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# THE NATIONAL CENTER FOR LAW & POLICY

## Freedom Forum

*A Monthly E-publication of  
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**Far Reaching Ministries Provides Support for The National Center for Law & Policy As We Battle This Present Darkness.**

*"Silence in the face of evil is itself evil: God will not hold us guiltless. Not to speak is to speak. Not to act is to act."*

*Dietrich Bonhoeffer*

Although Wes Bentley and Dean Broyles had met before, their relationship rapidly progressed to a much deeper level on the mission field in Uganda Africa in 2010. Wes Bentley heads up Far Reaching Ministries (FRM), which oversees Christian missions in eleven countries. Dean was called to join a few dozen members of his church who came alongside FRM and its ministry in Africa that summer. Dean had no clue what God was about to do; but he was about to have his mind blown.

As Dean shared about the work National Center for Law & Policy was doing with pastors to protect marriage in California, Wes' heart was moved by the work our ministry was doing to protect religious freedom and keep the doors open for the Gospel on the home front. Amazingly, Wes told Dean that the Lord was leading him to raise money for NCLP. As you can imagine, Dean was stunned and nearly speechless. Now, more than two years later, Wes Bentley and his FRM team have been true to their word and have remain faithful to praying for us and actively raising support for the legal ministry of the National Center for Law & Policy.

"Being in ministry I have watched the political climate of our nation for many years. I use to think that persecution for believers in the United States would pass my generation and come in my son's generation," stated FRM President Wes Bentley.



Wes & Vicky Bentley

*"When you see evil coming and you do nothing, you are living the life of a coward. We are to strengthen what remains and fight for what is right. Dean Broyles is one of the few men that I see really standing against this tide of evil in our nation. For this reason Far Reaching Ministries is standing behind him and supporting his ministry."*

Wes Bentley, Far Reaching Ministries

"I no longer believe this, I believe that it will come in this generation. Sadly in Canada they have already arrested and put pastors in jail for speaking out against evil. I believe the Lord gives nations the leaders that will lead to their downfall when they have rejected His laws. Many believers do not understand that the people they are voting for are changing the laws against the people's will. And the result is that their votes are going to be used to persecute their pastors and the Church. We as God's people were never called to vote for the person that we thought could best provide economic stability in our nation, but we are supposed to vote for those who will stand up for God's church. When you see evil coming and you do nothing, you are living the life of a coward. We are to strengthen what remains and fight for what is right. Dean Broyles is one of the few men that I see really standing against this tide of evil in our nation. For this reason Far Reaching Ministries is standing behind him and supporting his ministry. My prayer is that you will support this ministry also."

"Wes and his staff have been an incredible encouragement to us," declared Dean Broyles. "Far Reaching Ministries' prayer covering and financial support has been part of the lifeblood that keeps our ministry alive and active. We are humbled and amazed that God has given us such favor and are not unaware of the fact that it is very unique to see two ministries works so cooperatively together in Christian unity."

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Dean Broyles

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*We especially need your support during the summer months so that we can continue to provide **free** legal defense to persecuted Christians.*

## **CLASS Act Effort to Block GLBT Indoctrination Fails: The Battle to Protect Children Continues.**

The coalition that promoted the Children Learning Accurate Social Science (CLASS) Act has fallen short of the more than 500,000 signatures needed to qualify the initiative for the 2014 ballot. After eliminating the signatures that the coalition believed might be challenged for inaccuracies during official counting, the coalition approximates that it obtained 466,000 signatures.

Kevin Snider, Chief Counsel to Pacific Justice Institute and the author of the wording for the CLASS Act noted, "Placing a measure on the ballot through grassroots efforts alone has not been done in California in recent memory. Although history was against us, our conscience compelled the coalition to fight this battle rather than doing nothing." Snider said, "This campaign was a struggle to protect the children of our State. While the failure to gather the necessary signatures may be a disappointment, giving up on the most vulnerable members of our society would be unforgivable."

NCLP president Dean Broyles, a member of the steering committee noted, "A lot of preparation, coordination, unity, strategy, money, and discipline are necessary to run an effective campaign in a hostile environment like California.



This is the rock on which I will put together my church . . . not even the gates of hell will be able to keep it out. Matt. 16:18

*"A lot of preparation, coordination, unity, strategy, money, and discipline are necessary to run an effective campaign in a hostile environment like California. Although it was a heroic effort, this failure highlights how difficult it is to gather the sufficient number of signatures with only a grass roots campaign."*

Although it was a heroic effort, this failure highlights how difficult it is to gather the sufficient number of signatures with only a grass roots campaign. You really need the help of paid signature gathers to get an initiative on the ballot in California, which, unfortunately, did not materialize in this case. We have also learned that not much can be done if the body of Christ and like minded allies are not working together in unity from the inception, like we did with the successful Proposition 8 effort. As Benjamin Franklin said at the signing of the Declaration of Independence, 'We must all hang together, or assuredly we shall all hang separately.' The battle is not over with this loss. We are going to do everything within our power to restore parental rights and religious freedom in California. However, as I previously cautioned when SB 48 first passed, I believe serious Christian parents need to carefully and prayerfully consider removing their children from public schools to escape the increasing GBLT indoctrination."

The CLASS Act coalition and supporters of CLASS Act were represented by a broad range of pro-family organizations, including Calvary Chapel Chino Hills, Faith and Public Policy, Capitol Resource Institute, Advocates for Faith and Freedom, Pacific Justice Institute, The National Center for Law & Policy, Traditional Values Coalition, Korean Gospel Broadcast Company, Organization for Justice and Equality, United Families International, Alliance Defense Fund,

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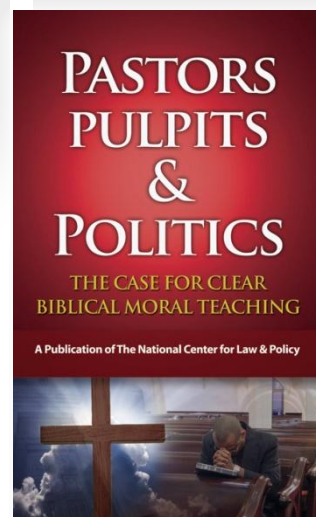


Family Research Council, and Concerned Women for America. The coalition is discussing other viable options to protect parental rights and religious freedom in light of the increased GLBT indoctrination California's public school children will suffer as a result of SB 48.



### **The Constitution & the Courts: John Roberts, What the Heck Did You Do?**

Whatever one's personal opinion is of the wisdom of Obamacare as public policy, the framers' wise establishment of a *limited federal government* suffered a significant blow by the Supreme Court of the United State (SCOTUS) on June 28. You see, distrusting the myriad of tyrannical abuses of unlimited centralized statist power, a then recent historical reality in Europe, our Founding Fathers apportioned only limited enumerated powers to the federal government. By contrast, more general governmental jurisdiction involving the health, safety, and welfare of the people, sometimes called the "police" power, was reserved by our constitutional framework, including the 10<sup>th</sup> Amendment, exclusively to the state governments and to "We the people." This is why, at least from a constitutional perspective of original intent, Romneycare may be legitimate on a state level and why the Affordable Care Act (ACA or Obamacare) is quite frankly unconstitutional, in spite of SCOTUS' ruling.



*"Were they alive today, one can only imagine the shock and outrage James Madison, Thomas Jefferson, and Benjamin Franklin would surely experience if they saw how, in spite of their best and most heroic*

Were they alive today, one can only imagine the shock and outrage James Madison, Thomas Jefferson, and Benjamin Franklin would surely experience if they saw how, in spite of their best and most heroic efforts, a morbidly obese federal government, aided and abetted by a willing U.S. Supreme Court, has gorged itself on repeated and growing flagrant usurpations of power since FDR's new deal bonanza, metastasizing into a powerful and nearly omnipotent beast. I submit that they would scarcely recognize our system of government today. Without question, the dramatic rise of the nearly unlimited power of the federal government over the past 80 years has resulted in the concurrent loss of the rights of sovereign states and the diminution of individual liberties.

The *good news* about the Roberts' decision, is that a majority of the court found that the ACA's individual mandate to purchase insurance or pay a penalty (or tax) to Uncle Sam was not constitutional under Congress' "usual suspect" for justifying its power grabs, namely the interstate commerce clause. "The Framers . . . gave Congress the power to regulate commerce, not to compel it," wrote Roberts. And most justices agreed with Roberts that Congress' regulation of interstate commerce "activity" did not justify the federal government forcing individuals who choose otherwise not to enter commerce ("non-activity") and engage in commerce by coercing uninsured citizens to purchase a product, specifically

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Chief Justice John Roberts Roberts.

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insurance. The other good news is that Roberts, joined by a majority of the justices, held that Congress did not have the authority to forcibly co-opt the states to accept the ACA's massive Medicare expansion, by threatening to take away all existing Medicare payments if the state does not comply with the new expansion.

The *very bad news* about Roberts' decision is that, for reasons that remain unclear, he virtually bent over backwards engaging in what I call "Supreme Court gymnastics" to, in an unprincipled manner, declare ACA's individual mandate not a "penalty" but a "tax" under Congress' broad taxing power, thus saving Obamacare. While the Supreme Court, as declared in *Marbury v. Madison*, has the final say to declare what is constitutional, it is wholly inappropriate for the court to act legislatively (*See* Art. I § 1). Yet that is precisely what Judge Roberts did. With many strokes of a pen he, joining four liberals on the court (Ruth Bader Ginsburg, Sonia Sotomayor, Stephen Breyer and Elena Kagan) in a 5-4 decision, legislated from the bench, declaring that the individual mandate that Congress unequivocally stated was a "penalty" was not actually a penalty, but was rather a "tax," constitutionally viable under its taxing and spending powers (*See* Art. I § 8). But the ACA itself repeatedly speaks in terms of a "requirement" to buy insurance; it says that individuals "shall" buy it, and it levies a "penalty" on those who refuse. As Thomas, Kennedy, Alito and Scalia,

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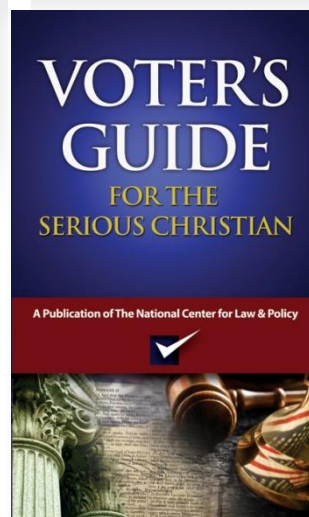
*. . . the ACA undermines religious freedom and freedom of conscience by coercing abortion coverage. Among other problems, the HHS's "preventive services" mandate forces religious employers who may have moral and religious objections, including hospitals and colleges, to cover sterilization, contraception and abortifacient drugs.*



who would have struck down the ACA in its entirety, point out in their dissent, these are the hallmarks of a "regulatory penalty, not a tax." The dissent also noted regarding Robert's creative legal fabrication: "[A]lthough this Court will often strain to construe legislation so as to save it against constitutional attack, it must not and will not carry this to the point of perverting the purpose of a statute . . ." or judicially rewriting it." . . ." Roberts, therefore, cannot be proud of his legacy in this case when he has so brazenly usurped Congress' authority and has acted legislatively, outside of his limited jurisdiction.

Although it is not insignificant that Roberts may have shut the door a bit on interstate commerce remaining an excuse for the unchecked growth in federal power in future cases, unfortunately it appears that he may have opened the "barn door" of taxation as another virtually limitless cover for continuous unbridled federal expansion. Why did he do it? Perhaps, as some speculate, Roberts did it because after controversial decisions like *Bush v. Gore* and *Citizen's United v. FEC* he was personally sensitive to the liberal criticism that an increasingly conservative SCOTUS was too "political" and he wanted to protect the integrity and legacy of the Supreme Court. But the fallout and justified criticism of Roberts' analysis indicate that, if this was his master plan, it has most definitely backfired. Polls show respect for SCOTUS has actually decreased. Ironically, by trying so hard to appear non-political, Roberts was perhaps too clever, tricking himself into acting politically rather than judicially. In that regard, it

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appears that Roberts may have accidentally broken a more sacred oath of fidelity to the U.S. Constitution.

So, what is the result? A rather mixed and confusing bag! The scant good news is that some vestiges of states' rights are preserved by the fact that Kathleen Sebelius cannot cutoff existing Medicare payments to states that opt out of the ACA's massive Medicare expansion. But the significant bad news is that although Congress cannot constitutionally coerce individuals to enter commerce (via the individual mandate) under its power to regulate interstate commerce, the majority decided that it is perfectly "constitutional" for Congress to coerce ACA compliance by accessing a "tax" on individuals who refuse to purchase insurance. Furthermore, as we have previously written, the ACA undermines religious freedom and freedom of conscience by coercing abortion coverage. Among other problems, the HHS's "preventive services" mandate forces religious employers who may have moral and religious objections, including hospitals and colleges, to cover sterilization, contraception and abortifacient drugs.

Practically speaking, unless we see big changes in the U.S. Congress and the White House this year, socialized medicine with all of its intended and unintended consequences, something our faltering economy and crumbling society can ill afford, is here to stay because the federal government, aided

and abetted by "conservative" Justice John Roberts, has just rather unconstitutionally seized control of approximately 20% of our economy. Here is the warning beyond the single issue of healthcare: putting aside its suspect justifications, if the federal government can do this, it can do virtually *anything*, including taking away our religious freedom—all in the name of "progress." I am quite sure that James, Thomas, and Ben would be rather disappointed and angry that federal power has grown into such an unrecognizable beast, while the rights of states and individuals have been diminished.

**The National Center for Law & Policy** is a non-profit 501(c)(3) legal defense organization dedicated to the protection and promotion of religious freedom, parental rights, and other civil liberties. The NCLP engages in constitutional litigation in state and federal courts and is also active in the areas of public policy and education.

For more information about The National Center For Law & Policy, please visit our website at [www.nclplaw.org](http://www.nclplaw.org)

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