



## Broadcast Transcript

**Broadcast:** Turning the Tide in 2025

**Guest(s):** Kelly Shackelford

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Dr. James Dobson: Hello everyone. You're listening to Family Talk, the radio broadcasting ministry of the James Dobson Family Institute. I'm Dr. James Dobson, and thank you for joining us for this program.

Roger Marsh: Well, welcome to Family Talk, the broadcast division of the Dr. James Dobson Family Institute. I'm Roger Marsh, your co-host for the day, and so very, very glad you've joined us. As Americans, we have the privilege of living in the country of freedom; personal, professional, religious freedom, and all of these freedoms come from the Lord. In 2 Corinthians chapter three, verse 17, we read "Now the Lord is the Spirit and where the spirit of the Lord is there is freedom." Our guest today here on Family Talk is a staunch defender of religious liberty, and has been on the front lines of faith for over 35 years protecting the rights of believers. His name is Kelly Shackelford. Kelly is the president, CEO and chief counsel of First Liberty Institute.

He's a constitutional scholar who has argued before the US Supreme Court. He's testified before the House and Senate and won numerous landmark First Amendment and religious liberty cases including three landmark cases; the Supreme Court, *Kennedy versus Bremerton*, *Carson v Macon*, and *American Legion versus American Humanist Association*. Kelly Shackelford is on the board of trustees for the United States Supreme Court Historical Society, and he's been featured in the *National Law Journal*, the *Associated Press*, the *New York Times*, the *Washington Times*, the *LA Times*, and many others. Kelly Shackelford, welcome back to Dr. James Dobson's Family Talk. We've had you on so many times before and of course Dr. Dobson and his wife surely send their warmest regards.

Kelly Shackelford: Well, Dr. Dobson's always been one of my heroes. In fact, one of the things I'll always remember is when he first had me on his show many, many years ago and he referred to me as his hero and that was kind of a surreal moment for me as a guy who's always really just loved Dr. Dobson and Shirley and what they've done for our country. It's just amazing. So it's an honor to be on the program.

Roger Marsh: Well, what you have done with First Liberty and what God has done through you and continues to do through you is truly remarkable and you're a real champion for me as well. Not that my championship has as much sway as Dr.'s but one of the things that I know a lot of people are concerned about right now is just religious liberty on a national scale. I'm sure a lot of people breathed the

sigh of relief on November 5th, 2024. I know there are other people who were kind of a little concerned, even people in the faith community too. As you look back on maybe the last four years, maybe the last couple of decades, what has the climate of religious liberty looked like to you and how is it changing?

Kelly Shackelford: I've been doing this for 36 years, so I've

Roger Marsh: So you started when you were in first grade, right?

Kelly Shackelford: I wish. And so when I say this, this is not something I'm saying lightly or I don't know what I'm talking about here. I mean, what is going on right now is a move of God that is dramatic in the religious freedom arena. And I would say if you want to know where it really started, I would say it started about eight years ago. We felt God calling us to... we're nonpartisan, so whoever's president we're going to advocate religious liberty.

Roger Marsh: Of course.

Kelly Shackelford: And people were expecting Hillary Clinton to win that and instead this Trump guy won. And we immediately had a meeting and said, let's look at every possible way to advance religious freedom under this president and let's prioritize. And we immediately saw 132 judicial seats open lifetime appointment positions, and we thought winning one case is important. What ended up being 234 judges on the court for life. That's a lot of religious liberty cases.

So we just went to create the best vetting division in the country just so we had good data to make sure that everybody who went on the courts was somebody who would file the constitution and protect religious freedom. I say it was back then because it was four and a half years later where it started to happen, but we knew God was at work. We could see He was calling us to do things we hadn't done. We'd never done vetting. We just done our cases and we ended up creating the best vetting division in the country and still have it now. And I'll tell you that people don't understand this. There's about 7,000 requests a year for the Supreme Court to take a case and if our goal had been for them to take one of our cases, they took 58 is what they take out of 7,000. The year before is 59. So you can see the numbers. If our goal was for them to take one of our cases, that would be a pretty heady goal, right? Well, they didn't take one, they didn't take two, they didn't take three. We won four cases at the Supreme Court in 13 months. Oh my goodness. Three of these were what I would call landmark cases where they really took a 50-year-old in one case, a 47-year-old, in another case, a precedent that had been used to really take a sledgehammer to religious freedom and they just totally reversed them.

Roger Marsh: Yeah. Joe Kennedy's case, a great example of that.

Kelly Shackelford: Joe Kennedy, that is the Lemon Test. What we're in the middle of right now is incredibly dramatic. God is for whatever reason, pulled up a newspaper just the

other day and it's the *New York Times* and the head article is how religion is growing in the United States.

Roger Marsh:

Right. Right.

Kelly Shackelford:

Okay. For the first time in our history, this is within the last month, more young men are going to church than young women. I mean, there is a resurgence, a something going on that God is doing and the religious freedom is part of that. And so I wish I could take credit for all these victories, but it's God. God is doing something right now, and I think we're just at the beginning of this. And so in the religious freedom arena, there are some horrible things, attacks going on right now that I can tell you about that we're fighting. Ministers being criminally charged for doing what Jesus would want them to do in the United States. This is not stuff I used to have to think about that we're defending but overall big picture, if this all happens, we think it'll end up being 400 total judges. There's only 800 and these are lifetime. So we're going to set the courts for 20 years for our kids and our grandkids on protecting religious freedom. And again, I think we're just the beginning of the precedence, but I can already say right now I can tell every American, you have more religious freedom than you've ever had in your lifetime. Just because of these opinions. We could talk about it, but the Coach Kennedy opinion That precedent, the Lemon case is why our whole life we've seen religion and public's not allowed, right? You can't have the nativity scene at Christmas or the Menorah at Hanukkah. You can't have the 10 Commandments. If there's a religion, even by students or whoever else at school, everybody's in a panic. The founders would be appalled at this. This is not what they put in the constitution, it was this Lemon test. Well, it's gone. So what most people don't know is you can have an activity scene on your lawn now. You can have a Menorah at Hanukkah, and this is what America is all about. I mean the religious basis of the people of this country is crucial to who we are. And as we begin to lose that and it was pushed out of the public square, very different values came in and very secular, almost Marxist type values came in and this country was becoming unrecognizable to many people. I think part of all this change going on is a religious freedom change and a growth of faith change that's beginning to occur, especially in the younger people. And I think that's why God's doing this, but I don't know for sure. I can't read the future. I just know what I'm watching and this is not normal. I'm watching things I thought could never be overturned, being overturned. And we've got another four cases sitting at the Supreme Court right now waiting for them to decide if they want to take and there's going to be more and more I think, and we're going to really revive the country in that way. And there's already great gains, but I think there's great gains even more ahead. I'm so

Roger Marsh:

I'm so encouraged, Kelly Shackleford, by hearing that First Liberty has four more cases that are in the hopper. I mean, I realize it's big hopper, and to get it down to 50 or so cases would really be a divine point, which is good to see. But at the same time though, I appreciate there are a lot of organizations that are fighting for religious liberty and they do a great job and we know that you don't discriminate necessarily, but you're a man of faith. I mean you might've been

Pastor Kelly Shackelford if things had gone differently. Do you have any regrets over not going into ministry?

Kelly Shackelford: No, no. That was my struggle actually in high school. I was like, I knew my gifts were in analytical thinking and speaking and I thought I either need to be a pastor or a lawyer. And people thought that was like a God or Satan choice is what they said. Yeah, I'll tell you, my youth pastor said, you know what? If you're called to be a minister, that's a great calling. But I will say this, I know a lot of Christian pastors, but we sure could use some more Christian lawyers.

Roger Marsh: That's good counsel.

Kelly Shackelford And as looked at my own DNA, I realized I would probably do better at dispensing justice rather than mercy. So I'd probably make a better lawyer. I couldn't see myself in a counseling session all day. And so I know I'm where the Lord wanted me to be and wow, what a privilege. Again, I just think back to goals. I think of times with the Lord, a lot of people will have, and I don't do this every year, but every couple of years I have a time where I sit down with the Lord and just say, what are my dreams? What do you want from me, both for my family, for my organization that you put me in? I go and look back and I just did this recently and I don't know, 20 years ago, whatever it was, it was like to have one case at the Supreme Court. So now I'm looking, and in the last six years we've had nine.

And we're nine and zero. I mean, that wasn't even a concept in my brain, but God, little by little can take you places you never had any. So what a privilege that to represent Christ in this arena. And one of the things I love is that while we're a Christian organization, we represent all faith. So we have Jewish synagogues all over the country we're representing, I mean, I think it's very similar to the Good Samaritan, right? So we reach out and we help because they should have the freedom to, their relationship with God is between them and the Lord and not the government. And so it, it's been a privilege and I think that thing is, I think we're just the beginning. It is fun to watch what God is doing right now in the country and especially with the election. I think we've got a new wind at our back.

The judges is one of the most obvious areas where we're going to add onto our cases because one case is a big deal, but every judge has hundreds, thousands of cases, and we're talking about 150, 160 more judges. My grandkids' kids are going to walk into court. These are going to be their judges. So we're talking about the future here for our country. And so it is rare to have something that is so big an impact and the opportunity to make it happen is so small. It's like two years because with the Senate and the presidency and all that, and that's where we're in right now, a real unique opportunity to set the courts and justice and freedom for years to come. And we'll keep battling out in the courts, but man, it helps a lot better if you have great judges.

Roger Marsh: Well, and I'm thinking about this too as we talk about, we know there's massive spiritual warfare going on right now, and you guys acknowledge that at First Liberty. And at the same time, there is the practical side, like you said, of we've got to get these appointments or that really, I don't want to say we've got to, when that happens, the fact that this president who people have questioned his faith in Christ or even commitment to the rule of law, which I think is kind of humorous based on the previous administration that just ran over it with his steam roller. But the fact that you put the two together and now you're looking at this from a biblical perspective, I can't imagine, and I'd love to get your take on this, I can't imagine that the United States would have any sort of success at all as a nation if we didn't have religious freedom. It seems like that's the pivot point.

Kelly Shackelford: There's no doubt. Our founders called it our first freedom because they understood if you lose this freedom, you will lose all of your freedoms. And it's in the first two clauses of the First Amendment. And the reason I'll explain if that people don't think about the reason for this is the one thing that a totalitarian regime can never allow our citizens who hold an allegiance to one higher than the government. So whenever an oppressive control power comes in and tries to encapsulate that power, the first flashpoint will always be religious freedom. These people that won't bow a knee to the government, there's something higher. And if you lose there, you'll lose everything else. You'll lose your free enterprise freedoms, you'll lose your property, right? Your free speech, you name it. And you know what, this is not just a theory. I mean, look at, we just went through COVID, right? I mean, what happens when governors, mayors, city officials or county officials had power they'd never had. What was the flashpoint? The legal flashpoint was not business cases, it was churches and synagogues, and we won every COVID case we filed in the country at First Liberty. But what was amazing is every time we won, within two weeks, the businesses were opened. It wasn't there were lawsuits for the businesses, and then churches were open. The churches won, and then when they won, the businesses were freed. And that's what our founders understood, that religious freedom is the first freedom. So it's a great way to look and see how are we doing as a country as to our freedoms? You look at the religious freedoms, you would see kind of a mixed thing right now, because the attacks are greater, the hostility is greater. I mean, we have pastors now that we're representing who have been criminally charged for feeding people for daring to open the doors of their church when somebody is freezing outside.

Roger Marsh: That's in Minnesota right now.

Kelly Shackelford: That was in Ohio.

Roger Marsh: Ohio, okay. Yeah.

Kelly Shackelford: I mean, yeah, that guy, pastor Chris Avell, I mean literally 18 criminal charges. He has been convicted at this point to 60 days in jail.

Roger Marsh: And his crime is leaving his church unlocked at night.

Kelly Shackelford: It's negative 10, negative 15 degrees, wind chill

Roger Marsh: Bone chilling.

Kelly Shackelford: And each of these charges is because he let somebody in his church when they're freezing to death.

Roger Marsh: So some of the same people put the ideologies next to each other and see if they match. Some of the same people are saying, let anybody into the country fly 'em all over the country. Give 'em all sorts of benefits because we want to be kind to, the stranger is now telling a pastor at a church in Brian, Ohio, population a couple hundred, maybe a couple thousand, that he can't let one guy in for the night to get out of minus 10. I just want to make sure I understand that because it doesn't seem terribly consistent.

Kelly Shackelford: No, and I'll tell you though, it goes back to a little bit... sometimes Christians are like, ah, politics. That's not really Christian, right? Well, one of the key things in this case, we think for the future is, and we are fighting it and we plan to win, we have a great legal team on this, but we reached out to the Attorney General of Ohio and we asked him to come down and visit, and he's a man of faith. By the end of him visiting with the people there at the church and the pastor, he literally had tears in his eyes and the next day he filed a brief and he said, I'm with you guys. This has got to stop. And so now it's not just the city, the government against little pastor; it's the city, the government against little pastor, First Liberty and the Attorney General of the state of Ohio. So we're hoping we're going to get some good press in it because this is breaking out. I've never seen this. And we have a whole swath now of cases like this where pastors are being criminalized.

Roger Marsh: I don't know how many people I've spoken with who say, I don't vote because the candidates are all corrupt, et cetera, et cetera, et cetera. I'm thinking, wait, your vote is something you steward. So you vote to the best of what you can. It's not perfect. It's not an exact science. You pray, you console the other believers and then you vote that conscience not just whatever the popular machine is telling you to do, but it is something to be stewarded, and you can only imagine the number of people who bury their votes in the ground, and then when the talents are handed out, they have nothing in their cast out because it's like you didn't steward that well.

Kelly Shackelford: No. I mean, this last election's a great example. There's a lot of people that didn't like the candidates, and we had George Barna do a poll. David Barton and myself. We both through our groups paid for this because we thought believers needed to know, and especially pastors needed to know, and it was frightening.

Roger Marsh: But George will tell you straight.

Kelly Shackelford: About 50% of evangelical Christians were not planning to vote. Now, the interesting thing is 17% of those who said they were not planning to vote said that they would vote if their pastor would tell them that they should vote.

Roger Marsh: Interesting.

Kelly Shackelford: Not who to vote for, just to vote if they would say it. That would change, if every pastor did it, that would change over 6 million additional votes.

Roger Marsh: Wow.

Kelly Shackelford: And so you just see the power in the body if people will just be good stewards of the truth, God's given them. And if you don't represent that truth and other people will fill that vacuum with something very different, but what an opportunity. I mean, it is a responsibility, but what a blessing to represent Christ. Many of our brothers and sisters around the world can't do that. They're living under a dictatorship or some different form of government. God gave us this incredible gift in the United States, and it's fun to watch right now what He's doing. He works through people, good and evil people, and He's doing some great things. Again, look at the Bible sales being increased. Look at the youth and the churches. Look at the, I mean, even the *New York Times* is saying religion is on the increase. The whole nuns thing is actually waning and going the other direction.

Roger Marsh: Praise God.

Kelly Shackelford: So God is at work, and we just need to be faithful to try to go, "Hey, if God's at work, I need to join Him Wherever He's moving, I need to get there because that's where I want to be."

Roger Marsh: Yeah. There's no bench in heaven. There's no Switzerland. There's nothing neutral. We are all called, everybody has their own armor and needs to fight. Kelly Shackelford with First Liberties with me today here on Dr. James Dobson's Family Talk. And I would be remiss if I didn't ask you how you're doing. You look great. But I know that the past year has been one of some health challenges for you, and you and I have something in common.

Kelly Shackelford: Yeah. I was born with a leaky valve and aortic valve, and I got it fixed, and I feel better than I actually ever have because I've had a leak my whole life. I didn't notice much, but I know now things are different because my wife as we're walking together says, would you please slow down? Not everybody has a bionic valve, and so praise the Lord. I mean, I had a conversation with the Lord beforehand and said, Lord, I mean I'm yours, so if it's time to come home, I don't think I want. I got grandkids to enjoy and all this, but You're in charge. And I felt a pretty clear peace immediately. No, no, I got more for you to do. And so then my next question to the Lord was, well, what do I need to do differently than I've been doing? And that really immediately led to my wife telling me I

needed to slow down. And part of what I am doing in the process also over 10, 15, however many years, is slowly giving some of what I'm doing to others to allow those who are really gifted in those to show themselves so that you don't have these sort of abrupt changes in leadership like you see at many places.

I want it to be so natural that one day, whenever I'm supposed to do a little less of this, people won't even realize I'm not around anymore because there's so many other great gifted people, my son included, who works at our group. But we've got great talent and they're all starting to do things that multiply me and allow me to focus on what God wants me to focus on. I'm still out there speaking and doing cases and all this, but it's fun to watch the next generation rising up. We've even formed a group within our group called "F3: the Future of Faith and Freedom," and it's for twenties to forties. My son's leading it, and the chapters are breaking out all over the country of people saying, "I want to be involved, I just need to be educated. And then what can I do?"

And there's things they can do in their own communities, really easy to make a difference and start standing and become educated about religious freedom. And so it's fun to watch the next generation taking the mask and just starting to make a difference in this. So I'm encouraged, and I would say, I know I've been remiss to even mention it, if anybody wants to follow all these cases, I mean, there's so much going on. I mean, we talked about, I don't know, a few cases. I think we had 417 last year, so obviously we can't talk about everything, but they can go see the cases online at First Liberty, [firstliberty.org](http://firstliberty.org), just spell it out.

Roger Marsh: And that's 1 ST or First Liberty?

Kelly Shackelford: First. F-I-R-S-T. And the other thing though is there's an insider they can sign up. It's called the Insider, and it allows them to get an email every Friday. There's over a half a million people who have subscribed to this. We don't give it to anybody who doesn't want it, and it will take all this stuff happening in a week, and we'll take the maybe five biggest things for the religious freedom issue that are going on, including judges who are appointed or stopped or whatever, and we list those. And it's a great way for people, number one, to be aware. I mean, if Coach Kennedy is about to have an argument in the U.S. Supreme Court, you can't pray for him if you don't know what's going to happen.

Roger Marsh: Exactly. Exactly.

Kelly Shackelford: And then number two, I think people are so scared a lot of times in this arena, and if they see the victories, whoever, if those listening, if you get this and you share this with others, it emboldens them to stand.

Roger Marsh: Amen.

Kelly Shackelford: And so I think we need to know what God is doing and that really, we're winning cases. We're winning over 90% of our cases. And so people need to know



because then they'll have courage to do what the Holy Spirit is leading them to do. And if they have any question, they can always call us. But anyway, they can go to [firstliberty.org](http://firstliberty.org) and get that email every Friday, and it's a great tool for them to pray, to encourage others, and then to call us if they have any questions.

Roger Marsh: Well, we'll put that link on our website at [drjamesdobson.org](http://drjamesdobson.org) as well, so you can find it easily in either place where you go to click Thank you and get a part of that. Kelly Shackelford, First Liberty Institute, thank you so much for the great work that you're doing, grateful for your time, especially since I know you're a very, very busy guy, but thanks for being with us today here on Dr. James Dobson's Family Talk.

Kelly Shackelford: Thank you, Roger. I really appreciate it.

Roger Marsh: Well, what an honor it's been to have Kelly Shackelford with us on today's edition of Dr. James Dobson's Family Talk. And we thank God for him and his work defending religious liberty through First Liberty Institute. Today here on Dr. James Dobson's Family Talk, we heard that encouraging conversation with Kelly Shackelford. Kelly is the president and CEO of First Liberty. And if you missed any portion of today's broadcast or if you want to share it with a friend, go to [drJamesdobson.org/familytalk](http://drJamesdobson.org/familytalk). And like I said, we also have a link there for First Liberty's website where you can go sign up for their insider email as well to stay informed about religious freedom cases all across the nation.

Now, today's conversation perfectly reflects our commitment here at the Dr. James Dobson Family Institute to promote religious freedom, respect for the American founding and righteousness in our culture. By supporting these constitutional liberties, we help create an environment where families can thrive according to biblical principles. And your tax-deductible donation right now will help us share programs like this one with millions of listeners all across the country. You can make a secure donation over the phone when you call 877-732-6825. That's 877-732-6825. Or you can make your contribution online. Go to our secure website at [drjamesdobson.org](http://drjamesdobson.org). That's [drjamesdobson.org](http://drjamesdobson.org).

And while you're online with us, remember that this year we are celebrating 15 years of the Dr. James Dobson Family Institute. Can you believe it? And we would love to hear from you. How has Dr. Dobson impacted your life and your family? Maybe it was from one of his radio programs or maybe one of Dr. Dobson's books that really helped you kind of fine tune your parenting skills or possibly even saved your marriage. Maybe it was just the encouragement you received during a particularly tough season. Your story would be a meaningful gift to Dr. Dobson and all of us here at the JDFI, as we reflect on 15 years of faithfulness from God in this ministry that we call the James Dobson Family Institute. And we are looking ahead to see what God has in store for the future as well. By the way, you can share your personal tribute, as I mentioned at our website, [drjamesdobson.org](http://drjamesdobson.org). That's [drjamesdobson.org](http://drjamesdobson.org). And now on behalf of Dr. James Dobson and all of us here at the JDFI, I'm Roger Marsh. Thanks so

much for listening. Be sure to join us again next time right here for another edition of Dr. James Dobson's Family Talk, the voice you trust, for the family you love.

Announcer:

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