

Chapter 14

Amendment 5: Constitutional vs. Biblical Judicial Protection

No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Grand Juries vs. Biblical Protocol

The grand jury consists of not more than twenty-three men called in by the sheriff of the county (or by the United States marshal of the District) to hear witnesses respecting any subject that may properly be brought before them. If they believe that a person accused should be brought to trial, they return into court a “true bill” or indictment, which is a formal charge in writing that acts were done amounting to a crime; otherwise they write “no bill.” The person indicted is later brought to trial before a petit jury of twelve, which after hearing the evidence on both sides, returns a verdict of guilty or not guilty.¹

When judicial proceedings are conducted according to Yahweh’s² protocol, grand juries are as unnecessary and inherently flawed as are petit, or trial, juries. (See [Chapter 6](#) for information concerning the United States Constitutional Republic’s unbiblical jury system.) Yahweh has provided the following six safeguards in His Word:

Safeguard 1

Be not a witness against thy neighbour without cause.... (Proverbs 24:28)³

Frivolous cases that fail to merit the court’s attention should be immediately dismissed. This criterion alone would eliminate most cases clogging today’s courts.

Safeguard 2

If a man deliver unto his neighbour an ass, or an ox, or a sheep, or any beast, to keep; and it die, or be hurt, or driven away, no man seeing it: Then shall an oath of YHWH⁴ be between them both, that he hath not put his hand unto his neighbour’s goods; and the owner of it shall accept thereof, and he shall not make it good. (Exodus 22:10-11)

The oath of Yahweh is also referred to in the New Testament epistle to the Hebrews:

For men swear by one greater than themselves, and with them an oath given as confirmation is an end of every dispute. (Hebrews 6:16, NASB)

In order for such an oath to affect disputes, it must be self-maledictory – that is, an oath by which the person calls a curse upon himself if he gives false testimony. A self-maledictory oath to Yahweh should be required of all litigants in every court case:

If any man trespass against his neighbour, and an oath be laid upon him to cause him to swear, and the oath come before thine altar in this house: Then hear thou in heaven, and do, and judge thy servants, condemning the wicked, to bring his way upon his head; and justifying the righteous, to give him according to his righteousness. (1 Kings 8:31-32)

Unlike the vast majority of oaths taken in our modern courts (or by presidents and other politicians who break their oaths of office whenever it is to their advantage), biblical oaths actually have clout:

An oath, according to Biblical law, consisted in the invocation of God to witness the covenant or promise of the person taking it and to take vengeance upon him if he should fail to keep his word. Thus it was not the mere taking of an obligation to testify truly, but was a method of solemnizing a promise to do or not to do a certain thing and which, without an oath, was not considered binding.⁵

The oath of a witness was originally an appeal to God to bear witness to the truth of his testimony and to visit vengeance upon him if it should be false.⁶

To swear falsely in Yahweh's name is a [Third Commandment](#) violation punishable by death: And ye shall not swear by my name falsely, neither shalt thou profane the name of thy God: I am YHWH. (Leviticus 19:12)

And he that blasphemeth the name of YHWH, he shall surely be put to death, and all the congregation shall certainly stone him: as well the stranger, as he that is born in the land.... (Leviticus 24:16)

...Thou shalt not live; for thou speakest lies in the name of YHWH.... (Zechariah 13:3)

In capital cases, litigants could incur the death penalty on perjury alone.

Safeguard 3

One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established. (Deuteronomy 19:15)

Every matter must be determined by the testimony of at least two witnesses. Under Yahweh's judicial system, a false accuser cannot even hope to get his case docketed without coercing or bribing someone else to take the same risk, as described in Safeguard 6.

Safeguard 4

If a false witness rise up against any man to testify against him that which is wrong; then both the men, between whom the controversy is, shall stand before YHWH, before the priests and the judges, which shall be in those days; and the judges shall make diligent inquisition.... (Deuteronomy 19:16-18)

Every man is given an opportunity in court to defend himself against his accusers. This affords the presiding judge the opportunity to make "diligent inquisition" into the accusations, to administer self-maledictory oaths, and to determine which litigant is speaking the truth.

Safeguard 5

Then shalt thou bring forth that man or that woman, which have committed that wicked thing, unto thy gates, even that man or that woman, and shalt stone them with stones, till they die. At the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death; but at the mouth of one witness he shall not be put to death. The hands of the witnesses shall be first upon him to put him to death, and afterward the hands of all the people. So thou shalt put the evil away from among you. (Deuteronomy 17:5-7)

In capital cases, witnesses must be so certain of their testimony that they (along with the blood avengers, Deuteronomy 19:11-12) are prepared to initiate judgment upon the person against whom they testify. In non-capital cases, in which a judge prescribes a beating as punishment (Deuteronomy 25:1-3), the witnesses would assist in the flogging.

Safeguard 6

If a false witness rise up against any man to testify against him that which is wrong ... then shall ye do unto him, as he had thought to have done unto his brother: so shalt thou put the evil away from among you. And those which remain shall hear, and fear, and shall henceforth commit no more any such evil among you. And thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot. (Deuteronomy 19:16-21)

Before going to trial, a false witness must take a calculated risk. If a witness is caught perjuring himself, he is to suffer the same punishment he intends for his victim. This judgment, known as *lex talionis*, or the law of retribution, protects the integrity of the court and all but guarantees truthful testimony.

One of the major problems creating backlogs in courts today is the pervasive problem of perjury. District attorneys and prosecutors with whom I [John W. Welch] have spoken report that perjury is rampant and that they assume that virtually every witness is lying to some degree. Yet perjury is hardly ever studied, let alone prosecuted. The stakes are too small, and the difficulty in getting a conviction is too high.... The biblical legal system worked largely because it exacted high penalties for perjury. The prohibition against bearing false witness was aimed not so much against lying in general but more particularly against committing perjury in a judicial proceeding, especially where the name of God was invoked in bearing testimony as witness (and therefore offending God by such prevarication). Biblical law assumed that people would tell the truth, and oaths were taken very seriously. If they did not tell the truth, false witnesses were punished by suffering the consequences that would have befallen the person against whom they had falsely testified.⁷

Yahweh placed these six safeguards within His judicial system to assure maximum protection against fallacious court cases and false testimony. If we would return to Yahweh's law, particularly these Ninth Commandment statutes, few would dare bear false testimony, and the need for grand and petit juries would be eliminated.

Double Jeopardy

Amendment 5 forbids "any person [to] be subject for the same offence" and thereby to "twice be put in jeopardy of life or limb." However, because this amendment does not stipulate the number of times a grand jury can be convened for the same person, prosecuting attorneys have been known to keep calling up grand juries until they finally find one that decides in their favor. Safeguard 6 alone makes double jeopardy extremely unlikely. In capital cases, the

death penalty commanded by Yahweh would mean either the convicted offender would not be alive to try a second time or the false witnesses would not be alive to testify a second time.

Self-Incrimination

The Fifth Amendment stipulates that no man can be compelled to testify against himself:

The origins of the right go back to objections against the inquisitorial proceedings of medieval ecclesiastical tribunals as well as the British Courts of Star Chamber. By the late 17th century, the maxim of *nemo tenetur prodere seipsum* – no man is bound to accuse himself – had been adopted by British common law courts and had been expanded to mean that a person did not have to answer any questions about his or her actions. The state could prosecute a person, but could not require that he or she assist in that process. The colonies carried this doctrine over as part of the received common law, and many states wrote it into their early bills of rights. Madison included it as a matter of course when he drafted the federal Bill of Rights.⁸

Today this idea is often described as “taking the Fifth.” In *Miranda v. Arizona*,⁹ this provision was expanded. Writing on behalf of a five to four majority, Chief Justice Earl Warren concluded that a person under arrest had to be clearly informed of the constitutional right to remain silent because anything said at that point could be used against him in a court of law. Many people laud the Fifth Amendment and Justice Warren’s ruling, but how does “taking the Fifth” comport with Yahweh’s law?

Required Oaths

The Fifth Amendment’s self-incrimination exception conflicts with Yahweh’s oath requirement in Exodus 22:10-11 and 1 Kings 8:31-32, in which litigants are prohibited from remaining silent. In Joshua 7:19, Joshua required Achan to “give ... glory to YHWH God of Israel and make confession unto him.”

Anyone who does not plead guilty *must* swear to his innocence and pay the consequences if proven otherwise. Pleading innocent, as done in today’s constitutional courts with essentially no judgment for perjury, is not the same as swearing a self-maledictory oath, which, in capital cases, can result in the death penalty if the litigant perjures himself. For crimes of theft, anyone caught in an intentional cover-up is required to pay an additional twenty percent of the two to five times restitution (Exodus 22:1, 4) already required, depending upon the nature of the theft:

If a soul sin, and commit a trespass against YHWH, and lie unto his neighbour ... or hath deceived his neighbour ... and sweareth falsely [in a court of law]... Then it shall be, because he ... is guilty, that he shall restore that which he took violently away, or the thing which he hath deceitfully gotten, or that which was delivered him to keep, or the lost thing which he found, or all that about which he hath sworn falsely; he shall even restore it in the principal [in full, NASB], and shall add the fifth part more thereto, and give it unto him to whom it appertaineth, in the day of his trespass offering. (Leviticus 6:2-5)

The two to five times restitution is the judgment for theft; the additional twenty percent is the judgment for perjury. This added judgment serves to motivate apprehended thieves to confess their crimes, which, in turn, would expedite their cases and save court expenses.

Required Testimony

Leviticus 5 demands testimony of *all* witnesses, including the accused:

If someone is officially summoned to give evidence in court and does not give information about something he has seen or heard, he must suffer the consequences.... When a person is guilty, he must confess the sin. (Leviticus 5:1, 5, TEV)

The Ninth Commandment not only condemns false testimony, it *demand*s truthful testimony. Leviticus 5:1 requires a criminal to testify against himself, whereas the Fifth Amendment declares a criminal cannot be compelled to do so. In effect, the Fifth Amendment sides with the criminal.

American jurisprudence further dictates that no one can be compelled to testify against a spouse. This exception is another transgression of Leviticus 5:1. Yahweh's law requires relatives and friends alike to not only testify against anyone promoting idolatry, but to also participate in their execution:

If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, which is as thine own soul, entice thee secretly, saying, Let us go and serve other gods, which thou hast not known.... Thou shalt not consent unto him, nor hearken unto him; neither shall thine eye pity him, neither shalt thou spare, neither shalt thou conceal him: But thou shalt surely kill him; thine hand shall be first upon him to put him to death, and afterwards the hand of all the people. And thou shalt stone him with stones, that he die; because he hath sought to thrust thee away from YHWH thy God.... (Deuteronomy 13:6-10)

The Bible depicts murder as blood crying from the ground for justice. Certainly, Yahweh requires a wife to disclose a murder committed by her husband. Does it seem reasonable that He would prefer a wife to allow the murder to go unpunished in order to remain loyal to her guilty husband? In Acts 5, the Apostle Peter required Sapphira to testify against her husband Ananias. Sapphira chose to lie and Yahweh struck her dead. (He had already struck Ananias dead when he refused to testify against himself.) On the other hand, in 1 Samuel 25, righteous Abigail was rewarded for testifying against her husband Nabal to save his and the lives of others who were innocent.

The spousal exemption in American jurisprudence came, not from the Bible, but from the heretical Babylonian Talmud:

No relation of the man on trial is eligible to give evidence, and the disqualifying relationships are carefully listed – kinsmen, father, brother, father's brother, mother's brother, sister's husband, father's sister's husband, mother's sister's husband, together with all their sons and sons-in-law. A stepson may not give evidence, but his sons can. In general, no one qualified to be the heir of the person on trial can give evidence (Sanhedrin 3.3, 4; Makkoth 1.8). Neither a friend nor an enemy can give evidence. The friend is described as one who had been the accused's groomsman and an enemy as one who has not spoken to him for three days, because of a difference (Sanhedrin 3.5).¹⁰

These exceptions eliminate almost everyone from testifying in courts of law. Because the Talmud is nearly always antithetical to Yahweh's law, this should come as no surprise.¹¹ Certain Bible expositors have also attempted to exempt pastors and doctors from Leviticus 5:1:

The right to silence on the grounds of privileged communication is to a degree granted to pastors and doctors. The presupposition in both cases is the same. The statements or confessions made by a person to his pastor or doctor in the course of a formal or professional relationship are privileged communications, because the person in question is in effect

confessing to God in the form of a ministering agent.... This does not deny the duty of pastor and doctor to urge a person to make restitution where restitution is due, or to urge confession where confession is due. It is their duty to uphold the law of God by urging compliance with it of all who come to them, but they cannot go beyond that fact of counsel.¹²

The source of this “privileged communication” is not Yahweh’s law. The Catholic Church’s Seal of Confession (or Seal of Secrecy) demands the same unbiblical protection for their priests:

In the “Decretum” of the Gratian ... we find ... the following declaration of the law as to the seal of confession: “Deponatur sacerdos qui peccata penitentis publicare praesumit.”, i.e., “Let the priest who dares to make known the sins of his penitent be deposed.”¹³

Attorneys are allegedly exempt from Leviticus 5:1 as well:

...conferences with one’s attorney are privileged communications, since the attorney serves as the defendant’s agent and representative in court. To compel an attorney’s testimony is to deny the defendant his liberty and privacy.¹⁴

Nowhere does the Bible authorize or sanction attorney privileges. Defense attorneys routinely cover up their clients’ crimes to get them acquitted. In so doing, they transgress Leviticus 5:1 and become accomplices to their clients’ crimes. When an attorney is aware of his client’s guilt and does not testify against his client, his attorney fee should be treated as a bribe against justice. Under Yahweh’s law, the spouse, priest, pastor, doctor, or lawyer who conceals a crime by refusing to testify should face the judgment of *lex talionis*. Imagine how many crimes would be solved (or prevented) if criminals knew their attorneys were required to testify against them.

What’s more, diplomatic immunity doesn’t exist under Yahweh’s law. *All* foreigners are the under the same law and will be prosecuted the same as a citizen:

One law shall be to him that is homeborn, and unto the stranger that sojourneth among you. (Exodus 12:49)

Due Process and Just Compensation

The Fifth Amendment concludes with the provisions that no one shall be “deprived of ... property without due process of law” and “private property [shall not] be taken for public use without just compensation.” Because this provision allows the government to legally steal private citizens’ lands, these assurances are a cover for theft. Because of Amendment 5’s promise of “just” compensation, most people do not even think to ask whose “due process of law” is going to be employed and whether the government’s confiscation of private lands for public use is ethical or whether governments should own property at all. According to the United States Constitution, “just compensation” is what the government, not the private owner, decides is equitable.

Private Property

But thou shalt remember YHWH thy God: for it is he that giveth thee power to get wealth.... (Deuteronomy 8:18)

Property is inherent to both the Fourth (Remember the sabbath day to keep it holy) and Eighth (Thou shalt not steal) Commandments. The [Fourth Commandment's](#) stipulation regarding six days of labor provides a means of acquiring property, and the [Eighth Commandment](#) is predicated upon the right of property ownership.

Is it not lawful for me to do what I will with mine own? (Matthew 20:15)

Property implies ownership and ownership entitles the owner to do with his property whatever he wishes, provided it does not damage others:

...the power of ownership must be absolute. It is black and white; I own a thing or I don't. I may own a part of it, but there is no such thing as a part of ownership. Christians have a commonplace saying that every man's home is his castle. He is king in his own residence; he may go to any lengths to stop a trespass; soldiers, in the United States, may not be quartered in his home without his consent; and not even a policeman may enter without a proper warrant issued under careful safeguards. If a man really owns his property, he may refuse to sell it, even to a king, as Naboth refused to sell his vineyard to King Ahab. He may dispose of it at his death by will; he may develop it or not as he sees fit, and within the limits of it there isn't much he can't do. The same conditions apply to personal property and money.¹⁵

Three attributes distinguish a property owner:

A good or an asset is defined to be private property if, and only if, three distinct sets of rights are associated with its ownership. First, the exclusive right to *use* (or to decide how to use) the good may be viewed as the right to exclude other individuals from its use. Second is the exclusive right to receive *income* generated by the use of the good. Third, the full right to *transfer*, or freely 'alienate,' its ownership includes the right to enter into contracts and to choose their form.¹⁶

The Fourth and particularly the Eighth Commandments stand in stark contrast to both the Fifth Amendment of the Constitution and the comparable First Plank of the Communist Manifesto: "Abolition of private property and the application of all rent to public purpose."

The Fifth Amendment also violates Yahweh's statute regarding His Jubilee:

And thou shalt number seven sabbaths of years unto thee ... forty and nine years.... And ye shall hallow the fiftieth year, and proclaim liberty throughout all the land unto all the inhabitants thereof: it shall be a jubilee unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family.... And if thou sell ought unto thy neighbour, or buyest ought of thy neighbour's hand.... The land shall not be sold for ever: for the land is mine ... that which is sold shall remain in the hand of him that hath bought it until the year of jubilee: and in the jubilee it shall go out, and he shall return unto his possession. (Leviticus 25:8-28)

The year of Jubilee makes it impossible for a man to amass property or for the government to confiscate private property.

Government Theft

Moreover the prince shall not take of the people's inheritance by oppression, to thrust them out of their possession ... that my people be not scattered every man from his possession. (Ezekiel 46:18)

Governments tend to be more ingenious than the average citizen in the diverse ways they steal. In 1848, French statesman Frederic Bastiat expounded upon this inherent vice of human governments:

The law has placed the collective force at the disposal of the unscrupulous who wish, without risk, to exploit the person, liberty, and property of others. It has converted plunder into a right, in order to protect plunder. And it has converted lawful defense into a crime, in order to punish lawful defense. ...[t]he law is used by the legislator to destroy in varying degrees among the rest of the people, their personal independence by slavery, their liberty by oppression, and their property by plunder.¹⁷

...legal plunder can be committed in an infinite number of ways. Thus we have an infinite number of plans for organizing it: tariffs, protection, benefits, subsidies, encouragements, progressive taxation, public schools, guaranteed jobs, guaranteed profits, minimum wages, a right to relief, a right to the tools of labor, free credit, and so on, and so on.¹⁸

Although most of this sounds all too familiar, the average United States citizen fails to recognize these “entitlements” as theft.

Yahweh’s Property

Ultimately, all property belongs to Yahweh. He has blessed us with everything we possess and placed us as stewards over it. To keep our property and possessions in their proper perspective, we must humbly acknowledge that it is Yahweh who enables us to acquire everything we own:

The earth is indeed the Lord’s, as is all dominion, but God has chosen to give dominion over the earth to man, subject to His law-word, and property is a central aspect of that dominion. The absolute and transcendental title to property is the Lord’s; the present and historical title to property is man’s.¹⁹

As stewards of Yahweh’s gifts, Christians²⁰ should regard wealth and property as a means of furthering His kingdom. The tithe from a property’s increase is particularly intended for building the kingdom. It is tacit testimony that Yahweh possesses title to the earth. (Our biggest concern regarding property taxes should not be the taxes themselves, but instead their implications of ownership. See [Chapter 25](#) “Amendment 16: Graduated Income Tax vs. Flat Increase Tax” for information regarding the unbiblical nature of property taxes.) Yahweh holds ultimate jurisdiction over the entire earth and everything on it. The constitutional framers had no right to claim the Constitution as the supreme law of the land since they neither created nor held title to the land.

Eminent Domain

The Fifth Amendment’s provision for property confiscation is applied in eminent domain, which is nothing more than a form of organized theft:

Thou shalt not remove thy neighbour’s landmark, which they of old time have set in thine inheritance.... (Deuteronomy 19:14)

Eminent domain – the Constitutional Republic’s alleged right to seize property for the “betterment” of the people – is one way the government moves boundary markers and steals from its citizens. *Bouvier’s Law Dictionary* defines eminent domain, in part, as follows:

The superior right of property subsisting in a sovereignty, by which private property may in certain cases be taken or its use controlled for the public benefit, without regard to the wishes of the owner.... The right of every government to appropriate otherwise than by taxation and its police authority ... private property for public use.²¹

This property appropriation and redistribution is allegedly justified under the guise of urban renewal, by which private property is condemned for private use or sometimes transferred from one private owner to another. This occurred in the infamous 2005 case of *Kelo v. City of New London*,²² in which the Supreme Court decided five to four in favor of stealing a private owner’s home and property and transferring it to another individual under the auspices of furthering economic development. These types of decisions were made possible when, in 1954, in *Berman v. Parker*,²³ the Supreme Court expanded the government’s “right” to confiscate private property to include “eliminating blight” as justification for such theft. Because Deuteronomy 19:14 offers no exception clause, no individual or body of individuals has the authority to steal land by moving boundary markers, regardless the reason:

Eminent domain is ... an attribute of ultimate sovereignty, and therefore it is an attribute of divinity.... The right of eminent domain, then, is a divine right and power. Moreover, there are no degrees of divinity: divinity is a total concept. A deity is either divine, or he is not; he is either a god, or he is not. Thus, when the state lays claim to divinity, it lays claim to total power. The right of eminent domain ostensibly limits the state to the confiscation of properties necessary to the common good, or to the public welfare. But the state is the judge of the common good and public welfare, and so the power of eminent domain expands steadily towards the total possession by the state of all properties within the state. The state, being viewed as the higher or supreme power, and the possessor of eminent domain, is seen as the natural guardian and agency of the public welfare. In terms of this presupposition, private ownership is seen as hostile to the common good, whereas state ownership advances the public welfare.... The right of eminent domain, therefore, by associating a “necessary common use” or good with the state, makes the state into a benevolent god whose control and ownership are necessary to the welfare of man.²⁴

The “need” for straight highways is often cited by proponents of eminent domain. But which is more important – straight highways or private property? Yahweh did not provide for straight highways in His law, but He *did* establish private property. Eminent domain – as provided by the Fifth Amendment – is an impressive term for legalized plunder. Because only Yahweh is sovereign, only He holds eminent domain to all land (Exodus 19:5, Leviticus 25:23). Any government claiming domain is breaking not only the [Eighth Commandment](#) when it enforces that claim, but also the [Second Commandment](#) by usurping Yahweh’s sovereign ownership.

Public Lands

The creation of public lands is another method employed by the Constitutional Republic to move boundary markers. Identifying these lands as “public” is part of the ruse to conceal the theft. Except that the public is permitted limited access, they are not public at all. These lands, which are often stolen by legislation (such as the Wilderness Act of 1964, the Clean Air Act of 1970, the Endangered Species Act of 1973, and the Clean Water Act of 1977) from private property owners, are owned by the government, not the public. Even public use is changing

due to the government's increasing restriction of access. The fact that the government can and does restrict access further proves its ownership. Moreover, the public is perpetually paying taxes toward upkeep and paying fees to gain admittance to National Parks and other lands that are supposedly already theirs.

The people's support of public lands is misplaced. The government has yet to demonstrate it can manage *anything* better than private entrepreneurs. Certainly, private owners would recognize Yellowstone National Park's potential source of revenue and make parts of it available to the public, probably at far less expense. Dude ranches are one example of how private citizens are doing exactly this on a smaller scale.

All the Land

Public lands are just the tip of the iceberg. *All* of America is owned by federal and state governments via their claim to property taxes and eminent domain:

...technically the state as sovereign ... [has] ultimate title to the land, so too does it have ultimate title to the land on which rests churches and private houses.²⁵

Most people are unaware that eminent domain confers ownership of *all* land to the government. Although the government covers up its theft by paying what *it* considers just compensation for the land, it can seize any part or all of any citizen's land at its discretion:

Eminent Domain as Exercise of Sovereignty. It was the theory of Grotius that the power of eminent domain was based on the principle that the state had an original and absolute ownership of the whole property possessed by the individual members of it; antecedent to their possession, and that their possession and enjoyment of it being subsequently derived from a grant by the sovereign, it was held subject to a tacit agreement or implied reservation that it might be resumed and all individual rights to it extinguished by a rightful exertion of this ultimate ownership by the state.²⁶

If a property owner does not have *total* control over his land, he does not own it. No middle ground exists. It is oxymoronic to say you own something when you do not have absolute control over it. Because the government maintains the right and has the power to tax and confiscate property, as well as exercise eminent domain, the property most people think they own is not really theirs at all.

That government can and does exercise eminent domain anytime and anywhere it chooses proves it has stolen title to all the land in America. The only difference between King Ahab's theft of Naboth's vineyard in 1 Kings 21:1-16 and the Constitutional Republic's theft under the guise of taxation and eminent domain is that today's government is more sophisticated and all-inclusive in its methods. Just because the government seldom exercises its claim to eminent domain does not make it any less a reality. Ultimately, the government can seize any citizen's land at will. Because Yahweh's eminent domain encompasses the entire earth, the Constitutional Republic is a thief who steals from Yahweh.

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End Notes

1. Thomas James Norton, "The Constitution For the United States: Its Sources and Its Application: Article [Amendment] V," <http://www.barefootsworld.net/consti11.html>.
2. YHWH (most often pronounced Yahweh) is the English transliteration of the Tetragrammaton, the principal Hebrew name of the God of the Bible. For a more thorough explanation concerning the sacred names of God, "[The Third Commandment](#)" may be read online, or the book *Thou shalt not take the name of YHWH thy God in vain* may be ordered from Bible Law vs. The United States Constitution, PO Box 248, Scottsbluff, Nebraska 69363, for a suggested \$4 donation.*
3. All Scripture is quoted from the King James Version, unless otherwise noted. Portions of Scripture have been omitted for brevity. If you have questions regarding any passage, please study the text to ensure it has been properly used.
4. Where the Tetragrammaton (YHWH) – the four Hebrew characters that represent the personal name of God – has been unlawfully rendered the LORD or GOD in English translations, I have taken the liberty to correct this error by inserting YHWH where appropriate. For a more thorough explanation concerning the use of the names of God, "[The Third Commandment](#)" may be read online, or the book *Thou shalt not take the name of YHWH thy God in vain* may be ordered from Bible Law vs. The United States Constitution, PO Box 248, Scottsbluff, Nebraska, 69363, for a suggested \$4 donation.*
5. H. B. Clark, *Clark's Biblical Law* (Portland, OR: Binfords & Mort, 1943) p. 102.
6. *Ibid.*, p. 294.
7. John W. Welch, "Biblical Law in America: Historical Perspectives and Potentials for Reform," 30 September 2002, <http://www.contra-mundum.org/essays/theonomy/WEL1.pdf>.
8. International Information Programs, USINFO.STATE.GOV, "Rights of the Accused," *Rights of the People: Individual Freedom and the Bill of Rights*, <http://usinfo.org/enus/government/overview/accused.html>.
9. *Miranda v. Arizona*, 384 U.S. 436 (1966).
10. William Barclay, *The Ten Commandments for Today* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1946) pp. 199-200.
11. For documentation regarding the heretical nature of the Babylonian Talmud, *God's Covenant People: Yesterday, Today and Forever* may be read online, or the [book](#) may be ordered from Bible Law vs. The United States Constitution, PO Box 248, Scottsbluff, Nebraska 69363, for a suggested \$14 donation.*
12. Rousas John Rushdoony, *The Institutes of Biblical Law* (The Presbyterian and Reformed Publishing Company, 1973) p. 567.
13. "The Law of the Seal of Confession," *Online Catholic Encyclopedia*, www.newadvent.org/cathen/13649b.htm.
14. Rushdoony, p. 567.
15. Robert Ingram, *The World Under God's Law: Criminal Aspects of the Welfare State* (Houston, TX: St. Thomas Press, 1962/1981) p. 94.
16. Steven N.S. Cheung, *The Myth of Social Cost*, p. 34, quoted in Gary North, *Tools of Dominion: The Case Laws of Exodus* (Tyler, TX: The Institute for Christian Economics, 1997) p. 576.

17. Frederic Bastiat, *The Law* (Irvington-on-Hudson, NY: The Foundation for Economic Education, Inc., [1848] 1987) pp. 8-11.

18. *Ibid.*, p. 22.

19. Rushdoony, p. 451.

20. Not everyone claiming to be a Christian has been properly instructed in the biblical plan of salvation. Mark 16:15-16; Acts 2:36-41, 22:1-16; Romans 6:3-4; Galatians 3:26-27; Colossians 2:11-13; and 1 Peter 3:21 should be studied to understand what is required to be covered by the blood of Jesus and forgiven of your sins. For a more thorough explanation concerning baptism and its relationship to salvation, the book Baptism: All You Wanted to Know and More may be requested from Bible Law vs. The United States Constitution, PO Box 248, Scottsbluff, Nebraska 69363, for free.

21. John Bouvier, *Bouvier's Law Dictionary: A Concise Encyclopedia of the Law*, 3 vols., s.v. "Oath" (Kansas City, MO: Vernon Law Book Company, 1914) vol. 1, p. 1008.

22. *Kelo v. City of New London*, 545 U.S. 469 (2005).

23. *Berman v. Parker*, 348 U.S. 26 (1954).

24. Rousas John Rushdoony, *Politics of Guilt and Pity* (Nutley, NJ: The Craig Press, 1970) pp. 325, 327.

25. Leo Pfeffer, *God, Caesar, and The Constitution: The Court as Referee of Church-State Confrontation* (Boston, MA: Beacon Press, 1975) pp. 337-38.

26. William M. McKinney, Burdett A. Rich, eds., *Ruling Case Law*, quoted in Rousas John Rushdoony, *The Institutes of Biblical Law* (Vallecito, CA: Ross House Books, 1973) p. 500.

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