

# ***BIBLICAL TERRANOMICS***

## ***ESSAYS IN CHRISTIAN DOMINION***

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### **THE COMMON RIGHTS MOVEMENT**

*If my people who are called by my name shall humble themselves and pray and seek my face and turn from their wicked ways; then I will hear from heaven and will forgive their sins and will heal their land.*

- 2 Chronicles 7:14

*This Bible is for the government of the people, by the people, and for the people.*

- John Wycliffe

*Let every soul be subject to the higher powers.*

- Romans 13:1

*This Constitution . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby . . .*

- U.S Constitution, Article VI

In the first issue of *The Family Spokesman* (1986), it was said that the true legacy of Reagan's Presidency was to be found in the Courts. The political and legislative revolutions were over at the end of his first 100 days in office. The subsequent political

activism existed to maintain the *status quo*. The battle has always been in the courtrooms of America, anyway; for it is there that judges hold the power to *interpret* the law. As one Justice is alleged to have said - "The Constitution is whatever I say it is."

This power should temper the cry of conservatives for legislative reform. Too often, legislative remedies favored by conservatives, once made into law, have been turned on their heads by the courts. Who would have thought that the RICO laws (Racketeer Influenced and Corrupt Organizations) - designed to combat drug war-lords - would have been used by the courts to target religious organizations? On the Pro-Life movement? Yet, such has been the case.

Why are "conservatives" such giants in the political arena, yet weaklings in the courts? It is because they do not understand the religious nature of law. Because they are antinomian (anti-law) in their theology and religious life, they cannot stand up to the rigors of consistency required by the courts. Conservatives understand the adrenalin of political movements, but scratch their heads in amazement when the Highest Court protects flag-burning. Human laws are often filled with contradictions and faulty premises. We should not be surprised at such judicial interpretations of the laws. Judges are simply working-out their inconsistencies to conform with the Higher Law: humanistic law. Compromised conservatism is absurd in relation to its declared premise.

An example of this absurdity is the Pro-Life movement. It is basically statist in orientation, not unlike the Prohibition movement. Its leaders are believers in positivist law. They think that somehow the matter of abortion can be isolated from the larger crisis of our civilization. That fail to ask, "what deficiencies in a society lead it to kill its unborn on a massive scale? Pro-lifers think abortion exists because there are no civil sanctions against it and no safety net for unwed mothers. This myopia lacks historical context. It was not long ago that abortion was a crime and poor houses existed for destitute mothers. Certainly, judicial activism, professional greed, and feminism all share the blame. But these social vices only reflect a deeper rot of Phariseism which does not stop at the church door. It reflects a failure of the West's version of Christianity. Abortion is a symptom of a civilization founded upon faulty religious principles.

Left with this myopic vision, overturning *Roe v. Wade* will accomplish little, and will probably do much more harm. Of course, overturning *Roe* would likely end late-term abortions, but we can expect them to continue unabated during the first trimester of pregnancy - when the vast majority of them occur anyway. A more frightening and unintended consequence would be the persecution of families who homebirth. A whole new area of state regulation would come into existence to control midwives and home birthing parents. To the state bureaucrats (controlled, of course, by the medical profession) would be lost yet another area of liberty under the Common Law.

## **THE RELIGIOUS NATURE OF LAW**

Laws find their origin in a sovereign, one who has power to enforce his will on others. Laws are the written expression of that will. A king is a sovereign, and historically speaking, the world usually has been ruled by kings, who have been the source of human law.

Sovereignty rests upon ownership, not consent. If you own something, then you have the right of dominion over that thing. Also with kings, they have always claimed property rights in their subjects and lands. Until the advent of Christ, conquest was the legitimizer of ownership. If a great commander conquered a land or city, he had absolute power over the life and death of the people. All who were allowed to live, lived by his "grace", by his leave. The people were "born again" into a new kingdom, so to speak. All preceding contracts and covenants were void. The old kingdom was gone; the old life was gone. Figuratively and judicially, they were killed by the invading army and brought back to life by the grace of the new sovereign. The ancient practice of kings renaming captives and reassigning them to new households is reflective of this view. Survivors of the invasion were slaves in the absolute sense - all property and all right to property resided in the conqueror.

When Christ came to earth, He conquered "all principalities and powers" and made a "show of them openly" (Ephesians 1:21; Colossians 2:15). He became the "King of kings". All right to property, all lands and peoples, judicially, became His subjects. They all died with Him on the Cross and continue to live by His grace, some as "vessels of honor" and others as "vessels of dishonor" (Romans 9).

In a sense, the conquest of the earth continues, because it is full of rebels. The Lord of Hosts marches on, subduing the nations, and dividing the spoils of war among His people (Isaiah 53:12; Matthew 12:29; Psalms 2:8). The heathen continue to resist His rule, but we are assured, according to the Scriptures, their days of rebellion will soon end (Psalms 2).

## **CHRISTIAN COMMON LAW**

The American republics were formed with these truths in mind. Our ancestors threw off the sovereignty of King George III because they wanted Jesus Christ to be their king. In the Statute of 1776, our first governing document (the resolution which ratified the Declaration of Independence), the Continental Congress declared that the sovereignty now resided in the people, not the rulers. God had given the right to property - the right to dominion - to all men, not to kings and conquerors (Genesis 1:28). From henceforth, governments would be subjects of the people and not the sovereigns.

These doctrines were espoused by a Christian "people" and were a return to the first principles of the Common Law, which were lost in 1066 AD at the Battle of Hastings. There, William the Bastard conquered the Anglo-Saxons and made them his subjects. Prior to that time, the Anglo-Saxons were a free people governed like the Israelites of the Old Testament.

The Common Law was really a recodification of the Mosaic Law. Alfred the Great's Book of Doms consisted of little more than the laws and statutes found in Exodus 20-23, the teachings of James, the Lord's brother, and a summation of their judicial application in Saxon society. The Christian character of that law can be demonstrated in the following excerpt:

*These are the dooms that the Almighty God Himself spake to Moses, and bade him to hold; and when the Lord's only Begotten son, our God, that is Christ the healer, on middle earth came He said that He came not these dooms to break, not to gainsay, but with all good to do, and with all mild-heartedness and lowly mindedness to teach them. Then, after his throes, ere that His apostles were gone through all the World to teach, and while yet they were together, many heathen nations turned they to God. While they altogether were, they sent errand-doers to Antioch, and to Syria, Christ's law to teach.*

- *Missing Links Discovered* (E. Raymond Capt)

It was to regain this heritage that our ancestors fought the American Revolution, a heritage, which according to Thomas Jefferson, was "the wisest and most perfect ever yet devised by the wit of man." (see *The Separatist Papers, No. 11*, Stivers).

The Common Law was recognized and protected by the U.S. Constitution in the Bill of Rights and ratified by the several State Constitutions. Numerous court decisions from that period reflect that fact, for example:

*. . .in almost all cases, the common law was grounded on the law of God, which it is said was causa causans, and the court cited the 27th chapter of Numbers, to show that their judgment on a common law principle in regard to the law of inheritance, was founded in God's revelation of that law to Moses.*

- *The State v. Chandler*, 2 Del 553, @555,556 (1837)

[Contrast with today's practice of judges overturning the conviction of murderers if someone on the jury mentions the Bible during deliberations].

*The people of this state, in common with the people of this country, profess the general doctrines of Christianity, as the rule of their faith and practice . . .*

-*The People v. Ruggles*, 8 Johnsons NY Common Law Reports 290, @294,295

*Every system of law known to civilized society generated from or had as its component one of three well known systems of ethics, pagan, stoic, or Christian. The common law draws its subsistence from the latter, its roots go deep into that system, the Christian concept of right and wrong or right and justice motivates every rule of equity. It is the guide by which we dissolve domestic frictions and the rule by which all legal controversies are settled.*

- *Strauss v. Strauss*, 3 So 2d 727, @728 (1941)

Even in our corrupt day, when history is being rewritten, the Christian origin of Common Law is acknowledged. For instance, a cheap *Law Dictionary for Non-Lawyers* by Daniel Oran defines it as follows:

*Common Law may refer to judge-made (as opposed to legislature-made) law, to law that has its origins in England and grows from ever-changing custom and tradition, or to written Christian law.*

Although the Constitution protects various Common Law rights specifically (such as the right to bear arms), the catch-all guard is found in the Ninth Amendment:

*The enumeration of the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.*

What this Amendment means, as the 19th Century jurist, Joseph Story, indicated, was that if a person could show that the Creator had endowed him with a specific right (and in a Christian nation, at Common Law, that would be the Bible), then he was protected in the exercise of that right. The burden of proof rested upon the government to demonstrate otherwise. These are the "privileges and immunities" of citizens referred to in Article IV, Section 2.

## **THE GREAT REVERSAL**

When the people of our nation no longer wanted to live by the Bible, they needed another system of law to take its place. They did not need to merely change the Constitution; they needed to replace the Common Law, as well. Constitutional Law is the rule for the function of government. It is not designed to govern the People. "We the People" are governed by the Common Law.

What was that other law system? It was Contract Law, also known as Civil Law. Contract Law is a system where people make up their own rules and create new relationships as they see fit. By the 20th Century, Contract Law in the private sphere (especially in business) had created a nightmare in the courts. American society was becoming increasingly litigious. So, the government stepped-in with "Administrative Law" (also Civil Law) to bring uniformity.

The Constitutional justification for this new bureaucratic state was manifold. But chiefly, it rested upon Article I, Section 10, where the courts were not allowed to "impair the obligation of contracts." The other was the Fourteenth Amendment, which created a new class of citizenship: *the enfranchised individual subject to Congress*. All of this operated outside the perimeters of the organic Constitution and the Common Law. It was **non-Constitutional law** to be distinguished from **unconstitutional law**.

An "enfranchisement" is some benefit or status conferred by a superior. In this case, it is something conferred by Congress upon a natural person (in distinction from an artificial person, i.e. corporation), who could not have obtained it otherwise except by the "grace" of Congress. The first enfranchised citizens were the newly freed Negro. Their rights as citizens were not won by natural right of conquest, but received as a gift from a sovereign Congress. Congress demanded subjugation in return, which is what the Fourteenth Amendment provides. The Negro exchanged one master for another. What did Congress expect from the Negro? It was his vote to maintain the power of the federal government over state governments.

Later, enfranchised individuals referred to fictional persons: corporations. Most people do not realize that corporations did not have legal standing prior to the Fourteenth Amendment. Corporations are a modern invention. Through the process of time, our nation has been turned into one gigantic corporation divided into a myriad of sub-corporations, and all tied together by the "law of contracts". We have the United States, Inc., the State of Kansas, Inc., the City of Wichita, Inc., the Red Cross, Inc., Boeing, Inc., the First Church of the Chosen Frozen, Inc., Mr. & Mrs. John Doe, Inc. - everything's is based upon the contract of individuals operating in a corporate capacity - outside the organic Constitution and outside of the Common Law. Even the currency we use - dollar "bills" - are contracts to exchange the representations of debt for substance. Administrative Law ostensibly enforces the enfranchised citizen's contract with the state.

How do we know that most Americans have lost their Common Law Rights? One way is that virtually all Americans have joined the U.S.A, Inc. by obtaining a Social Security Number - under the Federal *Insurance* Contributions Act - and thus have become wards of the federal government. Another is the *Judiciary Reorganization Act* of 1972. It eliminated Common Law jurisdiction from the courts. The courts became exclusively Courts of Equity and not Courts at Law.

## NO MORE COMMON LAW COURTS

What are Courts of Equity? There are several distinctions. One is that a Court of Equity can issue injunctions while Common Law courts can only deal with crimes and torts after the fact. Equity courts can restrain or command individuals and punish disobedience with Contempt. That is how people can rot in jail without a trial. And that is how you can have federal judges running school districts in the name of desegregation: equity.

Another distinction is that Courts of Equity try to do with individuals what international law does with nations. It takes religion and the mandates of a Divine Sovereign out of judicial discretion. It basically secularizes the courts. At International Law, it does not matter whether the litigants are from nations which are Christian, Muslim, Hindu, Communist, or whatever - they are all on the same footing in the eyes of the tribunal.

In our Courts of Equity - take divorce, for example - it does not matter what religion the respective parties profess; they are treated the same. At Common Law, the religion and faithfulness to the Bible by the respective parties of the divorce determines the custody of the children, division of property, and even whether the divorce can be granted. However, the Humanist Manifesto says divorce and promiscuous sex are rights of the individual. Since a Court of Equity cannot use the Bible, it must follow the values of secular humanism. The morality and faith of the parties involved have no bearing on the judge's decision. The fact that one party has filed for a divorce, unjustly according to Biblical Law, does not impair that person's standing in an Equity Court. At Common Law, it did.

Although there are other distinctions, I must leave unanswered questions and cite only one other: the origin of these respective law systems. "Common Law" is appropriately named, for it originates in the judicial decisions of "the people" - the people represented in a jury. The decisions of a jury are meant to be based upon their consciences, consciences instructed by Biblical law. In the old days, judges could instruct the jury in God's law, since Bibles were in short supply. However imperfectly applied, there was an honest attempt to enforce Christianity. It was local, self-government, reflecting the Israelite custom of the daily gatherings at the gates by the elders who resolved conflicts and consulted, if need be, the expertise of the local Levites.

Equity, on the other hand, grew out of the ecclesiastical courts of the Holy Roman Empire, a domain which excluded England until 1066 AD. Ecclesiastical courts enforced Church Canon Law, which was not the law of the people, but a law of the professional class. These courts relied heavily upon the clergy and did not trust justice to the people. They were responsible for the various Inquisitions of the Medieval period, and received the just scathings of the Protestant Reformers.

In England, Equity courts became the King's courts, since it was the King who was the ecclesiastical head of the nation and not the Pope. Because he was head of both church and state, the jurisdictions often got mixed up together. In the United States, since the people were sovereign and not a king, the Equity courts did not enforce the King's law or the Canon law. They enforced the private contracts among the sovereign people and the civil contracts they made with their government bodies. It worked well, since Equity courts were subordinate to the Common Law courts. In England, it was the other way around: the Common Law courts were subject to the King's courts. The story of England is much made up of the struggle between these two jurisdictions.

In the United States, however, it took the passage of the Fourteenth Amendment before the Common Law could be dethroned. A new sovereign was created and a new citizenship, a new nation and a new law. "King Congress" became the new sovereign power over the newly enfranchised citizen. Today, there is much complaint against the "Imperial" Presidency. But an Imperial Presidency could not have occurred had there not been first the Imperial Congress. The process was established long ago.

After the Civil War, a nation was born. It was the United States, Inc. It is not based upon Biblical Law, but rather, secularized law. The old United States and the new United States looked the same. But one was an imposter. A rival nation was created to compete with the old Christian Union of the several States. A new citizenship was created to compete with the old one.

Today, the old American Republic is all but gone. The American people have *ex patriated* themselves from the old Republic and have sworn fealty to the new socialistic republic of Congress.

[A footnote: This is nothing new. Essentially, what we have done is to adopt the old Babylonian law system. I have on my library shelves a large book containing the laws of the Babylonians and Assyrians. It contains the Hammurabic Code and numerous other collections. They are prescriptions for humanist societies based upon the law of contracts which are supervised by royal officers.]

Why were the Common Law courts eliminated in 1972? Because there were no longer any Common Law citizens which needed them! That's right. Almost everyone had become dependents via the Social Security contract. ***Judicially speaking, there were no more Christians in the United States who needed Christian courts.*** Think about it. That is a profound and sad fact. We had all become Babylonians. We had all compromised ourselves by contract. We all allowed ourselves to become, what is described in legal jargon, "conventionally disabled". We signed our birthright away to the devil.

We can still go back. No contract is enforceable if it is perpetuated by fraud and deceit. But we are running out of time. When that Act was passed in 1972, it started a time clock. In Public Policy, when a statute is allowed to stand, with no public outcry, for twenty years, it becomes established. "Public policy" is the *de facto* government's version of amending the Constitution. It ratifies *nonconstitutional* law and makes it permanent.

We are entering 1991. We have two more years to repent, become Common Law citizens, and get enough of them in one place to demand our rulers give us a Common Law Court. We must do it now while we can still get Judicial Notice. If we do not succeed, there will be no remedy short of Divine intervention.

If we do succeed, we will have restored the Christian Republic.

REMEMBER MAGNA CARTA!



[Author's Note 2000: The American people failed to repent. During the early 1990s, the scattered handfuls of patriots who tried to establish standing for Judicial Notice were broken-up by federal agents and persecuted, even to the point of murder. Later issues of *Biblical Terranomics* reflect, in part, the crisis of these developments. The old Republic is lost. Truly, God Himself must intervene.]