

DO FAMILIES HAVE A COMPELLING INTEREST IN MAINTAINING THE STATE?

By Don Feder

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In the long, dreary annals of judicial idiocy, perhaps the stupidest words ever uttered by a black-robed booby were contained in the recent California Supreme Court decision mandating homosexual marriage.

Writing for the majority, Chief Justice Ronald M. George declared: “In light of these circumstances, we conclude that retention of the traditional definition of marriage (*a man and a woman*) does not constitute a state interest sufficiently compelling, under the strict scrutiny equal protection standard, to justify withholding that status from same-sex couples.”

Curiously, George is saying the government of California lacks any compelling interest in maintaining the integrity of an institution that developed over thousands of years, sanctified by faith and tradition.

The family is society’s fundamental, irreplaceable unit. It’s the incubator of character – where children are taught manners, economy, loyalty, faith and love. Anyone with half a brain (which automatically excludes most of the judiciary) wouldn’t mess with an institution on whose future the survival of humanity depends.

But the 4-to-3 majority proclaimed that whether or not the family is radically remade so homosexuals will feel better about themselves, and the elite can congratulate itself on its tolerance, matters little to the state of California.

For the life of them, the justices can't imagine why homosexual liaisons should not be placed on an equal footing with families who are doing society's indispensable work of procreation and child-rearing.

After the courts delivered a series of body-blows to marriage over the past four decades -- with no-fault divorce, abortion, the de facto legalization of pornography and legitimizing cohabitation -- the justices thought: Oh, what the hell, what harm can there possibly be in opening the honorable estate to members of the North American Man/Boy Love Association and Dykes on Bikes?

In an interview shortly after the edict was pronounced, George was asked how he thought the people of California felt about the revolutionary ruling. The justice replied that he really didn't know. He could have added that he really didn't care.

For the Chief Justice to feign ignorance of public sentiment regarding the judicial coup staggers the imagination.

With their ruling, George and his accomplices overturned Proposition 22 -- a referendum providing that "only marriage between a man and a woman is valid and recognized in California" -- enacted in 2000 by 61.4% of voters.

To date, citizens of 27 states have passed marriage-protection amendments to their state constitutions by an average vote of 71%. In all, since the push for same-sex marriage began, 45 states have either enacted a statutory defense of marriage or amended their constitutions to incorporate the only definition of marriage that makes any sense. Florida, Arizona and California are likely to have marriage-protection amendments on the ballot this fall.

In anticipation of the California court's unnatural act, earlier this month, pro-family activists filed 1.1 million signatures for a

marriage-amendment initiative, roughly twice the number needed to qualify for ballot status.

In a *Los Angeles Times* poll, voters favored the measure by almost 20 points (54% to 35%). And Chief Justice George says he hasn't the foggiest notion of whether Californians approve of the decision – which requires state officials to begin issuing same-sex marriage licenses on June 17. The words “husband” and “wife” then will be replaced by “Party A” and “Party B.” I can hardly wait for the addition of Parties C through G, which soon must follow.

The California decision is the battering ram to demolish traditional marriage that homosexual activists have sought for better than a decade.

Unlike Massachusetts (the other gay “marriage” state), California has no waiting period or residency requirement. Homosexual couples will flock there from all over the country and return home with pieces of paper they will use to challenge state law.

The Federal Defense of Marriage Act (DOMA), signed into law by Bill Clinton in 1996, says states aren't required to recognize same-sex unions contracted elsewhere. Whether the law will withstand activist judges remains to be seen.

The U.S. Supreme Court has yet to rule on the constitutionality of DOMA. Given delusional decisions by the Supremes – *Romer v. Evans* (1996) and *Lawrence v Texas* (2003), which created a constitutional right to homosexual behavior out of thin air – the outcome is in doubt.

How did we get here – here being teetering at the edge of a bottomless pit?

The major parties are divided on the issue primarily by rhetoric. One is openly and proudly gay-friendly. The other pays lip-service to the concept of marriage while avoiding anything resembling a showdown, and lives in mortal fear of charges of “homophobia.”

Three of the four marriage-deconstructionists on the California court are Republican appointees -- as were the majority of justices of the Massachusetts’ Supreme Judicial Court, which decided to legislate gay marriage in 2003.

Collie-for-knee-ah Governor Arnold Schwarzenegger, who refuses to support the marriage-protection initiative, said homosexuals coming there to tie the knot will be great for the state’s economy – thereby conclusively proving the connection between steroids and brain damage.

John McCain (who voted twice against the Federal Marriage Amendment when it was before the Senate) is playing hide-and-go-seek on the issue.

Pro-family activists had hoped that McCain would issue a clarion call to defend marriage during his California visit last week. Instead, he appeared on the “Ellen DeGeneres Show,” doing his best to smooch up to America’s most famous lesbian entertainer.

Ellen said she was thrilled to “now legally get married.” McCain cooed, “People should be able to enter into legal arrangements (*code for civil unions*), and I think that is something we should encourage.” We certainly want to do all we can to promote a lifestyle which generates astronomical rates of sexually-transmitted diseases.

Ellen wasn't placated by McCain's obeisance, responding that all of the legal rights of marriage without the word marriage, "feels like we aren't owed the same thing and the same wording." To which the logical response is: You're not. Get over it. Pigs may regret their inability to get airborne. They still can't fly.

McCain complimented DeGeneres for her ability to "articulate that position in a very eloquent fashion, and we have a disagreement" (without actually putting into words the nature of the disagreement). He concluded by wishing her "every happiness." Mazel tov on your perversion.

But can we expect more from McCain than from those pro-family advocates who try to oppose gay marriage by focusing exclusively on marriage while studiously avoiding the gay part?

They have determined that the key to victory here lies in talking about children, children and children (certainly a legitimate concern) to the exclusion of everything else. They fear losing support by appearing mean-spirited by calling into question behavior that only 30 years ago was considered a symptom of mental illness.

The result is a string of temporary victories at the polls, while we steadily lose ground in the larger culture war.

Pardon my hate-filled rhetoric, but when exactly did homosexuals become a division of humanity instead of a sorry collection of individuals (connected only by their carnal appetites) caught up in a perverted lifestyle?

That which once was properly shunned is now celebrated as a glorious form of diversity – promoted in the schools, subsidized by corporate America, pampered by government at the state and local levels, and pandered to by politicians -- witness the Democratic

gay presidential debate last August, sponsored by the Human Rights Campaign, where Clinton and Obama preened before representatives of the community like singer Melissa Etheridge.

The slide down the slippery slope accelerates at breakneck speed. What awaits us at the bottom isn't gay marriage alone – which is merely a way station – but a sexual totalitarian state (replete with Diversity Gestapo) in which dissent from the gay agenda will be ruthlessly suppressed.

Gary Bauer writes: “The words ‘husband’ and ‘wife’ will soon disappear from our lexicon altogether, having been banished as ‘hate speech’ as they are exclusionary and discriminatory. The words will be banned from textbooks because they might offend some parent whose child doesn’t have a mother and a father but instead two ‘parties.’”

Former Pennsylvania Senator Rick Santorum, writing in the aftermath of California, predicts, “Within 10 years, clergy will be sued or indicted for preaching certain Bible passages dealing with homosexuality and churches and church-related organizations will lose government contracts and even their tax-exempt status” – for starters.

Consider a few initial tremors in a coming earthquake:

- In Massachusetts, Catholic Charities, the largest provider of adoption services in the commonwealth, was forced to end this aspect of its work because it refused to arrange for children to be adopted by homosexual couples. Thus an affiliate of the largest church in America was prevented from doing vital work because it would not go along the absurdity that children placed for adoption don't need a mother and a father.

- In Philadelphia, the local Boy Scout council was told to pay \$200,000 a year for rent on office space on city property provided to other charities free of charge. This is the latest in an ongoing vendetta against the Scouts for winning a 2000 Supreme Court ruling confirming the group's right to bar homosexuals from leadership positions. A number of United Way chapters have stopped funding the Scouts and the Defense Department no longer sponsors Scout troops. The Boy Scouts – an organization that has done incalculable good over its 98-year history of helping boys navigate the perilous waters of adolescence -- are being punished for not encouraging male homosexuals to take pre-pubescent lads into the woods on overnights.
- Earlier this month, the University of Toledo fired an African-American administrator for writing a letter-to-the-editor complaining about homosexuals being compared to blacks. (“I cannot wake up tomorrow and not be a black woman,” Crystal Dixon wrote to the *Toledo Free Press*.) University of Toledo President Lloyd Jacobs determined that Dixon's exercise of her First Amendment rights was an intolerable violation of the school's non-discrimination policy – thereby discriminating against adherents of the Judeo-Christian ethic.
- Thomas Meeker, who worked as a systems engineer for Rockwell Collins in Cedar Rapids, Iowa, was fired for refusing to submit to “diversity training.” Meeker, who wasn't discriminating against anyone, said that as a Christian he couldn't participate in a program that celebrates what the Bible calls sinful.

Rockwell Collins said that when it comes to bending the knee to the new sexual ethic, conscience is no excuse.

- In April, a photographer was fined \$6,600 by the New Mexico Human Rights Commission for refusing to take pictures of a lesbian “commitment ceremony” – notwithstanding that New Mexico has neither gay marriage nor civil unions.
- On Thursday (May 29), Colorado Governor Bill Ritter, a Democrat, signed a law allowing men to use women’s bathrooms and locker rooms, based on so-called sexual-identity (a man who feels like a woman, wants to be a woman or thinks he is a woman). Under the state’s new “transgender nondiscrimination” law, restaurants and other public accommodations that try to keep guys out of the ladies room are subject to a fine of up to \$5,000 and a year in jail. Besides destroying the family, the happy movement (and its pet politicians) are intent on abolishing gender as a legal distinction. That sound out of Denver is civilization being flushed.

And we have yet to achieve the level of tolerance of Canada and Europe. In our neighbor to the north, you can be fined and even jailed for publicly criticizing homosexuality.

On birth certificates, Spain has replaced “mother” and “father” with “Progenitor A” and “Progenitor B” -- one reason, perhaps, that Spain has one of the world’s lowest birth rates.

And – from those wonderful folks who brought you drug legalization, euthanasia and homosexual marriage – comes

the news that this summer gay sex will be legal in Amsterdam's historic Vondelpark. Dog-owners can be fined for not having their pets on a leash, but homosexuals can now engage in public acts of sodomy in the heart of Amsterdam.

Conscience and intimidation aside, gay matrimony will turn marriage into a free-form institution. If two men or two women can tie the knot in California, why not two women and two men, or a woman and her brother, or a man and a chicken, or Al Gore and the ozone layer?

Absurd, you may say. No more so than the idea of same-sex marriage 20 years ago.

By divorcing marriage from the potential for procreation (life doesn't come from the things homosexuals do in the privacy of their bedrooms, or at rest stops, or in public parks in Amsterdam), by compelling us to endorse the fiction that a couple who are sodomizing each other somehow constitutes a family, by telling a husband and wife who are struggling to raise a family that in the eyes of society they have exactly the same standing as those who a few short years ago were called degenerates, we will end up destroying an institution that predates political correctness, human rights commissions, the California Supreme Court and government itself.

Now comes the news that New York state will recognize gay marriages contracted in Massachusetts, California and Canada – making New York the only state that doesn't perform gay marriages (Democratic Governor David A. Patterson can't get a same-sex marriage bill through the Republican Senate), but will honor said marriages contracted elsewhere. They'll be burning up the runways between JFK and LAX.

Chief Justice Ronald M. George doesn't wield a gavel but a sledgehammer he used to attack society's foundation.

When the family lies buried under tons of rubble, perhaps the majority on the California Supreme Court will discover too late that government does indeed have a very compelling interest in preserving authentic marriage. But, given the increasingly lethal attacks on the natural family (from judges, governors and politicians), the real question is: Do families have a compelling interest in maintaining the state.

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