

Chapter 13

Amendments 3 & 4: Constitutional vs. Biblical Privacy

Amendment 3

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Amendment 4

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Home and Castle

Although perhaps not immediately apparent, Amendments 3 and 4 are already provided for by case law in Deuteronomy 24:

When thou dost lend thy brother any thing, thou shalt not go into his house to fetch his pledge. Thou shalt stand abroad [remain outside, NASB], and the man to whom thou dost lend shall bring out the pledge abroad unto thee. (Deuteronomy 24:10-11)¹

Even a man who has a lawful claim to another man's pledge is not permitted to trespass another man's home. In 1763, Sir William Pitt, Earl of Chatham, England, wrote what might be considered an applied commentary of Deuteronomy 24:10-11:

The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail – its roof may shake – the wind may blow through it – the storm may enter – the rain may enter – but the King of England cannot enter! – all his force dare not cross the threshold of the ruined tenement.²

Under constitutional law, the United States government is no longer obligated to honor its guarantee because it has appropriated *all* private property via property taxes and is consequently de facto owner of all property in America. (See [Chapter 14](#) “Amendment 5: Constitutional vs. Biblical Judicial Protection” and [Chapter 25](#) “Amendment 16: Graduated Income Tax vs. Flat Increase Tax” for additional information regarding the unbiblical property tax.)

In Time of War

Amendment 3 provides for the quartering of soldiers “in time of war” as “prescribed by [United States government] law,” whereas Yahweh's³ law makes no such provision. Under Yahweh's law, a man's home and property belong to him, not the government. He has final say over who may or may not enter. Homeowners (unless they are wanted fugitives) are protected from *all* uninvited visitors, even during war.

The Exception

In the eyes of Yahweh, personal privacy ends where criminal activity begins. For example, sexual infractions in the privacy of one's home are *not* exempt from intervention, prosecution, and the appropriate Biblical punishment:

If a man be found lying with a woman married to an husband, then they shall both of them die.... (Deuteronomy 22:22)

In Numbers 25:6-8, when Zimri (an Israelite) took Cozbi (a Midianite woman) into his tent and fornicated with her, Yahweh honored Phinehas for entering and killing them both. Many well-known "conservative" Christian leaders take a contrary position to this Seventh Commandment judgment, particularly as it pertains to homosexuality.

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End Notes

1. All Scripture is quoted from the King James Version, unless otherwise noted. Portions of Scripture have been omitted for brevity. If you have questions regarding any passage, please study the text to ensure it has been properly used.

2. Sir William Pitt, quoted in Clive Bigham, *The Prime Ministers of Britain, 1721-1921* (Whitefish, MT: Kessinger Publishing, 1924) p. 83.

3. YHWH (most often pronounced Yahweh) is the English transliteration of the Tetragrammaton, the principal Hebrew name of the God of the Bible. For a more thorough explanation concerning the sacred names of God, "[The Third Commandment](#)" may be read online, or the book *Thou shalt not take the name of YHWH thy God in vain* may be ordered from Bible Law vs. The United States Constitution, PO Box 248, Scottsbluff, Nebraska 69363, for a suggested \$4 donation.*

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