

CONFRONTING OBAMA'S GAY MARRIAGE GAMBIT

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The collision course between gay rights and religious rights picked up speed this week when President Obama defended gay marriage as a constitutional right. Never before has any president even come close to staking out such a remarkable position.

It wasn't too long ago that Obama was arguing against homosexual marriage on the basis of his religious convictions. In 2004, he said that "marriage, in the minds of a lot of voters, has a religious connotation." In 2008, he emphasized that he was one of those voters: "I believe that marriage is the union between a man and a woman. Now, for me as a Christian, it is also a sacred union. God's in the mix."

Even after Obama could no longer find God in the mix—he endorsed gay marriage in 2012—he still defended the right of religious institutions to "define and consecrate marriage." But now that he has discovered a right to gay marriage in the U.S. Constitution—one that clearly escaped the Framers, as well as jurisprudential experts throughout the nation's history—he has teed up the ultimate collision: the secured First Amendment to religious liberty versus the alleged constitutional right of two men to marry.

For years we have been told by the promoters of gay marriage that those who have religious objections need not worry. In 2012, when Denmark legalized homosexual marriage, churches were forced to perform same-sex weddings. This did not deter Emily Bazelon at Slate from saying that there is "not a chance" that churches in the U.S. would be "forced to perform gay weddings." She even called such predictions "the scare

tactic conservative groups use to frighten voters.” She shouted, “We are not Denmark!”

Bazelon’s reasoning—“We have a deep-rooted, constitutional division between church and state and an equally deep-rooted, constitutional protection of freedom of religion”—is now being questioned by our president. By elevating gay marriage to a constitutional right, he seeks to at least challenge, if not eviscerate, the rights she so confidently asserts.

Earlier this year, I was challenged by Chris Cuomo on CNN about this subject. I argued that “we’re going into the churches” with this issue. He replied, “But we’re not going there. Nobody is saying that a religious organization has to perform gay marriages. Nobody. Nobody.”

Just this week, along came somebody. In a small town outside Boise, Idaho two ordained ministers were sued for refusing to perform a gay wedding. If convicted, they face going to prison for three years and stiff fines.

In 1996, Andrew Sullivan, a strong advocate of gay marriage, told us that “no one is seeking to force any church to change any doctrine in any way.” Times have changed. Today, the Human Rights Campaign (HRC), the nation’s most influential gay lobbying organization, and many Catholic dissident groups, are doing just that. HRC is now monitoring and rating bishops on how they fare on this subject, seeking to intimidate what they call “The Best of the Worst Catholic Bishops Across the Country.”

The gay activist playbook always leaves the big issues until last, which is why attempts to force the churches to perform gay weddings are uncommon for the moment. Not so with lesser issues. Adoption, foster care services, social service agencies, school personnel policies, government contracts and grants, clubs on college campuses—anywhere Christian-operated entities touch on gay rights—there are attempts to whip

religious institutions into line. Quite frankly, when it comes to the autonomy of Christian institutions to decide their doctrinal prerogatives, gay rights leaders and activist judges show nothing but contempt.

Obama's decision to cast gay marriage as a constitutional right should send a signal to religious conservatives. Nothing short of a constitutional amendment affirming marriage as the union between a man and a woman can protect religious institutions from the heavy hand of government.

Those who say this issue is lost are ignoring how we got to this point: Were it not for unelected judges overturning the express will of the people—in state after state—attempts to subvert marriage, properly understood, would not have succeeded. We need to return power to the people, the one expression of power that those who previously championed this slogan literally fear today.