



America: Union of God & State

Session 6

In Man We Trust; An Abandoning of God & His Laws

Our natural law foundation, followed by a look at the man-centered philosophies behind the contemporary courts, and their attempts to erase our God-centered past...

"For since the creation of the world, His invisible attributes, His eternal power and divine nature, have been clearly seen, being understood through what has been made, so that they are without excuse. For even though they knew God, they did not honor Him as God or give thanks... Professing to be wise, they became fools." Romans 1:20-22



A “Natural Law” Foundation

What is Natural Law?

★ Sir William Blackstone, influential philosopher referenced often by our Founding Fathers

☆ “**Man**, considered as a creature, must necessarily be **subject to the laws of his Creator**, for he is entirely a dependent being...And, consequently, as **man depends absolutely upon his Maker** for everything, it is necessary that he should in all points conform to his Maker’s will. **This will of his Maker, is called the law of nature.**”



★ Baron Charles Montesquieu, French philosopher referenced often by our Founders

☆ “**The Christian religion**, which ordains that men should love each other, **would, without doubt, have every nation blest with the best civil, the best political laws;** because these, next to this religion, are the greatest good that men can give and receive”





A “Natural Law” Foundation

America Established on Natural Law



- ★ America was established on the belief that God’s laws, revealed to man through the Bible and through nature, are the basis for government
- ★ The Declaration of Independence specifically refers to this belief:
 - ☆ “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 entitles them...**”
 - ☆ “**endowed by their Creator with ... rights ... That to secure these rights, governments are instituted...**”
- ★ The 3 branches of Government are based on the Bible (Isaiah 33:22)
- ★ Separation of Powers / Checks and Balances are based on Biblical teaching of man’s deceitful heart (Jeremiah 17:9)



A “Natural Law” Foundation

America Established on Natural Law

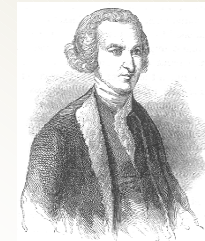


★ The Founders made countless “natural law” statements

☆ “It is impossible to rightly govern...without God and the Bible” **George Washington**

☆ “Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are...the gift of God? That they are not to be violated but with his wrath?” **Thomas Jefferson**

☆ “In government, as well as in religion,
the letter killeth, but the Spirit giveth life.”
2 Cor.3:6 **John Dickenson, Founding Father**



☆ Religion and virtue are the only foundations... of
republicanism and of all free governments.” **John Adams**

☆ [T]he Holy Scriptures... can alone secure to society, order and
peace, and to our courts of justice and constitutions of
government, purity, stability, and usefulness.” **James
McHenry, Founding Father**

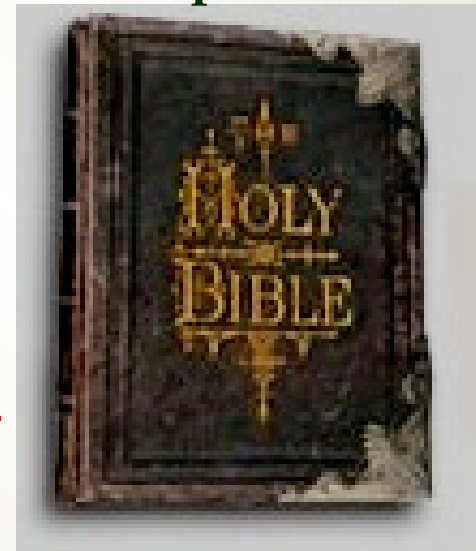


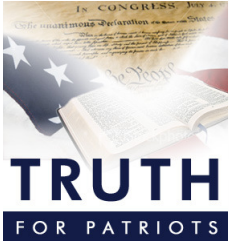
A “Natural Law” Foundation

America Established on Natural Law



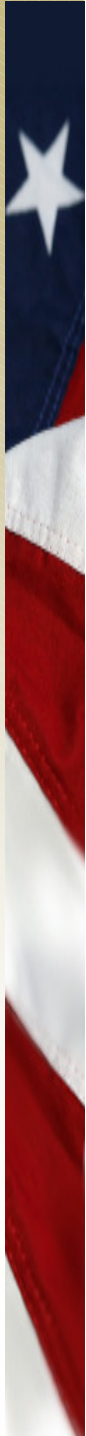
- ★ The Founding Fathers overwhelmingly sourced from the Bible in creating the constitution!
 - ☆ Over 33% of all quotes & references came directly from the Bible itself (research by Donald Lutz, Charles Hyneman):
 - ★ 4X more than any other source
 - ☆ Another 60% of the remaining references are from authors who themselves derived from the Bible. The 3 top were...
 - ★ Baron Charles Montesquieu (~8%)
 - ★ Sir William Blackstone (~2%)
 - ★ John Locke (~2%)
 - ☆ >93% of the material in our Constitution is derived directly or indirectly from the Bible





A “Natural Law” Foundation

America Established on Natural Law



★ The Declaration of Independence

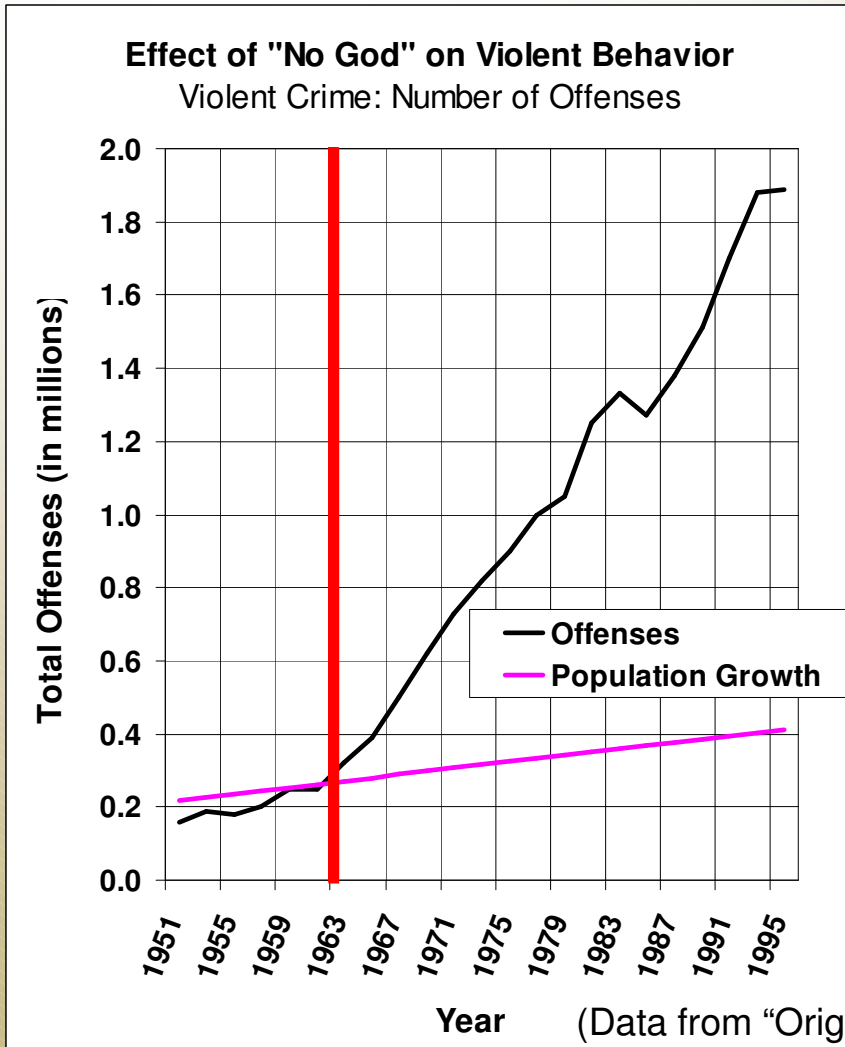
- ★ It is **OUR CHARTER**, declaring us a nation under God’s law
- ★ It is **THE** legal document that makes us a nation
- ★ It states that “the laws of nature and of nature’s God” govern
- ★ This profound phrase encompasses an entire legal and political system that is founded on the Bible, and this was clearly understood at the time of its framing
- ★ It does not say **HOW** we are going to run the nation, The Constitution does that

★ Complimented by The Constitution

- ★ The Constitution is our **BY-LAWS**.
- ★ Obviously, by-laws agree-with and compliment the charter
- ★ The constitution does not contain explicit declarations of right and wrong; this was already addressed by the Declaration
- ★ **The Constitution cannot be applied with truth and accuracy without invoking “the laws of nature and of nature’s God”, as specified in the Declaration of Independence**

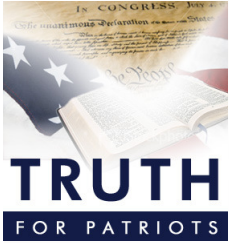
Then Came “Legal Positivism”

America’s Divergence from Natural Law



★ Legal Positivism is...

☆ “...The belief that truth cannot be immutable, that there are no abiding, timeless truths or absolute moral norms, because reality is judged to be in a constant state of flux. “Truth” ...is whatever works in a given situation.” (Dornan & Vedlik, “Judicial Supremacy; The Supreme Court on Trial,” 1986)



Legal Positivism

Further Defined



★ Legal Positivism's major tenants

- ☆ There are no objective, God-given standards of law, or if there are, they are irrelevant to the modern legal system
- ☆ Since God is not the author of law, the author of law must be man; it is law simply because the highest human authority, the state, has said it is law and is able to back it up
- ☆ Since man and society evolve, law must evolve as well
- ☆ Judges, through their decisions, guide the evolution of law
- ☆ To study law, get at the original sources of law – the decisions of judges; hence most law schools today use the “case law” method of teaching law

“The Myth of Separation” David Barton

★ Legal Positivism

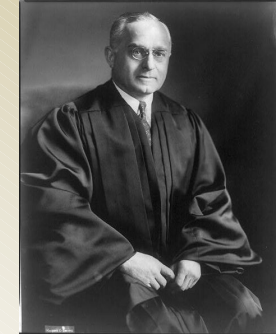
- ☆ Rejects natural law and is based on the philosophies of pragmatism and relativism
- ☆ Began to take hold in the Courts as early as the 1940s
- ☆ Was “laced” into school curriculums beginning in the 1970s



Natural Law v. Legal Positivism

Complete Opposites

- ★ “What governs is the Constitution, and not what we have written about it.” Justice Felix Frankfurter, 1984



V.

- ★ “We are under a Constitution, but the Constitution is what the judges say it is” New York Governor Charles Evans Hughes who later became Chief Justice of the Supreme Court
- ★ “...Under the old system the question was how to read the Constitution; under the new approach, the question is whether to read the Constitution” US Attorney General in speech to American Bar Association, 1985





Natural Law to Legal Positivism

How Is It Happening with Little Notice?

- ★ How can this be happening?
 - ☆ How can the abandoning of God in our legal practice happen with little notice?
 - ☆ How can the contemporary courts perpetuate this man-centered philosophy without a great outcry from the people as they see the stark contrast to our God-centered past?
- ★ It has CREPT in with Stealth & Strategy
- ★ The Basic Elements of Attack ...
 - ☆ Build A New Precedent
 - ☆ Build A False Defense
 - ☆ Ignore Constitutional Constraints
 - ☆ **Ignore Original Intent**



Natural Law to Legal Positivism

Building a New Precedent

★ 1947 Everson v. Board of Ed.

- ☆ The beginning of “Separation of Church & State”
- ☆ Forcing Federal mandate on the states via the unconstitutional linking of the 14th and 1st amendments

★ Precedent cited: 0

★ 1973 Levitt v. Comm. For Public Education

- ☆ Court ruled unconstitutional to reimburse nonpublic schools for prep. and submission of paperwork to the state, which was req'd by law

★ Precedent cited: Pre-1947: 0 Post-1947: 18

★ 1973 Comm. For Public Ed. V. Nyquist

- ☆ Court ruled unconstitutional to reimburse nonpublic schools for repairs to make their facilities adequately safe

★ Precedent cited: Pre-1947: 1 Post-1947: 99



Natural Law to Legal Positivism

Building a New Precedent

★ 1980 Stone v. Graham

☆ Unconstitutional to post the 10 Commandments in school

★ Precedent cited: Pre-1947: 0 Post-1947: 9

★ 1982 Chambers v. Marsh

☆ Court ruled that the part of chaplaincy in Nebraska Legislature was unconstitutional

★ Precedent cited: Pre-1947: 1 Post-1947: 32

★ 1984 Wallace v. Jaffree

☆ Court ruled that 1 minute period of silence in schools for meditation & voluntary prayer unconstitutional

★ Precedent cited: Pre-1947: 22 Post-1947: 178

★ Of the 22 pre-1947, most were the “rogue” 1940 *Cantwell v. Ct.* case in which the court first wrongly linked the 14th amendment to the 1st amendment



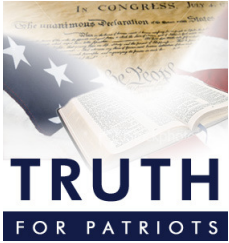
An Abandoning of God

2 Court Eras

- ★ **Pro-Christian era (<1947)**
 - ☆ Court relied heavily on intent of the law
 - ☆ Many precedents cited throughout court history

- ★ **Anti-Christian era (>1947)**
 - ☆ Only James Madison & Thomas Jefferson selectively quoted
 - ☆ Decisions prior to 1947 virtually ignored
 - ☆ Use their own pool of precedent beginning 1947





Natural Law to Legal Positivism

Building a False Defense

- ★ How does the contemporary court defend its errant, unconstitutional position?
 - ☆ By wrongfully coupling the 14th & 1st Amendments
 - ⊛ So that “separation of church and state” is not only forced on the federal gov., but on the states
 - ☆ By selectively quoting a few James Madison and Thomas Jefferson statement, and doing so completely out-of-context
 - ☆ By omitting other and numerous quotes of Madison & Jefferson that contradict their agenda
 - ☆ By omitting all statements of other Founding Fathers
 - ⊛ Isn't it piculiar that it is extremely difficult to find the contemporary court quoting from the numerous other founder fathers

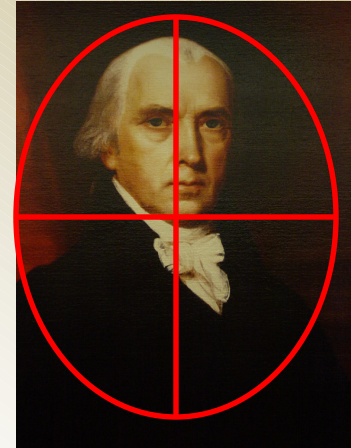


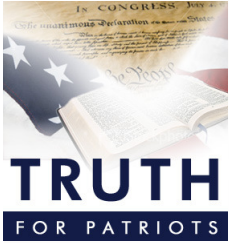
Natural Law to Legal Positivism

Building a False Defense

★ Quoting Madison Out-of-Context ...

- ★ The court claims Madison wanted “Separation of Church & State” as we know it today.
- ★ They point to his “Virginia Bill for Religious Liberty” where religious groups were placed on equal footing in Va.
- ★ But when examined, the bill was to put Christian denominations on equal footing, just like all other states had already done
- ★ At that time, Virginia still had the Church of England as its official church where, by law, people were ordered to attend and use the English book of Common Prayer.
- ★ Madison simply wanted to assist the other denominations (Baptists, Lutherans, Presbyterians, Quakers, etc.) to be equal in VA





Natural Law to Legal Positivism

Building a False Defense

★ Omitting Key Jefferson Precepts...

★ “On every question of construction, **carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed.**”



★ “**The Bible is the cornerstone of liberty... students’ perusal of the sacred volume will make us better citizens**”

★ Religion is “**deemed in other countries incompatible with good government and yet proved by our experience to be its best support.**”



Natural Law to Legal Positivism

Building a False Defense

★ Omitting Key Madison Precepts...

★ **“Religion... [is] the basis and foundation of government... before any man can be considered as a member of civil society, he must be considered as a subject of the Governor of the Universe.”**

★ **“We have staked the whole future of American civilization, not upon the power of government, far from it. We have staked the future of all of our political institutions upon the capacity of mankind for self-government; upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments of God.”**

★ **“...It is the mutual duty of all to practice Christian forbearance, love, and charity toward each other.”**





Natural Law to Legal Positivism

Ignoring Constitutional Constraints

★ Now lets look at what Jefferson DID SAY in regards to the Constraints on the Court...

★ “Nothing in the Constitution has given them [the federal judges] a right to decide for the Executive, more than the Executive to decide for them.

★ The opinion which gives the judges the right to decide what laws are unconstitutional and what are not, not only for themselves in their own sphere of action, but for the Legislature and the Executive also, in their spheres, would make the judiciary a despotic branch.” Thomas Jefferson





Natural Law to Legal Positivism

Ignoring Constitutional Constraints

★ Now lets look at what Madison DID SAY in regards to the Constraints on the Court...

★ **“The preservation of a free government requires not merely, that the metes and bounds which separate each department of power be invariably maintained; but more specially that neither of them [branches of Gov’t] be suffered to overleap the great Barrier which defends the rights of the people. The rulers who are guilty of such an encroachment, exceed the commission from which they derive their authority, and are tyrants. The people who submit to it are governed by laws made neither by themselves nor by an authority derived from them, and are slaves”**

James Madison





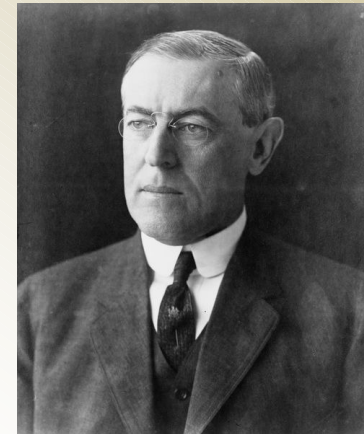
Natural Law to Legal Positivism

Ignoring Original Intent

★ How critical is it to know the INTENT of the Framers of the Constitution?

☆ “A nation which does not remember what it was yesterday, does not know what it is today, nor what it is trying to do. **We are trying to do a futile thing if we do not know where we came from or what we have been about.**” President Woodrow Wilson

☆ “When the intent for which a law has been framed is discarded or ignored, that law can be applied in a manner that its sponsors would neither have imagined nor approved” **David Barton, “The Myth of Separation”**

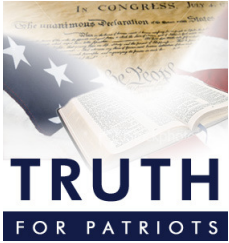




Ignoring Original Intent

Absurdity Follows

- ★ The Courts once recognized the critical importance of Knowing Original Intent & Ruling By It
- ★ If Original Intent is Ignored, Absurdities Soon Follow
- ★ State vs. Clark, 1860
 - ☆ Defendant did maliciously and willfully break down plaintiff's fence
 - ☆ However, Smith had title to the land on which fence was built
 - ☆ Court ruled in favor of Smith citing
 - ⊛ “The language of the act, if construed literally, evidently leads to an absurd result. **If a literal construction of the words of a statute be absurd, the act must be so construed as to avoid the absurdity...**”



Ignoring Original Intent

Absurdity Follows

★ United States vs. Kirby, 1868

☆ Defendants indicted for willfully obstructing the mail & its carrier

☆ However, mail carrier was wanted for two indictments of murder and sheriff Kirby was commanded to arrest him

☆ Court ruled in favor of Kirby citing...

⊛ **“All laws should receive a sensible construction. General terms should be so limited in their application as not to lead to injustice, oppression or an absurd consequence. It will always, therefore, be presumed that the legislature intended exceptions to its language which would avoid results of this character. The reason of the law in such cases should prevail over its letter..”**

☆ The court further also gave examples such as:

⊛ **“The same common sense accepts the ruling...which enacts that a prisoner who breaks prison shall be guilty of felony does not extend to a prisoner who breaks out when the prison is on fire - “for he is not to be hanged because he would not stay to be burnt.””**

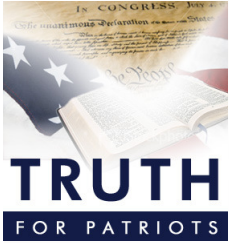


Ignoring Original Intent

Absurdity Follows

★ Holy Trinity Church v. United States, 1892

- ☆ US Attorney attempted to prosecute church for unlawfully assisting the importation of foreigners to perform labor
- ☆ However, law intended to correct a specific abuse (slave-type labor) in the domestic railway labor market
- ☆ Court ruled in favor of church citing:
 - ⊛ **“It is a familiar rule that a thing may be within the letter of the statute and yet not within the statute, because not within its spirit, nor within the intention of its makers...for frequently words of general meaning are used in a statute, words broad enough to include an act in question, and yet a consideration of the whole legislation, or of the circumstances surrounding its enactment, or of the absurd results which follow from giving such a broad meaning to the words, which makes it unreasonable to believe that the legislator intended to include the particular act.”**
 - ⊛ **Further, whenever attempting to settle a dispute, it must determine the spirit of that law by examining “...The evil which was intended to be remedied, the circumstances surrounding the appeal to Congress, the reports of the committee of each house...the intent of Congress...”**



In Man We Trust

An Abandoning of God & His Laws

- ★ Since the late 1940s, The Contemporary Courts have...
 - ☆ Abandoned Natural Law
 - ☆ Adopted Legal Relativism
 - ☆ Built a False Precedent
 - ☆ Built a False Defense
 - ☆ Ignored Constitutional Constraints Upon Them
 - ☆ Ignored Original Intent of the Founders, Bill of Rights, and Constitution
 - ☆ **Abandoned God & His Ways**
- ★ So What? What are the “Fruits” of this rejection of our God-Honoring Past?

