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NATURAL LAW AND THE AMERICAN CONSTITUTION*

CHARLES S. DESMOND†

MY SUBJECT is "The Natural Law and the American Constitution", but any intelligent treatment of that subject takes us back decades, or even centuries, before the signing of the document, and draws us on from that time to the present. If we were here merely to demonstrate that the Constitution, as to its preamble and its Bill of Rights Amendments, is explainable and understandable only in the light of natural law, we would take little of your time, and that little would be spent in laboring the obvious and self-evident. So we will deal with origins and sources.

The Declaration of Independence which touched off the Revolution and announced to the world that the colonists had, and were exercising, a right to separate themselves from the mother country expresses a whole litany of natural law concepts. Indeed, it presents a short and pithy statement of natural law ideas then prevalent in America, as follows:

"When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the Opinions of mankind requires that they should declare the causes which impel them to the separation.

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 & the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

That was, of course, a recognition and assertion of the natural rights of men, a declaration that, in a state of nature and before the formation of political society, men were equal in their possession of certain inalienable rights which Jefferson, author of the great Declaration, described

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