



Broadcast Transcript

Broadcast: Law and Faith: Defending Religious Freedom – Part 2

Guest(s): Jeremy Dys

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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.

Jeremy Dys: When I think of my sisters, I have two of them. And between them, they have eight kids and I love my nieces and nephews, partly because my sisters have done such a great job of raising them. They've done, my sisters have done more for the cause of freedom by simply being faithful moms to my nieces and nephews than I will ever do on Fox News or the Supreme Court or anywhere else. It doesn't take a law degree to preserve freedom. It just simply requires faithfulness in the calling that God has placed upon your life. So mom, I know you feel overlooked right now in the job that you're doing and that diaper that you're changing even right now. I promise you, you are making massive strides for the cause of freedom just being a faithful parent. So go be faithful free people, go do what God has called you to do.

Roger Marsh: Well, welcome back to Family Talk. That was a brief preview from Jeremy Dys, who is our guest once again here on the program. I'm Roger Marsh, and today we're going to hear part two of the conversation I had with Jeremy at the National Religious Broadcasters Convention in Nashville, Tennessee. So you may hear other Christian communicators in the background with such an exciting buzz in the air.

Jeremy Dys is senior counsel for First Liberty Institute, the largest legal organization in the country, working solely to preserve the religious liberties for all Americans. For six years prior to joining First Liberty Institute, he led a public policy organization where he spearheaded research and advocacy efforts on matters of life, marriage, and religious freedom. Jeremy earned his law degree from West Virginia University College of Law, and Jeremy and his wife Jenny Ann have four boys. Let's listen now to the conclusion of my conversation with Jeremy Dys right here on Family Talk.

Welcome back to Family Talk. I'm Roger Marsh filling in the co-host seat today. If you were with us yesterday, we had a great conversation with Jeremy Dys, senior counsel from the First Liberty Institute. We talked about religious liberty in our country and how that has played out in a couple of very important court

cases. And today we're going to talk about one of those in particular along with what's happening in the upcoming election. Jeremy Dys, welcome back to the program.

Jeremy Dys: Thanks for having me.

Roger Marsh: And you hear the ambiance in the background. We are live here recording this at the National Religious Broadcasters Convention in Nashville, Tennessee and just lots of excitement in the air. Jeremy, you were a speaker at one of the sessions earlier today and grateful that you had some time to share with us. Pastor Chris Avell, place is called Dad's Place, and this is a case that's drawn national attention. You're representing him, not because he went looking for a fight but a fight came looking for him.

Jeremy Dys: Yeah, Pastor Chris is a pastor of a small church just off the Town Square of Bryan, Ohio. Now, if you've never been to Bryan Ohio, let me set the stage. It's a beautiful little downtown square. Looks like some set for a Hallmark movie, so it's a really lovely town and Pastor Chris loves Bryan, Ohio. And he was an atheist and he was like an angry atheist for years until God got ahold of him and turned his life around entirely and now here he is.

So this little church meets in sort of a storefront just off the downtown square and they made the decision in March of 2023 that they were going to be open 24 hours a day. And part of that was to make sure they had a place for people to go that needed a place to be even in the middle of the night. Cold weather, hot weather, unrest in the home that's making it unsafe for you to be there, there was always a safe place for you to be right there at Dad's Place, and so they never shut the doors.

Well, in November, the city starts getting a little annoyed by this process and they start sending repeated inspectors over there. And of course inspectors do what inspectors are going to do. They're going to find things to have to fix in a building that's like a 100 years old anyway. And so they started kind of tic tacky, making these things and making demands that he shuts his doors. He says, "Well look, we don't want to shut our doors." There's two doors. They each had those little bolt locks on them, so well you can't lock these doors. Like, "Fine, we don't want to lock them." Well, no, now you need to put crash bars in the door. Okay. No, no, that's all right, you just take the locks off. Well, which one is it? They kept on shifting the goalpost for him through that whole process.

And eventually it came down to December, right at the end of December. He's carrying his box of donuts in to bring to the flock gathered there for fellowship that morning before the service, and out pops a police officer from the cruiser and hands him 18 indictments, 18 criminal counts of having violated the city's zoning codes. 18 counts of zoning codes.

Roger Marsh: For basically not locking your doors?

Jeremy Dys: They claim he's operating a residence there-

Roger Marsh: Oh, okay.

Jeremy Dys: ... in violation of the... Well, no, it's not a residence, it's a church that never shuts. Now throughout time in memorial, churches, houses of worship more broadly have sheltered people at various times for long periods of times, for short periods of times. Even criminals have found sanctuary inside of churches around the globe as they're trying to resolve their issues there. So we had to go to Bryan, Ohio in January and stand with Pastor Chris as he was indicted, as he was arraigned on his 18 criminal charges.

Roger Marsh: And they're reading all the charges in court?

Jeremy Dys: They did and he had to plead not guilty to them. Now thankfully, after about a month's worth of effort and a federal lawsuit that we filed in response to that saying that you violated his First Amendment rights under the law, the city has now removed those criminal charges. Thankfully, those that are no longer there, they've dropped them sort of with the leave to file them again if they want to. But for right now they're gone and I'm really grateful that the city has done that because now we can actually have a conversation about what this looks like going forward. Is this going to be a church that stays there or not? Are you going to continue to find these little ticky tack violations or not? Are you going to cause a problem for the church being open 24 hours a day or not?

I get it that this is a church that is different than most churches that are open from 9:00 to 1:00 or something like that on a Sunday morning. It's a different church. But that's a good thing. We have to think really long and hard before we just shut off churches in downtown areas or anywhere else in the country or say you need to conform to this level of doing a church and not that kind of way of doing a church.

Roger Marsh: It's very interesting to me, Jeremy Dys, as you're describing Pastor Chris's situation in Bryan, Ohio, how if he had said, and this may sound sarcastic, but if he had said, "We're going to stay open 24 hours for transgender refugees seeking asylum" I don't think the city would've a problem with it. But because he says, "Hey look, I'm looking at the words of Matthew 25. I was hungry, you gave me something to eat. It doesn't say what time you gave him something to eat. I was thirsty, you gave me something to drink," doesn't say what day. It doesn't say if it's in the church or if it's in the street or whatever. He's living out a biblical mandate from Jesus. Those rights, as you mentioned in our last program, are doubly protected. What are the conversations like that you're having now with the city now that they've dropped the charges?

Jeremy Dys: There's still a bit of a deante. There's a bit of distrust that's going on there and that's normal for things that happen like this when you have a lawsuit that's

filed in response. By the way, Pastor Chris would be the first one to tell you, in your scenario, he would be glad to have those individuals come to the church.

Roger Marsh: I'm sure he would. I have no doubt.

Jeremy Dys: If you're rich, you're poor, you're a billionaire or a millionaire, you're welcome at his church at any time and for any reason. As long as you're safe and are not engaged in behavior that the biblical guidelines would warrant against, you're welcome to come to Dad's Place and find a home there. His church is specifically set up for people that maybe don't go to the traditional church with a spire on top of it kind of thing because they feel more comfortable in that location. That's a great thing to have.

I think the city is beginning to understand the importance of religious liberty and how the law has protected the free exercise of religion and specifically the use of land in that regard. They've got some challenges to overcome here yet, but I'm optimistic and hopeful in the conversations we've been having with their attorneys that I think are very honest conversations quite frankly, and we're helping them try to find the path forward so that they, along with our client, are able to make Bryan a much better community than it was to begin with.

So again, I compliment them in one sense because they've dropped the charges, they're having an honest conversation with us all. In the back of my head, I'm still a little annoyed that they felt the need to push the prosecution in the first place. But that doesn't matter, we're moving forward, those are behind us now. Now is just a matter of helping them see the full beauty of the diversity that comes under religious liberty when we allow it to be fully protected.

Roger Marsh: I think that it's wonderful that you're doing that work and we are grateful that there are organizations like First Liberty that will take up the mantle for a church or maybe a Christian school or an organization on the whole. And you're seeing these DAs kind of get a little more rogue, "I'm going to keep sending cops out there until I find something wrong." And that really does put our religious liberty at risk conceivably. To a point you made yesterday, I'd like you to circle back around and address it here. In the case of the church in Bryan, Ohio or any Christian school or daycare center, whoever's running whatever they're running, when the government seems to be trying to push God out, even in places where God is very welcome, it does make you wonder, "Am I next?" Talk about what the culture looks like now. Are we getting stronger when it comes to religious liberty? Is it weakening any at all? I mean, you look like you're ready for a fight.

Jeremy Dys: Oh, I'm ready for the answer because I love this question. Yes, we are stronger, definitely, no question about that. You go back to our conversation yesterday about how the law has changed, but we're only as strong as the weights we lift. In other words, we've got those winds on the Supreme Court, that's great, but we're going to atrophy if we don't exercise those rights. And so, I think of my client, Pastor Kalugi up in Weare, New Hampshire, literally, W-E-A-R-E, Weare, New Hampshire. He's got a barn that's been retrofitted on his property and it's a

perfect spot for the church he's planting in Weare, New Hampshire. 15 to 30 people come to this thing on the regular, but the city of Weare doesn't want him to have that church there. And so this code enforcer, as it often is, shows up on his doorstep, says, "You can't be having this." He's like, "Wait, I've had a wedding here. I've had political gatherings. RFK Junior's been there a couple times during... New Hampshire's kind of known for their politics, right?"

Roger Marsh: Right, right.

Jeremy Dys: They've had major events at this barn, no problem. Why are you now all of a sudden upset by the fact that I'm having a regular church service there? My favorite story comes when they have a final inspection, he had to put a new heater in and they had the final inspection of that heater. And the inspector comes in and looks at his pews and says, "Those are awesome. I have a pew just like that. In fact, it's going to be in my garage this Sunday, which happened to be Super Bowl Sunday and I'm going to have about 30, 40, 50 people in there watching the Super Bowl." And the pastor looks at him and says, "Well, did you get a permit for that?" And he confessed that he had not. So you can have people watch the football game, no problem, but gathered for worship and you've got an issue.

And it is not isolated just to Pastor Kalugi and other Christian churches. We filed a lawsuit five days later on the big island in Hawaii where we have a rabbi who has a synagogue with 15 to 20 people or less that come to his synagogue for regular worship services and daily prayers. And the county there is finding him over \$40,000. It's a daily fine every day that he's out of compliance in their mind with the zoning rules. And so we've had to file lawsuits literally from Hawaii to New Hampshire to do one of the most basic things, to come into religious liberty. The use of one's own home to engage in religious expression. I'm not shying away from that fight. We're going to be successful in both of those cases, I'm very confident of that fact, but I'm still shocked that we actually had to file the lawsuit. That shouldn't be a controversial issue in 2024.

Roger Marsh: And 2024 is an election year. And of course, we know that what happens in the White House is going to trickle all the way down to the state and local governments as well. You've been at this with First Liberty for a decade now, so you've had Obama administration and a Trump administration and a Biden administration in terms of what's happening in D.C. Talk about how important this election year is, because it seems as though there were kind of rogue, renegade judges, magistrates, whoever was going after people like this, and then there was about a four-year period of calm where there was a little more sense of normalcy and now we're back into it again where like you said, you got a guy who can't have a church service in his barn, but somebody else could take that same pew, put in his garage and watch the Super Bowl and no one have a problem with it.

Jeremy Dys: Yeah, let's go from the bench to the bureaucrat to the pulpit in the answer here. The bench first. Look, what happens at the White House has really huge

ramifications and we only need to go back to the Trump administration and look at Justice Kavanaugh, Justice Gorsuch and Justice Barrett. Those three major changes, Justice Barrett is a great one to think about. Go back to COVID and remember all these accommodations that were being denied and denied and the courts were upholding it and then Justice Barrett shows up on the Supreme Court and things switch. It just flip around, all of a sudden now we have protections up there.

Who we elect has real implications for how we are governed. And in this situation, President Trump, love him or hate him, put together a lot of really great justices and judges that are on the federal bench for life now, those three that I mentioned being some of them. That's the bench and that's going to have implications no matter what happens with the presidency, whoever's there is going to have a chance to fill up more seats or less seats depending on where they're at.

The bureaucrat, the president also has a massive impact on the bureaucratic state, the administrative state. So most of our lives are governed not by the things that Congress actually does, but by the things they defer to the administrative agencies to set regulations of. And that comes down to how your life is impacted by bureaucratic decisions governing your conscience, how your church is operating, how you're able to engage in the public square as a religious organization. You can have major implications of that.

But I want to end at the pulpit. And I'm ending there specifically because I still fear that over the last 50, 60 years we have become, in the pulpit, afraid to speak because of this thing called the Johnson Amendment. And I don't go into the history of that, but it's named after then Senator Lyndon Johnson. And basically it says, look, if you're a church or you're a nonprofit, you can't talk about politics.

Roger Marsh: Or we'll pull your 501(c)(3).

Jeremy Dys: Or we'll pull your 501(c)(3). Look, the IRS does not grant you as a church 501(c)(3) status, it recognizes your 501(c)(3) tax-exempt status. That's an important thing. The IRS does not give you tax-exempt status as a church, you are exempt already, they merely recognize it.

And so in the history of that Johnson Amendment, more people have been silenced because of it than have their tax exemption de-recognized by the IRS. In fact, in the history of that amendment, there's only two cases and only one of which I can find the name of that have had a church had their tax exemption removed. And yet we have had a lot of pastors simply self-censor and say, "I'm not going to touch the issue of politics because I'm here to preach the Bible." Well, pastor, I'm here to tell you, the Bible actually touches upon a lot of the topics that we're talking about in our political sphere, so don't shrink back from that and do not be afraid of an IRS investigation. Go out and preach the full counsel of God. And if by some chance the IRS comes after you with an

investigation, give us a call, we can look into that. And I think we're going to be successful with that as well.

Now, I want to put a coda on that and say, don't be stupid for Jesus because stupid for Jesus is still stupid, so don't be stupid for Jesus, but go and do the ministry that God has called you to do without any fear of what the government may or may not say. The government has the duty to recognize your tax-exempt status, not to grant it to you.

Roger Marsh:

I want to ask you more a theoretical question because this came up when President Biden was elected duly or otherwise in the 2020 election. And that was the concern that a lot of conservatives had saying, look, you mentioned Gorsuch, you mentioned Judge Barrett, you mentioned Kavanaugh, and said, look, if for no other reason Donald Trump's legacy is look what he did with the court. And then there was the conversation about, well, what if we don't just have nine justices? What if we go to 13? What if we go to 15? There was a big concern about court packing, as they call it for a while. Talk about what court packing really is versus what Donald Trump did. Donald Trump wasn't engaged in court packing, was he?

Jeremy Dys:

No. Donald Trump just simply used the Constitution to do his constitutional duty, which was to nominate, and the Senate to confirm judges to become justices of the Supreme Court of the United States. You had some of the justices retired, others passed away, and he just simply filled the vacancies that were there. He added no more, no less to the bench. There has been a massive push to court packing on the Supreme Court. And the left seems to be very fixated on this issue. I just like to quote back to them what the current president said when he was a senator. And he said that court packing back in the 1930s with F.D.R. when that was talked about, it was a bonehead idea. Those were his words. Court packing is a bonehead idea. It was a bonehead idea then, it's a bonehead idea now. That's what he said back in the 1990s when this is being bandied about again.

And so, I would like to think that President Biden still believes it to be a boneheaded idea. I certainly think it's a boneheaded idea. It does terrible things for our freedoms. You'll never have enough justices because one political party will appoint 15 seats to the bench, the next one will have to come in and say, "Well, we want ours too." and they'll put 22 members on the bench. And before long we're going to have a Supreme Court that looks like the galactic Senate. We can't have that kind of thing and have a just society.

Other countries like Brazil who have packed the court, it's amazing that Brazil has never ruled against the current autocrat in office down there. Well, I mean there's a reason for that. We don't want to have that kind of thing either. The judiciary is designed to be and must be an independent entity, a separate but equal member of our tripartite form of government, the legislative, the executive, and the judicial. It has to have that check and balance that is out

there. The fact that you don't like the decisions that are coming down out of that does not give you reason to pack the court.

Roger Marsh: Do you get the sense, Jeremy Dys, that the winds are outnumbering the losses in terms of impact on the church? You see more Christians saying, "I want to run for school board. I'm going to speak up when the curriculum doesn't look right. I don't like these transgender bills that are keeping parental notification off the table." Do you get the sense that more parents are getting more involved?

Jeremy Dys: I sure hope so. It's one thing to win a bunch of cases, and we win most of the cases we get involved in, so I'm not really concerned about that. We've won, it was four cases in 14 months at the Supreme Court, so that's a massive win, right?

Roger Marsh: That's huge. That's huge.

Jeremy Dys: But it means very little if you're not going to take these wins and do something with it all, right? Look, I'm just an attorney. I'm not anything that grand. I'm just an attorney that sues people, right? Which is good and that's my role, but I give you the freedom to go out and do the thing you need to do. I protect you, Roger, and the rest of the groups here to be able to go and speak religious things on the airwaves. Praise the Lord that you're doing that. Mom and dad, I've protected your right to be able to go before a school board and have the things out there.

That's a long way of saying, yes, I'm very hopeful. I'm very hopeful that people will take the wins that we have accumulated over the years and live like free people. That's what we were designed to be as a country. That's what we currently have the ability to do. My friend said this morning, we're going to have turbulence along the way. That's just a natural part of human life. Kind of keeps me employed, which I'm happy for. But look, if you run into that turbulence, it means, A, you're actually living like a free person. And B, you have the need for a group like First Liberty Institute and some others that can come beside you, take your case and we're probably going to win if we take your case

Roger Marsh: Jeremy Dys, at some point, senior counsel with First Liberty Institute might become Justice Dys perhaps. Do you have any desire to go that direction?

Jeremy Dys: I think I've said too many things of a truthful accord that would probably exempt me from being nominated at the Supreme Court at any point. Look, God has called me to be an attorney. My friend Kirk Cameron, I used to say that I'm all part of the body of Christ, someone's got to be the armpit. He said, "No, man, you're the brass knuckles of the body of Christ." And I'll take that descriptor. I'm happy to go out there and continue to push back.

Roger Marsh: Well, with your brass knuckles in hand, take the last couple moments of our time together here and encourage, exhort, if you will, our listeners. Because

there's someone who heard this conversation said, "I am so glad Jeremy Dys is doing this. I'm so glad First Liberty is doing this. So when the election rolls around, if I don't like the two candidates on the ballot, I don't think I'm going to vote because I know Jeremy's going to be there to clean up the mess." And I know you're smirking at me right now saying, "Don't say that."

Jeremy Dys: No.

Roger Marsh: Encourage us, why is it important for us to vote?

Jeremy Dys: Well, I'm doing my job. I need you to do yours. We all have a basic duty of citizenship to engage in the electoral process. Yeah, it's going to be hard decision for a lot of people when it comes to the polls this year, whether that's at the federal level or at the local level, but it's our duty to go out there and understand who we're electing and cast that vote. So get out there and do your electoral duty on side of things.

Whenever we get to this question, I always... Just, what can I do, kind of thing. I always think again of, I got off of a TV interview the other day and I got a text message from my sister who just happened to be flipping channels and she saw me on TV and she was very proud of me and I was very humbled by that. But I think of my sisters, I have two of them. And between them, they have eight kids. And I love my nieces and nephews, partly because my sisters have done such a great job of raising them. They're wonderful young men and women. They've done more for the cause of freedom by simply being faithful moms to my nieces and nephews than I will ever do on Fox News or the Supreme Court or anywhere else.

It doesn't take a law degree to preserve freedom. It just simply requires faithfulness in the calling that God has placed upon your life. So mom, I know you feel overlooked right now in the job that you're doing and that diaper that you're changing even right now. I promise you, you are making massive strides for the cause of freedom just being a faithful parent. So go be faithful free people. Go do what God has called you to do.

Roger Marsh: And if I may, circling back around to where we started here, your sisters were raised in a Dr. Dobson home as well.

Jeremy Dys: That's right.

Roger Marsh: Those lessons that were imparted from doctor to your parents to you and your siblings is now being imparted to the next generation.

Jeremy Dys: That's right.

Roger Marsh: It's encouraging to hear that good story and that wonderful word.

Jeremy Dys: Yeah. I'm choking a bit back on it because my mother passed away in September.

Roger Marsh: Oh, I'm sorry.

Jeremy Dys: And she was the huge reason why I am who I am. And she raised myself, my sisters of course, and they're wonderful people because of my parents. My parents have been exceptionally faithful in where God has called them in their lives. And so I owe a lot of gratitude to my mother. And of course you can hear my voice, I have a lot of love from my mother, I miss her dearly. But I'm so pleased with the dedication she made to instill the values that we believe in my heart and by extension to my kids and my nieces and nephews as well.

Roger Marsh: I know she's proud of you and that you needed to hear that.

Jeremy Dys: Thanks.

Roger Marsh: I'm proud of you too. Jeremy Dys, thank you for being with us today from First Liberty Institute for being with us here on Dr. James Dobson's Family Talk.

Jeremy Dys: Thank you.

Roger Marsh: If you'd like to learn more about Jeremy Dys or the First Liberty Institute, visit our website at drjamesdobson.org/familytalk. Remember, if you'd like to listen again to the broadcast in its entirety or share today's program with a friend or family member, you can do so from our website as well. Again, that address is drjamesdobson.org/familytalk.

For more than 45 years, Dr. Dobson has been defending family values. He's promoted biblical principles in support of marriage, family, and child development. Each month in his monthly newsletter, he writes about the different issues in areas where the Dr. James Dobson Family Institute is placing full attention. And if you'd like to receive his monthly newsletter, it's easy to do. Simply visit drjamesdobson.org/newsletters to sign up today. It's our prayer here at the Dr. James Dobson Family Institute that we can walk with you to help and your family grow closer to God and to each other. This month, our March newsletter focuses on Dr. Dobson's message regarding why we need a savior. So sign up for Doctor's newsletter today. Go to drjamesdobson.org/newsletters.

And as we conclude today's program, an exciting new resource to share with you that's designed to reach the next generation of parents and married couples. The Dr. James Dobson Family Institute has remastered Dr. Dobson's biblically based transforming truths into 60 second audio messages. The new Dr. Dobson Minute will provide young families with practical insights that will strengthen marriages and help build better parenting skills. If you'd like to listen to a sample, just go to drdobsonminute.org. Check it out today. That's drdobsonminute.org.

And finally, a brief reminder that Family Talk is a listener supported broadcast outreach. We are grateful for your prayers and faithful financial support that enable us to bring quality content to you and your family each and every day. Now to find out more about how you can support the JDFI, just visit drjamesdobson.org, that's drjamesdobson.org. And you know, we all have a prayer in our heart. And here at the Dr. James Dobson Family Institute, we would love to connect with you and pray for you, if that's what you need. You could reach us by phone by dialing 877-732-6825. And when you contact us, be sure to also bring your comments, questions, and even those prayer requests. We love hearing from you. Again, the number to call is 877-732-6852. Well, I'm Roger Marsh. Thanks so much for joining us today. I pray that you have a blessed and restful weekend, and be sure to join us again Monday right here for another edition of Dr. James Dobson's Family Talk.

Announcer:

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