

New Years Resolution, Eliminate The Tyranny Of Case Law

Most Americans assume that rulings and decisions handed down in cases that come before American courts are based on, and consistent with, the “rule of law”.

But, regrettably, this is not true.

In American courtrooms today, court rulings are not based on real law. Rather, they are based on an imitation system which is commonly called “case law” or “the case law method”.

This phony “case law” method of understanding what law is and where law comes from is taught in virtually every law school in America today.

Indeed, a careful study reveals that the promotion of the “case law method” is the very reason that the modern law schools were established.

Let me briefly explain.

Prior to the 1880’s, those who desired to practice law studied under experienced attorneys. Their apprenticeship included both the study of recognized legal scholars such as Blackstone, Montesquieu and Locke, as well as practical experience in writing briefs and memorandums and observing their masters in actual practice before the bar.

Undergirding that system was the universal understanding that law, like truth, is a fixed and certain thing because it is a part of God’s creation; and that the principles and precepts of law are found in God’s Word and in His Creative Order.

But the “case law” system replaces the wisdom of God’s Creative Order with the foolishness of men’s evolutionary imaginings.

Law students, who, of course, go on to become lawyers and judges and congressmen, are taught that the source of law is the *mind* of a judge, which is then changed by the opinion of another judge and then, well... you can tune in tomorrow to see what the law might be then...

William Blackstone could rightly be called the law professor for our Founders. In his Commentaries on the Laws of England, he concluded that “the laws of nature,” having been dictated by God Himself, is superior to all others and “binding over all the globe, in all countries, and at all times.” Therefore no human laws are of any validity if contrary to God’s law, and that no human laws have any authority except as derived from that higher law.

Our Founders clearly established a fixed standard of justice for our land; they spoke of an unchanging benchmark. They were not inventing anything new through the War for Independence; they were simply reasserting the ancient rights of Englishmen or more broadly the rights of all men as subjects of the Sovereign Creator of the Universe. So how did we shift off that fixed foundation to the legislative and judicial insanity of our day?

Something has led people who no longer hope to control the legislatures to look to the courts as expounders of the Constitution, and in some courts “new principles” have been discovered outside the Constitution.

Now, if the “new principles discovered” are actually “outside” the Constitution, are they not therefore unconstitutional? If there is no standard, if we the people no longer have a contract with the government we formed, who has betrayed us?

In the spirit of this up and coming New Year, let’s work to

impeach those who have betrayed their Oath to the fixed truths of the Constitution.

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