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A REPORT OF THE
CHRISTIAN CITIZENSHIP CONFERENCE,

DEVOTED TO THE CONSIDERATION OF

POLITICAL LOYALTY TO THE LORD JESUS CHRIST,

HELD IN THE

ALLEGHENY COVENANTER
CHURCH.

CORNER OF SANDUSKY AND NORTH DIAMOND STREETS.

MONDAY AND TUESDAY
FEBRUARY 24TH AND 25TH, 1902.

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WHAT THE CONSTITUTION LACKS.

By Rev. R. C. Wylie, Wilkesburg, Pa.

The sharp distinction between constitutional and statute law is of modern origin. In the time of the Roman empire the word "constitution" signified a collection of laws or ordinances made by the emperor. It was used in the same sense in the early history of English law. Now, however, it denotes, not a law which the governing power imposes upon the people, but one which the people impose upon the government. Constitutions exist in two different forms, the written and the unwritten. The constitution of England exists only in the unwritten form. There is no single written document which contains it. To know what it is, it is necessary to consult precedents, acts of Parliament, and decisions of courts. Only thus can it be known by what principles the British government is bound.

The constitution of the United States is both written and unwritten. There is an unwritten constitution which was born with the nation, was given it by the God of Nations, and which has developed with the nation's growth. There is also a written constitution. It was framed in 1787, by a constitutional convention composed of delegates from the thirteen colonies. It consists of seven articles as originally adopted, and to these fifteen amendments have been added. It can be read in half an hour. The purpose of this paper is to examine this document to learn whether, from a Christian point of view, it is such a constitution as this Christian nation should have. This investigation implies that there is a moral standard to which even constitutions and all political institutions should conform. It is therefore necessary first of all to determine what that standard is. This is doubtless the most difficult part of our task. Many never think of measuring things political with a moral measuring reed. And yet, as Christians we are bound so to do. The revealed will of God furnishes principles whereby all things are to be tested. In stating that constitutions of government are to be tested by the Scriptures it is not meant that they are to be pronounced defective unless they contain all Bible truth. Church creeds should cover the whole field of revealed truth, but political constitutions have no such end to serve. Nevertheless, civil government exists within the sphere of morals. It has moral interests to conserve and moral ends to reach.

At this point we meet with two antagonistic theories of civil government. The one is the secular, the other is the Christian theory. The secular theory teaches that man's state of nature is outside of society; that nations and governments are the result of a social compact, and that all the authority a government has is delegated to it by the people who surrender a part of their rights to obtain protection for the remainder. Believers in this theory refer to such organizations as railroad and business companies to illustrate the origin and character of civil government. The thoughtful need no argument to show them that the analogy will not hold. The Christian theory teaches that God is the creator of nations and that their vast authority and power come from Him. Romans 13:1-7, is conclusive as to this matter. All writers of the first rank teach this truth. There are two other truths which are essential parts of the Christian theory, but which are often overlooked by writers on political science. These are, the authority of the Lord Jesus Christ over the nation and the supremacy of the divine will in determining all moral issues in the political sphere. These three are Scriptural principles. Yet they relate, not to things ecclesiastical, but to things political. They have not the slightest ecclesiastical bearing, and yet they are clearly religious. Here, then, is our moral standard or measuring reed for measuring constitutions of government.

The next task will be to take this moral standard and try the national constitution by it. Since the secular and the Christian are the only two theories of government there are, it is promised that the one or the other will show its presence and dominating power in every political constitution. Let us therefore examine the national constitution to see whether it measures up to the Christian standard, or whether the secular theory has determined its character. We begin with the preamble. It is as follows: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America." This is an admirable statement of the ends of civil government. It is difficult to see how it can be improved. Many a one, unprovided with a correct standard for measuring political documents would at once pronounce the constitution Christian. But a careful measurement with our moral standard already agreed upon will reveal a very serious defect. It declares that "We, the people . . . do ordain and establish this Constitution." This statement is objectionable, not because of what it contains, but because of what it omits. It is admitted that the people do ordain, and have the right to ordain constitutions of government. Peter says: "Submit yourselves to every ordinance of man for the Lord's sake." Striking out the words above quoted would not make the constitution Christian, and therefore their presence does not make it secular. But this preamble

does not measure up to the Christian standard. Had the expression, "We, the people," been followed by some such words as, "Acknowledging Almighty God as the source of all power and authority in civil government, the Lord Jesus Christ as the Ruler of Nations, and His revealed will as the supreme standard to decide moral issues in national life," its Christian character would be placed beyond all doubt. But while the people are recognized as ordaining civil government, there is not a hint given that the authority to do this comes from God, or that the nation and its government exist in the sphere of divine authority and are subject to the moral law. To make prominent the human and to ignore the divine element in civil government is of the very nature of secularism.

The first article of the constitution treats of the legislative powers of Congress. It prescribes the qualifications for membership, manner of election, etc. It enumerates the matters on which Congress may make laws, and denies certain powers to the states. But there is nothing said about legislation on moral issues, or about a moral standard for legislation on any issue. We find no fault with the contents of this article, but it contains nothing that brings it up to the moral measure we are now applying. All that it contains may be in perfect harmony with Christianity, but there are politico-religious principles which it does not contain.

Article II. treats of the executive power. It prescribes the qualifications of the President and the Vice President, and defines their duties. It prescribes the following oath or affirmation for the President: "I do solemnly swear (or affirm), that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the constitution of the United States." There is here the same noticeable omission of all reference to divine authority and law. And this is the more remarkable because the precise form of the President's oath is here given, and even this oath omits the usual appeal to God. Inasmuch as such an appeal is the very essence of the oath, and there can be no real oath without it, this article certainly falls short of the Christian standard.

Article III. treats of the judicial power of the United States. It prescribes certain very wise and necessary rules by which this department of the government is to be regulated, but it contains no suggestion of our national relation to the Ruler and Judge of Nations.

Article IV. sets forth the relation of the United States government to the different states, and requires that full faith and credit shall be given in each state to the public acts of other states. But there is no requirement that these acts shall conform to the moral standard of Christianity.

Article V. treats of amendments. This article makes it very difficult to effect any amendment to the National Constitution. This, however, may be an excellency rather than a defect. It makes it almost impossible to introduce anything objectionable, and it also makes it sure that the people are very much in earnest about it before they will introduce changes for the better.

Article VI. declares the Constitution, laws made in pursuance thereof, and all treaties made under the authority of the United States, to be the supreme law of the land. No fault could be found with this if it were only made plain that this is merely the supreme human law, and that there is a "Higher Law," which is above all human enactments. But the omission of such a recognition of the "Higher Law" gives the Constitution a very pronounced secular character. This article also provides that Senators, Representatives, members of state legislatures, and all executive and judicial officers shall be bound by oath or affirmation to support this Constitution, and then adds, "but no religious test shall ever be required as a qualification to any office or public trust under the United States." Curtis in his constitutional history says that this clause was added, "for the purpose of forever preventing any connection between church and state and any scrutiny into men's religious opinions."

If the first part of this statement be correct, we cannot but wonder why the framers of the Constitution did not secure this worthy object in different language and why the same thing had to be done over again in the first amendment. The prohibition of all religious tests is very sweeping. It is proper to prohibit governmental scrutiny into men's religious opinions. But an oath in the name of God is a religious test. An oath to support a Constitution which renders due national submission to God, to Christ and to the divine will is a religious test. This clause, therefore, bears witness to the fact that the Constitution is not framed in accordance with the Christian view of civil government.

Article VII. declares that when nine states have ratified the Constitution it should go into effect. This is followed by the statement, "Done in convention by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, etc." It has been contended that these words are a Christian acknowledgment and make it a Christian document. But they merely show that it was made at a certain period of the Christian era. They are nothing more than the dating of the instrument. They were added by the clerk, were not voted on by the convention, and form no part of the Constitution. They have no value therefore in fixing its character.

The first amendment declares: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise

thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." Probably the general purpose of this article is commendable. It makes union of church and state impossible. It guarantees liberty in the exercise of religion, in speech and in writing. But might there not have been a limit wisely set? The new Constitution of Cuba makes Christian morality the limit. It would have been well had our Constitution done the same. The other amendments need not be considered. While proper enough, and some of them most excellent, they contain no recognition of the principles of Christian civil government.

In this investigation we have found a number of places in the Constitution where the relation of the nation and its government to God and Christ and the divine law would have fitted in most admirably. The preamble, the President's oath, the clauses relating to religion and freedom of speech, are places where Constitutions usually embody some acknowledgment of God and the moral law. Nearly all the state Constitutions at least acknowledge God. The Declaration of Independence, the Articles of Confederation, and other public documents do the same. Have we not reason to fear that the failure to embody such acknowledgments in the National Constitution was intentional? The secular view of civil government was, at that period, making bold strides. Is there not reason to believe that it was at the behest of this atheistic view that all reference to God was omitted from our otherwise excellent Constitution? The members of the constitutional convention may have acted sincerely in their omission of all religious acknowledgments. Nevertheless, it is a fact that such an omission is the teaching of the atheistic, not that of the Christian view of civil government.

But the question may be asked, is the Constitution to be classed as a secular document because of this omission? It does not in so many words profess the secular theory, Why may we not therefore claim it as Christian? It is sufficient to reply that while Christianity implies a profession, the absence of Christianity does not. The man or the nation that is unwilling to profess Christianity is lacking in some things that make the Christian.

It may be asked again, is the Constitution the place for a religious acknowledgment? If there are acknowledgments of Christ and His law elsewhere will these not suffice? As for such acknowledgments in the Declaration of Independence, the Articles of Confederation, and some other documents, it need only be said that they have today only a historic, not a legal value. They cannot be appealed to as having at the present time any authority. We are glad of every religious acknowledgment made by our Presidents and they are quite numerous and some of them most excellent. But they are the acknowledgments

of the Presidents only, not those of the nation. Neither will acknowledgments in statute law be sufficient. The nature and purpose of the Constitution make it clear that there is no place quite so appropriate for the recognition of divine authority and law as in that document itself. A proper definition of the Constitution shows this.

The Supreme Court of the United States (*Van Horne vs. Dorrance*, 2 Dallas, 308) says that a constitution "is the form of government, delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established." It is delineated by the people, and it is the people who should make this acknowledgment. In it certain first principles of fundamental laws are established. No nation should attempt to escape or ignore the first principles of fundamental law in the amendment we advocate. To give them their true place in the government they should be embodied in the Constitution.

Clear views as to the distinction between constitutional and statute law are essential. Because many do not understand this distinction they fail to feel the force of the argument for the proposed amendment.

Judge Jameson illustrates this distinction by considering the case of a ship dispatched by its owner upon a distant voyage. It would obviously be in the power of the owner to prescribe in advance as well the particular duties of the captain and crew from day to day, as the general nature and purpose of the adventure. But, how would a prudent owner manager in such a case? He would content himself with dictating the termini and object of the voyage, the rank and pay of the various officers, to which he might add general directions for the safety of the freight and the health and comfort of the crew. Beyond this, everything relating to the voyage would be left to the officers. They would make rules for particular exigencies, as they should arise, direct when to tack, when to furl and when to unfurl the sails to conform to the variations of the weather, and prescribe the particular course in which to steer from day to day, to avoid rocks and shoals, keeping constantly in view, nevertheless, and, as far as practicable, acting in literal conformity to the owner's instructions." (Constitutional Convention 84).

Two very important truths are made luminous by this illustration. The first is that the fundamental principles by which the ship of state is to be guided are to be laid down by the people, the owners of the vessel, and not by the officers who for the time may be in charge. The second is that religious acknowledgments belong to the class of fundamental principles which should be embodied in the fundamental law, and are not resorted to simply in times of storm and threatening disaster. As a nation we have acted on the theory that national religion comes under the head of tacking, furling and unfurling the sails, to conform to the variations of the weather. This is illustrated by the fact that in times of war we sometimes have orders issued to

confess national sins and to return to God. All this is well, but in addition the Constitution should declare our submission to the Ruler of Nations.

In whatever aspect the matter is viewed it is clear that the Constitution is the proper place for embodying the Christian principles of civil government, and that they now find no expression in that document.

What then is the political duty of Christian citizens? First of all, they should adjust their political relations so as to be free from the quiet of the nation's sin. Second, they should join their forces for the securing of such a constitutional amendment as will suitably embody the principles of Christian civil government, and give a sure basis for the Christian elements in our national life. There is no reason why this work may not be undertaken with good hope of success. (The Constitution provides for its own amendment, and prescribes the method. Swearing to support the Constitution as it is does not therefore pledge those who take this oath to oppose any amendment. It implies that they consider that document as it is a suitable instrument of government, but they are free to support any amendment that may be proposed in the orderly way. We may therefore confidently appeal to every Christian citizen to join in an effort to secure the Christian amendment).

Moreover, we have in God's word the assurance that all nations shall yet yield obedience to the scepter of Christ. In no way can we honor Christ more or render a more valuable service to mankind than by striving to supply what the Constitution lacks.