

Thirteenth Sunday in Ordinary Time
July 2, 2017, Yr A
Father Mike Holloran
(July 4th Sermon)

“We hold these truths to be self-evident, that all men are created equal, and that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness...”

These familiar words are from the American Declaration of Independence, dated July 4, 1776-- 241 years ago this Tuesday. The Declaration goes on to justify separation from British rule by stating that the purpose of government is to secure those God-given rights, and that a government that fails to do so has forfeited its legitimacy.

When it came to setting up their own government, the American founders showed what practical people they were, and Christian too. They thought that human nature was too weak and selfish to be trusted with power-- a belief that Christians call “original sin”, and so they constructed a system of government that kept power from being concentrated in the hands of a few-- a principle the Catholic Church calls “subsidiarity”.

The American system, established by the Constitution, has three main features.

First, it is a federal system, meaning that the states delegate only certain specified powers to the national government. All other governmental powers are retained by the people at the state or local levels.

Second, the national government is divided into three co-equal branches-- legislative, executive, and judicial-- each one sworn to uphold the Constitution, each one therefore checking and balancing the power of the others.

And third, government at all levels-- local, state and national-- is kept accountable to the people by means of free, fair, and regular elections.

The whole system is carefully designed to secure the rule of law and so to prevent tyranny. The people, through their representatives make the laws, no one is above the law, and there are processes to change the law, even the Constitution itself. But the rule of law only works if people follow the rules, which means they must be virtuous, self-disciplined enough to put equal justice for all and the common good above personal advantage.

The Constitution, in the Bill of Rights, also specifies some of the liberties of the people that government exists to protect-- for their own sake but also because these liberties help to maintain the rule of law. First among them are the free exercise of religion, and

freedom of speech, press, and assembly. It's pretty obvious how free speech and a free press act as checks on government power, but freedom of religion can be even more important. When people follow their consciences and answer first to God, tyrants tremble. Human rulers who want to play God have always tried to control the Church and to destroy the faith of the people, starting in kindergarten. Hard historical experience tells us that any government action that tries to coerce the conscience of the citizen has more in mind than simple health care or education.

The French Revolution broke out just a few years after the American, and is a striking contrast. Rather than being practical, the French revolutionaries were utopian in their thinking. They believed that man could be perfected, but only if the chains of the past were thrown off, not just the king but the Church as well. At one point the National Assembly actually voted to abolish Christianity! It is no accident at all that this grand ambition to dethrone God and remake human nature led to a reign of terror, which pioneered techniques of tyranny adopted later by both Nazis and Communists--

Press censorship, neighbor watch programs that sowed distrust among the people, persecution of the Church, arbitrary arrests and show trials, confiscation of property on mere accusation of wrong-doing, execution of political rivals, all carried out under a veneer of legality granted by a rubber-stamp assembly terrorized into submission.

The rule of law, embodied in our Constitution, protects us from such tyranny. But what if the law is unjust? For example, Americans of African descent lived under a reign of terror during slavery and Jim Crow. Well, that's when freedom of religion, free speech, and free elections can come to the rescue. Where the Church is free to inform the individual conscience, and where the individual is free to speak his or her mind, organize other citizens, and vote, the people can correct injustice.

One of many interesting examples from the struggle over slavery concerned a slave by the name of Dredd Scott. He sued for his freedom because he had lived in states where slavery was against the law. His case made its way to the Supreme Court, which, in 1857, ruled that he had no standing to sue because he was not a citizen, and could not be a citizen because of his race, and, anyway, he was someone else's property, and his owner could not be deprived of his property anywhere in the United States.

The Dredd Scott decision shocked people in the Free states because it usurped their Constitutional power to ban slavery within their own borders. Lots of furious free speech ensued. At the next election, 1860, Abraham Lincoln was made president. Being sworn to uphold the Constitution, and convinced that the Supreme Court had misinterpreted the Constitution, he ignored the Dredd Scott decision by treating African Americans as citizens, granting them passports and patents.

One wonders what Lincoln might have done with *Roe v. Wade* or *Obergefell v. Hodges*, two recent Supreme Court decisions that have usurped the power reserved to the states, in these cases to regulate abortion and marriage.

Lincoln set an interesting precedent for the interaction among the branches of government, but even if no one in government today wants to challenge the Court that directly, still the Constitution provides other options. Congress can restrict the jurisdiction of the Court so that it cannot hear certain kinds of cases, the President nominates and the Senate confirms new members of the Court, the President can even increase the number of justices on the Court since the Constitution does not specify how many there shall be, and we the people can always amend the Constitution, as the 13th and 14th amendments were adopted after the Civil War to overturn *Dredd Scott*.

Since there are these means available to correct abuses of governmental power, the United States Constitution, and the republic which it legally establishes, still deserve the support of Christian believers. In fact, it may not be too much of a stretch to summarize this 4th of July civics sermon by saying that

If you love the Lord, stand by the Constitution,
For it guarantees our right to live as our Lord commands us,
And if you love the Constitution, stand by the Lord,
For His grace enables us to be the kind of virtuous people without which no
republic is
Possible.