

# Chapter 11

## Judicial Usurpers

The law of Yahweh is perfect, converting the soul: the testimony of Yahweh is sure, making wise the simple. The statutes of Yahweh are right, rejoicing the heart: the commandment of Yahweh is pure, enlightening the eyes. The fear of Yahweh is clean, enduring for ever: the judgments of Yahweh are true and righteous altogether. More to be desired are they than gold, yea, than much fine gold: sweeter also than honey and the honeycomb. Moreover by them is thy servant warned: and in keeping of them there is great reward. (Psalm 19:7-11)

If only this had been the intent of the Declaration's signatories and Constitution's framers,<sup>138</sup> six of whom signed both documents. What a different nation we would have become contrasted with what we are today.

### The Declaration Speaks for Itself

#### Paragraph #2, Sentences 6-7

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.

#### Grievance #9

He [Britain's King George III] has made Judges *dependent on his Will alone*, for the tenure of their offices, and the amount and payment of their salaries.

These are, once again, legitimate concerns. They would have been much more legitimate had the Declaration's signatories been operating from a biblical paradigm—that is, outrage regarding the fact that King George had appointed judges who were dependent upon his will instead of Yahweh's will, as defined by God's moral law.<sup>139</sup> In other words, King George was no King Jehoshaphat:

And he [King Jehoshaphat] set judges in the land throughout all the fenced cities of Judah, city by city, and said to the judges, Take heed what ye do: *for ye judge not for man, but for Yahweh*, who is with you in the judgment.... And he charged them, saying, *Thus shall ye do in the fear of Yahweh*, faithfully, and with a perfect heart. (2 Chronicles 19:5-9)

## **Judicial Usurpation**

That King George had usurped God's judicial authority was not cited as the cause of the colonials' grievance. Their concern was not that George was ignoring *Yahweh's* will, but that he was instead ignoring *their* will.

Whether the will of one man or many men, it's all the same. When the American colonials appealed to the will of the many, it was the same humanism as King George's, only structured differently. Theirs was an attempt to overrule God by a majority consensus of finite humans, with what has invariably been disastrous results:

[Yahweh's] law is ignored justice is never upheld. For the wicked surround the righteous; therefore, justice comes out perverted.  
(Habakkuk 1:4, NASB)

The Constitutional Republic's judicial branch is a contemporary case of Habakkuk 1:4. If ever you've been unjustly prosecuted, you know what it's like to be surrounded by the wicked where justice is never upheld.

You can thank the Declaration's signatories and the Constitution's framers for the reason justice is seldom upheld in the Constitutional Republic's *Criminal* Justice System.<sup>140</sup> It couldn't be otherwise since the entire Constitutional Republic was established upon capricious secular humanism and thus the fickle edicts of finite men.<sup>141</sup>

## **Violence to the Law**

How much more injustice when Yahweh's law is despised:

[H]er priests have ... done violence to the law. (Zephaniah 3:4)

If it seems harsh to accuse the constitutional framers of doing violence to God's law, look no further than Article 6 and its claim that the Constitution, rather than Yahweh's

law, is supreme.<sup>142</sup>

There can only be one supreme law at any given time. Consequently, if the Constitution is supreme, God's law, at best, has been made subservient to the secular Constitution:

...a law repugnant to the Constitution is void.<sup>143</sup>

Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices.... Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land.<sup>144</sup>

In numerous instances, God's law is abrogated entirely by the Constitution and its subsidiary laws.<sup>145</sup>

Rather than appealing to God's justice as reflected in His triune moral law, the framers, like King George, also usurped His judicial authority.<sup>146</sup> In so doing, they created a Supreme Court adjudicated by nine biblically unqualified justices who have the ultimate authority to decide all appeals based upon what is predominantly their own immoral whims or those of the framers', if they happen to be constitutional originalists.\*

## **Forgetting Yahweh**

Justice is *not* the habitation of We the People. It's the habitation of Yahweh's throne,\*\* and He was forgotten in 1787:

It is said that, after the convention had adjourned, Rev. Dr. Miller, a distinguished professor in Princeton College, met Alexander Hamilton in the streets of Philadelphia, and said, "Mr. Hamilton, we are greatly grieved that the Constitution has no recognition of God or the Christian religion." "I declare," said Hamilton, "we forgot it!"<sup>147</sup>

Hamilton and his fellow constitutional framers would have done well to have considered Deuteronomy 8:

Beware that thou forget not Yahweh thy God, in not keeping his

commandments, and his judgments, and his statutes.... Lest when thou hast eaten and art full, and hast built goodly houses, and dwelt therein; and when thy herds and thy flocks multiply, and thy silver and thy gold is multiplied, and all that thou hast is multiplied; then thine heart be lifted up, and thou forget Yahweh thy God.... And thou say in thine heart, My power and the might of mine hand hath gotten me this wealth. But thou shalt remember Yahweh thy God: for it is he that giveth thee power to get wealth.... And it shall be, if thou do at all forget Yahweh thy God, and walk after other gods, and serve them, and worship them, I testify against you this day that ye shall surely perish. (Deuteronomy 8:11-19)

Contemporary Americans would do well to consider the same. To forget Yahweh is to forget His law, with consequences equally calamitous:

My people are destroyed for lack of knowledge: because thou hast rejected knowledge, I will also reject thee ... seeing thou hast forgotten the law of thy God, I will also forget thy children. (Hosea 4:6)

America, God is speaking to you!

### **Self-Deifying Authority**

Their justice and authority originate with themselves. (Habakkuk 1:7, NASB)

Because the Judahites in Verse 4 shunned Yahweh's law, they were exiled into Babylonian captivity and were thereby under the dominion of the Chaldeans, whose "justice" and "authority" originated with themselves (the same as in the Preamble of the United States Constitution<sup>148</sup>). In doing so, the Chaldeans made themselves their own God:

[I]mputing this his power unto his god. (Habakkuk 1:11)

According to 1 Corinthians 8:4-6, there's only one true God—the Great I Am, the Alpha and Omega, the beginning and end of all things. All other so-called gods amount to finite men ascribing their *own* renegade power unto their *own* bogus gods. In other words, the Chaldeans' god, like all false gods, was merely an extension of themselves and its "justice" and "authority" originated with them.

To put it another way: the Chaldeans' god was merely an ancient form of We the People,<sup>148</sup> no different from King George or the constitutional framers, whose "authority" and "justice" originated with themselves. Thus, George's violation regarding his unbiblical judges and the constitutional framers' violation regarding their unbiblical judges were one and the same.

### **No Biblical Mantle**

The constitutional framers' violation was, in part, a consequence of the Declaration's signatories, whose "justice" and "authority" also originated with themselves, and who therefore had no biblical mantle and/or commission to pass onto the constitutional framers eleven years later. They had nothing comparable to the mantle and charge Moses passed on to Joshua:

And Moses went and spake these words unto all Israel ... Yahweh hath said unto me, Thou shalt not go over this Jordan ... Joshua, he shall go over before thee.... And Moses called unto Joshua, and said unto him in the sight of all Israel, Be strong and of a good courage.... (Deuteronomy 31:1-7)

Strong and courageous in *what*?

Now after the death of Moses ... it came to pass, that Yahweh spake unto Joshua.... Only be thou strong and very courageous, *that thou mayest observe to do according to all the law*, which Moses my servant commanded thee: turn not from it to the right hand or to the left, that thou mayest prosper whithersoever thou goest. This book of the law shall not depart out of thy mouth; but thou shalt meditate therein day and night, that thou mayest observe to do according to all that is written therein: for then thou shalt make thy way prosperous, and then thou shalt have good success. (Joshua 1:1-8)

If only the Declaration's signatories and Constitution's framers had been as courageous.

### **They Suffered in Vain**

Having endured despotism at the hands of King George, the American colonials

(especially the Declaration's signatories) were willing to suffer horrific losses in order to secure their liberty from Great Britain. However, the real tragedy was that in doing so, they only succeeded in creating a government inherently destined to become multiplied times more tyrannical than the one they were defying. You only need to compare 21<sup>st</sup>-century America under Constitutional rule with 18<sup>th</sup>-century America under British rule to know this is true.

19<sup>th</sup>-century libertarian attorney Lysander Spooner summed up what was already true in 1870:

[The Constitution] has either authorized such a government as we have had, or has been powerless to prevent it.<sup>149</sup>

This was destined to be the case because the Constitutional Republic, although of a different construct, is nonetheless the same humanism as was Great Britain's government, including a judicial system built upon judges dependent upon man's will rather than Yahweh's will.

### **Grievance #9 Again**

He [Britain's King George III] has made Judges dependent on his Will alone, *for the tenure of their offices*, and the amount and payment of their salaries.

For the tenure, or duration, of said judges' terms in office. In other words, King George's judges' time in office was dictated by George rather than by God.

### **Judicial Tenure**

How does what the constitutional framers did in this regard compare with that of King George? This is actually one place where the framers got it right.

Article 3<sup>150</sup> of the Constitution dictates that judges are appointed with no time constraints to their tenure in office. They remain judges as long as they wish, provided they behave themselves (*whatever that means*, since good behavior is nowhere defined in the Constitution).

Lifetime tenure *is* biblical:

Thou shalt ... set him king over thee, whom Yahweh thy God shall choose: one from among thy brethren shalt thou set king over thee.... And it shall be, when he sitteth upon the throne of his kingdom, that he shall write him a copy of this law in a book .... and it shall be with him, and he shall read therein all the days of his life: that he may learn to fear Yahweh his God, to keep all the words of this law and these statutes, to do them: That his heart be not lifted up above his brethren, and that he turn not aside from the commandment, to the right hand, or to the left: *to the end that he may prolong his days in his kingdom....* (Deuteronomy 17:15-20)

When any civil leader is of the caliber depicted in Deuteronomy 17, Yahweh intends (*and we should as well*) for such a man to remain a civil leader indefinitely, provided he's physically and mentally capable, and provided he behaves himself—*that is, provided he remains biblically qualified.*

Good behavior is biblically defined as serving Yahweh as Sovereign along with serving the Sovereign's subjects (aka loving Yahweh your God with all your heart, soul, mind, and strength and your neighbor as yourself), pursuant to His commandments, statutes, and judgments.

For the transgression of a land many are the princes thereof: but by a man of understanding and knowledge the state thereof shall be prolonged. (Proverbs 28:2)

Any government system that provides for ruler after ruler is indicative of a government under God's judgment. Godly men not only limit or reduce the number of overall rulers, they also assist in prolonging Kingdom rule here on earth—that is, biblical government as established and expressed in local ecclesias.<sup>151</sup>

### **Righteous Leaders and Righteous Laws = Righteous Nations**

According to Proverbs 14:34, righteousness not only prolongs but exalts a nation, as in Deuteronomy 4:

Behold, I have taught you statutes and judgments, even as Yahweh my God commanded me, that ye should do so in the land whither ye go to

possess it. Keep therefore and do them; for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, Surely this great nation is a wise and understanding people. For what nation is there so great, who hath God so nigh unto them, as Yahweh our God is in all things that we call upon him for? And what nation is there so great, that hath statutes and judgments so righteous as all this law, which I set before you this day? (Deuteronomy 4:5-8)

Righteous leaders adjudicating righteous laws make for righteous nations.

Proverbs 14:34, Deuteronomy 4:5-8, and especially Deuteronomy 28:1-14 (which enumerates the blessings God bestows upon righteous nations) attest to the fact that America's former greatness was *not* the result of the Declaration's signatories nor the Constitution's framers, as so many Americans have been conned into believing. Rather, America's former greatness was the result of the early 1600s Puritans who formed governments of, by, and for God, expressly established upon His moral law:

**Fundamental Agreement of the Colony of New Haven, Connecticut, 1639:** Agreement; We all agree that the scriptures hold forth a perfect rule for the direction and government of all men in duties which they are to perform to God and to man, as well in families and commonwealth as in matters of the church; so likewise in all public officers which concern civil order, as choice of magistrates and officers, making and repealing laws, dividing allotments of inheritance, and all things of like nature, we will, all of us, be ordered by the rules which the scripture holds forth; and we agree that such persons may be entrusted with such matters of government as are described in Exodus 18:21 and Deuteronomy 1:13 with Deuteronomy 17:15 and 1 Corinthians 6:1, 6 & 7....

## Executive Tenure

Whereas the constitutional framers got it correct in Article 3<sup>152</sup> regarding the tenure of judges, they blew it in Article 2<sup>153</sup> regarding the tenure of presidents, which is an unbiblical position of civil leadership to begin with.

Article 2 provides four-year terms for presidents, and Amendment 22<sup>154</sup> limits



presidents to two terms. In other words, the Constitution provides that the United States be ruled by ruler after ruler, which is part of God's judgment upon our sinful nation.

## **Term Limits**

Many Christians and patriots clamor for similar term limits to be adopted for the Constitutional Republic's judges. However, the *length of tenure* is not the problem, but rather the *caliber of judges*—thanks to Article 6's Christian test ban<sup>155</sup> whereby mandatory biblical qualifications were likewise eliminated.

Most people would concede that term limits are a good thing when evil men rule. However, although term limits prevent corrupt officials from ruling *any longer* than their terms allow, they permit them to rule *as long as* their terms allow.

Furthermore, the Constitutional Republic's term limits can work in favor of the wicked just as easily as they can for better men and women, and never will anyone be replaced with righteous men as long as Article 6's Christian test ban remains intact.

Because Article 6 has guaranteed evil men and women as the Constitutional Republic's civil "leaders," the only thing term limits will accomplish is the replacement of one evil leader with another evil leader, who may very well be *more wicked* than one he or she is replacing.

Term limits, at best, are nothing but a Band-Aid on a self-inflicted wound, incurred with Article 6's Christian test ban.<sup>155</sup>

Under a biblical government, provided a man remains biblically qualified and physically and mentally capable, he would never need to be removed from his bench. Only when a judge, for whatever reason, becomes biblically unfit should his term end.

The constitutional framers got the lifetime tenure of judges correct. They failed miserably regarding the judges themselves, all of whom since the inception of the Constitutional Republic should have never been given *any tenure* as judges, if for no other reason than because at their inauguration they swear to uphold the biblically seditious Constitution rather than the Bible's triune moral law as the law of the land.<sup>155</sup>

## **Grievance #9 Again**

He [Britain's King George III] has made Judges dependent on his Will alone, for the tenure of their offices, and *the amount and payment of their salaries*.

## **Financial Compensation**

America's pre-revolutionary governors and judges were not financially compensated by the colonials but were instead dependent upon King George for their wages. This, in turn, led to many of these governors and judges' being loyal to George rather than sympathetic to the needs of their fellow colonials.

This political conundrum would never occur under a biblical government. Matthew 10:10 informs us that a "workman is worthy of his support." According to 1 Timothy 5:17-18, biblical elders who devote themselves and their time to Kingdom work are worthy of a double wage. Consequently, such judges would be financially compensated via the tithe collected from the general population whom they serve as judges.

The biblical tithe is not a church tithe, but rather a Kingdom tithe<sup>156</sup>—the Kingdom here on earth as established in local ecclesias.<sup>157</sup>

The biblical tithe also differs greatly from the Constitutional Republic's graduated income tax.<sup>158</sup> Instead, it's a flat 10% increase tax—required, albeit voluntary, from only those with an increase.

Under a biblical government, there is no graduated income tax, property tax, sales tax, nor any of the other sundry unbiblical taxes Americans suffer under, thanks to the Constitution's framers' rejection of Yahweh as America's Sovereign and His moral law as supreme, including its economic and taxing statutes.

There's little difference between King George's government and its oppressive taxation and that of the government created by the Declaration's signatories and Constitution's framers—with the exception that the Constitutional Republic's taxes are multiplied times worse than anything imagined by King George.

For my people have committed two evils; they have forsaken me the fountain of living waters, and hewed them out cisterns, broken cisterns, that can hold no water. (Jeremiah 2:13)

\* Originalism asserts that the Constitution must be interpreted based on the original understanding at the time the Constitution was adopted.

\*\* “Justice and judgment are the habitation of thy throne....” (Psalm 89:14)

“[T]hey have sinned against Yahweh, the habitation of justice, even Yahweh.” (Jeremiah 50:7)

### **Source Notes bible law**

138. *Bible Law vs. the United States Constitution: The Christian Perspective*, in which every Article and Amendment is examined by the Bible, [bibleversusconstitution.org/BlvcOnline/blvc-index.html](http://bibleversusconstitution.org/BlvcOnline/blvc-index.html)

See also audio series “Bible Law vs. Constitutionalism,” beginning at [bibleversusconstitution.org/tapelist.html#T1203](http://bibleversusconstitution.org/tapelist.html#T1203).

139. For more on how the Bible’s immutable/unchanging moral law applies today and should be implemented as the law of the land, see *Law and Kingdom: Their Relevance Under the New Covenant* at [bibleversusconstitution.org/law-kingdomFrame.html](http://bibleversusconstitution.org/law-kingdomFrame.html).

See also *A Biblical Constitution: A Scriptural Replacement for Secular Government* at [bibleversusconstitution.org/biblicalConstitution.html](http://bibleversusconstitution.org/biblicalConstitution.html).

140. Chapter 6 “Article 3: Judicial Usurpation” of *Bible Law vs. the United States Constitution: The Christian Perspective*, [bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt6.html](http://bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt6.html)

141. Chapter 4 “Article 1: Legislative Usurpation” of *Bible Law vs. the United States Constitution: The Christian Perspective*, [bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt4.html](http://bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt4.html)

142. Chapter 9 “Article 6: The Supreme Law of the Land” of *Bible Law vs. the United States Constitution: The Christian Perspective*, [bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt9.html](http://bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt9.html)

143. *Marbury v Madison*, 5 US (2 Cranch) 137, 164, 176 (1803)

144. *Reynolds v United States*, 98 U.S. 145 (1879)

145. *Bible Law vs. the United States Constitution: The Christian Perspective*, in which every Article and Amendment is examined by the Bible,

[bibleversusconstitution.org/BlvcOnline/blvc-index.html](http://bibleversusconstitution.org/BlvcOnline/blvc-index.html)

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147. Benjamin F. Morris, *The Christian Life and Character of the Civil Institutions of the United States* (Powder Springs, GA: American Vision, Inc., 2009, originally published 1864) pp. 296-97

148. Chapter 3 “The Preamble: We the People vs. Yahweh” of *Bible Law vs. the United States Constitution: The Christian Perspective*, [bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt3.html](http://bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt3.html)

149. Lysander Spooner, No Treason, No. VI, *The Constitution of No Authority*, <http://praxeology.net/LS-NT-6.htm#>

150. Chapter 6 “Article 3: Judicial Usurpation” of *Bible Law vs. the United States Constitution: The Christian Perspective*, [bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt6.html](http://bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt6.html)

151. *Ecclesia vs. Church: Why Understanding the Difference is Critical to Our Future*, [bibleversusconstitution.org/onlineBooks/ecclesia.html](http://bibleversusconstitution.org/onlineBooks/ecclesia.html)

152. Chapter 6 “Article 3: Judicial Usurpation” of *Bible Law vs. the United States Constitution: The Christian Perspective*, [bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt6.html](http://bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt6.html)

153. Chapter 5 “Article 2: Executive Usurpation” of *Bible Law vs. the United States Constitution: The Christian Perspective*, [bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt5.html](http://bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt5.html)

154. Chapter 31 “Amendments 22-25: Additional Extraneous Executive Regulations” of *Bible Law vs. the United States Constitution: The Christian Perspective*, [bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt31.html](http://bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt31.html)

155. Chapter 9 “Article 6: The Supreme Law of the Land” of *Bible Law vs. the United States Constitution: The Christian Perspective*, [bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt9.html](http://bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt9.html)

156. Listen to audio series “Kingdom Tithing,” beginning at [bibleversusconstitution.org/tapelist.html#T804](http://bibleversusconstitution.org/tapelist.html#T804).

157. *Ecclesia vs. Church: Why Understanding the Difference is Critical to Our*

*Future*, [bibleversusconstitution.org/onlineBooks/ecclesia.html](http://bibleversusconstitution.org/onlineBooks/ecclesia.html)

158. Chapter 25 “Amendment 16: Graduated Income Tax vs. Flat Increase Tax” of *Bible Law vs. the United States Constitution: The Christian Perspective*, [bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt25.html](http://bibleversusconstitution.org/BlvcOnline/biblelaw-constitutionalism-pt25.html)