

# TEXAS EAGLE FORUM TORCH

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## Legislatures Should Curb Judicial Supremacy Over Marriage

By Phyllis Schlafly, Eagle Forum President

It's *Roe v. Wade* all over again, as the Supreme Court is poised to invent a new right to same-sex marriage found nowhere in the four corners of the Constitution. Fortunately, the Founders gave us checks and balances against this

overreaching in power.

The Framers understood the tendency of a branch of government to expand, and they empowered both Congress and the States with the legislative tools necessary to avert the encroachment. A branch of government will

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Progress Through Preservation of Traditional Values

# Legislatures Should Curb Judicial Supremacy Over Marriage

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transgress its boundaries until the other branches exercise their authority to restrain the breach.

When the Supreme Court ruled that the State of Georgia should give land back to an Indian tribe, President Andrew Jackson reportedly responded by saying, Chief Justice “John Marshall has made his decision; now let him enforce it.” Both Georgia and Jackson then ignored and declined to enforce that act of judicial supremacy.

President Abraham Lincoln, himself an esteemed attorney, reacted similarly when the Court subsequently overstepped its bounds in the Dred Scott case. He rejected submission to “that eminent tribunal.”

It is the duty of legislatures to step up and limit the federal judiciary’s expansion of power, particularly on marriage, a matter central to state sovereignty. Both Congress and the States should fulfill their obligations to safeguard the Constitution and the American people against a usurpation in power by the Supreme Court over marriage.

Congress should enact laws denying funding and withholding jurisdiction from enforcement of any redefinition of marriage by the federal judiciary. Congress has repeatedly withdrawn power from the federal courts over many other topics, ranging from Medicare reimbursement to the clearing of underbrush in South Dakota, and marriage is certainly no less important an issue.

On the Second Amendment, Congress passed and President Clinton signed the “Protection of Lawful Commerce in Arms Act,” which abruptly shut down pending litigation against gun manufacturers for crimes committed with guns. That legislation properly ended judicial activism against guns.

On the Establishment Clause, President Clinton signed the Consolidated Appropriations Act of 2001, which had passed by unanimous consent, including a provision to deny funding for the enforcement of an order to remove a cross from public land. Courts do not enforce their own orders, and the withholding of funding to enforce overreaching federal orders is a proper curb on judicial supremacy.

Congress should also exercise its special authority under Section Five of the Fourteenth Amendment to clarify that States retain full authority to limit marriage between one man and one woman. Unlike the first 10 amendments to the Constitution, which depend on the federal courts for enforcement, the 14th, which contains the equal protection clause relied on by same-sex marriage advocates, gives Congress the power to enforce its provisions against the States.

Republican presidential candidates should make clear that, if

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***“It is the duty of legislatures to step up and limit the federal judiciary’s expansion of power, particularly on marriage...”***

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elected, they will not allow the executive branch to bully States into adopting same-sex marriage against the will of their residents.

States should act on their own to protect their sovereignty over marriage, without waiting for Congress or the election of a new president. Good bills have already been introduced in South Carolina (H3022) and **Texas (HB 623)** to ensure that no taxpayer dollars, including official salaries, are spent on same-sex marriages that are prohibited by state law there.

The costs of same-sex marriage include billions in new entitlements, consumption of family court resources, and lawsuits for alleged discrimination. The elected branches of federal and state government, which retain the “power of the purse,” should not have to foot the bill for those costs, and the Constitution ensures that they can cut off the money.

Forty-two years ago, a 7–2 majority of the Supreme Court invented a new constitutional right to abortion, and many politicians mistakenly thought that settled the issue. But the advantage in the polls formerly enjoyed by the pro-abortion side has completely disappeared.

Moreover, even the Court that had declared a “right” to abortion subsequently held that Congress and the States retain power to cut off money for abortion, and to regulate that dirty business to promote the health of its victims. Likewise, States have full authority to cut off money for the homosexual agenda today.

History may soon repeat itself with a judicial mistake of similar magnitude, but the Constitution allows Congress and the States to counteract it. They should immediately enact laws to “check and balance” this brazen power grab by the judicial supremacists over marriage.

**WHAT YOU CAN DO:** Ask your state legislators to support **HB 623**. Also, ask your Congressmen to demand Supreme Court Justices Ginsburg and Kagan recuse themselves from the case before the Court as they both have performed same-sex marriages.

# United Nations NEW Legally-Binding Treaty

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By Cathie Adams,  
president of Texas Eagle Forum

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The United Nations is working on a **new legally-binding treaty** that would devastate our American standard of living. The treaty's utopian goal would appease extreme environmentalists by eliminating the use of clean, affordable and abundant energy sources and replacing them with expensive and undependable sources. It wants fossil fuels to stay in the ground and to eliminate their use altogether by 2050.

At its annual mega-conference this coming December in Paris, France, the UN will propose that nations **measure** greenhouse gas emissions (GHGs) and **report** them to its UN Framework Convention on Climate Change (UNFCCC) bureaucrats. The measurement is called "Intended Nationally Determined Contributions or INDCs, which the US endorsed at last year's conference in Lima, Peru. Like its predecessor, the 1997 Kyoto Protocol, the new legally-binding treaty would require a **cap** on greenhouse gas emissions.

If the UN is given the authority to measure GHGs, it could then **tax** them to amass cash for its Green Climate Fund, which was created in 2009 to redistribute \$100 billion annually from rich to poor countries. A tax on the gas emitted when fossil fuels are burned, **carbon dioxide**, could raise **trillions** of dollars annually.

The scheme's hypotheses is that elevated CO2 levels cause the climate to change, which ignores the simple science of photosyntheses, the process within plants to take in CO2, water and sunlight, then emit oxygen. The more CO2 in the air, the more plants grow, which is why greenhouses routinely enhance CO2 levels. The added benefit is that the more plants grow, the more oxygen they produce, which is good for humans. Most remarkable is that CO2 makes up only 3 out of 10,000 molecules of the air we breathe!

Apollo 7 astronaut Walt Cunningham, who was at the Peru meeting, put it simply, "The UN sells [climate change] to the public who is not scientifically trained and does not understand when you should accept data and when you should not accept data. These people are politically driven, financially driven."

No one denies that the climate changes, but the rub comes with the UN claim that burning fossil fuels **causes** the climate to change. The environmental extremists capitalize on every climate event, whether warm or cold or flood or drought, to blame greenhouse gas emissions, primarily CO2.

The contrived strategy began in earnest at the UN's first Earth Summit in 1972, then hit pay dirt during its 1992 Earth Summit in Rio de Janeiro that created the UNFCCC treaty that declared war on fossil fuels claiming that the CO2 emitted when they are burned causes "global warming," even though it had to change its rhetoric to "climate change" when the earth stopped warming in 1998.

The US Senate ratified the UNFCCC treaty in 1992, but did not ratify its 1997 legally-binding successor called the Kyoto Protocol that mandated caps on GHG emissions in only 37 nations, including the US.

**The UN scheme to measure, cap and tax GHGs would put a choke-hold on the fossil fuels that run our industries and sustain our standard of living.**

Climate Depot's Marc Morano explained at the Peru meeting, "The UN is first and foremost political and they have bastardized science to achieve a political end. The head of the IPCC [UN-created International Panel on Climate Change] climate panel has said they are at the 'beck and call' of governments. So, their whole mission is to enrich the UN. They are using that to claim that they can alter global temperature and storminess and weather events many decades to 100 years into the future. And the UN does not have that power—that is reserved for medieval witchcraft."

Secretary of State John Kerry has attended every major UNFCCC meeting since the 1992 Rio meeting. In Peru he said that climate change is "not just another policy issue" but a global threat equal to "terrorism, extremism, epidemics, poverty and nuclear proliferation."

Since CO2 is absolutely necessary for human and plant life, and geologists claim that CO2 levels have been much higher in our historical past, and the earth was warmer before increased CO2 levels brought about by the industrial revolution, and since the earth has not warmed since 1998, **the UN cannot hide its real aim to measure, cap and tax CO2 in order to raise trillions of dollars annually and redistribute it from rich to poor nations.**

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***"[The UN] wants fossil fuels to stay in the ground and to eliminate their use altogether by 2050."***

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This UN "climate change" scheme must be a prominent issue throughout the 2016 Presidential campaigns. Americans will also be watching what happens in Paris and will expect our government officials to protect our enviable standard of living from the radical environmentalists.

**WHAT YOU CAN DO:** Ask your Legislators to SUPPORT SB 445 that would protect Texans from the UN's radical environmental document called Agenda 21.

Also, Cathie Adams is available to speak to groups. Call her at 972-523-8551.



# Eagle Cliff Notes

## “Voluntary” Sharia Court In Texas

Breitbart Texas confirmed recently that “an Islamic Tribunal using Sharia law” is indeed operating in Texas. But not to worry: an attorney for the tribunal assures us that participation is “voluntary.” Pamela Geller, president of American Freedom Defense Initiative, reports, “This is how it started in the United Kingdom. When Sharia courts were instituted there, Muslim and non-Muslim officials alike all assured the British public and the world that they would be voluntary, restricted to matters involving non-criminal matters, and subject to the British courts. Any areas in which British law and Sharia law conflicted would be referred to the British courts. That is not how it worked out. *The Telegraph* reported in August 2011 that ‘there are growing concerns’ that the Sharia courts ‘are creating a parallel legal system’—and one that is developing completely unchecked.” When asked what he would do when Islamic law conflicted with American law, Sharia Judge El-badawi said: “We follow Sharia law.”

**WHAT YOU CAN DO:** Let your state representative know your support for **HB 562**, American Law for American Courts (ALAC,) which would protect Texas courts from implementing foreign law. Ten states have passed similar legislation.

## IRS Hires Same Company That Botched Obamacare Website

Months after federal officials fired CGI Federal for its botched work on Obamacare website Healthcare.gov, the IRS awarded the same company a \$4.5 million IT contract for its new Obamacare tax program. CGI is a \$10.5 billion Montreal-based company that bungled the Obamacare main website. After facing a year of embarrassing failures, federal officials finally terminated CGI’s contract in January 2014. Yet, months later, IRS officials signed a new contract with CGI. Scott Amey, the general counsel for the non-profit Project on Government Oversight, examined the IRS contract with CGI. “CGI was the poster child for government failure,” he told *The Daily Caller*. “I am shocked that the IRS has turned around and is using them for Obamacare IT work.”

## Al Gore Wants To Ban Cars In Cities

If you live in a major city and own a car, you might not be able to keep your car in the city, or you might have to give up your car all together. You see, former Vice President Al Gore and his current partner in crime, former Mexican President Felipe Calderon, are looking to obtain \$90 trillion dollars in order to ban cars from all major cities. Gore and Calderon, presenting a report from the Global Commission on the Economy & Climate (GCEC) at the World Economic Forum in Davos, Switzerland, argued that making cities more compact, wholly reliant on public transportation, and “more climate friendly” is the only way to ensure that cities do not contribute to global warming. Interestingly enough, these individuals, who were at this “forum” championing taking away the individual right to own a car, arrived in private jets – 1,700 of them to be exact. Now, why did not these “climate concerned” individuals use public transportation? Hypocrites all of them would be if “global warming/climate change” were real.

Source: Suzanne Hammer, [freedomoutpost.com](http://freedomoutpost.com)

## Nearly 50 Million Americans On Food Stamps

Fifty years after President Lyndon Johnson declared a “war on poverty,” and five years after President Obama’s administration declared the “Great Recession” over, a record number of Americans remain on taxpayer-supported federal and state assistance programs. According to the most recent government figures, as reported by CNSNews.com, more than 46 million Americans are not only currently receiving some level of food stamp assistance but have been receiving that assistance for more than three years straight. In October 2014, the latest month reported, there were 46,674,364 Americans on food stamps.

## Quote of the Month

*“They will require a test on civics but will permit the education intelligentsia to write the standards. This will create another common core moment. If our policymakers are going to demand educational standards, they better be willing to... make the standard the Bible.”*

Blackstone Initiative’s David Linton, “Civics Testing: The Next Common Core,” responding to state legislation requiring high school seniors to pass a civics test prior to graduation.

## Famous American Quote

*“Should I keep back my opinions at such a time, through fear of giving offense, I should consider myself as guilty of treason towards my country, and of an act of disloyalty toward the majesty of heaven, which I revere above all earthly kings.”*

Patrick Henry,  
American Revolutionary and orator

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