

Christ in Prophecy

Conference 58: Kelly Shackelford on Defense of Religious Freedom, Part 2

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Opening

Dr. Reagan: Christians in America are being persecuted as never before in our nation's history. It is taking place in the military, the classroom, the workplace and the public arena. Is there any good news at all? Well, I am delighted to report that there is. Stay tuned.

Part 1

Dr. Reagan: Greetings in the name of Jesus, our Blessed Hope, and welcome to Christ in Prophecy. Last week I began presenting excerpts from the remarkable presentations that were made at our annual Bible conference, whose theme was Contending for the Faith.

I began with our keynote speaker, Kelly Shackelford, the founder and president of the largest law firm in America that is dedicated solely to the defense of religious liberty. Last week the portion of the presentation that I presented was the summary of Christian persecution going on all over our nation today. It was all bad news. If you missed that program, you can find it on our website at lamblion.com.

This week we are going to pick up where we left off last week with the second half of Kelly's presentation, which was all good news concerning the appointment of federal judges, and recent court victories concerning both the Free Exercise Clause and the Establishment Clause contained in the First Amendment of our Constitution.

Here now, is Kelly Shackelford.

Portion of Kelly Shackelford's Presentation

Kelly Shackelford: And the greater news is, I would say, six months ago I would have said we have an opportunity to begin to change history in this area of religious freedom. I've been doing this for 30 years. But now I won't say that. We are changing history right now. It has started. Stuff that I never thought possible in my lifetime are happening.

What am I talking about? Well, let me lay some of these out. Why is this happening? Why is there this new hope and we're watching history change? Let's start with judges. When the election occurred between Hillary Clinton and Donald Trump, we were preparing for how to advance religious freedom under a Hillary Clinton presidency, because our job is to advance religious freedom. And then this Trump guy won. And we're like, okay, we've got to reevaluate. What can we do to advance religious freedom? And we immediately saw tons of opportunities.

But the greatest of which was there were 140 judicial seats opened waiting to be filled. These were lifetime appointments. We thought, "You know if you want to affect the future of religious freedom, you put judges on there who are going to follow the Constitution and protect religious freedom." That's a generational shift and protection. So, I said, "Alright." And I went to our Board

and I said, "Look, here is the opportunity we have. We've never really worked on judges before, and so we don't have a budget for this. And I can't take people and say, 'Stop working on your Supreme Court case to work on vetting judges.'" And they said, "What do we need?" And I said, "About 2.5 million dollars for every two years that we do this." And they said, "Well, let's see if we can raise the money." And I had a couple people quickly come forward for the first two years and say, "I'm going to do a million dollars. You start." "I'm going to \$100,000" "\$100,000." And we got the money. And the first one was Gorsuch. You know Gorsuch, is I think, has one of the most incredible history of religious freedom opinions before he was a Supreme Court justice than anybody I have ever remember. He is excellent on religious freedom. And I can't tell you everything about what happened. But I'll tell you that the work we did, the research and the things behind the scenes. And I'll tell you this he was not the first choice, but he ended up being the first choice. And he is a great choice. And I am convinced he wouldn't have been there if not for what we did behind the scenes on this.

Brett Kavanaugh. Brett Kavanaugh donated time with me 18 years ago as a young attorney on religious freedom cases. Donated his time. If you're a rising star attorney like he is and you say, "Hey, I'm going to stop, I'm going to put my career aside now because I want to give my time for religious freedom." That's the type of guy you want on the Supreme Court, somebody who believes in the First Amendment, who sacrifices, who believes in religious freedom. And he's already shown his--he and Gorsuch both, which I'll talk about in a little bit, when we argued a case at the Supreme Court just a few months ago. I can't tell you how awesome it was to look to my left, and see Gorsuch, and look to my right and see Kavanaugh. They were awesome in that case.

But I'm not even really just talking about the Supreme Court. I'm talking about what is happening with judges all the way down. And that's because in the past it's always been, well, I helped you get elected and my brother is an attorney and he'd make a great judge. Okay? Well, that is not how it's working this time because candidate Trump said, "I'm going to pick judges with a particular philosophy; a philosophy that they are not politicians. They are going to follow the original meaning of the Constitution." And that's what a conservative judge is, not a judge who thinks they're some brilliant moralist that's going to decide all of our issues for us. Their job is to say what the law is. And it is the legislature's job to pass laws. And so, all of a sudden, we started putting incredible judges on the court. And there is no way for me to--you want to talk about our network attorneys all over the country. Guess what? They're all becoming federal judges all over the country. Okay.

And I'll just give you one example. There is a guy who is top of his class from law school at the University of Texas. Went to work for one of the biggest law firms in the country. Did great work. And then decided I want to do something a little more significant. So, he went to work in the US Attorney's office putting away terrorists. Won a national award for his prosecution and conviction of terrorist, and people who are a danger to this country. And then Eric Holder came in as the Attorney General and started pulling him off of that work to work on political type stuff for part of his work. And he's like, that is not why I came here, so he left. Well, where did he go? He came to work at First Liberty. He was our Deputy General Counsel. And I got a picture of him being sworn in as a new federal judge for the rest of his life. That's Matthew Kacsmaryk.

President Trump nominated him at age 39 to be a federal judge for the rest of his life. He is brilliant. He is a strong believer. He would rather gnaw his arm off than ever turn away from the Constitution or his faith. You'll never have to worry about him and a lack of integrity on the court. That picture also is interesting because guess who is swearing him in? That other judge was one of our network attorneys Judge Jim Ho who is already setting records for his opinions on religious freedom, Second Amendment. He's just been incredible. So, I love seeing that picture

because it is showing how what is happening is changing the future of the country. So, literally what is happening, oh, and I've got some pictures for you. Let me show you what happened in the first two years under Trump, under President Trump. Eighty-five judges were confirmed, eighty-five for life. Now they're going to be on the bench 30 years, maybe 40 years. But let me show you what we are in the midst of doing now for the second two years; 160. Okay? We are doubling the rate.

And if this occurs, I mean I just want you to understand what is happening. In the next year we are solidifying things for the next 30 years. We are changing the future of our country. We are putting people in here who would be sitting next to you in your pew at church. This is very different, and it's great news for the future of our country.

Now, let me tell you the other reasons I say history, that we are really changing history is there are two religion clauses; there is the Establishment Clause, and there's the Free Exercise Clause. Both clauses have one major opinion that have caused grave damage to religious freedom. Under the Free Exercise Clause, it's a case called the Smith Decision, which really has made it to where you can't even bring a Free Exercise claim. People tend to instead they'll bring a free speech claim and say that the speech was religious and was being censored or infringed. Which it's just sad.

Well, we have a case, the Coach Kennedy case. I think a lot of people are aware of the Coach Kennedy case. Coach Kennedy was a guy who after the game he made a pledge to God that he would go by himself to a knee for 15 to 20 seconds and say a silent prayer. When everybody goes to the center of the field and does their stuff. He said a prayer thanking God for the privilege of coaching those young men. And they said, "If you do that again we're going to fire you." Well, he made a pledge to God, so he did it, and they fired him. And unfortunately for him he lives in the 9th Circuit, which Rush Limbaugh calls the 9th Circus. And, the most liberal court in the country it is out of San Francisco. By the way the 9th Circuit, we are, when we get the judges through we have in the pipeline right now, that will be two seats away from flipping to a conservative circuit. That's how things are changing.

But, it's not there yet. So, what did they say in the Coach Kennedy case? They said, "Coaches are not allowed to pray in public if anyone can see them." Spectator, anybody else. Now, that is not the law, but that's what they said. So, we had to go to the Supreme Court. And when you go to the Supreme Court, they get about 8,000 requests they take about 70 cases. Most of the time what you get is, cert denied; it means they're not saying they agree or disagree with the case, they're just not taking it, and that's all they say. And so, we were waiting on the Coach Kennedy case. And that's certainly what you don't want to hear when you've lost at the court below. And we got a cert denied. And we went, "Oh, no." And then somebody said, "Wait, there is a statement attached by the four conservative justices." And it only takes four to take a case. And in that statement they said, "You know this is only cert denied for now. Go back down there's a fact we want established, at the trial court, that is very favorable to us, and then come back." They said, "Secondly, we find the 9th Circuit's opinion below very troubling. We can't even believe that they mean what they really said." And then they said, "Third," and this is what sent shockwaves through the legal community. They said, "By the way we noticed that the claim that reached us first in this case was a Free Speech claim, not the Free Exercise claim." They said, "Maybe that's because of the Smith Decision that has caused so much damage to religious freedom in the last three decades." And they said, "But we haven't been asked to review that decision, yet." So, we literally are on the cusp of the possibility of destroying the biggest hindrance to the free exercise of religion that we've had in this country. And opening up free exercise in ways that none of us have experienced. And they have invited us to come back and to do so. That's incredible!

And then, the other clause is called the Establishment Clause. The Establishment Clause says, "Congress shall make no law respecting an establishment of religion." I think most of us know what our Founders were trying to do. We don't want there to be a national church that all of us have to support. And that's what it was about. No national church. No coercion of people to support such a national church.

But it got twisted in a case back in the 1970's. A case apply called the Lemon Case. In this case all these new concepts were thrown in like separation of church and state, things that aren't in the Constitution. Things like offended observers, if somebody walks by and they feel offended by some religious symbol then that is a violation of the Establishment Clause. Well, they totally contorted the Constitution into something it never was. And really, they made the Establishment Clause, that made the government hostile to religion, because anywhere that religion was around government, they had to get rid of it. So, that's why you see all these attacks on nativity scenes, on Ten Commandment monuments, on Veteran's memorials with crosses, or Stars of David.

So, we had a case this term the Bladensburg Cross. This is a memorial that was put up almost a 100 years ago by mothers who lost their sons in World War I. And the American Legion, it was on their land, but eventually, this is right outside of DC, they built roads around it. And the government took over the land to take care of the roads, but they didn't want to disturb the memorial. But then years later the American humanists come along and say, "Hey, you can't have this cross on government land. You have to tear it down." Well, we won at the district court. At the court of appeals we had one of the three judges say, "Why don't we just cut the arms off the cross, because that way we won't have to tear it down and nobody will be offended." So, this is the mindset we were dealing with. They ruled 2-1 unconstitutional, after 100 years.

So, we went to the Supreme Court. And we said, "We realize number one that if they uphold that decision, two miles away from Bladensburg is Arlington National Cemetery. They are going to have to go in there and tear down the large free-standing crosses." We said, "We don't think there is anyway the Supreme Court wants to do that." So, rather than go for a bunt single win at the Supreme Court, you just protect this memorial, we felt it was time to say, "Lemon needs to go. That's what is causing all these attacks against religious freedom. It's not what the Founders wanted. It's not what or Constitution says. It's making the government hostile to religion. And Lemon is bad law, and it needs to go. And that's the grand slam, right, we went for.

Well, the Supreme Court came back with their decision. We argued it in February. I was sitting in the court three weeks ago when they handed it down. And I knew immediately one of three things could happen, either it could say, "We're upholding this decision." And a religious cleansing would begin that we couldn't even imagine. Every, I mean they'd go into Arlington and take down the crosses. They've got to go into every community of every state of the country and take down their religious symbols. I mean we couldn't even imagine where that would go. That's option one. Option two is they say, "We're upholding this memorial, but we're not going any further to talk about other things." Or number three is they could say, "We're upholding this memorial, and Lemon is gone." You know that fruit is squeezed until its dry, and we're lighting it on fire. Well they ruled in our favor that 7-2 don't touch the memorial, and then six different justices attacked Lemon said, "It was garbage." And said, "They're not applying it in this case, and in fact it's really inconceivable any other case that they'll ever apply a Lemon again." So, I really believe Lemon is now dead.

And this major weapon that they've used for 50 years to attack religion in public is over. Now, if that's true think of what that will mean for the Gospel. Instead of everybody tensing up when religion occurs in public everybody will go, "Religion in public is fine." Are you being coerced? Is

this a national church? No. Welcome to America where there are religions symbols and monuments all over the country. Where prayer opens our meetings, as they do our Congress. We're not ashamed of religion. We like religion. And religious freedom and expression is fine across our country. Think of what that will mean for the receptiveness of the Gospel. It's literally a change of culture. And I think this is happening because for the first time since the 1920's we have five justices who think their job is to figure out what the original meaning of the statute or the Constitution is.

So, what this is doing with religious freedom is, it is taking us back to our first principles. And this is literally just the beginning. I mean this is just the first case. Look at what is coming next. It's really incredible when you look at the possibilities that are ahead of us. But I want to before I get to that I want to point out something very important. Why is this happening? It's happening because we're just brilliant lawyers. No. It's happening because God is moving His hand. And I just want to show you a couple of quick, quick examples. If you look you can see His hand. A lot of people don't look. But let me show you something. I don't know how many of you saw this but there was a movie that came out called, "They Shall Not Grow Old." And I'm going to show you the trailer of this. It's only a minute and a half, and then I'll explain why this is important.

They Shall Not Grow Old, trailer

Soldier: I was 16 years old and my father allowed me to go.

Soldier: I just turned 17 at the time.

Soldier: I was 16.

Soldier: I was 15 years.

Soldier: When they came to us, they were frightened children and had to be made into soldiers.

Soldier: Alright boys, here it comes, we're in the pictures.

Soldier: I gave every part of my youth to do a job.

Soldier: Extend this part of the trench over there.

Kelly Shackelford's Presentation

Kelly Shackelford: Fourteen million dead. One of the most brutal wars we've ever had. All of a sudden, a documentary comes out on this that brings in color, to life, to sound, in the most powerful way we've ever seen it. Three weeks, this comes out three weeks before our argument at the Supreme Court where we are arguing about a cross that was put up 100 years ago to recognize 49 men's names on that monument who died in World War I.

Now, people are like man, Peter Jackson he's like a famous director. He did the "Hobbit" and you know "The Lord of the Ring" and all. I can't believe you got him to release this right before your oral argument. Right? You know obviously I didn't get him to release this. God got him to release this just weeks before the oral argument.

And I'm having lunch with our lead attorney, he was about to argue the case. And he said, "You know that 30 years ago we made this same argument to get rid of Lemon; that it wasn't constitutional." And I said, "Yeah." And he said, "Did you know that the Justice Department

agreed with it?" I said, "Yes." He said, "Did you know who wrote the brief for the Justice Department that agreed with this?" And by the way we're going into the Supreme Court where we feel like we have four votes to get rid of Lemon. But the Chief Justice was the question, Chief Justice Roberts. He said, "Do you know who wrote that brief in the Justice Department that said we need to get rid of Lemon?" I said, "No." He said, "John Roberts." Thirty years before we got to this case God was already working on the case. Three weeks before the case He was still working on the case. This is God's hand that's moving. And I just want to be on His train because I can see what is happening in the country and it is something, I never thought possible with regard to religious freedom.

So, I'll just say that we are literally just the beginning of this. So, you know the opportunity is right in front of us. God's laid it right in front of us. The only question is: Are we going to be faithful and take advantage of what He's laid right in front of us? And you might, you know some people say, "What can I do? I'm not a lawyer thank goodness. What can I do?" Well, number one you can pray because the spiritual warfare that goes on in these cases is tremendous. And pray for our staff. Pray for our families. I can't tell you the kind of stuff that happens, but this is a prayer battle. This is ultimately a spiritual battle so you can be in prayer.

Number two you can educate other people. It doesn't do us any good if we have freedoms that people don't know they have them. If we are winning ground and people don't know we're winning ground. People need to be bold because they see what God is doing in the freedoms they have, and so you can be sort of the Paul Revere. And so, the easiest way to do that make sure, we have a table out back I bet a lot of people here get our e-mail every two weeks, but if you're not, get it, because then you'll see it and you can pray. You'll see stuff that you can share. And as we sort of unite the body of Christ, I think it will be more and more powerful what's going on.

But the third things I would say is to stand. You know if what I think is about to happen, if we are faithful, and I think we are at the beginning of maybe ten years of starting to see case, after case, after case where we are going to expand religious freedom, and have more than we've ever had in our lifetime in this country. It's not going to do any good if nobody is willing to walk into those open areas of religious freedom and actually do something. I mean, you know, if God is expanding the areas, right when the hostility is coming everywhere, He is expanding the areas for freedom, but we're not willing to walk and speak the truth, then God help us. Right? I mean this is a tremendous opportunity that the Lord's giving us. And so, I've never seen a more exciting time. I just, what I would say to you is let's go make history together, and let's change this country in a way that will be an incredible blessing for our children and our grandchildren.

Part 2

Dr. Reagan: What a wonderful presentation about how God is working behind the scenes to preserve our precious religious liberties! But we must not sigh with relief and assume the battle is over. It is not. The Humanists and Socialists are determined to do everything they can to restrict the influence of Christianity in our society. So, we need to commit ourselves to pray for Kelly and his team of lawyers at the First Liberty Institute. Pray that the Lord will continue to give them victories in the courts.

Next week, the Lord willing, I will continue to share with you excerpts from some of the presentations that were made at our 2019 annual Bible conference. Our featured speaker next week will be Mike Riddle the founder and president of a ministry dedicated to the defense of the creation story in the first chapter of Genesis.

Folks, I cannot emphasize too strongly how important it is to accept Genesis chapter 1 as the literal truth of creation. One of the many reasons it is so important is because if we cannot trust the opening chapter of the Bible to mean what it says, namely, that the earth was created in six literal days about 6,000 years ago, then how in the world can we believe anything the Bible has to say? How, for example can we be positive that the resurrection of Jesus took place? Or, how can we be confident that Jesus meant what He said when He promised that one day He would return again and reign in glory and majesty over all the world from Mount Zion in Jerusalem?

I hope you will be back with us next week. Until then, this is Dave Reagan speaking for Lamb & Lion Ministries, saying, "Look up, be watchful, for our Redemption is drawing near."

End of Program