

# Christian Action Ministry Newsletter

Involving the Christian in Community Action

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## Not My Constitution?

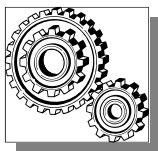
By  
Kay Trudell

### Not My Constitution?

*A discussion of original interpretation of the Constitution vs. a "living document" that courts attempt to change with time absent the amendment process.*

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**In the Works**

**Microchips in Humans**

**Carbon Tax and Climate Change**

Are you interested in becoming involved? CAM is looking for interested and active people to act as liaisons to their church, helping to keep the Christian community informed. Contact CAM at 372-6442.

There appears to be a troubling trend emerging in all three branches of the U. S. government --- the trend of belittling, mocking, and attacking the U.S. Constitution and the once-respected institutions it established, such as the Electoral College. So far there have been only a minority of Presidents, members of Congress, and Supreme Court justices that are openly doing so, but doing it they are.

Part of the reasons for this trend are the worldviews and personal philosophies of the individual politicians or judges involved. Some respect the document as the Founding Fathers wrote it and intended it to be interpreted, while others believe it to be out-of-date and in need of progressive revision, through the courts, to reflect "contemporary" morals and values. It also appears true that people who are more liberal and secular in their worldview have much less loyalty to the Constitution, even as amended. Even though it has been successfully amended 17 times following

the original Bill of Rights, adhering to the legal process outlined in the document itself, this does not satisfy its liberal/progressive critics. They are uncomfortable with a document that is national and objective. They want a document that is more fluid, global, and



socialist in its approach. They seek a Democracy, not the Constitutional Republic the Founders established.

Almost the entire Democratic and Progressive political parties, including ordinary citizens who hold no political office, have adopted this revi-

sionist worldview of the Constitution. And yes, a few Republicans as well. This view says that it is old, racist, outdated and unjust. It needs to be replaced. Even some Christians embrace the arguments of this subtle lawlessness --- usually Christians who have not read the document since high school or at all. This must stop. As Christians, we know our Bible, but do we know our own Constitution --- the one that 52 Christians signed? 52 of the 56 signers were Christians who established a nation founded on Judeo-Christian principles. As Christians, we should esteem the document our Founding Fathers wrote, and commit ourselves to its defense. Read it. Learn its history. This Constitution of ours is one of the most brilliant political documents ever written, with the possible exception of the Magna Carta. It is also one of the shortest and least-amended national Constitutions in the world, proving that its principles are universal and timeless rather than dated. The wise Founders defined us as free citizens with inaliena-

**"The general principles on which the fathers achieved independence were the general principles of Christianity. I will avow that I then believed, and now believe, that those general principles of Christianity are as eternal and immutable as the existence and attributes of God."**

**John Adams writing to Thomas Jefferson on June 28, 1813**

ble rights under God and this document and the Declaration of Independence --- not merely subjects under totalitarian rule or mob rule.

One of the most egregious and ongoing attacks upon the Constitution has come about in recent months because of the outcome of the 2016 Presidential election. That is because many people do not know past history or why the Electoral College was established. In order to understand that, they must read the Federalist Papers. The Electoral College was a compromise drafted by the Founders to ensure that all citizens within the STATES that formed the United States of America had an equal voice in the election of the President. The Electoral College gave an equal voice to citizens of small states and rural states with lower populations. Without it, the population of America's five largest cities could always elect the President. In addition, the Founders recognized that we are not one nation in quite the same way as, for example, France or Spain is. We are a union of 50 INDIVIDUAL STATES, not a single stateless nation. We have 50 states. They all have borders. They all have capitols. The Consti-

tution and the type of government it established is what binds us together as a nation. We are a Constitutional Republic and a nation of laws, not a Democracy where 51 percent can outvote the other 49 percent and run roughshod over their rights. We are governed by laws and a Constitution, not merely a popular vote. A popular vote does occur, but state by state rather than as a nation entire.

During the past century, some of our U.S. Presidents have wholly or partially rejected an originalist or strict construction view of the U.S. Constitution, and held to the "living and evolving" position. For example: Woodrow Wilson, Teddy Roosevelt, Franklin Roosevelt, and Barack Obama. The following are a sample of the current office holders who hold a Progressive and evolving view of the Constitution. This is shocking, as they have all sworn an oath to uphold and follow the Constitution that exists right now.

Senator Patrick Leahy, D-VT, a liberal lawyer by background, was quite open about his view that the Constitution should be a "living document" that should be open to change through judicial rulings and

interpretation (or federal agency regulations) without having to go through the bother of following the original intent and the legal amendment process. Nor should it have to be interpreted the way the Founders intended when they wrote it. During the confirmation hearings in March 2017 for Supreme Court nominee Neil Gorsuch, Senator Leahy stated, "Originalism remains outside the mainstream of modern constitutional jurisprudence . . . Given what we have seen from Justice Scalia and Justice Thomas . . . I worry that this is not just a philosophy; it is an agenda . . . one that is anti-choice, anti-environment, and pro-corporate . . . This Constitutional discussion is part of our great democracy set in motion by the Founders."

That comment implied that no modern, forward-thinking lawyer or judge could possibly hold such a backward view of the Constitution as the view our Founders held. The implication was that any judge who did was a backward thinker. I found the comment to be condescending and elitist. Would Senator Leahy deny that he has an agenda as well? Also, we are not a Democracy but a Constitutional Republic. Senators take an oath to uphold the

Constitution. How can they ignore that oath? In voicing those thoughts, Senator Leahy echoes the words of Washington University professor David Law, who mocked the Constitution in 2012, calling it equivalent to still trying to use Windows 3.1 on a computer today. This is an absurd logical fallacy on many levels. A legal governing document, ratified by 56 duly elected representatives of numerous colonies, and establishing an entire nation, is hardly the same as a machine made of metal and plastic with software inserted.

Senator Al Franken, D-MN, recently (2017) said that "the document [Constitution] Judge Scalia revered looks very different from the one I have sworn to defend." This is verbal nonsense and lawlessness. Franken swore to defend what was written. The Constitution clearly says what it says. The actual words were ratified. Senator Franken might not like what it says (he doesn't), but that does not allow him to alter it or ignore it. The Constitution is not that hard to read. Students in high school do it all the time, so one would think a sitting Senator would be as capable. But apparently not. It is not that the Constitution is not clear. It is. But Senator

**"George Mason was one of the Founding Fathers [who] insisted the Bill of Rights, or the first ten amendments, be added to the Constitution, saying regarding his decision that, 'The laws of nature are the laws of God, whose authority can be superseded by no power on earth.' Even Benjamin Franklin, the lone member of the group of Founders who claimed to be anything but religious, attended every kind of Christian worship, called for public prayer, and contributed to all denominations. In fact, when the Constitutional Convention was finding itself stalling, and the members were arguing to the point that it was nearly coming to blows, Ben Franklin was the one who proposed that the delegation pray before each session of the Constitutional Convention. In his request, Franklin stated, 'I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth --- that God governs in the affairs of men . . .'"**

**Kirk Cameron, Christian Film Producer**

Franken, like Senator Leahy, does not like what it says because it serves as a mighty check on federal government power. This is a small example, in my opinion, of pockets of lawlessness rising in the last days that was spoken of in the Bible.

Even sadder, current U.S. Supreme Court Justices Elena Kagan and Ruth Bader Ginsburg have embraced the “living document” theory of Constitutional interpretation that allows judges to declare new law without amending the document. They are also supportive of the idea of using more international or global law to decide cases before them. They have sworn an oath to uphold the actual Constitution, not what they wish it to be. They are in effect calling for its replacement by a more Progressive philosophy which will change it through judicial fiat, even if they do not use those exact words. Ginsberg stated once that if she were helping another country like Egypt to write a Constitution, “I would not look to the U.S. Constitution” be-

cause it is “a rather old Constitution.” She preferred the Constitution of South Africa or the European Convention on Human Rights and said so. Yes, she has the right to free speech, but she is a sitting U.S. Supreme Court Justice, and that is a huge difference since she rules on cases before her while she is interpreting that very document. She has in effect stated that she need not follow the wording if she disagrees with it but will rule in such a way as to harmonize it with her own preferences. We call that legislating from the bench.

This is the same legal philosophy carried a step farther than what Supreme Court Justice William Brennan outlined in a 1985 speech titled “The Constitution of the United States: Contemporary Ratification”. In that speech, he rejected originalism and instead took the position that judges must interpret the Constitution in the light of contemporary values. I would point out that this is how we ended up with legalized abortion and so-called separation of Church and State. Car-

son Holloway, in his article “Elena Kagan’s Living Constitution”, wrote that Brennan said those values must not be merely the judge’s own values, but that “. . . the judge’s task is to discern the community’s current interpretation of the Constitution . . . guided by the public’s contemporary values . . .”, a philosophy that would effectively rewrite the entire Constitution over a period of 40 or 50 years without ever having to use the legal amendment process --- and in that process turn us from a Constitutional Republic to a nation based on the ever-changing whims of society and mob rule. Free speech, religious liberty, and the right to bear arms would surely be lost over time under such a philosophy. Also, the community itself does not always agree on what those values are! Mob rule would then determine the meaning of the Constitution. Brennan appeared to be calling for many small and different “ratifications” of the Constitution over time by judges, thus changing the document. The Constitution itself does not

permit that.

There is a movement in liberal political and legal circles in America to reinterpret the Constitution and replace it with a more globalist, progressive document by using the courts and the “living document” theory of judicial rulings. This is subtle lawlessness. As Christians, we should be on our knees before God asking Him to give us the wisdom to counter this trend. We must educate ourselves. We must not be afraid to boldly confront the forces that are trying to force us in that direction. This nation of liberty and religious freedom was founded not just by law and blood spilled in the American Revolution, but also by prayer and wisdom sought from God. It cannot be allowed to slide into the darkness of unbiblical legal relativism. Defend the Constitution.

*Kay Trudell is a Director of the Christian Action Ministry and attends Community Bible Church in South Burlington*

**“The problem is that often a [Supreme Court] constitutional case demonstrates a . . . clash of values within the community itself. Frequently, such a clash will be between a majority whose values have been enshrined in law or policy through the democratic process (legislature, voting) and an individual or minority who cannot prevail politically and thus seeks recourse through the courts.**

**A judge who invokes the “living Constitution” to invalidate democratically enacted policy in such a case is not finding a solution based on the community’s values. He is in fact siding with one part of the community over another — and in many cases siding with a minority position over a majority position . . . he is deciding which set of values he agrees with . . . and ruling accordingly. He is imposing his own values.”**

*Carson Holloway, Constitutional Law, July 2, 2010*



What can I do?



*Faith without  
works is dead  
James 2:17*

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**This issue may appear to be slanted toward defending the country's principles rather than addressing the faith of our readers. The founding principles of our country are Judeo-Christian. That is what we do - "Involving the Christian in Community Action." As this issue was being prepared, we were in the middle of a pitched battle in the U.S. Senate over the confirmation of a Supreme Court judge who believes that the Constitution means what it says - not what some people wish that it said.**

**We live in a time of judicial activism, whereby new "rights" are found by judges that are not in our Constitution, nor contemplated by our Founding Fathers, such as abortion rights and same-sex marriage, both of which clearly violate Biblical principles. (Although to some it may not make any difference.)**

**We will continue our efforts to inform the Christian community about issues and events that impact their lives. How judges interpret the Constitution is surely one of them.**

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### Next Meetings

May 9, 7:00 pm  
*Roadside Assembly of God  
Rutland, Vt.*  
June 13, 7:00 pm  
*Parkinson home  
Hinesburg, Vt.*

**Making A Difference  
In  
Vermont!**