THE BIBLE AND THE CONSTITUTION: READING METHODS, RELEVANCE, AND AUTHORITY

By Gaylen P. Leverett

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Introduction

Politics and religion have united and/or divided people groups for as long as records have been kept. Currently most of the divisiveness tormenting America's potential for harmony is in these two fields. The debates have many fronts and factions. This paper is an attempt to bring some clarity to the debate between religious conservatives and progressives over how the Constitution should be read. Conservatives are so named because they wish to preserve older interpretations which they believe best represent the original decisions – decisions conservatives for the most part still endorse. Progressives, on the other hand, argue that our new times require new measures. Moderate Progressives want to keep the old values, but argue for new policies to apply those values to modern times. Radical Progressives want to replace even the old values with something more up to date. Conservatives use history to discover the intention of the "framers" which they believe is best seen in how the framers of those values applied the law in their own times. Moderate Progressives follow a more complicated hermeneutic which argues that the true values underlying the framer's decisions – when properly understood – must lead us now to different policies and practices. The radical Progressives are willing to start over with a new set of values.

Not all conservatives are part of the "Religious Right," but many are. Not all Progressives hold a strictly "secular" perspective on politics, but many do. In the debates between the religious conservatives and the progressive secularists unwarranted accusations surface from time to time. Secularists may look upon their religiously motivated opponents as unsophisticated rubes whose Constitutional literalism arises from the same mental shortcomings that lead them to read the Bible literally. The religious supporters of Constitutional "originalism" on the other hand may accuse the secular Progressives of clandestinely abandoning any fidelity to the Constitution as they replace its every line with "interpretations" which they know contradict the original intentions of the founders of our national government.

In reality, interpretive naiveté is not required for Constitutional originalists. Religious Conservatives often interpret the Bible with the same kind of subtlety they condemn when they see Progressives use it on the Constitution. Nor are all Progressives pledged to overturn the Constitution through clever "interpretations." Some Progressives even argue that the "framers" intended the Constitution to be interpreted progressively. A comparison of the ways both the Bible and the Constitution are interpreted by people on both sides of this fence should demonstrate that ignorant simplicity is not essential to Conservatism nor is a commitment to subvert the Constitution required to be a Progressive.

The Bible and the Constitution share many similarities. Understanding the various methods used for interpreting one can clarify the methods used for interpreting the other. The Constitution and the Bible are alike in at least five ways. They are both seen as **authoritative.** They are both old –

and may appear **archaic** today. Both documents were **accumulated** over time. The newer content necessarily invites new interpretations of the older portions. The Bible and Constitution each have what may be called **authorial complexity**. They each are composed of texts written at different times by different authors – and yet each is interpreted as a unified document. This leads to the fifth similarity. The reading communities of each document have **assimilated doctrines** from these documents which are now used as standards for answering new questions of application as they arise. Legal theorists and politicians who make constitutional arguments for law or policy often use the same kind of interpretive methods which have developed over centuries among Bible scholars and Christian ministers. The disagreements over Constitutional interpretations between the religious Conservatives and secular Progressives should not therefore be blamed on any inability of Bible believing people to follow the complex hermeneutics of the enlightened left. History demonstrates that Bible believing Conservatives are quite capable of complex hermeneutics. A clearer distinction between the two schools of thought has to do with their distinct definitions for the concepts of moral truth and political authority.

How the Bible and Constitution Are Similar

Both the Bible and the Constitution Are Accepted as Authoritative

The Bible's authority is easy to document for conservative Christians. There is ample historical evidence that Jesus accepted the everlasting validity of the Jewish Scriptures (the Old Testament, Matt 5:18), that he claimed a similar authority for his own words (Matt 24:35) and that he promised his most immediate followers the guidance of the Holy Spirit to lead them into further truth (John 16:12-13). This promise gives Jesus' sanction to the balance of the New Testament which Jesus' followers wrote. The Statement of Faith and Message of the Southern Baptists says that the Bible is "the supreme standard by which all human conduct, creeds, and religious opinions should be tried." This view of the Bible's authority is at least consistent with the official position of most Protestant denominations.

The political authority of the Constitution for Americans is also easy to document. Article 6 of the Constitution states that the Constitution is "the supreme Law of the Land" and that the "Judges in every State shall be bound thereby…."[1] Article 2 Section 1 binds each new president under an oath

[1] The fuller wording of this part of Article 6 of the Constitution reads, "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

to "preserve, protect, and defend" the Constitution.[2] Legislators, judges, and military personnel must swear similar oaths.

This recognition of the authority of the Bible and the Constitution, however, has produced neither unity in doctrine for Christians nor unity in politics for Americans. Interpretive disagreements persist.

Both the Bible and the Constitution Are Archaic in Wording and Theme

Sometimes interpretive differences arise because of the age of these documents. The Constitution is not nearly as ancient as the Bible, but sections of it, like the Bible were written so long ago that its words, themes, and the moral/legal/cultural context of its original phrases are currently unfamiliar – even to those who must enact its mandates and adjudicate its values. Take the currently debated Second Amendment as an example,

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

All of these words are in regular use today, but the meanings originally intended by these words is a matter of dispute. People today argue over what a "well regulated militia" was or should be today, and whether people who don't belong to one should have an equal private "right" to bear arms. People also argue over whether the freedom to "bear arms" available in 1789 (muskets, blades, pikes, and clubs), should incorporate modern freedoms to carry automatic rifles, bazookas, shoulder mounted anti-aricraft rocket launchers, or even suitcase bombs with chemical weapons. Does the Constitution give an absolute right to bear arms today, or should the right be limited to the original purpose in 1789 which promoted the right to bear arms in the first place? Even though the 2nd Amendment clearly states its purpose as "the security of a free state" interpreters still debate the relevance of the original policy then used to achieve that end – a "well regulated militia." Today, the definitions for both "arms" and "milita" have changed due to technological and political/military developments. Whose definitions should we use for these now ambiguous terms and how should law be faithful to this Amendment?

Both the Bible and the Constitution Are Accumulated Texts

We also have the challenge of reconciling the most recently added texts in the Bible and in the Constitution with what was written earlier. For example, should Bible readers recognize a current and national legitimacy of God's bibical promises for the Jewish people (as some Zionists do)? Or, should the earlier biblical promises to Abraham's descendants only be allegorically reapplied as completely fulfilled in Abraham's spiritual seed (as some non-Zionist Christian theologians suggest)? Difficulty over deciding how the new texts in the Bible should affect our reading of the

[2] "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States."

older texts is simply an unavoidable complication in the process of reading the Bible's accumulated text as a whole.

Perhaps the clearest parallel in Constitutional interpretation is the affect of the 14th Amendment of 1868 on modern readings of the Bill of Rights – the first ten Amendments written nearly 80 years earlier. Legal historians mostly agree that the 14th Amendment was written largely to guarantee to former slaves the same protections under federal and state law that all other citizens enjoy. This is why the 14th Amendment was so important in the efforts to abolish racial segregation and other "Jim Crow" laws. Observe Section 1 of the 14th Amendment:

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the **privileges or immunities of citizens of the United States**; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the **equal protection of the laws**. [boldface added]

The words given in boldface here have led some judges to reinterpret portions of the Bill of Rights. Arguments seem to be concentrated on the question of how to distill the "rights of citizens" believed to be assumed by the Bill of Rights from the "rights of the state governments" which the Bill of Rights was more directly written to establish. Because the 14th Amendment mentions "the privileges or immunities of citizens of the United States" and guarantees to them "equal protection of the laws" a trend developed within the judicial branch of government that began to emphasize the *federal* citizenship of Americans as opposed to their *state* citizenship. After the 14th Amendment, the Bill of Rights began to be seen less as a shield for state governments against the federal government and more as a shield for private individuals against attacks against their personal rights by both state and federal governments. This is most dramatically illustrated by evolution in the interpretation of the 1st Amendment. Originally, the 1st Amendment was written to allow states to govern religion to a degree that the federal government was forbidden to do. The opening word of the 1st Amendment specifies the federal "Congress" as the legal body bound by its prohibitions,

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof….[3] [boldface added]

[3] The full wording of the 1st Amendment is, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

When this amendment was adopted, many states still granted privileges to their citizens based on their religion.[4] The 1st Amendment was not a threat to this practice inasmuch as it only prohibited the federal government from regulating religion. However, with the 14th Amendment, the concept of the personally applied "privileges and immunities" of United States "citizens" began to grow. Attorneys and judges looked behind the "Bill of Rights" and discerned private rights for citizens which the original authors may have longed for but did not really enact with the Bill of Rights. In this way, the 1st Amendment began to be used in a novel way – to free any American citizen from religious regulation by the states. This new interpretation has now erected such a wall between religion and all government, that religious artwork has been forcibly removed from state government buildings and state schools have been forbidden to open the school day with a brief prayer.[5]

By a similar reinterpreting, a far reaching "right to privacy" has been distilled from the Bill of Rights. This "right" has become the basis for legalizing abortion on demand and same-sex marriage. According to this argument the "right to privacy" which excludes governmental powers over certain personal matters is implied by the rights which the Bill of Rights mentions or presupposes. These rights include freedom of religion (1st Amendment), the right to refuse one's home to house soldiers (3rd Amendment), the right against unreasonable searches (4th Amendment), the right to withhold personal information which may incriminate oneself (5th Amendment), and all the "other rights" mentioned but not specified in the 9th Amendment. In 1965, Justice William O. Douglas' officially reviewed the Supreme Court's decisions which recognized these rights and concluded,

"The foregoing cases suggest that specific guarantees in the Bill of Rights have **penumbras**, formed by **emanations** from those guarantees that help give them life and substance."[6] [boldface added]

Justice O'Douglas could have used clearer metaphors for his point than "penumbras" and "emanations." Penumbras are the ill-defined edges of shadows caused in eclipses. Emanations are

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[4] In 1789, eleven states banned non-Christians from public office. Four banned Catholics from public office. Three states supported established churches with taxes into the next century. New Hampshire, Connecticut, and Massachusetts stopped this practice in 1817, 1818, and 1833 respectively. Thomas C. Berg, *The State and Religion in a Nutshell*, 2nd ed. (St. Paul: Thomson/West, 2004). Maryland refused to allow atheists to serve as notaries republic until the Supreme Court ruled against the practice in Torcaso v Watkins (1961).

[5] Engel v. Vitale 370 U.S. 421 (1962). In fact, schools have been forbidden to establish even a moment of silence "for meditation or voluntary prayer" if it appears that the schools are promoting prayer as an option. Wallace v. Jaffree 472 U.S. 38, 40 (1985).

[6] Justice William O. Doublas in Griswald v Connecticut (1965).

the gases emitted from a radioactive substance. What O'Douglas was saying was this, "Supreme Court decisions have recognized that the private rights presupposed by the Bill of Rights have ill-defined parameters (or "penumbras") because these rights imply (or emanate) further rights than what they specifically mention." The current debate over the "right to privacy" is a debate over whether this "right" is necessary for the protection of the more explicitly listed rights and over how far the "right to privacy" excludes all government's jurisdiction in personal matters. Originalists tend to recognize only the rights specifically mentioned in the Constitution, while Progressives frequently discern other rights emanating from the Bill of Rights which they can incorporate into the 14th Amendment's "rights and privileges."

Few legislators who voted for the 14th Amendment in 1868 could have guessed that this amendment written to grant equal rights to all those born in America would be used one day to take away the right to be born in America by removing from government's jurisdiction the broad protection of human fetal life. Progressives should understand the alarm which Conservatives feel on this point even if Progressives still think government has no right to tell mothers what to do with their unborn babies' bodies.

Both the Bible and the Constitution Have Authorial Complexity

A third challenge has to do with the complex authorship of the Bible and the Constitution. Even if both Conservatives and Progressives could agree that the intention of the authors should be the norm for all interpretations, we would still be left with the burden to identify the relevant authors and their intentions for any one passage we wished to interpret. Both the Bible and the Constitution are the products of many authors. The Bible has dozens of authors. The congressionally produced Constitution has literally hundreds, even thousands.

Conservatives who believe that God inspired the Bible believe that God is the unifying Author Whose ultimate intention for any one biblical passage can be assumed to be consistent with every other passage of the Bible, even though God used many independent human authors to communicate the passages. This is a major presupposition of systematic biblical theology. The Bible's parts are read as consistent with the whole and vice versa. Still, theologians disagree over how to factor in the limited perspectives of the many human authors in the light of the absolute perspective of the divine Author which is expressed through the whole.[7]

Interpretaters of the Constitution must also face the challenge of its complex authorship. Since the Constitution has no broadly recognized claim to divine inspiration its interpreters must seek some

[7] For example, "dispensationalists," read the earth bound national promises to Israel as still relevant especially in the absence of other texts which explicitly nullify those promises. This affects their expectations for the literally fulfillment of biblical promises to the nation of Israel. Others, like the "covenant theologians," believe that the use of Israel's promises as emblems/types/allegories for better ones given to the international Christian church is a sufficient recognition of their current relevance. There is now no need to expect God to keep those promises to the nationally defined Jews because God is going to give better ones to His people which now is a much larger group than the Jews alone.

other unifying principle. Conservatives often cite the perspectives of the "founders" as that overarching and unifying principle. Even Progressives who want to see in the 1st Amendment a legal requirement for the "separation of church and state" will lean on the opinions of Thomas Jefferson who wrote a bill for religious freedom in Virginia or James Madison who drafted the 1st Amendment itself and wrote much elsewhere on religious liberty.[8] However historically and legally relevant the opinions of Jefferson and Madison are on this question their opinions are not exclusively authoritative here. Jefferson was not even part of the Congress that debated, edited, and enacted the 1st Amendment. Neither did Madison's draft of the 1st Amendment get through Congress without serious revision. The collective voice of the then current Congress is historically the original author of the 1st Amendment – as awkward as that fact may be to reckon with. If original intent is the goal, the then current Congress must be seen as the source of the most relevant intention that has a bearing on the 1st Amendment's legal meaning. Clearly that Congress did not intend to forbid itself from promoting religious actions or principles. On the same day that Congress enacted the 1st Amendment they also charged President Washington to proclaim a day of "public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God." This same Congress appointed chaplains to pray in their daily sessions, voted to pay chaplains for the military, and designated tax monies to educate and to proselytize Indian tribes.[9]

The importance of authorial intention, however, has its critics. In the middle of the last century some began to deny that an author's intention could be adequately discerned by readers and that - in any case - the meaning of texts should not be limited to the authors' intentions. [10] A condemnation of what was called the "intentional fallacy" became the basis for many new approaches in interpretation. These innovations were incorporated here and there even by some specialists in reading the Bible and in reading the Constitution. It is beyond the purpose of this brief essay to give a full accounting of the several methods of interpretation that arose to reject the "intentional fallacy." A brief word must do.

Some saw the "locus of meaning" not in the author's intention but in the text itself. Some sought meaning in the aesthetic or literary quality of the text. Structuralism compared each text to a standard narrative structure underlying all texts.[11] Still others believed that an existential encounter

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[8] Thomas Jefferson's "An Act for Establishing Religious Freedom" (1786) and James Madison's *Memorial and Remonstrance Against Religious Assessments* (1785) .

[9] Berg, *State and Religion*, 53.

[10] Among others, William A. Beardsley encouraged this shift in *Literary Criticism of the New Testament* (Philadelphia: Fortress, 1969).

[11] These are defined in Dan O. Via, Jr., "Editor's Forward" in Daniel Patte, *What Is Structural Exegesis*, New Testament Series, ed. Dan O. Via, Jr. (Philadelphia: Fortress, 1976), iii–iv, iv.

with the text is the best goal for reading.[12] With this move, the "locus of meaning" could be seen to be in the reader personally. Others expanded this "reader response" method to consider how texts have historically influenced the reading public at large.[13] Local or community readings were also promoted.[14] Alarmed by an apparent lack of objectivity in written communication, E.D. Hirsch attempted to call readers back to the author's intention with his 1967 book *Validity in Interpretation*. Hirsch argued that meanings are meant – that is, intended by the authors. Readers cannot validly say they have jurisdiction over the meaning of texts which they did not write. According to Hirsch's book, there is a clear distinction between the (author's) *meaning* of a text which is the proper goal of interpretation and the *significance* of a text which is the way readers use or apply that text and is one of the goals of criticism. [15] Conservatives appreciated Hirsch's effort here. Progressives appreciated him more when after decades of reflection Hirsch modified his original conviction and began to blur the distinction between meaning and significance, at least for texts like the Bible and the Constitution which are used as binding authorities on their subjects. And this brings us back to our main subject.

Hirsch's shift in interpretive theory was largely prompted as he reacted against the conservative interpretations of Robert Bork. Hirsch believed that the Constitution should be used to justify legal opinions which Bork believed the original intention of the authors of the Constitution did not endorse or even address. Hirsch received additional support from the biblical interpretations of Augustine of Hippo and from the legal opinions of Supreme Court Justice Thurgood Marshal. Augustine wrote that the interpretations of Moses are correct which put the truth in the best light. Allegory (even allegories unintended by Moses) was one of Augustine's methods for more clearly seeing truth in Moses' texts. Marshall wrote that the Constitution must be interpreted not according to the limited understanding of the people who wrote it but according to the "nature of the objects themselves." Both Augustine and Marshall believed that the good intentions of the authors of the Bible and Constitution would not have pointed these texts toward injustice or theological error when new circumstances would render their original intentions for those texts obsolete. Hirsch's current theory allows commentators to interpret biblical texts in the same way that Thurgood Marshall interpreted the Constitution, not according to the "original intent," but according to "the

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[12] Dan Otto Via, The Parables: Their Literary and Existential Dimension (Philadelphia: Fortress Press, 1967).

[13] "History of Influence," "history of reception," and "effective history" are three attempts to render into English Luz's German *Wirkungsgeschichte*. Ulrich Luz, "Wirkungsgeschichtliche Exegese: Ein programmatischer Arbeitsbericht mit Beispielen aus der Bergpredigtexegese." *BTZ* 2 (1985): 18–32; Ulrich Luz, "A Response to Emerson B. Powery," *JPT* 14 (1999): 19-26, here 19-20; Ulrich Luz, *Matthew in History: Interpretation, Influence and Effect* (Minneapolis: Fortress, 1994).

[14] These gained perspective from the broader literary work of Stanley Fish, *Is There a Text in this Class* (Harvard, 1980).

[15] E. D. Hirsch, Jr., *Validity in Interpretation* (New Haven: Yale, 1967).

nature of the objects themselves."[16] This method allows the Constitutional prohibition against "cruel and unusual punishments" which originally allowed public floggings to be used now to prohibit floggings even though that specific prohibition was not the original intention.[17] Since most people today would say that flogging is a "cruel and unusual punishment" we should prohibit it – even though flogging was not considered so cruel or unusual in 1789 when the Bill of Rights was first written.

Both the Bible and the Constitution Are Read in the Light of Assimilated Doctrines

Finally, a word must be said about the way interpretations once settled have a way of framing future interpretive questions. Well-crafted doctrinal statements stand in the Christian tradition as the corporate efforts of Christians to summarize the Bible's teaching on important doctrines. Some doctrines find explicit and concise support in key biblical texts. That God is the "Creator" is one such doctrine (Genesis 1:1). Other doctrines are assimilated from Bible passages which are not at first glance easily reconciled to each other. These doctrines are usually the product of deep thought, much discussion, and an effort to accommodate some differences of opinion which still divide the most exacting of scholars. The doctrine of the Trinity is such a doctrine. Once the wording for these doctrines, however, is generally adopted, the doctrines become guides and standards for future biblical interpretations. This process is very similar to the way that judges rely on the earlier decisions of their judicial predecessors – what legal theorists call "common law." At the level of the Supreme Court, the policies which the Court has synthetically assimilated from the Constitution are even called "doctrines." Of course, Justices do not all agree on these "doctrines" any more than all denominations accept the same exact definitions for each Christian doctrine. Constitutional doctrines are nevertheless cited in legal decisions as the guiding principles by which new applications of the law must be made. The aforementioned "right to bear arms," "freedom of religion," and the "right to privacy" are such doctrines, variously accepted or defined as they are.

Summary and Suggestion

The Bible and the Constitution have produced similar methods of interpretation because they have much in common. They are both accepted as **authoritative**. Both contain **archaic** expressions that can make interpretation difficult. Both are **accumulated texts** and have led the more recent readers of the fuller editions to read the earlier and shorter editions in ways that the original readers did

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[16] E. D. Hirsch, "Transhistorical Intentions and the Persistence of Allegory," New Literary History 25 (1994): 549–68.

[17] Thurgood Marshall made this case in Furman V. Georgia 408 U.S. 238 (1972).

not read them. Both have an **authorial complexity** which forces readers to ask which author's voice should be heard in this or that text. Readers also must ask whether or not the readers' own insights may be considered relevant as the readers draw inferences from passages which the original authors of those several passages did not as yet see (exa. the habit for Christians to see the "Trinity" in Old Testament passages). Finally, both documents have produced **assimilated doctrines** which guide readers in applying the Bible or the Constitution to new questions.

Since many religious Conservatives have for a long time been reading the Bible with a high level of subtlety, Progressives must not write them all off as unenlightened literalists whose archaic political opinions arise from an inability to grasp the finer points of Constitutional interpretation. Neither should Conservatives accuse all Progressives of attempting to undermine the founding document of our federal government. Only the more radical Progressives hope to subvert or replace the Constitution with something else. Most Progressives are seldom guilty of interpreting the Constitution with methods that are not already broadly used by the Religious Right when they interpret their Bibles – a book which Conservatives confessedly hold with much more esteem than either political faction holds the Constitution.

A more essential difference between religious Conservatives and secular Progressives has to with something other than their relative aptitudes for interpretive abstractions. A clearer distinction between the two schools of thought has to do with their distinct definitions for the concepts of moral truth and authority. Conservatives are so called because they tend to favor not only long standing values but also more of the policies that have historically been distilled from those values. It is true, however, that some Conservatives may so confuse the values with the policies that they think to change a policy is to challenge the value. Evidence of this can be seen when some extremists argue that the Constitutional "right to bear arms" should guarantee to citizens today the right to carry any modern weaponry no matter how disruptive to civil order such a guarantee could be. Moderate Progressives are so called because they hope to make progress by crafting new and better policies that apply the original values to changing times. Of course, radical Progressives believe the only way to make progress is by exchanging not only the policies but the very values themselves with something they think is better. This radical wing of the faction may very well attempt to subvert the intention of the Constitution with creative "interpretations" covertly designed to undermine the values once held by all the relevant voices that helped shape that law. The extremists in both factions may never find common ground, but there is hope for those closer to the middle. The first step to real progress in debate is the mapping out of common ground. That is the only foundation upon which both sides may build together. If the Constitution is still supposed to express the voice of "We the People of the United States" then we must get busy working together to ask and answer the following the questions:

"What are truly the values presupposed by the Constitution?
"Should we overturn any of these through new Amendments?
"What policies are enacted by the Constitution that need to be preserved?
"What policies enacted by the Constitution need to be replaced?

Thankfully, the Constitution gives to the people of the United States the ability (and it implies the responsibility) to rewrite portions of it from time to time as needed. This is how the Constitution has accumulated so many "Amendments." The authority (and voice) behind the Constitution was meant to be the collective voice of the people. Any smaller group acting against the will of the people usurps that role. When lawyers and judges use "interpretive" machinations to claim that the Constitution holds values and policies simply because the lawyers and judges hold them, they are usurping the role of the citizenry (and the honest ones among them know it even when they are not quite honest enough to admit it.) The Constitution allows for the will of the people to make changes as needed through their elected representatives and through national referenda. "Interpretations" do not change the meaning of the Constitution. The Constitution may very well need to be changed here or there – as it has been changed in time past – mostly for the good. If it still needs changing let the citizens be part of the conversation. If as Lincoln said, our federal government is supposed to be "of the people, by the people, and for the people," then let us start talking about it and let our voices be heard. All that is necessary for bad lawyers and judges to succeed is for good citizens to do nothing!