

Humans Could Win Right to Marry Animals, Court Told

Appellate courts across the nation are being asked to quickly affirm a ruling last week from the 6th Circuit Court of Appeals that states may ban same-sex marriage. If they do not, warns a Christian legal group, the perversion of gay marriage might soon extend to legal recognition that people may marry animals.

“If ‘marriage’ means fulfilling one’s personal choices regarding intimacy, as the appellants insist, it is difficult to see how states could regulate marriage on any basis,” said a friend-of-the-court brief filed in a Louisiana case by the Thomas More Law Center of Michigan. “If personal autonomy is the essence of marriage, then not only gender, but also number, familial relationship and even species are insupportable limits on that princip[le] and they all will fall.

“This is not just a slippery slope on which the appellants wish to set us, it is a bottomless pit into which they desire to throw us. It is clearly within a state’s right to define marriage between and man and a woman when that licensing restriction passes rational basis review.” (The full text of the brief is [here](#).)

Specifically, the Thomas More Law Center is asking the 5th U.S. Circuit Court of Appeals to affirm the ruling of the 6th Circuit Court, which last week upheld voter-approved laws in four states—Kentucky, Michigan, Ohio and Tennessee—that defined marriage as being only between one man and one woman. If it does not, said a report on *World Net Daily*, states might not even be able to regulate the *species* of marriage partners.

“Over the past year, the issue of marriage redefinition has

aggressively reached the national stage with cases involving the marriage laws of [31 states and Puerto Rico],” reads a section of the *amicus curiae* (friend of the court) brief. Such briefs are often filed by parties that are not directly involved as plaintiff or defendant in a particular case but have a strong interest in its outcome.

“*Amici* oppose any idea, law, rule or suggestion that is contrary to the teachings of the Bible. Hence, when a federal court properly upholds a duly enacted State law that protects the sanctity of marriage and the family, *Amici* have the responsibility of standing up for such a decision and leading the community to do so as well.”

The case before the 5th Circuit arose after voters in Louisiana, by a 78 percent to 22 percent margin, defined marriage as the union of one man and one woman. Homosexual activists sued, but the law was affirmed at the district court level by Judge Martin C. Feldman, who said the state was under no constitutional obligation to recognize same-sex marriage. It is the gay-rights appeal of that ruling that is before the 5th Circuit and where Christian lawyers are asking judges to make a stand in favor of traditional marriage.

In its brief filed with the 5th Circuit in support of Louisiana’s pro-family marriage law, the Christian legal group argued, “The State of Louisiana’s Constitution and marriage laws do not serve a discriminatory purpose. The District Court properly recognized “the plain reality that Louisiana’s laws apply evenhandedly to both genders—whether between two men or two women.” The State’s constitution simply codifies the longstanding definition of marriage as being between a man and a woman. It is the right of each State’s voters to do so,” according to a Supreme Court ruling in the Windsor case.

The *amicus* brief from the Thomas More Law Center continues, “If ‘marriage’ means whatever a political activist, a cherry-

picked plaintiff or an appointed judge wants it to mean, it means nothing. If it has no fixed meaning, it is merely a vessel for a judge's will. It is used as a subterfuge for judicial legislation. And as Montesquieu observed: 'There is no greater tyranny than that which is perpetrated under the shield of law and in the name of justice.'"

The filing represents tens of thousands of churches and ministries that represent more than 3 million members in the United States, the WND report said.

This issue came up before in 2008, when the nation was in the midst of a series of more than 30 state elections in which voters chose to affirm traditional marriage. The California Supreme Court, on its own initiative, created "same-sex marriage" in the state.

In a dissent from that opinion, state Supreme Court Justice Marvin Baxter said: "The bans on incestuous and polygamous marriages are ancient and deep-rooted, and, as the majority suggests, they are supported by strong considerations of social policy. ... Our society abhors such relationships, and the notion that our laws could not forever prohibit them seems preposterous.

"Yet here, the majority overturns, in abrupt fashion, an initiative statute confirming the equally deep-rooted assumption that marriage is a union of partners of the opposite sex. The majority does so by relying on its own assessment of contemporary community values, and by inserting in our Constitution an expanded definition of the right to marry that contravenes express statutory law."

Justice Baxter continued, "Who can say that, in 10, 15 or 20 years, an activist court might not rely on the majority's analysis to conclude, on the basis of a perceived evolution in community values, that the laws prohibiting polygamous and incestuous marriages were no longer constitutionally

justified?"