

March 2005

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## Next on Docket: Religion, Marriage, and Death

*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.*

--Thomas Jefferson

Spiritually speaking, "March is roaring in like a lion." In little more than a week's time, the interpretive branch of government has been asked by the ACLU and friends to do what the legislative and executive branches have refused to consider: remove displays of the Ten Commandments from public property (state and federal), strike down existing marriage laws (in Washington State), and force doctors (in Florida) to starve a woman to death because she cannot feed herself, and her former husband wants her dead.

By comparison, the last part of February was relatively low-key. The U.S. Supreme Court merely chiseled away another state(s) right—tossing out the death penalty for convicted murderers short of their 18<sup>th</sup> birthday.

Commenting on the death penalty decision, Gary Bauer, Chairman of *Campaign for Working Families*, had this to say in his March 1 fax gram:<sup>1</sup>

"The Supreme Court has just ruled, by a 5-to-4 vote, that the Constitution forbids the execution of convicted killers who were under the age of eighteen when they committed their crime. The high court said such executions are unconstitutionally cruel. As a result of this decision the laws of 19 states have been struck down.

Thus the Supreme Court, the same court that says our Constitution requires us to permit innocent unborn children to be destroyed at any time, even up to the moment of birth, has concluded that the Constitution would prohibit us from executing Dylan Klebold, one of the Columbine murderers, because he was 17-years old at the time of his murder spree.

But it gets even worse. Justice Kennedy, who was part of the majority once again, cited other nations as a partial basis for his decision. Here is the quote:

*Our determination that the death penalty is disproportionate punishment for offenders under 18 finds confirmation in the stark reality that the United States is the only country in the world that continues to give official sanction to the juvenile death penalty.*

Kennedy went on to signal clearly that this is just the beginning. He points out that the Court is building a tradition of referring 'to the laws of other countries and to international authorities as instructive for its interpretation' of the Constitution.

Justice Scalia wrote a blistering response mocking the court's majority decision, saying in part, 'Because I do not believe that the meaning of our Eighth Amendment, any more than the meaning of other provisions of our Constitution should be determined by the subjective views of five Members of this Court and like-minded foreigners, I dissent.'

"My friends," continues Bauer, "don't miss what is happening here."

“Even if some agree that juveniles should not be eligible for the death penalty, that decision should be made by the people of the United States expressing our will through our elected officials.

As free men and women we have the right to fully debate the issue and then act accordingly in our states. Nineteen states have decided juveniles may be executed for heinous crimes. The rest of our states have decided that is not the approach they want.

Under no circumstances should laws passed by the British Parliament, the French National Assembly, the German Bundestag or the European Union be a factor in deciding what is a permissible decision by the American people in our own self-governance.

While we are nobly trying to expand liberty in the Middle East, inattention to these judicial outrages is in danger of undermining liberty here.

Our only solution is a major change in who sits on the courts – a change unlikely to take place unless the White House and Congress move boldly to dismantle the Senate filibuster ‘road block’ that threatens to stymie President Bush’s efforts to restore balance.

Eliminating the filibuster of judicial nominees has been called, incorrectly, a “nuclear option,” meaning it is a radical solution. But the real radicalism is coming down on us from the courts, disguised in the cloak of judicial legitimacy.”

While the courts are busy spinning—some say overthrowing—the U.S. Constitution, Congress appears to be AWOL. There is much reported hand-wringing in the House over the “troubled” Social Security system that could implode sometime between 2025 and 2040. The Senate too, as Bauer notes, thinks it has seen the face of Goliath—the filibuster. What to do? Should presidential nominees expect an up or down vote if a majority wants to vote? Republicans think so, but they are wary. They know they could end up making Ted Kennedy very, very, mad.

To the contrary, legislators in our state are considering many “bold” measures. One of them would bring private, parochial, and home schools into compliance with state guidelines for sexual “health” education. There are more—gun control, election reform, transgender rights, embryonic stem cell research, and a return to race-norming in education. Even so, no proposal in the Legislature portends more social change than this season’s main event—SAME-SEX “MARRIAGE.”

Next Tuesday, March 8, the State Supreme Court will hear oral arguments on the constitutionality of the 1998 ***Defense of Marriage Act*** which limits marriage to opposite-sex couples. To be sure, the “nine” are well aware they are playing to a national audience.

With that in mind, a consortium of churches and Para-Church ministries are calling God’s people to an important two-hour solemn assembly on March 8 at the state capitol in Olympia. The purpose for the outdoor assembly is to pray, receive instruction and inspiration, and to show overwhelming public support for traditional marriage for the benefit of the justices who will undoubtedly be monitoring the event via closed-circuit TV. Organizers believe that marriage is so fundamental to a well-ordered society, the Church can ill-afford to sit at home while the basic family unit is unilaterally deconstructed in a court of law.

The alarm is sounding for the soldiers of the Cross. Let’s be sure to report for duty.

*Rick Forcier*

Executive Director

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<sup>1</sup> Bauer, Gary, “Tyranny Of The Courts,” 3/1/2005, [www.cwfpac.com](http://www.cwfpac.com)