

## Letter to the Editor on Gay Marriage Issue

There have been many letters about the recent election from both sides. This will be another concerning Iowa's unfortunate loss of 3 great Justices. Prior letters in support of voting the Supreme Court Justice out of office have been full of conclusions, but offered little logic or specific authority. The purpose of this letter is explain why legally the Varnum (Same Sex Marriage) decision was legally correct, why it was politically unwise to vote against those judges for a religious reason, and how incorrect it is to say the Bible required voting against those Brave 3 Justices.

### **I. Legal Reasoning of the Varnum Decision.**

Basically, the Varnum decision held that an Iowa County Clerk could not refuse to issue a marriage license to gay people. Varnum et al v Brien, No. 07-1499, April 3, 2009. This decision, does not require any religion to perform such marriages. It does requires government officials to accord fair and equal treatment under the law to gay people. Why?

This is necessary because among other reasons marriage is an official status entitled to 1,138 official federal government privileges not offered to others. <http://www.gao.gov/new.items/d04353r.pdf>. A well known example includes inheriting the property of their deceased spouses.

Legal history helps put this in perspective. This is also relevant because one letter writer said an apology was owed to the Black community for comparing gay rights to the civil rights movement. What part of "equal" in equal rights is so hard to understand? When this Nation was founded, non-white men were only considered to be 3/5ths of a white man when deciding how many congressmen each State was to have based on State population totals. US Constitution Article 1 section 2. Over time, and after a Civil War, this Nation changed the law such that all men in theory at least had an equal right to vote. US Constitution amendments 14 & 15. After yet more time, this Nation came to realize women should also have an equal right to vote. US Constitution amendment 19. Since then, after countless court cases, our Nation came to realize all people have equal rights. This is now required by federal law. Pub.L. 88-352, 78 Stat. 241, enacted July 2, 1964 (also known as the Civil Rights Act of 1964).

Court cases both before and after the Civil Rights Act of 1964 have focused on among other things, "equal protection under the law" and something called "Fundamental Rights." "Fundamental rights" are rights so Fundamental or Basic that the Framers of the US Constitution did not even specifically list them. This includes the right to choose who you want to marry. At one time, it was illegal in many States of the US for people to marry outside their race. In many States, this was actually a felony. Biblical support given for this ban on interracial marriage was that God put all the races on different continents and only by the works of man had the different races come together, so God must be against interracial marriage. Trial Judge Leon M. Bazile, State of Virginia January 6, 1959. One brave interracial couple fought their conviction of the "felony crime" of interracial marriage in 1959. A unanimous US Supreme Court found that the State of Virginia's law forbidding interracial marriage was Unconstitutional because it violated

the fundamental freedom of citizens of the US to marry those they want to marry. *Loving v Virginia*, 388 US 1 (1967). The decision of the Iowa Supreme Court finding it was Unconstitutional to forbid Same Sex Marriage is extremely similar to the decision in *Loving v Virginia*. *Varnum et al v Brien*, No. 07-1499, April 3, 2009. No apology to the Black Community of Burlington is necessary for mentioning the similarity in these cases because the same legal principles of fundamental rights and equal protection under the law applied.

In my opinion, the *Varnum* decision is also required by the 1<sup>st</sup> Amendment to the US Constitution. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." *Id.* Iowa's Constitution has similar language: "The general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister, or ministry." Iowa Constitution Article I section 3. The Iowa Constitution also prohibits depriving people of privileges or capacities based upon religious tests or as a consequence of their opinion on the subject of religion. Iowa Constitution Article I section 4. Requiring our government to let religious sects define Marriage clearly seeks to respect an establishment of religion, yet, this is clearly prohibited by these amendments. Forbidding someone from having 1,138 federal benefits conferred upon them by being married just because they don't believe the opposite sex is sexually attractive is not equal protection under the law. Clearly that is their opinion and if you define marriage by religious values, then you are depriving people of privileges based upon their opinion on the subject of your religion.

Not to be glib or repetitive, but it comes down to Equal Rights. What part of Equal is so hard to understand? Basically, I think this should mean like I was taught as a child at Public School that either everyone gets this status or no one gets it. However, I am sure some people won't see it that simply, so let me explain a little bit more.

## **II. Politics and Religion.**

This Great Country was founded by Pilgrims who came here to get away from a Government that sought to impose a State Religion. Since then, we have as a Nation come to err on the side of Religious Freedom sometimes even at the expense of showing proper respect for Religion(s). As a result, we as a Nation / Country are famous around the World as an example to emulate. And our many different religions continue to flourish despite a lack of official government endorsement.

We are at war now in Iraq and Afghanistan with the Taliban, among other reasons, in an effort to support that principle of Religious Tolerance upon which this Country was founded. The Taliban through the use of extreme measures seeks to impose their specific religious beliefs on the populations of Iran and Afghanistan. Americans are dying almost daily to defend the religious freedom of people we don't even know and religions most of us know nothing about.

The movement to Vote Out the Iowa Justices for upholding our tradition of a government free from Religious control is similar to the philosophy of the Taliban in that it seeks to require our Government Officials to favor particular religious beliefs or be fired. Is this a wise direction

to go as a Nation? If so, soon, the questions will be more divisive; what particular religion must government officials respect? For example, will they have to look to see what religion is currently in power? Do we really want to devolve to a Nation with religious sectarian disputes like almost all countries in the Middle East?

Of course, as stated above, specific religions have the right to forbid Same Sex Marriage within their religion. But does our Government have the right to say you can only have a certain status recognized officially by our Government if you meet private religious criteria? There can be no reasonable answer to this question but No. If you disagree, let us consider the alternative if for example the Catholics came to power and enforced their religious marriage requirement that all people wanting to marry have to undergo months of marriage counseling. Sure, this is a "good idea" but how "good" would it be to you if you were in a hurry and not catholic?

If we eliminate the time honored Constitutional ban on Government endorsement of religion or religious control of our government, this or worse could happen. I'm sure some of our warriors returning from the Middle East would love to see our Country change into something like what they just left.

## **II. Biblical Support.**

The Bible has a great deal of timeless Wisdom and many people who oppose Gay Marriage are truly Good People. However, some people say the Bible requires modern day opposition to Gay Marriage. This conclusion is incorrect for many obvious reasons.

First, does the Bible specifically forbid same sex "marriage"? No. This is not forbidden. However, the Bible does forbid marriage of Hebrews with "heathens" (Genesis 1:27-28; 28:1; and Deuteronomy 7:3-4). The Bible also says that a Widow should marry the nearest Kinsman (Genesis 38:8; Deuteronomy 25:5-10; Ruth 1:12-13; 3:9). If we are going to give the Bible a legal status, should we not follow every prohibition/ provision? Or are we left to pick and choose those we like and those we don't like?

The Bible also says "Thous shalt not follow a multitude to do evil; neither shalt thou speak in a cause to decline after many to wrest judgement." Exodus 23:8. It would seem that this movement by Robert (Bob) Vander Plaats sought to "speak in a cause to decline after many to wrest judgement." Apparently, Biblical prohibitions are not really that important to Mr. Vander Plaats. However, this argument could be considered too glib by some, so let us examine more closely the position advocated by Mr. Vander Plaats.

One of the supporting premises for this conclusion is the belief that the Bible is a Timeless Beacon for Sexual Morality; it is not. The Bible is a history of human beings with all their human faults who have worshiped God; to include the things they did right and the many things they did wrong. It is of course more than a History book, but true wisdom lies in figuring out which parts are history and which are more.

For one shocking example that shows the Bible is not a Timeless Beacon for Sexual Morality, let us turn to the Story of Lot. Lot is described as "just" and "righteous" in the Bible. 2 Pet. 2: 7-8 and 19:8. Yet Lot, to distract a mob of people gave his daughters "who had no know man" to this mob of people to "do unto them [his daughters] as is good in your eyes." Later, Lot and his daughters camped out in a cave for a while. The daughters got their "just and righteous" father drunk, and had sexual intercourse with him, and each conceived and gave birth

to the son of their own father. 2 Pet. 19:30-38. So, if the Bible is indeed a Timeless Beacon for Sexual Morality, how then can we reconcile Lot who is “just” and “righteous” and his casual sexual abuse of his daughters?

Other clear examples that show the Bible is simply not a Timeless Beacon for Sexual Morality include:

- If you see a pretty woman among your prisoners of war and would like her for a wife, then you should just bring her home and "go in unto her." Later, if you decide you don't like her, you can "let her go." Deuteronomy 21:10-14
- If a betrothed virgin is raped in the city and doesn't cry out loud enough, then "the men of the city shall stone her to death." Deuteronomy 22:23-24
- If a man rapes an unbetrothed virgin, he must pay her father 50 shekels of silver and then marry her. Deuteronomy 22:28-29.
- The sons of Eli had sex with women "at the door of the tabernacle." 1 Samuel 2:22
- King Solomon had seven hundred wives and three hundred concubines. 1 Kings 11:1.
- God is angry at David for having Uriah killed. As a punishment, he had David's wives raped by his neighbor while everyone else watched. Turned out that the "neighbor" that God sent to do his dirty work was David's own son, Absalom. 2 Samuel 12:11-12 & 16:22
- Two sisters were guilty of "committing whoredoms" by pressing their breasts and bruising "the teats of their virginity." As a punishment, one sister's nakedness was discovered, her children were taken from her, and she was killed by the sword. And the fate of the surviving sister was even worse: her nose and ears were cut off, she was made to "pluck off" her own breasts, and then after being raped and mutilated, she is stoned to death. Ezekiel 23:1-49.

Hopefully, most can agree that these biblical events do not present a modern guide to correct behavior.

This logically leads to the another incorrect premise, which is that each and every Biblical References is Timeless and the context of the referenced time in history is unimportant. The Bible itself shows this to be a false premise. For example, one of the most well remembered quotes from the Old Testament is that justice for a wrong should be “an eye for an eye and a tooth for tooth.” See Leviticus 24:19-21; Exodus 21: 22-25; & Deuteronomy 16: 22-25. Yet, Jesus (the only begotten Son of God, John 3:16) said that instead of taking an “eye for an eye and a tooth for tooth” that we should instead “turn the other cheek.” See Matthew 5: 38-42. In regards to prior prophets Jesus also said, “all that ever came before me are thieves and robbers.” St John 10:8.

I have been told by at least one Theologian that the New Testament was a “New Covenant” with God (covenant meaning new promise/agreement/contract in this context). These quotes of Jesus clearly show this “New Covenant” message and also help to clearly illustrate the great change in philosophy between the Old Testament and the New Testament. Obviously, since the Bible updates itself in this regard, there is a clear message that correct behavior can and should change over time.

Beyond these general premises, let us look to see whether the Main harbinger of this

“New Covenant” with God had to say on Gay Marriage, let us turn again to one of the foremost authorities on God within the Bible: Jesus, the only begotten Son of God. John 3: 16.

Did Jesus condemn Gay people? Apparently, he did not. Nowhere in the Bible is Jesus quoted as speaking out against Gay people. Instead, what Jesus seems to consistently speak out against was the outward appearance of self righteousness and hypocrisy. Mat. 15:3-9, 22:15-18, 23:23-28; Luke 12:1.

Jesus also condemned being judgmental of other people. For example, read the story of the woman who was to be stoned for adultery. Let the words "He that is without sin among you, let him first cast a stone at her" be burned into your mind. It is in John 8:7 in case you can't find it. Make sure you also read about those who judge and the punishment they will receive. John 6:37. Matthew 7:1-2.

Having looked at what Jesus condemned, what did he say we should do? We have very clear statements from Jesus on how we are to behave towards one another:

"Judge not lest you be judged" (Matthew 7:1).

"Do not take the mote from your brother's eye until you have removed the beam from your own" (Matthew 7:3).

"Let the one without sin among you cast the first stone" (John 8:7).

"Love your neighbor as yourself" (Mark 12:31).

"I was naked and you clothed me, hungry and you gave me to eat... Inasmuch as you have done it unto one of these the least my brethren, you have done it unto me" (Matthew 25).

But, I digress; did Jesus seemingly say anything about gay people? Perhaps. In the book of St. Luke in chapter 17, Jesus discusses the second coming with his disciples. To enlighten his apostles, in verse 34 of chapter 17, Jesus claims, "I tell you, in that night there shall be two men in one bed; the one shall be taken, and the other shall be left."

In the future, if you are so sure you know what the Bible commands of you, please think of these Biblical quotes: Rom. 3:10-12 says: 'There is none righteous, no, not one: there is none that understandeth, there is none that seeketh after God . . . there is none that doeth good, no not one.' And Prov. 21:2 and 28:26 say: 'Every way of a man is right in his own eyes: but the Lord pondereth the hearts. He that trusteth in his own heart is a fool.' Or, as Jesus said, "there is none good, but one, that is God." St Mark 10:18.

What law was advocated by Jesus? "Thou shalt love the Lord thy God with all thy heart, and will all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shall love thy neighbor as thyself. On these two commandments hang all the law and the prophets." Matthew 23;37-40.

#### **IV. Conclusion**

Despite all the criticism, Iowa is blessed to have Justices who believe the Rule of Law is more important than pleasing any one religion or a coalition of religions. I fervently hope and pray that the Attorneys or Judges who are selected to replace those 3 brave and great Justices have at least half as much professionalism and honor as those we have lost.

For without Justices like these 3 brave and great Justices, our Great Country will likely devolve into a Nation of bickering religions fighting for power and prestige. America is better

than that.

Finally, what is all the fuss about Gay Marriage? For it seems that Jesus said that when we are Angels in heaven, there is no marriage for anyone. Matthew 22:30.

Perhaps instead of condemning others for seeking or guarding equal rights in the future, we should instead ponder what Jesus and his Father would have us do instead. The pages of the Old Testament were superceded by the New Testament. Jesus showed us that ideas should improve and evolve over time for the better. Perhaps some of those who say religion is “oh so very important” to them should heed his example.

As for the issue of Impeachment, I think Bob Vander Plaats should be impeached for not knowing and misquoting the Bible and for particularly ignoring the teachings of Christ.

Respectfully Submitted,

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