



Broadcast Transcript

Broadcast: The Latest on Court Cases Impacting Our Religious Freedom – Part 2

Guest(s): Kelly Shackelford

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Dr. James Dobson: Welcome everyone to Family Talk. It's a ministry of the James Dobson Family Institute supported by listeners, just like you. I'm Dr. James Dobson and I'm thrilled that you've joined us.

Roger Marsh: Hello and thank you for joining us here on Dr. James Dobson's Family Talk. Today is November 30th. It's Giving Tuesday. Giving Tuesday is a global one day generosity event that unleashes the power of people and organizations to transform communities and mission fields. It is a cultural and social media phenomenon that has really grown throughout the year years. Here at the Dr. James Dobson Family Institute, we would love for you to consider making a financial contribution in support of our ministry today and through the generosity of special friends of our ministry we have a matching grant of \$75,000 in place. This means that the impact of your gift will be doubled when you make a donation to the JDFI, by the way to donate, you can go online to drjamesdobson.org or give us a call at (877) 732-6825. Make a donation of any amount today here on Giving Tuesday.

Now on today's broadcast, we'll be bringing you the conclusion of an update on religious freedom legal victories here in the United States. Our guest is Kelly Shackelford, Esq. Kelly is the President and CEO of First Liberty Institute. First Liberty is a unique organization as it is the largest legal firm in the US dedicated exclusively to protecting religious freedom for all Americans. On today's program, Kelly Shackelford will explain some of the strategies that First Liberty has executed over the past few years. So let's listen now to the second half of this important update right here on Dr. James Dobson's Family Talk.

Kelly Shackelford: Something started to happen about three to four years ago, and that is, I started to say in speeches, I think we might have a chance to change the future in this country on religious freedom. I'm watching some things and I changed that two years ago because I had to start saying we are changing the future. What happened? Well, it started, we're nonpartisan, whoever is in charge, we're going to advocate religious freedom. We don't care who they are. We're going to push for religious freedom. And so we were preparing for a Hillary Clinton presidency, and then we get this Trump guy that wins and we're like, okay, we have to reevaluate. What can we do most under this administration? And we

immediately saw 132 judicial seats open, and these are lifetime federal jobs. This is very unusual. You do not almost ever see this.

And we immediately felt, God, really pushing us to say, you need to focus on this. We thought this will have much greater impact than any one case we have on religious freedom. And so we literally built out a vetting division of all the federal judicial candidates, because we wanted to make sure that when they were picking judges, that every one of these people were committed to religious freedom and the result was unbelievable, 234 people in the court for life, really changing the future and there's no way for me to explain to you the depth of what this means, but I'll just show you a couple of quick examples.

I think I had a picture of guy being sworn in by somebody else. So, who's the guy with his hand up. Top of his class from law school, University of Texas Law School goes to work at one of the biggest law firms in the United States after seven years says, I'm ready to do something a little more significant. So he goes to work in the justice department as a federal prosecutor, putting away terrorists. He wins a national award for putting away terrorists. And then Eric Holder comes in as the Attorney General, pulls him off that work to work on LGBT issues. So he leaves, he says, this is not why I came here. Where did he go? He came to work for us. He was one of our attorneys. Okay, at 38 years old, he was picked to be a federal judge for the rest of his life. Okay, here's a guy who's brilliant, who's committed to the constitution who would rather saw off his arm than ever turn from the constitution or his faith, and he's going to be on the court for 40 years. Okay.

Our grandchildren's children are going to go before him, right? Well, who's the guy swearing him in, Jim Ho probably maybe one of the smartest lawyers and the country clerk for Justice Thomas, is now in the Federal Court of Appeal. I think will be on the US Supreme Court. His opinions are unbelievable that he's already leaving a trail of fire in every opinion; abortion, second amendment, religious, you name it. He turns away from no controversial issue and he says it is exactly like it is and like the constitution says and for that he's becoming very well known. I think he'll be on the Supreme Court. He was our most active volunteer attorney in the country before he became a judge.

See, I get to start talking about this. If you knew these people who were on the courts, everywhere, I mean, I talk about the ninth circuit, all these different places, you'd be blown away. You'd be so encouraged by what's happening and this is Supreme Court too. Justice Kavanaugh donated time with us as a young attorney on religious liberty cases, okay, this is going to change things and it is changing things. I've been doing religious freedom work for 32 years. There is a major case under both religion clauses that has caused great damage to religious freedom over the last 50 years. If you would've asked me five years ago, can you get rid of those cases? I would have said not in my lifetime. We can chip away.

I'm now watching both of those precedents being imploded. I didn't think it was possible. What do I mean? Under the Free Exercise Clause, Free Exercise Religion, there's a case called Smith that just basically neutered the free exercise clause. Most of us when we go into court on a religious freedom claim, have to argue free speech and say it's religious speech to get protection. That's ridiculous. Right? But that's where we've been.

We have the Coach Kennedy case. I think most of you seen Coach Kennedy the guy who was fired for going to a knee to say a prayer after the football game. Well, unfortunately for Coach Kennedy who lives in the ninth circuit, which is out of San Francisco and they said coaches are not allowed to pray in public if anyone can see them. So, we go to the Supreme Court and they say, look at, there are some more facts we want develop, but come back and then these four conservatives. This is before Barrett joined the court. So this is just before Amy Coney Barrett was on the court. They said, we really find this decision below disturbing we're ready when it comes back to really look at this. And they said, by the way, we noticed that the first claim to reach us here was a free speech claim, not a free exercise of religion claim.

Maybe that's because of the Smith decision, which has caused so much damage to religious freedom over the last 30 years. But we haven't been asked to review that decision yet, not subtle, right? So, they're saying we're about to open up the free exercise of religion, by the way, we've gone back down, we're now back at the Supreme Court with coach Kennedy, we've got even better facts. One of the Federal Court of Appeals Judges from the ninth circuit, but we had 11 descents that ruled with us said this is outrageous. The majority who wrote the decision, the judge ended his opinion by saying that his religion was that you shouldn't pray in public and then he criticized Coach Kennedy for not sharing his religion. So we were like, thank you for giving us an additional point of error to the Supreme Court. So this is going to be set up beautifully and it is at the Supreme Court right now.

But again, that's a Free Exercise Clause, Establishment Clause, "Congress will make no law respecting an establishment of religion." What does that mean? It means the founders didn't want us to have a nationally established church that we all had to support and then it would take away from religious freedom. 50 years ago, the Liberal Warren Court issued a ruling aptly named the Lemon case saying no, no, no. It means a lot more than a national church being set. It means separation of church and state. It means that if you're offended, you can bring lawsuits. You can't bring lawsuits because you're offended only if you are offended by religion. So, our whole lives, we've seen all these attacks on Nativity Scenes at Christmas, Ten Commandments, you name it right in public. Why? Because the founders would say, these are things that need to be, no, the founders would be appalled. This is because of the Lemon case.

So, we had the Bladensburg Cross case where we represented the American Legion and really mothers who lost their sons in world war I, that's why this was put up, this Memorial. It was put up on American Legion land, it's right outside

of DC they built roads around it so the government took over the land just for health and safety reasons, but they didn't want to disturb a memorial. And then the American humanists come along 20 years later and say, you can't have this Memorial, this cross on government land that violates the establishment clause in the Lemon case and so we went to the Federal Court of Appeals, one of the judges said in the court of appeals, why don't we just cut the arms off the cross? That way nobody'll be offended and we won't have to tear it down. They ruled two to one this cross after a hundred years was unconstitutional. So we went to the Supreme Court and we said we could just try to preserve this cross. But we looked and we saw Kavanaugh on the court, Gorsuch on the court.

We said, I think we might can try to overturn Lemon after 50 years. So that's what we advocated at the Supreme Court. We won the case 7-2, that cross is still up and is not coming down, which is good news. But even more importantly, 5-4, the justices says we are not following women. So what just happened? And most people don't understand this. For 50 years we've gone in this hostility to religion direction. We just turned, okay. Now the presumption in the law is that all religious displays, all religious in public are presumed constitutional, not the opposite. The hostility is over. The positive is now, we've got to build that out, but we totally just did a 180. And that is huge for the history of our country. I think it's going to create a whole atmosphere that's more open to faith and religion.

So, if you look at what's happening, we're just at the beginning, this is because when you put judges on the court who look to the words of the constitution, they start to take you back. Not the crazy old opinions by liberals, but to what the founders said and what they did. And we're just at the beginning of that. So I'm going to say something that you might find surprising, but I totally believe it. And in my opinion, every American is about to have more religious freedom than they've ever had in their lifetime. We're about to pass more religious freedom to our children and grandchildren than we had. What can you say that about? Right. And you ask yourself what could stop this? There's only one thing I can think of that could stop this, something really drastic and horrible in the more immediate future. And really what that is, if you look at what's in front of us would be court packing. Court packing is when you add judges or justices to the Supreme Court, in order to just get to the political results you want to reach. Okay?

And it sounds bad and most Americans are against it because it looks like you're kind of lurching from the left to the right on the court. It's much worse than people understand. Look at what happened to Venezuela. It was court packing. Okay. If you wonder what happened to Argentina, you can go through lots of countries. If you have court packing happen once, your rule of law in your country is over because you've now placed the judiciary underneath the political branch and you might think you have rights. You don't have any rights. You have whatever rights, the majority party wishes for you to keep because they can just add justices until they can take whatever those things are away that they want to take away. So this is a really dangerous thing. The President has issued an

executive order, creating a commission to court reform the United States Supreme Court. That commission is 35 individuals massively left wing. They will be issuing a recommendation in about two to three weeks on how they want to change the courts.

A bill has been filed in the house to add four justices to the Supreme Court. Interesting in it, it's six conservatives and three liberals and I wonder what happens if you add four liberals to the Supreme Court, court packing, right? A bill has been filed in the Senate to add 203 lower court judges to pack the lower courts. So, I mean, this is right before us and it's right now and you might think, well, the American people are against this, true. We've done massive polling and released a lot of this. This is not usually what we do, but we're like, what good is religious freedom if there are no courts. So we've actually spent 3 million dollars trying to stop this, educating people, trying to do everything we can to make sure that we don't lose our country. I don't say this kind of thing often, but if this happens, our country's over and we got to make sure it doesn't happen.

Now, 67% of the country doesn't want it, but 63% of Democrats do and that's before they're educated because they think, yeah, we want to flip the courts back. FDR tried this. The democratic party was totally in control. FDR was a very popular president. They had 80 out of a 100 Senate seats. Okay. The President said, I want court packing because I don't like what the court is doing with my new deal legislation. When the American people understood what this was, they were averaging 1,000 letters a day into the US Senate. This is in 1936 to 1937. Okay. Not only did they stop this, the sponsor of this in the Senate died of a heart attack. This was a massive embarrassment to the most popular President because the people understood and did not want this. We have to let people understand this and we have to really make sure this doesn't happen and we're doing everything we can it's in the next two or three weeks.

If you want any information on this, by the way that SupremeCoup.com has all the history, has all the info, has even ways you can educate your friends, little memes and things, feel free to pass that around in the next two or three weeks. We want as much activity on this and much people in America speaking against this. By the way, if you don't know French, Supreme Coup is C- O-U- P.com. But if we take care of this horrible possibility, which we plan to and we hope to, and we pray to, I really believe the future is incredibly positive on religious freedom.

So, I want to end with an example that I think it is just such a powerful example for all of us. One of our cases this year, this is Gail Blair, a woman who was slowly going blind and then realized the most important thing in her life as she went blind was that people know about Jesus. And she realized she was in an apartment across the street from the park. She couldn't do anything. She used to do like nursing, but that was what God was telling her, is go across the street in the park every day and tell people about Jesus. And that's what she did and she was banned for two years for talking about Jesus in the park. So this is just a

three minute video, but it's a great story I think and I'll give you the update when we finish.

Gail Blair:

Nursing, was it for me. It was my identity. I did everything. If I could help them get a job or an apartment, my husband says that I am a frustrated social worker.

January 7th, 1984. I actually had been going to a Bible study on the book of John and it opened my heart to the Word of God being the answer, the truth. It was the best day of my life. I actually was born with a genetic disorder, retinitis pigmentosa, and I still continued nursing until I couldn't anymore because of my vision loss. If somebody says, if ever said to me, hey, you could have, have your eyesight, but you have to get rid of Jesus. I'd say no, no deal. Wherever I go, I try to hand this out to people. So it's 21 chapters of the Gospel.

I get around with my cane to cross the street, to go into the park. Going into a park to talk with people is a pleasure first of all but knowing that eternal life is real and people don't know that they're in danger. People have been saved in the park. I've had more of an reaction from the staff in the park that was not too nice. Like they would interrupt me. There's plenty of people to talk to. I don't have to be going after anybody. I couldn't, it would be a tripping hazard for me. I was sitting on a bench with a man that I was conversing with. The executive director comes over and he says that he was going to call the police and that's the start of the two year ban, even from the library, which that was a little bit of a surprise to me that they would ban me from both the park and the library.

I'm passing out one of the 66 books of the Bible that you have in your library that people can check out. I guess my heart is broken that I can't do what the Lord has told me to do. So if you want to say that, I think about daily, the lost souls. I think the Lord has positioned me right across from the park. It's a divine assignment that I absolutely need to fulfill. It's just a must.

Kelly Shackelford:

Well, the good news is we won Gail's case. Gail is going back to the park. We get a call every two, three, four weeks or an email, because she's so excited that she's just led somebody else to the Lord and the guy who turned her in is now going to her church. But I just look at Gail and I think what power does Gail have? But she was faithful and now she's changing eternity. We can win in the United States if we're faithful, we just need to be faithful. I'm all in. I hope you're all in too. You might think, well, gosh, how do I get involved in this? I'd love for you to be praying for these cases when you see them, but like Gail and coach Kennedy and I'd also like you to be educating other people because we're winning. But if people don't know we're winning, then they're not as bold. People need to know that people are standing and we're winning and you can take that information and share it with others.

And the more bold people are, I think the better chance we have of turning this around. So, if you guys aren't already getting, you can text the word "Liberty" to 474747. It'll give you a chance to fill out if you want to get like our email that comes out every week, because you might not know that coach Kennedy is

having an argument or that Gail is having a big argument in her case or the Seals, you won't know, but if you get this, at least you'll know, you can pray, you can share it with other people. We're just kind of increasing the army and we'd love for you to be a part if you're not, not already. But the other thing that we can all do as I talked about it earlier is just live not by lies.

I mean boy, if anybody is an example of that, it's Dr. Dobson. He speaks the truth on his program and that's so important. People need to hear the truth. They need to see other people speaking the truth, but we all have those opportunities too. Let's just live not by lies. Let's be the small percentage that keeps our country free. And I think it's a unique time, but it's what a wonderful opportunity right now that we get to represent Christ when really the future for our children and grandchildren is going to depend upon us. Anyway, God bless you. Thank you for letting me be with you today. It really is a privilege.

Bob McEwen: Isn't this great? Wonderful. So let's take a moment. We got about five more minutes. Let's just take, anybody have a couple of questions for Kelly.

Speaker 6: I'm sure you heard about Judicial Watch and ACLJ, Jay Sekulow, how do they fit into what you do?

Kelly Shackelford: Yeah, there's a lot of different groups. They're all friends like Tom Fitton is a friend. Judicial Watches, their legal is to expose information, to make sure that the government isn't hiding information. So, you'll see their deals are freedom of information lawsuits. Their other groups, ACLJ and others Jay Sekulow for instance is a good friend of mine. He kind of does, I'd say that the two big differences between us and the lot of the other groups is what is their focus? And then how do they do what they do? So for instance, Jay and some other groups, Jay is like all kinds of issues, right? Whatever issue he sees could be international and Israel could be here whereas all we do is religious freedom in the United States.

That's our sole focus. Again, the other thing that's really different is our model of how we do things, which is instead of us flying and doing the cases, our staff teams with one of the top law firms in the country and we merge in as a team on the cases, but we're all friends. The way I would put it is, let's say why don't you all the guys merge? And I say, well, who do you want to get rid of the army, the Navy, the air force and the Marines. It's okay that we're all different.

Speaker 6: Thank you. I've served on school boards now for 35 years.

Kelly Shackelford: God bless you.

Speaker 6: 10 years of those are public school board, then went to Christian school and served on that board. All of us need to understand what you do. We all probably know school board members. They need to know that the protection that you provide is there. When I was on the school board, when I was president, the

president and the superintendent make up the agenda. It's public, it's got to be posted, all those rules. ACLU, Planned Parenthood would call me every week wanting to be on the program or the agenda, so we could approve them to come in and teach sex education in the school.

I knew about you guys from Dr. Dobson. It may have been you being interviewed I don't know, but I knew, I'd like to say I had the courage to say it without that knowledge, but I knew that I could refuse them and they threatened to sue me every time. I said, that's not going to do you any good. You just need to get somebody to defeat me, you know, the next time I run, but because what you are doing and I knew that you had my back, they never got in our school.

Kelly Shackelford: Amen.

Roger Marsh: You've just heard the conclusion of an update from Kelly Shackelford, Esq. President and CEO of First Liberty Institute here on Family Talk. I hope that you were as encouraged as I was to hear about the legal victories for religious freedom right here in the US. There are certainly many cases to keep an eye on and to pray for right now, to stay up to date on in the religious liberty cases that Kelly discussed visit firstliberty.org. Now, I'd like to remind you that today is Giving Tuesday. Giving Tuesday is a cultural and social media phenomenon that has really grown and made a name for itself over the past several years, it takes place the Tuesday after Thanksgiving. And this is a global one day generosity event. It literally unleashes the power of people and organizations to transform communities and mission fields. Here at the Dr. James Dobson Family Institute we would love for you to consider making a financial gift in support of our ministry today, here on Giving Tuesday and thanks to the generosity of special friends of our ministry.

We also have a matching grant in place \$75,000 worth for today only. This means that when you give a gift to the JDPI, your impact on families will be doubled. To make a donation online go to drjamesdobson.org. That's drjamesdobson.org. Or you can call us at (877) 732-6825 with your gift of any amount today here on Giving Tuesday to the Dr. James Dobson Family Institute. Again, our number to call is (877) 732-6825. Well, we're out of time for our broadcast today, but I hope you'll join us again next time. Tomorrow, we will begin sharing our annual Best of Broadcast 2021 programs. Over the next few weeks, we're going to air the most popular Family Talk programs from this past calendar year. You won't want to miss any of them. And they're coming up right here on Dr. James Dobson's Family Talk.

Announcer: This has been a presentation of Dr. James Dobson Family Institute.