



Principle Approach® Education

WARREN BURGER AND THE CHRISTIAN HISTORY OF THE UNITED STATES CONSTITUTION

by Charles Hull Wolfe, PH.D.

Early in 1986, while I was living and working at a Christian conference center tucked away in a lush wooded area of Pacific Palisades, California, right at the foot of the Santa Monica mountains, I received a call from Washington, D.C., from the office charged with the celebration of the Bicentennial of the United States Constitution.

The caller identified himself as Dr. Mark Cannon, the executive director of the U.S. Bicentennial Commission, and assistant to Warren Burger, the distinguished former Chief Justice of the U.S. Supreme Court, who had resigned in order to head that project, educating about the basic charter that established America as a federal republic, committed to liberty under law.

From the tone of Dr. Cannon's opening remarks, it was plain that the instructive program would minimize the role of participants deemed "extremists," such as radicals who believe the Constitution should be radically revised in a socialist direction, or conservatives who maintain that the Constitution's provisions precisely defining and limiting the role of the national government have long been misinterpreted or ignored.

Yet Mark Cannon did propose what in today's secularized world could be called a controversial idea, that strong emphasis be given to the *religious* origins of our national charter! Dr. Cannon explained that both he and the former Chief Justice admired the work of Verna M. Hall, compiler of *The Christian History of the Constitution*, and of the book she had written with Rosalie J. Slater, *The Bible and the Constitution*.

In turn, Dr. Cannon added that he'd been told that I not only was acquainted with these volumes, and the Foundation for American Christian Education, but was known to these scholarly women, had lectured with them at seminars about America's Christian history, and that earlier I had had a career as a creative director in commercial and public service advertising, both on Madison Avenue and in Hollywood.

TEACHING THE CONSTITUTION'S CHRISTIAN HERITAGE

Because of this unique dual background, Dr. Cannon told me that Warren Burger was inviting me to take on the task of creating an urgently needed national educational mass communication campaign, to



teach the American people about the Constitution's history, its Judeo-Christian roots, why they should get to know their country's basic charter better, how it has been violated, and become more actively engaged in seeing that it is properly upheld.

As things developed, what began as a quiet professional relationship conducted by phone and mail primarily with Mark Cannon, ultimately became a surprising and intense face-to-face encounter with the former United States Chief Justice Warren Burger—as striking in person as in photos, with his handsomely strong features and thick white mane of hair—and taught me how deep an understanding of America's Christian heritage exists in unexpected places, how powerfully organized are secular forces determined to hide the religious origins of our Constitution, and obscure the Christian culture needed to sustain a free society.

But to begin at the beginning, I was delighted to receive this unexpected invitation. My proposal, which Warren Burger and Mark Cannon promptly accepted, called for a combination of brief thirty-second public service announcements (to be offered to all the nation's radio and television stations, and run in free time) in which celebrated ministers (whom I proposed to assist with their writing, if necessary) would affirm the fact that our Constitution had deep historic roots in the Judeo-Christian Law and the Gospel—and a series of 5½" x 8½" church bulletin inserts (to be offered free to any and all U.S. churches that wanted them) developing in more detail the specific Christian principles undergirding the Constitution.

These precepts, as I understood them (and explained in my proposal) began with such convictions as the sovereignty of God (not of the church or state); the authority of the Bible (above and beyond any Greek, Roman, British, or American philosopher); the rights and duties of men as created by God; the necessity of disciplined freedom, of liberty under law (in agreement with the law of God, to reflect in some degree the divine order, in contrast to the chaos of "freedom run wild"); and the importance of individual and local Christian self-government, and voluntary political union, to build a peaceful, enduringly coherent nation—without overbearing, over-centralized national government.

LEARNING THE HISTORY OF CONSTITUTIONALISM

In my early communiques with the Bicentennial Committee, I also emphasized the Founding Fathers' belief in the need for men to learn from the lessons God had taught men in the pages of history, diligently studied and honestly interpreted, garnered from review of past attempts to build an orderly, free society—as seen in the framing of the unsuccessful first U.S. Constitution, The Articles of Confederation, begun in 1776, as well as early experiences of America's Christian colonists in forming righteous governments, such as Jamestown's representative assembly in 1619 and the Pilgrims' Mayflower Compact in 1620, and going all the way back to the ancient English achievement of 1215 in devising and then maintaining the Magna Carta, despite the opposition of both monarchy and papacy (based on the clearly implied presupposition that neither king nor pope—only God—is the ultimate Sovereign).

More specifically, I proposed to Messrs. Burger and Cannon that our campaign should emphasize the American Founders' belief in the Biblical principle of covenanting (traced to Noah and Abraham),



and especially, of framing *written* covenants (traced back to Moses and the Decalogue), and more recently and most specifically, the Anglo-American heritage of transmuting written *church* covenants into civil compacts, which in turn provide the form and Christian philosophical premises underlying formal American constitutions.

We see this, for example, in the fact that Biblical principles and concepts of government expressed in colonial sermons and covenants were embodied in the Declaration of Independence, with its insistence that God, the Creator and Governor of man, gives man both certain rights, which the English monarch had repeatedly violated, and certain responsibilities, which obliged America's Founding Fathers both to declare independence and then to frame a suitable written constitution for the new nation.

THE FIRST AMERICAN CONSTITUTION

This sequence, as I reminded Messrs. Burger and Cannon, is best known as originating in the experience of the Puritans under Rev. Thomas Hooker, who led his covenanted church members on a trek from Boston to Hartford in 1636, and preached an instructive sermon on the Biblical principles of ecclesiastical and civil covenanting in 1638, which ultimated in what is commonly called "the first American constitution," the Fundamental Orders of Connecticut, framed by an assembly of Hartford citizens in 1639.

As we now know this kind of historical sequence can be found even earlier, beginning with the Pilgrims' 1606 church covenant (framed in their home town of Scrooby, when they separated from the Church of England), which was transmuted into the Mayflower Compact of 1620 (framed and signed while the Pilgrims were still aboard their ship, to govern them from the moment they stepped ashore), which in turn became the preamble to the more specific and detailed *Laws of the Pilgrims* framed in 1636, a charter which no less a scholar than Professor Donald S. Lutz in *The Origins of American Constitutionalism*, properly calls "the first modern constitution"—i.e., one that preceded the Fundamental Orders of Connecticut.

Happily, Messrs. Burger, Cannon and their fellow members of the Bicentennial Committee accepted my recommendation that such historic truths needed to be communicated, and celebrated clergymen agreed to be featured in the television announcements, and in greater depth and detail, in the series of two-sided 5½" x 8½" church bulletin inserts.

But while I suggested historic topics that each of the ministers might cover, and recommended scholarly volumes that all might refer to in developing their scripts, all but one told me either that they lacked the time to do the needed research, or that they simply lacked the academic background in the Christian history of the Constitution.

The one exception who needed little writing assistance from me or anyone else was the erudite Dr. D. James Kennedy, the Senior Minister of Coral Ridge Presbyterian Church in Fort Lauderdale, Florida, who had long studied this subject, owned his own copies of Miss Hall's and Miss Slater's volumes, as well as an unpublished book-length manuscript which I had drafted on the evidences of Biblical influence in developing Anglo-American constitutionalism. (This document traced English constitution-making as



far back as the ninth century, when King Alfred wrote the preamble to the Laws of England specifying that no law would be valid unless it conformed to the Ten Commandments and Jesus' "Golden Rule," and found the roots of British constitutions growing as early as the fifth century, when the English missionary Patrick introduced the Decalogue as the civil law in parts of Ireland where he had started Christian churches after converting entire communities and their chieftains to faith in Christ as their Lord and Saviour.)

But even though Jim Kennedy was knowledgeable and confident enough to write his own TV announcement and church bulletin essay (which he expanded into a splendid full-length sermon, *The Bible and the Constitution*), he was modest enough to encourage me to edit his draft, even to add to or delete. Here is how Dr. Kennedy's church bulletin insert read when published at the end of 1987. On one side, above a photo of his smiling face was the pre-head that ran above all illustrations in the series: *The Constitution's Bicentennial: A Christian Perspective*. Beneath his face was the headline:

THE REAL REASON WHY THEY RATIFIED THE CONSTITUTION

BY DR. D. JAMES KENNEDY

Two hundred years ago, as the year 1788 began, only three states had ratified the Constitution, and opponents argued that under that charter "the operation of the government will be oppressive," i.e., it will overly restrict the American people's legitimate freedom.

Friends of the Constitution maintained that it gave the general government only enough power to restrain the destructive actions of fallen men, but not take away enough to take from the states or individuals their God-given liberty.

But the real reason why all thirteen states finally ratified the Constitution was this: the American people believed it had been framed by Christian men who truly understood and applied Biblical principles of government, and put the nation's well-being ahead of their own.

Research into the lives of the Constitution's 55 framers shows that at least 50 of the 55 framers were practising Christians. Research also shows that they applied an array of Scriptural principles: government by law, equality before the law, inalienable rights, a commitment to individual liberty, to honest money, and to Christ as the only King.

No wonder President John Quincy Adams said: "The highest glory of the American Revolution was this: it connected, in one indissoluble bond, the principles of civil government with the principles of Christianity." And no wonder the Supreme Court declared in 1892: "Our laws and institutions must necessarily be based upon the teachings of the Redeemer of mankind."



On the other side of this church bulletin insert was the main text under this heading:

SEVEN BIBLICAL PRINCIPLES OF THE U.S. CONSTITUTION

BY DR. D. JAMES KENNEDY

Just two centuries ago, at the start of 1788, only Delaware, Pennsylvania and New Jersey had approved the Constitution. Several large states, especially New York and Virginia, were fiercely opposed. So were some prominent leaders, including Patrick Henry and James Monroe. But by June 21, 1788, the requisite nine states had ratified. Why was the charter approved? Because the American people knew Biblical principles of government, and they found them expressed in the Constitution.

1. The Constitution is based on government by law and not by men—on the idea that both the citizens and the public officials who represent them must be governed by a fundamental law in keeping with the law of God. James Madison, a chief Framer of the Constitution, said, “We have staked the whole future of American civilization, not upon the power of government, but upon the capacity of each and all of us to govern ourselves according to the Ten Commandments.”
2. The Constitution is based on equality under law. The Bible says, “God is no respecter of Persons.” (Acts 10:34) The Declaration of Independence expresses this truth when it says that God is the Creator, and “all men are created equal.” It took another 100 years before that principle was fully manifested, but it was established in the Constitution.
3. The Constitution is based on the Declaration’s assertion that all men are “endowed by their Creator with certain inalienable rights.” Where were these rights first expressed? In the The Ten Commandments. The right of private property is guaranteed in the Command, “Thou shalt not steal.” The sanctity of life and our right to life is guaranteed in the Command, “Thou shalt not kill.”
4. The Constitution is committed to the protection of individual liberty. As Christians, the Framers believed that “where the Spirit of the Lord is, there is liberty.” (II Cor. 3:17) Our charter guarantees a degree of liberty, in every aspect of our lives, never before seen anywhere else in the world—and it came from the Word of God!
5. The Constitution rests on the Founders’ understanding that man is sinful. Jeremiah said, “The heart is deceitful above all things and desperately wicked: who can know it?” (Jer. 17:9) The Christian truth that men are sinful, and hence abuse political power, led to the Constitution’s division of powers—so excessive power would not be put in the hands of any one or few men. How were these powers to be divided? The Founders knew that Isaiah 33:2 said, “For the Lord is our judge, the Lord is our lawgiver, the



Lord is our king”; and they divided the functions of government in just this way—into judicial, legislative, and executive branches.

6. The Constitution is based on the conviction that an hereditary monarchy is not a truly Christian form of civil government. The Framers held that no man is entitled to be a monarch, that only Christ is King. One of the slogans of the American Revolution was “No King but King Jesus!” When Samuel Adams signed the Declaration of Independence, he said, “We have this day restored the Sovereign to whom all men ought to be obedient; and from the rising to the setting of the sun, let His Kingdom come!” They had deposed the sovereign King George III and restored Jesus to His proper throne.
7. The Constitution is committed to honest money. The Founders knew that the Old Testament warned against “making the ephah small, and the shekel great, and falsifying the balances by deceit.” (Amos 8:5) To prevent making the shekel great—inflating the money, and thus using deceit in finances—the Constitution gave Congress no power to create paper money but only to “coin money” out of gold and silver.

At the bottom of the church bulletin insert, Coral Ridge Ministries offered to send Dr. Kennedy’s complete message, *The Bible and the Constitution*, for those who requested it.

Because celebrated ministers who could write their own messages on the Constitution’s Christian heritage were in short supply, and I was hesitant to stoop to outright ghost-writing, I also turned to knowledgeable friends, such as James B. Rose, an early protégé of Verna Hall, and the president of the American Christian History Institute:

BEYOND A DOUBT, THE CONSTITUTION HAS BIBLICAL ROOTS

BY JAMES B. ROSE

In 1787, no country in the world had a written constitution, yet Americans acted as if this were an established tradition, and took it for granted that their new nation must have such a charter. Why? Historian Clarence B. Carson says, “Americans were, above all, a people of the book—the written word—the Bible. There was the Puritan idea, too, of the covenant, an agreement between man and man and between man and God;” and that idea can be traced all the way back to the covenanting pattern of Noah, Abraham, and Moses.

As we review the Constitution’s Preamble, we find that each of the objectives the Framers sought to accomplish—such as forming “a more perfect union” and securing “the blessings of Liberty”—coincides with Scriptural purposes of righteous civil government. Examining the body of the Constitution, we see illustrated key Biblical principles: that government, like its citizens, is bound by fundamental law; that the powers of civil government must



be precisely defined and strictly limited; that the Sovereign God delegates governmental powers to the self-governing freeman, who in turn delegates specified powers to civil government.

The first three Articles are devoted to the three functions of government—legislative, executive, and judicial. The Framers found these powers in God and revealed in the Bible. “For the Lord is our Judge, the Lord is our Law-giver, the Lord is our king . . .” (Isa. 33:22) The Framers knew that because God is perfect, all three powers are safe in His hands; but because men are fallen, in civil government such powers must be separated.

The first Article expresses the Biblical principle of representation, emphasized by Calvin and other leaders of the Protestant Reformation. Rev. Thomas Hooker concluded from Deuteronomy 1:13, “Take you wise men, and understanding, and known among your tribes, and I will make them rulers over you,” the merit of representation, which was incorporated in what is commonly called America’s first constitution, the Fundamental Orders of Connecticut, framed in 1639.

The Constitution called for a new conception of political union: a dual form of government in which political sovereignty was carefully divided between two areas—the states and the nation. This unique form of union had its inspiration in Christ’s two commandments (Mat. 22: 36–49) and the two spheres of government it confirmed. Therein multitudes of individual self-governing Christians have only one sovereign Head who rules according to one infallible Word. In the same spirit, American Federalism is based upon two spheres of “sovereignty” that acknowledge self-governing homes, churches, communities, and sovereign states in one national union under one “supreme law of the land,” the United States Constitution.

A MOST SURPRISING DEVELOPMENT

Up to now, the one most surprising features of this true story was former Chief Justice Warren Burger’s boldness—despite a highly secular legal culture that seeks to obscure the religious origins of American law, freedom, and justice—in deciding to make the Christian roots of the Constitution a significant part of the nation’s Bicentennial. But a bigger surprise was about to come. At the last moment, after the educational public service TV announcements had been produced and church bulletin inserts printed, and were awaiting national distribution, “the Chief” (as his staff all called him, in recognition of his title as former head of the Supreme Court), had a change of heart, as it turned out, a sudden apprehension.

“Out of the blue,” without a hint of warning, I received a most surprising phone call from his assistant, Mark Cannon, telling me the series had been canceled, and would not be shipped out to the churches and TV stations. Mr. Cannon said the directive came directly from Warren Burger, and the “Chief” insisted his reason be kept strictly confidential, even from me—that I had done an excellent job, and they were terribly sorry but that was all he could say.



Not satisfied with such evasion, I strongly requested a personal meeting to discuss the matter further. A few weeks later I was in Washington, in a prolonged and cordial meeting with Mark Cannon. He told me that he, too, was a believer, that both he and “the Chief” knew that the Constitution had Biblical roots, and that the TV spots and church bulletin inserts were splendid; but he revealed no more about the reason for the cancellation than he had on the phone. Instead he shifted the conversation to me, my own life experience, and in response I began to tell him how I had learned about the Christian history of the country in general and the Constitution in particular, why I had come to believe it was so imperative, for American renewal, that this nation’s Scriptural origins and principles be no longer concealed, but be much more widely known and understood, and taught in our schools and colleges and churches.

WARREN BURGER’S UNEXPECTED ENTRANCE

Finally Mark Cannon broke into my narrative, exclaiming, “I only wish the Chief had heard everything you’ve said! He’d find it fascinating. After all, he’s really involved in this, he’s studied it all himself, *he’s the one who wanted this educational campaign!* But he was just too busy to join our meeting!” At that very moment, Warren Burger walked briskly into the office, intent on visiting his subordinate, and not noticing me.

“Chief,” the younger man said, “I want you to meet the man who created our Christian history of the Constitution campaign! This is Charles Wolfe!” The former Chief Justice instantly turned my way, smiled warmly, put aside whatever he had come to discuss with Mr. Cannon, asked me to sit down, took a chair right across from mine, and invited me to tell him how I had become so engrossed in the Christian history of the Constitution.

Some fifteen minutes later, after I had told the tale of my Marxist professor father, his association with Franklin Roosevelt and the semi-socialist New Deal, FDR’s unconstitutional legislative initiatives, how I first met Verna Hall, and my view of the importance not only of the Framers’ knowledge of Biblical principles but of Ben Franklin’s plea for prayer in the Constitutional Convention, suddenly Warren Burger broke in with the eager question, “Are you familiar with the providential view of history?”

I assured him I was, and he began to tell me the story of how George Washington and James Madison, in the course of the long, hot summer of 1787 after the members of the Constitutional Convention had continued, it seemed endlessly, to engage in apparently unresolvable debates, both men—as they later wrote to friends—came to regret ever having become a part of such a fruitless and embarrassing undertaking.

“But,” said the former Chief Justice, as I recall his remarks, “everything changed after Franklin’s request for prayer. Both Washington and Madison reported that members of the Convention felt a new humility, a new openness, a new respect for one another, a greater willingness to work together. It was the turning point in the Convention,” Mr. Burger assured me, “nothing less than the Providence of God touching men’s hearts and changing human history!”



WHY BURGER CANCELLED THE CAMPAIGN

I was impressed by his spiritual perception, agreed with his interpretation, and felt impelled to bluntly say, “Chief, it’s obvious that you look at life and the Constitution through a Christian lens. Why did you cancel our Christian heritage of the Constitution campaign?”

“I really didn’t want to discuss this,” he replied, “but you deserve to know.” He confided that one day, just before they were to release everything to the churches and stations, it suddenly occurred to him that all these messages, true as they were, would greatly rile both the *People for the American Way* and the *American Civil Liberties Union*, and that they would make every effort to take him, the former Chief Justice, before the Supreme Court, on the grounds that the Bicentennial Commission, in distributing the messages I had created and he had approved, was violating the so-called separation of church and state, and must cease and desist in distributing these messages about the Christian history of the Constitution! “Of course,” he added, “they would have been totally wrong, but who knows how the Court would have decided? I just didn’t want to get into such a fight in the midst of the Bicentennial!”

I could have argued that since our messages were factual and well documented, and in distributing them we were acting according to a sound interpretation of the Constitution, which contained no provision to keep anyone from publicly acknowledging the religious origins of that charter, that had there been the Supreme Court case he anticipated, it would have been instructive to the public, and not harmful to us or the Bicentennial—even if we had lost! But I could see that Warren Burger simply had no taste for such a conflict.

Instead, he apologized to me profusely, and wished me well, hoping I would find the funds to distribute the campaign privately, and leaving me all the more convinced that we who believe in a Christian free society cannot count on our government, either on Washington or local officials, or on local public schools or state colleges, to educate Americans about this country’s Christian heritage and the Biblical principles behind our Constitution, and the need to renew our understanding and practice of these precepts.

Instead, we must boldly, with confidence in a mighty and benign divine Providence, a totally good and powerful God Who wants to see America restored, go forth as private citizens, as parents, writers, speakers, preachers, and educators, in our homes, schools, colleges, and churches—in articles and books, in newspapers and magazines, on radio, television, and the internet, and wherever truth is welcome—to preach the Gospel of Jesus Christ, and teach the Christian history, Biblical principles, and moral character that can make our government once again truly constitutional—and with God’s heavenly blessing, make our people righteous, orderly, and free.