Sovereign Order of Saint John of Jerusalem ®
Knights of Malta

Chancellor's Update

July
2015

Law – What is It?

Law in its strictest sense means moral law. St. Thomas gives us the classical definition of it: "Law is an ordinance of reason for the common good, promulgated by him who has the care of the community." (Summa Theologica, I-II, q. 90, a.4.)

Four years before the Declaration of Independence we find George Mason, a leading lawyer of his generation, arguing to the General Court of Virginia that: "All acts of legislature (ed. note, also court decisions) apparently contrary to natural right and justice are, in our laws, and must be in the nature of things considered as void. *The laws of nature are the laws of God, whose authority can be superseded by no power on earth.* A legislature (or court decision) must not obstruct our obedience to Him from whose punishments they cannot protect us. All human constitutions which contradict His (God's) laws, we are in conscience bound to disobey." (1772, Robin v. Hardaway, 1 Jefferson 109.)

William Penn, the founder of Pennsylvania, epitomized the practical faith and wisdom that went into the establishment of America and American institutions when he said that: "Those people who are not governed by God will be ruled by tyrants."

More than 200 years after William Penn, the Supreme Court of the United States deciding the case of the Church of the Holy Trinity vs. the United States asserted that:
"This (the United States) is a religious people. This is historically true. From the discovery of America to this hour there is a single voice making this affirmation." The Court after thoroughly reviewing the fundamental documents of the country including: the Charters, Commissions, the official Proclamations, and finally the Constitutions of all the States of the Union, then concludes: "There is no dissonance in these declarations. These are not individual sayings or declarations of private persons; they are organic utterances; they speak the voice of the entire people… There is a universal language pervading them all having but one meaning; they affirm and reaffirm that *this is a religious nation."*(1892, 143 U.S. 457) See Appendix Pages 73-78.)

Nevertheless all autocratic kings, dictators and conscienceless commissars have all held to the proposition that government, once installed, *is unlimited in its power over its subjects.*

Listen to autocrats of the past. King Louis XIV of France declared, "I am the State."

Two Hundred years later, Karl Marx, prophet of the modern Socialist-Communist political and economic dispensation, disposed of the individual citizen in these words:
"The democratic concept of man is false, because it is Christian. The democratic concept holds that each man is a sovereign being. This is the *illusion, dream and postulate of Christianity."*

A hundred years later here is what Adolf Hitler said about the individual man: "To the Christian doctrine of infinite significance of the individual human soul, I oppose with icy clarity the saving doctrine of the *nothingness and insignificance of the human being."*

Today's recent Supreme Court decisions clearly place the majority justices in the elitist camp of King Louis XIV, Karl Marx and Adolf Hitler.

Article 3 Section 1 of the U.S. Constitution reads: … "The Judges both of the supreme and inferior Courts, shall hold their Offices during good Behavior…"

Article 3 Section 2 of the U.S. Constitution reads: "judicial power shall extend to all cases in law…."

The First Amendment to the U.S. Constitution reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"

Based on the dissenting opinions of the other justices, the majority justices should be removed from office.

In Obergefell v. Hodges the dissenting judges said: "But this Court is not a legislature. Whether same-sex marriage is a good idea should be of no concern to us. Under the Constitution, judges have power to say what the law is, not what it should be. The people who ratified the Constitution authorized courts to exercise "neither force nor will but merely judgment." The Federalist No. 78, p. 465 (C. Rossiter ed. 1961) (A. Hamilton) (capitalization altered).
"The majority's decision is an act of will, not legal judgment. The right it announces has no basis in the Constitution or this Court's precedent."

In the King et al. v. Burwell the dissenting justices said: "The Act that Congress passed makes tax credits available only on an "Exchange established by the State." This Court, however, concludes that this limitation would prevent the rest of the Act from working as well as hoped. So it rewrites the law to make tax credits available everywhere. We should start calling this law SCOTUScare.

"But this Court's two decisions on the Act will surely be remembered through the years. The somersaults of statutory interpretation they have performed ("penalty" means tax, "further [Medicaid] payments to the State" means only incremental Medicaid payments to the State, "established by the State" means not established by the State) will be cited by litigants endlessly, to the confusion of honest jurisprudence. And the cases will publish forever the discouraging truth that the Supreme Court of the United States favors some laws over others, and is prepared to do whatever it takes to uphold and assist its favorites."

On October 11, 1798, President John Adams stated in his address to the military: "We have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry, would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made for a moral and religious people. It is wholly inadequate to the government of any other."