



Where Have You Gone, Bill of Rights?

On June 8, 1789 James Madison, the congressman representing Virginia's 5th District, rose to speak in a session of the First Congress and advocated passage of a slate of amendments to the Constitution that would come to be known as the Bill of Rights.

On [December 15, 1791](#), the requisite number of states (three-quarters, or nine states) ratified 10 of the proposed amendments and the Bill of Rights became the constitutional law of the land.



Between the lines of this brief, yet accurate, summation of the events that led to the passage of the first 10 amendments are years of conflict, compromise, collaboration, and conviction. Conviction on the one side that without the protections afforded by an explicit Bill of Rights, future federal officeholders would march through that gap and rob the states and the people of all power.

[The Anti-Federalists passionately warned](#) that the new government would extend the limits of its influence and would consolidate all power unto itself unless some additional protection was provided in the Constitution that served as the source of its power.

On the other side of the debate, however, Federalists argued that such specific protections were unnecessary because the new constitution granted no authority to the federal government to commit such abuses.

Besides, the Federalists contended, if a list of essential rights were written inevitably some right or other would be omitted and the central government would act as if such a right did not exist and, as the Anti-Federalists correctly pointed out, fill in that blank with oppression.

Originally, James Madison was one of the chief opponents of adding a bill of rights to the recently ratified Constitution. Since the days of the convention in 1787, Madison argued that a bill of rights was redundant because any power not explicitly granted to the federal government in the Constitution would be retained by the people (as inherent in their natural right of self-sovereignty) or by the states as the intermediate expression of those rights.

In spite of the strength and sway of his principles, James Madison was a man of extraordinary political sense. He believed that the Constitution he helped craft in Philadelphia was good and would establish a republican form of government that was dynamic in requisite ways and limited in such a way as would preserve republican self-rule. With this in mind, Madison could not bear to see the fruit of this historic labor thrown out for lack of a restatement of rights.

Today, however, Madison's hard work is on the verge of being shredded by the very type of power-hungry federal officers that the Anti-Federalists warned about during the ratification process.

Daily, agents of the federal government seem to take aim on the First Amendment in a variety of ways. The most destructive of those attacks is found within the thousands of pages of ObamaCare. [In a press](#)



Written by [Joe Wolverton, II, J.D.](#) on December 15, 2013

[release](#), Representative Jim Jordan (R-Ohio) summarized the threat to religious freedom posed by the president's hallmark legislation:

This ObamaCare rule still tramples on Americans' First Amendment right to freedom of religion. It's a fig leaf, not a compromise. Whether they are affiliated with a church or not, employers will still be forced to pay an insurance company for coverage that includes abortion-inducing drugs.

This is not just a problem for church-affiliated hospitals and charities. Under these rules, a small business owner with religious objections to abortion-inducing drugs and contraception must either violate his religious beliefs or violate the law.

The liberal Obama administration thinks its political goals trump the religious faith of American citizens. That isn't right, fair, or constitutional.

The Second Amendment is being targeted by the United Nations and President Obama is behind the globocrats' efforts to control private ownership of weapons and ammunition.

In September, "on behalf of President Barack Obama and the United States," [Secretary State John Kerry signed the UN Arms Trade Treaty](#).

Americans must understand a very important nuance of Secretary Kerry's assurance in his speech that the Arms Trade Treaty isn't about taking away freedom, "it is about keeping weapons out of the hands of terrorists and rogue actors." Americans must remember that Kerry, Obama, and the UN consider gun owners to be "terrorists" and "rogue actors," thus subject to seizure of their firearms in the name of "international peace and global security."

For John Kerry and Barack Obama, the confiscation of weapons from civilians is an act of, as Kerry said Wednesday, "advancing important humanitarian goals."

For Americans, however, it is a giant leap toward enslavement.

Americans would be wise at this critical time to remember the words of George Washington, who advised, "A free people ought not only to be armed and disciplined, but they should have sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, which would include their own government."

As for the Fourth Amendment, the federal government's constant monitoring of the real-world and virtual lives of Americans (and others) is making the protections of that portion of the Bill of Rights all but historical.

[Beginning last summer](#), documents released by a former low-level networking subcontractor at the National Security Agency (NSA) have revealed the immense scope and sophistication of the tools being used by the federal government to construct a 21st century Panopticon.

The cache of documents obtained by Edward Snowden contains compelling evidence of the NSA's wholesale violation of the Fourth Amendment through the dragnet surveillance of phone records and monitoring of Internet traffic.

With the assistance of Glen Greenwald of *The Guardian*, Snowden has leaked one constitutional violation after another committed by the NSA. All of which, it must be understood, was done with the cooperation of the president, the Congress, and the courts. The strength of the evidence of collusion among the three branches of the federal government in the de facto repeal of the Fourth Amendment is overwhelming.



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One unwarranted wiretap, one unwarranted seizure of a phone record, one search of records of an individual's digital communications is too many. If we are a Republic of laws, then the supreme constitutional law of the land must be adhered to. The standard is not whether or not the spies or their bosses think the deprivations are "okay." The standard is the Constitution — for every issue, on every occasion, with no exceptions. Anything less than that is a step toward tyranny.

Taken together, the roster of snooping programs in use by the federal government places every American under the threat of constant surveillance. The courts, Congress, and the president have formed an unholy alliance bent on obliterating the Constitution and establishing a country where every citizen is a suspect and is perpetually under the never-blinking eye of the government.

Next, the [National Defense Authorization Act](#) (NDAA) takes aim at the Fifth and Sixth Amendments, as well as threatening the First Amendment by exposing journalists to the indefinite detention provisions of the act if they are assumed to be helping suspected terrorists by way of stories they publish.

Anyone suspected by the president of aligning himself with al-Qaeda, the Taliban, or "associated forces," may be arrested by the military and confined in a federal prison until the end of the "War on Terror." These suspects will be denied due process all in the name of national security.

Finally, from ObamaCare and the NDAA, from ["reasonable" gun control](#) bills to EPA regulations destroying private property, the Ninth and Tenth Amendments are routinely ignored by Washington, and it seems that every day Congress passes another measure aimed at reducing states to mere administrative units of the federal government.

Thankfully, some state legislatures are defending the Ninth and Tenth Amendments by reclaiming their sovereignty through passage of bills nullifying unconstitutional federal acts.

Simply stated, nullification is a concept of constitutional law that recognizes the right of each state to nullify, or invalidate, any federal measure that exceeds the few and defined powers allowed the federal government as enumerated in the Constitution.

Nullification is founded on the assertion that the sovereign states formed the union, and as creators of the compact, they hold ultimate authority as to the limits of the power of the central government to enact laws that are applicable to the states and the citizens thereof.

Perhaps the victories over federal overreach would multiply were enlightened state legislators and governors to stand up, tear up the federal welfare checks, and assume the "numerous and indefinite" powers they retained upon forming the federal government by way of the Constitution.

In the end, though, we, the People, are the ultimate sovereigns in this Republic and nothing in the Bill of Rights or the rest of the Constitution grants us any rights. The Constitution, including the first 10 amendments, simply stands to safeguard rights given to us by our Creator.

In fact, the protections offered by the Bill of Rights will be only as strong as we make them. We must demand that those we elect to federal office faithfully uphold the oaths of office they take to "preserve, protect, and defend" the Constitution.

Furthermore, we must insist that our state legislators uphold the obligation they have to refuse to enforce any and all unconstitutional acts of the federal government.

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