



## Another Wrong for Civil Rights

We expect this sort of nonsense from the judiciary. But tragically, many who call themselves freedom's friends hailed Walker's absurdities; [others even worked to increase the State's power](#) over marriage rather than leave the institution in the private sector, where it belongs. Government has no business licensing or regulating this personal contract, let alone enabling spouses to break it and forsake partners who thereby suffer.

There's another huge problem with cheering the judge's foisting of his fancies on us serfs: his ideology is classic "civil rights." Despite its reputation for having freed minorities from bigots' oppression, civil rights does exactly what its name implies: it robs the individual of his liberty on behalf of the State ("civil" derives from the Latin "civis," meaning "citizen or townsman" — not a person in his own right but as he relates to his fellow subjects under a ruler). No wonder every government in America, from townships and villages to the Feds, obsesses over "civil rights" and spurns liberty: the former empowers them while the latter elevates us. (This also explains your instinctual distrust of the American Civil Liberties Union — even when it's right.)



["Civil rights" is an actual philosophy](#), not just a pastime for strung-out, unkempt Marxists still hallucinating about the 1960's. And it is liberty's opposite in every way, from its premises to its conclusions. Like its Progressive cousin, it sees the State not as our worst enemy but as our best friend — or, more accurately, as God: omniscient, omnipotent (not just in fact but in ability as well, since government can fix all problems, even those of the human heart), and protective of all its children.

Those dependents have little identity apart from the State; they are "citizens," not individuals. Everything is political, with the private sector so despised and anemic it might as well not exist; everyone is a member of one or more groups, whose "rights" conflict with others — a welcome result, you see, because it guarantees the God-State's endless meddling in our lives.

The worst fate that can befall a subject, then, and the worst crime subjects can commit against one another (either on their own or by hijacking the God-State as California's homophobes did), is *discrimination*, i.e., denying a citizen his right to participate in some aspect of the God-State. Goodness,



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that strips the victim of his *raison-d'etre*! In a few cases, of course, he's earned that deprivation: no one's arguing that felons doing time for keeping and bearing should still enjoy the franchise. But if said denial results from his race, color, sex, sexual orientation, religion, national origin, or disability — well, only yahoos would condemn a citizen for characteristics he can't help.

So the judge is livid when it comes to California's refusing to pretend that homosexuality coincides with marriage as the Bible, the dictionary, common sense, and the centuries have defined it. Perhaps that explains his perfervid bias.

Judicial decisions are never impartial; indeed, statisticians don't want impartiality because they fondly believe that the judge has reviewed the facts of the case to find one set and side more convincing than the other, which he then expounds in his decision. But statisticians do want at least a veneer of impartiality (or so we anarchists assume) in the court's approach and attitude: if judges are to maintain the fiction that they rule on the merits rather than their own prejudices and feelings, if the facts are to persuade them, then they must come to the bench with a mind that's open at least a crack and without visible agendas.

Government has nothing it doesn't first loot from us; it deals entirely in stolen goods.

Our guy Vaughn isn't playing that game. His mind is closed, locked, and armored against even the most piercing truth; his agenda isn't just visible but so inflated it vies with the national debt.

The question before him is simple: two lesbians and two homosexuals argue that [Proposition 8](#), which states that "Only marriage between a man and a woman is valid or recognized in California" and which 52 percent of voters approved, is unconstitutional. So all Vaughn need do is agree that California's government abuses homosexuals (but hey, other than politicians, is there anyone it doesn't abuse?).

Such small potatoes don't satisfy Vaughn. Instead, he aspires to remove all shame from this sin while forcing the rest of us not only to accept but to embrace homosexuality. Ergo, he claims its practitioners excel as spouses ("[same-sex couples have happy](#), satisfying relationships and form deep emotional bonds and strong commitments to their partners"), as parents ("[Children raised by](#) gay or lesbian parents are as likely as children raised by heterosexual parents to be healthy, successful and well-adjusted"), and as all-around great guys and gals whose finances when they "marry" will benefit the State ("[Denying same-sex couples](#) the right to marry imposes costs on local governments such as loss of tax revenue, higher usage of means-tested programs, higher costs for healthcare of uninsured same-sex partners and loss of skilled workers").

These are highly controversial opinions, with mountains of studies on each side of the debate. But the ax Vaughn's been grinding bashes all contradictory evidence. For example, he categorically declares that we merely "[imagine gay men and lesbians](#) ... as child molesters who recruit young children into homosexuality," then adds, "No evidence supports these stereotypes." [Really?](#)

Witnesses receive the same facile treatment. Vaughn can't discover a single quibble with any of the seventeen who advocate homosexuality; he can't agree with a single statement from the two who don't. Indeed, he even denigrates the duo's credentials — and then complains that one of them "[was defensive](#) in his answers." Ya think?

But Vaughn becomes shrillest when he implies that homosexuals — which, fortuitously enough, [include him](#) — are superior to heterosexuals. Everyone knows the latter are benighted misogynists who want to keep the ladies barefoot and in the kitchen with one in the oven ("[Marriage between](#) a man and a woman was traditionally organized based on presumptions of a division of labor along gender lines.



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Men were seen as suited for certain types of work and women for others. Women were seen as suited to raise children and men were seen as suited to provide for the family"). Worse, they tend to be "religious," which is to say bigoted and prejudiced ("[There is a religious](#) component to the bigotry and prejudice against gay and lesbian individuals").

If there's another hobby-horse in Vaughn's stable besides sodomy's superiority, it's the evil of religion. One witness, he approvingly notes, "[identified](#) religion as the chief obstacle to gay and lesbian political advances ... religion lies at the heart of the hostility and violence directed at gays and lesbians ... 84 percent of those who attend church weekly voted yes on Proposition 8, 54 percent of those who attend church occasionally voted no on Proposition 8 and 83 percent of those who never attend church voted no on Proposition 8 ... a principle of political science holds that it is undesirable for a religious majority to impose its religious views on a minority ... Religious beliefs that gay and lesbian relationships are sinful or inferior to heterosexual relationships harm gays and lesbians."

What we have here is groundwork for bringing tax-exempt, incorporated churches to heel. When those clergy who yet heed [the Bible's condemnation of perversion](#) refuse to "marry" Stephan and Terence, the unhappy couple will claim discrimination. And Leviathan does not discriminate between private and public when it comes to hurt feelings. Just as the Civil Rights Act compelled landlords who wouldn't rent to black tenants, or elderly ones, or parents of small children, to do so, it will force churches to marry anyone who knocks on the door - despite Vaughn's easy assurance to the contrary ("[Proposition 8 does not](#) affect the First Amendment rights of those opposed to marriage for same-sex couples. ... a. In re Marriage Cases, 189 P3d at 451-452 ('...no religion will be required to change its religious policies or practices with regard to same-sex couples, and no religious officiant will be required to solemnize a marriage in contravention of his or her religious beliefs'").

Government has nothing it doesn't first loot from us; it deals entirely in stolen goods. Whether money or rights, the State bestows on some what it has plundered from others. It grants homosexuals the right to "marry" only by forcing the rest of us to acquiesce to this silly, illogical pretense — and a government that can compel acquiescence can and will compel much more.

Near the end of his screed, Vaughn dismisses "[the majority of California voters](#)" who "supported Proposition 8" as "irrelevant" because "'fundamental rights may not be submitted to [a] vote; they depend on the outcome of no elections.'"

Nor do they depend on legal decisions.

**Becky Akers**, an expert on the American Revolution, writes frequently about issues related to security and privacy. Her articles and columns have been published by *Lewrockwell.com*, *The Freeman*, *Military History Magazine*, *American History Magazine*, the *Christian Science Monitor*, the *New York Post*, and other publications.



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