

# MARRIAGE.

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Defined by God. Not open to interpretation.



## **Liberty Counsel**

an international nonprofit, litigation, education, and policy organization dedicated to advancing religious freedom, the sanctity of life, and the family since 1989.

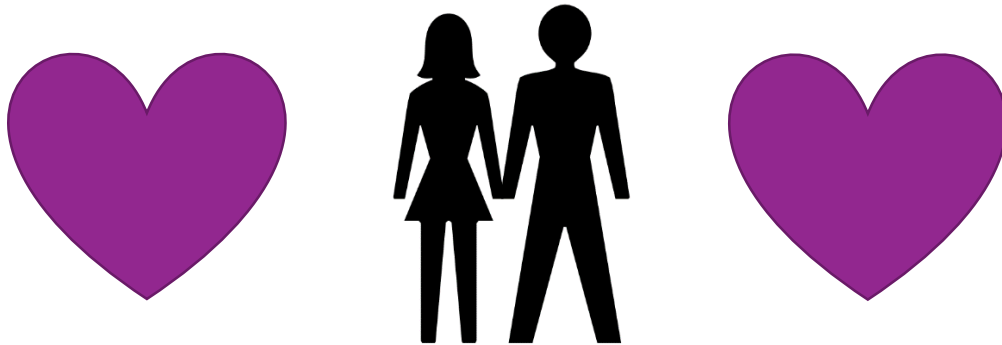
## Why Marriage?

Society begins with marriage and the family. Marriage is the preeminent and the most fundamental of all human social institutions: A bond between one man and one woman, intended for life, and open to the gift of children. Children do best in a home with a mom and a dad.

## What about Same-Sex Unions?

Civil institutions do not create marriage nor can they manufacture a right to marry for those who are incapable of marriage.

No civil institution, including any court, has authority to redefine marriage any more than it can redefine gravity. Redefining the institution of marriage is improper and outside the authority of the government. The institutions of civil government should defend marriage and not seek to undermine it.<sup>i</sup>



**What does the Bible say about marriage?**

- **Defined**
  - Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh. (*Genesis 2:24*)
- **Established by God**
  - What therefore God has joined together, let not man separate. (*Mark 10:9*)
  - So God created man in his own image, in the image of God he created him; male and female he created them. (*Genesis 1:27*)
- **Part of God's Plan**
  - Now as the church submits to Christ, so also wives should submit in everything to their husbands. Husbands, love your wives, as Christ loved the church and gave himself up for her, that he might sanctify her, having cleansed her by the washing of water with the word, so that he might present the church to himself in splendor, without spot or wrinkle or any such thing, that she might be holy and without blemish. In the same way husbands should love their wives as their own bodies. He who loves his wife loves himself. For no one ever hated his own flesh, but nourishes and cherishes it, just as Christ does the church, because we are members of his body. (*Ephesians 5:24-30*)
- **Lifelong: God hates divorce**
  - For the man who does not love his wife but divorces her, says the Lord, the God of Israel, covers his garment with violence, says the Lord of hosts. So guard yourselves in your spirit, and do not be faithless. (*Malachi 2:16*)
  - It was also said, 'Whoever divorces his wife, let him give her a certificate of divorce.' But I say to you that everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery, and whoever marries a divorced woman commits adultery. (*Matthew 5:31-32*)
- **Homosexuality is unnatural, not what God intended.**
  - Just as Sodom and Gomorrah and the surrounding cities, which likewise indulged in sexual immorality and pursued unnatural desire, serve as an example by undergoing a punishment of eternal fire. (*Jude 7*)
  - For this reason God gave them up to dishonorable passions. For their women exchanged natural relations for those that are contrary to nature; and the men likewise gave up natural relations with women and were consumed with passion for one another, men committing shameless acts with men and receiving in themselves the due penalty for their error. (*Romans 1:26-27*)



**What does the law say?**

In 1996, the **Defense of Marriage Act (DOMA)**, passed with majority support in Congress. This law defined the terms “spouse” and “marriage” to only apply to heterosexual couples in federal legal terms.<sup>ii</sup>

Since 2015 with the Supreme Court ruling in *Obergefell v Hodges*, same-sex unions have been legally recognized as “marriage.” Although this directly contrasts God’s Word and his will for creation, Christians are forced to encounter this issue everyday through media, politics, and social interactions.



By analyzing just a few recent years of legal cases, one can see the trends in court decisions that has distorted order and truth that now impact the daily lives of U.S. citizens.

## Key Cases Towards the Legalization of Same-Sex Unions

## 2003

### *Lawrence v TX*

- Facts: Two adult men, John Lawrence and Tyron Garner were discovered in a same-sex act. In the state of Texas, homosexual intercourse was against the law and the men were arrested.
- Question: Does the “Homosexual Conduct” mandate violate individual right to due process/Fourteenth Amendment rights?
- Conclusion: The Supreme Court ruled that states could not regulate sexual behaviors of consenting adults constitutionally. This case struck down the “Homosexual Conduct” law in Texas, and similar anti-sodomy laws in fourteen other states.<sup>iii</sup>

## 2012

### *California’s Proposition 8*

- In 2008, voters in the state of California had to address the state’s constitution concerning the definition of marriage. Proposition was a pro-marriage amendment that would add the distinction that “only marriage between a man and a woman is valid or recognized in California.”<sup>iv</sup> On the 2008 election, 52.5% of voters voted “yes” for this biblical specification being added to the constitution. Despite the people’s consensus, the state court ruled that “marriage” can be applied to couples of any the same gender as well. (case continued in *Hollingsworth v Perry*)



### *New Yorkers for Constitutional Freedoms v New York State Senate Defendant.*

- Facts: In 2011, New York Governor Andrew Cuomo signed into law the Marriage Equality Act, legalizing homosexual “marriage” in New York. The bill was passed however, not in terms with the state’s Open Meetings Law, requiring all bills be given to legislators three days before the body votes and the meeting procedures be open to public knowledge. To by-pass the Open Meetings Law and push forward with the liberal agenda, Governor Cuomo declared an exemption due to the emergency of same-sex couples being not allowed to marry.<sup>v</sup>
- Question: Did the state violate the Open Meetings Law to redefine marriage?
- Conclusion: Liberty Counsel represented New Yorkers for Constitutional Freedoms and others in various New York courts. The New York Supreme Court ruled in favor of the bill, although there was “clear arm-twisting by the Executive on the Legislative permeates this entire process.” Liberty Counsel sought further review, but was denied and the Marriage Equality Act remained intact.<sup>vi</sup>

### *Jackson v. Abercrombie*

- Facts: In Hawaii, the state constitution defined marriage as between one man and one woman. Private citizens living a homosexual lifestyle challenged the state’s law, demanding “marriage equality.”
- Question: Did the state of Hawaii have the authority to restrict marriage to natural unions only?
- Conclusion: The court concluded that it was within constitutional power for the legislation body of the state to limit marriage to heterosexual couples only.<sup>vii</sup>

## 2013

### *Windsor v United States*

- Facts: Edith Windsor filed suit to contest the constitutionality of DOMA after her female partner passed away and left her an inheritance. The federal government issued taxes on the inheritance because it did not recognize the union the two women had procured in Canada.
- Question: Was the Defense of Marriage Act constitutional in limiting “marriage” to one man and one woman in federal law?
- Conclusion: The Supreme Court ruled for Windsor and the LGBTQ agenda in allowing same-sex couples to be recognized as “married” in federal documentation. DOMA was overturned for not allowing “equal rights” to all gender combination unions.<sup>viii</sup>

### *Hollingsworth v Perry*

- Facts: After the election in 2008, 52.5% of Californian voters agreed to pass Proposition 8, limiting “marriage” to exclusively one man and one woman under California law. However, district courts did not recognize this amendment as constitutional and considered the passing votes invalid. Advocates for Prop8 challenged the state’s intrusion on liberty.
- Question: Did the petitioners have standing to seek an appeal from the district courts to allow same-sex unions?
- Conclusion: Unfortunately, the proponents of Proposition 8 were viewed to lack standing or any recognizable injuries from the state’s action, and so the case was dismissed. No Supreme Court action was taken to support marriage and the family, and Californian officials could move forward with their LGBTQ agenda, regardless of the people’s voices.<sup>ix</sup>

## 2015

### *Brenner v Scott*

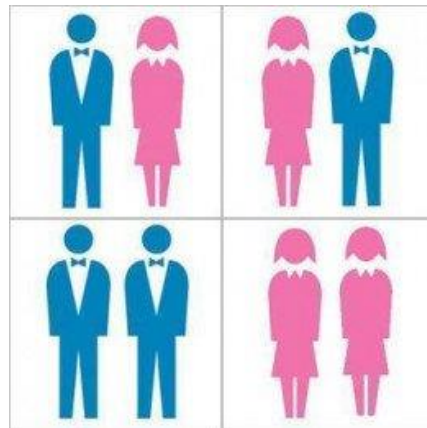
- Facts: The state of Florida was one of the few to remain with the constitution recognizing only natural marriage. Gay couples seeking legal unions challenged the

Florida constitution. This case was ongoing while other legal attacks on marriage were being reviewed in other states across the USA.

- Question: Was Florida’s constitution limiting marriage to one man and one woman unconstitutional?
- Conclusion: The district court followed the precedent set in *Obergefell v Hodges* that limiting marriage to only heterosexual couples was a violation to the rights of same-sex individuals. This case did not establish this, however, it enforced the Supreme Court’s rulings that were being met with resistance by clerks or marriage certificate providers in Florida.<sup>x</sup>

### *Obergefell v Hodges*

- Facts: Homosexual couples from Kentucky, Ohio, Michigan, and Tennessee challenged their state constitutions preventing their same-sex unions from being recognized as legal marriages. The different cases were consolidated in *Obergefell v Hodges*.
- Question: Is the state violating an individual's right to marriage if the state only allows natural marriage? Does the Fourteenth Amendment require states to recognize an individual’s right to marriage to another person regardless of gender?
- Conclusion: The Sixth Circuit Court of Appeals upheld the states’ right to define marriage in the constitution as one man and one woman. However, in the Supreme Court, this ruling was reversed by a 5 to 4 vote, and set the precedent that states must recognize same-sex unions as “marriages.” **This case made same-sex unions legal in all states,** declaring “marriage” was a constitutional right (not limited to God’s definition).<sup>xi</sup>



The social attempt to legally “re-create” marriage is now a daily issue Christians confront. God’s plan is best. Denying His Word results in more conflict, and prevents Christ’s love from reaching those around us.

## Abuses on Religious Freedom

*Pick-up v Brown and Welch v Brown* (2012)

- Facts: California passed SB 1172 which outlawed **SOCE (sexual orientation change efforts)** for minors. This type of therapy was often provided by private, Christian counselors and ministries to provide people struggling with unwanted same-sex attraction. The bill prevented minors from accessing this therapy even if they desired the help of change therapy.
- Question: Did the bill violate the rights of private therapists?
- Conclusion: The court ruled in favor of the state of California and upheld the law outlawing all SOCE for minors. During the case proceedings, Welch was given an injunction from the execution of the ban, but Pickup was not. Gay-change therapy on minors is banned in California. The Supreme Court rejected all appeals for further review by <sup>xii</sup>

#### *Doe v Christie (2014)*

- Facts: Like *Pickup v Brown*, this case involved a law banning SOCE for minors. Liberty Counsel actively represented an individual youth (John Doe) benefiting from gay-change therapy that was outlawed by New Jersey Governor Chris Christie in 2014.
- Question: Can private, licensed therapists counsel minor to be free from unwanted same-sex attractions?
- Conclusion: The New Jersey law was upheld by the federal judge, who did not think the parents had fundamental rights to have their child treated as they wished. Liberty Counsel's appeal to the Supreme Court was rejected to the detriment of children and adolescents who could benefit from SOCE treatments.<sup>xiii</sup>

#### *Miller v Davis (2017)*

- Facts: Along with other cases *Ermold v Davis* and *Yates v Davis*, county clerk in Rowan County, Kentucky, Kim Davis was sued for refusing marriage licenses to same-sex couples. She refused to do so because authorizing the "marriages" was against her Christian beliefs. As a result, three suits were filed against her and Davis was arrested and imprisoned for six days.
- Question: Are clerks and other officials responsible for licensing gay unions that directly contradict their personal, religious beliefs?<sup>xiv</sup>
- Conclusion: Liberty Counsel was proud to represent Kim Davis and religious liberty in this legal battle against LGBTQ politics. After Gov. Matt Bevin signed into law a bill negating the need for a clerk's authorization on a marriage certificate, all three cases were dismissed by a federal court judge. This case was significant for religious liberty in the United States. In August 2017, Kim Davis was dismissed from owing attorney fees incurred by the plaintiffs in the cases.<sup>xv</sup>

#### *Arlene's Flowers v. State of Washington (2017)*



- Facts: Barronelle Stutzman, a local florist shop owner, refused to provide flowers for a same-sex wedding. As a Christian, Stutzman did not wish to support a union that conflicted with her faith. While she did not refuse service harshly, the American Civil Liberties Union took legal action against her, claiming she violated Washington’s anti-discrimination laws.
- Question: Do local business owners have the First Amendment right to refuse services to same-sex unions that are against their beliefs?
- Conclusion: The Supreme Court upheld the state court’s ruling against the Christian florist. They ruled against Stutzman’s religious liberty to run her business in line with her personal convictions and in favor of the ACLU’s claims of discrimination. The florist was also personally held responsible for attorney’s fees and other court costs.<sup>xvi</sup>

## Creation of Conflict

*For God is not the author of confusion, but of peace, as in all churches of the saints. (1 Cor. 14:33)*

During creation (Genesis 1), God established the order of nature and time that allows life to exist today. From the structure of the human anatomy to the distance of the Earth from the Sun, the universe is precisely designed in a way that could only be divine. Part of this delicate balance was the creation of the family, headed by the marriage of a man and wife. When society seeks to “re-create” this fundamental design, countless and unforeseen issues emerge and prevent optimal human flourishing.



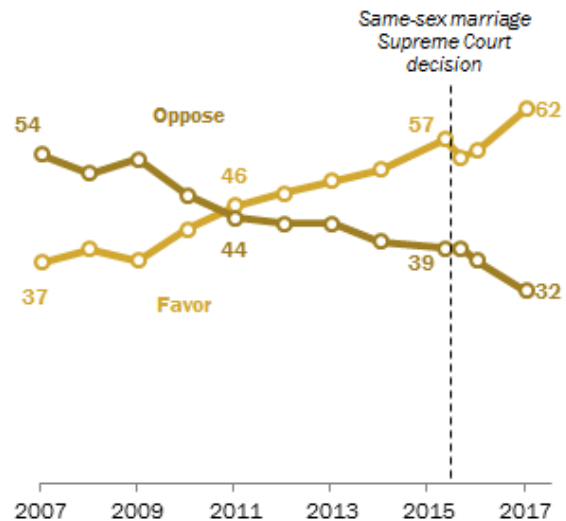
1. **Male, Female, or Other?** When it comes to legalities, applications, and other official documentation, extending gender definitions to all “identities” becomes increasingly complicated and confusing. Though generally “LGBT” is used in daily discussions, “LGBTQQIP2SAA” is the formal version<sup>xvii</sup>, and even this ridiculously long label fails to totally satisfy all member of the homosexual community.
2. **Endangered Individuals:** The National Center for Transgender Equality took a survey<sup>xviii</sup> of “transgender” individuals in 2015 and found that *“Forty-eight percent (48%) of*

respondents have seriously thought about killing themselves in the past year, compared to 4% of the U.S. population, and 82% have had serious thoughts about killing themselves at some point in their life.” This finding should be concerning as it shows the serious instability that exists in society because of blurring gender definitions.

3. **Drastic Social Swing:** In the last twenty years, the United States has seen the passing of DOMA (upholding traditional marriage) and it’s repeal to legalize same-sex unions nationwide. This drastic change in consensus has been documented by credible sources like Pew Research Center and others.<sup>xix</sup> According to their work, approval of same-sex “marriages” has almost doubled in the last 10 years, while opposition has decreased from a majority of 54% to 32% today. The quick reverse of social opinion should be concerning, and long-run repercussions can be expected.

### Public support for same-sex marriage reaches new milestone

% who \_\_\_ allowing gays and lesbians to marry legally



Notes: Data for 2007-2015 based on yearly averages. Don't know responses not shown. Source: Survey conducted June 8-18, 2017.

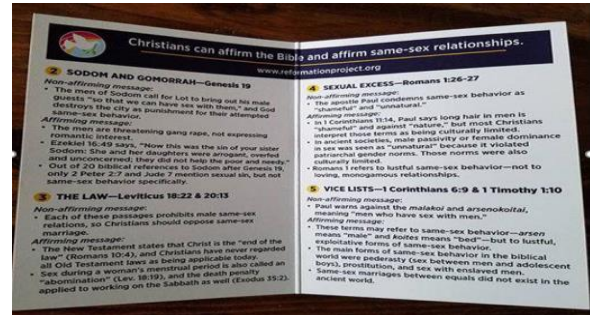
PEW RESEARCH CENTER

4. **Raising Children:** Parenting is honor, but also a difficult responsibility. In a world where “gender” is a choice, parents are forced to acknowledge sexuality as the LGBTQ agenda is shoved on young children through public schooling, peers from “nontraditional” homes, media and television.<sup>xx</sup> While experts debate on how much exposure/sheltering parents should give, it is wrong that childhood innocence is destroyed by encouragement to explore their gender identity before little ones can write their ABC’s.

5. **Church Response** Christians, cultural and practicing, can be found across the board on the issue of homosexuality. Although the Bible is clear (see page 3), many have taken it on themselves to tackle the social issue in the name of Christ, some by hate and others by shallow political correctness they confuse for love. Across the United States, brothers and sisters in Christ debate each other over differing “interpretations of marriage” and what the Scripture on such issues:

- Should same-sex “marriage” be legal?
- Should practicing homosexuals be incorporated into church membership?
- Can pastors or church leaders identify as homosexual?

- Is same-sex attraction a sin?
- How can those with homosexual tendencies be ministered to? (counseling, celebrity, etc.)
- What is the proper response when it comes to same-sex unions politically, socially, etc.?



*“Christian” reactions by the Westboro Baptist Church and the Reformation Project.*

These contrasting views put forth by the “church” (as perceived by the world) weaken the teachings and testimony of the Gospel. Sadly, Christians have failed to represent Christ when discussing marriage. As family values dissolve, many lost individuals are prevented from finding the love they seek in the one, true God.

For more information on Liberty Counsel to learn how you can contribute to protecting the America family, please visit [LC.org](http://LC.org).

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- <sup>i</sup> "Protecting Marriage and Family." *LC.org*. Liberty Counsel, N.d. Web. 9 August 2017. <<http://www.lc.org/protecting-marriage-and-family>>.
- <sup>ii</sup> "H.R. 3396 (104th): Defense of Marriage Act." *Govtrack.us*. Wikipedia. 22 October 2016. Web. 9 August 2017. <<https://www.govtrack.us/congress/bills/104/hr3396/summary>>.
- <sup>iii</sup> "Lawrence v. Texas." *Oyez*, 2002. Web. 10 August 2017. <<https://www.oyez.org/cases/2002/02-102>>.
- <sup>iv</sup> "Get the Facts on Prop 8." *What's In Prop8?*. Hope for the Family. 5 November 2008. Web. 9 August 2017. <<http://www.whatisprop8.com/>>.
- <sup>v</sup> "New Yorkers for Constitutional Freedoms v New York State Senate." *Courts.State.NY.US*. New York State Law Reporting Bureau. 6 July 2012. Web. 9 August 2017. <[http://www.courts.state.ny.us/Reporter/3dseries/2012/2012\\_05455.htm](http://www.courts.state.ny.us/Reporter/3dseries/2012/2012_05455.htm)>.
- <sup>vi</sup> "New York's Highest Court Asked to Review Marriage Vote and Open Meeting Violations." *LC.org*. Liberty Counsel. 6 August 2012. Web. 9 August 2017. <<http://www.lc.org/newsroom/details/new-york-s-highest-court-asked-to-review-marriage-vote-and-open-meeting-violations-1>>.
- <sup>vii</sup> "Jackson v. Abercrombie." *ADFLegal.org*. Alliance Defending Freedom. 23 July 2012. Web. 9 August 2017. <<https://www.adflegal.org/detailspages/case-details/jackson-v.-abercrombie>>.
- <sup>viii</sup> "United States v Windsor." *Oyez*. December 2012. Web. 9 August 2017. <<https://www.oyez.org/cases/2012/12-307>>.
- <sup>ix</sup> "Hollingsworth v. Perry." *Oyez*. December 2012. Web. Accessed 10 Aug. 2017. <<https://www.oyez.org/cases/2012/12-144>>.
- <sup>x</sup> "Final Ruling in Federal Challenge to Florida Ban on Same-Sex Marriages Holds State's Ban Unconstitutional." *ACLUFL.org*. American Civil Liberties Union of Florida. 31 March 2016. Web. 9 August 2017. <<https://www.aclufl.org/en/press-releases/final-ruling-federal-challenge-florida-ban-same-sex-marriages-holds-states-ban>>.
- <sup>xi</sup> "Obergefell v. Hodges." *Oyez*, 2014. Web. Accessed 10 Aug. 2017. <<https://www.oyez.org/cases/2014/14-556>>.
- <sup>xii</sup> "Pickup v. Brown and Welch v. Brown." *Lambda Legal*. 23 August 2013. Web. 9 August 2017. <<https://www.lambdalegal.org/in-court/cases/pickup-v-brown-and-welch-v-brown>>.
- <sup>xiii</sup> "Case: King v. Christie." *NCLrights.org*. National Center for Lesbian Rights. N.d. Web. 10 August 2017. <<http://www.nclrights.org/cases-and-policy/cases-and-advocacy/case-king-v-christie/>>.
- <sup>xiv</sup> "Case Closed - Kim Davis Has Won the Fight for Religious Freedom." *LC.org*. Liberty Counsel, 19 August 2016. Web. 16 August 2017. <<http://www.lc.org/newsroom/details/081916-case-closed-kim-davis-has-won-the-fight-for-religious-freedom>>.
- <sup>xv</sup> "Kim Davis and Rowan County Not Liable for Attorney's Fees." *LC.org*. Liberty Counsel, 21 July 2017. Web. 16 August 2017. <<http://www.lc.org/newsroom/details/072117-kim-davis-and-rowan-county-not-liable-for-attorneys-fees-1>>.
- <sup>xvi</sup> "Floral artist asks US Supreme Court to protect her freedom." *Alliance Defending Freedom*. 14 July 2017. Web. Accessed 16 August 2017. <<http://www.adfmedia.org/News/PRDetail/8608>>.
- <sup>xvii</sup> D'Souza, Joy. "What Is The Expanded LGBT Acronym? And What Does It Stand For?" *Huffington Post*. 27 June 2016. Web. 16 August 2017. <[http://www.huffingtonpost.ca/2016/06/27/entire-lgbt-acronym\\_n\\_10616392.html](http://www.huffingtonpost.ca/2016/06/27/entire-lgbt-acronym_n_10616392.html)>.
- <sup>xviii</sup> "2015 Transgender Survey Complete Report." *National Center for Transgender Equality*. December 2016. Web. Accessed 16 August 2017. <<http://www.ustranssurvey.org/report>>.
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- <sup>xx</sup> Chretien, Claire. "Disney's pro-gay cartoon for preschoolers: 12 facts you need to know." *Life Site News*. 9 August 2017. Web. Accessed 16 August 2017. <<https://www.lifesitenews.com/news/disneys-pro-gay-cartoon-for-preschoolers-12-facts-you-need-to-know>>.