



# The Liberator

VOL 24,  
NO. 4

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

APR  
2013

## A Message from Mat Staver, our Founder and Chairman OBAMACARE TO MEET ITS MOST CRITICAL CHALLENGE AT FEDERAL COURT OF APPEALS

*Next month, before a federal court of appeals, ObamaCare will face its most critical legal challenge to date. Liberty Counsel's lawsuit that began in 2010 has the potential to gut the law and could even completely overturn it. Our case is the most comprehensive and significant challenge to the law in the country. Read about and learn what you have not heard from the media...*

**O**n May 16, I will once again appear before the Fourth Circuit Court of Appeals in Richmond, Virginia, to argue against ObamaCare.

Our lawsuit challenges (1) the employer mandate for *all* employers, (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 and ObamaCare originated in the Senate.

In the case of *Liberty University v. Geithner*, Liberty Counsel represents Liberty University and two women. We filed the case on March 23, 2010, the same day President Obama signed

the bill into law. We filed our lawsuit exactly 235 years from the day that Patrick Henry delivered his fiery "*Give me liberty or give me death*" speech on March 23, 1775. How ironic it is that Barack Obama would sign such a

tyrannical bill into law on that anniversary – the most anti-liberty, anti-life law in American history. Patrick Henry would surely revolt at the mere suggestion of such a law!

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**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. Our principled opposition to the badly misnamed Patient Protection and Affordable Care Act, commonly referred to as ObamaCare, has been consistent and intense for the four years since the concept was first introduced in the House of Representatives in 2009. Beside the hundreds of thousands of documents and media products, like our most recent exposé (top left), we have distributed on this subject, we have sent well over 100 million educational email messages about ObamaCare to a wide range of audiences. When Liberty Counsel Founders Mat and Anita Staver (shown at center arriving at the Fourth Circuit in Richmond, Virginia, in May of 2011) once again enter that courthouse on May 16, 2013, to argue Liberty University v. Geithner, they will be accompanied by well over 100,000 prayer partners listed in a special "Amici Book." Patrick Henry's (right) famous 1775 address to the Virginia House of Burgesses, then also located in Richmond, has greatly inspired Liberty Counsel's long and arduous battle to derail ObamaCare's government takeover of America's healthcare system.**

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After our case reached the Supreme Court last year and our issue took up the first day of the three-day oral argument, in late November the Justices ordered the Court of Appeals to rehear the claims we raised. A majority of the Justices have now signaled that they are interested in the issues our case presents. After next month's argument and subsequent ruling, we will likely head back to the Supreme Court.

### **EMPLOYER MANDATE**

*Our case is the only one in the country that challenges the entire employer mandate for all employers.* For the same reasons the Court ruled Congress lacks authority under the Commerce Clause to force individuals to buy an unwanted product, so too Congress cannot force employers to purchase or provide government-mandated insurance. But unlike the individual mandate, which the Court upheld as a tax, the employer mandate cannot be upheld as a tax.

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Although the reasoning of the Court was wrong on the tax issue, the Court stated ObamaCare raises revenue and can be considered a tax. But the Court also said a tax cannot be so high as to be punitive. There is a limit on what Congress can tax. The "tax" for the individual mandate is minimal compared to the actual cost of obtaining insurance, and thus the Court ruled the "tax" was not "punitive."

But for the employer mandate, the "tax" is "punitive" because it costs employers at least as much, and in some cases more, to pay the "tax" than to provide insurance. In many cases an

employer will pay less to cover its employees than it will to pay the \$2,000 per employee, per year "tax."

This "tax" penalty is also \$2,000 per employee, per year if the employer provides insurance but does not meet any one of the many Obama mandates, like the contraception/abortion provision. In this case, the employer will pay for insurance provided to its employees and then pay the "tax" penalty.

And, if one employee has to pay more than 9.5 percent of annual income on a premium, the penalty increases to \$3,000. A "full-time" employee under ObamaCare is one who works 30-hours, so this 9.5 percent mandate means a 30-hour employee earning \$18,000 per year will meet this mandate if the premium is \$1,800 per year. This crippling "tax" is *punitive*, and, as such, cannot be considered a tax. ObamaCare cannot be upheld under the Taxing and Spending Clause.

### **RELIGIOUS EMPLOYERS**

Like other pending cases, we also challenge the so-called "preventative coverage" mandate, which requires employers to provide free contraceptives, sterilization, abortion-inducing drugs, and IUDs, the latter two of which cause abortion. *This mandate directly collides with the free exercise of religion.* Liberty University's core biblical doctrine holds that God is the Author of life and abortion is murder – a sin against God! This mandate is a serious violation of religious freedom.

Religious employers must choose between adhering to their core religious beliefs and violating the law (for which they will face crippling fines), or abiding by the abortion mandate and sinning against God. *The government cannot force employers to violate their core religious beliefs under penalty and force of law.*

### **INDIVIDUALS AND THE ABORTION MANDATE**

ObamaCare also forces all employees

who are part of a plan that offers abortion coverage to pay \$1 per month directly to an abortion fund. All employees will be required for the first time in history to directly fund abortion on a massive scale. *Like the "preventative mandate" for employers, this forced funding of abortion for individuals violates the right of conscience and the free exercise of religion.*

### **ALL TAX LEGISLATION MUST ORIGINATE IN THE HOUSE**

While the Supreme Court upheld the individual mandate as a tax, it never addressed the argument our case presents. The Constitution's "Origination Clause" requires that all tax bills originate in the House, not the Senate. But Senate Majority Leader Harry Reid played tricks with ObamaCare. He took a House Resolution unrelated to ObamaCare, struck all the language and the title so that only the former

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HR number remained. He then inserted a new title and over 2,000 pages of ObamaCare.

If ObamaCare is considered a tax, it is invalid because taxes *must* originate in the House and ObamaCare originated in the Senate. The entire law must be stricken. No other case includes this sweeping challenge to ObamaCare. If we win this argument, the entire law will go down.

We have spent over three years and about a thousand hours fighting ObamaCare in the courts, not counting the time we have fought the law as it moved through Congress. I am now on the verge of arguing the most

significant challenge to ObamaCare in the country.

Over 100,000 people eventually signed our Amici Book in 2011, pledging to pray for this case and our legal team, and we have nearly that many in 2013 with several weeks remaining for sign-ups. Your prayers have brought us this far! I call upon each of you to pray for our case and me as I prepare for and present the argument. If you have not signed the Amici Book pledging to pray, then I urge you to do so. You can sign your name at Liberty Counsel.com by clicking on “*Amici Book ObamaCare Prayer Pledge.*”

*The ObamaCare case is only one of many cases and projects Liberty Counsel is managing right now. It has consumed, and continues to consume, enormous time and other resources, but this is a battle we must win.* Please consider investing a special financial gift in Liberty Counsel’s war chest as we carry on this fight. This is a truly historic battle! I am grateful you are standing with us in both prayer and financial support. ✕



*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.*



**Nashville, TN – Mat Staver, Founder and Chairman of Liberty Counsel (left), was presented with the Defender of Liberty award at the 2013 National Religious Broadcasters Convention by Richard Bott Sr. and Rich Bott, the Founder and President/CEO respectively of Bott Radio Network. Bott Radio Network was founded in 1962 and now owns 93 radio stations. The prestigious award recognizes Staver for his faithful and effective work in defending religious liberty, the sanctity of human life, and the family.**

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enslave our children and grandchildren will continue to rise, guaranteeing an even harder life for them.

**But this travesty can be stopped!** Pro-life members of Congress must stand strong against the export of so-called “reproductive health services” to other nations. Cutting the budget is not only responsible from a fiscal standpoint, but cuts can slow the pro-abortion cause worldwide. Shrinking our government is one of the best ways to slow the administration’s pro-death agenda.

There are many budget compromises that can be made without violating God’s law. The funding of abortion is not one of them. Even if the only choice we had was to either fund abortion and keep the government running, or defund abortion and close down the government, we should choose the latter. **Life is precious. And life must not be compromised!**

To educate yourself about current abortion issues and learn more about Liberty Counsel’s recently established collaborative pro-life initiative, go to

***Even if the only choice we had was to either fund abortion and keep the government running, or defund abortion and close down the government, we should choose the latter.***

*www.LifeUnited.org.*

Once Americans know the true cost of publically supporting the agenda of death, we can choke its funding and get about the business of creating a culture of life in America and throughout the world! ✕

*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.*

**From Anita Staver, President**

# EXPOSING THE REAL COST OF THE AGENDA OF DEATH



*...inasmuch as you did it to one of the least of these My brethren, you did it to Me. — Matthew 25:40*

**T**he real human cost of America's uncontrolled federal spending that is being used to advance a culture of death can be seen in the lives of women around the globe. Tragically, we are not only funding the deaths of our own nation's preborn babies – and thus destroying the lives of many of their mothers – but we are also actively exporting this evil to the rest of the world.

*The Obama administration is using your tax money to essentially blackmail poorer countries into providing a full line of “reproductive health services,” the currently fashionable code words for abortion and abortion-inducing drugs.*

According to a 2011 Federal Drug Administration (FDA) report, RU 486 is one such drug that has already killed

or physically injured more than 2,200 women in the United States alone. Women in other countries should not be our next victims!

Pro-abortion radicals, such as those who lead and support Planned Parenthood, are desperate to expand access to these killing pills and other means of abortion through foreign aid, through

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ObamaCare, and through any other imaginable distribution scheme.

And an army of so-called “liberal” or “progressive” government bureaucrats are eagerly rolling out the President's death agenda through a maze of programs and agencies.

President Obama recently issued instructions to the various federal agencies, requiring them to “promote gender equality and empower women and girls globally.” His written instructions directed Secretary of State John Kerry to appoint a “coordinator” to lead the Office of Global Women's Issues at the Department of State.

An interagency working group will also be formed to develop government-wide policies to carry out Obama's instructions. This is just one example

of how the Obama administration is pushing its radical pro-abortion agenda with funding extorted from unsuspecting Americans.

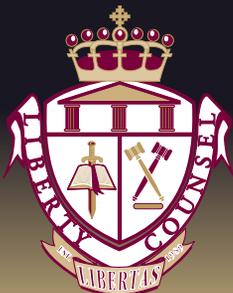
Another tactic the radicals use to advance the agenda of death is to change the language of their talking points. They not only avoid the word “abortion,” they have even abandoned the term “pro-choice.” Now they speak of “women's health” and “contraceptive coverage,” which are code words for abortion-inducing drugs such as RU 486.

The Obama agenda of death will also be furthered by a well-known pro-abortion figure who has been prominently installed in his administration. Former Planned Parenthood media director, Tait Sye, now works for the public affairs division of the Department of Health and Human Services. Evidently, one of her tasks is to spin the pro-abortion agenda into something more palatable to the public.

*The administration has an advantage if it can keep American families preoccupied with sheer economic survival.* This sad condition makes it easier for the administration to get its agenda past distracted citizens and is how many deathly plans are implemented with few challenges.

Then, while most Americans are raising their families and struggling to stay ahead of their bills, their tax dollars are being squandered in both Washington and overseas. And over time, the government debt that will

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

*The Liberator* newsletter is regularly published by

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