Columbia Christians for Life
P.O. Box 12222, Columbia, S.C. 29211 * (803) 400-3152 * **www.ChristianLifeandLiberty.net**
"... I will build My church; and the gates of hell shall not prevail against it." Matthew 16:18

November 17, 2014

TO:

- US Senator Tim Scott, 167 Russell Senate Office Bldg., Washington, DC 20510
- US Rep. Jeff Duncan, 116 Cannon House Office Bldg., Washington, DC 20515
- US Rep. Harold Gowdy III, 1404 Longworth House Office Building, Washington DC 20515
- Governor Nikki Haley, State House, 1st Floor, West Wing, 1205 Pendleton St., Columbia, SC 29201
- Attorney General Alan Wilson, Dennis Bldg., Box 11549, Columbia, SC 29211

SUBJECT: Request to Introduce and to Advocate Introduction of Federal Legislation to Limit Federal Court Jurisdiction over States' Laws and Constitutions Pertaining to One Man-One Woman Marriage

RE: 1) Use of the Authority and Power of the US Congress in Article III, Section 2 of the **US Constitution** to Limit the Appellate Jurisdiction of the US Supreme Court; and

2) Use of the Authority and Power of the US Congress in Article I, Section 8 of the **US Constitution** to Constitute, and therefore also Define the Jurisdictions of Lower Federal Courts (i.e., US District Courts and US Circuit Courts of Appeals)

Dear Senator Scott, Rep. Duncan, Rep Gowdy, Governor Haley and Attorney General Wilson:

I am writing to all five of you who are Federal and State officials to ask each of you to do your utmost to protect the Constitution of the State of South Carolina's provision upholding the God-ordained institution of marriage between one man and one woman, which provision was approved as an amendment to the South Carolina State Constitution by over 800,000 South Carolina voters (78%) on November 7, 2006.

As a result of the Fourth Circuit Court of Appeals in Richmond, Virginia having overturned, on July 28, 2014, both the laws and the constitutional provision for the State of Virginia's protection of the marriage institution, the constitutional provision for the State of South Carolina's protection of the marriage institution was jeopardized, leading to the wicked, immoral, and unconstitutional decision by a Federal District Court judge in SC on November 12, ruling against the laws and Constitution of South Carolina. The prior ruling by the Sixth Circuit Court of Appeals in Cincinnati, Ohio on November 6, 2014 **upholding** bans on sodomite/lesbian "marriage" [*sic*] in Michigan, Ohio, Kentucky and Tennessee, and thereby creating a split among the nation's circuit courts, means the issue will almost certainly be taken up by the Supreme Court of the US (SCOTUS). Given the anti-Biblical, oath-breaking, anti-Constitutional justices comprising the majority of the SCOTUS, sodomite/lesbian "marriage" [*sic*] therefore could be nationalized NLT June 2015.

Both Governor Haley and Attorney General Wilson have rightly resisted implementation of the wicked, unlawful practice of sodomite/lesbian "marriage" [*sic*] in SC, while the legal battle has ensued. However, the statements issuing from both of your offices indicate that should the SCOTUS rule directly against the SC State Constitution, then *neither* Governor Nikki Haley, *nor* Attorney General Alan Wilson will invoke the Doctrine of Interposition of the Lesser Magistrate (**www.LesserMagistrate.com**), and righteously interpose to uphold the SC State Constitution which protects marriage as being between one man and one woman.

Article VI of the **US Constitution** is clear: SCOTUS *opinions* are not listed among the three items which constitute the "supreme Law of the Land". The *opinion* of five SCOTUS justices does not change the written text of the **US Constitution**, and in the Oaths of Office which all five of you who are Federal and State officials to whom this letter is addressed have sworn to uphold, (perhaps also including "so help me God" in your oath), it is the written text of the **US Constitution** which you have sworn, so help me God, to uphold, *NOT* the opinion of five SCOTUS justices !!!

Indeed, it was only 17 years after the US Supreme Court had upheld the anti-sodomy law of the State of Georgia in *Bowers v. Hardwick* (1986), that the US Supreme Court overturned its own decision in the *Lawrence v. Texas* (2003) opinion, declaring the anti-sodomy law of Texas unconstitutional. The written text of the US Constitution did *NOT* change from 1986 to 2003 !!!

It is the prerogative of the legislative branch to make law, not the judicial branch, as per Article I of the **US Constitution** which each of you has sworn to uphold. Federal Court opinions are properly binding only on the parties to the case, as to the particulars (facts and law) of the case.

On July 22, 2004, the US House of Representatives passed the "Marriage Protection Act" (**HR 3313**) which was intended to protect the federal Defense of Marriage Act (DOMA) from being overturned by either the lower Federal Courts, or by the US Supreme Court. The lower Federal Courts (e.g., US District Courts and US Circuit Courts of Appeals) are constituted by Congress as per Article I, Section 8 of the **United States Constitution**, and therefore Congress has the authority to also define the jurisdictions of these lower Federal Courts. Regarding the US Supreme Court, Congress may limit only the appellate jurisdiction of "the supreme Court" by applying the provision that the nation's founders placed in the **United States Constitution** in 1787 in **Article III, Section 2, Clause 2** authorizing and empowering the Congress to make exceptions to the appellate jurisdiction of the US Supreme Court: **"... the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make."**

HR 3313 states in part:

`Sec. 1632. Limitation on jurisdiction

> `No court created by Act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, section 1738C or this section.'.

As stated above, the US House of Representatives passed the "Marriage Protection Act" on July 22, 2004; however, the US Senate did not also pass this legislation (**HR 3313**). Had the US Senate passed the "Marriage Protection Act" protecting DOMA in 2004, the US Supreme Court would not then have been able to overturn a portion of DOMA on June 26, 2013 (*United States v. Windsor*), which launched the flood of court decisions overturning State bans on sodomite/lesbian "marriage" [*sic*] which the country is now suffering.

Please take a look at the articles "Reigning in the Court", *The New American*, July 28, 2003, and "An End to Judicial Tryanny?", *The New American*, October 18, 2004, enclosed with this letter.

My specific request is that Senator Scott, Rep. Duncan and Rep. Gowdy introduce legislation in the United States Congress (US Senate and US House, respectively) in January 2015, which:

1) Invokes the Article III, Section 2, Clause 2 authority of the Congress to make an exception to the appellate jurisdiction of the US Supreme Court in matters related to marriage; and

2) Invokes the Article I, Section 8 authority of Congress to constitute lower federal courts, and therefore also define the jurisdictions of lower federal courts (i.e., US District Courts and US Circuit Courts of Appeals);

in such manner as to thereby protect the laws and the Constitution of the State which has elected each of you. Contemporaneously, I request that Governor Haley and Attorney General Wilson publicly request members of the SC Congressional delegation to introduce such legislation.

Thank you.

Jesus Christ is King of kings, and Lord of lords (1 Tim. 6:15, **KJV**)

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Cc: Open Public Letter