

WHY A REVOLUTION?

250 YEARS
★ ★ 1776-2026 ★ ★

BY NC SUPREME COURT CHIEF
JUSTICE PAUL NEWBY

What is the source of our rights? If our rights came from King George III, then he would have had the authority to limit them. Generally, looking at the history of the world, human power determined the extent of the rights of those within their control. But what if there were a higher source of rights? Jefferson reasoned that these truths were self-evident: that all are created equal and “endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” Our rights don’t come from a king, the government, or a document; our rights are God-given. Indeed, this principle is “the shot heard round the world” that reverberates even today, inspiring others to long for self-government.

These ideals of God-given rights and self-government had long percolated in North Carolina. Because the royal governor limited the rights of the common man, subsistence farmers demanded justice by waging the War of Regulation from 1766 to 1771. Although unsuccessful in achieving its purpose, the spark of these ideals ignited a flame. In 1774, North Carolina was the first colony to hold a provincial congress despite royal governor opposition, and the women of North Carolina staged the Edenton Tea Party, the first recorded women-led political movement in the colonies.

When the people of Mecklenburg County learned that King George had violated his covenant of protecting his subjects by sending British troops to Lexington and Concord, they believed they no longer owed a corresponding duty of loyalty. On May 20, 1775, they “declare[d them]selves a free and independent people,” “self-governing,” and “under the power of God and the general [government].” (MecDec)

The British tested the resolve of the people of North Carolina by attempting to land troops in Wilmington. Our patriots interrupted the welcome reception by defeating the loyalist forces at the Battle of Moores Creek Bridge, where North Carolinian John Grady paid the ultimate price for freedom.

On April 12, 1776, North Carolina became the first colony to authorize its delegates to the Continental Congress to vote for independence, a resolution which unanimously passed the Fourth Provincial Congress (state legislature). Our state flag still commemorates both the MecDec and this resolution, the Halifax Resolves, to remind us that North Carolina bravely stood “First in Freedom.” On July 4, the

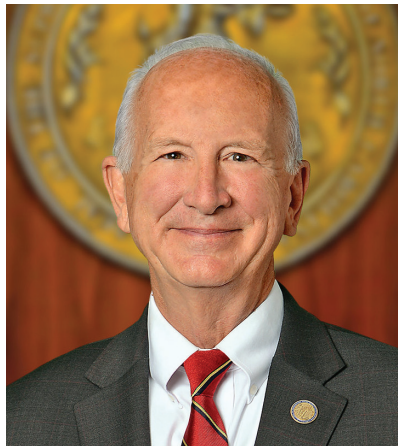
13 American colonies declared their independence from Great Britain.

But, along with independence came the weighty responsibility of self-government. At the time, North Carolina was a nation unto itself. Without any democratic nations to guide us, Judge Samuel Ashe observed us “a set of people ship wrecked and cast on a maroon’d island,” *Bayard v. Singleton*. Over a decade before the federal constitution, North Carolinians embarked on a journey into the uncharted territory of constitutional self-government as one of the first laboratories for the American Experiment.

Protecting fundamental rights and freedoms was foremost on the minds of North Carolinians. On December 17, 1776, the gathered Assembly passed the Declaration of Rights, then adjourned, symbolizing the preeminence of our rights and freedoms. The next day the delegates enacted the constitution, establishing our structure of government. They understood that government exists to protect our rights. This December will mark the 250th anniversary of our state constitution.

The Declaration of Rights has maintained its preeminent position spanning all three versions of our state constitution. These fundamental, foundational principles like due process, the right to a jury trial, and the freedoms to assemble and exercise our faiths—once revolutionary—have stood the test of time.

North Carolinians recognize today, just as we did in 1776, that “[a] frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.” As North Carolinians, we are grateful for our rights and freedoms. But as Dr. Martin Luther King, Jr., said, these rights are a promissory note, which must benefit every American. As lawyers, it is our role and privilege to defend them and pass them down to future generations.



Paul Martin Newby is the 30th chief justice of the Supreme Court of North Carolina, first elected to the Court in 2004 and elevated to chief justice in 2020. As head of the Judicial Branch, he oversees more than 7,600 officials and employees statewide. For many years, Chief Justice Newby served as an adjunct professor at Campbell University School of Law and is co-author of *The North Carolina State Constitution with History and Commentary*. Before joining the Court, he served more than 19 years as an assistant U.S. attorney for the Eastern District of North Carolina. A native of Asheboro, he and his wife, Macon, have four children.