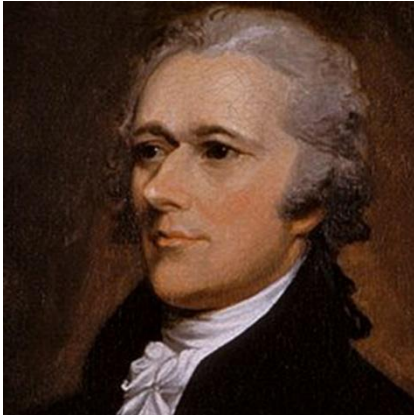


# HAMILTON AND THE SUPREME COURT

(By Chris J. Fenner, President of Godshub)



*Hamilton: An American Musical* is a smash hit on Broadway. The musical is about the life of American Founding Father Alexander Hamilton, and at the end of Act 1 the musical notes that Hamilton enlisted James Madison and John Jay to help him write The Federalist Papers.

The 85 Federalist Papers were published in 1787 and 1788 to promote ratification of The Constitution of the United States, and to show the general population that their rights were protected. Also, the Papers set out to show that the role of the federal government was limited, and the limits were safeguarded by checks and balances between the three branches of the new form of government.

## Limits on the Supreme Court

Alexander Hamilton wrote Federalist Paper #78 to clarify the role of the Judiciary branch of the government, especially the Supreme Court. In this Paper he emphasized that the judiciary branch of government should only interpret law and NOT be tempted to usurp the constitutional limits of their power by creating law.

“Whoever attentively considers the different departments of power must perceive, that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments....

“The courts must declare the sense of the law; and if they should be disposed to exercise WILL instead of JUDGMENT, the consequence would equally be the substitution of their pleasure to that of the legislative body.” [*emphasis in the original*]

## The Judiciary Wrong Turn Into Making Law

Over the course of the last seven decades, the Supreme Court has gone well beyond their constitutional authority, ignoring Alexander Hamilton’s admonition, and exercising their own WILL instead of JUDGMENT; specifically,

In 1947 the original intent of “free exercise of religion” was turned on its head (*Everson v. Board of Education*),

In 1962 school prayer was outlawed (*Engel v. Vitale*),

In 1963 school Bible reading was outlawed (Abington School District v. Schempp),

In 1973 abortion on demand was legalized nationwide (Roe v. Wade),

In 1980 the Ten Commandments were no longer allowed in most public buildings (Stone v. Graham),

In 2015 same-sex marriage was legalized in all states (Obergefell v. Hodges).

These rulings – each of which should have been the subject to the will of the people through process of Amendments to the Constitution – have had a profound effect on our society: changing America from a society based on God’s natural law, as referenced in The Declaration of Independence, to a secular society with little regard for God’s absolute truths and moral standards.

This usurpation of power by the Supreme Court has been the fruit of ungodly elements of our society working over the last century to undermine our nation’s Christian heritage, our Republican<sup>1</sup> form of government, and the Constitution itself. They have been very successful in infiltrating and gaining majority positions in colleges, universities, law schools; the media in all its forms; and many areas of federal government. And as these progressive, liberal elements of our society diligently worked to take control of our culture, we, the church, were largely SILENT.

### **Pray for Restoration of the Balance of Power**

God’s providential hand guided our Founders because they sought Him and prayed to Him. Now we need a new outpouring of His Almighty Presence to restore our land. In this, He calls us to come before Him in the spirit of 2 Chronicles 7:14,

“If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, and I will forgive their sin and will heal their land.”

We also need to pray specifically that:

- the Supreme Court Justices would uphold the Constitution and not impose their own will on the people of the United States,
- the President, in nominating new Supreme Court justices, would nominate justices who have a strong commitment to the Constitution,
- the Senate, in confirming new Supreme Court justices, would bring to light any inconsistencies in the nominated justice’s commitment to the Constitution,
- the Congress would have the wisdom and the will to rein in activist Supreme Court justices by their authority under the Constitution.

#### Footnotes

1. See Article IV, section 4 of The Constitution of the United States which guarantees a Republican form of government.