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Marriage: Society's Taproot

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Marriage and Judicial Dictators

What is at stake in the marriage battle in which we are engaged goes far beyond its moral and religious aspects. It goes to the very foundation of freedom and democracy, and it forces us to re-evaluate once again what form of government we are to have in our country. Are we to continue to embrace the wisdom of our

Founding Fathers, who envisioned a government of “We the people,” a “government of the people, by the people, for the people,” or are we to allow this current trend of judicial activism and tyranny to decide the country’s direction for us?

Think about this: the three decisions which forced same-sex “marriage” on their entire respective states, in Massachusetts, Connecticut and California, causing legal havoc for the entire nation, were decided by a margin of *one*. In each case, the courts ruled in favor of same-sex “marriage” in a 4-3 vote.



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Who decides the definition of “marriage”: “We the People” or a power hungry judiciary?

Should one judge decide the future of our nation? Is this what a democracy is all about, or is it more like a judicial dictatorship? Aren’t they abusing their power to force their views on this country just as any other dictator would? Does it matter that they get to debate amongst themselves before making a decision? The result is the same, essentially one man deciding what’s best for the country.

The panorama gets even darker when you realize that whenever the American people have actually gotten a chance to vote on keeping marriage as the union between one man and one

woman, they have protected traditional marriage (except Arizona, which is giving it a second shot this November). In California, the people voted by more than a 60 percent margin to limit marriage to a man and a woman. But frankly, judicial dictators don't care.

Here is how the dissenting judges in the Massachusetts case said it:

What is at stake in this case is not the unequal treatment of individuals or whether individual rights have been impermissibly burdened, but the power of the Legislature to effectuate social change without interference from the courts.... The power to regulate marriage lies with the Legislature, not the judiciary.... Today, the court has transformed its role as protector of individual rights into the role of creator of rights...¹

These judicial dictators are ignoring the one thing they are really charged to protect, namely the law, in order to impose their policy preferences on the rest of the nation, thus violating the very principles on which they are supposed to stand and from where they draw all their power. Here is how the dissenting judges in the California decision put it:

In reaching this decision, I believe, the majority violates the separation of powers, and thereby commits profound error...

Nothing in our Constitution, express or implicit, compels the majority's startling conclusion that the age-old understanding of marriage — an understanding recently confirmed by an initiative law — is no longer valid...

I cannot join this exercise in legal jujitsu,

by which the Legislature's own weight is used against it to create a constitutional right from whole cloth, defeat the People's will, and invalidate a statute otherwise immune from legislative interference. Though the majority insists otherwise, its pronouncement seriously oversteps the judicial power.²

We are at a critical point in history. If we continue to allow our country to be shaped like play-doh in the hands of unelected judges, we will have only ourselves to blame when little by little our religious liberties and freedoms are eroded to accommodate what these tyrants deem to be progressive.

This November, three states — Arizona, California and Florida — will be voting on constitutional amendments to protect marriage and trying to take this issue back where it belongs, in the hands of the people. We should all be engaged in those endeavors. Our future as a country is at stake. ■

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PRAY

For our nation, for our leaders, and for our judicial system.

PRAISE

God for those leaders He has appointed to lead the charge in taking our country back.

ACT:

Find out what you can do to stay involved. Visit www.cwfa.org today.

¹ *Goodridge v. Dept. of Public Health*, 440 Mass. 309 (2003).

² *In re Marriage Cases*, 43 Cal. 4th 757 (2008).