and so forth. The Federal judges denigrate these rights because they prejudicially favor a so-called "right" of homosexuals to marry, which they have lately purported, by specious construction of its terms, to find in the U.S. Constitution.

But the Constitution's 9th Amendment explicitly forbids any construction of rights among those numbered in the Constitution that denies and denigrates the antecedent rights retained by the people. Since unalienable rights cannot, by their very nature, be given or taken away by any human law or power whatsoever, they are unquestionably among these retained rights. Therefore no judicial bias in favor of some recently constructed right can be Constitutionally allowed to deny or disparage them.

According to America's Declaration of Independence (part of the definitive organic law of the United States) governments are instituted to secure unalienable rights. But where there is no claim of obligation arising from "the laws of nature and of nature's God" there can be no claim of unalienable right. For an exercise of right cannot be unalienable unless it is inherent in human nature, as endowed by God. This direct connection with the authority and intention of the

Creator is the reason a valid claim of unalienable right trumps the authority of any law derived from merely human authority.

In their decisions judges like Arenda Wright Allen purport to give the unalienable rights of the natural family the same status as a judicially constructed right derived by recent Constitutional construction. This judicial construction relies on feelings which, however popular they may be among the elitist few, have no root or reflection in either the common sense or natural experience of the people at large. Driven by these prejudicial feelings, judges go so far as to defame laws adopted in order to secure the unalienable rights of the natural family. Judge Allen, for example, went so far as to declare that this defense of unalienable right causes a homosexual couple to "suffer humiliation and discriminatory treatment" so that "stigmatic harm flows directly from current state law." By thus denigrating lawful actions taken in defense of unalienable rights, judges like Judge Allen obviously denigrate those rights, in a manner that must inflict severe damage upon them when, on account of such slanderous contentions, governments fail in their obligation "to secure these rights."

In this respect the 9th Amendment's use of the term 'denigration' is key. Some may argue that allowing homosexual couples to claim the privilege of marriage in no way denies that privilege to heterosexuals. However, it inevitably denies, to any children claimed by the homosexual couple, the right to know and be cared for by one or both of their natural parents. Moreover, it equates the unalienable rights of the natural family, rooted in the transcendent authority of God, with a humanly constructed right of homosexuals to marry. But the right which is given by government construction, can be taken away by government deconstruction; whereas the rights of the natural family, endowed by the Creator, cannot lawfully be taken away by any merely human governmental authority.

On account of their prejudicial bias in favor of a right of their own construction, Judges like Arenda Wright Allen equate governmentally constructed, judicially fabricated rights with God-endowed unalienable right, making the greater equal to the less. This undeniably denigrates the claim of unalienable right which, on account of its direct connection with the Creator's authority, is secured against violation by any merely human law or governmental authority whatsoever.

What government gives by law, government may lawfully take away. But that which God endows, no human government has given, or may lawfully take away. The violation of God-endowed right therefore justifies resistance against any government responsible for the violation. It is just cause for war, *casus belli*, of the very sort America's founders cited in the Declaration of Independence,when they declared their withdrawal from the jurisdiction of British tyranny.

With consummate wisdom, the people of Arizona (and other states) are moving to secure the unalienable right of conscience with respect to the natural family. They mean to thwart those who would abuse the force of law in order to damage people acting conscientiously to uphold its God-endowed rights. Unlike the prejudiced judges, the people of Arizona refuse to equate a specious, humanly fabricated right with the God endowed rights that are rooted in respect for the natural bonds and obligations entailed by the "laws of nature and of nature's God."

Under pressure from the elitist faction's money and media powers, and its collaborators in the GOP leadership, Gov. Jan Brewer vetoed the law passed in defense of conscience by majorities in the Arizona legislature. By doing so she gave further proof of the fact the GOP has abandoned the principles of America's Declaration of Independence. Obviously, the Republican Party is no longer the Party of Lincoln, whose statesmanship was deeply rooted in those principles. People like myself, who will not surrender the Declaration's commitment to God endowed right, justice and self-government (of, by and for the people), are once again made to see the desperate and immediate need for a great, independent movement of Americans who hold to, and mean faithfully to represent the self-evident truths that defined our nation and sustained its great success. Are you among them?

If you are, this latest example of GOP abandonment of Declaration principle adds to the overwhelming evidence that the GOP's elitist leadership is at war with you and everything you stand for. This fact has tragic and immediately dire consequences for the survival of the American Republican. In my next post, I will take few minutes to think them through.

The elitists' war on human nature

In my last post I said that Arizona Gov. Jan Brewer's veto of the conscience protection act approved by the Arizona legislature "adds to the overwhelming evidence that the GOP's elitist leadership is at war" with Americans "who will not surrender the Declaration's commitment to God endowed right, justice and self-government (of, by, and for the people)". What purports to be a movement for so-called homosexual "rights" is in fact intended to discard, once and for all, the idea of God-endowed unalienable rights, inherent in the Creator's information of all human beings (i.e., our human nature). The transcendent authority of "the laws of nature and of nature's God" is the source or origin from which certain natural penchants or inclinations derive their special claim of right. Without reference to it, as the authoritative first principle of unalienable right, the logic of democratic, republican self-government collapses.

This is so because the "consent of the governed", from which governments are supposed to derive their just powers (according to the organic law of the United States), has no lawful authority but what derives from the common exercise of right that informs it. The mere fact that a gang of murderous thieves agree amongst themselves to plunder and exterminate the innocent inhabitants of a prosperous village does not make their prospective crime an application of the just power of government. Neither does the corpse strewn, smoking ash heap of the village they leave in their wake when, by superior force, they have successfully implemented their common will.

But when the innocent villagers resist their assault, their exertions in common defense of their belongings (beginning, of course, with their own lives and the lives of their children) are an exercise of right, justified by the law of nature, which places the preservation of these God-endowed lives among the first obligations of their existence, as individuals and as a species. Their consent to associate together in joint and mutual fulfillment of this obligation is an obvious example of the "consent of the governed", illustrating the common impulse of nature it involves,

but also the just power of government it produces. The justice of that power obviously derives from the fact that the common action of the villagers arises from a conscientious natural imperative that governs the actions of those who rally in defense of their lives and common life.

Thus conscience can make warriors of us all, impelling us to war against those who are united by some common impulse of greed or other lustful ambition. Herein lies the distinction between the American republic and the republic of ancient Rome, to which, on account of its great success, it is frequently (and somewhat carelessly) compared. The Roman republic arose in consequence of the successful assertion of superior power, which then took on the trappings of justice in order more quietly to possess what it had conquered. The American republic arose in consequence of the successful defense of an assertion of justice, for which America's founders sought to erect a framework for power consistent with that assertion. They expected that it would, albeit with constant disquiet, allow a moral, vigilant and energetic people to perpetuate and extend the justice they had, by God's Providence, temporarily secured.

Throughout my lifetime elitist elements in America have been working to substitute the forceful Roman vision of republican power for the persuasive American vision of republican justice. In so doing they have assiduously worked to transform the politics of the United States. They aim to change it from a turbulent exercise in which people, with a common sense of right, compete in pursuit of justice; into a pantomime of competition that masks the real and exclusive pursuit of power. Through this pantomime elitist groups, defined by common greed or other such appetitive ambitions, quietly manage the competition amongst themselves, so that together they can manipulate and subdue the people they are determined to dominate and exploit.

In consequence of this agenda, the elitist elements (I refer to them as the elitist faction) have more and more pervasively encouraged Americans to base their sense of individual and communal identity on need, greed, and sexual and other forms of lustful ambition. (Ambition: from the Latin, *ambitio*, which refers to going or wandering around. Hence the emphasis on promiscuity when it comes to sexual relations; novelty when it comes to goods and services; and the endless quest for power after power when it comes to politics.)

This leads to a social culture that impels people to live in the moment: the sound bite characteristic of the so-called news media; the quickly flittering image-based entertainment media; the twittered word or phrase increasingly characteristic of the cyber-social media. Of course, this preoccupation with momentary perception and experience truncates thought, pushing people toward a state of consciousness that more and more resembles what we assume to be the condition of animals or even insects. It is the enemy of conceptual thought.

Conceptual thought is for people who are used to holding diverse moments of thought together in their conscious minds all at once. This allows the perception of concepts, and the development of logical reasoning by way of concepts, so that different activities and courses of action can be considered not just in terms of their probable outcomes, but also in light of a standard that determines the character and moral quality of the end one aims to attain.

The preoccupation with momentary experience also predisposes people to succumb, without reflection, to the impulses of the moment. Individuals so disposed are more susceptible to the pricks and goads of pain and pleasure, or of passionate aversions and attractions so that, by premeditated manipulation of their experience, others can dictate their patterns of behavior. It's easy to see why elitists bent on dominating their society would want to transform individual consciousness along these lines.

"If it feels good, do it." "If it feels bad, avoid it." This is the mantra of consciousness that degrades the aesthetic, and ultimately the moral sense until, with more even consistency than a herd, people can be regimented to comply with the intentions of a totalitarian regime. Purporting to establish programs to serve them, such a regime in fact programs them to serve the selfish interests of those few who purposefully hold on to the capacity for deliberate imagination and thoughtfulness that preserves their own distinctive (they will eventually say superior) humanity.

In everything they did and said, the prevalent founders of the United States rejected this degrading vision of "human" life. Even their style of speech and writing reflects this: longer sentences and paragraphs, for people accustomed to holding diverse things in mind as they deliberate carefully upon them. In this the founders were greatly influenced by Biblical Christianity. So, instead of encouraging people to give in to their momentary impulses of lust and passion (what the Apostle Paul refers to as "the law in my members", Romans 7:23), they challenged them to accept and rely upon the discipline of conscientious, deliberate, rational thought (what Paul refers to as" the law of God, in my inner being", Romans 7:22, and "the law of my mind" which the "law in my members" wars against, Romans 7:23).

If you think through this contrast between America's prevalent founders (many, if not most of whom were themselves among the elite of their day) and the elitist faction leaders currently holding sway in our politics, you understand why, for the latter, the push to canonize homosexuality has become the litmus test of acceptable social behavior. Throughout the ages people have engaged in various hedonistic sexual practices, but not until now have some sought, by force of law, to pretend that the failure to approve such barren practices somehow disparages humanity.

This assertion erases the distinction between the law in our members (natural law with no particular regard for humanity) and the law of God conscientiously discerned in our inner being (the law arising from and on account of the self-recognition and self-possession that is the distinguishing feature of human consciousness). But if respecting this distinction of laws reflects an essential quality of our humanity, erasing it degrades humanity in a way that practically extinguishes our claim to be considered as such.

Pretend, if you like, that this is just a side issue in our politics. But where liberty is itself defined as an unalienable right, endowed by our Creator, whatever destroys respect for the distinction that defines what is or is not alien to humanity destroys the special status of the exercise of right derived from that respect. Could this be why, in a world obsessed with homosexual so-call "rights", all the heretofore acknowledged unalienable rights of our nature are being threatened with extinction?

Family ties and the natural basis for property

Yesterday a friend called my attention to news reporting that a group of "mainstream" GOP leaders have come out in support of the judicially fabricated "right" of homosexuals to marry. Predictably this group included Ken Mehlman, the elitist faction GOP's poster child for the campaign to force public approval of homosexual behavior. But it also included former U.S. Senators Alan Simpson and Nancy Kassebaum, and former New Mexico Gov. Gary Johnson. Citing Barry Goldwater's view that "the day's overriding political challenge…is to preserve and extend freedom", the group's signed statement contended that homosexual marriage involves "the Conservative's first concern…maximizing freedom."

I suppose that for some the backing of such an elite corps is supposed to "prove" that the acceptance of this judicially fabricated "right" is now as "American as apple pie". Actually it is further evidence that the GOP's quisling leadership is pulling out all the stops to achieve the elitist faction's goal of discarding the understanding of liberty as a God endowed right, which is the foundation of constitutional self-government in America.

In the Declaration of Independence, America's founders included liberty among the Creator endowed unalienable rights that governments are instituted to secure. By numbering it among such God-endowed rights, they included in the purview of liberty only those uses of freedom that merit the name of right because they involve actions informed by the standard or rule of right enacted by the Creator. America's founders respected the simple fact that, as an unalienable right, freedom may never extend beyond the boundaries of "right, as God gives us to see the right." They called unbounded freedom "licentiousness", and constantly warned that such licentiousness poses a fatal threat to the liberty of the people.

Whether through ignorance or malice contemporary GOP leaders such as those who signed the reported statement on homosexual marriage have apparently abandoned the founders' solicitude for the good sense and moral character of the American people. They now carelessly, or purposely promote an understanding of freedom that no longer respects the natural boundaries enacted by God to respect the requirements of humanity. In material terms, these requirements begin with fulfilling the natural law by which the Creator predisposes all humankind to preserve, reproduce and perpetuate humanity, individually and as a whole.

The natural family's claim of unalienable right is connected with this, the Creator's disposition of human nature. But this basis for the natural family's claim of unalienable right is substantially the same as that which upholds all natural claims of property right, including the claim to unalienable rights, such as they are. Such varied thinkers as Hobbes, Locke, Rousseau and Marx all, in some way, traced the right of ownership to the undeniable property each individual has in his or her own body. The bodily activity by which one assimilates a natural product to one's own use withdraws it from being the common property of all creation. It marks and transforms it into being the particular belonging of the person who has undertaken the activity.

The most intimately individual way of producing such a belonging involves the exertions whereby, in the natural course of procreation, the human species is reproduced and perpetuated. Natural human procreation produces the most direct and tangible belonging, plainly represented by the umbilical cord which ties the mother to the child brought forth by her labor. By way of verified empirical reasoning (including, eventually, the scientific method), the advance of self-conscious human knowledge has confirmed that the father's participation in human reproduction is, from the beginning of the child's life, almost as direct and tangible as the mother's. His participation therefore gives rise to the same mutual belonging that ties the natural mother and her child to one another.

"This is my child." This assertion of belonging has in principle the very same basis as "This is my body." With respect to human beings, nature itself proclaims this truth because, in the natural course of things, her child's body is, during the first months of its existence, wholly contained within the mother's. It is as if the two are one flesh. It turns out that this is literally the case, but not so much with respect the unity of mother and child within the mother's body, as with respect to the natural unity of mother and father in the substance that informs the child's body. (We know it as DNA.) Either way we look at it, however, it confirms the mutual belonging that ties parents and their children together as a whole, in a way of living that unites their separable beings with almost the same natural wholesomeness as that which unites the components of the body into the physical whole they mutually sustain. This is the way of living characteristic of the natural family: individual beings, bound to one another in a union informed by the Creator God, by way both of the flesh and conscientious human willing (consent).

This is, as it were, an organic union. So the forcible separation of natural parents and children from the body of individuals they form together represents, in principle, the same injustice as a violent assault upon an individual's body. It is like cutting away or damaging the body's heart, its liver, or some other vital organ. It is therefore the paradigm of all crimes against separable property. In reaction against it, a humanly natural (and therefore self-conscious) sense of belonging vehemently asserts itself.

But this vehement reaction against injustice is rooted in the same sense of obligation that more gently asserts itself when the mother acknowledges the mewling, helpless infant as one who, though physically apart from her after birth, remains nonetheless a part of her being. She continues to participate in the experience of the child, as she did before the child's birth, so that the child's needs and discomforts are felt with almost the same immediacy as her own.

(Indeed the Bible represents this acknowledgement of oneself in the other as the moment that signifies that God's intention for human nature has been fulfilled. When Eve is presented to him, Adam at last experiences the representation of himself in God's Creation (finds among the creatures a being like himself), expressing this new found quality of consciousness in words of ownership, for which his body is the touchstone of belonging—"This at last is bone of my bones and flesh of my flesh;…"

The presence of the one God fashioned from Adam's flesh, as Adam was fashioned from the dust, provokes Adam to speak in words that denote self-recognition (my bones, my flesh).

Ironically, as we know it, the woman's flesh is formed for procreation in a way that represents this basis for human self-representation. Like Adam's rib, every child comes out of her body. And she cares for the child because her heart is open to seeing what Adam saw when he opened his eyes and beheld what God had made of him—"bone of my bones…flesh of my flesh;….")

In this way the natural course of human reproduction gives rise to the self-conscious sense of separable belonging. It is the primordial instance and paradigm of humanity's natural sense of separable property. This natural sense which leads us to recognize some objects not comprised within our bodies as our belongings, identifying them with ourselves in much the same way as we identify our children as our own.

As they consider the significance of issues that affect our respect for the God-endowed natural family, how many of America's contemporary political leaders have even attempted to think this through? Some GOP leaders purport to be staunch defenders of individual property rights. Yet they treat the attack on the natural family's unalienable rights, now in fully cry, as a secondary issue, even though its success eviscerates the very concept of individual (i.e., self-conscious) ownership. The socialists they claim to oppose know that this is a key prerequisite for advancing their ideology.

Uprooting the idea of God endowed unalienable rights is critical to their agenda. Without the concept of individual property, the logic of unalienable rights collapses. But if the claim of individual ownership that arises in connection with the most undeniable belonging the body can produce gives rise to no property right the government has to respect, what other claim of individual property right stands any chance of doing so?. If they can induce Americans to cast aside the natural family's unalienable right, the socialist ideologues will therefore not only take out the moral understanding that upholds America's political liberty, they will also fatally undermine the logic that upholds our individual economic liberty.

The natural root of marriage

Sever it, and what will happen to all unalienable rights?

These day I'm in the midst of writing about the natural right of marriage. This morning, as I was perusing WND, I saw the headline "Marriage, it's complicated." It went with a piece by John Stossel in which he concludes that "Republicans in Oklahoma may have stumbled onto a better idea regarding government's role in marriage. They were angry after a judge ruled their state must recognize gay marriages— so they proposed that the state stop recognizing any marriages. They may have been throwing a tantrum, but getting government out of the mix would put an end to many stupid fights."

That's like saying that if government got out of the business of issuing deeds for houses, it would put an end to squabbles over real estate. Stossel loses sight of the basis for the government's recognition of marriage because like many elitist faction pundits, he is trying to square the circle of so-called "marriage" for homosexuals. Therefore, he closes his eyes to the

natural facts that define the natural right of marriage in the first place. As we can now verify with greater certainty than at any time before in human history, every human child represents the given word of a man and a woman, whereby they are naturally bound to contribute to the child's existence, whether they consciously accept that fact or not.

This natural obligation (from Latin: ligare "to bind" + ob "to", thus signifying the act of binding one to another) defines and constitutes the terms of a natural contract (from Latin trahere "to draw" + com- "together", thus signifying the act wherein two come together agreeably to act as one). The child literally represents, as it were, the signature line which identifies both parties and attests to the fact that they have given their word. In terms of contemporary science, the child's DNA contains the terms of the contract. It also constitutes, as it were, a natural deed, which signifies the fact that the child belongs to this and that parent, who are therefore naturally obliged to participate in the child's existence, as nature works out the terms of the contract (i.e., fulfill the terms of the contract in and through the physical development of the child on account of the DNA.)

Despite the tendentious adolescent musings characteristic of our time, the deed of love in this natural sense of the term signifies an obligation, not a choice. Children do not belong to their parents the way a toy belongs to a child, or a hammer belongs to the person using it. Belonging, in the natural sense, signifies the parents' inevitable involvement in the existence of their child. To be sure, on account of the natural faculty of choice which also belongs to them by nature, the parents may choose to deny and neglect this involvement. But is it right for them to do so?

In terms of "the laws of nature and of nature's God", the answer is simply no, it is not right. To preserve the human species, human beings are endowed by their Creator with certain natural passions and inclinations, among which are the affections that correspond to the natural bond between parent and child. This bond exists for both parents, though it is outwardly represented in more explicit terms in the experience of mother and child. On account of this fact, an element of doubt haunts the obligation between fathers and their children, doubt that must be laid to rest by some outward acknowledgment of the bond, affirmed by some outward demonstration of human will.

Though it has been almost willfully neglected, even by thinkers with vast reputations for profundity, the natural bond between parents and their children is quite obviously the primordial occasion on which one self-consciously lays claim to a belonging. "This is my child," the mother says. What is more natural than this? Since it involves a natural obligation arising from the operation of the law that governs and preserves human nature, the bond that arises from it is right, according to that law. The recognition of that bond, and all the activities of care properly arising from that recognition, are also right.

Like John Stossel and others in our day, the French philosopher Jean Jacque Rousseau seemed blind to this natural basis for the first assertion of property rights. Like many men, he had a hard time accepting his responsibilities as the father of his children. This recalcitrance is probably one of many reasons why disputes have commonly arisen in connection with family

ties and obligations. Another would be the fact that some children have far more interest in a parent's will after his or her death than they ever had in it before.

Though John Stossel affects blindness in this regard, bloody conflicts, eventually affecting kingdoms and empires, have resulted from, or on the excuse of, disputes over family relations. Societies have, therefore, the same life and death interest in dealing justly with such disputes as they have in dealing with issues arising from theft, murder or other instances of possible injustice likely to lead to bloody conflict. Aside from such prudential considerations, however, there is the simple question of justice. Any sane parents immediately understand that question the moment some person or institution offers to abuse, kill or otherwise harm or take their child.

With this in mind, it's not at all hard to see that one critical function of human law, and therefore of human governments, involves establishing regular procedures for recording and acknowledging family relationships before disputes arise. It's either willfully disingenuous or stupid to pretend that government can simply abrogate this function. Even without laws that provide a stable basis for dealing with family related disputes, do Stossel and those like him think that family courts would disappear? If they did not, in the absence of such laws they would be courts in which individual judges ruled like tyrants, with or without due regard for rights or equity.

This observation points to the nub of the issue, especially in the American context. As we have reasoned it out, the bond between parent and child is the primordial paradigm for recognizing the basis in natural law for the exercise of right when it comes to one's belongings. If that tangible right is casually discarded, what becomes of the other rights that, according to America's principles of justice, belong to human beings by nature? If government can deny the most tangible natural right, the one directly and most visibly rooted in the operation of the natural law, what will happen to the more intangible rights that have to be reasoned out without the benefit of such an obvious and tangible representation in our nature?

What will happen is what has already happened, and what will go on happening until the whole idea of unalienable rights has been discarded. It will be, or rather it is being, replaced by the notion that rights are government constructs, wholly derived from and dependent on the will of those who happen to wield government power. This is the view espoused these days by those who call themselves "progressives", though the only progress it gives rise leads toward the dissolution of right, moral character and every reasonable constraint upon human power and ambition.

What's left is the war of power against power ("wherein every the least dispute is apt to end" as John Locke wrote.), interrupted by periods in which one power rules without constraint over those it has subdued, doing so in the name of "peace" but more often than not in the style of oppression. Every day, in episodes as disparate as the U.S. government's armed assault against the Bundy family and the judicial assault against the Pelletier family in Massachusetts, Americans are being made to know that their choice is between armed repression and the meek surrender of unalienable rights.

What has become of the self-evident truth that the purpose of government is to secure those unalienable rights, not violate and discard them? Tragically, Americans have forgotten the logic that led to the recognition of that truth. They are surrendering the terms and reasoning that made it possible. They are forgetting the heritage of the unique moment in human history when people, imbued with the courage derived from their faith, asserted their right to govern themselves according to God's natural rules for liberty. To renew that assertion in our day we must refuse to succumb to the false allure of phony "libertarian" notions of freedom from government, which is really the prelude to tyranny. We must seek out and once again think through the basis for our institutions of self-government, so constituted as to preserve and defend the rights inherent in our exercise of right, endowed by the will of our Creator.

In this respect, the current assault on the family's natural rights compels us to do the needful. True statesmen will, therefore, not give way to that assault. They will confront it, faithfully and with good reason. Then what we do in defense of the God-endowed right of marriage will help us to preserve, in concept and in fact, all our God-endowed unalienable rights.

In God's intention, marriage exists for humanity's sake

But self-idolizing human lust makes it prey to a spirit of rape and atrocity

Love, Marriage and the Common Good— Part VIII

When Christ. the Incarnate Word of God, refers to marriage as the fleshly union of male and female, his knowledge of the Creator 's perspective inform his words. What bearing does this have upon the questions Mr. Haseltine raises in his tweet about the supposed vagueness of the meaning of marriage? "Arranged marriages" and "marriages of convenience" are expressions that refer to human contrivances, which are not necessarily preoccupied with the fleshly act of procreation. They are "marriages" determined and carried out in light of human purposes. But on account of the species of freedom human nature entails, human purposes may or may not be consistent with the benevolent, perfectly informed, intention of God for humanity, individually and on the whole. This is especially true of purposes that reflect humanity's impaired condition in the circumstances arising from Eve's mistake.

After man was created, male and female, God said to him: "Be fruitful and increase; fill and subdue the earth." Sometimes, in light of circumstances humanly contrived and perceived, human beings accept this as the purpose of what they do. Often they do not. "Arranged marriages" were and are often arranged in light of wealth, status (including, for example, citizen status), dynastic strategy and other considerations of relative human power and convenience. Though Mr. Haseltine makes a distinction, these are all of them matters of human convenience.

Strangely (for a self-professed Christian) Mr. Haseltine refers to "marriage out of pregnancy" as if it is just another matter of human convenience. But the child introduces another

term into the discussion, a term that requires consideration of God's will, not just human convenience. From a human point of view the pregnancy may be intended or unintended; convenient or inconvenient; legitimate or illegitimate, and so forth. But, since it results from the operation of the law of nature as ordained by God, the pregnancy represents the general will of God for the perpetuation of human life.

Except in terms of pregnancy (i.e., the two become one flesh) where is marriage further define in the Scripture? The famous (or infamous) practice of "shotgun" weddings conformed to a straightforward logic, derived from that simple definition. Two people whose sexual activity has resulted in the conception of a child are married according to the natural law of God.

But from the perspective of man's way of life in the aftermath of Eve's mistake, the activity that results in conception may or may not take account of God's will. In respect of procreation, God has ornamented the expression of His will with an allure that is for many the archetype of human pleasure and satisfaction, disappointing only because it must ever end. As a result, many come to desire this pleasure for its own sake. They seek to pluck it from its God intended bed, as one plucks a rose from its bed of thorns. In this way they form their own intention, apart from the will of God, in a spirit of theft and rapine, without regard for the specific purpose informed in human nature by God's benevolence.

Because this spirit of rape has no regard for the conception of the child, it takes no account of the child's life. It casts that aside as it rushes down the path of pleasure and self-satisfaction. So the spirit of rape gives rise to a spirit of heedless murder. But that which takes no account of the child, takes no account of God's provision for the perpetuation of humanity. It takes no account of the nature and importance of the human species. In view of the goal of pleasure and satisfaction, the loss of human life counts for nothing. But where one counts for nothing, so does a million or ten million, for a million times nothing is still nothing. Thus the spirit of rapine, the spirit of rape, eventually becomes the spirit of atrocity.

Has Dan Haseltine thought this through? Has he considered the connection between the conceptual suppression of the child implied when we speak in terms of "marriage" for homosexuals, and the disregard for the conception of the child in abortion and the abortion holocaust? Has he considered the connection between that abortion holocaust and the nullification of respect for the special good of humanity, so that treating the destruction of one instance of human conception as if it counts for nothing prepares the will to accept the destruction of human life on a scale that is literally unimaginable?

Natural Marriage as the root of socially responsible individualism

Parents represent sacrificial love, binding individuals to the whole and one another

Love, Marriage and the Common Good— Part IX

Mr. Haseltine and others may deny that the conceptual dehumanization involved in abortion and so-called "marriage" for homosexuals leads to massive atrocity, but the whole weight of 20th century history proves them wrong. That century's mass atrocities including, of course, the ongoing abortion holocaust were rooted in ideologies that dehumanized the victims.

Hitler dehumanized Jewish people, portraying them as virus like agents of Germany's moral, economic and physical destruction. Lenin, Stalin, Mao and all other proponents of various forms of Marxism, dehumanized the opponents of their totalitarian Parties, speaking of them as dead appendages of history, to be cut off remorselessly, objectively, mechanically, as one stems a flood or extinguishes a fire. So too the mentality of expansive greed characteristic of morally unbridled capitalism dehumanizes employees and consumers alike, treating their activity, for money's sake, in terms of numerical abstractions without regard for anything but the bottom line.

In light of this evidence, Mr. Haseltine makes no sense, in terms of human reason or Christian understanding, when he pretends that knowing how to act toward those we consider wrong is more important than knowing right from wrong. Our knowledge is a function of our humanity. Apart from our humanity, how can we claim to "know" anything at all? Human conceptions are the stuff our knowledge is made on. When we no longer respect the existential basis for those conceptions our faculty for knowledge gets swept up in the confusion of things of which we can give and take no reliable account because we let go of ourselves in the midst of them.

Without the perspective that is right for humanity, knowledge itself becomes the most doubtful perspective of all. Isn't this why Socrates made self-knowledge the sine qua non of the serious quest for truth? But except we observe ourselves, we cannot know ourselves. Except we respect what we observe, we cannot conceive of ourselves. And except we respect our conception of ourselves, such as we are, we cannot recognize, and so consciously grasp, all that we know. Moral understanding is therefore the indispensable ground of human knowledge, for the world we know reflects the beings we are.

Christ says "The Sabbath was made for man, not man for the Sabbath." What is the Sabbath? It is God's day of rest. It is the day on which God puts aside His ceaseless activity, wresting it diversely so that in the clearing His self-abrogation makes creates, man may exist, along with the world for which man's existence is possible. In the presence of man, He takes upon Himself forms suitable for human understanding, even though it means enduring the self-extinction of each and every whole inconsistent with that understanding. Thus He ordains, renews and continually perpetuates, once and for all, the way of abundant life God wills for all human beings, so long as they are willing to follow it.

In the way of God's intention, man comes in fulfillment of God's conception of the world, in the day made when the rest of God makes that fulfillment possible. In that day we

appear to be the one for the sake of which all the rest is made. In that day God appears as the other, informed of, by and for the day when the Son of Man appears.

When the man and the woman come together in order to conceive the child, their activity recapitulates the conception for which God's day of rest is made. The child is the Son of man, the parents, in conforming themselves to the possibility of the child, are the rest of God's being, giving and receiving the information of the child; standing apart from themselves in ecstasy even as they unite to become the One who informs the child's existence.

Except in the presence of the whole constituted by the union of male and female, the rest of God's creation labors but in vain. For God's rest is a labor of love, performed for the sake of man's existence. He made them male and female so that in man, this labor should be perfected. For God it is an act of freedom. For man, it is an obligation, i.e., an act that binds him to God's perfection. Marriage is man's acceptance of that obligation, by which he consents to his own existence, expressing the knowledge of God that is the key to understanding the world that God continually creates for the recreation of man, such as he is.

Ironically, this means that marriage exists for man's convenience, in the most profound sense of the term, because it is arranged so that man may continually become what he is, i.e., such as he is according to the benevolent intention of God's creation. But the fulfillment of God' intention for man depends on man's acceptance of the obligation it entails, the obligation represented in the conception of a child.

God' provision for man's role in that conception reflects the way God loves humanity. He takes care of the well-being of the whole (the species) in a way that takes care of the well-being of each one who comprises it. He encourages the self-respect essential to our humanity by defining marriage in a way that supports and contributes to the properly self-conscious sense of individual importance that is the prerequisite of personal responsibility.

The attention parents pay to their children helps children perceive their importance to others. The perception that he or she is important to others contributes to the realization that what we do with respect to others is as important to them as what they do is to us. Properly encouraged, this becomes the basis for our sense of personal responsibility, i.e., the obligation to answer when others call as they answer when we call.

This sense of personal responsibility, grounded in the logic of the Golden Rule, is profoundly the basis for human social morality. One aspect of parenting involves dealing with our offspring as they develop (or resist developing) this moral sensibility. Parents undertaking this task practically every day encounter situations in which they must deal with a son or daughter they consider to be acting wrongly.

That they should do so with love is a truism almost everyone acknowledges. But careful parents learn from experience that simply satisfying their feelings of affection isn't the same as truly acting out of love. True love accepts the sacrifice of feeling whereby individuals overcome

their own partiality, thereby showing respect for the good will that, on the whole, perpetuates the existence of each and every one.

CONSTITUTION IN CRISIS

'Gay marriage' – is the law what the judge says it is?

Exclusive: Alan Keyes notes lack of logical reasoning in jurists' same-sex opinions

It looks as if the U.S. Supreme Court means to tackle the "gay marriage" issue this term. As their sworn oath requires it, they will presumably do so in terms of the Constitution of the United States. Sadly, the opinions thus far delivered by the lower federal courts hardly justify this assumption. After years of acting in light of the self-evident lie that "The law is what the judge says it is," many federal judges appear to have reached the dangerous conclusion that their high office exists to enforce their personal views, which, once handed down, must be credited with the force of law. Their written opinions therefore consist in a string of declarations, occasionally lucid, but for the most part devoid of logical reasoning.

This way of proceeding not only departs from the discipline of reason. It entirely contradicts the logic of constitutional government. In order to be reasonable, our thinking must respect the provisions by which reason operates. They are the logic that is, as it were, the constitution of reason. In like manner, in order to be constitutional, the actions of the U.S. government must respect the logic by which it is supposed to operate in accordance with the provision of the U.S. Constitution. It follows that any judgment about the constitutionality of a given policy, action or activity of government must be articulated in terms that logically substantiate the conclusion that the said policy, action or activity does or does not satisfy this requirement.

This cannot be done without articulating a train of thought that traces the evidently logical steps by which the judgment is justified in terms of the language and premises of relevant constitutional provisions. In this respect, *constitutional law* is not what the judge says it is. It is what judges and justices can, by logical reasoning, demonstrate it to be. This demonstration is required because the competent sovereign will that makes their opinion lawful is not their own, but that of the people as expressed in the Constitution ordained and established by them.

Over the past several years, I've written quite a few articles on the subject of the so-called "right" asserted in respect of "gay marriage. So it is only after much thought that I venture to say that the Supreme Court's decisions could very well be as momentous as the Dred Scott decision in the 19th century, and just as fraught with potentially fatal implications for the future Liberty and Union of the people of the United States. Many Americans feel that this is so. But when it comes to constitutional law, our feelings cannot be the crux of the matter. Rather we

must rely, as the young Abraham Lincoln once said, on "Reason, cold, calculating, unimpassioned reason."

Because we live in an age mesmerized by the exaggerated authority of empirical science, we are prone to forget that reason never operates in a vacuum. Something, indeed a number of things must be taken for granted. These supply the starting point for thought, as well as the rules and procedures that allow the mind to recognize the point at which a valid conclusion is reached. Because they are taken for granted, the most basic premises of reason are usually not explicitly articulated in our thinking, but by nature and education they make themselves known when they are violated.

As we should expect, constitutional reasoning requires assumptions, rules and procedures analogous to those of reason itself. They have to do with the source and nature of right, and the rules and procedures that allow us to distinguish right from wrong, justice from injustice. In the normal course of things, they are not explicitly articulated in the thinking that informs our actions. But by nature and education we come to know when they are being violated.

The Constitution of the United States is a general rule for government in written form, produced by deliberate thought and approved by consultation with the will of the people as a whole, expressed through their deliberately selected representatives. The premises and principles of justice these characteristics themselves exemplify are nowhere stated in the Constitution itself. Yet neither the form of government it establishes, nor the language it employs in doing so, can be understood without taking account of them.

The people of the United States are blessed to have an explicit statement of those principles, produced in circumstances that prove beyond doubt (by the test of arduous, deliberately chosen warfare) that they informed the thinking and moved the will of the generation that produced the Constitution. I mean, of course, the Declaration of Independence, and the historical circumstances that preceded and flowed from it.

In any course of reasoning, logical conclusions about its validity cannot be substantiated without regard for the unstated premises of reason itself. Similarly, in any course of reasoning about the U.S. Constitution, logical conclusions about how it applies cannot be substantiated without regard for the premises of the Constitutional itself. Constructing a constitutional argument without reference to those premises is like constructing a house without reference to the foundations laid down for it. The parts not built upon that foundation will not stand. If they include what were supposed to be the main load-bearing walls of the house, as they collapse they will very likely bring the rest of the structure down along with them.

What are the basic premises of the U.S. Constitution?

1. Laws of nature and of Nature's God;
2. Unalienable rights endowed by the Creator for the benefit and use of humanity;

3. Humanly instituted governments intended to secure the aforesaid rights, deriving their just powers from their consent (deliberate, voluntary coincidence of feeling carried into action) to exercise their rights.

With respect to these premises, the first obvious question has to do with the nature of rights. The first obvious clue to the answer is the use of the word "unalienable". It conveys the sense of being inseparable, in a substantial way, such that, in being parted from the object it modifies the subject of that separation becomes, as it were, a stranger to itself. In practical terms, therefore, a human being constrained from exercising (carrying into action) the activity in question ceases to be human.

Put simply, an unalienable right is an activity essential to humanity. To be cut off from the exercise of such a right is therefore to be degraded from human status. The fact that such a right is endowed by man's creator means that the nature of the activity it involves expresses the very nature of humanity. It reflects one of the definitive parameters of human being, one of the boundaries or rules of being that, taken all in all, distinguish what is human from what is not. Since the rights involved are sourced in the Creator, and have to do with the nature of humanity as such, they are antecedent to any and all rights subsequently created by human law. For human law presumes the existence of human beings, and the rights involved are, by definition, the indispensable basis for this presumption.

This observation is not only directly relevant to any Constitutional judgment, it is, by the plain language of the Constitution itself, unmistakably conclusive. For the 9th Amendment to the U.S. Constitution plainly states that "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." This language may or may not apply to certain rights under human law (like, for example, the "right" to own slaves in Virginia at the time the Constitution was adopted) but it certainly applies to any and all "unalienable" rights, since they are an aspect of natural law without which the "human" in "human law" would have no distinctive significance.

The way in which this bears upon the issue of so-called "homosexual marriage" is plainly obvious. Whatever else it may or may not be, homosexuality is not an activity inseparable from the concept of humanity itself. On the other hand, marriage between a man and a woman (especially in the true and natural sense of the union of their identities in the child conceived by their commingled information) is not only necessary for the existence of particular human individuals, it is also and especially necessary for preserving the existence of humanity as such.

In this respect, marriage is not a matter of freedom, but of obligation. It goes beyond the tie between particular men and women to encompass the tie between the existence of humanity as a whole and the activity of each and every human being actually capable of procreation. This intersection of the particular and general good is precisely the sphere that calls for the sovereign to exercise the power of civil government. By nature individuals are inclined instinctively to care for themselves and their loved ones. But to care for the general good of all is one of the defining elements of sovereignty. True justice does so with proper regard for each individual's

God endowed responsibility and capacity for right action, but never acts without regard for the common good that each and all are obliged to respect and serve.

This is the main reason the civil institution of marriage exists in the first place. These days people pretend that serving the good of the whole (.e.g, environmental stewardship) and respecting the good of each individual is an either/or proposition. But as endowed by the Creator, the marriage right is the paradigmatic example of just action that serves the whole while care for each individual as a distinctive and particular whole. But in respect of the premise of unalienable rights, the Constitution makes it plain that this mutual service to humanity takes precedence over subsequent determinations of right in human law.

Whatever this means for the practice of homosexuality without reference to marriage, it certainly means that no humanly fabricated right can be allowed to deny or disparage the unalienable right essential for the natural conception and perpetuation of humanity itself. Such denigration of antecedent unalienable right would not only be unconstitutional, it would explicitly contravene the aim (to secure unalienable rights) for which all governments are instituted in the first place.

This would be an attack on the people of the United States more grievous than that which led the first generation of Americans to declare their independence from Great Britain. If even a significant minority of Americans continue in their attachment to the unalienable right of liberty (as opposed to the licentious freedom that has, in some quarters usurped that name) this attack is likely to produce the separation and dissolution of the United States, for like humanity itself the United States is inconceivable apart from respect for God-endowed unalienable right.