

AMERICA'S CHRISTIAN HERITAGE

ISAIAH 1:26

Today I want to continue the theme we began two week ago about Gods attitude toward judges.

I. WHAT WE SAID PREVIOUSLY IS SEEN.

- A. The Founding Fathers stated that the three branches of Government are not coequal.
- B. The Federalist Papers in establishing the relative weigh assigned to each branch declared that "The Legislative authority necessarily predominates and that the Judiciary is beyond comparison the weakest of the three departments of power."
- C. The Founding Father determined that judges do not have lifetime appointments.
 - 1. "The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior. (Art. III, Sec. 3)
 - 2. Historic causes for the impeachment of federal judges have included things such as;
 - a. Issuing an order that contradicted an act of Congress
 - b. Judicial high-handedness
 - c. Drunkenness
 - d. Blasphemy
 - e. Excluding evidence from a trial
 - f. Profanity

II. JUDGES DO NOT HAVE THE FINAL WORD ABOUT THE CONSTITUTIONALITY OF A LAW—ACCORDING TO OUR FOREFATHERS!

- A. The founding fathers agreed that judges did have a right to review laws, they disagreed that it was a unique responsibility of the Judiciary.
1. Thomas Jefferson affirmed; "Each of the three departments has equally the right to decide for itself what is its duty under the Constitution without any regard to what the others may have decided for themselves under a similar question."
 2. James Madison stated; "Nothing has yet been offered to invalidate the doctrine that the meaning of the Constitution may as well be ascertained by the Legislative as by the judicial authority."
- B. Officials in the Legislative and Executive branches had taken oaths to uphold the Constitution, not necessarily the decisions of the judges.
1. Thomas Jefferson has stated; "Our judges are as honest as other men and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps."
 2. We have noted in our lifetime judges deciding on political ideology rather than Constitutional truth
 - a. Roe vs Wade----The judges ruled 7-2.
 - b. School prayer---The judges ruled 8-1.-- Senator Sam Ervin of North Carolina said, "I should like to ask whether we would be far wrong in saying that in this decision the Supreme Court has held that God is unconstitutional and for that reason the public school must be segregated against Him?"
- C. The founders understood that the Judiciary could become policy makers.
1. Constitutional signer Rufus King affirmed—The judges must interpret the laws; they ought not to be legislators."

2. Constitutional signer Alexander Hamilton stated that the Judiciary was forbidden to “substitute its own pleasure to the constitutional intentions of the Legislature.”
 3. Thomas Jefferson issued numerous warnings against the judiciary:
 - a. The opinion which gives to the judges the right to decide what laws are constitutional and what not, not only for themselves in their own sphere of action, but for the Legislature and Executive also in their spheres, would make the a judiciary despotic branch” (tyrannical rule)
 - b. You seen...to consider the judges as the ultimate arbiters of all constitutional questions; a very dangerous doctrine indeed, and one which would place us under an oligarchy... The Constitution has erected no such single tribunal.” (power residing in a few)
 - c. “The Constitution, on this hypothesis, is a mere thing of wax in the hands of the Judiciary which they may twist and shape into any form they please.”
 - d. “It has long...been my opinion...that the germ of dissolution of our federal government is in the constitution of the federal Judiciary...working like gravity by night and by day, gaining a little today and a little tomorrow and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped.”
 4. James Madison stated; “Refusing or not refusing to execute a law, to stamp it with its final character...makes the Judiciary department paramount in fact to the Legislature, which was never intended and can never be proper.”
- D. The Federalist Papers affirmed that the Judiciary was allowed to judge laws only against the narrow, specific, self-evident wording of the Constitution and nothing more: “There is not a syllable in the plan, (the Constitution) which directly empowers the national courts to construe the laws according to the spirit of the Constitution.” (p.436 Federalist #81 by Alexander Hamilton)

III. THE REMEDY IS SET FORTH IN SCRIPTURE

- A. According to our text there must be a return to the righteous judges we had at our beginning. (Isaiah 1:26)
- B. Ezra also offers the solution to the present problem; “And thou, Ezra after the wisdom of thy God, that is in thine hand, set magistrates and judges, which may judge all the people that are beyond the river, all such as know the laws of thy God; and teach ye them that know them not.” (Ezra 7:25)
- C. Although the influence of a President is great, the influence of a judge is even greater.
 - 1. A President may directly influence a nation for 8 years.
 - 2. A Judge may influence a nation for decades.
- D. Remember, the righteousness of a land is directly affected by its judges!