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America's Future Files Amicus Brief Urging Executive Branch Constraints

Florida – August 25, 2023 – America's Future, Inc., a national leader in the fight to preserve individual rights, promote American values and traditions, and protect the nation's Constitutional Republic, announced that it filed an [Amicus brief](#) with the Seventh Circuit Court of Appeals in *Consumer Financial Protection Bureau (CFPB) v Townstone Financial, Inc and Barry Sturner, Dkt. No. 23-1654*. The brief was filed in support of defendants-appellees, Townstone, a mortgage broker/lender, and Mr. Sturner, the owner of Townstone on August 21, 2023 with four other nonprofits. The plaintiff-appellant, the [CFPB](#), is a federal government agency that was created by Congress purportedly intended to protect consumers.

As background, in November 2020, the CFPB filed an Amended Complaint against the defendants in the district court for the Northern District of Illinois – Eastern District, alleging, among other counts, a violation of 15 U.S.C. § 1691(a), the 1974 federal law, known as the Equal Credit Opportunity Act (ECOA), which makes it “unlawful for any creditor to discriminate against any applicant, with respect to any aspect of a credit transaction ... on the basis of race, color, religion, national origin, sex or marital status, or age....” Thereafter, “Regulation B,” was enacted, amending the ECOA presumably extending the reach of the ECOA to include prospective applicants. However, “Regulation B” is a procedural formality without teeth.

The alleged violation was primarily based on statements by Mr. Sturner during a weekly radio show and on a podcast produced by Townstone as a marketing tool. Despite the total lack of racial content of statements made by the defendants, the CFPB nonetheless perceived the statements as an intentional attempt to “discourage African-American prospective applicants from applying for mortgage loans from Townstone.”

As explained in our brief, “this case reveals the [CFPB] to be an agency so committed to the ‘politically correct’ goal of ending ‘racially discriminatory practices’ that it has perceived them where they did not exist so it could punish those engaged in ‘wrong speak’ where it has no statutory authority whatsoever.”

The district court framed the issue before it as, “whether the agency’s interpretation of the ECOA [] Regulation B is one that the ECOA permits.” Bound by precedent, specifically, [Chevron \(1984\)](#), to give great deference to the CFPB carrying out its own regulations, the district court still answered the issue with a resounding “no,” dismissing the case and issuing judgment fully favorable to the defendants.

In a Memorandum Opinion and Order dismissing the action, the Hon. Judge Franklin U. Valderrama explained, “the CFPB’s authority to enact regulations is not limitless...[b]ecause the court finds the ECOA unambiguously prohibits discrimination of ‘applicants,’ and not ‘prospective applicants [the case cannot survive]”

“We must not allow our federal government to exert more power than authorized, or this nation is on a slippery slope toward tyranny,” said Mary O’Neill, Executive Director of America’s Future. “We urge the Seventh Circuit to affirm the district court’s dismissal and termination of this case to ensure that the executive branch does not usurp the constitutional powers of Congress.”

To read more details about this filing, along with other briefs filed by America’s Future, please visit our Law & Policy page on our website at www.AmericasFuture.net.

ABOUT AMERICA’S FUTURE, INC.

Founded in 1946, America’s Future, Inc. is a 501(c)(3) nonprofit organization committed to protecting the individual rights of every American and our Judeo-Christian values that make America exceptional. We do our work through educational and informational initiatives, strategic partnerships, communications, and networking opportunities that empower Americans to get involved in the fight to preserve the American way of life, now and for generations to come. For information, visit www.AmericasFuture.net.