

INTERCESSORS FOR AMERICA

# SPECIAL REPORT

PRAYER GUIDE FOR THE JUDICIAL APPOINTMENTS  
OF THE TRUMP ADMINISTRATION



Includes  
Prayer Guide

For the December 5<sup>th</sup>  
Supreme Court hearing for  
Masterpiece Cake Shop  
religious liberty case.

## APPEALING TO GOD FOR OUR U.S. COURTS

**P**resident Donald Trump is changing the face of the federal judiciary. Currently, there are more than 140 vacancies to fill. It is likely that during his term he will appoint more federal court judges than any other president in the last 50 years. Although Supreme Court nominations warrant tremendous publicity, the vast majority of federal cases are determined in the district and appellate courts. Because of this, he has the potential to have a profound effect on our nation, not just for his term, but for decades. The nominees he is presenting are excellent candidates and originalists, not judicial activists.

**Judicial activism** has been the primary means of various ungodly, unbiblical changes in our society, most notably the legalization of abortion and same-sex marriage as well as the restriction of religious liberty. Unfortunately, there is a prevalent misunderstanding of judicial activism, with the term used by progressives to describe judges like Justice Scalia and Justice Gorsuch. Unfortunately, many judges have been legislating from the bench in the past 50 years. One would say that President Trump is "rebuilding" a judiciary in the manner of **originalism** and away from activism.

*“For the Lord is righteous, he loves justice;  
the upright will see his face.” —Psalm 11:7*

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**“DO NOT PERVERT JUSTICE; DO NOT SHOW PARTIALITY ...”**  
**--LEVITICUS 19:15**

## IMPORTANT JUDICIAL TERMS TO UNDERSTAND AND PRAY ABOUT

*How we read and interpret the Constitution should be similar to how we read and interpret the Bible--we do not add and we do not take away. As we hear about how judges approach the Constitution, various terms are used and misused. Originalism is the historical and desired interpretation.*

**Originalism:** Made famous by Justice Antonin Scalia, he defined originalism: a “manner of interpreting the Constitution is to begin with the text, and to give that text the meaning that it bore when it was adopted by the people.” It is important to note that originalism was the generally accepted method of constitutional interpretation until about fifty years ago, when judicial activism began.

**Textualism:** In the succinct definition of Justice Scalia: “The words are the law.” A textualist judge is not concerned with legislative history because he limits himself to the words as enacted in the Constitution or another law. If the words are not what the people want, then the people can change the law or amend the Constitution.

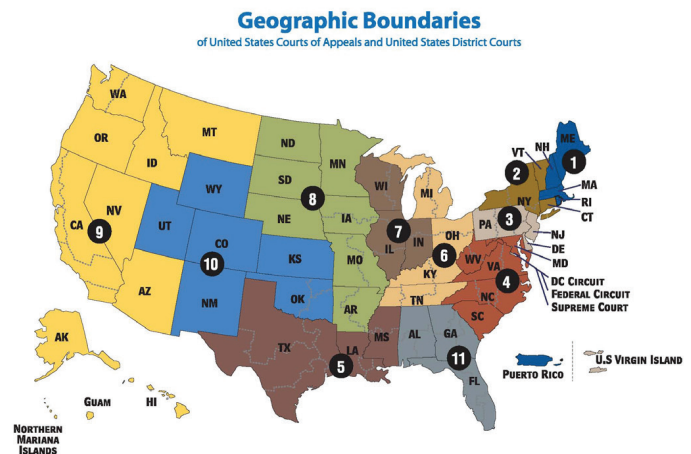
**Strict constructionism:** This term, describing a kind of literal interpretation of the Constitution and other laws, for many years was a contrast to the judicial activism in cases such as *Roe v. Wade*. However, Justice Scalia rejected this description. He said, “I do not think the Constitution, or any text should be interpreted either strictly or sloppily; it should be interpreted reasonably.”

**Judicial activism:** “Judicial activism occurs when judges write subjective policy preferences into the law rather than apply the law impartially according to its original meaning. As such, activism does not mean the mere act of striking down a law.” (Heritage Foundation)

**Living Constitution:** This term enables judicial activism to become the norm for the federal judiciary. It is important to note that conservatives are sometimes as eager to create new rights under this theory as liberals. This is why originalist and textualist judges, like the ones that President Trump is nominating, are so important.

**Substantive due process:** This principle allows courts to determine and protect “fundamental” rights from government interference under the authority of the due process clauses of the Fifth and Fourteenth Amendments to the Constitution. This is how abortion and homosexual sodomy were transformed by the Supreme Court from widely unacceptable, illegal actions into protected rights.

*Pray for judges to be appointed who are Originalists, not promoting their own interpretation or changing preferences.*



## OVERVIEW OF COURTS

In our current system, there are 94 district-level trial courts and 13 courts of appeals below the Supreme Court. The U.S. Supreme Court is the highest court in the land. Of the 13 appellate courts, 12 form an intermediate level of justice, where each court has jurisdiction over a portion of the country (see map). Each of the 12 appellate courts hears challenges to district court decisions from lower courts within its circuit. The remaining appellate court, called the Federal Circuit, has nationwide jurisdiction over special (usually patent-related) cases.

Source: [www.uscourts.gov](http://www.uscourts.gov)



## HOW ARE JUDGES APPOINTED?

Supreme Court justices, court of appeals judges, and district court judges are nominated by the president and confirmed by the U.S. Senate. Once in office, they can remain in their positions for life. Supreme Court justices are appointed for life. Lifetime tenure is a safety mechanism because the role of a justice is to be ready to make decisions that are unpopular or counter to the will of the majority. Because they are not elected, they are free to uphold the law in spite of backlash. The manner of selection for lower courts depends on the court and can be a combination of appointment, merit selection, and election. (To read more about the nuances, visit the websites below.)

Sources: [www.legalzoom.com](http://www.legalzoom.com), [www.uscourts.gov](http://www.uscourts.gov), [www.litigation.findlaw.com](http://www.litigation.findlaw.com)

## OBJECTIVE OF APPEAL COURTS

The appellate court may choose to  
1) **REVERSE** the decision of a lower court ruling by annulling the judgment made in a previous trial because there was a violation of law or constitution;  
2) **AFFIRM** the higher court by simply confirming the decision of the lower court and no further action is taken; or  
3) **REMAND** back to lower court for further action based on the judge's review and advice.

## PRAYING SCRIPTURE

**MEDITATE** on the Scripture verses below. Intercede for the judges who will fill openings listed on the following pages, as well as for our 9 Supreme Court justices: Clarence Thomas, John G. Roberts Jr., Samuel A. Alito Jr., Anthony Kennedy, Ruth Bader Ginsburg, Stephen G. Breyer, Sonia Sotomayor, Elena Kagan, and Neil Gorsuch.

**1 Timothy 2:1-2:** *I urge, then, first of all, that petitions, prayers, intercession and thanksgiving be made for all people—for kings and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness.*

**James 4:1-2:** *What causes fights and quarrels among you? Don't they come from your desires that battle within you? You desire but do not have, so you kill. You covet but you cannot get what you want, so you quarrel and fight. You do not have because you do not ask God.*

**Psalms 138:8:** *The Lord will vindicate me; your love, Lord, endures forever—do not abandon the works of your hands.*

**Reflect on 2 Chronicles 20.** Notice this prayer in verse 12: *“Our God, will you not judge them? For we have no power to face this vast army that is attacking us. We do not know what to do, but our eyes are on you.”*

Take heart at reminders found in this verse: **A) Do not be afraid** nor dismayed because of this great multitude, for the battle is not yours, but God's; **B) Praise the Lord**, for His mercy endures forever; **C) Believe in the Lord** your God and believe His prophets; **D) Do not fear** or be dismayed.





***The graphs on this page reflect the current status of vacancies in the federal judiciary.***

<b>Circuit</b>	<b>Authorized Judges</b>	<b>Population</b>	<b>Percentage of U.S. Population</b>	<b>Openings</b>
D.C. Circuit	11	601,723	0.19%	1
9th Circuit	29	61,742,908	19.74%	4
8th Circuit	11	20,568,237	6.58%	2
7th Circuit	11	25,001,420	7.99%	3
6th Circuit	16	32,105,616	10.26%	0
5th Circuit	17	32,646,230	10.44%	4
4th Circuit	15	29,788,417	9.52%	0
3rd Circuit	14	22,498,612	7.19%	3
2nd Circuit	13	23,577,940	7.54%	2
1st Circuit	6	13,970,816	4.47%	0
11th Circuit	12	33,268,699	10.64%	0
Federal Circuit	12	17,020,355	5.44%	0
<b>Total</b>	<b>179</b>	<b>312,790,973</b>	<b>100%</b>	<b>19</b>

*Source: Ballotpedia.org*

<b>Court</b>	<b>Authorized Judgeships</b>	<b>Vacancies</b>	<b>Nominees Pending</b>	<b>Nominees Pending Future Vacancies</b>
U.S. Court of Appeals	179	18	8	2
U.S. District Courts (includes territories)	677	119	35	0
U.S. Court of International Trade	9	2	0	0
U.S. Court of Federal Claims	16	6	3	0
U.S. Supreme Court	9	0	0	0
<b>Total</b>	<b>890</b>	<b>145</b>	<b>46</b>	<b>2</b>

*Source: USCourts.gov*

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## 10 PRAYER POINTS FOR THE MASTERPIECE CAKE SHOP SUPREME COURT HEARING

**On December 5, 2017, the Supreme Court will be hearing a critical religious liberty case, involving Jack Phillips and his Masterpiece Cake Shop. Join us in praying for a decision affirming the freedom of believers to refuse to violate sincerely held religious beliefs.**

**The question before the Supreme Court:** Whether applying Colorado's public accommodations law to compel Phillips to create expression that violates his sincerely held religious beliefs about marriage violates the Free Speech or Free Exercise Clauses of the First Amendment.

**Pray for biblical values to prevail in the decision.**

*[Y]our kingdom come, your will be done, on earth as it is in heaven. (Matthew 6:10)*

**Pray for a clear, definitive ruling from the Court in favor of freedom to operate a business within one's faith values. Intercede that the Court will not permit the government to encroach on the beliefs of Christians who live out their faith in the marketplace, such as florists and bakers.**

*In the same way, let your light shine before others, that they may see your good deeds and glorify your Father in heaven. (Matthew 5:16)*

**Pray for vindication for Masterpiece Cake Shop owner Jack Phillips by the Court.**

*The name of the Lord is a fortified tower; the righteous run to it and are safe. (Proverbs 18:10)*

**Pray that lost business would be restored to Phillips.**

*The Lord their God will care for them; he will restore their fortunes. (Zephaniah 2:7b)*

**Pray that religion clauses in the Constitution would continue to “protect religious individuals from forced participation in religious events that violate their religious beliefs.” (Becket Fund for Religious Liberty Amicus Brief)**

*Do not move an ancient boundary stone set up by your ancestors. (Proverbs 22:28)*



**Pray for God to touch each Supreme Court Justice as they hear this case.**

*I urge, then, first of all, that petitions, prayers, intercession and thanksgiving be made for all people—for kings and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness.*

*(1 Timothy 2:1-2)*

*(left) Jack Phillips of Masterpiece Cake Shop*

**Pray for a just distinction between civil rights and declining to participate in an event based on religious values.**

*Peter and the other apostles replied: "We must obey God rather than human beings!" (Acts 5:29)*

**Pray for lawyers representing Masterpiece Cake Shop to be clear and convincing in their briefs and oral argument, persuading the justices.**

*The hearts of the wise make their mouths prudent, and their lips promote instruction. (Proverbs 16:23)*

**Pray for fair and honest reporting by the media on this case. Pray that truth would be evident.**

*The one who gets wisdom loves life; the one who cherishes understanding will soon prosper. A false witness will not go unpunished, and whoever pours out lies will perish. (Proverbs 19:8-9)*

**Pray that God would be glorified through this Supreme Court hearing and ruling.**

*I will praise you, Lord my God, with all my heart; I will glorify your name forever. (Psalm 86:12)*

***"What's important is that I'm being obedient to Christ. He's given me this business and if he were here, he wouldn't make the cake. If he were my employee, I wouldn't force him to make the cake and participate in it because it doesn't honor God."***

**--Jack Phillips, owner  
Masterpiece Cake Shop**

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