Fourth of July

I was born on an Air Force base, and until my father retired in 1963 I grew up on and around Air Force bases, being an “Air Force brat”. While music has been my passion in life, I chose to be a lawyer for my occupation. There were many reasons for this choice of an occupation, including (but not limited to) my love of the freedom that my father and others insured for all of us by their sacrifice and service to our country. When my father retired from the Air Force, he went back to college and then to law school to further his service to his fellow citizens. These and other events led me to chose my career path.

Many people reference the Declaration, the United States Constitution, and the Bill of Rights as the cornerstone of the freedoms that we, as American citizens, enjoy. It seems that few people can actually discuss what each of these documents mean, much less recognize some of these words outside the context of being told the source of these words. These words have been paid for by the blood of our fellow citizens since 1776 and into the present as our freedoms continue to be under attack by persons domestic and foreign.

As we celebrate yet another 4th of July this year, I encourage everyone to take a break and read these important works. You might be surprised at the content and intent of these documents.

*The Polk County Criminal Defense Lawyers Association will be reading the Declaration of Independence and the Bill of Rights on the courthouse steps of the Polk County Judicial Center situated at 101 West Mill Street on Wednesday, July 3, starting at 8:00 a.m. We encourage every citizen who can to attend this event. If you cannot attend, please honor the sacrifice of our fellow citizens by reading these important documents and remembering the sacrifices of those who provide us the right and freedom to celebrate this great country as you do whatever you choose to do on our Independence Day.*

The Declaration of Independence - July 4, 1776

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 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. That whenever any form of government becomes destructive to 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. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath
shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. --Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws, the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies without the consent of our legislature.

He has affected to render the military independent of and superior to civil power.
He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offenses:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule in these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burned our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare, is undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to
their native justice and magnanimity, and we have conjured them by the ties of our common kindred
to disavow these usurpations, which, would inevitably interrupt our connections and correspondence.
They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce
in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind,
enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in General Congress, assembled,
appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and
by the authority of the good people of these colonies, solemnly publish and declare, that these united
colonies are, and of right ought to be free and independent states; that they are absolved from all
allegiance to the British Crown, and that all political connection between them and the state of Great
Britain, is and ought to be totally dissolved; and that as free and independent states, they have full
power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts
and things which independent states may of right do. And for the support of this declaration, with
a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives,
our fortunes and our sacred honor.

New Hampshire: Josiah Bartlett, William Whipple, Matthew Thornton

Massachusetts: John Hancock, Samual Adams, John Adams, Robert Treat Paine, Elbridge
Gerry

Rhode Island: Stephen Hopkins, William Ellery

Connecticut: Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott

New York: William Floyd, Philip Livingston, Francis Lewis, Lewis Morris

New Jersey: Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham
Clark

Pennsylvania: Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George
Clymer, James Smith, George Taylor, James Wilson, George Ross

Delaware: Caesar Rodney, George Read, Thomas McKean

Maryland: Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton

Virginia: George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas
Nelson, Jr., Francis Lightfoot Lee, Carter Braxton

North Carolina: William Hooper, Joseph Hewes, John Penn

South Carolina: Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., Arthur
Middleton

Georgia: Button Gwinnett, Lyman Hall, George Walton
The Bill of Rights (Amendments 1 through 12; plus the 13th, 14th and 15th Amendments)

Our United States Constitution was officially adopted on September 17, 1787 at the Federal Convention in Philadelphia, Pennsylvania. Since that time, there have been 27 amendments to the Constitution. In reality there are only 26 amendments, since the 21st Amendment repealed the 18th Amendment (which established prohibition). Of the 27 amendments, the first 10 were ratified together, and are known as the Bill of Rights, while the other 17 were subsequently ratified.

Article V of the Constitution provides the procedure for amending our constitution. The proposed amendment must be approved by a vote of two-thirds majority in both houses of the Congress. Upon such approval by the Congress, the proposed amendment must then be approved by either (a) three-fourths of states or (b) a majority vote of the state legislatures. The following explanation for these amendments is found at www.earlyamerica.com:

As Washington was inaugurated as America’s first president and the infant nation set about to establish a strong government, memories of civil rights violations during the colonial period were still vivid. However, in the draft constitution submitted to the states for ratification relatively few basic rights were included.

A number of prominent Americans were alarmed at the omission of individual liberties in the proposed constitution. George Mason, author of the Virginia Bill of Rights, refused to sign the document, as did Elbridge Gerry of Massachusetts.

Thomas Jefferson, U.S. Minister to France at the time, wrote James Madison that he was concerned about "the omission of a bill of rights....providing clearly....for freedom of religion, freedom of the press, protection against standing armies, and restriction against monopolies."

Aware of the lack of these provisions, George Washington urged Congress in his first inaugural address to propose amendments that offered "a reverence for the characteristic rights of freemen and a regard for public harmony."

Motivated by these leading Americans, Congress responded by submitting Amendments to the Constitution providing for essential civil liberties. They were officially proposed on September 25, 1789. Of the original twelve, Articles 3-12 were ratified. Accordingly, in 1791 these articles became the first ten amendments to the Constitution.....known collectively as The Bill of Rights.

Here are the ten amendments, generally known as the Bill of Rights, together with the 13th, 14th, and 15th Amendments:


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.
Amendment 2 - Right to Bear Arms.

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.

Amendment 3 - Quartering of Soldiers.

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

Amendment 4 - Search and Seizure.

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.

Amendment 5 - Trial and Punishment, Compensation for Takings.

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 or public danger; nor shall any person be subject for the same offense 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.

Amendment 6 - Right to Speedy Trial, Confrontation of Witnesses.

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 defence.

Amendment 7 - Trial by Jury in Civil Cases.

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 the common law.

Amendment 8 - Cruel and Unusual Punishment.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
Amendment 9 - Construction of Constitution.

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

Amendment 10 - Powers of the States and People.

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 to the people.

Amendment 13 - Abolishment of Slavery (passed by Congress January 31, 1985; ratified December 6, 1865) Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

Section 1.
Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.
Congress shall have power to enforce this article by appropriate legislation.

Amendment 14 - Due Process of Law (passed by Congress June 13, 1866; ratified July 9, 1868). Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

Section 1.
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.
Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3.
No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who,
having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.
The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.
The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

*Changed by section 1 of the 26th amendment.

Amendment 15 - Right to Vote (Passed by Congress February 26, 1869; ratified February 3, 1870).

Section 1.
The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude--

Section 2.
The Congress shall have the power to enforce this article by appropriate legislation.

Thank you,

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