

What Do We Do Now?

Conservatives are reeling after two outrageous decisions last week by the Supreme Court. In one case they reinterpreted Obamacare so that “established by the state” magically meant “or the federal government.” In another, they redefined marriage—even though nothing in our Constitution gives the court the authority to do that. What do we do now? The Obamacare case is the simpler of the two when it comes to next steps. While the court refused to enforce the plain meaning of the text, Congress can still vote to repeal Obamacare and replace it with patient-focused, market-based healthcare reforms that will truly serve all Americans. Obamacare remains unworkable, unaffordable and unpopular. Congress must act to repeal it. Responding to the marriage decision will be more complicated. It will require a commitment to the long haul. This bad decision cannot be remedied in any single bill, or vote or election cycle—though all of those can certainly soften the blow. The problem is that right when American citizens were in the middle of crucially important deliberations about marriage policy, five unelected judges shut down that democratic process and declared the conversation closed. In many ways, we are in a similar situation as the pro-life movement was after *Roe v. Wade*. *Roe* didn’t change the truth about unborn children or about our Constitution. And for 42 years the pro-life movement has been reminding us of that—and working to build a culture of life. We must do the same. We can’t allow the judicial usurpation of politics to go uncontested. We have to commit now to bearing witness to the truth about marriage—a permanent and exclusive union of man and woman, husband and wife, father and mother—and work to restore our constitutional authority as citizens to make marriage policy that serves the common good by reflecting this truth. >>> **For more on this, see Ryan T. Anderson’s new book, “Truth Overruled: The Future of Marriage and Religious Freedom”** How do we do that? Here are five steps.

First, elections have consequences. The marriage ruling was 5-4. Two of the justices voting to redefine marriage were appointed by President Obama. The next president is expected to have the opportunity to appoint as many as *four* Supreme Court justices. If you care about the rule of law and our Constitution, you can't afford to sit out this next election. It is very likely that the court will soon take a religious liberty case deciding whether citizens who do not believe in same-sex marriage will have their constitutional rights protected. Better justices, better outcome. The next president will also determine which legislation is signed and which is vetoed—and how to exercise leadership in the executive branch in a way that either continues to undermine, or begins to rebuild, the meaning of marriage in law and culture. Second, policy matters. We The People, and our elected representatives in Congress and state legislatures, can make policy that prohibits the government from violating our rights. This is why the First Amendment Defense Act is so vitally important. If passed and signed into law, this act would prohibit the federal government from ever discriminating against any citizen, charity, school or business because they embrace and act on the belief that marriage is the union of a man and woman. Just as the pro-life movement ensured that no pro-life citizen would ever have to pay for an abortion or perform an abortion, so too must we work to ensure no one is coerced to act against their conscience on the matter of marriage. Rather than go to court suing for religious liberty exemptions, this bill would prevent the government from ever acting unjustly in the first place. Third, the states matter. If you are concerned about faith-based adoption agencies shutting down, or bakers and florists and photographers being fined thousands of dollars simply for declining to celebrate a same-sex wedding, then you need to also be concerned about state and local policy. In each of these cases, it wasn't the federal government acting on federal law that brought the burden; it was state and local government. We need good policy at all levels of government. Governors have an opportunity right now

to issue executive orders preventing state agencies from discriminating against or otherwise penalizing citizens and organizations that continue to believe marriage is the union of a man and a woman. State legislatures can pass laws doing the same. Fourth, ideas matter. The judicial redefinition of marriage has no basis in our Constitution, but it didn't come out of thin air. For the last 50 years, we have not done enough to combat the faulty liberal ideology that has wreaked havoc on America's families. Redefining marriage is only possible in a culture that has accepted the results of the Sexual Revolution, like non-marital childbearing and no-fault divorce, and so many other bad ideas about human sexuality and the family. Already some "progressives" are using the court's redefinition of marriage to go further. On Friday, the same day that the court redefined marriage, Politico ran an essay titled, "It's Time to Legalize Polygamy: Why group marriage is the next horizon of social liberalism." With few notable exceptions, far too many leaders have been silent on these issues. Far too few scholars have been willing to tell the truth. We need to speak up if we are to win these arguments. Fifth, our lives matter. Ideas go only so far, but the beauty of lived witness is what moves people the most. It's not just that for 50 years we've bought into a lie about marriage; it's that we haven't *lived out the truth*. Even if government policy tells a lie about marriage for a time, we must refuse to believe the lie when it comes to how we live our lives and what we teach our children. Raising children and grandchildren to believe the truth—and, more importantly, live out the truth—must be done with all diligence, and we must form communities of virtue to help one another do that. Of course, communities of virtue will not be allowed to exist in the United States if some activists on the left get their way. These ideologues want to use the force of government to treat ordinary Americans who believe marriage is the union of man and woman as if they are racists. We must not allow them to succeed. We must work on policy and culture, ideas and actions, to ensure our rights are protected and we have the

long-term ability to rebuild a strong marriage culture. America is in a time of transition. The court has redefined marriage, and beliefs about human sexuality are changing. Will the right to dissent be protected? Will the right of Americans to speak and act in accord with what the United States had always believed about marriage—that it's a union of husband and wife—be tolerated? Most Americans say yes, they want to be a tolerant, pluralistic nation. They want peaceful coexistence. We agree with them. But far too many ideologues and activists want to sow the seeds of disharmony by having the government coerce those with whom they disagree. We must work together to protect these cherished American values. While Americans are free to live as they choose, no one should demand that government coerce others into celebrating their relationship. All Americans should remain free to believe and act in the public square based on their beliefs about marriage without fear of government penalty. After all, protecting religious liberty and the rights of conscience does not infringe on anyone's sexual freedoms. The First Amendment Defense Act is one way of achieving civil peace even amid disagreement. To protect pluralism and the rights of all Americans, of whatever faith they may practice, this act is good policy. Liberals committed to tolerance should embrace it. *Reprinted from **The Daily Signal**.*