An Open Letter to Fellow Minnesotans Re Marriage

The U.S. Senate Judiciary Committee recently approved (10 November 2011) a bill that would repeal much of the 1996 Defense of Marriage Act (DOMA). That law prohibits the federal government from recognizing same-sex unions. The legislation cleared the committee on partisan lines with only Democrats supporting the measure and Republicans unanimous in their opposition. Minnesota’s DFL Senator’s Amy Klobuchar and Al Franken both sit on the committee and supported the bill. At a press conference after the vote, Franken praised the measure. “This is a good day and it is one step on an inexorable march and I think that’s because we haven’t seen in America a real change in attitude,” he said.

Earlier (25 May 2011), the Minnesota House and Senate passed SF 1308. The bill proposes an amendment to the Minnesota Constitution that states that marriage is the union of one man and one woman. The amendment will be voted on in the 2012 election. (Refer to the center column for the legislative bill.)

Although constitutional amendment legislation cannot be vetoed, Governor Mark Dayton issued a “symbolic veto.” Dayton wrote to Minnesota President of the Senate Michelle Fischbach – “Although I do not have the power to prevent this divisive and destructive Constitutional Amendment from appearing on the Minnesota ballot in November 2012, the Legislature sent it to me in the form of a bill. Thus, symbolic as it may be, I am exercising my legal responsibility to either sign it or veto it. Without question, I am vetoing it; and I urge Minnesotans to reject this mean-spirited, divisive, un-Minnesotan and un-American amendment.” Dayton went on to say, “One of the founding principles of our country, embodied in the First Amendment of the United States Constitution, is the separation of church and state. Therefore, the religious definition of marriage should be the province of each established religion, without interference from government. However, the civil, or legal, realm of marriage is the province of government; and it must conform to the protections and guarantees afforded every American citizen under our Constitution … In other words, all American citizens are entitled to equal rights and protections under the law. That would clearly include the right of a citizen to marry legally the person he or she loves … The authors and signers of the Declaration of Independence thus intended that governments be formed to secure every citizen’s rights, not to selectively deny them or take them away … This path of social progress, of human compassion and understanding, would be tragically reversed by this amendment. Minnesota is better than this. Minnesotans are better than this. I urge Minnesotans to reject this amendment.”

In all due respect, Governor Dayton is emphatically wrong on several points. First of all, he misinterprets the 1st Amendment … which doesn’t mention the words "separation of church and state." Rather, it declares: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” What the Founding Fathers meant by “an
establishment of religion" was an established state church, government-sponsored or government-endorsed denomination or specific religion. The 1st Amendment prohibits the United States from having a state church such as the Church of England ... from which many of the original colonists had fled in order to gain their religious freedom. The 1st Amendment is about "freedom of religion," not "freedom from religion;" it is directly opposed to the exclusion of religion or religious influence from government – which actually seeks to prohibit people of faith from exercising their religious freedom. (John Witherspoon, a Presbyterian clergyman, who signed the Declaration of Independence, would have found it quite strange to hear that religious authorities were not to have anything to do with the political life of America.) There are religious reasons behind many (if not most) of our laws; but these laws do not "establish" a religion. Since all absolute moral standards are in some way based on religious convictions and a sense of moral accountability to God (as exemplified in placing one's hand on the Bible and testifying to the truth by saying ... So help me God), those whose goal is to exclude the sacred and make government completely secular will only result in the ultimate demise of a nation ruled by law and instead governed by anarchy. I would caution the Governor, who took an oath of office to uphold the Constitution, to refrain from prohibiting Judo-Christian citizens from exercising their uncompromising religious convictions in the public arena and establishing the social progressive "religion" of secular humanism ... as subliminally suggested in his last quoted statement.

Secular Humanism is a worldview – a set of beliefs through which one interprets all of reality. It is a religious worldview. According to the Paul Kurtz's preface to Humanist Manifestos I & II, humanism is "a philosophical, religious, and moral point of view ... These affirmations are not a final credo or dogma but an expression of a living and growing faith." In Humanist Manifesto I, on nine separate occasions, reference is made to religion. Again and again it says that there must be a new, a vital, a fearless, a frank religion, and that religion is "humanism;" that humanism is going to become the one great world religion of the twenty-first century and all of the other religions are going to be swept into oblivion. Evidence of the fact that humanism is a religion, the American Humanist Association, in its official monthly publication The Humanist, states that humanism will become a "great world faith," and that it is "a religion" without God. The U.S. Supreme Court in 1981, in an important and seminal case entitled Torcaso vs. Watkins, declared this: "Among religions in this country which do not teach what would generally be considered belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism and others." Humanism has become the de facto established religion of our land, and the public schools are the main vehicle for the promotion of its worldview. As Charles Francis Potter (a signatory of the Humanist Manifesto I) triumphantly declared: "Education is thus a most powerful ally of Humanism, and every American public school is a school of Humanism. What can the theistic Sunday-school, meeting for an hour once a week, and teaching only a fraction of the children, do to stem the tide of a five-day program of humanistic teaching?"

Secondly, Governor Dayton has got it wrong in opposing the right of the people to decide by ballot. Liberal social engineers are fond of using the judicial and legislative systems to shape public policy when there is not enough clout in the political arena to command a majority of the people. Within a republic, the definition of marriage ought to be debated and determined by an informed citizenry. Vigorous, robust interchange on issues of public importance is one of the pillars of self-government. The full exchange of views not only informs ultimate decisions, but tempers and refines the character of the persons who participate in the debate. Supreme Court Justice Scalia stated that it was "no business of the court to take sides in this culture war." On an issue that is as socially important and radically redefining as marriage, the people, not the courts or halls of congress, should have the final say. The debate on a definition of marriage should be argued by the voters and debated from the political and spiritual pulpits. The decision to officially adopt one social theory over another is best left to the people. Finally, Governor Dayton is mistaken in suggesting that a same-sex marriage is a civil right. By using words like "rights," (or discrimination," and "tolerance") the homosexual movement has successfully convinced many to believe their cause is just and the right to practice openly-homosexual behavior should be permitted to climb the platform atop the civil rights pedestal. However, a person's sexual preference is not a civil right and has nothing in common with the civil rights movement of the twentieth century.

The federal law known as the Civil Rights Act of 1964 was part of a landmark legislative attempt to remedy discrimination on account of "race, color, religion, sex, or national origin." The Act prohibits discrimination or segregation in places of public accommodation; it bans discrimination in public facilities and in public education; it prohibits discrimination against recipients of federally assisted programs; it addresses discrimination in the workplace. This Act aid the foundation for future civil rights laws that were later adopted by several states, including local governmental subdivisions such as municipalities. An understanding of the historical background and reasons for the Civil Rights Act of 1964 is important when considering adding any new class of persons to a protected civil rights category. Race, color, sex, and national origin share common immutable characteristics. An immutable characteristic serves to identify the protected class. A person's race, color, sex, and national origin are unchangeable.
characteristics. One cannot transition from one category to another. Religion is the sole category within the Civil Rights Act that does not share the pattern of an immutable physical characteristic as do the other four categories. However, the characteristic of immutability in terms of religion is rooted in the 1st Amendment, and indeed, predates its ratification (15 December 1798).

As to the matter of whether a person’s sexual preference meets the immutability requirement, one need not debate whether homo- sexuality is genetic or environmental. The typical definition of “sexual orientation” includes the status of being or the perception of being heterosexual, homosexual, bisexual, transgender, or even the most recent label, “questioning youth.” The definition itself includes the entire spectrum of human sexuality; but by definition cannot be an immutable characteristic. The moving target of human sexuality can never qualify as an “immutable characteristic.”

As for Minnesota’s Senators (Klobuchar and Franken) seeking the repeal of the Federal Defense of Marriage Act (DOMA), let’s begin by understanding what it is. This law became effective 21 September 1996, and states: “No state, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under laws of such other State, territory, possession, or tribe, or right or claim arising from such relationship.”

The intent of the Federal DOMA is to allow the battle over same-sex marriage to be waged among the states. If a homosexual couple obtains a marriage license in one state they will ask a sister state to give legal recognition to the license under the Full Faith and Credit Clause of the U.S. Constitution. The Federal DOMA specifically traces the language of the Full Faith and Credit Clause, stating that no state or territory shall be required to recognize a marriage consummated in another state if that marriage is between two people of the same sex. While judgments are entitled to full faith and credit, marriages are not judgments and are not required to be recognized.

The Federal DOMA does not prohibit same-sex marriage; it is designed to place the issue with the individual states. It is up to the states to pass legislation regulating marriage. The Federal DOMA provides that if one state chooses not to recognize a marriage validated in another state between two people of the same sex, then the state will not be forced to do so under the Full Faith and Credit Clause.

In light of the Federal DOMA and the many states that have passed their own laws banning same-sex marriage, one might question the need to amend the U.S. Constitution to declare that marriage is between one man and one woman. The answer is simple — in light of so much judicial activism, we the people cannot afford to leave such an important issue to the courts. The litigation to advance same-sex marriage is increasing, and despite the many court victories, the Federal DOMA and the numerous state DOMAs, some judges will disregard the law. In fact, the Obama Administration has already directed the Justice Department to refuse the defense of DOMA.

The current U.S. Senate Bill 598 – “Respect for Marriage Act of 2011” – amends DOMA to redefine marriage for purposes of federal law to include anything that any state, now or in the future, recognizes as a marriage. Additionally, it removes the definition of “spouse” (currently, a person of the opposite sex who is a husband or a wife). The inevitable effect, and the presumed purpose, of section 3 of S. 598 is to have the federal government validate so-called same-sex marriage by requiring that it treat as marriage for purposes of federal law any such union recognized as a marriage under state law. Section 3 would also require taxpayers in the states that maintain traditional marriage laws to subsidize the provision of federal benefits to same-sex unions entered into in other states.

An amendment to the U.S. Constitution is the only way to once and for all remove the marriage battle from activist judges and liberal legislators, and securely place it in the hands of the people. Either we allow a few to set our national marriage policy, or "we the people" exercise our right to define marriage through the constitutional amendment process. Once a federally proposed amendment is passed by two-thirds of the U.S. House and Senate, three-fourths of the states (38) must ratify it. Thus, amending the U.S. Constitution to preserve marriage between one man and one woman is an exercise of states’ rights.

From the biblical worldview, it is not surprising that the Bible contains clear and explicit teachings about marriage. It is God who created marriage at the beginning of the human race as a lifelong union between one man and one woman. In Genesis 1:27-28 we read that God created Adam and Eve and told them that together they should bear children. Some would ask – “But were Adam and Eve actually a married couple?” Yes, because the next chapter (Genesis 2:24-25) calls them “man and wife.” Another might say – “But God’s definition of marriage was only for the Jewish people.” Not so; it was intended to apply to all people in all societies for all times. This is evidenced in God’s judgment on the gentiles (non-Jewish) twin cities of Sodom and Gomorrah ... because of their widespread practice of homosexual conduct (see Genesis 19:1-28). The establishment of marriage between a man and a woman is the most fundamental institution in any society. It comes before any other; immediately after the creation of man and woman. It’s significant that God established marriage before there is any establishment of cities, nations, courts of law, or any human laws. It certainly comes before any national, state or local governments. It comes before schools and

"THE WORD OF THE LORD ENDURES FOREVER." (1 PETER 1:25)
universities, or businesses and corporations, or churches and other non-profit organizations. It is foundational to the establishment of any society. Every human nation on earth, every society of any size or permanence at all, has recognized and protected the institution of heterosexual marriage. It is not “mean-spirited, un-Minnesotan and un-American” to be beholden to a biblical worldview. In keeping with Christ’s guidance – One will render to Caesar what is Caesar’s; but under no circumstances will render to Caesar what is God’s. God instituted marriage and defined it; we need not redefine marriage, but defend it against those who would dare to defile ... “What therefore God has joined together ...” (Matthew 19:3-6). Political correctness does not trump religious conviction.

We are living at a critical time in human history. We are confronted with two separate and distinct roads for our future; and these roads diverge over the issue of marriage. Heterosexual marriage must be defended. The battle to preserve traditional marriage must be waged and won on many fronts. We must be aware of incremental steps designed to weaken the institution of marriage. One incremental advance by the same-sex marriage movement will only lead to another (e.g., polygamous unions, polyamous unions) and before long, same-sex marriage will seem like only another small step. We must draw a line in the sand ... because once we cross the same-sex marriage line, it will be difficult to turn back.

So, what should you do?

**Vote YES to amend the Minnesota Constitution recognizing marriage as only between one man and one woman. This is not a vote against fellow citizens wishing to receive civil recognition of their consensual love for one another (regardless of sexual preference). Rather, this is about preserving the godly definition of marriage.**

**Write your U.S. Senators to vote against U.S. Senate Bill 598, retain Federal DOMA, and move to amending the U.S. Constitution to preserve marriage between one man and one woman in accordance with states’ rights.**

The Honorable Amy Klobuchar
United States Senate
Washington, DC 20510

Dear Senator Klobuchar:

The Honorable Al Franken
United States Senate
Washington, DC 20510

Dear Senator Franken:

* Please include your return postal mailing address when corresponding.

And write our Governor to remind him of his elected role to represent all the people and not to foster divisive communications in an effort to advance his personal agenda(s).

The Honorable Mark Dayton
Governor of Minnesota
130 State Capitol
75 Rev Dr Martin Luther King Jr Blvd
Saint Paul, MN 55155

Dear Governor Dayton:

* Please include your return postal mailing address when corresponding.

**Reach out to the homosexual community and seek to find the common ground that you can support for extending desirable equity in legally recognized "marital benefits" to civil unions and domestic partners. God loves all His created beings, and sent His only Son to die for the sins of all.**

**Pray that God will be merciful and forbearing toward this nation. Remember — God said, “If my people who are called by My name will humble themselves, and pray and seek My face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land.” (2 Chronicles 7:14)***

**Read your Bible as did many of our U.S. Presidents who honored God and relied on His Word:**

“It is impossible to rightly govern the world without God and the Bible.”
— George Washington

“The first and almost the only book deserving of universal attention is the Bible. I speak as a man of the world ... and I say to you, ‘Search the Scriptures.’”
— John Quincy Adams

“In regard for this Great Book, I have this to say, it is the best gift God has given to man. All the good the Savior gave to the world was communicated through this book.”
— Abraham Lincoln

“The Bible is the one supreme source of revelation of the meaning of life, the nature of God, and spiritual nature and needs of men ... America was born a Christian nation. America was born to exemplify that devotion to the elements of righteousness which are derived from the revelations of Holy Scripture.”
— Woodrow Wilson

“The foundations of our society and our government rest so much on the teachings of the Bible that it would be difficult to support them if faith in these teachings would cease to be practically universal in our country.”
— Calvin Coolidge

“We cannot read the history of our rise and development as a nation without reckoning with the place the Bible has occupied in shaping the advances of the Republic. Where we have been truest and most consistent in obeying its precepts, we have attained the greatest measure of contentment and prosperity.”
— Franklin D. Roosevelt

“The fundamental basis of this nation’s laws was given by Moses on the Mount. The fundamental basis of the Bill of Rights comes from the teachings we get from Exodus and St. Matthew, from Isaiah and St. Paul ... If we don’t have a proper fundamental moral background, we will finally end up with a totalitarian government which does not believe in rights for anyone except the State!”
— Harry S. Truman

"BE DOERS OF THE WORD, NOT HEARERS ONLY." (JAMES 1:22)