

Bill of Rights Day

December 15

Rights are God-Granted, Not Given to Us by Civil Government

Where the Spirit of the Lord is, there is liberty.
II Corinthians 3:17

Introduction

Biblical Christians should be knowledgeable about our form of government. We are commanded to be part of the political process and thereby ensure that the demands of Scripture are placed upon civil government. We should know our fundamental founding documents: our state constitution, the Declaration of Independence, the US Constitution, the Bill of Rights, and the amendments to our Constitution. It is not necessary for us to know all of the details, but at a minimum we should understand the *principles* embodied in these documents. We should be vigilant in guarding our founding principles, as we know the enemy is always at work to bring men into bondage.

Many Americans take for granted the basic rights that we have enjoyed since our nation's founding. After all, haven't they been secure for over 200 years? Nevertheless, we know that our basic rights have and are being eroded. If this process is to be reversed, it will take the collective body of Christ to once again realize our civic responsibilities and get involved.

In this lesson I will give the history of the Bill of Rights, explain the history of the Bill of Rights Day, discuss the source of rights, and examine each of the first ten amendments in relation to Biblical principles.

History of the Bill of Rights

Since the tendency of man is to trample on the rights of others, and tyranny is always lurking around the corner, man has learned that it is necessary to list his rights. Our Bill of Rights is descended from the Magna Carta of 1215, the English Petition of Rights of 1628 and the English Bill of Rights of 1689. It is generally believed that the American precursor of our Bill of Rights is the Massachusetts Body of Liberties of 1641. This document lists ninety-eight rights of the Puritans of Massachusetts. It should be noted, however, that a listing of rights in one's constitution was the pattern, rather than the exception, in the original thirteen colonies. A careful reading of these constitutions reveals that every one of the rights codified in the Bill of Rights had been expressed in earlier state constitutions.

Paul Jehle, Executive Director of the Plymouth Rock Foundation, writes concerning the history of the Bill of Rights:

The battle over the ratification of the constitution of the United States is an interesting part of our history as an American nation. The "constitutional convention", meeting from May to September in that hot summer of 1787, had been convened primarily to deal with commercial relations between neighboring colonies. It became, however, a serious discussion of creating an entirely new government, far beyond minor revisions of the Articles of Confederation that at that time governed the colonies. After it was sent to the Continental Congress and on to the States for ratification, it awaited much debate. The State ratification debates are some of the clearest expressions of constitutional reasoning one could ever read. It is a testimony

of the average person's understanding of law, government and constitutional thinking in America at the time. The delegates to the state ratification process were chosen by the people and thus were really an extension of them, including many common folk such as farmers.

One of the hottest items to be debated was the need for a Bill of Rights. Without it, it was feared that the federal government would simply assume too much power (since there would be no clear listing of the rights the government could not violate in the people), and with it, it was feared that the initial philosophy of the constitution as an express powers document would be lost (this means that the only power government has is what is expressly declared in the Constitution, all others being automatically prohibited). People took sides quickly, but it became obvious to everyone that without a Bill of Rights our Constitution was in danger of not being supported. Its ratification by several states was only accomplished with the promise that one of the first things Congress would consider would be a Bill of Rights. Other states waited until a Bill of Rights was actually acted upon by Congress before ratifying. Thus, one of the first things James Madison did in the first congress was to propose a Bill of Rights as a fulfillment of the promise given during the ratification of the Constitution. ¹

James Madison had received 189 suggestions for amendments to the Constitution. Since many of them were duplicates, he was able to reduce the suggestions to twelve fundamental articles. On September 25, 1789, a little over two years after signing the Constitution, Congress put before the states twelve amendments which were to be known as the Bill of Rights. The states eventually ratified only ten of the twelve. The two that did not pass dealt with the pay of congressmen and the apportionment of representatives. On November 20, 1789, New Jersey was the first state to ratify ten of the twelve amendments. Virginia was the tenth state to ratify, on December 15, 1791. Since this fulfilled the necessary 75 percent of the states to confirm it, the Bill of Rights became part of the Constitution on that day. On December 15, 1941, 150 years later, and eight days after the Japanese attack on Pearl Harbor, President Franklin D. Roosevelt proclaimed the first Bill of Rights Day. He urged Americans to celebrate by displaying the flag, joining in prayer, and conducting ceremonies.

The Source of Rights

For you have maintained my right and my cause; you have sat on your throne judging righteously. (Psalms 9:4, NIV)

Before we examine the Bill of Rights, we need to answer the question, "Where do rights come from?" If we stand with the Founders, believing that rights come from God, we are standing on solid ground. If we believe the lie that rights are somehow government granted, then we are not just on shifting sand, but we are standing in quicksand and will soon be destroyed. Perhaps the most clear and concise statement of rights coming from God are the words of Jefferson in the Declaration of Independence:

We hold these truths to be self-evident that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed . . .

Notice that men are endowed with rights from *their Creator*, and that these are unalienable, in other words, that cannot be taken away. The purpose of government then is to secure these rights, in order that they can be protected from the actions of others, either individuals or civil government. Thomas Jefferson said, "It is to secure our rights that we resort to government at all."²

Alexander Hamilton made this statement about the source of our rights:

The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself, and can never be erased or obscured by mortal power. ³

John Adams concurred, explaining how our rights come from God:

*You have rights antecedent to all earthly governments; rights that cannot be repealed or restrained by human laws; rights derived from the Great Legislator of the Universe.*⁴

The Bill of Rights

Article I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Volumes have been written and spoken about the First Amendment. Ironically, that which was to recognize the right of religious liberty has been used as the source to justify restriction of religious expression. In our nation today the First Amendment is used as a “club” to beat any expression of Christianity out of the public sphere, notably out of public (government) schools, public buildings and places of civil government. What a far cry from what our founders intended! The historical and correct understanding of the first part of Article I was that the Founders were not allowing Congress to establish any one denomination of Christianity as the official religion of the new nation. Here is Madison’s original wording for this article:

*The civil rights of none shall be abridged on account of religious belief or worship. Nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed.*⁵

The proper understanding of the separation of church and state is that the church and the state are separate spheres of authority, both ordained by God. This is seen in Jesus’ statement (Matthew 22:21), “Render to Caesar the things that are Caesar’s and unto God the things that are God’s.” Church and state should be united internally both in obedience to God and in conformity to His law, but separated externally. We should avoid the errors of both the state-controlled church and the control of the civil sphere by the ecclesiastical. In the Old Testament the kings always descended from the tribe of Judah and the priests from the tribe of Levi. God rebuked and judged kings who erred by performing any of the duties of the priesthood. In II Chronicles 26 we read that King Uzziah transgressed against the Lord by going into the temple and burning incense. This was clearly the work of the priest, not the civil ruler, and even when rebuked, Uzziah did not listen. God judged him with leprosy for the rest of his life.

In Scripture, freedom to speak and to write what you believe is a basic right that should not be infringed by civil government. However, there were qualifications: blasphemy of the Lord was not allowed; libel or slander of others was forbidden; writing down or telling a false prophecy was forbidden. In Acts 4, Peter and John are forbidden by authorities to speak in the name of Jesus. They responded by saying, “Whether it be right in the sight of God to hearken unto you more than God, judge ye. For we cannot but speak the things which we have seen and heard.” In other words, they claimed that freedom of speech about the truth of God could in no way be limited.

Historically, tyrannical rulers have relied upon restrictions of these basic liberties to keep the common people in bondage. In recent times we see communist and other tyrannical leaders restricting freedom of religion, speech, the press and the right to assemble. This prevents the spread of ideas that oppose their ideology and helps maintain their stranglehold on the people.

Article II

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

At the time this amendment was written, the need for individuals to have weapons and for states to have militias was beginning to change from the need for protection against the French and Indians, to a concern of a new English invasion.

The basic right implied in Article II is that of self-defense. The right of self-defense stems from the right to life, for if a man can take your life from you because you do not have the means to prevent him from doing so, then you are not very secure in your right to life. The right to life is antecedent to all other rights because if you do not have life, you certainly cannot enjoy any other rights. The right to bear arms in your own and your family's defense is seen throughout Scripture. A few examples will suffice. In the Old Testament we see that the children of Israel had to defend themselves frequently against enemies. All able-bodied Israelite men had a weapon and were part of the army. If necessary, they could use this weapon to defend themselves or their family. In I Samuel 30 we see that David took his men and, with the blessing and direction of God, pursued the men who invaded his land and took his and his men's family members captive. With the help of God, he and his men were able to recover all that had been stolen. Jesus taught that the sword could be used for legitimate purposes. In Luke 22:36, Jesus said to His disciples, "But now, he that hath a purse, let him take it, and likewise his scrip: and he that hath no sword, let him sell his garment, and buy one."

It is the policy of tyrannical governments to take away the weaponry of the people. That way they can be sure that the people cannot rise up and take back their government, defending themselves against despotism.

Article III

No Soldier shall, in time of peace by quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

The basic Biblical principle behind this article is the right to be secure in your private property. If the civil government can take away the use of your property without your consent, then it has revoked your right to property. In Article III, we see that the federal government was only allowed to quarter troops in an individual's home during a time of war and only as stipulated by law, not at the arbitrary will of a ruler or military leader. One application that we can make today is that the civil government has overstepped its bounds by imposing the "property tax" on the homes, cars and other properties of individuals. We are no longer secure in the property of our lands and homes, for in many states the government levies taxes against them. If we do not pay these taxes, the government will confiscate our property in order to extract their taxes.

Article IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article IV limits the civil government's power to invade an individual's person and property without a good cause. Romans 13 declares that civil government is "the minister of God, a revenger to execute wrath upon him that doeth evil." How does the civil government determine who is an evildoer? Obviously the person who breaks a law openly can be arrested and tried. This amendment keeps the civil government from being too aggressive in seeking out evildoers among those who are *not* openly breaking the law. Historically, tyrannical governments have abused their power and have committed unreasonable searches of people whom they disliked or suspected of some crimes against the state. In other words they used their power to perpetuate their tyranny and crush anyone who would oppose them.

Article V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War of public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Eighth Commandment, “*Thou shalt not steal*”, applies to civil government as well as individuals. The Bible is full of laws that dealt with the protection of private property and details the penalties if private property is violated (See Exodus 22:1–15; Leviticus 6:1–5; and Deuteronomy 19:14). In I Samuel 8 we see that Samuel warns the children of Israel that the king they are choosing will become a tyrant and will confiscate their property. He will take their children and make them servants; he will take their lands, and a tenth of their seed, vineyards and sheep. This is what civil governments do that overstep their boundaries. Our Founders thought it was one of their main duties to protect property. In 1795, the Supreme Court stated this:

No man would become a member of a community in which he could not enjoy the fruits of his honest labor and industry. The preservation of property, then, is a primary object of the social compact . . . The legislature, therefore, had no authority to make an act divesting one citizen of his freehold, and vesting it in another, without a just compensation. It is inconsistent with the principles of reason, justice, and moral rectitude; it is incompatible with the comfort, peace and happiness of mankind; it is contrary to the principles of social alliance in every free government; and lastly, it is contrary to the letter and spirit of the Constitution.⁶

Article VI

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Judges and officers shalt thou make thee in all thy gates, which the LORD thy God giveth thee, throughout thy tribes: and they shall judge the people with just judgment. (Deuteronomy 16:18)

Moreover thou shalt provide out of all the people able men, such as fear God, men of truth, hating covetousness; and place such over them, to be rulers of thousands, and rulers of hundreds, rulers of fifties, and rulers of tens: And let them judge the people at all seasons: and it shall be, that every great matter they shall bring unto thee, but every small matter they shall judge: so shall it be easier for thyself, and they shall bear the burden with thee. (Exodus 18:21–22)

“A cheap, speedy, and impartial administration of justice was another of those great ideas, on which Moses founded his civil polity,” according to E.C. Wines. He continues with the following:

Under the Hebrew constitution, the poor and the weak were not to be the victims of the rich and the strong. The small as well as the great were to be heard, and equal justice awarded to all, without fear or favor. That terrible and ruinous evil, the law’s delay, was unknown to the Hebrew jurisprudence. Courts of various grades were established, from high courts of appeal down to those ordained for every town. Judges and officers shalt thou make thee in all thy gates, was the constitutional provision on this subject. To what a minute subdivision the judiciary system was carried, appears from the ordinance, which required, that there should be ‘rulers over thousands, rulers over hundreds, rulers over fifties, and rulers over tens, who should judge the people at all seasons.’ Care was thus taken, that in suits and proceedings at law, every man should have what was just and equal, without going far to seek it, without waiting long to obtain it, and without paying an exorbitant price for it.⁷

Regarding the right to be confronted with witnesses against you, this was the procedure that God established in the Old Testament for His people. Deuteronomy 19:15-17 states,

One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established. If a false witness rise up against any man to testify against him that which is wrong; Then both the men, between whom the controversy is, shall stand before the LORD, before the priests and the judges, which shall be in those days;

Notice that both of the men shall stand before the judge, thus giving the accused the right to confront his accusers and to cross-examine them.

Article VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of common law.

The trial by jury is one of the marvels of our system of justice. Just think, you cannot go to jail for a serious crime unless twelve men and women have carefully examined the facts and all declare you to be guilty. Not only that, but the jury is also a defense of tyrannical government since it stands in judgment of not only the facts of the case but also of the law! This truth was proclaimed by the first Chief Justice of the Supreme Court, John Jay, when he declared, "The jury has a right to judge both the law as well as the fact in controversy."⁸ To learn more about the idea of jury nullification, read the excellent booklet entitled, *The Citizens Rule Book* obtained from Homeschool Patriot.

Article VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Under Old Testament Law, excessive fines could not be imposed because the fines were specified for the offense. Many offenses were dealt with by the provision of restitution (Exodus 21:19,32-36; 22:10-15). For stealing, the penalty was to restore either four times what you stole or seven times.

God would not allow cruel and unusual punishment for He had specified certain punishments for certain crimes. The punishments that were to be carried out for various crimes included burning, death, cutting off of the hand, hanging, stoning, scourging or beating, confiscation of goods and excommunication, imprisonment, renumeration, restitution of stolen or borrowed property, and crucifixion.⁹ The Biblical principle of *lex talionis*, the punishment meeting the crime came from the admonition "an eye for an eye and a tooth for a tooth." The idea here is that the punishment should not exceed the original transgression. The Muslim practice of cutting off a man's hand for stealing would be a violation of this Scriptural principle.

Article IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

There were some who objected to having a Bill of Rights on the basis that, if rights were listed, some might believe that any rights not listed were not retained by the people. This amendment tackles this objection head on. In it we see that the list of rights in the Constitution are not in any way exhaustive.

Article X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or the people.

This amendment is the cornerstone of our freedom. In it is the recognition that the federal government is to be limited. Specifically the federal government is to exercise only the powers delegated to it by the Constitution. The framers of the Constitution had a Biblical view of the sinful nature of man; they knew that man was inherently sinful (Romans 3:23) and therefore needed external government to act as a deterrent. They also knew that civil rulers were men with a sinful nature as well, and that there needed to be checks on the power of government, lest it abuse its power. As Thomas Jefferson said, “In questions of power, then let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.”¹⁰

Conclusion

The Bible says that, “Where the Spirit of the Lord is, there is liberty”. We as Christians must be actively praying and working so that the original godly spirit behind our founding documents can be restored. The “spirit” has been lost and some of the “letter” has been as well. Thank God that much of the original language and form of our Biblically-based governments is still there. May God breathe His life into it and us again!

Celebrate Bill of Rights Day with Your Family!

- Fly your flag.
- Divide the ten Articles between family members and let each read and explain the Articles in this chapter.
- Enjoy and perform “The March of Liberty” on page 148 of this book.
- Visit the Rotunda for the Charters of Freedom in the National Archives in Washington D.C. where the Bill of Rights is on display. <http://www.archives.gov/>
- Read the Bill of Rights and discuss their application to our current political situation and culture.
- Pray that the “spirit” behind the “letter” of our Constitution and Bill of Rights will be revived.
- Order a pocket Constitution with the Bill of Rights to study and carry.

Endnotes

1. Paul Jehle, *The Christian and Rights*, (Plymouth, MA: Heritage Institute Ministries, 1990), 1
2. David Stedman and LaVaughn G. Lewis editors, *Our Ageless Constitution* (Asheboro, N.C.: W. David Stedman Associates, 1987), 276
3. Ibid, 276
4. Webster Adams, editor, *The Citizens Rule Book* (Phoenix, AZ: Whitten Printers), 1
5. Richard Perry, editor, *Sources Of Our Liberties* (Buffalo, NY: William S. Hein & Co., 1991), 422
6. David Stedman and LaVaughn G. Lewis, editors, *Our Ageless Constitution*, 274
7. E.C. Wines, *The Roots Of The American Republic* (Marlborough, NH: Plymouth Rock Foundation, 1997), 22
8. Webster Adams, editor, *The Citizens Rule Book*, 8
9. Warren and Joyce Fennel, *Bible Law Index* (Phoenix, AZ: Lord’s Covenant Church, 1979), 35
10. David Stedman and LaVaughn G. Lewis. editors, *Our Ageless Constitution*, 261