

# **James Dobson, Rick Scarborough, Mat Staver Address Supreme Court Same-Sex Marriage Threat**

This Tuesday, March 10, I was asked to join more than 30 other deeply concerned church leaders on a conference call. The topic was the marriage and family-damaging decision the Supreme Court may soon make.

If they follow present cultural trends and rulings of numerous lower courts, by June they will rule against the biblical and historical institution of marriage in favor of what is being called “same-sex marriage.” Below are excerpts from comments and concerns expressed by those who participated in the call.

These comments have been edited and condensed without compromising the content or concerns. I felt very deeply in my heart that it should be shared with all who are concerned about the obvious assault on faith, family and freedom.

## **Opening remarks by Rick Scarborough (President – Vision America Action)**

There is a growing concern about the nature of the ruling the Supreme Court will hand down in June on same-sex marriage. We believe that the majority of the Court will rule in favor of elevating what we have always taught to be a sinful lifestyle to the stature of a civil right—forcing us to choose between their ruling and our religious convictions that are based on Scripture. This ruling will conflict with our deeply held conviction and religious belief.

With the current administration there is every reason to believe that the Executive Branch will use the full weight of

the Federal justice system to enforce this. We must be prepared for that possibility.

I am speaking as a minister, to the moral and biblical ramifications of this expected ruling. This would be a decision as incorrect and as tragic as Dred Scott. Because of the trends and cultural shifts that we have witnessed in culture over the past 40 years, we have all known that this day would likely come and Christians would be put at odds with the culture and the courts.

I believe we are there. We are approaching a Bonhoeffer moment in America.

Outrageous penalties are now being assessed against people of faith and conviction who haven't changed their position on marriage. Rather it's the courts that have changed the definitions, the rules and laws that now govern us. They are ruling against Nature's Law and Nature's God. Christians are being declared the lawbreakers when we are simply living by what we have always believed and by a set of laws that the culture historically has agreed to.

My desire as a pastor is to see another Great Awakening, and I pray that those caught up in any sin will find Jesus and God's grace, but that can only come when there is a biblical standard lifted up and acknowledged as truth. Right now the courts are changing the playing field and declaring that what the natural eye can see and natural law reveals is not truth. Therefore, this is a Bonhoeffer moment. What will we do and how will we respond?

The timing of this conference call in coordination with the anniversary of the stand on the bridge in Selma is remarkable. Things do not change if no one stands up and takes the brunt. Right after a word from Dr. Dobson, Mat Staver will walk us through the seriousness of the situation. We must find the mind of God and walk uprightly regardless of the direction of

the culture or the Court.

### **Dr. James Dobson (Founder – Family Talk Radio)**

Thank you, Rick. That was a beautiful statement you made and it stirs my heart. As Christian leaders, we cannot sit and let our voices go silent when that's what the rest of the world, Congress and many other Christian leaders and pastors are doing. We must stand together. Everyone I have talked to here at Family Talk agrees.

We will be attacked from every direction, and critics will do all they can to weaken and embarrass us, but so what? Are we going to sit on our reputations and go to our graves without having played a role? This is Roe v. Wade all over again. I am standing shoulder to shoulder with all who will stand up for God's Word concerning marriage. We don't know all of the steps that must be taken, but God will reveal His will. To the extent that I am able to influence anybody, I will do it with passion.

### **Mat Staver (Founder – Liberty Counsel)**

I express my thanks to Rick Scarborough and Dr. Dobson. Their comments resonate with all of us. Let me address the seriousness and the basis for engaging with resistance to a Supreme Court decision that could go the wrong way. Once you elevate same-sex marriage to the level of protected status, whether on the federal or the state level, you begin to change and transform the face of society. In my view it will result in the beginning of the end of Western Civilization.

When you make a government policy that says that this is a relationship between humans that is so critical, so fundamental and so essential to our society and to our future that we are going to protect it by law and surround it with laws and benefits that are designed to protect that relationship as a policy matter, you are taking a big step. You are essentially saying that boys and girls don't need moms

and dads—that moms and dads are irrelevant.

Gender becomes pointless when government adopts same-sex marriage. It creates a genderless relationship out of a very gender specific relationship. It says that it doesn't matter and that two moms or two dads are absolutely equivalent to a mom and a dad.

Immediately, when elevated to that level of a constitutionally protected category, it is given the same status as race. What you cannot legally do with respect to race, you will not be able to do legally with respect to same-sex unions and sexual immorality.

Think of race in the context of religious expression or conscience expression and replace it with sexual immorality, transsexualism or so-called gender identity. For example, churches and other religious organizations are exempt from the religious discrimination provisions of federal, state or local nondiscrimination laws. But they are not exempted from the race provisions. So Catholics can hire Catholics, and Baptists can hire Baptists, but they cannot hire only "white" Catholics or only "white" Baptists. They would face significant penalties. You can't have separate restrooms or drinking fountains for people of a different color. If a church did that they would be liable for a significant amount of damages because of discrimination on the basis of race.

Same-sex marriage or laws including sexual orientation or gender identity as a non-discrimination category directly impact religious organizations and churches. If a man wants to use the women's restroom and a church official told him he could not, then that act would be like telling people of color they cannot use the "white only" restroom. You will also have the same issues with tax exemption over sexual preference as you have now over race.

Already a Methodist church association in New Jersey lost its

property tax exemption status because it refused to allow use of their facilities for a same-sex union. Although the church then obtained a religious exemption instead, it ceased all weddings on its boardwalk pavilion. Bob Jones University lost its tax exemption status because it refused to allow mixed-race dating. They have since abandoned that false doctrinal belief, but they still lost their tax exemption at the Supreme Court. It will not be long if same-sex marriage is adopted that other universities could lose tax exemptions if they maintain a policy based on natural marriage and biblical morality.

Anything that you can imagine on the basis of race discrimination will apply to this issue of sexual preference. There is a huge collision coming. Those examples will be intensified significantly.

Roe v. Wade was a time when the church should have said no, regardless of what seven Supreme Court justices said. The difference is Roe was a wrong decision that resulted in a loss of life but people were not forced to participate. With this issue, people will be forced to participate and affirm it. It will affect licenses for counselors, attorney disciplines and every licensing profession will be affected.

In the history of the Supreme Court, they have reversed themselves about 230 times, and other Supreme Court decisions have been overruled by new laws or Constitutional amendments. Two were especially bad decisions. There was the Dred Scott decision in 1857. The Supreme Court told Scott he was not entitled to full citizenship, because people believed that "blacks are inferior human beings." That was contrary to the Constitution, natural law and revealed law, but we still went along with it and we ended up in a civil war.

Today no one would agree that was right. Why did we obey it then? In the case of Buck v. Bell a lady in Virginia was

forcibly sterilized as part of the eugenics movement. This was promoted by Planned Parenthood because they wanted to get rid of the “undesirables,” which according to Planned Parenthood at the time included blacks, the infirmed and those with low IQs.

They did this because there was a history of low IQ in her family. The Supreme Court said that there is no justice for her because “three generations of imbeciles” in her family was enough, so they upheld the decision. When the Nazis were put on trial at the Nuremburg trials, they cited the Buck v. Bell decision to justify their use of forced sterilization. To this day that Supreme Court decision hasn’t been overturned, though no one would justify that decision today. It wasn’t right then and it isn’t right now.

In 1992, Planned Parenthood v. Casey was argued in the Supreme Court. During that week they voted, and it was a 5-4 vote to overrule Roe v. Wade. For 30 days William Rehnquist was writing the opinion to overrule it. For those 30 days O’Connor and Justice David Souter lobbied Justice Anthony Kennedy who was part of the majority to overrule it.

After 30 days they broke through and he wrote a note to a fellow justice Harry Blackmun who wrote the decision in 1973. Kennedy switched his vote, so the Opinion was taken away from Rehnquist and given to another justice. So Roe v. Wade was upheld, rather than overruled. O’Connor said in that Opinion that even if Roe v. Wade was decided wrongly we have to uphold it because the power of the Court rests solely in the confidence of the people.

Unlike the executive branch, which enforces the law, or the legislative branch, which enacts the law, she said that the Supreme Court has no power to enforce our law: the only way our orders have enforcement is because the people voluntarily comply. The executive branch must uphold it. Upholding Roe v. Wade was necessary, she argued, to uphold the power of the

Court and the confidence of the people that what they do is right. She said in her Opinion that upholding the decision of Roe v. Wade was a necessity to maintain the authority of the Court and the power of the institution.

Historically we know that Thomas Jefferson would not enforce the Alien and Sedition Acts of 1798 that President John Adams had signed. Jefferson wrote a letter to Abigail Adams saying, what gives you the idea that the judges have the final authority to be the arbiters of the law? If that were the case we would have a despotic branch.

Lincoln advocated disobedience to Dred Scott, and Andrew Jackson advocated disobedience to the banking bill, so it's not unprecedented that both executives and individuals have said some laws are just and some are unjust.

Martin Luther King's argument in "Letter from Birmingham Jail" considered just and unjust laws. Just laws are laws in conformity to higher law we have a duty to obey. We also have a duty to disobey laws that are against higher law but be prepared for the consequences of the wrath of the civil authorities. We still cannot obey the unjust laws.

In 2004, same-sex marriage came to Massachusetts. Catholic charities refused to place orphans in same-sex homes, so they stopped doing adoptions. What they should have done and now what we should do is to say we are called on a mission and that is to place orphans in homes with moms and dads. We will not run from that calling, but we will also not violate our consciences and the Bible by placing them in a place that is sinful and immoral. If you disagree with it, bring your civil authority after us because we will not voluntarily cease with our calling.

The photographer out in New Mexico, the baker in Oregon, Washington florist Barronelle Stutzman—they are all facing the same thing. We either all stand together or we hang

separately. This is indeed a Bonhoeffer moment. They might be able to pick us off individually but collectively they can't. Whenever someone gets targeted we must gather around them and say no.

In Alabama, the Supreme Court has made a decision to refuse to enforce same-sex marriage (read the decision at [this link](#)). When you read the decision, you don't get the impression that the Alabama Supreme Court justices are waiting for the June decision to see what the U.S. Supreme Court decides. They are making their stand now that they will not go along with it, and their minds won't be changed.

It's one thing to say you will stand; it's another to withstand the fines and the potential of loss of your entire livelihood (such as Barronelle Stutzman). We must collectively support and stand with them and say we will not cross that line. We need to let them know now where we stand. Tell them now that if they cross that line they will become an illegitimate institution, that the Supreme Court will lose the respect of the American people and therefore lose its authority.

**James Robison** *is the founder and publisher of The Stream ([this link](#)).*