

## The UNALIENABLE RIGHT TO LIFE and the CONSENT OF THE GOVERNED

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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...

—The Declaration of Independence, July 4, 1776

Consider the above words, and this is what we learn:

The right to life is a “self-evident truth;” it is not based on the speculations and shifting opinions of men.

The right to life is “unalienable” and an essential part of us. It exists independently from what others want. It is not a grant from government. It exists, whether there is a government or not. And it certainly can’t be ruled out of existence by unelected judges.

The government derives its “just Powers from the Consent of the Governed,” namely us. The Founding Fathers believed in “the capability of a people to govern themselves,” as Abraham Lincoln put it.

The reason for government is “to secure these Rights.” So the Constitution is, to use the words of the political scientist Paul Rahe, the “instrument for the im-plementation” of the Declaration of Independence. Thus, judges are not free to ignore the principles laid down in the Declaration of Independence.

Instead of being guided by the Declaration of Independence, the pro-abortion majorities in the Supreme Court’s abortion cases since 1973 have blocked out the bright light of the Declaration and groped around in the resulting “penumbra” and made up a new “right” to suit their purpose. To grasp how far down we have come from the rights enumerated in the Declaration of Independence, try fitting this new “right” of a mother to kill her unborn child to the concepts of a “self-evident truth” or an “unalienable right.”

A look at the major abortion cases provides a litany of the Court majority’s contempt for the Declaration of Independence.

Roe v. Wade and Doe v. Bolton (1973) The child in the womb is not “created equal,” but receives effective legal rights only after birth. There is no “unalienable right to life;” nor is that right a “self-evident truth.” Instead, we have the feelings of the mother. As the pro-abortion columnist Ellen Goodman put it: “We call [the unborn child] a baby when it’s wanted and a fetus when it isn’t.” Indeed, in the world of Roe and Doe, a pregnant woman can change her mind tomorrow about having the baby and schedule an abortion. In that world there is no place for the right to life as an unchanging and inherent attribute of a human being.

Doe goes even further than Roe: An elastic “health” exception provides the cover for any abortion. And the abortionist, once considered a most disreputable individual, has now, in the words of Justice Harry Blackmun, “the room he needs to make his best medical judgment.”

The self-evident truth about abortionists is, of course, that in their “best medical judgment” there is no unalienable right to life.

Do the Roe and Doe decisions represent “just Power” based on “the Consent of the Governed”? No. Dissenting Justice Byron R. White denounces them as “an exercise in raw judicial power.” Do the decisions respect the constitutional framework of federalism and the separation of powers? No. “The people and the legislatures of the 50 States are constitutionally disentitled” with regard to abortion (Justice White). Is there a right to abortion in the Constitution, the “instrument for the im-plementation” of the Declaration of Independence? No. “The Court simply fashions and announces a new constitutional right for pregnant mothers” (Justice White).

In Roe and Doe, the Court dealt us two devastating blows: one to the individual human being—there is no unalienable right to life—and one to the whole republic—an oligarchy, the Court’s unelected majority, now makes the law of the land.

Planned Parenthood v. Casey (1992) With neither the ability nor the willingness for resolving the legal and constitutional crises of its own making, the pro-abortion Court majority demands that we accept its miscarriage of justice; because for the Court to overrule “Roe’s central holding” would “seriously weaken the Court’s capacity to exercise the judicial power” and do “damage to the Court’s legitimacy,” even “if error was made.” What we have here is a stubborn judicial oligarchy, willfully oblivious to its constitutional duty and filled with contempt for “the Consent of the Governed.”

Stenberg v. Carhart (2000) The extreme nature of the Court’s abortion rulings is now clear for all to see: With the excuse of “health” reasons, the abortionist may deliver a child—except for the baby’s head—force a cannula into the base of the skull, and suck his brains out. Rather than securing the “unalienable right to Life and the Pursuit of Happiness,” the Court is now shielding the butchers profiting in the bloody traffic of “choice.” The Constitution, the “instrument for the implementation” of the Declaration of Independence, is now revoltingly perverted into a tool for its denial.

Thomas Jefferson worried about men making the Constitution into “a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please.” We have arrived at that point.

And Abraham Lincoln warned us “that if the policy of the government, upon vital questions, affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court ... the people will have ceased, to be their own rulers, having to that extent, practically resigned their government, into the hands of that eminent tribunal.” Our labors to regain constitutional sanity are met with the Court’s petulant assertion that its Roe “decision has a dimension not present in normal cases, and is entitled to rare precedential force to counter the inevitable efforts to overturn it and to thwart its implementation” (Casey).

We think the Declaration of Independence is entitled to rare precedential force, despite that eminent tribunal’s efforts to thwart its implementation.