

Oath for members of Congress and Supreme Court Justices



With their hand on the Bible swear to support and defend the Constitution ...
“So help me God.”

Editors Note: In taking office, members of Congress, and Supreme Court Justices, swear an oath required under Article 6.3 of the Constitution. The current oath was enacted by Congress in 1862. Typically with their hand on the Bible, members swear an oath to uphold, and protect, the Constitution; which is the supreme law of the land. To exercise powers not stated in the document, or to pass laws repugnant, or in violation to the Constitution, is a crime, high crime, and at worst, treason against the United States of America. It is also a sin against God. Further, to pass any laws in violation of the commands of God [Old and New Testament] is considered an abomination in His eyes. It was a universally accepted belief by Founding Fathers that any laws in violation of the Commandments of God would eventually bring divine judgement for chastisement upon the country. Mechanisms exist under Article V to amend the Constitution, if it should become necessary. Daniel Webster stated, “Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions.” Chief Justice John Marshall wrote in *Marbury vs. Madison*, that “all laws which are repugnant to the Constitution are null and void.”

Under the Constitution, a brief description of the job that members of Congress swear to uphold, can be summarized as....

House of Representatives - Representing citizens of their perspective states, doing the people’s business. Submitting necessary legislation that does not violate the Constitution, or attempt to pass laws, that would infringe on a citizens Liberty of Conscience, or laws, that would force citizens to violate divine law [Old and New Testament].

Senate - Representing their perspective state, by preventing the Federal Government from usurping the responsibilities of the state defined in the Constitution, limiting the power and scope of the Federal Government. Preventing any legislation from House members (people’s choice), who may be less knowledgeable on law in stopping any bill that would be in violation of the Constitution, or compromise, citizens Liberty of Consciences.

Note: Up until 1913, U.S. Senators were appointed by their perspective state legislature. The intent

of the Founders was to have state legislatures choose among themselves, the best representative for an extended six year term to protect the rights of the state, and limit the size, and power, of the Federal Government. Also, if the people, not as knowledgeable on government, elected men into office as their representative who would make laws repugnant to the Constitution, the Senate could prevent those from becoming law. All changed with the enactment of 17th Amendment where Senate members are now elected by the citizens of their perspective state.

Noah Webster's 1828 Dictionary - CRIME: An act which violates a law, divine or human; an act which violates a rule of moral duty; an offense against the laws of right, prescribed by God or man, or against any rule of duty plainly implied in those laws. A crime may consist in omission or neglect, as well as in commission, or positive transgression. The commander of a fortress who suffers the enemy to take possession by neglect, is as really criminal, as one who voluntarily opens the gates without resistance. But in a more common and restricted sense, a crime denotes an offense, or violation of public law, of a deeper and more atrocious nature; a public wrong; or a violation of the commands of God, and the offenses against the laws made to preserve the public rights; as treason, murder, robbery, theft, arson, &c. The minor wrongs committed against individuals or private rights, are denominated trespasses, and the minor wrongs against public rights are called misdemeanors. Crimes and misdemeanors are punishable by indictment, information or public prosecution; trespasses or private injuries, at the suit of the individuals injured. But in many cases an act is considered both as a public offense and a trespass, and is punishable both by the public and the individual injured.

Noah Webster's 1828 Dictionary - TREASON: Treason is the highest crime of a civil nature of which a man can be guilty. Its signification is different in different countries. In general, it is the offense of attempting to overthrow the government of the state to which the offender owes allegiance, or of betraying the state into the hands of a foreign power. In monarchies, the killing of the king, or an attempt to take his life, is treason. In England, to imagine or compass the death of the king, or of the prince, or of the queen consort, or of the heir apparent of the crown, is high treason; as are many other offenses created by statute.

In the United States, treason is confined to the actual levying of war against the United States, or in adhering to their enemies, giving them aid and comfort.

Oath of office for members of Congress

"I do solemnly swear (or affirm) that **I will support and defend the Constitution** of the United States **against all enemies, foreign and domestic**; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: **So help me God.**"¹

Editors Note: Justices are appointed to the Supreme Court by the President with advice, and consent, of the Senate. It is the weakest branch of government. Congress determines the operation of the Judiciary, pay, and number of members, on the court. In the case of Constitutional law, or any question, relating to on what the Founding Fathers intended [original intent] for specific articles in the Constitution, Supreme Court Justices have access to the historical record of specific articles being debated for months at the Constitutional Convention. Justices also have access to the Founding Fathers, and early Supreme Court Justices (some were Founding Fathers) personal writings, and opinions, on the Constitution. The Judicial Branch does not make law, that ability is restricted to the Legislative

Branch of government.

Under the Constitution, a brief description of the job that Supreme Court Justices swear to uphold, can be summarized as....

Supreme Court - To hear cases involving Federal law, Constitutional law, equity, and crime, that makes its way through the courts system, and issue a non-binding option on the case.

“The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.”

— Alexander Hamilton (1755-1804) Lawyer, Secretary of the Treasury & Secretary of State, Federalist Paper #78

Oath of office for Supreme Court Justices

“I, _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as [TITLE] under **the Constitution** and laws of the United States. **So help me God.**”

Constitution of the United States : Article VI

3. The senators and representatives before-mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be



required as a qualification to any office or public trust under the United States.²

Editors Note: By tradition, all Supreme Court Justices from 1906 to present day, sign the Harlan bible after taking the oath of office. The Harlan bible was donated by Justice John Marshal Harlan in 1906.³

Endnotes:

1. Ben's Guide to US Government, The Oath of Office, <http://bensguide.gpo.gov/3-5/symbols/oaths.html>
2. Constitution of the United States, courtesy of The Avalon Project at Yale Law School, <http://www.yale.edu>
3. Retried Judges of America, High Court's Big Secrete, <http://retiredjudges.org/wordpress/archives/3>
Photo, courtesy of the Library of Congress, <http://lcweb2.loc.gov>

When a people lose their history they lose a part of who they are.
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