

Supreme Court Ruling: Liberty or Bondage?

When the Supreme Court issued its two major decisions on same-sex unions, it meted out two defeats to proponents of biblical marriage, one substantive and one procedural. Make no mistake, however, that the one ruling (*U.S. v. Windsor*) that struck down a key provision of the **Defense of Marriage Act** (DOMA), which had defined marriage for federal law purposes as one man and one woman, has given us a twofold warning.

First, the court may be preparing soon—if given the right case—to grant homosexuals the highest constitutional protection available. Second, objectors like those Christians who take a responsible view of Scripture and who expound on it will likely find themselves disenfranchised on this issue and sadly mislabeled as persons who, in the words of the court's decision, harbor a “desire to harm” the rights of homosexuals; as perpetrators of “discrimination of an unusual character”; and as persons whose actions impose a “stigma” on gay persons.

Those quotes from the court's harshly worded ruling in *Windsor* were levied at the members of Congress who voted for **DOMA** back in 1996 but can now undoubtedly be used with abandon against even the most reasonable, conscientious, civic-minded persons who support the biblical view of human relationships.

The five-Justice majority in *Windsor* (the so-called “liberal block,” plus Justice Kennedy, the author of the decision and the swing vote) are apparently ready to instantly indict persons of traditional values as moral outsiders—as outside the “community's ... evolving understanding of the meaning of equality” regarding **gay rights** because they are treating homosexuals as “unworthy,” as they put it in their decision.

Having weighed traditional marriage arguments in the balance and found them wanting, those five justices seem to have made their decision: Any position that opposes gay rights has, as a constitutional matter, “no legitimate purpose.” At the same time, the majority decision is rife with sympathy for the gay rights movement, echoing, it seems, even the most frequent refrains one hears from gay activists.

The court states that only recently have Americans awakened to “the beginnings of a new perspective, a new insight” that “two persons of the same sex might aspire to occupy the same status and dignity as that of a man and woman in lawful marriage.”

There are many ironies in the *Windsor* opinion, not the least of which is the fact that justices not known for their fondness of limiting federal law in deference to states’ rights joined in a ruling that actually used states’ rights (in this case on the issue of marriage) to invalidate a congressional law that upheld **traditional marriage**.

But those ironies pale in comparison to the broader free speech implications of this court decision. Justice Scalia, who wrote a stinging dissent—joined by Justices Roberts, Alito and Thomas, who also wrote or joined in dissents themselves—clearly sees the handwriting on the wall. He wrote that this Supreme Court decision aggressively treats proponents of traditional marriage as, in effect, “unhinged members of a wild-eyed lynch mob”; “enemies of the human race”; and an “enemy of human decency.”

The message of the ruling, Scalia writes, is shockingly simple: “Hate your neighbor or come along with us.” Thus, those who accurately and courageously pronounce what the Bible pronounces about such things as marriage, sexuality and human relationships are now official “haters,” adjudged so by our highest court, according to Justice Scalia.

We have been warned.

The second case, *Hollingsworth v. Perry*, ruled that the citizen supporters of traditional marriage who championed and won passage of **Proposition 8** in California lacked the legal standing necessary to have appealed the case to the Supreme Court.

This ruling is full of inconsistencies, but the impact is clear: When (as happened in California) a governor or other state official decides, as a matter of political philosophy—or perhaps because of outside pressure from gay rights groups—not to enforce a referendum law legally passed by its citizens opposing homosexual rights, citizens will have little chance to vindicate such laws in a federal court. Gay citizen activists can challenge traditional marriage laws in federal courts, but their citizen opponents cannot appeal an adverse ruling.

While there is a tidal change in the legal seas here, culturally we are seeing a tsunami. The Pew Research Center recently released a report noting that the national media, in the weeks leading up to the high court arguments in these two cases, favored pro-gay arguments in their news coverage by a stunning factor of five to one.

True enough, citizens who want common-sense views of marriage can still get their states to pass such laws or can try to get their governors to enforce them. There are 37 states right now with such laws. But it would be a tragic mistake for the church to miss what is going on and the direction of this trend. We must steel ourselves to lovingly but consistently share the whole counsel of God on every subject that the Word of God addresses, come what may.

Paul spoke in the second chapter of Galatians about those who “sneaked in to spy out our liberty which we have in Christ Jesus, in order to bring us into bondage. But we did not yield in subjection to them for even an hour, so that the truth of the gospel would remain with you” (vv. 4-5, NASB). While Paul

was referring in that verse to the “liberty” that comes through salvation by grace, as against the bondage that comes through the heavy hand of religious “law,” perhaps there is a current application too.

There may be those in the future who try to impose the civil law on Christian ministries in an effort to silence us—to bring us into the “bondage” that comes from cultural intimidation or the heavy hand of civil law. But National Religious Broadcasters has been there before. Our association was birthed for the purpose of fighting for the free-speech liberty to proclaim gospel truth. With God’s help, we dare not fail to continue that fight.

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