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The United States CONSTITUTION

A Lecture Series



Rousas John Rushdoony

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The United States CONSTITUTION

A Lecture Series

Rousas John Rushdoony



The U.S. Constitution and the Issue of Original Intent

Lecture #1

R.J. Rushdoony: 00:00:00 So you may conclude after the first 15 or 20 minutes that my approach to the constitution is somewhat cynical. As a matter of fact, it is not, I regarded as a most remarkable document. However, there are serious problems connected with it and we are very often in our approach to it. The constitution has been very commonly reviled by one group or another, which then later claims it has the foundation for its position.

R.J. Rushdoony: 00:00:48 So people are four of the constitution when it serves them. In the early 1800s, New England was all for nullification and secession. In the south thought that was a terrible thing on the part of New England. In 1860, the south adopted it and actually seceded from the union and New England was pie asleep horrified. The constitution in other words has not an cannot preserve us from the depravity of man. In the first decade of the constitution, public officials, the state of Georgia, the Jefferson administration, Congress, and the Supreme Court United in a bit of a very lay grunt theft, the Yazoo conspiracy.

R.J. Rushdoony: 00:02:06 In 1795, Georgia had claimed a territory which later became Alabama and Mississippi. The land actually belonged to the Indians, to the Chickasaws, Cherokees, Choctaws and Creeks. A group of public leaders went to Augusta, Georgia, then the capitol and they bribed to the Georgia legislature to give them title to 35 million acres. Men of the north and south were both involved, important man. Man like Wade Hampton, Robert Goodloe Harper, William Blount, Robert Morris and James Wilson. Many held federal and state offices, James Ghana, brigadier general in the War of Independence headed up the payoff to the Georgia legislators. Shares in the Yazoo territory companies were also given.

R.J. Rushdoony: 00:03:19 The lands went for less than a cent and a half per acre. In other words, all of Alabama and Mississippi and a little more was sold for \$500,000. The sale was illegal and some men went to court and headed [inaudible 00:03:47]. United States was then brought into the picture of the federal government. It then bought the Yazoo lands for \$1,250,000 and it's set up a commission to consider the Yazoo claims of the thieves.

R.J. Rushdoony: 00:04:07 The commission was made up of five men, three of whom were members of Jefferson's cabinet, James Madison, secretary of state later President. Albert Gallatin, the Secretary of treasury. Levi

Lincoln, the attorney general. The commission admitted that the lands were not legally bought, but it suggested that in spite of that the lands be bought from the claimants or bonds given to the tune of \$10 million.

R.J. Rushdoony: 00:04:49 Against his own party, John Randolph and Congress fought the deal but he lost, he called it a vast waste, but they found all kinds of high sounding terms to justify it. The matter then went to the supreme court and it sustained the legitimacy of the Yazoo purchase. On the technicality, that the Georgia Act and nailing the Yazoo grant imperative to the obligation of contract, which the constitution forbids, but they overlooked the fact that the contract was fraudulent.

R.J. Rushdoony: 00:05:39 Georgia as a state, the Jefferson administration, Congress and the Supreme Court were all party to a flagrant raid on the public treasury. This was in the days of the republics youth and supposed innocence, 10 years into our history. Another example, article one, section eight clause 17 of the constitution says, "And did you know this, that federal lands in the states are limited to a district not to exceed 10 miles square to forts, the magazines that is ammunition depots arsenals and necessary federal buildings, but the federal lands and at least one western state are approximately 90%, and they are 40 to 80 in a number of states, 40% to 80%. But the constitution says the federal government cannot own such lands.

R.J. Rushdoony: 00:07:03 It is possible from the government printing office to purchase a copy of the constitution which is quite thick and stands about so high, and the words of the constitution are two or three lines at the top of the page, sometimes one. And the rest of the page and sometimes more than one page will be given to citing the court cases based on that part, and how the constitution has been reinterpreted.

R.J. Rushdoony: 00:07:43 This constitutional provision limiting federal ownership of lands within the states, has this comment in this document. "This clause has been broadly construed, you can be sure of that. To cover all structures necessary for carrying on the business of the national government, it includes post offices or hospital on a hotel located in a national park and locks and dams for the improvement of navigation but it does not cover lands acquired for forest, parks, rangers, Wildlife Sanctuaries or flood control. Nevertheless, the Supreme Court of the United States has held that a state may convey and the Congress may except of course with some arm twisting, either exclusive or qualified jurisdiction over property acquired within the geographical limits of a state for our purposes other than that enumerated in clause 17."

R.J. Rushdoony: 00:08:58 Well, we can say indeed, it has been broadly construed. Now, given such court interpretations, it is obvious that the constitution has limited meaning. Man in his sin has justified a wide variety of acts, both morally and legally. It is not the fault of the constitution. That's the fault of the people and of the federal government.

R.J. Rushdoony: 00:09:33 Now, it is important to call attention to such facts. A major defect of the constitution has been the attitude of the people towards it. Thus, many people today, in fact, most conservatives believe that the solution to our problems is a return to the constitution. But the Yazoo fraud wisdom, one of many, many such acts in the early years of this country and the constitution did not prevent one of them.

R.J. Rushdoony: 00:10:19 And today, the Yazoo scandal is a small matter when compared to routine federal activities every year, a returned to the constitution is meaningless when the people are sinful. The old adage says it very, very well, you can't make a good omelet with bad eggs. On a good many Americans had been bad eggs. Recently, our California state senator, Bill Richardson, who calls me periodically said in this conversation of just a matter of days ago, and I quote, "It is difficult to fight or a weak people." It is difficult to fight for a weak people and I felt that Bill was complimenting the people of California and calling them weak. A preacher would have a stronger term.

R.J. Rushdoony: 00:11:42 Certain general observations are necessary for any consideration of the constitution. First of all, it is not the Bible, it is not in [errant 00:11:57], it has faults, although it is a great and a remarkable document. Thus, while the constitution does require and we pay no attention to it, golden silver alone as legal tender, it does not require golden silver of the banks. And the banks very early began to emit paper monies and all the early depressions were resolved of bank created inflations.

R.J. Rushdoony: 00:12:32 Now, the banks and the federal government are in together. Moreover, the constitution has no borrowing limit on the federal government. The electoral college voting is not confined to the congressional districts was to electors at large. In the early years this was done, which meant that each congressional district elected neglector to vote their local election returns.

R.J. Rushdoony: 00:13:11 Now, this is a very important fact. It meant in the early days at the vote for the presidency could be divided four or five ways in any given state for four or five candidates. It meant that each congressional district was fairly represented, but then some politicians began to realize if we, in the cities, going to have a winner take all basis for the voting, then we can dominate the entire state and have all the electoral votes go to our man.

R.J. Rushdoony: 00:13:54 And so about 1830, they began to change the state requirements. Then of course, ever since and minority groups have realized the same thing. And single issue voters have also realized that as a consequence, we have had ever since presidential elections and congressional elections dominated by single issue voters and minority groups and city machines. This frustrates the original intent.

R.J. Rushdoony: 00:14:42 However, although there are many other defects in the constitution, it has an admirable recognition of human fallibility and the necessity for correction, the amendment process. But of course people don't like to come out in the open with their desire to change the country and to change the constitution. It's much simpler to do it through Congress or the courts. Then second, let me remind you again that the constitution can make no man nor nation good, a great many of the new nations created all over the world since World War II took over the US constitution with various minor modifications.

R.J. Rushdoony: 00:15:37 It hasn't done any of them any good, the constitution is not a moral code, it does not give us a substantive morality. That is a morality that says what is right and wrong, like the 10 Commandments. There's nothing like that in the constitution. It does give us a procedural morality, which is biblically based, right of the accused and so on. For us, substantive morality Americans, when the constitution was framed, assumed that the Bible was the source and the only source for our substantive morality. It provided the law whereby men and the carts were to operate.

R.J. Rushdoony: 00:16:44 Procedural morality is also set forth in the Bible in the law of witnesses, judges, crowds and more. And this procedural morality is reflected in the constitution, but the constitution is not in and of itself a moral code, nor does it provide us with one. The people are to get it from scripture and if they do not, then the constitution is ineffective. Then the third, the constitution can be fully effective and faithfully operative only when the people are godly. If they are sinful, the results will be devastating.

R.J. Rushdoony: 00:17:41 Forrest McDonald and is very important work, a constitutional history of the United States titles his last chapter breakdown. He holds that in the era from the late 1950s the 1900, the government has grown so large in Washington and so complex that it has, and I quote his exact words, "All but lost the ability to function." It can no longer provide the assurances, he says of the preamble to the constitution which declared that the purpose of the union is to establish justice, ensure domestic tranquility, provide for the common

defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity.

R.J. Rushdoony: 00:18:41 McDonald holds also that the encouragement by the federal government, of all kinds of special interests groups has led to a general lawlessness as well as to an ever increasing and more and more unwieldy central power. As a result, he says, "We are facing the breakdown of the federal, and we can at that the state government."

R.J. Rushdoony: 00:19:19 This breakdown is contributing to the breakdown of the non-status sector or the so-called private sector, more and more your life is interfered with, more and more if you're carrying on a business or running a farm, you have to have an accountant at the very least to take care of all the farms. For example, General Motors, which is the nation's largest corporation but it's smaller than virtually all the federal bureaucracies has 22,300 full-time employees doing nothing but filling out government forms for Washington DC.

R.J. Rushdoony: 00:20:22 And that's the figure as of 1980, it is worse now. It also takes, by the way, 5% of the federal budget just to process these farms that everyone you and I and General Motors are have to send in. Now, in 1895, the Chief Justice Fuller and the Sugar Trust case made a comment in his dissent, he may have been wrong in his dissent, but he was right in his comment, "Our form of government may remain notwithstanding legislation or decision, but as long ago observed, it is with governments as with religions. The form may survive the substance of the fee."

R.J. Rushdoony: 00:21:25 The constitution is not a mechanism which guarantees as justice or freedom. Too many people have believed that the constitution couldn't save the country if we only go back to it, and that's wrong. Only the godly faith and action of a people can do so, and when we become a godly people again, then we will have in the constitution of framework whereby we can function and accomplish what we said about to do.

R.J. Rushdoony: 00:22:04 Then fourth, we must say that when a people change religiously, they change morally. Both our churches and the humanism of the people at large are man's centered with very serious results. Maybe I'll step on your toes with this remark, but the chief concern of Christians and of churches is not saving souls. Any more than the chief concern of the universities is the alphabet. The alphabet is there so that you can begin learning and it's something with which you then operate, and conversion is the beginning. Our Lord says, "Seek ye first the Kingdom of God and his righteousness."

R.J. Rushdoony: 00:23:03 One of my favorite Americans Samuel Hopkins, a very remarkable man, one of the pupils of Jonathan Edwards. And he saw this concern with man, Hopkins was very much concerned about problems, he was the man who started the anti-slavery movement in this country at a great many reform movements. But the evil he saw coming was that people at large were concerned more about people than the Lord. And the churches were more concerned with saving and doing the will of God.

R.J. Rushdoony: 00:23:47 And so he had a test question for members, he knew they couldn't say yes to it, but it was a shock question to put things into perspective. And the question was this, "Are you willing to be damn for the glory of God? Do you realize that when you become the Lord, he may use you in a way which will destroy you and your peace and your security and your welfare." Now, what comes first? God or yourself? Think about it. That was his purpose. But what we have today is it everyone in the church and out of the church is concerned with number one themselves.

R.J. Rushdoony: 00:24:42 And as a result as Walter Berns is noted, "The goal of legislative and court action today is to have," and I quote, "One's interests declared writes." One of the most recent human rights movement seeks to have incest declared a right. Sodomy is now a fundamental right. And currently, a great many groups are working to further expand the definition of rights. This is a logical outcome of the humanism which saturates church and state. Then fifth, neither the state nor the constitution can create society.

R.J. Rushdoony: 00:25:38 So society is a religious fact, it is an expression of faith, of religion and action. Before the Norman Conquest in 1066 the apostle's creed, where we read, I believe in the communion of saints read, "I believe in all the saints, the society," the word society and its root meaning means communion. Society is an act of religious communion. When that communion win, society begins to disappear and is replaced by the power of state.

R.J. Rushdoony: 00:26:30 Now, social financing has to be provided in a society. Social financing, health, education, welfare. At one time, all the hospitals and schools in the Western world, including the United States were Christian. The welfare agencies were Christian. Christians took care of these things with our tie than with our poor tie. Christians have abandoned these societal concerns and it was drawn from the world and the state has taken over.

R.J. Rushdoony: 00:27:13 At this point, the liberals are right, are you going to let the people starve? Well, if you don't want Washington to do it, you and I have to do it. We have to start creating agencies, we have to take back government from the state because the basic government is the self-government of the Christian man. A return to the constitution in other words is meaningless unless there is a return to Christ as king, priest and Prophet.

R.J. Rushdoony: 00:27:59 Now, that requires that we return to the fundamental meaning that under girds the constitution, I said that the constitution has no substantive morality. It doesn't have anything like a 10 commandments because they believed in the 10 commandments, they believe that the Bible was the fundamental law book. A professor of law has told me that he's found as late as 1840s, judges and juries gave a decision out of the Bible. There was very little statute law, Bible was the law book of God and people were governed by it.

R.J. Rushdoony: 00:28:57 Now, these men who framed the constitution, we suppose that people were going to be governed by God and by the word of God and it's a useless thing to call for a return to the constitution unless there is, first of all, a return to the word of God and to the Lord Jesus Christ. Without that, we're returning to a piece of paper. A fine piece but it cannot reform the country. The man at the constitutional convention were aware of history, they were trying to avoid the evils that had marked their time and earlier times. They want to do establish and to maintain law.

R.J. Rushdoony: 00:30:02 And so they created an instrument whereby godly men could preserve their freedom, but it had to be godly men. During the course of the war of independence, John Adams wrote in his diary that he was beginning to wonder if it was not all in vain with all the effort. The toll of lives, the monetary cost was not in vain. Why? Because with the war, no bills were being paid after all, they were buying their things from England.

R.J. Rushdoony: 00:31:04 So with the war, how are you going to pay any merchant in England? And with the armies moving back and forth across an area, courts couldn't function. So, how are you going to be punished, or a criminal offense, and how were you going to be prosecuted by somebody to whom you owed money? Wrote in his diary and I quote his words, "If the power of the countries would get into such hands and there is great danger that it will, to what purpose have we sacrificed our time, health and everything else? Surely we must guard against the spirit and these principles, or we shall repent of all our conduct."

R.J. Rushdoony: 00:31:59 Well, the British didn't help because they burned down all the churches that they could earn, especially [puritans 00:32:13]. And many of those pastors were office chaplains, so when the war ended the country was in trouble, religiously in trouble. One of the reasons or one of the outbreaks, so there were several outbreaks in the United States you know, immediately after the constitution was enacted and before. Before it was ever enacted, you had shays rebellion and an armed uprising in Massachusetts.

R.J. Rushdoony: 00:32:51 They didn't want to pay taxes and this is why the constitutional convention was called within a month. Nobody wanted law in order of those people who owed debts, of those people who were committing crimes. A restoration to law and order meant trouble for them. One scholar has described the temper of the people at that time with these uprisings taking place as terrified. Now, on the state conventions, there was a lot of opposition to ratify the constitution. Great many peoples who disliked this or that aspect, but the reason it was voted in was simply because they were afraid that they would have like outbreaks.

R.J. Rushdoony: 00:34:00 And we have had problems ever since. The people who represented that underclass in 1781 did not like law and order. And with every war we have fought, we have seen a further departure from constitutionalism because people come to the fore and express themselves, every war in the modern age is a revolution. It creates a revolution at home.

R.J. Rushdoony: 00:34:49 During the war state legislatures had also been a responsible, they had overturned private contracts, they had reneged on public debts, they had interfered with the courts, they had violated treaties and so on and on. People have actually been more secure under Britain than they were during the war. Of course, Britain had plans to destroy all self-government in the colonies. So they were between the devil and the deep blue sea when they had to go to war.

R.J. Rushdoony: 00:35:29 Now, article one, section 10 paragraph one of the constitution reads, "No state shall enter into any treaty alliance or confederation grant letters of Mark and reprisal, coin money, emit bills of credit, make anything with gold and silver attainder in payment of debts pass any bill of attainder ex post facto law or a law impairing the obligations of contracts or grant any title of nobility." They passed that because the states were doing everything except for grant titles of nobility. And after the constitution, they continue to do so. Now, the declaration of independence gives us a long and very accurate catalog of the sins of the British crowd on the parliament.

R.J. Rushdoony: 00:36:26 But the constitution can be read as a catalog of the sins of the American States and of Congress during the war. And the constitution was written, trying to prevent more of the same. People enjoyed the anarchy of the war years because they were happy that they could feel free to do as they pleased. They did not want to go back to law and order. Now, some leftist historians have charged that the founding fathers were a conspiracy at Philadelphia and writing the constitution to protect property, this is nonsense.

R.J. Rushdoony: 00:37:22 Their concern was more basic to establish and maintain those social concerns which alone could make civility and society possible everything law and order together with property was being eroded by men like that horse jockey with whom John Adams thought. The founding fathers were with one or two exceptions, their early Christian in their culture and in most cases their faith as well. For these men, the basic government was Christian self-government under God.

R.J. Rushdoony: 00:38:09 This is why the word sovereign and sovereignty are never mentioned in the constitution, they believe that only God is sovereign. Tocqueville, a generation or two after the constitution said that, "In the United States, the sovereign authority is religious." Most needs were taken care of by Christian organizations and the community was the basic and most powerful government.

R.J. Rushdoony: 00:38:57 Now, there's another fact that was important in those early years. A very interesting one which may be of particular interest to some of you. We are regularly told that the colonies and the colonists were English. Well, they were English in their relationship to Great Britain, but the English who are not in the majority, there were 600,000 English people of the three million, they were pure often predominantly, there were 400,000 who are either German or Dutch, but there were 900,000 who were Scottish. 900,000 who were Scottish.

R.J. Rushdoony: 00:39:55 So, the British agent who reported to London at the outbreak of war, that the American war of independence is a Scotch Irish Presbyterian rebellion was not far from wrong, and the Scotch were not popular with the English in Great Britain nor with the English Tories in America. They were regarded as being wild and ungovernable and more often dominated by clan loyalties and family blood feuds and bias civil governments. And the south, up until my lifetime feuds were not uncommon among their descendants.

R.J. Rushdoony: 00:40:49 At the same time, while the Scotch and the United States presented a pretty powerful and lawless element, they also represented where they were reformed the strongest force for law. The strongest force for our Christian culture. They planted most of the colleges and universities in the United States. They were a powerful force in planting churches, they were a powerful influence in framing the constitution, there was Scotch present at Philadelphia, and one man who was not able to go, he was elderly not in good health was John Witherspoon Scott, who teaching at what is now called Princeton had a powerful influence on many of the men at the constitutional convention.

R.J. Rushdoony: 00:41:55 His pupils included among countless numbers of ministers, one president, a vice president, 10 cabinet members, 21 senators and 39 congressman as well as 12 governors and many, many public leaders. This is why some people have said the founding father of the United States was rightly John Knox. Moreover, the constitution requires in article two, section one, clause eight an oath of office. Now, an oath of office today means practically nothing to people. But we must remember, these people were reared in a puritan culture at a time on an oath was so serious that anyone who could not take an oath is testimony was either disregarded or was not even accepted.

R.J. Rushdoony: 00:43:08 And anyone who took an oath was so fearful of God's vengeance for breaking of the oath, but he told the truth. I could speak for some time on men who had mass murders on their conscience who refuse to take an oath. They could've lied but they didn't dare. Now, an oath of office was taken on an open Bible usually open to Deuteronomy 28, read it when you get home.

R.J. Rushdoony: 00:43:52 And the person taking the oath invoked all the blessings of God upon him for faithfulness to God, and all the curses of God for disobedience to God and his word. But today, an oath of office is a meaningless thing in our society. It could only become a meaningful thing when we again become a godly people. This is why as we consider the constitution, it is important for us to realize the solution is not merrily or returned to the constitution as a return to the Lord and to his word. Thank you.

R.J. Rushdoony: 00:44:54 Do you want me to proceed to the next one without a break, Martin? We are going to consider next the intent of the constitution, the original intent and the changing intent. There are people who demand strict construction and others loose construction or a non-interpretive review. Some have argued that many of the legal terms in the constitution are used very loosely and require interpretation by the courts because the original meaning was not clear.

R.J. Rushdoony: 00:45:44 Now, the people who so argue cannot tell you where those vague terms are, so that they cannot specify that such and such a term has a meaning that is not clear. There were controversies very early about the meaning of the constitution. But this does not mean that the controversies were over the ambiguities of the law, but rather over the unpopular aspects of the law. It's like Mark Twain said of the Bible, it's not he said, "What I don't understand in the Bible that bothers me, but what I do understand."

R.J. Rushdoony: 00:46:22 And that's what troubles people about the constitution year in and year out, it's what they do understand, not that which is vague. Now, as I indicated, the United States began its history with certain moral handicaps. There was a long wars, 1775 to 1781, church has destroyed, law destroyed, and a great many different coffees. The war also served to destroy and morality. The mercenary troops at the British [rot-in

00:47:25] were not known for their morality and this is American woman feared their approach and fled.

R.J. Rushdoony: 00:47:33 But at the same time, the war was very profitable for many, selling supplies to the British troops for gold and silver and reached countless numbers of people. So the end of the war was the end of a bonanza. Do you know that so much gold and silver came to the states at that time during the war? That both the Bank of France and the Bank of England came close to collapse. The French and their loans to America and the British and supplying their troops.

R.J. Rushdoony: 00:48:17 Warriors had thus fostered lawlessness, and so Americans had grown accustomed to disregarding and circumventing laws. There was a religious and moral decline and the habit of civil disobedience. And so people were not ready to accept the law and order. And so the question was not how shall we understand and obey the constitution but rather how can we reinterpret and circumvent the law? So the basic problem with the intent of the constitution has not been an intellectual problem, it has not been a legal problem, it has been a moral problem. And the supreme court as reflected the people. Someone once remarked in the last century that the supreme court follows the election returns. It is always done that because during so much of its history it has had men were not strong men or men of faith.

R.J. Rushdoony: 00:49:42 There was a famous incident which pinpoints this clearly and it's one I love the site because I think it is so telling. In those days, the congress of the United States met only a few weeks and the Supreme Court met a couple of weeks, and apart from a handful of quarks and the president and vice president, there was nothing in Washington most of the year except empty boarding houses because the judges didn't live there, they boarded in the boarding house together, and the congressman didn't live there and or the senators.

R.J. Rushdoony: 00:50:27 And with the supreme court judges being away from home and not having their wives to correct them or nag them, some of them were reputed to be drinking too much. And so there was a great deal of criticism and as the supreme court met this particular year, they decided to start off by abstaining from drinking except on rainy days when the cold and the Daphnis would make some brandy helpful.

R.J. Rushdoony: 00:51:06 Well, they had a dry week, a very dry week, and they met on Saturday also for consultation and Chief Justice Marshall asked Justice Story to go to the windows and look in every direction to see if there was any sign of rain. And story came back and said there was not the slightest sign of rain or even of a cloud. And then Marshall said, "Justice story, I think that is the shallowest and most illogical opinion I have ever heard you deliver. You forget our jurisdiction is as broad as this republic. And by the laws of nature, it must be raining some place in our jurisdiction. Waiter, bring on the Rum." Jefferson, who was a cousin of John Marshall said, he was afraid to open his mouth around his cousin because he said, "John Marshall will take any statement I make and turn it around legally to mean what he wants it to mean."

R.J. Rushdoony: 00:52:25 But original intent is important, and we have that problem with the Bible, don't we? People couldn't make the Bible mean whatever they want. We are told that justifies homosexuality. Several books have been written since World War II to express that opinion, books written by prestigious scholars. Oh, they couldn't make it say that, they couldn't make it say anything, can't they? But it has no regard such an opinion for the original intent. The original intent can be known and determined to a very large extent.

R.J. Rushdoony: 00:53:20 We have the minutes to the meeting, we know what they were talking about, why they decided on the phraseology. Moreover, the idea that the constitution is a bundle of compromises is not true. There were compromises one or two on representation of slavery, but on most issues, there was a discussion until a very real agreement was reached. So that with the exception of a couple of phrases, the constitution represented an agreement in which all virtually United.

R.J. Rushdoony: 00:54:11 Moreover to infer an original intent is not to infer in probability. The constitution

recognizes that it is not a perfect document and it provides for amendments. So there is a legitimate means for change. Now, it is a slow process because it requires deliberation and the constitutional framers felt that was an asset.

R.J. Rushdoony: 00:54:50 In every other field of law, the plain meaning of the wording is basic. After all, those of you who are lawyers know that there would be no security in making out a will or setting up a trust or writing a contract if social circumstances could dictate new meanings. And this is exactly what they are doing to the constitution, sociological interpretation, the justices openly cite sociological factors. Now, you and I may agree or disagree with their decision but we cannot agree with resorting to sociology rather than law and amendment.

R.J. Rushdoony: 00:55:44 Moreover, the constitution is not only a law but it is a contract or covenant. So it is a more basic form of law and must be maintained. Moreover, there is a very basic consideration and that the founding fathers with only a couple of exceptions held the protestant view of the Bible and its interpretation. That is they believe that when you approach scripture, you went by the word only and not by tradition.

R.J. Rushdoony: 00:56:35 They had a like view of law, they held that the very words of the law and not legal tradition is binding and this is a very important point, because it was a protestant biblical perspective which was carried over into the interpretation of civil laws. When people no longer believe in that interpretation of scripture, then the basis of law is eroded, if men will not treat the Bible seriously, how can you expect them to treat the constitution seriously?

R.J. Rushdoony: 00:57:29 Some assumed that because there has been a growth in history progress that more wisdom is now available to reinterpret the constitution. Well, if more wisdom is available, let us use the legal procedures. The force of original intent has eroded in American history because the force of original intent eroded in the churches with respect to the Bible. Within a few years after the constitution, ministers were saying about the Bible. Well, it may say predestination but I don't believe that. It may say six day creation but I don't believe that. It may say that the flood was universal but I don't believe that.

R.J. Rushdoony: 00:58:33 They reinterpreted things to conform with the new meanings introduced from non-Christian sources. Should we be surprised if the same technique was applied to the constitution? If the Bible's original intent can be set aside, why not the constitution? The road to recovery must therefore begin with Christians and their churches.

R.J. Rushdoony: 00:59:10 No civil government can be any stronger than the Christians within that country. Are there any questions now on what we've covered to this point before we go on to the changing intent we see. Yes?

Speaker 2: 00:59:33 [inaudible 00:59:33].

R.J. Rushdoony: 00:59:47 Yes. The church, first of all must be God centered. The church must take the Bible seriously, there's a great deal on the Bible that I don't understand and you don't understand, but what we have to say is we approach it. God said it, I believe it and I hope someday I'll understand it. That's it. We don't have an option of passing judgment over it, then we as Christians have to resume being the basic government under God.

R.J. Rushdoony: 01:00:27 There is no more important realm than the Christian and the family, the family is the basic government under God. If you look at the Bible and read all through the Bible and the laws clearly, what you find is that very little power is given to the church and very little to the state as compared to the family. All the basic powers and a social order are given to the family with one exception to the death penalty. But consider, in any society, if I may take a little time with this, in fact a quite a bit of time because it is so important and

it's an important question you raised. All right.

R.J. Rushdoony: 01:01:19 The first and basic power of a family is control of children, because children are the future of a country. And if you control children, you control the future. That's why every totalitarian regime takes over control of the children. In any civil governments that takes over control of the children through education or any other means is trying to control the future and the family.

R.J. Rushdoony: 01:01:47 And second, there is control over property. That is his greatest power as controlled children virtually. And now control of property as fast as the hands of the state. Legally, you don't own the house you have titled to, you hold it and fee simple and free socage which means as a vassal of the state, which can by eminent domain, take it from you at any time with or without compensation. And you're paying what about the rent on your property and your property taxes. So the state now controls property. If it hasn't occurred to you, let me add that what I'm talking about is fascism.

R.J. Rushdoony: 01:02:49 Communism openly takes over, fascism is socialism veiled as the traditional order, but we are on a fascist state today. Third, control of inheritance, the family under God controls inheritance and it is to go to godly seed. So that the Kingdom of God could be capitalized. Now, the state is your first air, before anybody else can take anything, it takes its share. And fourth, there is control of education once a family concern. Now, it's a state concern, that's fascism. Fifth, welfare, this was once a controlled by the family entirely it had a powerful influence in this country.

R.J. Rushdoony: 01:03:46 However, the idea that the war of independence was a revolution is all together wrong. First, the various colonies were each of them independent countries under the King of England, they were not under parliament or under England. The declaration of independence is not from England, but it is from George III. George III was a chartered monarch of each of the colonies, so he was king of New York, King of Massachusetts, King of Scotland, King of Ireland, King of Virginia and so on. That was the legal status he had under a charter.

R.J. Rushdoony: 01:04:31 So he was a constitutional monarch. What was done by the crown minister is because King George III during most of the time was mentally incompetent was to set aside the charters, to destroy the local governments, to destroy their courts, and then finally the quarter troops on them when they objected to this. And the quartering of troops means that the soldiers in your house are total law, which means they can rape and kill at will.

R.J. Rushdoony: 01:05:17 As a result, what the declaration of independence says, and it's a legal act that was adopted, that the charters are constitutions are null and void because the crown has violated every term they're out of. They then resisted an armed invasion by England. So law and order was on the side of the colonists. Everything illegal was being done by Congress because they wanted to pay for the French and Indian war and they were going to make the Americans pay for it.

R.J. Rushdoony: 01:06:03 So there was nothing there that violated Romans 13. And remember this, Romans 13 says that the power of the ruler is to protect those who are good and to be a terror to evil doers, so that if they ceased to protect the good, they have defected from their calling.

R.J. Rushdoony: 01:06:36 And that's what, of course, Lex, Rex and John Knox and many others had called attention to much earlier. One more question.

Speaker 3: 01:06:49 What do you think is the great role for our passengers regarding politics [inaudible 01:06:54]?

R.J. Rushdoony: 01:07:00 I think the colonial era and the early American era handled that very, very well before each election and sometimes in between they would have an election sermon. It wasn't that they endorsed candidates but they called attention to the issues in the campaign from a biblical perspective. They tried to get them to see what was at stake so that the election sermon was a standard part of American preaching. Now, in between elections, there were many such sermons, and as a result of this type of preaching, the church was a powerful force because it would create movements, and I'm not talking merely about political movements, but movements that take care of needs, of problems within a community.

R.J. Rushdoony: 01:08:05 In my book *Revolt Against Maturity*, I have a chapter about Salem, Massachusetts and how in 1895, it had a population of 2,500 and 1845, 50 years later it was 45,000 and 50 years it had grown that much. All the new people were non-English, non-Scottish peoples overwhelmingly, but at the end of the time it was still very much a puritan community. Why? Because under the influence of the pastors what they had done was this, they had a chapel down there at the docks for the seaman who came where they could have food and lodging freely and listened to a sermon.

R.J. Rushdoony: 01:09:00 That type of chapel is described in *Moby-Dick* where father Marple preaches a sermon and the whole sermon has recorded. Let me add at that time it's a curious fact. Priests were called mister, and the Protestant clergy called father together with the term brothers and sisters. When the Catholics picked up the word father from the Protestants, the Protestants dropped it. But every immigrant family that landed, they would meet at the docks, they would tell them of a Christian school where they would put their children, they would tell them no classes in English at the church, they would have classes in homemaking for the wives because the foods, vegetables and things grown here were very different.

R.J. Rushdoony: 01:10:05 They had job training for the men to help them adjust to whatever jobs were available. There wasn't a need, they didn't take care. At that time, the church felt that welfare agencies, health agencies, educational agencies were Christian functions. So a lot of preaching was done on that and there were literally thousands of organizations all over the colonies and then the United States to deal with every kind of problem imaginable.

R.J. Rushdoony: 00:00 We'll continue now with intent, dealing more specifically with changing intent. I called attention earlier to the fact that in the modern era, wars have become revolutions, and historians have given too little attention to this fact. In modern warfare, the loser usually faces a revolution at home, and the winners, a nonviolent revolution also. Dramatic changes in their society. The wars that Great Britain has waged in the past two centuries have altered that country tremendously, and World Wars I and II have revolutionized the United States, because wars shatter the normal life of a country. They weaken morality and authority. A state at war with another state must organize its total resources for war, and wars thus mean inflation, and inflation weakens the middle class. A war economy replaces the consumer economy and the stability of society is altered by the social upheavals of war. And this is what has happened in this century. A succession of wars have created revolutions even among the winners.

R.J. Rushdoony: 01:50 Moreover, Otto Scott, one of our staff members at [inaudible 00:01:55] has called attention to a very important aspect of war is revolution. He points out that it weakens the power of the old aristocracy because new leaders and new forces emerge. Now by aristocracy, we do not mean the European model, but more of the Jeffersonian model, which we have had here. An aristocracy of achievement, and of talent. Sometimes it could be that the old aristocracy has needed replacing, but what usually happens is that a new group emerges which wants power rather than responsibility, and so the result is trouble.



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The United States CONSTITUTION

A Lecture Series

Rousas John Rushdoony



The U.S. Constitution Changing Intent

Lecture #2

R.J. Rushdoony: 02:55 In the United States, the old Puritan leadership was destroyed by the War of Independence. They suffered the most from it. They were the ones who did the major part of the fighting and they paid for it. Then the federalists were, to a very limited degree, a rallying point for some of the remnants of the old order, and not a very good representative of it. But they soon gave way to the Jeffersonians, and the Jeffersonians to the Jacksonians. And under Jackson, major steps were taken towards the de-Christianizing of the United States. The state took over health, education and welfare. And since then, the growth has been progressive in the power of the state.

R.J. Rushdoony: 03:52 The same thing of course happened in the south when the old aristocracy was destroyed by the Civil War. In fact, it was a foregone conclusion before the war had been more than a few weeks old that the old aristocracy had been found wanting. For example, in Georgia, when the draft law was passed, it exempted the officers of the state militias. This was to preserve the state militias as a force. Well, the governor of Georgia, to take one state, immediately commissioned 10,000 Sons of the Aristocracy as second lieutenants. So while some of the planters' sons did march off to war and fought heroically, most of them stayed home as second lieutenants. Now you can understand why after the war, the former confederate states couldn't wait to turn on their old aristocracy and leaders. They hated them. War destroys the old leadership, and very often the old leadership deserves destroying, but the new leadership is not capable, and as a result, problems ensue.

R.J. Rushdoony: 05:23 I called attention to the problem as John Adams saw it. He and George Washington were aware of it, and both in their lifetime were subject to the most evil and vicious attacks imaginable. In fact, some of those attacks on Washington are being resurrected again by people who are out to destroy the image of Washington. A book was published a few years ago about how Washington padded all his expense accounts. He would charge \$1,000 for stabling his horse at an inn overnight, and so on. All the data was true, but what the author didn't say, it was with worthless continental dollars, so \$1,000 was nothing. It was worth very little. But that book now is accepted everywhere and it's data routinely quoted.

R.J. Rushdoony: 06:30 We have a war continuously against Christian civilization, which is being stepped up. The churches are not been a help. The churches, Arminianism, Unitarianism, antinomianism, and then mod-

ernism have captured the churches, and they have transferred authority from God to man, and infallibility to the spirit of the age. Octavius Brooks Frothingham, in one of the most influential books of the last century published first in 1873, wrote, and I quote, “The interior spirit of any age is the spirit of God. No faith can be living that has that spirit against it. No church can be strong except in that alliance. The life of the time appoints the creed of the time and modifies the establishment of the time.” Unquote.

R.J. Rushdoony: 07:36 It’s out of Frothingham that you get the temper that in the sixties and seventies led to saying, “You’ve got to be with it. You’ve got to be in tune with your time, because that’s the truth of the age.” And so he held that it was not a word from heaven, nor even a word from man’s history which had authority. It was the spirit of the age. Moreover, each era, Frothingham held, has a new truth and a new creed. And finally that every faith and every church, which is not in tune with the spirit of the age cannot prevail. As a result, we must discard yesterday’s beliefs and yesterday’s laws for today’s.

R.J. Rushdoony: 08:36 Now, this kind of thinking which came out of Hegel in Germany, and which Frothingham and Emerson, whose close friend he was, popularized, has become a part of our life today. Thus in one public school textbook after another that deals with values and value education, each person, we are told, each child is to develop his own values out of his own thinking, and out of his own tastes, and in terms of the spirit of the age.

R.J. Rushdoony: 09:22 Well, this has been applied not only to the Bible which is reinterpreted to mean what men today want it to mean, but also to the Constitution, and so it is regularly reinterpreted with a spirit of the age. Law today means what people today want it to mean. Earlier in the last century, some of the men who departed from a Christian perspective said, “The law is logic,” and therefore they emphasized reason above revelation. This was a project again of Hegel and his doctrine that the rational is the real. But very quickly, this eroded to the position of Oliver Wendell Holmes and his famous book, *The Common Law* in 1881. The law, he said, is experience. The law simply codifies the experience of people, social experience, so that the law thus is to enthrone social experience and sociology. Remember earlier I said that the Supreme Court turns to sociologists to render decisions? Now whether we like those decisions or not, the premise on which they do it is wrong in that it enthrones something other than truth, and we need to grow in terms of the truth, not collective experience, because collective experience, the will of the people meant one thing under hate, under Hitler, another thing under Stalin, and another thing under [inaudible 00:11:33].

R.J. Rushdoony: 11:36 As a result, we have had the so-called equalitarian consensual values enthroned as the American creed. Legal humanism, as a result, has prevailed. All legal documents are now increasingly open to interpretations which frustrate their plain meaning. I mentioned wills earlier. We are beginning to see an erosion even there, so that a man who makes a will has no assurance that it will accomplish what he purposes. In every area of life, the meaning of words has been eroded because of the current legal philosophy. The root cause, however, is this. Where God’s word is depreciated, man’s word very soon means nothing. Changing intent, thus, has very far reaching implications.

R.J. Rushdoony: 12:54 Let’s consider briefly article six, paragraph two, concerning treaties, which now has meanings once unimagined. I quote from that. “This Constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land, and the judges in every state shall be bound thereby anything in the Constitution or laws of any state, to the contrary notwithstanding.” Unquote. Now, that provision was written because the various colonies were used to being independent crown realms with treaty making powers in certain spheres, and to prevent the various states of the United States from continuing to act as independent countries, this was necessary, but it did make treaties are the supreme law of the land.

R.J. Rushdoony: 14:06 Now writing in 1949, a legal scholar, Warmser, commented, and I quote, “At Yalta,

Roosevelt and Churchill agreed that prisoners of war might be used as human reparations to restore war damages, and there are still at this writing legions of war prisoners slaving in Russia. They died there in the slave camps, and hundreds of thousands slaved in France and in England for years. We have no enslaved prisoners ourselves. We read about human slavery in Russia and are aghast, yet we have consented to that slavery in so many words, and we have done more than that. We have taken hundreds of thousands of German troops, which we captured and turned them over to our allies, principally to the French, to permit their use as slaves.” The New York Times quotes ex-president Hoover as saying that, “Under the name of reparations, men are being seized and prisoners are being worked under conditions reminiscent of Roman slavery, and that so habituated to brutality have we become that this condition is tolerated with legal protests. When Russia demanded it, we seized throughout Central Europe Russians who had left that country during the revolution, and their children and their grandchildren, and sent them back, loaded them in boxcars at the point of a bayonet, and sent them back to be slave labor.”

R.J. Rushdoony: 15:54 Now, what Roosevelt and Churchill did at Yalta was to make, as the Supreme law of the land in the United States, the use of prisoners as slaves. I mean, slavery is legalized on an international basis. Have you ever wondered why Washington DC is silent about the men missing in action in Vietnam? Is it related to this under the fact that we have legalized slavery for prisoners of war? And we’ve given a very loose interpretation to it. Do you know that just recently to pay for all the Soviet troops in Mozambique, 18,000 Mozambican children ages 12 to 18 were shipped to the eastern block to be used as slave labor? And there are Vietnamese children and young people paying off the war cost who will never see Vietnam.

R.J. Rushdoony: 17:20 We have legalized slavery on an international level, and we must remember that the amendments to the Constitution 13 through 15 prohibited the private ownership of slaves, not federal ownership, so slavery on an international level by civil governments has been legalized. Such slavery can now be introduced by due process of law, and I’m quoting, “As a punishment for crime whereof the party shall have been duly convicted.” Unquote. We are in trouble.

R.J. Rushdoony: 18:22 Moreover, at the same time, the doctrine of justice has been eroded by humanism and law. From God’s justice as revealed in his law, men have turned first to natural law, laws inherent in nature, but because nature has fallen, such a doctrine is a false one. Moreover, Kant undermined the natural law doctrine and replaced it with human logic, and then Darwin also further undermined it. So now we are in trouble. At the beginning of the century, law was seen as comparable to the truths of Newtonian physics, but Newtonian physics has now been exploding. And so law today is what reason and experience tell us. Whose reason and experience? That of the elite. The concept is that of philosopher kings, after Plato’s [inaudible 00:19:34]. And so today the democratic consensus is not what the majority believes. It’s what the elite leaders tell us the majority would believe if they had any common sense.

R.J. Rushdoony: 19:53 Today, a concept of law, whether it is here or in Marxist countries such as the Soviet Union is not very different. It depends on an elite group. Roscoe Pound, one of the greatest of the humanist legal scholars noted, but he didn’t understand the reason for it, that law is disappearing, and I quote, “because it is superseded by an only competent administration,” unquote. In other words, bureaucracies are replacing the courts because law is eroding and controls are increasing.

R.J. Rushdoony: 20:47 Earlier this week, I was in the south for a trial of a large number of churches for child abuse. Why? Because in Sunday school or in their Christian school or in their daycare centers, they believe that a child who has seriously misbehaved should be brought in and told that what they have done is wrong, and then the child should be spanked. A couple of mild swats on the seat of learning with a ping pong paddle, a racket or a paddle. This is child abuse, according to the state. The trial was not held in a civil court but in an administrative part of the human resources department, which is the state welfare department, an administrative court. And the thing that was interesting to me was that the human resources department believes that the churches operate with a manual of child abuse as their guide. The name of that manual is the Bible. The Bible is a manual

of child abuse. Why? They told me it says, "Spare the rod and spoil the child," and it's full of statements like that. So I quoted them back Hebrews, where it says, "If we do not receive chastening from our father is then are we not sons but bastards, for the father loving his child disciplines and corrects the child."

R.J. Rushdoony: 22:54 The significant thing was, and this was not the first time by any means, I was not in a court of law, but in a bureaucratic court. I have been in civil courts where the attorney general has been opposed to the case, but another attorney general, unelected, coming from the Department of Education handled the case. Courts of law are disappearing because, in the place of law, which means something that is right or wrong, you are replaced with sociology and psychology. But why should we be surprised at this, when the most popular kind of book with ministers is a pastoral psychology book, not the Bible? Tells us something of the problem. The intent of the law thus is not important to those who deny God's law. Change and chance then replace God as the governing force in the universe and justice then has less and less meaning, and the control of change and chance becomes a central concern of a bureaucracy. We are more and more governed by bureaucracies. Less and less by Congress or the Constitution. This is the logic of our present time.

R.J. Rushdoony: 24:58 I have about 10 minutes? All right. We can take a few questions then. Yes.

Speaker 2: 25:07 [inaudible 00:25:07] pointed out that year after year [inaudible 00:25:20].

R.J. Rushdoony: 25:45 The secularist movement did begin at that time. It was one of the effects of the war. John Jay himself was a very devout Puritan. Madison had the training and was very familiar with the Bible. Hamilton became more and more Christian as time went on. The Federalist Papers do not quote the Bible much because they were aimed at a particular audience. They were farmers for whom they were written. Today graduate students have problems reading them, which tells us what has happened to the level of learning in this country. They were directed at a non-Puritan group.

R.J. Rushdoony: 26:47 Yes.

Speaker 3: 26:47 [inaudible 00:26:54], and if so, was it collective [inaudible 00:27:09], or something that was individual [inaudible 00:27:12]?

R.J. Rushdoony: 27:15 The framers never dreamed of or imagined a huge state such as we have now. One of the things it is revealing, that until Lincoln, the term the United States took a plural verb. "The United States are." After 1860, "The United States is," gradually came into use. In other words, they saw it as essentially a collection of self-governing states who are to unite in terms of having common boundaries and to be allied in case of any war. So the United States had a very limited function, and this is why Congress met briefly, as did the courts. At the same time, even the state governments had a limited function, because they did not see government or imagine it as being civil government, the state.

R.J. Rushdoony: 28:22 Up until just a few years ago, for example, in Indiana, the state capitol had the offices for the legislature and the apartment for the governor to live in, and it was the home away from home for the people involved. And it only met once every couple of years for about two weeks. This was true in state after state. I can recall being at one state legislature where I spoke to the assembled senators and assemblymen, and they had recently passed a measure calling for annual meetings on the speaker of the house. And the old timer said, "This is a disaster." He said, "The bureaucracy will grow. It will be able to nag every one of us every day of the year for more money and more power and they will get it, and it will be the end of the freedom of the people in this state." And he was right.

R.J. Rushdoony: 29:43 Now, that was only in the late sixties, so they'd never imagine the kind of country we have now. They did imagine its size. In fact, one of our forgotten founding fathers, Patrick Henry, whom

the generation in school now knows nothing about, his name is dropped out of most books, was Governor of Virginia near the end of the war, and he got together an army of Virginia, and under Colonel Rogers sent it into the Midwest with a command. "Clean the British out of the Midwest. We cannot afford to have the peace treaty signed before we have taken that over," and he had a good reason. If the British owned everything over the mountains, the United States would be perpetually a few colonies or states on the Atlantic seaboard, but if they cleaned the British shot, then everything would be open to the Pacific Ocean. And the battle of Vincennes is by some Europeans, is listed as one of the most important battles in all history, because it was there that the Virginians made the United States a great nation instead of a handful of states on the Atlantic seaboard.

R.J. Rushdoony: 31:20 Now, they did imagine its size. They did imagine its potential. They dreamed about it, but they never imagined that people would surrender their power to the state, that the federal government would be a huge monster. Moreover, because this is an important point, George Washington did imagine that Washington DC was going to grow, but not as a center of government. He said, "Let us put the federal government in the place which is most logical in terms of the commercial and industrial future of the United States." Because, he said, "This will bind the country north and south together." That concerned him.

R.J. Rushdoony: 32:17 "We have the tremendous iron deposits in Alabama." What is now Alabama. He was aware of them. Almost no one else was. "We have the manufacturing skills of the north. This is a logical place for an industrial center," and he wanted the capitol to be the industrial center of the country. Moreover, he said, "We have an ideal harbor here. Plus, we have the Cumberland gap and out of here the emigrants can go most easily to the west." So geopolitically, Washington was the most astute man living in his day, and we owe a great deal of our advance to his vision and that of Patrick Henry. Unfortunately, Thomas Jefferson, having been at Versailles, patterned Washington DC after Versailles to be a center of architecture, and beauty, and of the arts and so on, and he smashed Washington's plans.

R.J. Rushdoony: 33:29 I think we have time for one more. Yes.

Speaker 4: 33:31 I so agree with everything you said, but I'm wondering, [inaudible 00:33:37]?

R.J. Rushdoony: 33:43 "Are you doing the most important thing and putting Pat Robertson in?" Well, that's not a question where I should answer, but since that has never restrained me before, I won't let it restrain me now. I've been on the 700 Club four times, and I believe that Pat Robertson is the best interviewer I've ever encountered. He knows how to get to the heart of a question and to give a man a chance to answer a question. But I think he's doing a great job where he is and he ought to stay there. First, he has no political experience and it's a jungle. It takes years and years to get political expertise, and know how to handle things, and it has to be not only on the state level, but the federal level.

R.J. Rushdoony: 34:44 Second, to be successful in politics, you have to enjoy a fight. And if you're thin-skinned, you're a loser. The media and your opponents will be on you like a pack of wolves. Pat Robertson is a sensitive person. That's not to his discredit. And as a sensitive person, he hurts when he's unfairly criticized. Then third, Pat Robertson has made a terrible statement three or four times. He has been asked, "What will your stand to be as president with regard to the homosexuals and the abortionists?" And he has said, "As president, I will be a president of all the people rather than of the Christians only." Well, why are we electing a Christian if he's going to represent everybody except us? I think Pat Robertson can do a great deal of good for the future of the country where he is. I wish you'd go back there.

R.J. Rushdoony: 36:07 Then, let me add one thing more. I'll try to stop there. I believe the next president is going to be the most hated president in all American history because he's going to reap the havoc that has been wrought by presidents from the time I was born in 1916 and earlier, a policy that has led us down the garden path. We have now, to say one thing alone, the huge overhang of debt, and every country in the world is

on funny money in head over heels in debt, and the depression that occurred from '29 on until Roosevelt solved it, so called, by creating a war economy, will be nothing compared to what's coming. It'll be the greatest disaster in all human history. I don't like to see anyone I like get the blame for that. That's why I was so glad when a very fine man who's a friend of mine, Lew Lehrman, dropped out and left Washington, because Lew Lehrman is the smartest man we've ever seen in Washington in recent years, and he knew what the score was and it wasn't anything he wanted any part of.

R.J. Rushdoony: 37:35 Well, I think our time is up. Martin, do you want to take over if there are any announcements?

Speaker 5: 37:40 [inaudible 00:37:40].



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The United States CONSTITUTION

A Lecture Series

Rousas John Rushdoony



The U.S. Constitution Changed

Lecture #3

R.J. Rushdoony: 00:01 As I pointed out this morning, the Constitution gives us no substantive morality. It does not claim to be a moral code, rather, it presupposes faith and morality on the part of the people. What this means is, as we saw this morning, that the defense of the Republic is not primarily legal and constitutional, but rather religious. If the people of the United States lack Christian faith and morality, the Constitution becomes meaningless.

R.J. Rushdoony: 00:53 Nathan Glazer has noticed that major changes have been underway in recent years. The schools have been stripped of even the nominal forms of Christianity, Bible reading, and prayer. Abortion has been legalized. Homosexuality has become a right. Student rights against school discipline have triumphed, and euthanasia is now very close to official recognition. It is being practiced. At the same time, however, evangelical Christianity is witnessing a strong revival.

R.J. Rushdoony: 01:44 As a result, Nathan Glazer has written, and I quote, “A true culture [inaudible 00:01:53] now rages in the United States, and the Constitution offers no guidance as to how it may be resolved.” Glazer is right. There is war underway today, warfare against Christianity, and a growing number of Christians are waking up to that fact of total war against them, and are beginning to fight back. Unhappily, too many churches still refuse to admit that we are in a war, a total war in which the obliteration of Christianity is planned.

R.J. Rushdoony: 02:39 As we saw this morning, it is possible to appeal to the original intent of the Constitution. It was created by a people who then, and for some generations, were used to a very small amount of civil government, whether on the county, state, or federal levels. Most civil bodies, I indicated, met very briefly once a year, or more often every other year. The major tasks of civil governments, whether on the county, state, or federal level, were minor tasks, inconsequential ones. Society, the family, the church, the school, and the communities, independent agencies provided most of the government. That idea of a bureaucratic and all encompassing state, which governed every sphere of life and thought, was very alien to the United States for almost a century and a half.

R.J. Rushdoony: 03:59 The churches were, however, an important part of the existing governmental structure of society. One very liberal Professor of Law at Harvard, Laurence Tribe, has said, and I quote, “At least some

evidence exists that for the framers, the establishment clause was intended largely to protect state establishments from national displacement.” The states could establish churches, not that I’m in favor of that. But Christianity was established in the United States. You cannot have any civil government anywhere in the world without an establishment of religion. It may not be Christianity, and usually it’s not, but all laws represent morality. They say certain things are bad and certain things are good.

R.J. Rushdoony: 05:09 So it is inescapable that when you enact a law, you are enacting your moral and religious faith. This is why the laws of different countries are different depending on their religious faith. Our laws have one attitude towards human life. Other countries have another. We seek to protect and preserve life, but I’ve talked to people who were born and grew up in the old China. And in the old China, life was seen religiously as a curse. As Buddhists, escape from human existence was the goal. If you saved a person’s life, as some missionaries did, it was then your duty to take care of them for the rest of their life, because you had compelled them to continue living.

R.J. Rushdoony: 06:17 You cannot have a structure of law without establishing a religion. That does not mean establishing a church, but Christianity was the establishment in the United States. And men like Justice Joseph Story and court decisions made clear that while we do not recognize Christianity as a salvific doctrine, or as the establishment of a system of doctrine, we recognize it as the source of our laws. Christianity, for most of our history, has had an important part in this country. And the Supreme Court could say, as in the Trinity Case in the ‘90s, that this is a Christian nation, not because any doctrinal system was approved of, but because our whole legal structure rested on a Biblical foundation.

R.J. Rushdoony: 07:31 But since World War I, and especially since World War II, all this has changed. Senator Moynihan has said, and I quote, “Can we agree then that the great object of the constitutional arrangement we thereupon put in place, was that the government should leave the citizen alone? Thus the thundering prohibition of the Bill of Rights, Congress shall make no law, no soldier shall, no warrant shall.” [inaudible 00:08:10]. That was the problem then. The problem now is that citizens won’t let government alone. They now plunder the state as the state was once thought to plunder them.” I believe Senator Moynihan is overstating it. I do believe there is a power grab underway in Washington, but it is possible because more and more people are demanding more and more from Congress. They want cradle to grave security. They want any number of things. They resent anyone telling them they are not entitled to it.

R.J. Rushdoony: 08:56 A few years ago, I wrote a position paper which was quoted, or reproduced in full, by two or three church publications, until they found out it was very unwise to do so. The title was The Trouble With Social Security. And I pointed out how economically it was unsound and doomed to collapse, and that morally it was unsound. The state was taking the place of the family. The parents, when in need, were to be cared for by their children. After all, they had cared for their children when they were not even housebroken.

R.J. Rushdoony: 09:42 And I also pointed out that where there were no children or no capacity, Christians in the community had a responsibility, that they once minister to all such needs, and should again. You should have seen the letters I got from people who began by saying, “I want you to know that I’m a Bible-believing Christian, but ...” And then they proceeded to tell me how terrible what I had said was. I had quoted the scriptures. “But I don’t want to owe my children for anything.” So we have a problem. Everyone is out to plunder the state, although they don’t call it that.

R.J. Rushdoony: 10:38 One result of this change was the 16th Amendment of 1913, which reads in full, “The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.” That’s the income tax law. Now, first of all, this is a very remarkable law, because from beginning to end, it has no restricting clause and no limitation on the percentage of income, which can be taxed. In other words, they can impose a tax of 120% on

your income. Now if you think that is nonsense, let me remind you that several countries have done exactly that, including Great Britain.

R.J. Rushdoony: 11:42 When the Labour Government took over after World War II, they promptly taxed more than 100%, which meant that they wiped out all the wealthy people of England. To pay 100% plus in income taxes, it meant not only did all your income go, but you had to start selling your assets each year in order to pay them, and more of your assets in order to live. That's why all the biggest states of the nobility today are parts of a National Trust. And the little Lords and Dukes who live there are really tenants, having a right to stay there and to let tourists go through the place so many hours every day. It reached the point where, finally, there were only a bare handful of people in all of Britain who made 40,000 or more a year, none who had any assets to speak of.

R.J. Rushdoony: 13:02 Since then, they've been moving away from that, to a limited degree, but England was not the only country to pass such a law. The 16th Amendment permits that here. It gives the federal government the power of unlimited income taxation, and we have not yet seen the worst. Then second, although conservatives like to say that, at least some of them, that the 16th Amendment was slipped by while nobody was really noticing, it was really a very popular law, because most of the people thought it was going to take money away from millionaires. And when someone in Congress got up and said, "Look, it may hit you and it may hit me," they laughed. They didn't think that would ever be possible. But there was a strongly socialist temper in the United States in 1913, and the Amendment was seen as a "soak the rich" measure. Well, you're now one of those being soaked, and so am I. And we have not yet seen the worst. Now, that's a part of the Constitution.

R.J. Rushdoony: 14:35 Then third, a very serious error on the part of Christian conservatives is to read the Constitution like the Bible. That is as though it had an unchanging meaning. Now, the original intent and meaning of the Scripture always prevails. What God says in Genesis is never to be read except as it reads. But the original intent of the Constitution prevails only until an Amendment alters it. The Constitution is like a will. The last codicil on a will governs everything that precedes it, so that if you add something to your will, you alter the meaning of all that precedes it, because this is the last word from you. So the most recent word in the Constitution governs everything that precedes it.

R.J. Rushdoony: 15:44 This is why when Deukmejian was Attorney General, and I tangled with him, and I think he was dead wrong, he insisted that the 16th Amendment nullified the exemption of churches from taxation and control. He said the churches only have a statutory exemption, that is by a current law, not a constitutional one. They have no legal right. He was not being original in that decision, which was some 25 or 40 pages long. He was simply citing what other state attorney generals and what some courts had said. And we are moving in that direction of saying the 1st Amendment has been wiped out by the 16th. And I had heard judges, state and federal judges, say they do not want to hear the 1st Amendment cited or quoted in the trial before them. Only the most recent decision of the Supreme Court will govern them.

R.J. Rushdoony: 17:04 Now they're operating on the premise that the last codicil and the last court decision governs everything in the Constitution. Now that's the way law works. So it's a question now. Does the 16th Amendment invalidate the 1st? Now that's a serious question, and our future depends on it. And the [inaudible 00:17:41] have not been favorable to us. Moreover, as you read the Constitution, what you will see is that there is increasingly an equalitarian and leveling trend apparent in them, which means that the churches are to be considered, as one justice has said, "Like any business."

R.J. Rushdoony: 18:14 For us, this means that the various Amendments, and the uses made of them, are more important in practice than the original constitution itself. It was in the mid 1930s that Justice James McReynolds, in a dissenting opinion, wrote and I quote, "As far as the Constitution, it does not seem too much to say that it is gone." If this is true, it is because the people themselves are gone. To put one's hope in law, among

the lawless people, is folly.

R.J. Rushdoony: 19:05 We saw this morning that the Yalta Treaty legalized slavery. We can add fifth, that the 6th Amendment does also. Slavery means the ownership and the labor of others. It is involuntary servitude according to the Constitution. The requirement that we provide freely to the Internal Revenue Service our services in keeping books on employees for the IRS and on income is involuntary servitude according to the plain reading of the 13th Amendment. Because of the 16th Amendment, we have to do this for ourselves. We have to submit our records to testify against ourselves, and it won't do to plead the 5th Amendment on that, because the 16th Amendment has nullified that in terms of your financial records, because unrestricted power has been given to Congress to lay and collect taxes on incomes.

R.J. Rushdoony: 20:19 We are now compelled to testify ourselves, and to supply all demanded records to the IRS. This very clearly invalidates the 5th Amendment provision that no person shall be compelled in any criminal case to be a witness against himself. This is all soon validated by Congress. Otto Scott of our staff has written on Congress as a Star Chamber. Remember in the days of 17th century England when the Star Chamber under the kings could haul any man in, and compel him to testify, and hold him a prisoner indefinitely. Congress now can do the same. It can compel you to testify against yourself. There are similar developments in some of the grand jury hearings as well.

R.J. Rushdoony: 21:37 Now on the surface, Christianity is at a unique high in its importance in the United States, according to all the polls. Surveys tell us that 86% of Americans declare that their religious beliefs are very important or fairly important to them. Europe shows much lower percentages. Add to this that 77% of Americans declare that they believe in the full authority of the Bible, that it is the infallible Word of God. Oh, this sounds very encouraging, very wonderful, but how much truth is there to it? The same survey tells us that of all these people who profess to be born again, Bible-believing Christians, only 42% can name the four Gospels, or identify the author of the Sermon on the Mount. The churches, as a result, are impotent.

R.J. Rushdoony: 22:56 In 1940, Roscoe Pound, one of the great humanistic legal minds of this country, was in Claremont lecturing at the college. I quoted him earlier when he said that law and courts were giving place to the power of the bureaucracy. In 1940, he spoke also of the growling disappearance from law of the moral concept of what ought to be. In other words, that homosexuality is wrong because God declares it to be so. Now it's right because instead of what ought to be, we are told what is must prevail. Why not in terms of what is, legalize murder. It's very prevalent. Or theft, it's very prevalent.

R.J. Rushdoony: 24:06 A few years ago when John Tunney was Senator from California to Washington, DC, at the Disneyland Hotel, a group of pro-life people collared him. And they wanted to know why, he as a Catholic, was voting pro-choice, when abortion, they said, is immoral. And he said, "No, it is not immoral." "Why not?" "Because it is legal." And they asked him, "If theft were legalized tomorrow, would you declare it to be moral?" And he said, "Of course." John Tunney's opinions are increasingly more common place. The doctrine of what ought to be is being removed from law in favor of what is. In fact, Roscoe Pound has said, "In the lectures of 1940, Freudian psychology, relativism, economic determinism, and other like concepts, have replaced moral mandates as a source of law." That was 1940.

R.J. Rushdoony: 25:40 Since then, the erosion has been very dramatic and is becoming more rapid. As I have said several times, the Constitution does not give us a substantive morality, no moral code. The substantive morality of the United States, from its earliest years, has come from the Bible. And the Bible had a place in the courts. It was law. It governed men and courts. Although Pound did not speak as a Christian, we as Christians could agree with him when he said, and I quote, "And jurisprudence, we are dealing ultimately with what ought to be." So law represents a moral standard.

R.J. Rushdoony: 26:48 The very fact that we have laws tell us these are things which people want to do. They want to kill. They want to steal. They want you to do these lawless things. But we have a duty under God to restrain them, because civilization will then collapse if we do not. If Christians do not provide the moral imperative of God's law, the humanist will apply the imperative of relativism. Our basic battle was/is to wake up the churches, to overcome their Antinomianism, to make clear that God's law must be binding.

R.J. Rushdoony: 27:48 The procedural morality of the Constitution gives us the terms of office, the conduct of courts, of arrests, of bailment, of witnesses, and so on. It does not define for us the meaning of life, or the use of sexuality, the nature of the family, the character of education, the sanctity of life, and so on and on. All the elements of life and society, which at long provide the good life, are derived from religion, from the Bible. The Constitution can restore nothing, nor can it make the courts or the people just. That is not its task. It is the task of the Christian community. The Constitution is a remarkable document. It is a major event in history. It was only so because of people, however simple they were, formed it and were to a degree governed by the Word of God and the Holy Spirit.

R.J. Rushdoony: 29:08 If tomorrow the Constitution and its original intent were made the governing and supreme law of Hell, Hell would not be changed a bit. It would still be Hell. And neither Hell, nor its congress, nor its courts, nor its administration, nor its supreme ruler, the devil, would be improved an iota. Whether in hell or the United States, a return to the Constitution, per se, is meaningless. After all, the Bible tells us very clearly, "Except the Lord build the house, they labor in vain that build it." Our problem today is that we have so many experts who have any number of solutions to the problems of the world, solutions derived from sociology, or law, or psychology, or economics, from one discipline or another, some good, some bad.

R.J. Rushdoony: 30:37 And the churches and Christians are too prone to believe that, "Well, if we elect these people, or this party, or apply these ideas, we can restore our country." And that's an illusion. It cannot be done apart from Christ. "Except the Lord build the house, they labor in vain that Build it." The Constitution. As human documents go, is a very remarkable one. The Bible is the very Word of God, but neither can do anything on a shelf when the people are sinful. The change must begin there. Now, in our final session before we have questions and answers, I'd like to deal with change.



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The United States CONSTITUTION

A Lecture Series

Rousas John Rushdoony



The U.S. Constitution and the People

Lecture #4

R.J. Rushdoony: 00:00 On our final session before we have questions and answers I'd like to deal with change. The constitution and the people. In discussing change it is important to note that in philosophy and oncology it means potency. In Aristotle power is the source of change and the capacity to perform. For us as Christians we believe as Psalm 62:11 declares, "God has spoken once, twice have I heard him say this, that power belongeth to God." Both Aristotle and scripture agree on the ultimacy and importance of power, they differ in it's location. For Aristotle it is not in the personal God whereas for scripture power belongs to powers.

R.J. Rushdoony: 01:13 When person, groups, and institutions surrender their powers, there are others ready to grasp that power. In the modern world, as men have surrendered their powers, the power state has developed. Remember senator Moynihan said, "That men today are systematically plundering the state to seek benefits and subsidy's from it. People want social security and medical care, job insurance and security, free education and much, much more, they gain the benefits by trading power for them. Complaints against big government are at best hypocritical. The people make them, very often want the benefits but not the taxes which is a contradiction."

R.J. Rushdoony: 02:14 Some years ago I heard a prominent federal bureaucrat, an economist, so called. We were both on a panel at this college conference. He had been of power and the administration of Truman, of Kennedy, and of Johnson. He very earnestly made the statement that if the federal government would only follow his economic ideas, he said, "We can have our cake and eat it too." Well no such miracle is possible, not even in Washington.

R.J. Rushdoony: 03:11 I find myself fairly regularly criticized on insisting on the necessity of Christian schooling for Christian children, for criticizing Social Security and other things. These criticisms come from evangelical church men. They're not as common as they once were. In the '50s and '60s and even once in the '70s, if I spoke of the necessity of a Christian schooling, by parents are a Christian school of Christian children, some minister would stand up and denounce me as trying to subvert the soul saving task of the church. Which they would say was the only task which should concern the church. Thank God we've improved a great deal over the years, but enough of that attitude still remains and as a result we have today, an ineffectual church. It's members are content to live in terms of a humanistic world six days a week and they fail to see how offensive they are to

God almighty.

R.J. Rushdoony: 04:40 Power has been transferred by the people to the state. Our present regimen has been voted in by the people. There's another transfer and the courts have sanctioned it and this transfer has been from our elected representatives to bureaucracies. Congress has sanctioned it also. Whenever Congress meets they pass a number of laws, their laws will fill one or two bookcases, those of the bureaucracy, each year would more than fill this room with book stacks all through the building. Complaints against these bureaucrats are quite common place but they're empty, they are meaningless because bureaucracies exist in churches and in business and in other areas of the so called private sector and their powers are very great. There is scarcely any church of any size today that is not ruled by a very powerful bureaucracy. In some instances churches with no more than 10 and 20,000 members from coast to coast have a very top heavy bureaucracy.

R.J. Rushdoony: 06:23 All this is a part of the surrender of power. The bureaucracy claims to be made up of experts who can manage us. One writer has said and I quote, speaking of the civil bureaucracy, "Power is only exercised in a legitimate way in the United States when it rests on a consensus among a variety of elites including the higher civil service." This writer Nelson [Hulsvey 00:07:05] feels that power is shifting, legitimate power in the United States towards elite experts in the higher civil service and bureaucracy, so that while the Congressmen and the Senators and Governors still have the lime light, power has moved out of their hands and they have surrendered it.

R.J. Rushdoony: 07:36 Our Justice Macklin Fleming, one of the great California Judges of a few years back, declared that certain things happen when we surrender power to an elite or to a bureaucracy. He said first universal coverage in a transcendental application is claimed by the state and it's parts. Well this has been true in recent years. Since 1950 all kinds of trifling cases have been decided by the courts. On the student revolution of the 1960s, while professing to rebel against that, actually confirmed and made possible a great deal of it.

R.J. Rushdoony: 08:33 They fought for all kinds of trivial rights, such as children's rights to wear bizarre clothing, to have bizarre hairstyles in state schools, to be able to do all kinds of things disruptive of teaching and discipline and the schools. One school administrator said bitterly, "One thing we can predict is if students go to court against us we lose." No matter how trifling the courts state the case. They assume they have universal jurisdiction. Now second, this results in trivialization as Macklin Fleming declared, and I quote, "Trivialization sets in when the language of fundamental constitutional right begins to be routinely used by the courts to justify judicial regulation of administrative decisions of the small sort. With the consequence that a sort of [inaudible 00:09:46], law operates under which bad judicial decisions drive good ones from public notice. A result is with a boy who cried wolf too often is to give the entire body of constitutional law a somewhat inconsequential and frivolous cast."

R.J. Rushdoony: 10:10 Now we may feel that some of the trifles over which students went to court represented too much regulation by the school but by going to court, what they did was to trivialize the importance of the law and to give them universal jurisdiction so that even where we might agree with something we have to say the whole procedure was wrong and fundamental destructive of justice. Today trivialization is common in all spheres. In the churches most of the things that the church courts deal with are trifles. Hereasy, unbelief, and immorality get less attention in most churches than offending the church leaders. Within this past week I heard from a very fine young man, a very successful man, a man who was giving very generously to the church, and other Christian causes, by the thousands of dollars. He came to realize that there were many of the young men of his age whom he knew who were ignorant of Christianity and didn't get much of it from church and Sunday school, if they started to attend and many of them were not even remotely near attending but were interested.

R.J. Rushdoony: 12:03 He organized them in a home bible study and began to say, "This is what the bible teaches, this is what Genesis is about and this is what Exodus is about, we'll have a little survey each week then

we'll concentrate on one of the gospels so that you can understand the meaning of salvation, the meaning of Christian responsibility and so on." The pastor called him in and told him that he had to cease and desist. The young man in all innocence said, "I didn't know I was violating any church rule. If you want to assign one of the assistant pastors to take over that group, I'm ready to have him come in. But I didn't find any interest when I inquired about it and I felt that I could reach these young people whom I know. I knew them as students, we're in the same community still, I know them from my work and I want to reach them for Christ." That was rejected and he was told, "It is not your prerogative to tell us what to do, you will perhaps be happier in another church." That's trivialization.

R.J. Rushdoony: 13:33 This is by no means an unusual incident but a very, very common one. In fact I could write a book of all the instances like this that I've had reported to me and I've usually checked them out by talking to someone in that particular community, but in my travels, these are routine. A trifling church means a trifling nation. Trivialization is commonplace. Take family problems, do you know that most of the troubles between husbands and wives and most of the fights are over trifles? Most ridiculous trifles imaginable. I saw this while I was still a student and it was the depression. There was these two students who got married and both came from families of means, great deal of means. So they had a big church wedding in Berkeley with over 1,000 guests and a very lovely apartment provided by the father of the groom. They were very much in love.

R.J. Rushdoony: 15:05 But, within a short time the marriage broke up, when the war broke out it created terrible problems for them. He would come home from his office, at his father's place of business and when he was going to wash up for dinner, there were her nylons hanging over the towels. In those days they were rationed, they were scarce and women took very good care of them and he would fume that he couldn't wash his hands and face and then dry himself without wading through her hosiery. She would fume because after he used the toilet he left the seat up. Well, that little fight went from one item to another and to increasing bitterness until they did all kinds of ugly things to get even with each other before they got a divorce. Life has been trivialized because we began by trivializing the faith and minimizing it.

R.J. Rushdoony: 16:20 It used to be that before you could be a voting member of a church you had to be knowledgeable. A lot of churches had catechisms, the Presbyterians sued to go by the Westminster catechism. You had to know 164, 74 questions and answers by heart. It used to be you were drilled on those and children were too. They knew what they believed. I would doubt that Presbyterians even know today that there was such a thing as a catechism in their church. We've trivialized church membership, the bible, everything. A communist who left the party some years ago, when he was converted was horrified because he said, "When I joined the cell," and I used to have his copies of [Marx's 00:17:25] writings, he was a long shore man. He had underlined and studied in order to be able to pass the stiff series of examinations to become a communist. Nobody asked him a question when he was taken into a church and he was shocked. And then not at all surprised that the church was at so low an ebb of power.

R.J. Rushdoony: 18:04 Obviously there has to be a change and it must begin in the Christian community. The early church was a persecuted and illegal body but in terms of 1 Corinthians 6 when Paul says, "How dare you go to the pagan courts, aren't there wise men among you to adjudicate matters?" They set up courts. Very quickly because their courts became famous for their justice, even the pagans were coming and saying, "Look if we go to a Roman court we have to wait years to get our case settled." There was one case where they waited over 40 years and the widow finally went to the Emperor and the Emperor ordered the court to solve it immediately, to settle it. He did within a week and the Emperor said, "If you could solve it in a week when you sat on the estate for 40 years plus, you're not the kind of judge I want," and he ordered him executed, but it didn't change the other judges.

R.J. Rushdoony: 19:18 Christians came to be the courts of the Empire, people knew they could go to them and get justice in terms of God's law. This is why when Constantine became Emperor, and made Christianity tol-

erated, he told the bishops, "From now on I'm ordering all of you to wear the garb of a Roman magistrate when you're out in the street so that any Roman knows he can go to you for justice because our judges can't provide it." That's where our bishops' garb comes from, it's the garb of a Roman magistrate but I don't think there's a bishop in the United States who knows what his garb means.

R.J. Rushdoony: 20:19 This is not all they did. In terms of what God required in his word, they took care of widows and orphans and the needy. They set up orphanages and schools for the homeless boys, they set up old folks homes, they set up housing for travelers, Christian travelers because in those days, the non-Christian hotels and motels or whatever they called them, inns, were also houses of prostitution a girl came with a room and you had trouble getting rid of her and if you got rid of her they'd send in a boy figuring you were one of those. So Christians could not stay in the inns outside of Judea. They established hospitals, schools, infirmaries for the aging without families and so on.

R.J. Rushdoony: 21:25 Christians by the use of their tithes and offerings created a shadow government which was more powerful than Rome. Even as they were being persecuted.

R.J. Rushdoony: 21:44 That was the real government of the United States, the Christians and all the agencies they had set up. That's why the Constitution had some validity then. Let us remember another fact, according to Numbers 18:25 and 26, a tenth of the tithe went to the priest, that is for worship, perhaps another tenth went to the musicians. This meant that most of the first tithe was handled by the Levites or what we today would call Christian reconstruction. To reorder society in terms of the law of God, on top of that you had the poor tithe every other year, another tenth. Thus the tithe provided for a variety of governmental social services.

R.J. Rushdoony: 22:51 Social services must be provided, if not by Christians then by the state. It is immoral if we complain about taxes and then fail to tithe and help create and support Christian agencies not only in the sphere of worship and education but health and welfare. If we tithe we have the power in our hands. We have the power to change men and society and power must be exercised under God because all power is rightfully from God. We can not surrender it, but because we have today, we have the omniscient state.

R.J. Rushdoony: 23:50 Citing again from Justice Macklin Fleming, I quote, "Our first step then is to recognize the existence in the Supreme Court of absolute power and allegorical corporate form. Power of the court exercises without any effective restraint. Initial recognition may prove difficult for we are trained to a form of government decked out with the finery and trappings of a written constitution and we tend to delude ourselves that absolute power or sovereignty has somehow been abolished by the adoption of a written constitution. And point of fact, absolute power is now lodged in the Supreme Court which has the power to restrain executive and legislative action and to declare the meaning of the words of the Constitution free from the fetters of the law. The power of a sovereign according to [Austin 00:24:57] is incapable of legal limitation for only a higher sovereign could enforce the limitation. Supreme power limited by positive law is a flat contradiction in terms for the power of the higher sovereign would still remain free from the legal restraints of positive law."

R.J. Rushdoony: 25:24 Now I don't know whether Macklin Fleming was a Christian but I do know this, this point was based on sound theology and a very ancient doctrine. The most common term in the bible for God in the Old Testament is Adonai, Lord or [inaudible 00:25:44]. The most common term used for Jesus Christ in the New Testament is not Christ but Lord, [inaudible 00:25:54] sovereign. This is why the Constitution, at the instigation of the framers never mentions the word sovereign. On the 50th anniversary of the Constitution when people were talking about state sovereignty and a few also about federal sovereignty, John Quincy Adams very emotionally at that 50th anniversary spoke of that as an evil and he said, "If the founding fathers were here they would witness against this generation that sovereignty is not in us nor in the federal government, it is in the Lord God of hosts and in him alone."

R.J. Rushdoony: 26:45 Sovereign means absolute power, total control. Today the Supreme Court and other agencies routinely speak of the sovereign power of the federal government. You can not restrain a sovereign by law. That's an ancient legal maxim going deep into English legal history, European legal history and church doctrine. Supreme power limited by law is a flat contradiction in terms as John Austin pointed out in the last century.

R.J. Rushdoony: 27:31 Thus, there is no way you can say the Constitution can limit the federal government any longer. Once we accepted the doctrine of state sovereignty and federal sovereignty we said they can not be controlled. A sovereign can not be controlled, there can be no God over God. For us, God the father, God the son, God the Holy Ghost alone is the sovereign in all creation. Therefore there can be no law governing God, he is the source of all law and if you make the federal government sovereign as has been done, it can never be bound by any Constitution or any law.

R.J. Rushdoony: 28:29 Do you know that in the Carter administration a law was passed requiring a balanced budget? Graham [Rodman 00:28:41] required it. The Graham Rodman bill. Both have been nullified. We're talking about amendments now to require a balanced budget, that's a joke. How can you have any amendment or any law to chain down a sovereign? That was the greatest gift the framers gave us, they refused to use the word sovereign or sovereignty to describe the federal union which they created and in that they broke with every other country on the face of the earth. That's the most unusual, the most unique thing about the constitution, it is an instrument which does not claim sovereignty for the federal government.

R.J. Rushdoony: 29:43 That meant it was to be under law. Under God. He eliminated that.

R.J. Rushdoony: 29:58 This is the battle in the early church, Rome was ready to say, "We'll grant you freedom of worship. All we ask of you is that you register your church at a government center and say Caesar is Lord. That is, Caesar is sovereign." The answer of the Christians was, "Jesus Christ is Lord over Caesar, not Caesar over Christ." It is for that they died.

R.J. Rushdoony: 30:30 That's what the persecution was about, more than one Emperor bagged them to accept one of them had his officers tell the Christians, "Look our Emperor thinks the world of your Jesus Christ, he even has a statue of him in his private chapel. Why don't you say Caesar is Lord?" But now we have said, "Caesar is Lord." Not Christ and we're paying the price for it.

R.J. Rushdoony: 31:07 As a result the Constitution today is no defense. It is only faith in the sovereign and triune God and in obedience to his law word which can deliver us. Man can not live by bread alone or by Constitutions now by election victories nor by tax revolts, but only by every word that proceeds from the mouth of God. We must therefore return to a full orb'd and unqualified faith in the sovereign God we must cease to treat the faith as something that applies only to our selfish, because if we do so, we are denying the faith.

R.J. Rushdoony: 32:07 As I flew back from a trial at the other end of the country Tuesday in the evening, I testified in the morning, heard the state attorney declare the bible was a child abuse handbook. I sat next on the trip, on the second half of the journey out of Chicago, next to a woman who is an officer in one of the top "Evangelical" organization in the country, located not too far from this area. She wanted to know what I was reading and why and when she found I was a Christian she started to tell me, "You know we must be alert as Christians today because there's a tremendous evil at work in the churches." She hadn't recognized my name and she said, "It's all this lordship and dominion teaching and preaching." Well I didn't tell her what my relationship to that was but I said, "Well I'm a very strong believer in that." I told her about the word Lord in the Old Testament and New Testament and its meaning and how we can not make salvation the be all and end all, it's just the starting point of our life in Christ.

R.J. Rushdoony: 34:08 The starting point, we are made a new creation in order to serve him. Not to sit back and say, "Oh I got the question of heaven settled," and I told her "You can not treat, as so many people do, Jesus Christ as simply a fire and life insurance agent." She beamed and she said, "But that's the perfect expression and description of him. He is a fire and life insurance agent." So many of the people we work with tell me that they came to Jesus because they were afraid of hell. I said, "I would question whether they are Christians or not? Are they showing the fruits of it in their life? Is Jesus Christ Lord in their life? Are they now effective for Christ?"

R.J. Rushdoony: 35:10 She said, "Well no." She said, "I know a lot of them who are truly, wonderfully saved and they're still on drugs." And she went into one who was such a marvelous Christian, according to her but thirteen years and still on drugs. I said, "He isn't saved." There is nothing in us, in our lives, no matter how evil we were before we came into contact with Christ that is not too strong for him to overcome. I said, "Some years ago I was instrumental in the salvation of a man that had three generations die of alcoholism in his family." And he was now an alcoholic.

R.J. Rushdoony: 36:07 He was a big man, he was a pro football player. And the cops in that city loved him, he was a local hero, he was no longer playing. One night somebody was leaning hard on the door bell about 4:00 A.M. I went down there and it was [Chet 00:36:34]. He came in crying. he said, "I've come to say goodbye, I've proved that I'm not a Christian, I've disgraced my Lord, I've disgraced you, I disgraced all my Christian friends." He said, "I got drunk tonight." And he said, "I tore up a joint, the cops," he said, "Six of them, my friends had to come and it took all six of them to hold me down and handcuff me and put me in the back of their car." And he said, "I hurt some of them in the process. They kept me in long enough to sober me and told me, go home and forget about it Chet. They were doing me a favor because they loved me. But I've disgraced everybody so I've come to say goodbye."

R.J. Rushdoony: 37:31 I said, "Chet forget about the goodbyes, you're a strong man and I can see how those six men had trouble holding you down. If you'd have been sober they probably couldn't have done it." But I said, "You're a weakling compared to the new man in you Jesus Christ. It is against the old man, Jesus Christ, the old man Chet doesn't have a chance. Now go home and sleep and forget about this problem because the new man is Lord in your life and you haven't got a chance against him." And I was right. I told her that story and she got up and moved to another seat.

R.J. Rushdoony: 38:19 I went back to my book. That's our problem today. We have too many who are calling people converts who are just running away from hell and how are scared to death at what their drugs or something else is doing to them. We are making their problem worse by deluding them to believe that they are Christians.

R.J. Rushdoony: 38:54 I heard recently from a pastor, who wrote to me and he said, "You know, I've always thought of myself as a great soul saver, and I could count the numbers by the thousands who came forward because of my preaching." He said, "Recently somebody gave me a book by Spurgeon and it shook me to the foundation of my being and I realized why all those converts were so weak and worthless." He said, "Now I'm going to let God do the saving. I'm just going to be the instrument. And I've seen his power make a difference." Well that's what we need, the sovereign God, the sovereign Christ, the sovereign Holy Spirit work in us and through us to bring every area of life and thought into captivity to Jesus Christ.

R.J. Rushdoony: 39:58 When we do that neither Moscow nor Washington has a chance because Jesus Christ is Lord and every knee shall bow and every tongue confess it. Either in faith or as they face him in judgment. They haven't a chance, the only problem is, on which side are we going to be? In his army, or a dead weight that has to be disposed of? Are there any questions now?

Speaker 2: 40:40 Question and answer period, it won't take number five.



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The United States CONSTITUTION

A Lecture Series

Rousas John Rushdoony

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Seminar U.S. Constitution Questions

Lecture #5

RJ Rushdoony: 00:00 Alright. As long as my voice holds out, we'll continue. Yes, you had a question.

Speaker 2: 00:55 [inaudible 00:00:55].

RJ Rushdoony: 00:54 Given what?

Speaker 2: 00:55 [inaudible 00:00:55].

RJ Rushdoony: 00:55 Yes.

Speaker 2: 00:56 [inaudible 00:00:56].

RJ Rushdoony: 00:57 Mm-hmm (affirmative).

Speaker 2: 00:57 [inaudible 00:00:57].

RJ Rushdoony: 00:57 Yes. You cited Roe v. Wade and civil disobedience. I'm certainly not against the demonstrations at the birth control centers. And it's very clear that these demonstrations have prevented many people from getting an abortion. But what we have to remember, that that's just a delaying action. What we have to work for is changing the people.

RJ Rushdoony: 01:25 There are too many out there to whom abortion isn't that important. They're mildly against it, or mildly for it. But they don't have any strong opinions on anything. They need to be converted.

RJ Rushdoony: 01:43 So we need to get to the center of things, the heart of things. We need to challenge the whole premise of the courts here. Because what we forget is that Roe v. Wade was followed by another decision in New York State, which has not been overturned. And that decision, and looking at Roe v. Wade made the obvious deduction. Life is not a matter of medical definition, but of legal definition. So that at anytime, they can say six weeks or six months, or eight months, or nine months, or 50 years, or 60 years. In other words, the door

has been opened since the State now has the power to define a person; to declare all the sick to be nonpersons, as has been done in the Netherlands. And in several countries, to all practical intent is underway. Or suddenly, somewhere down the line to say, all the sick on Medicare are nonpersons, or all Christians are nonpersons.

RJ Rushdoony: 03:20 We have to start telling people, God created life, and it can only be taken according to God's word. Life cannot be defined by the State, nor taken by the States beyond. You are vulnerable. What's to prevent the court somewhere down the line from defining you as a nonperson?

RJ Rushdoony: 03:52 A friend of mine, Charles Rice, who teaches law at the University of Notre Dame in Indiana, has predicted that if Christians do not turn this country around, by 1999 various groups of persons will be declared nonpersons. You see, there are bigger issues at stake, and we've got to hit not only on the local front this particular abortion bill, but what it represents. The potential of killing anyone the State chooses to eliminate.

RJ Rushdoony: 04:41 Yes.

Speaker 3: 04:42 [inaudible 00:04:42].

RJ Rushdoony: 04:47 The way to prevent the State from doing that is to create a Christian community that will change the nature of Congress and the courts. And we have to wake up to our-

Speaker 3: 05:01 [inaudible 00:05:01].

RJ Rushdoony: 05:11 If we do not, as a people, change, they are going to kill not only the unborn, but the born; the young and the old of different classes. And the only way to prevent that is for the Christian community to stand up and be counted. To organize, in one way or another, in terms of political action. To organize by taking over various spheres of activities, we are taking over education. I think, by the way, that between one fourth and one third of the school-aged children are no longer in the public schools.

Speaker 3: 05:51 [inaudible 00:05:51].

RJ Rushdoony: 05:54 Oh yes. Sooner or later, you're going to have to restrain the unbeliever, because he is saying "Only my will can be done." Today, they are saying it's the Christian who has no rights. He has no right to express himself, but the ungodly can, the gays can, everybody else can. In any society, to have civilization, somebody has to be restrained. And we're saying people who are evil, who commit crimes, have to be restrained. We don't like murderers and thieves running loose. We don't like people who say that certain people can be killed, because they like to have them killed, in power.

RJ Rushdoony: 06:45 We've seen what happens when people assume that power, as Stalin and Hitler did. Now, in every country in the world, we are moving in the same direction. Arbitrary power to create arbitrary laws to take human life at will. And it's never done openly. It's done by indirection.

RJ Rushdoony: 07:16 Another question, yes.

Speaker 4: 07:18 [inaudible 00:07:18].

RJ Rushdoony: 07:33 Well, from any eschatological point of view, the commandment of our Lord remains the same. Occupy 'till I come. That applies to [pre-mils 00:07:44], and it applies to [a-mils 00:07:47], it applies to everyone. However, as a [post-mil 00:07:50], I believe that the post-millennialist has the most logical position to implement that, and we would have to say that the Puritans were, and there was a revival of the same

position under Jonathan Edwards and a historian like Bushman has said that the War of Independence was made possible because of the revival of post-millennialism. People who are not trying to submit; who are going to resist evil and become free people under Christ. Who did not feel that they were duty bound, when men were lawless, to put up with it. But they were going to do it lawfully, and did so.

RJ Rushdoony: 08:42 Yes.

Speaker 5: 08:48 A quick question. Apparently there is a call [inaudible 00:08:49] question be, where is justice apart from morality?

RJ Rushdoony: 09:10 Yes. First, we're very close to having a call for another constitutional convention. Given the nature of the men who would go to that convention, we can only expect great evil from it. We will be in serious trouble.

RJ Rushdoony: 09:27 Justice is simply another word for righteousness. The same word, in Hebrew, is translated as righteousness and justice. And we believe that there is no justice apart from God's law. Any other idea of justice winds up as a way of saying "My will be done, and yours be damned."

RJ Rushdoony: 10:00 Yes.

Speaker 6: 10:02 [inaudible 00:10:02].

RJ Rushdoony: 10:10 The question of human rights is a very prominent one in our day. The whole of the discussion comes from humanistic sources, and the people who propound it act as though no one ever thought about minorities and people before they did. We must remember that in the days of Louis XIV, for example, there was a large and active group in France and all over Europe fighting for the rights under people of God. Well, the human rights movement today basically is humanistic. They do not include anything within their definition that we would recognize as true freedom for the Christian, because their concept of rights is that they are derived from the State. We believe that God is the author of our liberty.

RJ Rushdoony: 11:25 Yes.

Speaker 7: 11:28 [inaudible 00:11:28]. He mentioned that he feels, as well as other men, there could be a backlash from Evangelical [inaudible 00:11:42] could be implications for Evangelicalism in our country?

RJ Rushdoony: 11:58 Of course there's a backlash. There's a backlash when Christians open their mouth. The world would rather have us shut up and die. There's a backlash against all preaching. So, to be governed by a backlash is nonsense. We have to be governed by what God requires us to do. To be governed by a backlash is to say that the word of men governs us.

RJ Rushdoony: 12:32 Yes.

Speaker 8: 12:34 [inaudible 00:12:34].

RJ Rushdoony: 12:41 Oh, I've heard that. Fear of losing their tax exempt status. Well, a few years ago we had here in California several churches that lost their tax exempt status when they came out against gay rights. One church in Marysville just had an ad in the paper, what the Bible teaches about homosexuality, and they had a number of verses. They lost their tax exemption. They fought, and finally got it back. But that's going to happen again.

RJ Rushdoony: 13:25 However, if we don't fight, we're going to lose our right to exist, because that isn't what is at stake. If, as I heard on Tuesday morning, the Bible is a child abuse handbook, how long is it going to take them before they say, if they win, that no child should be exposed to the Bible?

RJ Rushdoony: 13:50 Yes.

Speaker 9: 13:53 I have a pastor who's [inaudible 00:14:07].

RJ Rushdoony: 14:17 Yes. Our Lord says that we're going to be persecuted for righteousness, or justice's sake. And if we're not being persecuted, then there's something wrong with us.

RJ Rushdoony: 14:33 Yes.

Speaker 10: 14:36 [inaudible 00:14:36] a Christian, everything under God [inaudible 00:14:45]. But if you look around us today, it looks like there is entrenched forces that are gonna resist that, and as you said in your several words, [inaudible 00:15:17]. Do you see, at some point, where the Christian [inaudible 00:15:17] think like [inaudible 00:15:17] other people, making others [inaudible 00:15:17] undergo [inaudible 00:15:20] to death persecution, should we go ahead, walk into that, if that, be wiped out and persecuted? Or [inaudible 00:15:30] where we should possibly organize our resistance, or actions, [inaudible 00:15:39].

RJ Rushdoony: 15:38 Well, I think our armed resistance is ridiculous. Over half the born again Christians in this country don't even bother to vote. If they all registered and voted, they could take the country over very quickly. But they don't vote.

Speaker 10: 15:55 That [inaudible 00:15:55]. But it looks like, more and more, the [inaudible 00:15:55] starting to do that, [inaudible 00:16:07].

RJ Rushdoony: 16:07 No, it's never too late. Never too late. I can recall not too many years ago when it seemed hopeless to fight the educational establishment, but we've been doing it for some years. And our schools and homeschools are increasing.

RJ Rushdoony: 16:27 When [Honick 00:16:28] took office, almost eight years ago, one of the first things he did, violating all his promises, was to move against home schools. Well, he quickly found out, there were a lot of them, at least 110,000 in California 1981, I believe it was. That means about 220,000 parents, voters. So he quickly backed off and said, "It was one of the men in my office without my permission who started this."

RJ Rushdoony: 17:05 This is what's happening; as Christians are expressing themselves, we are beginning to win some battles. But we have a duty to do, and that's what we should consider, not the consequences. On some things, our Lord says "Be practical. If they will not hear you in one city, go to the next. Don't stay around to be beaten to death." But on certain things, there's no retreat. We can't surrender our children. So we make a stand, while we're winning.

RJ Rushdoony: 17:38 There have been cases where some have gone to court, and have been sentenced to jail. But we're still fighting, and we're winning more battles.

RJ Rushdoony: 17:49 Yes.

Speaker 11: 17:53 [inaudible 00:17:53].

RJ Rushdoony: 18:01 Yes. In Nebraska, they made it a matter of prayer that those who are responsible

for the persecution be judged by God, and a number of them ... now I've forgotten the tales, a couple of them dropped dead, and others were voted out of office. Our God is more powerful than the enemy.

Speaker 11: 18:22 [inaudible 00:18:22].

RJ Rushdoony: 18:21 The remark, "I don't agree with you but I will defend to the death your right to believe it," is attributed to Voltaire, who never said it. And it is regularly used by people who have no intention of ever defending your rights. First of all, that remark has to do with your right to say something, not to do something. And it's a far cry from saying that a person has the right to a legitimate expression of opinion, political or religious, to the right to be a homosexual, to murder, to steal, or to do what he pleases. In other words, one's interests and one's crimes are not rights. And that's what we are increasingly saying in effect, that these are rights, and they are not.

RJ Rushdoony: 19:50 Yes.

Speaker 12: 20:04 There's a movement [inaudible 00:20:04] eventual goal of a [inaudible 00:20:04] Christian word from it. What is your [inaudible 00:20:06] New Age movement, and what can Christians do to counteract [inaudible 00:20:12]?

RJ Rushdoony: 20:14 Forget it. First of all, long before all this present hoopla about the New Age movement came along, I was fully aware of it, I had read their literature back in the 50s. They were a dying movement until some woman in Michigan decided they were a big problem. They had one little office, a volunteer helping mail out answers requesting material. Most of the material was left over from the 50s to the 80s. And when Christians got alerted to it, then you had all the hoopla from coast to coast, and Christians made the New Age movement rich, because they were ordering by the ton the materials of the New Age people.

RJ Rushdoony: 21:10 So the New Age movement became quite wealthy in a hurry, and began to exercise some influence.

RJ Rushdoony: 21:20 Those same Christians that bought some good Christian literature on how to get ends, work for Christ. If they had supported the Rutherford Institute in its defense of Christians in the courts, they would've accomplished something. But the New Age movement is another of a long line of godless movements that come and go. So why get worked up about something like that? We have the power of God. And as against the power of God, the New Age movement and the Republican Party and the Democratic Party and everybody else are nothing. So why waste time on those same, 'cause our Lord said, "Let the dead bury the dead." We have work to do.

RJ Rushdoony: 22:06 Yes.

Speaker 13: 22:07 Hi, [inaudible 00:22:07]. And the other one, [inaudible 00:22:07] the Constitutional Convention, where is that? [inaudible 00:22:07] in both counties, the Senate and the Assembly will be voting on [inaudible 00:22:07]. After that, it will be [inaudible 00:22:07]. I'm saying that the more disobedient side in my party, [inaudible 00:22:07] wherever we are. And I do have a word of requirement regarding [inaudible 00:22:07] in a Constitutional Convention [inaudible 00:23:14]. It can be a whole convention, and they can basically define whatever [inaudible 00:23:25], and that's why they were able to write [inaudible 00:23:40].

RJ Rushdoony: 23:44 You stated it beautifully, and I hope all of you will go back and pick up one of the flyers and take some action, because you could be in deep trouble very, very soon. Yes.

Speaker 14: 24:01 [inaudible 00:24:01].

RJ Rushdoony: 24:25 Yes. What was involved in that [inaudible 00:24:29]? They were in Canaan, and they had [inaudible 00:24:32] Caananites, pagans around them. They didn't bother them. However, if someone were secretly trying to subvert the Covenant people, the Covenant community, that was another matter. In other words, that law was against subversion. If that person just walked over there and said "I'm gonna worship Baal after this," that was a different matter. But if he went around in his family and in his community secretly trying to undermine faith in the Covenant God, and from within subvert and destroy, that was treason. It's a totally different thing. The law was not aimed against the unbeliever, it was aimed against the subverter in the ranks of the believers.

Speaker 14: 25:35 [inaudible 00:25:35].

RJ Rushdoony: 25:52 Well, to give you an illustration of the presently applications [inaudible 00:25:58]. All the mainline churches were once very strong and Bible believing. They were all subverted from within. The people who did it knew they did not believe an article of that church's doctrine. [inaudible 00:26:19] was a student during this alignment, a person who was going to take an examination for ordination. And he was telling some of his friends, laughing, "I'm going to affirm all 39 articles of our church, and I don't believe in one of them." And he had bought this big church. Now that is the kind of evil that's demon worship, and that's what we have not ever dealt with in this country; the churches have just been subverted by that final thing.

RJ Rushdoony: 26:56 Yes, you had a question.

Speaker 15: 26:59 [inaudible 00:26:59].

RJ Rushdoony: 27:23 Yes, but a great deal is being done by church people outside the church. Women organizing a study group in their homes, to deal with the problem in an [inaudible 00:27:34], or organizing [inaudible 00:27:37], so that this is an important way of Christian action. It's not in contempt of the church, but it's simply saying it's a duty God places on us, not just the church. So very often, the best way to proceed is on your own, together with a few other people.

RJ Rushdoony: 27:58 Yes.

Speaker 16: 28:00 [inaudible 00:28:00].

RJ Rushdoony: 28:35 Well, since I wasn't at the conference and I don't know exactly what was said, I can only comment generally. Basically, our confidence is not in the State, so that we look at the future, we have to say, "We have to take back government from the sick." The basic government is a self-government, is a Christian commandment. The basic institution is the family. Then it's the church. It's the school. It's the vocations we are in, and the institutions in [inaudible 00:29:16]. All these are powerful agencies.

RJ Rushdoony: 29:20 One of the things that's happened in our time that is far-reaching in its implications is that business firms no longer, except on rare occasions, give anything to Christians. You turn on PBS and you'll see that this or that was funded by this or that corporation. They're ready to give to everything, except anything that's Christian.

RJ Rushdoony: 29:47 Or the modern avant-garde art gallery. Their major purchases are corporations. Corporations are trying to gain respectability by buying a lot [inaudible 00:30:04]. They have it all over their offices and hallways, and stored in their storehouse. They're trying to gain respectability.

RJ Rushdoony: 30:19 Well, we can begin, in our families and in our businesses, however small, to say

that the Lord has blessed me, I owe something to the Lord. I should give to Christian causes. Now, the giving statistics today indicate that Christians are poor givers. The middle class is defined by a statistician as those who receive between \$25,000 and \$100,000 a year. They are the poorest givers. The best givers are those over \$100,000, and under \$25,000. The poor and the very rich are the best givers, except that now, the rich over \$100,000 are dropping out for a number of reasons.

RJ Rushdoony: 31:18 First, a very high percentage in that category now-

RJ Rushdoony: 31:27 [inaudible 00:31:27] television personalities and sports figures. Then, another high proportion is made up of widows. Their husbands were entrepreneurs, made a lot of money. They were strong-willed men, and very often, domineering around their wives. So now that they're dead and the woman is controlling the money, she tends to control it very, very rigorously and to throw her weight around. She's a tough customer to get any money out of, and she is a poor judge, very often.

RJ Rushdoony: 32:13 It means that the very wealthy are now out of the giving category to anything that is Christian or conservative. This means that those who are making under \$25,000 a year are the main source of giving, and their giving is in small amounts. I know that [Cal Sedon 00:32:36] could not survive if the small givers quit giving. That's where most of our money comes from. It gets from one dollar to 25, 35, by numbers of people, many of whom are students. Many of whom are very poor.

RJ Rushdoony: 33:00 We need to restore giving. It's precisely the people who have it made in the middle class, who get between \$25,000 and \$100,000, are always thinking of improving their standard of living and of getting boats, and of getting a place in the country, or on the mountains, all who want any number of things, or to upgrade their housing, who are going head over heels in debt, and are giving less and less to the church. It's the person who makes \$50,000 who feels that giving \$5,000 to any number of Christian activities is giving too much, and is more likely to make his top giving in a year to be only \$1,000. That's the derelict element in this country.

RJ Rushdoony: 34:07 Yes.

Speaker 17: 34:08 [inaudible 00:34:08].

RJ Rushdoony: 34:08 Yes.

Speaker 17: 34:08 [inaudible 00:34:08].

RJ Rushdoony: 34:09 Yes. Then, the nation was a covenant nation, covenanted to God. Today it's the church that is covenanted to God, and the subversion is in the church. And the church does not have the power of the death penalty.

Speaker 17: 34:24 [inaudible 00:34:24].

RJ Rushdoony: 34:30 Oh, you've got to clean all such subverters out of the church, and especially out of the pulpit. That's where they are in the majority of churches.

Speaker 17: 34:42 [inaudible 00:34:42].

RJ Rushdoony: 34:48 The church will never have the death penalty; it's never given to it in the Old Testament or in the New.

RJ Rushdoony: 34:56 Let's see, someone who hasn't asked a question yet. Have you? No.

Speaker 18: 35:02 [inaudible 00:35:02].

RJ Rushdoony: 35:07 On ...

Speaker 18: 35:08 [inaudible 00:35:08].

RJ Rushdoony: 35:09 On Robert Bork. Well, my views are not worth any more than yours. I have read some of his things. I'm very impressed. He's not a Christian, but ... no. But he is not hostile to a Christian perspective. He is mildly receptive to it. He has read a little bit of our material. He is the most intelligent of the judges on any high level in this country today, a man of remarkable intelligence. So I don't think it's likely we'll see any man of equal caliber on the court.

RJ Rushdoony: 35:54 Send a telegram to Senator Wilson expressing your support of Bork. At this stage, praying and sending a telegram to Bork is about all we can do.

RJ Rushdoony: 36:17 Yes, someone else who hasn't ... I don't believe you asked a question. Yes, over here.

Speaker 19: 36:28 I have a problem related to [inaudible 00:36:37].

RJ Rushdoony: 36:37 [inaudible 00:36:37] Christians, what?

Speaker 19: 36:39 [inaudible 00:36:39].

RJ Rushdoony: 37:31 I'm not sure I understand all the ramifications, but this church was invaded by police on one occasion. It defended its right to be free under God, and it did the right thing. It had a duty under God to stand up to the ungodly forces that tried to control this church. And we have a duty to do that, and we're not asking for special privileges. We're saying that we have a right under God to exist. And today, the law is kinder to murderers than to Christians.

RJ Rushdoony: 38:11 I have seen Christians treated in the courts in a way that no man who is guilty of a crime could be treated. I've been in court rooms and seen thieves and murderers on trial, and no lawyer dare be in any way offensive or bring up a question of their past or their record; otherwise there would be a mistrial declared. But I have sat in court rooms and heard Christians treated as if they were criminals, immoral.

RJ Rushdoony: 38:50 I was in a trial not too long ago of a Christian school, and one of the parents was on the stand. He was a very fine man, I had chatted with him before and I was tremendously impressed, by his faith and by his high order of intelligence. He was a Mexican. And the state attorney did everything but call him a dirty greaser. He did everything to humiliate him, and to make him feel ashamed of his background, and his lack of education, although he was more knowledgeable on things as a good Christian and a man who read and studied than the state attorneys were, all of them.

RJ Rushdoony: 39:40 Now, that's routine, every attempt to humiliate and to degrade and to defame the Christians when they are on the stand. We're not asking for special privileges. But today, that's the way it is. If you're on trial and you're a rapist, you're dealt with very gently, but the woman raped is treated very savagely in almost every state in the country. They cannot go under the background of the rapist, or the fact that he may have been convicted several times before of that same crime. But they can go into the background of the woman and bring out anything they can to discredit her.

RJ Rushdoony: 40:33 Now, it's high time we had equal rights with some of these hoodlums and crimi-

nals. That's the issue today. Because we are steadily being denied the right to exist. We are treated as though we are socially evil, and destructive; that the Bible, the word of God, is a child abuse manual. The churches are a divisive force in society, and that Christian schools are divisive of the future of society, and that homeschools are the epitome of evil, and so on. All the abuse we are regularly subjected to is staggering.

RJ Rushdoony: 41:23 So, it's not a question of us doing anything but trying to keep from being wiped out at this stage. To say that evil must not triumph. That it is not the criminal who is to have all the rights in the society, but the free man under God.

RJ Rushdoony: 41:44 Yes.

Speaker 20: 41:44 Has the church [inaudible 00:41:49] the structure of society, and in the legal system too, the non-Christian [inaudible 00:41:58]. Don't they, in fact, deserve [inaudible 00:42:03]?

RJ Rushdoony: 42:03 Yes, I'm afraid the Christians deserve what they're getting, because they have surrendered one area after another. I'm glad now that more and more Christians are beginning to fight. And it's a big fight, and it's an expensive fight. To go to court takes a lot of money; \$50,000, \$75,000, depending on how long it is. This trial I was in of these churches for child abuse, because they believed in spanking, is gonna take three weeks. That's the time the state is going to require to present a parade of psychologists and psychiatrists on how terrible the Bible is, and how evil its child abuse is, because of its attitude towards children.

RJ Rushdoony: 42:53 So, how are they going to fight this? Two homeschoolers, both former teachers in one New England state, on trial. That trial is going to cost \$50,000 or better. They're only a young couple. People are passing the hat in the community to help them. Most of the churches are not ready to do anything.

RJ Rushdoony: 43:22 I was in another trial of two people who were street preachers, and with this I will close, because our time is really up. And the street preachers are being increasingly arrested. Why? Because if a man is a good street preacher and not an unpleasant character, the area of town he'll work in is a downtown area, and there'll be a lot of porno shops around, because that's where there's a lot of foot traffic, unfortunately. And there will be a number of houses of prostitution.

RJ Rushdoony: 44:05 So what happens when he starts preaching there? First the porno shop people, all of them up and down the streets, will come out and tell him, "Get lost." The prostitutes will make fun of him, and curse him, and so on. But after a while, if he's patient and thoughtful and kindly, they'll say "Well, he's a pretty likable guy. He's just doing his work." And the porno shop people come out and tell him, "Now look. You've gotta understand, we're not the real villains here, or the real nasty people. We're just operating the shop for a real estate syndicate owned by the politicians downtown. Now if you were to expose that fact, they would deny knowledge of what was happening with their money; they'd just say 'We invested in this real estate syndicate. We had no idea how the money was being used.' But they're liars. That's how we're protected."

RJ Rushdoony: 45:12 And the prostitutes would come and say, "Look, I know I'm a hooker. But if you wanna know the truth, I'm working the streets because those houses are so bad. They're owned by the politicians, by the real estate syndicates." And so on and on, he'd get one story after another, which would make him a dangerous man. So they arrest them.

RJ Rushdoony: 45:37 There were two fine young street preachers in this particular city back east. The attorneys could not get, it was a case handled by Rutherford Institute, they could not get a single minister in the city to come and defend them, although a lot of them who professed to be Bible believing said they're fine men, I really like them. And they said "Will you at least come and fill the court room? We can fill it with ministers. And that will carry its weight." "Well, no, the city fathers would know we were there, and it could mean trouble for us."

Not a one was there. Not a one. It was a very sad performance, but that's a routine thing.

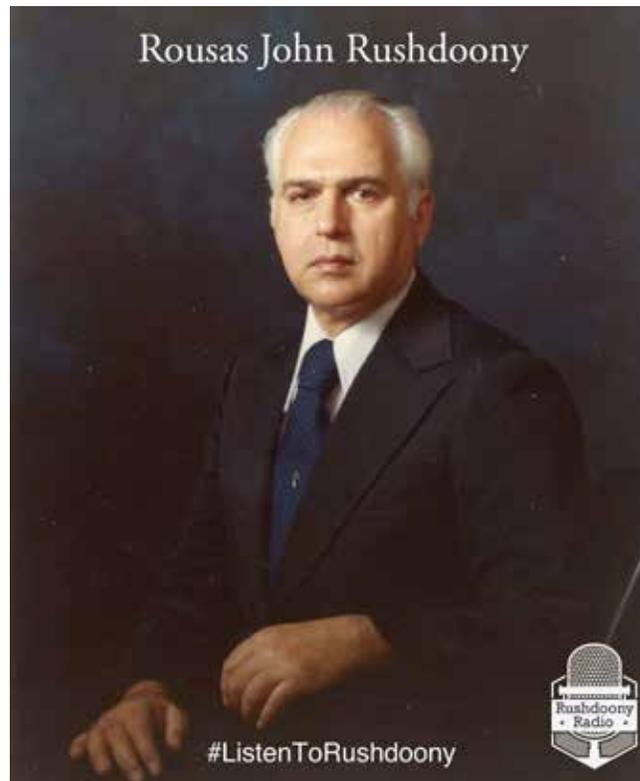
RJ Rushdoony: 46:42 But I'm glad to say, more and more men are waking up, and more and more parents, more and more churches. So the number of those who are ready to make a stand for freedom under God, the freedom to proclaim His word, is growing.

RJ Rushdoony: 47:04 About, oh, eight, nine, ten years ago, in this one state, where they had just had some major demonstrations against the nuclear plant, the governor in that state who has since passed away, called in three or four other Christian leaders who were there on behalf of the persecuted churches and Christian schools. And he told them, he said "You know, we have learned to count the cost when we go into court. Recently, we arrested two, 3000, anti-nuclear power plant demonstrators." But he said, "We knew one thing, their protest was worthless, because they were going to demonstrate, and they were going to go to jail only as long as they were television news. On the day the newspapers and TV stations lost interest in them, they were ready to sign anything, plead guilty, and get out. They were in it for the media coverage."

RJ Rushdoony: 48:30 But he said, "If Christians are ready to make a stand and go to jail, and stay there, you're going to find that the opposition will fold, because the one thing they don't know how to deal with is real conviction, real faith, people who are ready to live and to die for their faith." He said, "That's why the Christians are going to win when they make their stand." I think he was right.

RJ Rushdoony: 49:04 Well, thank you all and God bless you and prosper you.

In Memory of Rousas John Rushdoony



Rev. R.J. Rushdoony (1916–2001), was a leading theologian, church/state expert, and author of numerous works on the application of Biblical law to society. He started the Chalcedon Foundation in 1965. His Institutes of Biblical Law (1973) began the contemporary theonomy movement which posits the validity of Biblical law as God’s standard of obedience for all. He therefore saw God’s law as the basis of the modern Christian response to the cultural decline, one he attributed to the church’s false view of God’s law being opposed to His grace. This broad Christian response he described as “Christian Reconstruction.” He is credited with igniting the modern Christian school and homeschooling movements in the mid to late 20th century. He also traveled extensively lecturing and serving as an expert witness in numerous court cases regarding religious liberty. Many ministry and educational efforts that continue today, took their philosophical and Biblical roots from his lectures and books.

Learn more about R.J. Rushdoony by visiting: <https://chalcedon.edu/founder>

Learn more about the works of R.J. Rushdoony and the Chalcedon Foundation at:

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