



# THE SHERMAN LIBERTY LETTER

Representative Brad Sherman - District 91

**February 25, 2023**

## **Developing a Taste for Elephant Federal Overreach**

The Constitution of the United States of America is considered to be the oldest constitution in the world. It has stood the test of time because it is based on eternal principles from our Creator who grants rights, such as life, liberty, and property. The Declaration of Independence, which serves as the foundation to our Constitution, has been compared to articles of incorporation with the Constitution as its bylaws. The two are inseparable.

But our Constitution, and our nation, is on the precipice. Plain and clearly written constitutional principles are routinely violated and unconstitutional actions are ignored with impunity. This should raise extraordinary concern resulting in decisive corrective action. Our founders were fully aware that federal government would seek to expand itself beyond the bounds of the Constitution and spoke of the type of action that would be needed in such circumstances. Consider what Jefferson said on this topic...

“...the several states who formed that instrument [the Constitution], being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification, by those sovereignties, of all unauthorized acts done under color of that instrument, is the rightful remedy.”

-Thomas Jefferson, Kentucky Resolution

There are many acts of Congress, but for any of them to be legal, they must be pursuant to, or in conformity with, the Constitution itself as stated in Article VI.

Alexander Hamilton, in Federalist Paper No. 33 said...

“...acts of the larger society [Federal Government] which are not pursuant to its constitutional powers, ... will be merely acts of usurpation, and will deserve to be treated as such.”

- Alexander Hamilton, Federalist No. 33

### **Defending Our Constitution**

Along with many others, I have taken an oath to defend our Constitution and I intend to do so to the best of my ability. That being said, I am well aware that

the “elephant of federal overreach” must be consumed one small bite at a time.

Nevertheless, if we are to save our Constitution and our republic, we must develop a taste for elephant at the state level — and the sooner the better. My first bite of unconstitutional elephant meat as a state legislator has to do with the so-called Respect for Marriage Act (RFMA) which Congress threw in our faces last year. RFMA imposed a nationwide definition of marriage that included same-sex couples and included penalties for not falling in line. This tramples on a sacred religious belief and crosses the line of religious liberty.

Regardless of what one believes about same-sex marriage, this is a clear example of federal overreach and must be addressed. I have filed [a bill in the Iowa House](#) that speaks to this particular overreach and I am praying the House leadership will move it forward.

#### **What the Bill Does Not Do:**

Though the attempt by Congress to re-define marriage to include same-sex couples is the issue that initiated this bill, the bill itself deals with federal overreach. It does not re-define or erase any existing state law regarding same-sex marriage. Even though I personally disagree with same-sex marriage, the bill does not seek to tell same-sex couples what to believe. If they want to call their relationship a marriage, they are free to do so, that is freedom. But by the same token, people who do not define same-sex unions as marriage must not be forced to do so.

#### **What the Bill Does:**

**It protects religious freedom** by recognizing that marriage, defined as the union of male and female, is inextricably and fundamentally bound with the free exercise of religion. According to the Bible, marriage is a living analogy of Christ and the church and to define it in a way that is contrary to scripture is a direct invasion into the church by government.

**The bill protects Iowans from certain legal actions** which RFMA would impose on Iowans for refusing to acknowledge same-sex marriage

**The bill presents reasons for nullifying elements of the Respect For Marriage Act.**

- RFMA goes beyond the enumerated powers of federal government as outlined in Article I, Sec. 8 of the US Constitution.
- RFMA violates the First Amendment by making law regarding religion.
- RFMA violates the Tenth Amendment by encroaching on powers that are reserved to the states or the people.

If you agree with this bill, I encourage you to [reach out to Speaker Grassley](#) and ask him to advance Representative Sherman’s [Religious Liberty Bill](#) with great haste. As a state, we must develop a taste for elephant and take a bite out of federal overreach.

**Note:**

*The reference to "elephant" is not meant to represent a political party. It is simply an analogy to represent the enormity of the federal overreach issue.*

With best regards,  
Brad Sherman  
State Representative for District 91

A handwritten signature in black ink, appearing to read "Brad", with a stylized flourish at the end.

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*Rights come from God, not government, and the purpose of government is to protect those rights.  
- from the Declaration of Independence*