

# COMMENTARY



## We the People

By David Adler, The Alturas Institute

### We Cannot Trust Parchment Barriers Against the Encroaching Spirit of Power

The ongoing efforts of federal judges to contain President Donald Trump’s usurpation of congressional authority reflects an enduring theme: the fundamental conflict between power and law underlies the entire scope of political history. For as long as men and women have sought to shape and limit executive power through regulations and laws, the weakness of the cause has been repeatedly exposed. The conflict was brought into sharp relief on November 13, 1608, in a dramatic confrontation between King James I and Sir Edward Coke, Chief Justice of the King’s Bench and patron saint to America’s founders for championing constitutionalism and the rule of law.

On that day, Lord Coke asserted the supremacy of the law. King James I was offended by Coke’s contention and declared that because all judges were but “his shadows and ministers,” he could take any case he chose, remove it from the jurisdiction of the courts and decide it in his royal person. Lord Coke replied that “the King in his own person cannot adjudge any case,” and added that cases should be determined by courts of justice, “according to the law and custom of England.”

James I, according to Coke, “was greatly offended.” James said, “this means that I shall be under the law, which it is

treason to affirm.” Coke’s assertion of the supremacy of law was wholly inconsistent with the King’s pretensions to absolute power and James nearly banished Coke to the Tower of London, where he would have perished and would not have achieved the historical influence that he wielded in the minds of our nation’s founders.

The answer to the soaring claims of unbridled executive authority, delegates to the Constitutional Convention believed, lay in the enumeration of powers, fortified by the separation of powers and checks and balances. James Madison, in Federalist No. 48, recognized the vulnerability of this enterprise to constitutional corruption. Simply to provide in the Constitution that each branch should wield its own powers would be “to trust to parchment barriers against the encroaching spirit of power.” Reliance on officials’ adherence to written words—the text of the Constitution—would be inadequate as a means of restraining governmental agents from “overleaping their boundaries.” More was required. Checks and balances, constructed on the principle, as he pointed out in Federalist 51, that “ambition should counteract ambition,” implied that those in positions of power would jealously guard their constitutional turf and defend it from usurpation

by those in other branches. The interest of the man, Madison, explained, would fit the interest of the place, creating a symbiotic relationship that, in theory, would be strong enough to maintain the enumeration of powers.

The founders’ working assumption explains the willingness of the judiciary, thus far, to restrain President Trump’s acts of usurpation through issuance of temporary injunctions, for if judges acquiesced in his aim to be the chief interpreter of the laws and the Constitution, they would be complicit in the surrender of the rule of law and handmaiden to tyranny.

But this assumption seems not to apply to a feckless Congress that has acquiesced in the face of Trump’s aggrandizement of its chief constitutional powers—appropriations, lawmaking and appointments, among others. How to explain this abdication of powers and duties among members of Congress? Madison assumed that “ambition” meant ambition to excel, that is, achievement of success, significance, stature and legacy through exceptional policymaking and lawmaking, not ambition to make a career which, sadly, seems to be the preoccupation

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## A Country Kind of Faith

By Lucas Wagner

### The Spiritual Side of Food

For the past three years, our family has been blessed to be able to plant a garden. The weather this spring proved to be more challenging than anticipated with wild fluctuations in heat, cold, and wind, but things are finally starting to come along. By harvest time, we hope to have many good things including potatoes, onions, green beans, lettuce, carrots, tomatoes, peppers, cantaloupe, and watermelon.

Most of the credit for the success of the garden goes to my wife, but I have made a few contributions as well. It was my job to haul manure in from the farm, make sure we had a working faucet for water, and to plow everything with the IH 706 tractor and two-bottom plow. I know a 75-horsepower tractor might be a little overkill for garden preparation, but what can I say – you can take the boy off the farm, but you cannot take the farm out of the boy. I still think I have a lot more horsepower for my money than other folks who pay thousands of dollars for their cheaply built lawn tractors and zero-turn mowers! I happen to think my tractor is “highly practical,” don’t you?” The word practical is a word I use a lot, and I have noticed my family sometimes rolls their eyes when that word comes out of my mouth! I cannot blame them too much, and I know that even practicality can go too far at times!

I believe there are spiritual implications for everything we do in life, and that even gardening can be a spiritual activity. The Bible says that mankind was formed from the dust of the earth, so it is no surprise to me that activities involving scratching in the dirt can draw us closer to God. Unless we have gotten to the point where we have surpassed the knowledge and creative ability of God, we would

still do well to learn from Him by seeking out the natural, created order of things.

I sometimes struggle with eating healthy, but because I believe God wants us to be healthy, I try a little more each day to eat the things I think He would want me to eat. The garden helps a lot with that. Yes, gardening can help us to form godly habits in our lives. Last summer, most of my lunches at the farm consisted of things from the garden like cucumbers, tomatoes, peas, and beans. Because of “practicality” I could not stand to see the garden produce go to waste, so it forced me to eat more of it than I otherwise would have. See, isn’t practicality great?!

In my view, the more natural we can eat; the better off we will be. If we believe there is a God, there must be some level of arrogance that says we can improve upon the food that God has already given us. A lot of what we see in the processed food world is not for the benefit of people, but for the benefit of profits, in my opinion. Yes, I am a hypocrite, because there are a lot of processed foods I enjoy, but like all of us, I am working on it.

Another thing I have been trying to do is to get to where all of the beef we eat comes from our own cows. I wish that everyone had the ability to do this for themselves. I understand that sometimes it can be more “practical” just to buy meat from the store, especially if there are not many people in your household. I believe that God has allowed me to have cows, so I feel it is honoring to Him and better for my family if we eat what we already have. When I eat a burger, I feel better knowing I had a hand in working for my own food, and there is a spiritual dimension of it that draws me to God. Amen.

### Announcement from page 2

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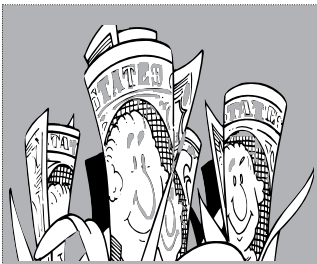
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