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## American Minute with Bill Federer

### The United STATE—Is America ruled by supreme "despots"? Jefferson warned of "judiciary a DESPOTIC branch."

By Bill Federer

Have the fifty States been reduced to one United STATE run by five supreme despots?

Popular culture describes America as a democracy. Scholars clarify it is a constitutional republic. But actually, America is neither. It is being run as a despotism.

**Thomas Jefferson** warned in a letter to William Jarvis, September 28, 1820: "You seem . . . to consider the judges as the ultimate arbiters of all constitutional questions; a very dangerous doctrine indeed, and one which would place us under the DESPOTISM of an oligarchy."

**Webster's Dictionary** defines "despotism" as: "Absolute and arbitrary authority . . . independent of the control of men."

**Jefferson** added: "Our judges are as honest as other men, and not more so . . . and their power (is) the more dangerous, as they are in office for life and not responsible, as the other functionaries are, to the elective control."

The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with corruptions of time and party, its members would become DESPOTS."



**Jefferson** wrote to Abigail Adams, September 11, 1804: "Nothing in the Constitution has given them (judges) a right to decide for the Executive, more than to the Executive to decide for them..."

But the opinion which gives to the judges the right to decide what laws are constitutional, and what not, not only for themselves in their own sphere of action, but for the legislature and executive also, in their spheres, would make the judiciary a DESPOTIC branch."

A majority of citizens in thirty States voted to have marriage be between a man and a woman but five unelected Justices decided to invalidate their will on June 26, 2015.

**Governor Mike Huckabee** stated: "This irrational, unconstitutional rejection of the expressed will of the people in over thirty states will prove to be one of the court's most disastrous decisions."

Two Justices, **Kagan** and **Ginsburg**, were obliged to recuse themselves as they had participated in homosexual weddings, but they refused, casting a shadow of illegitimacy over their decision as they displayed bias and partiality.

**Governor Bobby Jindal** stated: "The Supreme Court decision today . . . tramples on States' rights that were once protected by the 10th Amendment of the Constitution."

**Governor Jeb Bush** stated: "Guided by my faith, I believe in traditional marriage. I believe the Supreme Court should have allowed the States to make this decision."

**Governor Rick Perry** stated: "I'm a firm believer in traditional marriage, and I also believe the 10th Amendment leaves it to each State to decide this issue..."

Our founding fathers did not intend for the judicial branch to legislate from the bench, and as President, I would appoint strict constitutional conservatives who will apply the law as written."

**Carly Fiorina**, former CEO of Hewlett-Packard and the first woman to lead one of the top twenty U.S. companies, stated: "This is only the latest example of an activist court ignoring its constitutional duty to say what the law is and not what the law should be..."

I do not agree that the Court can or should redefine marriage. I believe that responsibility should have remained with the States and voters where this conversation has continued in churches, town halls and living rooms around the country."



**Justice Samuel Alito** stated: "Today's decision usurps the constitutional right of the people to decide whether to keep or alter the traditional understanding of marriage... All Americans, whatever their thinking on that issue, should worry about what the majority's claim of power portends."

**Former Senator Rick Santorum** stated: "The Court is 1 of 3 coequal branches of government and they have an imperfect record. Stakes are too high to cede marriage to unelected judges."

**Governor Mike Huckabee** stated: "The Supreme Court isn't the supreme branch... Five lawyers on the Supreme Court can no more repeal the laws of nature and nature's God on marriage than they can the laws of gravity..."

I will not acquiesce to an imperial court any more than our Founders acquiesced to an imperial British monarch. We must resist and reject judicial tyranny, not retreat...

Under our Constitution, the court cannot write a law, even though some cowardly politicians will wave the white flag and accept it without realizing that they are failing their sworn duty to reject abuses from the court."

**Governor Scott Walker** called for "an amendment to the U.S. Constitution to reaffirm the ability of the States to continue to define marriage."

**Senator Marco Rubio** stated: "I believe that marriage, as the key to strong family life, is the most important institution in our society and should be between one man and one woman. People who disagree with the traditional definition of marriage have the right to change their state laws. That is the right of our people, not the right of the unelected judges or justices of the Supreme Court."

**Justice Antonin Scalia** stated: "I write separately to call attention to this Court's threat to American democracy... Today's decree says that my Ruler, and the Ruler of 320 million Americans coast-to-coast, is a majority of the nine lawyers on the Supreme Court..."

This practice of constitutional revision by an unelected committee of nine, always accompanied (as it is today) by extravagant praise of liberty, robs the people of the most important liberty they asserted in the Declaration of Independence and won in the Revolution of 1776—the freedom to govern themselves...."

**Justice Scalia** added: "To allow the policy question of same-sex marriage to be considered and resolved by a select, patrician, highly unrepresentative panel of nine is to violate a principle even more fundamental than no taxation without representation: no social transformation without representation."



**Senator Ted Cruz** stated: "This is not a typical moment in American history... The last 24 hours at the United States Supreme Court were among the darkest hours of our nation...."

**Senator Cruz** added: "This week, we have twice seen Supreme Court justices violating their judicial oaths..."

I have already introduced a constitutional amendment to preserve the authority of elected state legislatures to define marriage as the union of one man and one woman . . . and also legislation stripping the federal courts of jurisdiction over legal assaults on marriage."

**Franklin Graham** stated: "The court—since it never defined marriage—doesn't have the right to redefine it. God gave us marriage, period. And God doesn't change His mind."

## **OF THE PEOPLE**

"...that government OF THE PEOPLE, by the people, for the people, shall not perish from the earth." -Abraham Lincoln, November 19, 1863

Attempting to usurp the role of solver of social ills, Democrat-appointed Supreme Court Justice Roger Taney gave his infamous Dred Scott decision in 1857, stating that slaves were not citizens but property.

**President Abraham Lincoln** disagreed with that decision, stating in his Inaugural Address, March 4, 1861: "I do not forget the position assumed by some that constitutional questions are to be decided by the Supreme Court..."

The candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made . . . the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of the eminent tribunal."

**Dr. Ben Carson** commented on how judicial review "has changed from the original intent": "Dred Scott is a perfect example... The Supreme Court came up with this and Abraham Lincoln did not agree with it... It caused a lot of conflict and eventually led to a Civil War."



## WAR ON JUDEO-CHRISTIAN BELIEFS

If recent experience is any indicator, those who do not embrace this new definition of marriage will immediately be:

- sued,
- fired,
- bullied,
- boycotted,
- threatened,
- called names,
- driven from the military,
- accused of being hateful,
- have pastors' sermons censored,
- singled-out for auditing by the IRS,
- have churches lose tax exemption, and
- be targeted by the Attorney General for prosecution.

**Dr. Carson** said: "I call on Congress to make sure deeply held religious views are respected and protected. The government must never force Christians to violate their religious beliefs.

**Franklin Graham** warned: "I believe God could bring judgment upon America... There will be persecution of Christians for our stand..."

Churches and faith-based business should prepare for lawsuits and government investigations. Pastors who refuse to perform gay marriages and preach from The Bible should prepare for hate crime charges.

All dissent will be silenced by the government and the activists... An overwhelming number of Christians will defy the law."

**Governor Mike Huckabee** stated: "This irrational, unconstitutional decision threatens religious liberty—the heart of 1st Amendment. Congress must act... The Supreme Court is not the Supreme Being..."

**Governor Huckabee** added: "The only outcome worse than this flawed, failed decision would be for the President and Congress, two co-equal branches of government, to surrender in the face of this out-of-control act of unconstitutional, judicial tyranny."

**Carly Fiorina** wrote: "All our effort should be focused on protecting the religious liberties and freedom of conscience of those Americans that profoundly disagree with today's decision."



**Senator Marco Rubio** stated: "The next President and all in public office must strive to protect the First Amendment rights of religious institutions and millions of Americans whose faiths hold a traditional view of marriage. This is a constitutional duty, not a political opinion.

Our nation was founded on the human right of religious freedom, and our elected leaders have a duty to protect that right by ensuring that no one is compelled by law to violate their conscience."

**Governor Jindal** noted: "Marriage between a man and a woman was established by God, and no earthly court can alter that... This ruling must not be used as pretext by Washington to erode our right to religious liberty."

**Governor Jeb Bush** stated: "In a country as diverse as ours, good people who have opposing views should be able to live side by side. It is now crucial that as a country we protect religious freedom and the right of conscience and also not discriminate."

As standards of sexual behavior are cut loose from the encumbrances of traditional values, the logical next step would be to legalize:

- polygamy,
- incest,
- group marriages,
- child brides,
- pedophilia,
- bestiality and
- any other conceivable arrangement.

Indeed, arguments to prevent this progression from occurring are purely arbitrary in their reasoning.

Reiterating values accepted since the beginning of recorded history, Franklin Graham stated: "I'm disappointed because the government is recognizing sin... This court is endorsing sin... God gave marriage between a man and a woman and that's what marriage is..."

If pastors are going to be forced to provide marriage services for gay couples, I'm not going to do it...."

**Franklin Graham** concluded: "I am reminded of something the late Charles Colson wrote: 'If we're not willing to fight this, even to the point of breaking the law, or refusing to recognize the law, then we will lose everything.' Given the choice of obeying God or the government, I believe Christians will obey God, even if there is hell to pay."



In his 1841 Inaugural Address, **President William Henry Harrison** warned: "The great danger to our institutions does . . . appear to me to be . . . the accumulation in one of the departments of that which was assigned to others. Limited as are the powers which have been granted, still enough have been granted to constitute a despotism if concentrated in one of the departments."

## ARE ELECTIONS AN EXERCISE IN FUTILITY?

Immense effort goes into the legislative process:

- registering voters,
- campaigning for candidates,
- manning polling places,
- voter turn-out,
- swearing into office,
- introducing bills,
- debating bills,
- voting on bills,
- overriding vetoes

Yet this is all an exercise in futility if a few unelected judges can invalidate the entire process.

For example:

—The Affordable Care Act, commonly referred to as Obamacare, was forced through a Democrat-controlled Congress without public awareness, as House Minority Leader Nancy Pelosi admitted in her now-infamous statement "We have to pass the bill to find out what's in it."

Thirty-four States chose not to set-up exchanges to administer Obamacare, but the Supreme Court decided in *King v. Burwell*, June 25, 2015, that the Federal Government could overrule the will of the States. Justice Scalia wrote in his dissent: "It is bad enough for a court to cross out 'by the State' once. But seven times?"

Other cases where government OF THE PEOPLE perished are:

—**Arizona** voted English as their official language, but Federal Judges overruled. (9th Circuit, Prop. 106, March 3, 1997)

—**Arkansas** passed term limits for politicians, but Federal Judges overruled. (Sup. Ct., *Term Limits v Thornton*, May 22, 1995)

—**Californians** voted to stop state-funded taxpayer services to illegal aliens, but Federal Judges overruled. (Prop. 187, November 20, 1995)



—**Colorado** citizens voted not to give special rights to homosexuals, but Federal Judges overruled. (Sup. Ct. *Romer v Evans*, 1992)

—**Missouri** voters defeated a tax increase, but Federal Judges overruled. (8th Circuit, *Missouri v Jenkins*, April 18, 1990)

—**Missouri** citizens limited contributions to State candidates, but a Federal Judge overruled. (8th Circuit, *Shrink Pac v Nixon*, January 24, 2000)

—**Missouri** passed "A Woman's Right to Know." Governor Bob Holden vetoed it. Legislators overrode his veto, but a Federal Judge overruled. (U.S. District Judge Scott O. Wright, September 11, 2000)

—**Nebraska** citizens passed a Marriage Amendment with 70% of the vote, but a Federal Judge overruled. (U.S. District Judge Joseph Batallion, May 12, 2005)

—**New York** citizens voted against physician-assisted suicide, but Federal Judges overruled. (2nd Circuit, April 2, 1996)

—**Washington** citizens voted against physician-assisted suicide, but Federal Judges overruled. (9th Circuit, March 6, 1996)

—**Washington** passed term limits for politicians, but Federal Judges overruled. (Sup. Ct., *Term Limits v Thornton*, May 22, 1995)

—**Missouri's** legislators passed a ban on partial birth abortion September 5, 1999. Democrat Governor Mel Carnahan vetoed it. In a historic session, fifteen thousand citizens knelt in prayer around the State Capitol as the Legislature overrode his veto. Days later, Federal District Judge Scott O. Wright suspended the law—and five years later it is still in limbo.

For years a bill to ban partial birth abortion worked its way through the U.S. Congress, being signed by the President November 5, 2003. The next day a Federal Judge suspended the law. In fact, thirty-one States passed bans on partial birth abortion, only to have unelected Federal Judges suspend them.

**Thomas Jefferson** warned Mr. Hammond in 1821: "The germ of dissolution of our Federal Government is in . . . the Federal judiciary; an irresponsible body . . . working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be USURPED FROM THE STATES."

Fifty-five men wrote the Constitution, but only thirty-nine signed it. Why did the some not sign it? Because they did not think it put enough limits on the power of the Federal Government.



Men like **Samuel Adams** and **Patrick Henry** were against the Constitution. Why? Because they did not think it put enough limits on the power of the Federal Government.

The promoters of the Constitution convinced the thirteen States that if they ratified the Constitution, the first action of Congress would be to put limits on the new Federal Government. There were ten limits—the First Ten Amendments or Bill of Rights. Over time, the Federal Government usurped power from the States.

**Senator Ted Cruz** proposed a "retention election" for Supreme Court Justices every eight years: "Every justice, beginning with the second national election after his or her appointment, will answer to the American people and the states in a retention election every eight years..."

Those justices deemed unfit for retention by both a majority of the American people as a whole and by majorities of the electorates in at least half of the fifty states will be removed from office and disqualified from future service on the Court...

This week's opinions are but the latest in a long line of judicial assaults on our Constitution and the common-sense values that have made America great... Enough is enough... This must stop. Liberty is in the balance."

**James Madison** sums up the dilemma in Federalist Paper #51: "In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

**President Andrew Jackson** stated in his Seventh Annual Message, December 7, 1835: "All history tells us that a free people should be watchful of delegated power, and should never acquiesce in a practice which will diminish their control over it."

## **CONFUSION**

November 18, 2003, even as Massachusetts Legislators were working to define marriage as between a man and a woman, four State Supreme Court Judges "ordered" the State Legislature to pass a law within 180 days recognizing homosexual marriage.

**Deciding what laws are needed is the responsibility of the Legislative Branch.** The Judicial Branch is simply to administer the laws according to the meaning the legislators had when passing the laws.



**Thomas Jefferson** explained to Supreme Court Justice William Johnson, June 12, 1823: "On every question of construction, carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed."

**Baron Montesquieu**, the most quoted writer by the Framers of the Constitution, warned of the dangers of uncontrolled judicial power in his *Spirit of the Laws*, 1748: "Nor is there liberty if the power of **judging** is not separated from legislative power and from executive power.

If it were joined to legislative power, the power over life and **liberty of the citizens would be arbitrary, for the judge would be the legislator.**

If it were joined to executive power, the judge could have the force of an oppressor. All would be lost if the same . . . body of principal men . . . exercised these three powers."

**Alexis de Tocqueville**, author of *Democracy in America*, 1835, warned: "The President, who exercises a limited power, may err without causing great mischief in the State. Congress may decide amiss without destroying the Union, because the electoral body in which Congress originates may cause it to retract its decision by changing its members.

**But if the Supreme Court is ever composed of imprudent men or bad citizens, the Union may be plunged into anarchy or civil war."**

States must be vigilant or they will become irrelevant. The nation's Flag may soon be thirteen stripes and instead of fifty stars, one big star, as America's constitutional republic is transformed into **the United STATE.**

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**WILLIAM J. FEDERER** is a nationally known speaker, best-selling author, and president of Amerisearch, Inc., a publishing company dedicated to researching America's noble heritage. Bill's AMERICAN MINUTE radio feature is broadcast daily across America and by the Internet. His Faith in History television airs on the TCT Network on stations across America and via DirectTV.

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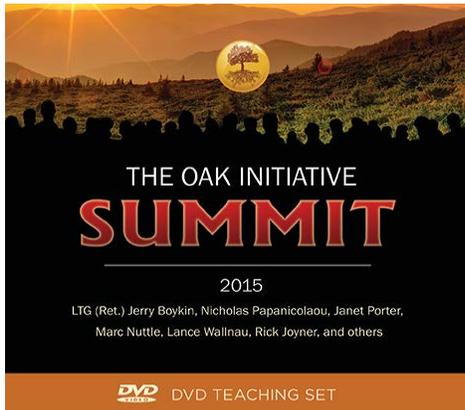
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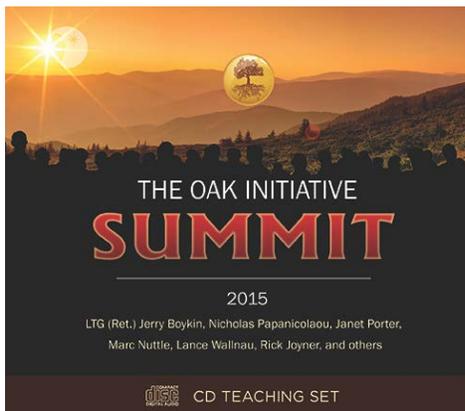


<u>Disc</u>	<u>Date</u>	<u>Title</u>	<u>Speaker(s)</u>
1	Feb 26 AM	'The Fight for Freedom'	Bob Weiner, Cindy Jacobs, Marc Nuttle, Rick Joyner
2	Feb 26 AFT	'An Appeal to Heaven'	Janet Porter, LTG (Ret.) Jerry Boykin, Anna Jane Joyner
3	Feb 26 PM	'Establishing Your Position of Influence'	LTG (Ret.) Jerry Boykin, Lance Wallnau
4	Feb 27 AM	'America's Heritage and Constitution'	Nicholas Papanicolaou
5	Feb 27 AFT	'It's Time for Initiative'	Mike Bickle, Cindy Jacobs, Rick Joyner
6	Feb 27 PM	'Standing Up in Truth and Wisdom'	U.S. Rep. Louie Gohmert, Rick Joyner
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9 & 10	Feb 27 AFT	'It's Time for Initiative'	Mike Bickle, Cindy Jacobs, Rick Joyner
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