

WITH GAY MARRIAGE, LIBERALS' DIVORCE FROM DEMOCRACY IS COMPLETE

By Don Feder

Once upon a time, liberals were champions of democracy. From the early 19th century until the mid-1960s, liberalism was distinguished by a passion for Lincoln's government of the people, by the people and for the people.

Liberals pioneered universal suffrage – extending the franchise in successive stages to poor whites, women and blacks. The populist movement secured the direct election of Senators, as well as initiative and referendum (allowing voters to bypass their representatives and legislate at the ballot box).

Harry Truman, Hubert Humphrey, John F. Kennedy and other liberals of a bygone era weren't elitists who feared the common man. They believed in popular sovereignty, whether or not the people believed in them.

That's ancient history. Today, liberalism is characterized by a sneering disdain for vox populi. The slogan of 21st century liberalism is: Shut up and do what you're told.

Nothing better illustrates liberalism's betrayal of democratic principles than its embrace of judicially mandated gay marriage.

Under an edict from its high court, Massachusetts began issuing marriage licenses to same-sex couples this week. It was but the latest example of judge-ocracy supplanting democracy, and the most recent instance of liberal autocrats forcing their values on a cringing public.

On gay marriage, the people have spoken at ear-splitting decibels. In 1996, their representatives in Congress passed the Defense of Marriage Act (defining marriage at the federal level as the union of a man and woman, and providing that one state didn't have to recognize gay marriages performed in another).

DOMA was enacted by 79 percent of House members and 85 percent of Senators. The measure was so popular that Bill Clinton, then a candidate for re-election, was forced to sign it into law.

Five states have passed Defense of Marriage Acts by referendum:

- *California (in 2000) by 61% of the vote
- *Alaska (1998) by 68%
- *Hawaii (1998) by 69%,
- *Nevada (2002) by 67%
- *Nebraska (2000) by 70%.

None could be characterized as a Bible-Belt state.

By the latest count, 39 states have codified marriage in the way it's been understood since time immemorial, some by statute, others by constitutional amendment.

According to an April Wirthlin survey, the public favors an amendment to the US Constitution protecting traditional marriage by 67% to 30%.

Support for restricting marriage to those engaged in natural acts cuts across the spectrum. Whites, blacks and Hispanics all favor the marriage amendment by 67%. Women and men support traditional marriage by the same margin. Among Democrats, 56% support marriage as the union of one man and one woman, as do 63% of independents and 79% of Republicans. To find a majority in favor of homosexual matrimony, you need to attend an editorial board meeting of The Boston Globe.

None of this matters in the least to liberals – on or off the bench. The ACLU and the Democratic National Committee, the media and academia (institutions overwhelmingly dominated by the left) cheered as gays marched down the aisle this week, with the Massachusetts Supreme Judicial Court as ring bearer.

In the Goodridge case (mandating marriage licenses for homosexuals), the Massachusetts court claimed its decision was based on the due process and equal protection clauses of the state constitution, sections written by John Adams, a puritan at heart, in 1780.

What, a man can't get a license to marry another man! Rank discrimination, the justices intoned. By the same brilliant reasoning,

polygamists denied group marriage are discriminated against. So are adults who want to marry 14-year-olds, or men who want to set up house with their sisters. Making rational choices about who can or can't do a thing is the essence of government.

Of course, the rationale for the Goodridge decision was a con game – much like Roe vs. Wade, or the US 9th. Circuit Court's ruling that God in the Pledge Allegiance is unconstitutional, or any number of Supreme Court decisions holding that a moment of silent meditation at the start of the school day, or a Ten Commandments monument in a courthouse, constitutes an establishment of religion (read: national church) under the First Amendment.

The First Amendment contains nothing about privacy or choice or individuals shaping their own reality in the universe. In short, Roe was a fraud – a way for seven old men to overturn the laws of 49 states because they believed in a right to abortion – not because such a right exists in the Constitution, even by implication.

The Constitution – federal or state – has become an excuse for legislating from the bench. Liberal groups – from the National Organization for Women, to the NAACP, to the Human Rights Campaign Fund to the Sierra Club – run to the courts, at the first opportunity, to short-circuit the democratic process.

I'm waiting for a prominent liberal to say: "Yes, I support gay marriage, but not this way. Heterosexual marriage is a millennia-old institution to which the American people are exceedingly attached. Such an institution should not be radically redefined by judicial whim. Let's do this the right way – in the legislatures or at the polls."

I'm waiting, but not holding my breath. From Ted Kennedy to The New York Times editorial writers to the Black Congressional Caucus, liberals are reveling in the courts' enactment of their social agenda, without a passing thought to the damage done to democracy.

Thus, while Americans are fighting and dying to bring democracy to Iraq, we are losing the war on the home-front. Increasingly, the most fundamental societal decisions are being taken away from citizens and elected officials and placed in the hands of an imperial judiciary. And liberals are lovin' it.

There are three factors behind the liberal betrayal of democracy: 1) The left knows that, most of the time, the only way to get what it wants is to have the courts ram it down our throats. 2) Liberals have a deep-seated distrust of the common man – who is disdained as a boob incapable of intelligently ordering his affairs. (This is the impetus for the welfare state.) 3) Liberals are convinced that those who don't share their agenda are evil. When you're combating evil, any means are justified -- fair or foul.

The liberal rejection of democracy is a play that never closes. The college campuses (run by liberals for decades) have become intellectual gulags. Under the guise of promoting civility, speech codes are effective tools for squelching dissent. Dissidents in the Soviet Union had an easier time of it than conservatives on the average college campus.

Liberals' hatred of talk radio is based on a compulsion to monopolize the media (it's the one medium they don't control with an iron grip), as well as a subliminal recognition of the fact that it's the most responsive to public opinion.

Talk radio is market-driven. Those shows with popular appeal (Rush Limbaugh, Sean Hannity, Michael Savage) thrive, while others fall by the wayside. Liberals would prefer a marketplace of ideas limited to National Public Radio, the network news departments (excluding Fox), The New York Times and Michael Moore's "documentaries."

Two hundred years ago, the quintessential liberal was Thomas Jefferson. Today, it's Fidel Castro.

Through their filibuster of Bush judges, liberals again demonstrate their antipathy to majority rule.

As provided by the Constitution, judicial nominees were always confirmed by a simple majority in the Senate. In the past two years, Democrats changed the rules. Since it takes a two-thirds vote to break a filibuster, liberals have created a situation where a conservative judge can only be confirmed by a super-majority. This was accomplished not by a popular vote or a constitutional amendment, but through strong-arm tactics, and in direct contravention of the Constitution and the democratic process.

Retired Judge Robert Bork believes that within two or three years “the Supreme Court of the United States will hold that there’s a federal constitutional right to homosexual marriage.” Why not? Last year, the same court discovered a right to sodomy in the Constitution – a right it specifically rejected 17 years earlier. (It also refused a petition for an injunction to stop the Massachusetts tribunal from legislating gay marriage.)

The left’s triumph over representative government is almost complete. Liberals have turned the courts into an oligarchy that can overrule legislatures, blithely ignore the will of the people and amend the Constitution at will.

Those gay weddings taking place in Massachusetts are also funerals -- for everything liberals once professed to believe in.

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