For the Crown Rights of Jesus Christ

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From the Editor's Desk

The Christian Statesman is committed to the proposition that God has appointed Jesus Christ as the ruler of all nations. Thus, on the cover of every issue we declare our self-conscious purpose: "For the Crown Rights of Jesus Christ." If Christ is King of nations, then it follows that His law is the absolute standard for political righteousness. To state our focus in other words: *The Christian Statesman* stands on the doctrine of Christ's mediatorial reign over the kings and rulers of the earth and on the full authority and sufficiency of Holy Scripture to instruct both citizens and rulers in the duties of civil government.

Not only is our witness to these truths uncompromising, it is also of historic dimensions. *The Christian Statesman* began publication in 1867 and has been continuously published ever since. For the past 138 years our writers have sought to apply the truths of Christ's kingdom and law to the sphere of politics. In the past two years, we have been reprinting articles from the earliest issues of the *Statesman*. These articles show the continuity between our previous advocacy and defense of an explicitly Christian approach and the one being set forth today.

A vitally important aspect of the history of *The Christian Statesman* is its readers and supporters. Since our beginning in 1867, they have made *The Christian Statesman* possible. If it was not for their keen interest in applying the truths of the Bible to civil government, if it was not for their recommendation and promotion of this publication to others, if it was not for their feedback and encouragement, and if it were not for their monetary support, *The Christian Statesman* would have ceased as a witness to the crown rights of Jesus Christ a long time ago. For this support by our readers, we are deeply grateful.

We live in a critical time in history, and the ministry of *The Christian Statesman* is needed more than ever. All around us, we see the apostasy of the evangelical church from the doctrine of Christ's mediatorial kingship and the final authority of biblical law over the state. Pluralism and natural law, the antithesis to the biblical revelation of Christ's lordship and His authoritative Word, is the reigning paradigm, not only in society but in most of the church as well. *The Christian Statesman* is a key component in recapturing the minds of Christians and igniting their souls to love the glory of Christ's mediatorial reign. Please, dear reader, continue to *pray* for this work, *promote* this work, and *give* generously to support it. I ask you to do these things, "For the Crown Rights of Jesus Christ."

Court Tradition, or the Constitution Alone?

Louis Sette

Jesus Christ built His church on the rock of faith that Peter confessed. Jesus, said Peter, was "the Christ, the Son of the Living God." Not long after Christ's death, clusters of believers formed local churches. Paul warned them not to be followers of men, be it Apollos or Paul or otherwise.[1] The church was to be governed by the Word of God. The Word, not the teachings of men, was to be their authority.

But in time, the church became enamored with itself. It no longer looked to Scripture alone. It looked to itself too, to the teachings of its men. It became the Roman Catholic Church and declared itself infallible.[2] Rome's accumulated teachings became known as church tradition. The Roman Catholic Church said this tradition was authoritative too, side by side with the Bible.[3]

The Supreme Court of the United States has followed a similar pattern. The United States of America built its union on the Constitution. This fundamental, written word became the unifying authority. The Constitution provided that certain disputes were to be brought to the Supreme Court. The cases were to be decided in accordance with that document.

But in time, the Court became enamored of itself. It no longer looked to the Constitution alone. It looked to itself too, to the works of its men, and, later, its women. Its functional premise was that the Constitution meant only what the Court said it meant. Effectively, this was a claim of infallibility. If the Constitution meant only what the Court said it meant, who could argue that the Court was wrong? The Court's rulings became more than decisions in cases. The vast, sometimes conflicting tangle of them became known as Court precedents. They were presumptuously called the "Law of the Land." Thus, a sort of Court tradition grew up. The court said that these precedents, this tradition, was authoritative too. By this means, the Supreme Court became to the Constitution what the Roman Catholic Church had become to the Bible. Constitutionally speaking, there are few "Protestants" today. Few believe in the doctrine of the Constitution alone. Few even know it exists.

We Are All Constitutional Romanists Now[4]

During the Reformation, Roman Catholics and Protestants were divided by a basic, theological question. On what did authority rest? Did it rest on the Bible plus church tradition or on the Bible alone? The same theological question divides the Romanists and Protestants today. Rome holds to tradition. Protestants reject it.

In the constitutional realm, a similar question should divide Americans today. On what does the legal authority of the government of the United States rest? On the Constitution plus Court precedents or on the Constitution alone? In the political establishment there is no doubt. The Constitution plus Court precedent are the pillars of authority. This gives the men and women of the legal establishment great power. Who is to say they are wrong in what they tell us the Constitution means? Who is to say that the Court decisions they render or the laws they make are invalid because they rest on Court tradition, and not on the Constitution itself? Certainly not most citizens. They are constitutionally illiterate, part of the political peasantry. When the establishment discusses the Constitution in the media, it might as well speak Latin. The people do not understand the language. They cannot see that the decisions and laws are routinely based on a false authority. Virtually all believe that the accumulated body of supreme court decisions, the Court tradition, is legitimate authority. Thus, when it comes to the ultimate law of the United States, virtually all Americans today are "Romanists."

Of course, ignorance permits deception. Americans must become constitutionally literate. There must be a reformation in the way citizens see the role of the Court. There must be a people who raise the banner of "The Constitution Alone." Christians must be those people. They should be able to see the parallel between Scripture Alone and Constitution Alone. But there can be no legal reformation, at least not now. Christians are still in darkness.[5] They believe that if they read the Constitution, they could not understand it. Understanding the Constitution must be left to those specially schooled. Reading the constitutional text themselves would be foolish, even presumptuous, a waste of time. So, the Constitution is not taught in Christian and home schools. Thus, Christians remain captives of the judicial priesthood, the intermediaries in black, those who stand between them and the plain meaning of the Constitutional text. Christians do not fight for the Constitution Alone. They seek instead a "conservative" priesthood of judges. Ones who will still hold to Court tradition, but give them new and better Court precedents or refer to existing ones thought to be more favorable. By this, the basic, fraudulent format of following constitutional case "precedents" is allowed to survive.

Judicial Nominees: Will They Submit or Subsume?

The announcement of a nominee for the Supreme Court starts a public

ritual. The president, perhaps in a Rose Garden presentation, explains how qualified the nominee is and introduces him to America. Later the nominee visits senators, smiling and shaking hands. Newscasts show him getting out of a car, or getting the mail or walking his dog. By these pictures, the nominee emerges from obscurity and is introduced to America.

Then the more serious part of the ritual begins. The media argues about the nominee being conservative, moderate, or liberal. Senate staffers prep their bosses with dossiers about the nominee's previous writings and comments. His history as a lawyer or judge is revealed and reviewed. In the Senate hearings, the nominee is questioned about these things and his responses are dissected and examined, and then analyzed for how they hurt or helped his cause. And on it goes, as it did viscously in the Robert Bork hearings, scandalously in the Clarence Thomas hearings, or collegially in the John Roberts hearings, until the nominee withers and withdraws or the Senate confirms or rejects the nomination. Missing in all this is any substantial discussion of the most important standard by which a nominee should be judged: Will he apply the Constitution as written?[6] Will he submit to its authority or will he subsume it into the body of Court precedent? [7]

Supreme Court "Precedent"

This definition may be offered for "precedent": "A judicial decision... which serves as a rule for future determinations in similar or analogous cases."[8] In other words, a decided case serves as the basis for deciding a future one. With the accumulation of decided cases, a body of case precedents grows. Immediately, one sees that the basis for Court decisions shifts to the precedents and away from the constitutional text. Precedents progressively and effectively supplant the Constitution as the premise for decision making. In holding to this notion of case precedents, the Court has elevated its decisions, and itself, above the Constitution.[9]

The practical outcome of reliance on precedent is reflected in the term "settled law." Such and such a court decision is said to be "settled law."[10] If *Roe v. Wade*, or any other decision, is "settled law," two falsehoods are implied by it. First, the decision has been anointed as unchangeable, unquestionable, case precedent, which all future Supreme Court justices must follow. Second, it is law. This reasoning impliedly prohibits any future body of Supreme Court justices from measuring *Roe*, or any other "settled law" case, against the constitutional text, finding it wanting and reversing it. This has the effect of elevating "settled law" cases above the Constitution itself.[11] In legal fact, *Roe* or any other Supreme Court case, can only be a decision effecting the parties involved in that case. It cannot be "law." Law has general application to everyone. Under the Constitution, only Congress can make laws.[12] This is fitting because citizens elect their representatives to Congress. The Court, under the Constitution, holds only the

"judicial power," which, by its nature, is the power to decide cases, not make law.

Case precedent belongs to the English and American common law. This writer does not profess to be an advanced student of the common law, but this much can be safely said. The common law developed over centuries from widely held concepts of right and wrong. The law of God, as revealed by Scripture and in nature, profoundly figured in all this. The critical point is that the common law developed out of this background. The common law does not rest on a single, legal text. Its objective is not to be faithful to a single, legal text. The development of the common law included the accumulation of court decisions. Those which were deemed, over time, by succeeding jurists, to have been decided rightly became generally accepted as precedents for future decisions. The mechanism of accumulating case precedents was necessary and proper for this orderly, progressive, development.

The constitutional setting is entirely opposite. All is based on a single, received, seminal, exclusively authoritative text. It is fixed, to be changed only by amendment, not court action. Constitutional development is not only unnecessary, it is invalid. The threshold requirement for being properly confirmed for the Supreme Court is merely fidelity in submitting to the text.[13] Not only is this requirement rarely met, presidents in naming nominees and senators in passing on them rarely consider it.[14]❖

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Endnotes

1. 1 Corinthians 3:4.

2. More specifically, the Pope claims infallibility when speaking in certain limited circumstances.

3. Protestants have their confessions of faith. They are understood to be subordinate to Scripture. That is the fundamental difference between confessions and church tradition.

4. During his presidency, Richard Nixon announced his formal departure from any pretense of being a man for free markets by saying, "We are all Keynesians now." Perhaps someday, when announcing a nominee to the Supreme Court, some honest president will announce his formal departure from any pretense of being constitutionally faithful by saying, "We are all constitutional Romanists now."

5. And perhaps happy to be there. Not knowing what constitutional tools they have to protect themselves and the union from judicial encroachment, they may have the pleasure of complaining without the need of acting.

6. The Supreme Court may decide some cases based on statutes, treaties, and land grants. U.S. Const., Art. III. This little essay deals with the more common occurrence of the Supreme Court deciding cases squarely on constitutional provisions.

7. ~~An unbeliever who will be faithful to the constitutional text meets the threshold qualification for appointment to the Court.~~ A believer who embraces court precedent does not. ~~In this regard, being a professing Christian is irrelevant and a distraction.~~

8. *American Dictionary of the English Language*, 1828, Noah Webster, Ed., 7th

Ed., (1993). There could be other formulations of this definition.

9. Prior Supreme Court decisions need not be placed in the courthouse dumpster. They may be used by judges and lawyers (even citizens!) to find legal arguments that are persuasive in their claim of being correct. But they must be viewed as persuasive only. If they are held to cross the line from persuasive to binding they become precedent.

10. There is no such term as "Settled Constitution" known to this writer. It seems the document which should be settled never is. See footnote 11 for more on this thought.

11. Curiously, proponents of the "living document" fallacy do not hold to a "living precedent" theory. Though they say the Constitution, being a "living document," may evolve in meaning to suit their objectives, they view precedents they like as being dead as stone. They can never change. *Roe* is one of them.

12. U.S. Const., Art. I.

13. This principle, in the theological realm, may be found in the Book of Church Order of the Presbyterian Church in America (1989), the Preface, section II., Preliminary Principles. "All church power... is ministerial and declarative since the Holy Scriptures are the only rule of faith and practice." Likewise, the constitutional text must be the "only rule" for Supreme Court justices. A justice's proper function is ministerial and declarative only.

14. Today, pledging fidelity in submitting to the constitutional text would be used only as a disqualification for appointment to the Court.

The National Reform Association Statement of Purpose

The mission of the National Reform Association is to maintain and promote in our national life the Christian principles of civil government, which include, but are not limited to, the following:

1. Jesus Christ is Lord in all aspects of life, including civil government. Jesus Christ is, therefore, the Ruler of Nations, and should be explicitly confessed as such in any constitutional documents.

2. The civil ruler is to be a servant of God. He derives his authority from God, and he is duty-bound to govern according to the expressed will of God.

3. The civil government of our nation, its laws, institutions, and practices must therefore be conformed to the principles of biblical law as revealed in the Old and New Testaments.

Explicitly Christian Politics

Edited by William Einwechter

Since 1864 the NRA has sought to teach the principles of Christian civil government and to call this nation to submit to Christ the King. The starting point for the NRA's approach to politics is the recognition of the mediatorial reign of Jesus Christ over the nations; as one of the contributors to this volume explains, *Jesus Christ's mediatorial reign "is the most important political fact of our time"* (William Edgar). Because Christ is King, the duty of His disciples is to press His crown rights in every sphere of life.

The purpose of this book is to introduce the National Reform Association's vision of Christian politics for a new generation. We believe that the time is ripe for the NRA to begin to emerge as a leading Christian political organization (a position it once enjoyed before the brains of evangelical Christians became soft and their backbones weak). The NRA believes that a growing number of Christians are tired of Christians in the political sphere who seek to secure a place at the table for Jesus Christ, when they know that as Creator and Lord *He owns the table.* They are sick of the retreatist strategies that allow the enemies of Christ to thrive and advance in the politics of our nation. They are longing for a true and explicitly Christian approach to politics.

In His providence, the Lord has preserved the National Reform Association so that it may unfurl once again in these days the banner of Christ the King, and under that banner point the way to the blessings of liberty, peace, and prosperity that are found in national submission to Christ. Only the practice of explicitly Christian politics can help bring about the national reformation we so desperately need.

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The original "Fundamental Positions" advocated by *The Christian Statesman*

1. Civil society is a divine institution. The State has its origin in the will and arrangement of God, and its powers and functions are determined by him.

2. Nations are moral persons and are bound by the moral law. The Commonwealth wields a moral power, and subserves moral ends, analogous to those of the family, and, like the family, the nation may and ought to worship God.

3. The fealty and service of nations are due to Jesus Christ. Through him, national homage is to be paid to God, and national blessings, and the forgiveness of national sins are to be sought for his sake.

4. The Holy Scriptures as a revelation of the will of God to men for their guidance in all the relations of life, are the supreme law of nations.

5. Civil office cannot wisely or safely be intrusted to immoral and wicked hands, and should be restricted by constitutional enactment to men in sympathy with the great ends of government (September 16, 1867).

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