

## 34TH AMENDMENT (RC.7)

### *Fundamental Ideals & Civic Privileges; Equal Rights & Civil Benefits*

#### SECTION 1

##### *Sovereign Security & Self-Defense; Relative Rights & Harm Reduction*

CLAUSE 1. In order to secure the natural state of personal sovereignty<sup>97</sup> while ensuring the responsibilities that each citizen has in relation to others, it is established that individual rights and liberties may only be limited and circumscribed in accordance with a known or anticipated impact on the security or well-being of others.<sup>98</sup>

CLAUSE 2. In order to sustain the fundamental rights of sovereignty and security, all persons shall be equally ensured the right to self-defense<sup>99</sup> in the furtherance of satisfactorily protecting oneself, reinforcing mutual security, and preserving the peace.<sup>100</sup>

CLAUSE 3. To ensure that our judicial system is effective in securing the fundamental rights of diverse individuals, judicial decisions regarding the conflicting rights and responsibilities of individual citizens must demonstrate recognition and understanding of all relevant perspectives and considerations, and will adjudicate decisions based on an integrated understanding of the rights and responsibilities of all parties,<sup>101</sup> in light of the express stated purpose or implied legislative intent of the statute or Constitutional principle.<sup>102</sup>

#### SECTION 2

##### *Securing Liberties & Inalienable Import; Civic Privileges & Equal Conditions*

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<sup>97</sup> Personal sovereignty is the natural right of every human being to have dominion over his or her own body and life. This includes the right to live free from interference by others, and the right to make decisions about one's own health, education, and welfare.

<sup>98</sup> An individual's rights and liberties can only be restricted in ways that are necessary to prevent harm to others. For example, if one person's speech might incite violence against another person, then their negative liberty to free speech can be restricted in order to ensure the other's security. In the words of Oliver Wendell Holmes: "The right to swing my fist ends where the other man's nose begins."

<sup>99</sup> The right to self-defense is fundamental because it guarantees all other rights. For example, the right to life would be meaningless if there were no way to defend against those who would take it away. The same is true of the rights to liberty and property.

<sup>100</sup> It is a vital function of government to protect its citizens from harm. The right to self-defense is a fundamental right, and as such, it should be treated with care and respect. However, the unregulated exercise of this right can pose a serious threat to public safety. Therefore, it is necessary for the government to place some restrictions on how and when individuals can use force in self-defense. For example, individuals may be prohibited from possession of weapons of mass destruction or casualty.

<sup>101</sup> Judicial decisions should include a reasoned elaboration to demonstrate that all arguments were empathically considered, sufficiently weighed, and necessarily, to certify due process and procedural justice

<sup>102</sup> The purposivist approach takes into account the intent of the legislature by emphasizing the importance of context and understanding the underlying purpose of a legal provision. This is important because it allows for a more faithful interpretation of the law.

CLAUSE 1. To sustain the fundamental ideal of liberty, each human person shall be equally bestowed under the law with equally conditioned liberties of varying degrees of import and inalienability.<sup>103</sup>

CLAUSE 2. Inalienable human rights are the rights to freely think, speak, petition, protest, associate, assemble, and exercise faith, regardless of age, naturalization, citizenship, or criminal conviction.<sup>104</sup>

CLAUSE 3. Civic rights include the rights to vote or run for public office, regardless of criminal conviction or naturalization, but individuals may be excluded on the basis of age or citizenship.<sup>105</sup>

CLAUSE 4. Individual privileges, such as the privilege to engage in special activities related to use of powerful technologies or substances<sup>106</sup> that may enhance but do not exclude the possibility of human flourishing,<sup>107</sup> include, but are not limited to, all activities that require licenses to demonstrate adequate responsibility of competence and character, as defined by Congress or the States.

CLAUSE 5. Liberties may only be granted or revoked upon equal conditions except with respect to age, naturalization, citizenship, or criminal conviction, and must always comply with due process of law.

### **SECTION 3**

#### *Equal Benefits & Civil Society; Implying Assent & Providing Opportunity*

CLAUSE 1. To sustain the fundamental ideal of equality, each citizen shall be equally provided for under the law with benefits, in exchange for accepting a preexistent rule of law,<sup>108</sup> and as needed to thrive within a contemporaneous civil society.<sup>109</sup>

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<sup>103</sup>There are two main types of rights: negative rights and positive rights. Negative rights are those that protect the individual from interference by the state or others. Examples include the right to life, liberty, and property. Positive rights, on the other hand, impose obligations on others to take action in order to benefit the individual who holds them. Examples of positive rights include the right to education and healthcare.

<sup>104</sup> These are human rights because they are necessary for people to be able to live their lives with dignity and autonomy.

<sup>105</sup> Inalienable human rights are inherent in both citizens and noncitizens, but civic rights are reserved for independent citizens only.

<sup>106</sup> These are conditional and revocable privileges that implicate the potential for intentional, negligent, or reckless use. Examples include the right to obtain a driver's license, practice medicine, or own a gun.

<sup>107</sup> Privileges that allow for "the possibility of human flourishing" are important to protect because they help ensure that individuals can pursue their own happiness and well-being. These privileges allow individuals to engage in activities that they believe will make them happy and fulfilled, without interference from the government or other individuals. This freedom is essential for ensuring that individuals can live lives that are meaningful and fulfilling to them.

<sup>108</sup> Individuals are presumed to assent to a social contract at birth, and to respect the rights of others. In return, they are entitled to the benefits that come from living in a just society, such as protection from violence, access to education and healthcare.

<sup>109</sup> This concept is important because it ensures that everyone has the opportunity to thrive within society. It also helps to create a level playing field so that everyone has a fair chance at success.

CLAUSE 2. The fundamental benefits include the prerequisites to human flourishing contemporaneous to the expectations of the era,<sup>110</sup> including but not limited to, the right to adequate education, medical care, housing, access to public utilities and common carriers, food, clothing, and social security.<sup>111</sup>

CLAUSE 3. No person shall have these fundamental benefits deprived without due process, and the equal protection of the law.<sup>112</sup>

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<sup>110</sup> The expectations of what people need in order to pursue happiness change over time, so it is important for the government to provide benefits that match those changing needs.

<sup>111</sup> The benefit of these rights may be sufficiently and indirectly conferred by distributions from Universal Shared Inheritance funds, as established in Amendment 33, if the amount of such distributions are sufficient to meet the prerequisite criteria as defined.

<sup>112</sup> This formalizes the fundamental importance of equal protection as an aspect of due process.