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LIBERTY COUNSEL'S MONTHLY ACTION/ALERT NEWSLETTER
"Where the Spirit of the Lord is, there is Liberty." 2 Cor 3:17

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2013

A Message from Mat Staver, our Founder and Chairman LIBERTY COUNSEL'S LANDMARK CASE AGAINST OBAMACARE HEADS BACK TO SUPREME COURT

The federal court of appeals recently issued a ruling on Liberty Counsel's Obama-Care case. Now we are preparing the case to head back to the U.S. Supreme Court for the second time since 2010. Liberty Counsel's landmark case is the most comprehensive challenge to ObamaCare in the country.

The Fourth Circuit Court of Appeals in Richmond, Virginia, cleared the way for Liberty Counsel's ObamaCare lawsuit to head back to the U.S. Supreme Court. In the case of *Liberty University v. Geithner* (now fashioned *Liberty University v. Lew* after the new Secretary of the Treasury, Jack Lew), Liberty Counsel represents Liberty University and two private individuals.

The court of appeals agreed with Liberty Counsel on the procedural questions: Liberty University and the individual plaintiffs have legal

standing to bring the case, and the Anti-Injunction Act (AIA) does not bar the case from being heard.

Despite the pleading of Eric Holder's Department of Justice, the court of appeals did not dismiss the

case and went on to reach the merits. This is good news because now we are cleared for the next step: the U.S. Supreme Court!

*Liberty Counsel's case against
(continued on page 2...)*



Liberty Counsel has been at the forefront of the battle to stop the passage and implementation of ObamaCare since it was first proposed in the 111th Congress, and we are now returning to the U.S. Supreme Court for the second time since 2010. Our principled opposition to the badly misnamed Patient Protection and Affordable Care Act (PPACA, sometimes also called the Affordable Care Act or ACA) has been consistent and intense for the four plus years since the concept was first introduced in the House of Representatives in 2009. Liberty Counsel Founders Mat and Anita Staver, shown at left arriving at the Fourth Circuit in Richmond, Virginia, in May of 2011 and at right meeting with the press after the hearing, once again entered the court of appeals courthouse on May 16, 2013, to argue Liberty University v. Lew (the case has been renamed to include the new Secretary of the Treasury, Jack Lew). The second appearance before the appeals court was accompanied by well over 100,000 committed prayer partners who had signed Liberty Counsel's Amici Book (book of friends).

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ObamaCare is the most comprehensive in the nation, challenging (1) the entire employer mandate; (2) the abortion mandate for religious employers; (3) the abortion mandate for individuals; and (4) the entire law because tax bills must originate in the House.

The three-judge panel at the Fourth Circuit, consisting of two Obama appointees and one Clinton appointee, ruled that Congress has authority under the Commerce Clause to pass the employer mandate. This ruling conflicts with the Supreme Court's decision last year, in which

How, then, can Congress have authority under the Commerce Clause to force employers to buy an unwanted product if it cannot force individuals to do so?

the Court ruled that Congress lacks the authority under the Commerce Clause to force individuals to buy an unwanted product.

How, then, can Congress have authority under the Commerce Clause to force employers to buy an unwanted product if it cannot force individuals to do so?

Last year, the Supreme Court ruled that Congress has the authority under the Taxing and Spending Clause to tax individuals who refuse insurance coverage. While I believe that ruling was wrong, the Supreme Court reasoned that the penalty paid by individuals was small (under \$100) compared to several thousand dollars in insurance costs. The Court, however, warned that if the penalty became too high, it could not be

upheld as a tax.

That's the problem we have with the employer mandate – exorbitant fines are imposed on employers. The penalties for employers from the IRS can be up to \$2,500 per employee per year, and the *additional* fines under ObamaCare from the Department of Labor can be up to \$15,000 per employee per day!

The fines against employers amount to tens of millions of dollars and are so punitive that they could never be upheld as a permissible tax. Moreover, the Department of Labor does not have the power to tax. And to boot – Liberty University is tax-exempt!

There must be at least five Justices on the Supreme Court who are interested in hearing this case on the employer mandate. Last November, we received a ruling from the High Court ordering the court of appeals to hear our case against ObamaCare. That ruling from the High Court had to come from at least five of the nine Justices. *If we are successful in striking down the entire employer mandate, then that kills the mandate for ALL employers and thus guts ObamaCare!*

Liberty Counsel's case also challenges the requirement that religious employers provide free coverage for contraceptives and abortion-inducing drugs and devices. This is a strong challenge under the First Amendment and the Religious Freedom Restoration Act. ObamaCare is on a direct collision course with the free exercise of religion. This is a line religious employers simply cannot cross.

We also challenge the premium many individuals will be forced to pay for abortion. This is the first time in history individuals will be required to directly fund abortion. ObamaCare is truly reprehensible!

The ruling by the Fourth Circuit Court of Appeals clears the way for

our case to go to the Supreme Court. As Congress cannot force individuals to buy an unwanted product, neither can it force employers to do so. The fines against employers are so exorbitant that they cannot be justified as a tax.

ObamaCare authorizes millions of dollars in fines against employers to be assessed by the IRS and the Department of Labor, but the latter has no authority to impose a tax. Thus, the employer mandate has no constitu-

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tional authority. But that seems par for the course for the incomprehensible Obama administration!

If the Supreme Court agrees to hear our case when the Justices return in October, we could have a decision by June of 2014, right in the middle of the mid-term elections. This is exactly what President Obama is hoping to avoid. That is also why his Department of Justice argued so hard to have our case dismissed. That argument was soundly rejected.

Please, pray for our case against ObamaCare. This is the last and best hope to get this outrageous law overturned. Liberty Counsel filed suit against ObamaCare on the same day it was signed into law on March 23, 2010, and I have a sense of destiny about its eventual outcome.

This case has been very expensive. *But, there is no price we can place on liberty.* We must stop ObamaCare at all costs!

Please join with over 100,000 people who have committed to pray

for our case against ObamaCare. You can go to LibertyCounsel.com and sign up to pray, or simply respond by indicating your desire on this month's response form to have your name added to the prayer partner list. Just check the block next to the phrase "Prayer for ObamaCare lawsuit."

We also need your financial support to continue this expensive legal battle. We have been fighting in the judicial system for over three years, and now we are intensely preparing for the trip back to the Supreme Court. This is a very expensive process.

For any gift amount you can send this month, we will quickly send you "ObamaCare Exposed," a compelling 110-page book we have prepared for our partners. Just check the block on your response form if you want to receive this important resource.

Liberty Counsel will not cease fighting until we stop ObamaCare! ✂



Mathew D. Staver, who founded Liberty Counsel along with his wife, Anita, in 1989, serves as the organization's Chairman. A leading constitutional attorney, widely read author, and sought-after speaker and cultural apologist, he also serves as Dean of the Liberty University School of Law and as Chairman of Liberty Counsel Action. Staver is among the core leaders of a national effort to rebuild the conservative movement in America.

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conferences and are willing to help us prepare for this life-changing event, we want to speak with you.

Even if you cannot attend this amazing event, please pray for us and

Working together, we can make a difference when we take action on basic issues that greatly affect us and our families – issues of life, liberty, security, economics, faith, and all our other core Christian values.

let others know about this remarkable opportunity to help Christian women become an unstoppable force to

impact this nation for good!

You can also help by giving this message to women you know who are concerned about America and the legacy we are leaving for our children and grandchildren. You can learn much more than I can share in this brief article by visiting our websites, LC.org and LibertyCounsel.com.

The answer to the question, "What can I do?" is, "Join us and we'll see what God will do as we work together." I hope to see you in November! ✂

Anita L. Staver, Liberty Counsel's President, cofounded the ministry in 1989 along with her husband, Mat. Anita is a member of the bars of the state of Florida and the District of Columbia. She is admitted to practice before the United States Supreme Court, every federal court of appeals in the nation, and six federal district courts.

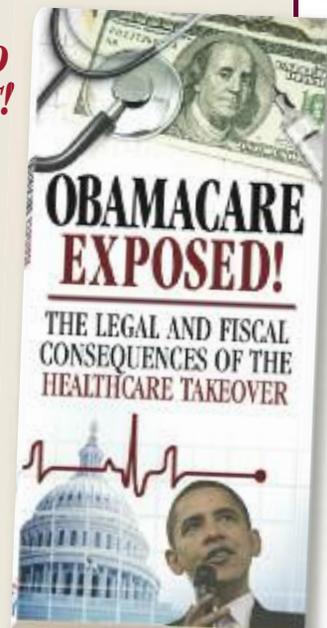
Get this Invaluable Resource Today!

LEARN THE TRUTH ABOUT BARACK OBAMA'S HEALTHCARE TAKEOVER AND WHAT NEEDS TO BE DONE TO STOP IT!

Because of ObamaCare, our once enviable healthcare system that boasted the best doctors, hospitals, researchers, and care will soon become a government-centered quagmire from which there may be no return. ***Repealing and removing this law will require one of the most intense political and legal fights in our nation's history.***

This insightful resource examines the battle that lies ahead to repeal the largest and most intrusive tax increase ever imposed on the American people. If you want to understand what's at stake in the looming fight over the biggest – and boldest – government takeover in U.S. history, *ObamaCare Exposed!* is a must-read.

Check the block on your response form or visit our Online Store at LC.org to order your copy!



From Anita Staver, President

WOMEN IMPACTING THE NATION FOR JUST SUCH A TIME AS THIS



*And who knows whether you have come to the kingdom
for such a time as this? — Esther 4:14*

America is facing unprecedented, overt, coordinated attacks on our Christian foundations. Patriots who are concerned about the direction of our country often ask the burning question: “What can I do?”

My answer is simple: We must educate ourselves and our families and then educate our communities. Change takes time, but it begins now, and it begins with us!

Some who consider this challenge may protest that they lack the skills or experience to make a difference. *But God routinely uses unworthy people to do great things.*

After all, *everyone* is insignificant when compared to Him, and none of us can face the daunting

challenges in our culture without His aid. Even if you think you are the most unqualified person on earth, you can accomplish amazing things for God. As never before, America needs people like *you and me* who will step forward and say, “I want to do something great for God!”

If you are unsure of how to take that first step, I want to help. Liberty Counsel is offering you a remarkable

***As never before, America
needs people like you
and me who will step
forward and say,
“I want to do something
great for God!”***

opportunity to learn from women who are already changing their communities, their states, and the nation. Come and meet them at our third annual *Women Impacting the Nation* “For Such A Time As This” Conference in Orlando, Florida, on Friday, November 15, and Saturday, November 16, 2013.

Join me at this incredible conference and meet other fun, exciting, and successful women who acknowledge God’s transformative role in their lives and who are making a real impact on our future as a nation. Working together, we can make a difference when we take action on basic issues that greatly affect us and our families

– issues of life, liberty, security, economics, faith, and all our other core Christian values.

This unique conference blends faith with action, bringing informative speakers along with fun, fellowship, prayer, praise, and worship. There will be renowned speakers such as AP award-winning, investigative journalist Jan Morgan, who will share her expertise as an NRA certified firearms instructor.

Have dinner with author and Center for Urban Renewal and Education (CURE) founder Star Parker, enjoy a concert with Dove Award winner Kathy Troccoli, hear from Campus Crusade cofounder Vonette Bright, meet talk show host and reality TV star Rachel Campos-Duffy, attend an intimate reception with other awesome speakers, shop our silent auction, and much more!

You will enjoy a relaxing setting and learn more about issues and ideas that really matter to you. You will be encouraged, informed, empowered, and equipped with the truth that you need to make a positive impact in your own sphere of influence.

And if you, your organization, company, or church would like to become a sponsor, an exhibitor, or donate to our silent auction, please let us know. *We also need many experienced volunteers. If you are a woman who has organized other*

(continued on page 3...)



***Restoring the Culture by Advancing
Religious Freedom, the Sanctity of
Human Life and the Family***

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PO Box 540774

Orlando, FL 32854-0774

800•671•1776

www.LC.org • liberty@LC.org

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