

The Genius of America's Federal System

Protecting the Seed of Local Self-Government



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Maximum Liberty for the Individual

Law without Liberty = Slavery (external force based on someone else's desires)

Liberty without Law = Anarchy (internal force based on the desires of each person's own self)

Liberty with Law = Christianity, the basis for America's republican form of government

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"Today, when thinking and talking in terms of civil government, our ignorance of fundamental Christian history in the founding of our country becomes at once apparent. We invariably reject or misconstrue references to the word Christian—in relation to civil governments—as being doctrinal and sectarian. Our Christian history as a nation does not involve doctrinal or sectarian views, and our failure to understand this, largely contributes to the present disregard of Christianity in relation to civil government. **Each religion has a form of government, and Christianity astonished the world by establishing Self-Government.** With the landing of the Pilgrims in 1620, Christian Self-Government became the foundation stone of the United States of America."

Hall, V. M. (2006). *CHOC I*, p.iii

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Our Christian Form of Government

Genesis: Pre-fallen man is a Christian model of home government established by God where Adam and Eve enjoyed the fullest expression of liberty yet had the responsibility to voluntarily consent to walk with God, work His plan, and worship Him (**Self-Government under God**).

- Each religion has a form of government
- Christianity produced a form of government called Christian self-government which astonished the world.
- **Internal Christian self-government produces external Christian civil government.**

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The Principles of our Constitution

Consent of the Governed

"The people made the Constitution, and the people can unmake it. It is the creature of their will, and lives only by their will."

Chief Justice John Marshall,
Cohens v. Virginia, (1821)



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The Principles of our Constitution

Limited and Enumerated Powers

"[T]he powers of the federal government are enumerated; it can only operate in certain cases; it has legislative powers on defined and limited objects." James Madison, Speech in the Virginia Ratifying Convention, June 6, 1788

"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." 10th Amendment



James Madison

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Federal, *a.* (Webster, 1828)

1. Pertaining to a league or contract; derived from an agreement or covenant between parties, particularly between nations.
2. Consisting in a compact between parties, particularly and chiefly between states or nations; founded on alliance by contract or mutual agreement; as a *federal* government, such as that of the United States.
3. Friendly to the constitution of the United States. [See the Noun.]

Federal, *n.* - An appellation in America, given to the friends of the constitution of the United States, at its formation and adoption, and to the political party which favored the administration of President Washington.

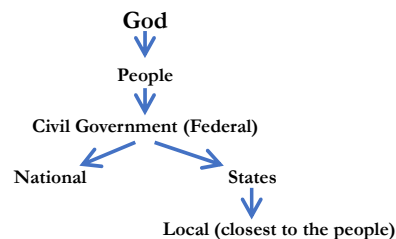
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Flow of Power in a Federal Constitutional Republic

National	States	The People
The powers enumerated in the US Constitution	Any powers not enumerated in the US Constitution and those that are enumerated in the respective State Constitutions	Any other powers not enumerated in the US Constitution and the respective State Constitution, based in the inalienable rights given by the Creator

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Another way of looking at it:



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Our Christian Form of Government

The Godhead of the Trinity demonstrates the separate branches of government.

Isaiah 33:22

<u>God</u>	<u>Government</u>
Father – Lawgiver	Legislative
Son – Judge	Judicial
Holy Spirit - carries out the plan	Executive

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Our Christian Form of Government

The External Form

Principle of Representation – Deut. 1:9-18
 Principle of Separation of Powers – Isaiah 33:22
 Dual form of our Government – Matthew 22: 37-40

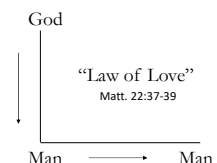
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Our Christian Form of Government

What is the **dual form of our government** and what is its Biblical basis?

Dual Form of Government



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The Structure of our Constitution

- The Preamble
- Articles 1-7
- Amendments 1-10
- Amendments 11-27



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The Structure of the US Constitution

The Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Note: A preamble in a legal document is not a source of important rules or a grant of power. Thus the preamble of the Constitution contains no grant of power either.

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The Structure of our Constitution

Articles 1-7

- Article 1: The Legislative Branch
- Article 2: The Executive Branch
- Article 3: The Judicial Branch
- Article 4: Administrative Details
- Article 5: Amending the Constitution
- Article 6: Debts, Supremacy and Oaths
- Article 7: Ratification of the Constitution

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■ The Bill of Rights -- Guarantees

1st:	Guarantees freedom of religion, speech, press, assembly, and petition
2nd:	Guarantees right to bear arms
3rd:	Prohibits quartering of troops in private homes
4th:	Protects people from unreasonable searches and seizures
5th:	Guarantees due process for accused persons
6th:	Guarantees the right to a speedy and public trial in the state where the offense was committed
7th:	Guarantees the right to jury trial for civil cases tried in federal courts
8th:	Prohibits excessive bail and cruel and unusual punishments
9th:	Provides that people have rights beyond those stated in the Constitution
10th:	Provides that powers not granted to the national government belong to the states and to the people

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The 9th Amendment

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

“Other rights?” Which ones? Who decides? How are they to be protected?

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The 10th Amendment

The biblically grounded Constitution spells out the limits of the national government.

What is not expressly given to it, defaults to the states (based on their individual constitutions) and to the people from whose consent government has its authority under God.

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The Structure of our Constitution

Amendments 11-27

- Amendment 11 establishes judicial limits.
- Amendment 12 outlines the process for electing the President and Vice President.
- Amendment 13 abolishes slavery.
- Amendment 14 describes the privileges of citizenship.
- Amendment 15 states that the right to vote shall not be denied on account of race.
- Amendment 16 gives Congress the power to collect income taxes.
- Amendment 17 establishes the election of Senators by popular vote.
- Amendment 18 prohibited the manufacture and sale of intoxicating liquors.
- Amendment 19 states that the right to vote shall not be denied on account of sex.
- Amendment 20 sets the beginning of congressional and presidential terms of office.
- Amendment 21 repeals the eighteenth amendment.
- Amendment 22 defines presidential term limits.
- Amendment 23 gives presidential voting rights to the District of Columbia.
- Amendment 24 states that the right to vote shall not be denied on account of any poll tax.
- Amendment 25 delineates presidential succession.
- Amendment 26 establishes the right to vote at age eighteen years or older.
- Amendment 27 limits congressional pay increases.

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What About the States?

- All but two of the original state constitutions pre-date the U.S. Constitution.
- Some of the early colonial Constitutions greatly informed the U.S. Constitution.
- In early May of 1776, the Continental Congress sent a circular letter to the 13 colonies encouraging all who had not yet done so to enact new government. This was an act of independence, two months prior to July 4th.
- So, the Colonies acted as independent sovereign states to separate from England.

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What about the States?

- When the US Constitution was ratified in 1788, it immediately established a superior relationship over all state law, including state constitutions (see Article 6, the Supremacy Clause).
- There is no direct connection between the state constitutions and the national one other than the Supremacy Clause and by inference in Article 1 Section 9 (which binds the states in certain ways) and some of the Amendments (which place additional limitations on the states).

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What about the States?

- The US Constitution acknowledges the states but makes no direct mention of their constitutions.
- Neither the state constitutions nor the national constitution legitimate each other. They setup and operate distinct sovereign entities. It was the state governments which sent delegates to the Constitutional Convention of 1787, but...
- "The People" which ratified the Constitution, not the state governments. This is significant in that the authority of the new government was based on the consent of those governed.

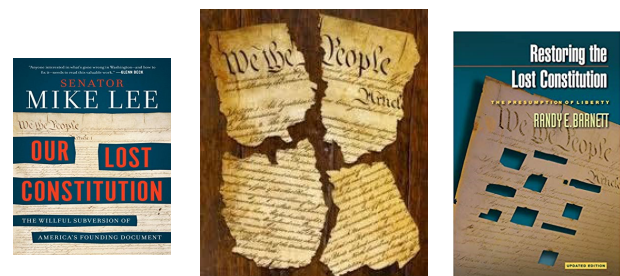
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What about the States?

- By 1787, eleven of the thirteen states had enacted new constitutions.
- More than half of the constitutions contained declarations of rights.
- All state governments were republican in form (liberty with law; elected representatives based on the citizens' vote).
- Many of the men who participated in the drafting of the state constitutions participated in the "Grand Convention."

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Our Tattered Constitution



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The Damaging of our Constitution

Supreme Court Malfeasance:

- U.S. v Butler (1936). The Court declared the General Welfare Clause a separate grant of power, not a caption to the enumerated powers as Madison insisted in 1792.
- Helvering v. Davis (1937). Congress may define “general welfare” any way they wish.
- Wickard v. Filburn (1942). Nearly anything can be shown to have some effect on interstate commerce and can thus be regulated by Congress.

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The Damaging of our Constitution

Congressional Maladministration

- Congress has proceeded as though there were no limits to the legislation it may enact.
- Although not a Constitutional violation, Congress has placed our economy in danger by growing the debt to \$28+ Trillion.

"If the debt should once more be swelled to a formidable size, its entire discharge will be despaired of, and we shall be committed to the English career of debt, corruption and rottenness, closing with revolution."

Thomas Jefferson, to Albert Gallatin, 11 October 1809

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Healing the Constitutional Breech

The Role of the Supreme Court

It can fix much of the damage it has caused but not unilaterally

It requires both a majority of originalist justices, and the right cases to be presented.

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Healing the Constitutional Breech

The Role of Congress

It can repair much of the damage it has caused by taking an originalist view of its true and voluntarily limited constitutional powers.

This requires men and women of conviction and moral character for the good of the nation and people.

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Healing the Constitutional Breech

The Role of the People

They can repair much of the damage they have allowed by electing men and women who are originalists, conservative, and have high moral and ethical standards – beginning with their local government position and outward office holders (public servants).

3:15

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The Future of our Constitution

The Role of the Amendment Process

- Article V describes two methods of amending (hopefully, repairing) the Constitution: either Congress or an Article V convention can draft amendments and send them to the states for ratification.
- Will Congress ever propose amendments which reduce their power or impose term limits?

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Emphatic Conclusion

- Our Constitution is unique, others have copied it, but we were the first with a Constitution formed by “We the People.”
- But... it was made only for a religious and moral people.*
- Our Constitution has roots in the Hebrew Republic and British law going back to Magna Carta. Knowing its full history and provenance helps us better understand it.
- The Constitution is built upon timeless republican principles.

*John Adams, To the Officers of the First Brigade of the Third Division of the Militia of Massachusetts, October 11, 1798.

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Emphatic Conclusion (cont.)

- Errant Supreme Court rulings and Congressional mischief have damaged the original understanding of the Constitution.
- The structure of the Constitution is not difficult to understand, yet the American people have demonstrated an appalling ignorance of and apathy towards the Constitution.
- The Constitution's original meaning can be restored, but it will take time and effort; you can help!

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Remember These Words

“O Posterity! You will never know how much it cost the present Generation to preserve your Freedom! I hope you will make good use of it. If you do not, I shall repent in Heaven, that I ever took half the Pains to preserve it.” John Adams, letter to Abigail Adams, 26 April, 1777



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Justification to resist governmental authority?

Romans 13: Governments are responsible (ordained by God) to commend the good and punish the evil doer (Also, I Peter 2)

When the government begins doing the opposite it is no longer “God’s servant for good.”

What is the current governmental “report card” as a minister of God for to you for good?

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Justification to resist a governmental authority?

“The Revolution was effected before the war commenced. The Revolution was in the minds and hearts of the people; a change in their religious sentiments of their duties and obligations. While the king, and all in authority under him, were believed to govern in justice and mercy, according to the laws and constitution derived to them from the God of nature and transmitted to them by their ancestors, [the colonists] thought themselves bound to pray for the king and queen and all the royal family, and all in authority under them, as ministers ordained of God for their good; but when they saw those powers renouncing all the principles of authority, and bent upon the destruction of all the securities of their lives, liberties, and properties, they thought it their duty to pray [instead] for the continental congress and all the thirteen State congresses, &c.” John Adams, Letter to Hezekiah Niles, 13 February 1818.

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What about a Theocracy?

I am a democrat because I believe that no man or group of men is good enough to be trusted with uncontrolled power over others. And the higher the pretensions of such power, the more dangerous I think it both to the rulers and to the subjects. Hence Theocracy is the worst of all governments. I few must have a tyrant a robber baron is far better than an inquisitor. The baron’s cruelty may sometimes sleep, his cupidity at some point be sated; and since he dimly knows he is doing wrong he may possibly repent. But the inquisitor who mistakes his own cruelty and lust of power and fear for the voice of Heaven will torment us infinitely because he torments us with the approval of his own conscience and his better impulses appear to him as temptations. And since Theocracy is the worst, the nearer any government approaches to Theocracy the worse it will be. C.S. Lewis

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