

More Signs of Trouble

1Samuel 22:11-19

By Phillip G. Kayser at DCC on 7-10-2011

Introduction

Last week we began to apply the discouraging signs of tyranny in Ancient Israel to modern America. But I want to begin today's sermon by saying that not everything in America is discouraging. God is raising up ministries all over this nation that are doing fantastic things. And I am hoping that this is a sign that God is about to do something great. Another good sign is there is even a nation-wide call to a day of fasting, repentance, and prayer. Governors Rick Perry of Texas and Sam Brownback of Kansas have called for prayer and fasting on Saturday, August 6. And the elders are encouraging us all to be a part of that. The American Family Association is organizing it. Other governors, including Bobby Jindal of Louisiana and Haley Barbour of Mississippi are considering calling their states to a day of prayer and fasting as well. And here is what they say on their website, theresponseusa.com:

We believe that America is in a state of crisis. Not just politically, financially or morally, but because we are a nation that has not honored God in our successes or humbly called on Him in our struggles.

According to the Bible, the answer to a nation in such crisis is to gather in humility and repentance and ask God to intervene. The Response will be a historic gathering of people from across the nation to pray and fast for America.

In part of Governor Perry's letter (also on that same website), he said, Some problems are beyond our power to solve, and according to the Book of Joel, Chapter 2, this historic hour demands a historic response. Therefore, on August 6, thousands will gather to pray for a historic breakthrough for our country and a renewed sense of moral purpose.

I sincerely hope you'll join me in Houston on August 6th and take your place in Reliant Stadium with praying people asking God's forgiveness, wisdom and provision for our state and nation. There is hope for America. It lies in heaven, and we will find it on our knees.

Well, I am encouraged by that. Whatever the motives may be for calling that, I am encouraged that national leaders are calling for repentance, fasting, and prayer. It's just a tiny glimmer of what is really needed, but let's pray that God would fan the flames of repentance and produce a comprehensive Reformation in the church of Jesus Christ. He is able.

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Phillip G. Kayser • Dominion Covenant Church • 307.N 41st Ave. Omaha, NE 68131 • 402.934.3300

Last week we began by comparing twelve signs of tyranny in the nation of Israel with the same twelve signs in America. We saw that:

1. Constitutional patriots like David were beginning to be treated as the enemy and non-constitutional people like Doeg the Edomite were being honored.
2. The security of the *administration* was uppermost in Saul's mind, not the security of the *people*.
3. Cronyism was becoming rampant.
4. Property was seen as a granted privilege by the state. If you weren't here last week you might be surprised with my conclusion that America has returned to a kind of feudalism on that score.
5. Patriotism was redefined as loyalty to a man. That can be scary.
6. The language of civics was getting redefined and used to manipulate people.
7. Spying on citizens was becoming common.
8. Failure to get on board with the administration's whims was viewed ominously.
9. The issue of servant leadership was getting inverted with everyone being seen as a servant of the state.
10. Machiavellian manipulation had replaced statesmanship.
11. Decisions were weighed by political advancement.
12. And everything was becoming subservient to the state.

And we saw that those twelve points accurately reflect the desperate times that we live in – not just in this country, but also in many countries around the world. Today we pick up where we had left off and continue to see additional signs of trouble. Let's start at verse 11.

XIII. Guilt by association (v. 11)

“So the king sent to call Ahimelech the priest, the son of Ahitub, and all his father's house, the priests who were in Nob. And they all came to the king.” The key thing to note here is that Doeg only saw *Ahimelech* helping David, yet *all* the priests of Nob were being summoned to defend themselves. It is bad enough that Ahimelech was even being charged with criminal conduct, but it is scandalous that Saul immediately

pulls in all the male priests of Nob. It was purely a case of guilt by association. Of course, this is an easier way of doing things in a bureaucracy. It was par for the course in the Soviet Union, in Communist China, and in other massive bureaucracies. It is much easier than charging each one and seeking to prove each one to be guilty. If you are part of a group, we will take the whole group.

Well, many of our agencies are becoming so bureaucratic that they are beginning to opt for this approach to squelching what they consider to be misconduct. Just as one example that was brought to my attention by the US Chamber of Commerce, is the case of Howard Solomon, who worked for Forest Laboratories. Apparently Forest Laboratories had agreed to settle charges on illegal marketing and distribution of their products rather than face more years and more costs of defending themselves. I won't get into whether the company had actually done anything wrong or not. That's an entirely different issue. What troubles the Chamber of Commerce and so many other organizations is that the Office of Inspector General has declared its intention to bar Solomon and any other representatives of Forest Laboratories from ever doing any business with any government programs, such as Medicare, whether in this company or in some other company. And they are retroactively applying this policy to any private health care companies that have in the past been found guilty of some misconduct. This is true even if it is proved that the representatives knew nothing about the misconduct and were not themselves personally involved. The Office of Inspector General has stated that penalizing companies is not enough since they just pass the cost on to their customers. They want individuals to be hurt to send a message of tough justice. Well, you can understand that in a sense since corporations have tended to shield the guilty. The problem is that they have not proved any guilt on the part of Mr. Solomon. This is purely a case of guilt by association, and it is becoming more and more business-as-usual with the massive Federal bureaucracies. One journal in analyzing this case said,

Mr. Solomon appeared to be an easy target (he is 83 and looked likely to retire soon anyway) but he plans to fight back ferociously. The health department's actions may change the culture in drug firms—and not for the better. The Forest case suggests that any executive could be punished for anything that occurs in a sprawling multinational company—a terrifying prospect, explains Paul Kalb, a lawyer at Sidley Austin who has defended pharmaceutical companies. Mr. Solomon's punishment is intended to deter corporate misconduct. It may simply deter clever people from becoming drug executives

I've included this point in my analysis of a nation because it is symptomatic of centralization. The less local the political decision-making becomes, the more this kind of action tends to take place. And with the massive centralization that has been taking place in Washington, we will be seeing guilt by association becoming the standard. Examples are already present in OSHA, FEMA, and in other agencies. This is one of many reasons to hate socialism and to hate centralization. And this is one of many reasons to be in prayer for our nation.

XIV. Using unjust precedent (David's unproved guilt) against Ahimelech (v. 13a,d)

The second thing that we see is that Saul used an unjust precedent *in the life of David* to condemn Ahimelech. **“Then Saul said to him, ‘Why have you conspired against me, you and the son of Jesse, in that you have given him bread and a sword, and have inquired of God for him, that he should rise against me, to lie in wait, as it is this day?’”** David was falsely charged with trying to assassinate Saul, and since that was a foregone conclusion in his mind, anyone who gave so much as bread or prayers on David's behalf was considered guilty. Thus, the unjust precedent of condemning David became the basis for an unjust condemnation of Ahimelech and those with him. You may question whether this goes on in America, though it is rampant in many underdeveloped countries. But it really is currently going on in a massive scale. Using the unjust precedent of *Roe v Wade* America continues to slaughter millions of innocents. But using unjust precedents has become standard policy to overthrow centuries of legal tradition in America. In fact, the courts are beginning to have the audacity of using precedent from European courts and from the United Nations even though there is no legal basis for doing so. Unjust precedent.

XV. Condemning an entire population based on one man's trial (v. 12 with vv. 16f)

Moving on to point XV, we see that an entire population was condemned based on one man's trial. In verse 12 Saul only addressed Ahimelech, and only let Ahimelech speak. **“And Saul said, ‘Hear now, son of Ahitub!’ He answered, ‘Here I am, my lord.’”** But what is the condemnation in verse 16? **“And the king said, ‘You shall surely die, Ahimelech, you and all your father's house!’”** No one else was allowed to defend themselves, to distance themselves from Ahimelech, to plead their own innocence. Once Ahimelech the head priest was condemned, all those associated with him were condemned. Obviously this can easily happen

during times of war. It happened to innocent Japanese citizens in America during World War II. Even those who had been citizens for more than one generation had their properties confiscated and were put into prison camps. It has happened on occasion with our treatment of Indians. But when the Supreme Court made its decision on Roe v Wade, an entire population (the unborn) came into jeopardy. Historically court cases were binding only on that particular case. But in recent decades court cases have been treated as legislating for entire populations. That is a wrong use of a court.

XVI. Treating the possession of a weapon as treason (v. 13b)

Point XVI: Saul treats the possession of a weapon as treason. Because I dealt with this in more detail last week, I won't spend as much time on it, but you can see Saul's outrage in the words, "**in that you have given him bread and a sword.**" Why would it be outrageous for any citizen to own, sell, give, or trade weapons? Historically that was an inalienable right in America, but it is a right that has been hugely infringed. Scripture demonstrates that during times of tyranny, citizens were not allowed to own any weapons, whereas good kings always encouraged the right to own and bear weapons. Example: Judges 5:8 says that under the tyranny of Jabin, "**not a shield or spear was seen among forty thousand in Israel.**" When various judges rescued the people, they constantly rearmed them as one of the first liberties to be restored. And then tyrants would take them away again. 1 Samuel 13:19-22 says that the Philistines completely disarmed the population and wouldn't even let the Israelites be blacksmiths. At the beginning of Saul's reign he rearmed the people. 33 years later he was disarming them. He had become a tyrant like all the other nations. He didn't even trust his own soldiers with weapons when they were off duty.

And the sad thing is that so many believers in the time of Saul went along with that just like so many Christians today allow this right to be infringed. But weapon control has never made citizens safer. Never. Weapon control guarantees that good people alone won't have weapons. All such confiscation of weapons was considered to be against the law by the Bible. Far from being treason in the citizenry, it is treason for any state official to disarm the population because he is overturning the Bill of Rights, which he has sworn to uphold. He is perjuring himself. Now these may seem like overly strong words, but examine God's opinion of Saul and your ideas might change. Even Jesus would not submit to Rome's prohibition of private citizens having weapons. He commanded his disciples to get swords, and he allowed them to carry swords to Gethsemane. In a later sermon we will examine the important Reformed caveat that a private citizen may not use the

sword against the state unless authorized to do so in war by some lawfully ordained government official. The Bible does not advocate revolution. We will get to that at a later time. The key thing here is that weapon-control is not treated as a godly thing by Scripture. It is always a sign of tyranny.

XVII. Intruding on the jurisdiction of the church (v. 13c)

That the next accusation in verse 13 could even be taken seriously shows the sad state of affairs under Saul. The accusation in court was, “**and have inquired of God for him...**” Of course, to be fair, it was the rest of the sentence that Saul intended to be the crime – “**and have inquired of God for him that he should rise against me, to lie in wait, as it is this day?**” But the point I am making is that if God was giving clear revelation that sided with David, how could Saul have objection to what God said? Isn't this a restriction of the exercise of religion? But for Saul, religion was free so long as it didn't contradict him. The moment God's revelation was used to undermine his wishes, he was going to restrict that religious expression. He did it with Samuel, David, and now with Ahimelech. And by doing that he was overstepping the state's jurisdiction and stepping into the church's jurisdiction.

And this is exactly what Senator Lyndon B. Johnson did in 1954 when he added churches to section 501c3 of the tax code. This crafty enemy of the church withdrew the protection of the Bill of Rights, Article I, with one stroke of the pen. Prior to that law, churches could apply the Scriptures to every area of life. But from that point on many churches stopped doing so, fearing that they would begin to be taxed or worse. Churches were already tax immune based upon Article I of the Bill of Rights. But when they started voluntarily applying to the IRS for 501c3 status (just to make sure that they were tax exempt), they willingly accepted a license that gave them tax exemption so long as they refrained from preaching on certain topics deemed political. I've gone through the tax code on this with our church's attorney, and he agrees with our stance of not applying for 501c3 status and of not getting incorporated. The constitution already protects us. But he agrees that this was a huge overreach of the government.

The Alliance Defense Fund is seeking to challenge this horrendous invasion of the jurisdiction of the church. On their website they say,

The Internal Revenue Service, in conjunction with radical organizations like Americans United for Separation of Church and State, have used the Johnson amendment to create an atmosphere of intimidation and fear for any church that dares to speak Scriptural truth about candidates for office or issues. It is time for the intimidation and threats to end. Churches and pastors have a constitutional

right to speak freely and truthfully from the pulpit – even on candidates and voting – without fearing loss of their tax exemption.”

That’s the opinion of the Alliance Defense Fund. Now even though the threat to churches today is far less than it was under Saul, the end result is the same – pastors who submit to a king Saul become unfaithful to their calling to God. They stop preaching the whole counsel of God. They stop bearing a prophetic testimony against the culture like Jeremiah, Amos, and others did. They stop inquiring of God on behalf of a David because the risk is too great. The Alliance Defense Fund (which you might think of as a Christian counterpart to the ACLU) is encouraging churches to do what is right, and when the IRS attacks, they want to take it to court in order to overturn the Johnson amendment as unconstitutional. Pray that their heroic actions will indeed do that. Pray for them; support them financially. They are a great organization. I believe that they were started by Dobson, Larry Burkett, D. James Kennedy, and 35 other ministries. But Christians can’t be quiet like they were in Hitler’s Germany. They must stand up against such tyranny.

XVIII. Gross abuse of the rules of jurisprudence

A. The law forbid any “Star Chamber” type trial that was not public or “in the gates” (Deut. 16:18; 17:5; cf. Deut. 21:19; 22:15; 25:7; Amos 5:12,15; Zech. 8:16). It also forbid anything but public executions (Deut. 17:5,13).

But now we get into a very important part of what made Israel tyrannical under Saul and what is making America increasingly tyrannical. In your outlines I give ten violations of Biblical rules of court jurisprudence that occur in these verses.

The first violation of the law was that there was no evidence of this being a public trial. The only people present were Saul’s officers. And you might think, “So what? What’s the big deal?” The big deal is that secret trials feed the monster of tyranny. Over and over again the Scripture insisted that trials had to be held publically, or “in the gates” of the city. God wanted judges accountable to the people and to not be able to get away with tyranny behind closed doors. Therefore God insisted that all the people had to be allowed to witness a trial and all the people had to be allowed to witness the execution. When injustice happened, he wanted the people to be outraged. Steve has been trying to encourage people to attend court trials dealing with unconstitutional things for precisely this reason. If it is off the radar of the public, they can’t get outraged, and the judges have no fear. The Bible did

not want those things happening secretly. Any time this principle is violated, you are well on your way toward gross tyranny.

In your outlines I call it a Star Chamber type of trial. Let me explain that. The Star Chamber was the king's court in England, and it became notorious under the Stuart Kings of the 17th century. It routinely engaged in secret trials with no right of appeal. People were snatched away from America, tried over there, and never returned. Through most of America's history, the idea of another Star Chamber was offensive in highest. But starting with President Bush's Patriot Act, and then the Patriot Act II, and on through to the present, we have the resurrection of a Star Chamber. American citizens can be arrested and held in secret indefinitely without even being charged. They just have to be suspected of being involved in terrorism. This war on terror is in reality a war on the Constitution, a war on American citizens, and a war on Biblical liberty. There are some aspects of the Patriot Act that I can understand, but it has gone way too far. And for those who disagree, I want you to at least consider the evidence.

Consider the following points made by Paul Craig Roberts. And in case you think he is a nutcase, let me give a tiny bit of his background. And I can also give you analysis by Christian legal organizations as well. Anyway, Roberts is a former editor of the Wall Street Journal, a former assistant secretary to the U.S. Treasury, a fellow at the Institute for Political Economy, and a research Fellow at the Independent Institute. Numerous local governments agreed with his assessment when the Patriot Act first came out, and sought to do what they could to oppose it. But with Saul in mind, listen to what Paul Craig Roberts said:

The Patriot Act defines terrorism so broadly that any act of protest or civil disobedience can be construed as 'terrorism,' a charge for which the government can hold a person indefinitely. Thus, the Patriot Act permits punishment without conviction.

If you think you still live in a free society, consider:

The Patriot Act overturns the attorney-client privilege, and attorneys who aggressively defend their clients can be indicted for 'aiding and abetting terrorism.' [By the way, this actually happened soon after that. Lynne Stewart Case was a court appointed attorney to represent one of the accused terrorists. Whatever you think of her as a person, the government violated client attorney privilege by wiretapping her phone calls, and because of her aggressive defense of her client, she was arrested. Anyway, the article goes on]

Internet service providers who move to quash government surveillance of their customers can be charged with 'obstructing justice.' [Well, he proved to be prophetic on that point too. That is exactly what has happened. He goes on.]

Parents, who object to airport security personnel dragging away a frightened child to be searched, can be arrested for ‘obstructing a federal law enforcement officer.’

According to Cassel, regulations have been issued that permit federal prosecutors to override federal judges — a gross breach of the separation of powers and a classic tool of 20th century police states.

Indeed, Cassel herself might be subject to arrest ‘for aiding and abetting terrorists.’ Here is what Ashcroft told the Senate Judiciary Committee: ‘To those who scare peace-loving people with phantoms of lost liberty, my message is this: your tactics only aid terrorists for they erode our national unity and diminish our resolve.’ [So you put those two quotes together and you can see that she could be logically charged with aiding and abetting terrorists. Going on...]

Cassel dryly notes that September 11 was caused by intelligence failures, not by civil liberties. Yet, the government's response was to attack civil liberties.

All of the police state measures were waiting on the shelf. September 11 was an excuse to grab unconstitutional power — just as the Reichstag fire was for Hitler.

Cassel says the fate of our free society rests with the judiciary. In her chapter, ‘The War in the Courts,’ she assesses whether courts are up to the challenge. Some are and some are not. Ironically, it is the conservative Republican judges who go along with the police state measures. So much for the old saw that we need a Republican president to save us from liberal judges.

At the time Cassel's book went to press, the Supreme Court had yet to rule whether the government can indefinitely hold a person without charging him and bringing him to trial.

After the Padilla and Hamdi decisions, Cassel concludes that the Court did not consent to being read out of the picture, but did nothing effective to defend civil liberties. ...

Where do matters stand? ... If the government declares you ‘an enemy combatant’ or a ‘material witness’ you have no rights. The government can hold you forever without charges or until you admit to some offense in order to escape from isolation and from psychological and perhaps physical torture.

I would rather take my chances with terrorists.

...

In a chapter on grass roots resistance, Cassel notes that more than 250 counties and municipalities in 28 states, plus two entire states, representing 43 million Americans have passed resolutions criticizing the Patriot Act or forbidding local law enforcement from cooperating with the Bush administration's attack on the US Constitution.

That was the first Patriot Act. Many scholars believe that it violated the first, third, fourth, fifth, seventh and tenth amendments, Patriot Act II was worse – far worse. And I would encourage anybody that has even the remotest inclination to trust the government on this issue to actually read the full text of the Patriot Act I, Patriot Act II, and the last revised edition. I've got full copies of all three plus analysis of those acts by the Rutherford

Institute, the Cato Institute, and other organizations that have been giving warnings that have not been heeded. They have not been heeded by the conservatives; they have not been heeded by the liberals. And you look at even the good candidates for president that are running today, and almost all of them support the Patriot Act. It's appalling to me. From my reading of those Acts I can assure you that they represent king Saul on steroids. If God was upset with Saul, He is even more upset with the Patriot Act.

B. The law indicated that there had to be more than one witness (Deut. 19:15).

The next egregious violation of jurisprudence was that Saul's kangaroo court proceeded with only one witness. That was illegal. Deuteronomy 19:15 says, "**One witness shall not rise against a man concerning any iniquity or any sin that he commits; by the mouth of two or three witnesses the matter shall be established.**" Do a fun study sometime and try to find out what percentage of people are convicted and sentenced to prison on the basis of one witness or even of no witnesses – just circumstantial evidence. I think you will be surprised. It's one of the reasons why we have more people in prison per capital than any other country in the world – by far. There isn't any country that's even close.

But it's not just the courts. Think of Child Protection Services. You don't even need a witness. You can have kids taken away with anonymous tips. OSHA routinely investigates companies and puts them through the wringer based on anonymous tips. And the company is not compensated for lost time or money when it proves to be a false alarm. And other agencies do the same. A farmer friend in Iowa had land confiscated from him based on an anonymous tip from a neighbor who had the state come in and look at his land after a heavy rain, and had his land qualified as wetlands. The neighbor had a grudge against him and waited till a huge rain came along. That was the first time in years that there had been that much water. And there was no recourse. Federal Agencies have been notorious for violating many of these principles we are looking at. This is why we are agreeing with the governors who are calling for a day of fasting, repentance, and prayer. Things are in a desperate state of affairs, and a "conservative candidate" is not going to solve the problem. Conservatives are part of the problem. And I am sick to death of people saying that they are conservative when they violate the constitution. That word has become meaningless. I want a return to God and the Constitution. Our money claims that we still trust in God. So why can't we return to Him?

C. The law indicated that charges had to be corroborated (Deut. 17:1-7; 19:15-21) by means of thorough investigation (Deut. 17:4).

The next violation of court law was that Saul did not seek to corroborate what the witness had said through investigation. The only investigation he does is to ask Ahimelech in court *why* he did it (assuming already that he did do it). And of course Ahimelech denies guilt. That's where the court case should have begun. But that's where it ended. Saul assumes his guilt, basically asking "Why did you do it?" But there is no pretense made at trying to corroborate the story of Doeg.

And points B and C are critical if we are to avoid injustices from occurring. People will sometimes get very upset when a jury lets someone off the hook that everybody believes is guilty. It's been all in the news this past week, right? Everybody thinks she is guilty. But it is important to realize that the jury let the person off the hook because the crime could not be proved beyond a reasonable doubt. Don't blame the jury if the government did a lousy job of presenting evidence. Those very laws that let some bad people escape are designed to protect the innocent from the overreaching hand of tyrants.

Sometimes conservatives want to be so tough on crime that they forget about the rigorous corroboration required in Scripture. I have a 30-page study of 39 people who have recently been exonerated of crimes they served time for in Texas. It's just 39 case studies showing that the system is broke. DNA studies and other evidence have demonstrated beyond any reasonable doubt that these people were falsely imprisoned. The sad thing is that these 39 people have already served almost a combined 500 years in prison. That's 12.8 years average. When you read through the cases you begin to realize that they wouldn't have had to serve if the so-called "ridiculous" protections that the Bible gives to the accused had been in place, one of which is a minimum of two witnesses, and if in doubt, a third witness. Sure some criminals get off the hook, and you might get mad. But we should not allow our rage at criminals make us willing to relinquish the Bible's high standards of corroboration. Nor should we allow the threat of terrorism make us take away such rights from suspected terrorists. There are always downsides and risks to liberty. That's why Israel kept wanting to go back to Egypt and their former slavery. Slavery was at least predictable and you didn't need to take any risks. But brothers and sisters, Scripture commands us to stand fast in the liberty by which Christ has made you free (Gal. 5:1). Don't allow the risks and downsides of liberty make you let the government enslave you for your safety and security.

These are serious issues that we need to restore to America. The whole judicial system stinks and it needs to be overhauled. Prisons for one thing are unbiblical. God calls for restitution to the victim. But it is really the Federal agencies that are the chief culprits for violating laws of jurisprudence and ignoring the bill of rights. These are unaccountable agencies that need to be shut down. I sent one candidate this past Friday to the Federal website that lists all 758 Federal departments and agencies that are in place (and actually it didn't include one that Obama just created to oversee rural America) and asked him to state in print which of those agencies and departments of government are unconstitutional and which ones he will dedicate his life to closing down, even if it takes twenty years. I will be impressed if he comes up with much of a list.

D. The law mandated that accusations needed to be violations of the law of God (Deut. 4:2; 12:32), not simply violations of a king's wishes.

The fourth violation of Biblical jurisprudence was that Saul was accusing Ahimelech of things that were not Biblical crimes. First, David had never yet been convicted in a court of law as a criminal, so the charge of aiding and abetting a criminal could not stick. You can't treat people as criminals until they have been proved to be criminals. Second, there was nothing David had done that could be defined as criminal. Thirdly, giving bread or a weapon to David was not criminal behavior according to the Bible. So the only way Ahimelech could be treated as a criminal was if Biblical law was ignored and the state's wishes were substituted as law.

And this is *the chief* crisis that we face in America. Almost every level of government has been ignoring the law of God. And you might think, "What do you expect from a secular nation." But here's the point - the Christian basis for this nation has never been legally amended. It has simply been ignored. And of course, those of you who have known me for very long know that I keep harping on Article VII of the Bill of Rights – the mandate of common law in all of our courts. I agree with Justice Scalia that common law is dead and 100% ignored in the courts. But they are ignoring it illegally. In a speech that I have recorded, Supreme Court Justice Antonin Scalia said, "The common law is gone. The federal courts never applied the common law and even in the state courts it's codified now."¹ He was saying in effect that common law has no more legal basis and we shouldn't even bring it up.

¹ http://www.fed-soc.org/publications/pubid.1193/pub_detail.asp

And my question to him is, “When and how was Article VII of the bill of rights amended?” It hasn’t been. It’s never been removed. It has just been ignored. Let me read you Amendment VII. It says, “In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, [OK, so far so good. But now comes the significant part that is being ignored. It says,] and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.” In fact, Constitutional scholar James McLellan says that the bill of Rights is simply taken from common law, and that you can’t even understand the Constitution without reference to English common law, minus a few edits that were all discussed.² The Northwest Ordinance guaranteed that citizens “shall always be entitled to... judicial proceedings according to the course of the common law” (Northwest Ordinance, Article 2).

Well, what is this common law that is supposed to be the foundation for this nation, and that Scalia says is now ignored in all the courts? American Common Law, minus a few edits that were clearly discussed in all the American commentaries, was a carry over of English Common Law. The great commentator on common law, Sir Edward Coke, said that common law was the application of Biblical law to England’s cases. He denied that it took anything from paganism. In fact, in commenting on the case of Robert Calvin he cited 2Corinthians 6:15 saying,

What concord hath Christ with Belial? If a Christian king should conquer a kingdom of an infidel..., there, ipso facto, the laws of the infidel are abrogated.... They be not only against Christianity; but against the Law of God and of Nature contained in the Decalogue!³

And by the way, he defined the Law of Nature as Biblical Law. In 1892 the Supreme Court of the United States of America said that common law was still in force in every court of the nation at that time, and that common law reflected the application of the laws of the Bible – and more specifically of Christianity. That court said, “...Christianity, general Christianity, is and always has been, a part of the common law... not Christianity with an established church... but Christianity with liberty of conscience to all men.”⁴ Chief Justice Story said, “There never has been a

² James McClellan, *Liberty, Order, and Justice: An Introduction to the Constitutional Principles of American Government*, p. 33. On page 35 McClellan says, “Some provisions of the Constitution, such as the one referring to ‘contract’ in Article 1, Section 10, presume the existence of common law and cannot be understood properly without reference to it.”

³ Sir E. Coke, *1600-1659 English Law Reports. 77 King’s Bench VI* (Edinburgh: Green, 1907 ed.), pp. 397 See Google Books.

⁴ <http://supreme.justia.com/us/143/457/case.html>

period of history, in which the Common Law did not recognize Christianity as lying at its foundation.”⁵ This is why on September 17, 1796 (seven years after he signed the Constitution) President George Washington, said, “it is impossible to rightly govern the world without God and the Bible.”⁶ That was his understanding of American Common Law. Well now Justice Scalia says that it gone; that is dead. And I say, “It’s still in our Constitution. Justices still vow to uphold the Constitution.” Making Common Law the law governing all the state and federal courts made God’s law the law of the land. And the old commentaries on the Common Law were so filled with Scripture that Charles Finney said he was converted to Christ by studying those books in preparation for his law degree. President Andrew Jackson is representative of many presidents when he said about the Bible, “That book, Sir, is the Rock upon which our republic rests.” Common law mandates that the Bible be the foundation. Blackstone’s commentary on the common law said, “[God’s law] is binding over all the globe in all countries, and at all times; no human laws are of any validity, if contrary to this: and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original.”⁷ Common law is Biblical law as applied over history. It is not case law as disjoined from the Bible. No wonder Scalia admits that Common Law is dead. We haven’t had the Bible in the courts for years.

Let me just give you one more example. In 1837 a man who had been charged with blasphemy sought to appeal to the Supreme Court of Delaware and claim that blasphemy should not be a crime. But the Supreme Court disagreed, stating that the common law provision of the US Constitution makes Biblical law the highest law of the land. It’s an interesting case to read at Google Books, but let me read just one little section. Going way back to the English roots of common law the court said, “ Long before Lord Hale declared that Christianity was a part of the laws of England, the Court of Kings Bench, 34 Eliz. in Ratcliff’s case, 3 Coke Rep. 40, b. had gone so far as to declare that ‘in almost all cases, the common law was grounded on the law of God, which it was 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 on God's

⁵ Federer in *America’s God and Country*, p. 574.

⁶ James K. Paulding, *A Life of Washington*, 1836, Vol. II, p. 208; see also Federer in *America’s God and Country*, p. 660.

⁷ William Blackstone, *Commentaries on the Laws of England* (Philadelphia: J.B. Lippincott and Co., 1879), vol. 1, p. 39.

revelation of that law to Moses.”⁸ And you read the rest of the judgment and you see that they considered Biblical law to be the foundation of all American common law courts. I could give you similar cases from New York, and other states, and from the Supreme Court, and position papers written by the US Congress from as late as the 1950’s. It is simply not true that we have been a secular nation. The common law mandate of the Constitution is a Biblical law mandate. This is why the Constitution was dated “in the year of our Lord.” Jesus was declared to be the Lord of our nation right in our constitution.

This means that we really don’t need an amendment to the constitution to defend the definition of marriage. Common Law clearly calls sodomy a crime and marriage to be between one man and one woman. It’s just the courts have ignored the common law. Common law allowed citizens the rights to own weapons to defend themselves and it gave all the rights listed in the bill of rights and many more, which Articles IX and X say we retain. If you throw out Biblical law like so many Christians are doing today, you have no way of defending against the tyranny of a Saul. Our government has become a Saul. Its will has replaced God’s will. That’s why I can no longer sing, “God bless America,” unless I mean by it “God bless America with thorough going discipline, thoroughgoing repentance, thoroughgoing Reformation, and a thoroughgoing return to Biblical law.” Nothing less will be pleasing to the Lord.

E. The law called for accusations to be in writing (Job 31:35; Numb. 5:23; Deut. 24:1,3)

I won’t cover in detail all of the deviations listed in your outlines. Saul gave a verbal accusation, but nothing was in writing. That’s point E. He probably didn’t want his unjust decision committed to writing. But what did the Bible call for? It says, “**let my accuser put his indictment in writing**” (Job. 31:35) Court proceedings must be objective, not arbitrary. America does pretty well on this, maybe too well. But there are countries where no review of injustice is possible because nothing was written down. Every time you tell the story it could be different. But anything, including the Patriot Act, that moves our country away from this principle, needs to be resisted.

⁸ State v. Thomas Jefferson Chandler, 2 Harr. 553 at 561 (Del.Sup.Ct.1837). See Google Books, *Reports of Cases Argued and Adjudged in the Superior Court and Court of Errors and Appeals, State of Delaware* (Dover: S. Kimmey, 1841), p. 561.

F. The accused had the right to face his accusers and cross-examine them (Deut. 19:18; Job 40:2; Ps. 50:21; Prov. 18:17; Is. 50:8).

Point F: The accused had the right to face his accusers and cross-examine them. And I give you some Scriptures for that. Saul gives him no time for cross-examination. I've already hinted that Child Protection Services and OSHA can enforce judgments on an anonymous tip. There is no hope of cross-examination of an anonymous tipper. And in any case, OSHA comes in before there is any court date. It has already taken over the premises. Injustice. And even though it doesn't affect you individually, you need to be outraged over it.

G. The witness had to believe in God since he was required to take an oath before testifying (Ex. 22:10,11), calling down the same judgment upon himself if he was guilty of perjury (Deut. 19:18-21; Prov. 19:5,9; 21:28).

Point G: The witness had to believe in God since he was required to take an oath before testifying (Exodus 22:10,11) and call down God's judgment upon himself if he committed perjury (and I give some references for that). But Doeg was an Edomite. Did you know that in many states of America, the witness of an atheist was not received in court? We live in a different America, don't we? Today a case that was won can be overturned on appeal simply because a lawyer quoted a verse from Scripture. The Scriptures have been utterly banned from the courtrooms of today. It flips that principle on its head.

H. There could be an appeal to trial by jury (Numb. 35:12,24,25; Josh. 20:6; 1Sam. 14:45)

Point H: There could be an appeal to trial by jury. Saul was not about to let that happen. And the Patriot Act is not about to let that happen.

I. The law mandated that the accused be treated by the judge as being innocent until proven guilty (John 7:51; implication of Deut. 17:6; 25:1-2; see Is. 43:9; Acts 23:3)

Point I: the law mandated that the judge treat the accused as innocent until proven guilty, but right from the start Saul treats him as guilty of treason. We still have this protection in most regular courts, but you are treated as guilty until you prove your innocence when you are hauled before the IRS, OSHA and some other unconstitutional agencies. In so many ways we are a nation that has run away from God. Don't expect God to bless our nation without repentance of these high crimes.

J. The witnesses had to be the first to cast a stone, and only then could the rest of the people be involved (Deut. 17:7).

Point J: Saul asks his soldiers to kill Ahimelech, when the Bible makes it clear that the *witness* was supposed to be the one to cast the first stone. We can't deal with every point in our limited time, but I think there is enough here to make it clear that this was a kangaroo court. And there is enough here to warrant a complete overhaul of our justice system.

XIX. Ignoring every point of a brilliant defense (vv. 14-15)

This is further strengthened when you find under point XIX that Saul totally ignored a brilliant defense. Ahimelech parried every accusation in verses 14-15. He must have been quick on his feet. Let me read those two verses.

1Samuel 22:14 So Ahimelech answered the king and said, “And who among all your servants *is as* faithful as David, who is the king’s son-in-law, who goes at your bidding, and is honorable in your house?”

1Samuel 22:15 Did I then begin to inquire of God for him? Far be it from me! Let not the king impute anything to his servant, *or* to any in the house of my father. For your servant knew nothing of all this, little or much.”

It's basically a five-fold defense. In fact, point I has five points of its one. He first of all gives five proofs that he couldn't possibly have know that David was Saul's enemy: David was 1) your servant, 2) loyal, 3) the king's son-in-law, 4) captain of your bodyguard, 5) and highly respected in your household. What else was Ahimilech to think? Anybody would expect that David was on the king's business.

The second argument was that his priestly actions toward David were routine and this wasn't the first time he had inquired of the Lord for David. If it wasn't treason before, why would it be treason now? How could you charge Ahimelech with treason when he was simply doing what he had always done with Saul's permission? It's a great point.

Third, he affirms his loyalty to Saul, calling himself “your servant.” If you want to know where I stand, I am loyal to you.

Fourth, he was not in any way involved in a plot.

Fifth, he and the other priests knew nothing whatsoever about the whole affair.

It's a pretty watertight argument, and nothing Doeg had said could shake that argument. It only confirmed it. Yet Saul declares him guilty

anyway. I could give you several prolife court cases where the judge excluded witnesses, videos, and other evidence from the courtroom.

XX. Destroying personal property (v. 19)

Let's deal with points XX and XXI together by reading verses 16-19.

1Samuel 22:16 And the king said, "You shall surely die, Ahimelech, you and all your father's house!"

1Samuel 22:17 Then the king said to the guards who stood about him, "Turn and kill the priests of the LORD, because their hand also is with David, and because they knew when he fled and did not tell it to me." But the servants of the king would not lift their hands to strike the priests of the LORD.

1Samuel 22:18 And the king said to Doeg, "You turn and kill the priests!" So Doeg the Edomite turned and struck the priests, and killed on that day eighty-five men who wore a linen ephod.

1Samuel 22:19 Also Nob, the city of the priests, he struck with the edge of the sword, both men and women, children and nursing infants, oxen and donkeys and sheep—with the edge of the sword.

Where did God authorize the destruction of property of an Israelite? Nowhere. Even the property of a criminal could be passed on to his family, unless there was restitution that the court called for. But this is not restitution. This is destruction.

And the same misguided approach can be seen in some police departments that have millions of dollars worth of property that often gets either destroyed or sold for auction rather than returned to its rightful owners. I know one person who was vindicated in court on his right to own a gun that was confiscated, but it took months to get his gun back. Property is simply not held in the same respect that it used to be. And we saw last week that a nation's view of property is a key evidence of tyranny or liberty.

XXI. Condemning the innocent to death without a trial (vv. 16-19)

But far worse than his disrespect for property was his disrespect for life. It wasn't just the 85 priests who were killed. Saul killed every man, woman, and child in that city. It was a massacre. You might think that finally we come to a point that does not describe America. We live in a safe nation where there is no mass murder going on. Surely it is only communist countries that butcher entire cities, or maybe countries like Rwanda. Surely not in America!

Well the sad news is that it does occur in America. I don't even need to get into the multiplied millions of people that America has killed in unjust

wars. All we have to do is to look inside of our own borders. America has killed 50,000,000 babies through abortion since 1973. That is far worse than anything Saul did. The blood that stains this land is horrific. And the only thing that can cleanse this land to avert judgment is the blood of Jesus Christ.

Conclusion

In Deuteronomy 21 God gave a provision for cleansing the land of its defilement from an unsolved murder – and note that that’s just *one* unsolved murder that defiled the land. The city that was near to the murder had to kill a heifer, wash their hands over the heifer and say, **“Our hands have not shed this blood, nor have our eyes seen it. Provide atonement, O LORD, for Your people Israel, whom you have redeemed, and do not lay innocent blood to the charge of Your people Israel.”** [and the text says] **And atonement shall be provided on their behalf for the blood. So you shall put away the guilt of innocent blood from among you when you do what is right in the sight of the LORD.”**

I don’t know that we can plead ignorance. And most government officials cannot plead innocence when they have done so little to stop the bloodshed. But the blood of Christ is more powerful than the blood of a heifer. Praise Jesus! And I would urge this church to plead the mighty blood of Christ to heal this land. Thankfully there are politicians who are calling for fasting, prayer, and repentance. Our session would urge each of you to fast on August 6 and ask Jesus to wipe away all the guilt that has been outlined the last couple of Sundays, plus much other guilt that we have not covered. Without grace, these violations of the law will be the evidences God will use against us to destroy our nation.

But – and this is a big “but.” But, God’s promise is, **“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 will forgive their sin and heal their land”** (2Chron. 7:14). May the church of Jesus Christ do exactly that. Amen.

More Signs of Trouble

1Samuel 22:11-19

By Phillip G. Kayser at DCC on 7-10-2011

Introduction

- XIII. Guilt by association (v. 11)
- XIV. Condemning an entire population based on one man's trial (v. 12 with vv. 16f)
- XV. Using unjust precedent (David's unproved guilt) against Ahimelech (v. 13a,d)
- XVI. Treating the possession of a weapon as treason (v. 13b)
- XVII. Intruding on the jurisdiction of the church (v. 13c)
- XVIII. Gross abuse of the rules of jurisprudence
 - A. The law forbade any "Star Chamber" type trial that was not public or "in the gates" (Deut. 16:18; 17:5; cf. Deut. 21:19; 22:15; 25:7; Amos 5:12,15; Zech. 8:16). It also forbade anything but public executions (Deut. 17:5,13).
 - B. The law indicated that there had to be more than one witness (Deut. 19:15).
 - C. The law indicated that charges had to be corroborated (Deut. 17:1-7; 19:15-21) by means of thorough investigation (Deut. 17:4).
 - D. The law mandated that accusations needed to be violations of the law of God (Deut. 4:2; 12:32), not simply violations of a king's wishes.
 - E. The law called for accusations to be in writing (Job 31:35; Numb. 5:23; Deut. 24:1,3)
 - F. The accused had the right to face his accusers and cross-examine them (Deut. 19:18; Job 40:2; Ps. 50:21; Prov. 18:17; Is. 50:8).
 - G. The witness had to believe in God since he was required to take an oath before testifying (Ex. 22:10,11), calling down the same judgment upon himself if he was guilty of perjury (Deut. 19:18-21; Prov. 19:5,9; 21:28).
 - H. There could be an appeal to trial by jury (Numb. 35:12,24,25; Josh. 20:6; 1Sam. 14:45)
 - I. The law mandated that the accused be treated by the judge as being innocent until proven guilty (John 7:51; implication of Deut. 17:6; 25:1-2; see Is. 43:9; Acts 23:3)
 - J. The witnesses had to be the first to cast a stone, and only then could the rest of the people be involved (Deut. 17:7).
- XIX. Ignoring every point of a brilliant defense (vv. 14-15)
- XX. Destroying personal property (v. 19)
- XXI. Condemning the innocent to death without a trial (vv. 16-19)

Conclusion

