The Sanctity of Individual Rights

PART ONE – SUPERIOR AND PROTECTED

The *sanctity* – or "sacredness" – of individual rights is based upon the inherent nature of individual rights as they are defined in the founding documents of American government – clearly *SUPERIOR*.

In fact, it is the genetics of the language used in those founding documents that defines individual rights as being superior.

The first linguistic DNA is the choice of the word "*inalienable*" by the drafters of those documents to describe those individual rights. The choice of "inalienable" is most enlightening as to their intent because the dictionary definition of "inalienable" is – "*cannot be taken away and must be given away*".

The other side of the linguistic DNA is that those same founding documents also state that those "inalienable" rights cannot be "*abridged*". The dictionary definition of "abridged" is "*limited or restricted*". Replacing those uncommonly used words with words in more common current use, we have the following statement of the underlying principle –

The precise nature of individual rights is that they cannot be taken away nor can they be restricted or limited in any way. The only two words in the English language that adequately express that principle are "*SUPERIOR*" and "*PROTECTED*"!!

The relationship between those two words is that *individual rights are always superior or they are not protected*. And the truth defined in that sentence is just as true stated in reverse – *individual rights are always protected or they are not superior*.

The concept of individual rights, as defined in the Declaration of Independence and the Constitution of the United States of America and its original ten amendments, known as the Bill of Rights, is that the "inalienable" rights that all people are endowed with by their Creator are best described using the phrase - "The Sanctity of Individual Rights".

Another direct consequence of being inherently superior and protected is the *automatic* aspect of the protection for individual rights.

The inherently superior nature of individual rights provides those individual rights with protection sufficient to guarantee the superior nature always prevails. There are no other rights that have any possibility of being superior to individual rights.

Which results in individual rights being *immune to effective challenges* from any quarter or competing interests and *automatic protection* based on the *superior nature* of those rights.

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PART TWO – INDIVIDUAL VS. STATE VS. FEDERAL RIGHTS

In the arena of *apparently* competing legal rights there are basically three categories:

Individual Rights

Federal Rights

State Rights

And the fact is that they are listed above in order of unquestionable superiority!!

The main elements and qualities implied by that definition, as discussed above, is that those "inalienable" and "unabridgeable" individual rights are:

Superior

Protected

Unchallengeable

Automatic

Superior also inherently adds the fact of there being NO EXCEPTIONS!

The above-mentioned "Bill of Rights" also plays a significant part in that equation but the "legislative intent" of the Bill of Rights must be redefined in order for it to assume its rightful place in that equation.

The language used to define individual rights in the Amendments to the Constitution of the Unites States of America does NOT define the individual rights the government provides to its citizens, the Bill of Rights define the protected individual rights that the government of the United States of America cannot take away from its citizens!!!

Once again, that *IS* the definition of "inalienable" – RIGHT??? Consistency is required!!!

Those individual rights exist prior to any government ("endowed by their Creator") and governments are only created to facilitate and provide protection for *AND DEFENSE OF* those previously endowed individual rights!!

So the three categories of rights listed at the beginning of this section are indeed listed in the order of superiority!! Individual rights are inviolate and beyond question so the old MC Hammer tune, "You Can't Touch This" is the theme song for the superiority of individual rights.

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PART THREE – INHERITANCE PREVAILS

Which leaves the State and Federal governments in a discussion and debate over which level of government has the legal obligation to protect which previously endowed individual rights?

I find that entire scenario – State versus Federal regarding the protection of individual rights - to be completely out of touch with the unquestionable fact of the superiority of individual rights. While State and Federal rights do conflict in matters other than the protection of individual rights, from a strictly philosophical perspective there is no potential conflict when the protection of individual rights is the issue!! Both levels of government were created to protect ALL individual rights, NOT to refuse to protect certain individual rights because of *an apparent conflict* in the State and Federal interpretations of those "inalienable" individual rights.

Once again, the bottom line as far as the protection of those "inalienable" individual rights is best expressed as –

"Individual rights are always superior otherwise they are not protected."

The root principle is that ANY claimed civil rights protection can only be accomplished by virtue of being superior. Which implies that the argument as to which level of government has the responsibility and obligation for the protection of certain limited individual rights is moot because the responsibility is a shared one of total protection. Not one of mutually exclusive limited areas of protection being defined for each level of government at the expense of the individual rights both levels of government are created and obligated to protect.

Individual rights that are under the protection of the Federal government by virtue of those rights being defined as "inalienable" *automatically* also fall under the protection of the State government by virtue of *inheritance of the "inalienable" nature of individual rights*.

That "inalienable" nature of individual rights does *NOT* JUST AUTOMATICALLY disappear suddenly in State level jurisdictions!! Regardless of any government attempts to abridge "inalienable rights" those rights certainly do continue to exist, it is that those rights are being abused to the point of not being protected.

I do not understand the logic that either of the two levels of government can act in any manner that denies any individual rights that the other level of government is *arguably* "contracted" to protect. And as far as individual rights are concerned, both levels of

government exist only to protect those rights, not deny and abuse any portion of those rights for *any* reason. The very inherent nature of being superior reduces TO ZERO the possibility of any such reasons being relevant!! AUTOMATICALLY any such refusal to protect individual rights by either level of government automatically demonstrates the presence of a conflict of interest regarding that AUTOMATIC AND PROTECTED nature of individual rights!!

State governments cannot act to "abridge" any Federal rights or the State becomes the perpetrator of illegal acts!! And any decision not to protect Federal rights at the State level implies that those superior individual rights are not superior. The ONLY way for individual rights to be protected is if they are superior to any and all other rights, real or imagined!! IN ANY AND ALL POSSIBLE JURISDICTIONS!!

By virtue of being in the position of "low man on the totem pole", State rights to anything immediately disappear into thin air as if they do not exist at the moment any of those State rights conflict with either Federal or individual rights of any kind. State rights have NO SUPERIORITY OF ANY KIND!!!! EVER!!!!! "Low man" on the totem pole!!

The confrontation between State and Federal rights regarding whose jurisdiction the protection of individual rights belong is a battle over jurisdictions that has absolutely nothing to do with the protection of individual rights!! It is the different government interests (State and Federal) attempting to draw a line between who provides protection for certain individual rights where no such line exists!! And the governments have escalated that confrontation between State and Federal jurisdictions to be superior to the protection of those individual rights!!

I will say it differently - a manufactured conflict of interest that results in the deterioration of the automatic and unchallengeable protections inherent in "inalienable rights"!!

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PART FOUR – DOUBLE STANDARD

The two levels of government are attempting to create a double standard of protection – State and Federal – where no such double standard is possible because any double standard is automatically and inherently discrimination. And abuse of discretion, failure to exercise due diligence, negligence and other illegal acts – by the very same governments that are created to prosecute those very same acts!!!

That double standard is the result of the fact that individual rights are the superior rights and State and Federal are left haggling over which one is number two. Actually neither one is superior to the other in that regard. Both exist equally and solely to protect individual rights and thus share that responsibility!! Dividing that responsibility at the expense of the protection of individual rights is so ass-backwards it is criminal!!!

While State and Federal governments have different areas that are sharply defined in which they have exclusive jurisdiction in order to avoid duplication of effort and potential conflicts, no such conflict exists when both jurisdictions inherit the obligation to protect the individual rights defined by each other's legislation. The State government MUST act to protect Federal protected individual rights or be guilty of abridging those Federal rights. That is the exact reason for United States Code Title 42, Section 1983!!

And the Federal government MUST act to protect State protected rights on the general principle that individual rights exceed both of those jurisdictions in terms of being superior and selective enforcement is just another example of the double standard the two levels of government are attempting to create at the expense of the protection of those individual rights!!

No level of government has the power to dissolve those individual rights because no level of government is responsible for creating those individual rights, those individual rights are endowed by our Creator and therefore must be surrendered to the government by those who possess those endowed rights – both collectively as well as individually!!

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PART FIVE – COLLECTIVE VS. INDIVIDUAL RIGHTS

There are both similarities and differences between the collective and the individual aspects of "inalienable rights". The similarities first. Both aspects qualify as being automatic, protected and unchallengeable. Which means that the philosophical basis of the superior nature of both the collective and the personal version of protection is identical. No government entity can attempt to abridge those protections at any time, regardless of whether that protection is for an individual or for a group of individuals with similar circumstances.

The difference between the collective and individual aspects of those "inalienable rights" is that on the personal level those collective rights become established personal entitlements – not philosophical properties of a group of which that individual is a member.

State government agents admit the existence of the collective protected individual rights, but by refusing to acknowledge those collective protected rights have implications on the level of the protection of those established personal entitlements, those same State government agents necessarily and inherently violate those established personal entitlements. And do so "under the color of State law". When failing to protect Federally protected rights is a Federal crime EVEN WHEN A STATE GOVERNMENT (or its employee) IS THE CRIMINAL, exactly how can a State government ETHICALLY AND MORALLY justify its ILLEGAL actions?

State governments characteristically act in contradictory manners depending on which side of the issue they wish to stand.

"Federal Law Prevails" is the cited mantra when State governments want to kow-tow to the Federal government for any reason, mostly done in order to secure Federal funding.

However, while State courts admit that Federal individual rights and their protections do exist, State courts consistently refuse to enforce those admitted AND THUS INHERITED Federal individual rights and their protections with any State level courtroom, thus acting to "abridge" those Federal individual rights!! The truth of that claim is not that "Federal Law Prevails" as much as it is "Federal *RIGHTS* Prevail!!" That is exactly why the word "inalienable" is used to describe those rights!! And to describe the protections inherent in those Federal rights as well - "Cannot be taken away!"

"Inalienable rights" inherently means that no government, either State or Federal, can act in any manner to infringe or limit those inviolate rights IN ANY WAY!! It is a shared responsibility for both State and Federal governments to enforce and protect individual

rights regardless of their origin – the Creator, State or Federal!! That common goal exceeds the limitations inherent in the separation of jurisdictions and enforcement and thus that separation of jurisdictions is contrary to, and necessarily prevents, the goal of individual rights being superior and thus protected.

The distinction and subsequent confusion between State and Federal jurisdiction in regards to individual rights and their protection exists only in the policies of the two jurisdictions!! As far as the protection of individual rights is concerned from the viewpoint of the individual there is no such separation of jurisdictions, only the need for both jurisdictions to recognize the protection for individual rights must be provided across both jurisdictions equally and co-operatively.

The best analogy that comes to mind is that State and Federal governments need to address the protection of individual rights as if the two entities are married to – and thus intimately share - the obligation of protecting the entire package of those individual rights, regardless of the origins of those rights. Instead of insisting that the State and Federal authorities do not share any such obligation or jurisdiction regarding the protection of individual rights and dividing those rights among themselves like two partners dividing their household goods and animals. Both State and Federal jurisdictions need to recognize that it is a SHARED OBLIGATION that exists and act IN UNISON to protect both individual rights and their collective cousins equally under the law.

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PART SIX – SEPARATE BUT EQUAL?

Another misconception at the principle level also needs to be recognized. The principle of "separate but equal" anything was declared unconstitutional several decades ago but still requires proper implementation in regards to these specific circumstances. The superior nature and automatic protection elements of individual rights exceeds the limitations inherent in separate jurisdictions regarding individual rights protection. Therefore separate but equal jurisdictions for individual rights is a joke with no punch line because it is not funny in any regard!!! Even less funny is that such discriminatory behavior amounts to collusion between State and Federal authorities to agree to refuse to recognize and protect individual rights in the manner that "inalienable" requires.

Both levels of government exist to protect rights, on both a collective and an individual rights basis, not argue OR DRAW ANY LINE as to whose jurisdiction covers a specified situation and issues. That MANUFACTURED discussion only serves to elevate AND INFLATE State and Federal rights as superior to individual rights, which is why that confusion is the only issue the State and Federal authorities choose to endorse and enforce. It IS their ONLY source of power!! And it is manufactured by their own illegal policies!!!

The designation of State courts as being "lower courts" and Federal courts as "higher" certainly puts the relationship between those two jurisdictions in their proper perspective. That same hierarchy exists for any aspect of interaction between those two levels of government, just as that same hierarchy is applied to the interaction between individual rights and government protection of those rights based on the superior nature of individual rights. By virtue of the "cannot be taken away" nature of "inalienable" individual rights, those inherently superior individual rights sit permanently on the top of that same totem pole hierarchy mentioned previously. And that top position means the other parties inherit the obligation to protect those inherently superior individual rights!! Not argue needlessly about which party has jurisdiction because protection and thus jurisdiction ARE SHARED!!!

Governments are not above the law, either State or Federal governments or laws, so State governments must both endorse and enforce those "inalienable rights" inherited from both the Creator and the Federal government!! No discretion exists to either ignore or refuse that obligation so refusal to protect those commonly held and protected individual rights results in conflicts of interest that violate the basic principles of "The Sanctity of Individual Rights", which is best expressed as –

"Protected individual rights are always superior otherwise they are not protected."

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PART SEVEN – SUMMARY

The principle of the "Sanctity of Individual Rights" is based on the very definitions of the language defining the foundations of American government and jurisprudence.

"Inalienable" and "cannot be abridged" combine to define individual rights as being superior, protected and unchallengeable and define that protection as automatic with no exceptions.

That superiority of individual rights places both State and Federal rights under individual rights on the hierarchy of such rights. In that subordinate position, both State and Federal jurisdictions inherit, and share equally, the default role of protecting "inalienable" individual rights, on both a collective and individual basis.

There is no double standard when it comes to that automatic protection of individual rights by both State and Federal jurisdictions. Any such double standard is a manufactured fiction to elevate the subordinate State and Federal rights above individual rights.

While "inalienable" refers to the protection automatically afforded to a collective set of rights endowed upon all humans by virtue of their birth, the individual protection of those collective rights has been thwarted by the creation of the fiction of separate jurisdiction for State and Federal government regarding the protection of collective and individual rights.

The original documents that created the standards for legal process in the United States do not define any separation of State and Federal protection regarding the REQUIRED AND INHERENT protection of either collectively or individually held rights and entitlements.

The clearly overriding principle of the inherent superiority of individual rights results in the combining of Federal and State government resources to protect those individual rights simultaneously without conflict between the Federal and State governments.

Dividing those commonly protected rights between State and Federal jurisdictions in order to create an artificial legal environment where those commonly protected rights are now at issue – and thus lack the required joint protection – is a manufactured division between Federal and State jurisdictions at the expense of the protection of individual rights.