



Written by [Selwyn Duke](#) on October 5, 2015

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Christians Need Not Apply

“Haters of humanity” was the charge leveled against Christians in early first-millennium Rome. Thus impugned because they didn’t want to participate in the empire’s pagan festivals, they suffered a plight common to those swimming against their civilization’s tide: persecution. Of course, even in a nation that appreciates freedom of speech and religion, stigmatization of certain groups is inevitable. For as someone once pointed out, stigmas are the corollaries of values: If certain things are to be valued, it follows that their opposites will be devalued. As an example, you cannot value economic freedom highly without devaluing communism. Ergo, stigmas are necessary. And since they’re the flip side of values, what a civilization chooses to value is of utmost importance.



So when Rome valued paganism, it quite naturally devalued Christianity. But this would change. Jesus’ faith was legalized in 313 A.D., and in 380 it would become the empire’s official religion. And it would so infuse and shape the West that the Occident would become known as Christendom and the United States’ first president would say, “To the distinguished character of Patriot, it should be our highest glory to add the more distinguished character of Christian.” For, in fact, Christian character was once considered integral to everything.

Change in America

But a change has been afoot in America. It has been happening quickly, so quickly that few people, even most astute culture warriors, fully appreciate what’s occurring. It has been hard not to hear of Kim Davis, the Rowan County, Kentucky, clerk jailed for contempt of court after refusing an order to issue “marriage” licenses to same-sex couples. She has been cheered by the Right and chided by the Left, portrayed as both a Christian hero and an oath-breaking zero. And not surprisingly, most of the debate has centered on the legality of her stance. Davis is, of course, defying a court order. But while U.S. District Judge David Bunning, who sent the clerk to prison, has said, “Oaths mean things,” what of the Supreme Court justices who, in issuing the unconstitutional *Obergefell v. Hodges* faux-marriage ruling, clearly violated their oath to uphold the Constitution? Should one submit to a rule of lawyers contrary to the rule of law? Of course, Davis is also defying Kentucky governor Steve Beshear, who has ordered state clerks to issue marriage licenses to same-sex couples. And states do have wide-ranging powers under the Constitution. Yet even a governor doesn’t have the legitimate power to violate his state’s constitution. As to this, the American Family Association’s Bryan Fischer recently wrote in “Clerk the Only One Obeying the Law” that the courts have no constitutionally granted power to strike down law



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and then pointed out:

Here's how the Kentucky constitution reads:

[*“Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.”*]

... Thus Kim Davis would actually be breaking the law and violating the constitution of the state of Kentucky by issuing same-sex licenses.

Bottom line: Kim Davis is the only one in this sorry saga who is following the law and the Constitution.

When she took her oath of office, it was an oath to uphold the Constitution of the United States and the constitution of the state of Kentucky. She did not take an oath to uphold the rulings of the Supreme Court, especially when submitting to such rulings would require her to violate her oath to uphold the Constitution.

In the above Fischer is merely echoing Thomas Jefferson, who wrote in 1819 and 1820 that to give “to the judges the right to decide what laws are constitutional and what not, not only for themselves in their own sphere of action but for the Legislature and Executive also in their spheres” makes our Constitution “a complete *felo de se*” (suicide pact) and “would place us under the despotism of an oligarchy.”

Davis, however, has mainly cited not man's but moral law in her defense. While her lawyer has appealed her case (and lost) based on freedom of religion, she unabashedly told Judge Bunning, “God's moral law conflicts with my job duties,” reported CBSDC/AP. “You can't be separated from something that's in your heart and in your soul.”

And whether it's the rule of lawyers or of law, this reality cannot be ignored. No moral person places statesmen or the Supreme Court before the Supreme Being; this is why while many will emote about “the law” when it serves their ends, Americans have a long history of violating it with the understanding that, as Augustine of Hippo put it, “An unjust law is no law at all.” The antebellum abolitionist and civil-rights movements, for instance, involved defiance of the law. And, in fact, our very nation was founded on resistance to law, on a bold act of nullification — of the law of the British Empire.

Height of Hypocrisy

Then there's the matter of imperious would-be masters who make hypocrisy an art form. Hillary Clinton's presidential campaign may be listing because of her illegal use of a private e-mail server to conduct government business, but this didn't stop her from tweeting about Davis on September 3, “Officials should be held to their duty to uphold the law — end of story.” And her former boss, Barack Obama, boldly violates federal immigration and other laws he finds inconvenient, as he ignores “sanctuary cities” and localities that violate federal drug laws (which are unconstitutional, though this certainly isn't a factor for “unconstitutionalists”).

And particularly apropos is the case of openly lesbian Dallas County Judge Tonya Parker, who said in 2012 that “she refuses to conduct marriage ceremonies for straight couples until same-sex couples can also wed,” reported New York's *Daily News* at the time. Of course, given that judges may refuse to perform marriages, Parker's case wouldn't involve the kind of “violation of civil duty” of which Davis is



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accused. Yet it is perfectly analogous to another recent case, that of Marion County, Oregon, Judge Vance Day. Like Parker, Day decided to stop doing weddings altogether — in his case, nearly a year ago — over the faux-marriage issue. Like Parker, his reason is that the current law conflicts with his sense of right and wrong. Unlike Parker, however, his problem is that he didn't want to feel pressure to "marry" same-sex couples after a 2014 federal court ruling expressing the belief that faux marriage should be government sanctioned in Oregon.

And, unlike Parker, Day is now being investigated by a judicial-fitness commission.

Notable here is that the Ohio Supreme Court's Board of Professional Conduct just issued a ruling in August on the very same matter, stating in part, "A judge may not decline to perform all marriages in order to avoid marrying same-sex couples based on his or personal, moral, or religious beliefs." Absolutely striking. A judge can refuse to perform marriages — but not for politically incorrect (e.g., Christian) reasons — and not to avoid performing faux marriages. So when Parker exited the marriage business because she thought such unions should be endorsed by government, it was hardly a blip on the radar screen. When Day does so because he believes such unions shouldn't be, he's investigated as unfit for office.

When considering all the above, it's clear that laws and standards are being applied selectively — but, actually, not all that inconsistently. Just consider another example from the judicial-standards front, when earlier this year the California Supreme Court prohibited state court judges from belonging to the Boy Scouts merely because, at the time, the organization reflected Christianity in banning open homosexuals from serving as troop leaders. Or consider the case of former Atlanta fire chief Kelvin Cochran, who was fired early last year after writing a Christian book entitled *Who Told You That You Were Naked?*, in which he briefly touched on homosexual behavior. Now ponder what Lifesite's Jonathon van Maren related in February about a trip he had just taken:

In Budapest ... our tour guide stopped on the steps of the St. Stephan Cathedral to explain how the Hungarian Communists "dealt with" the Christians. It wasn't that you couldn't be a Christian, she said. You could pray at home, worship at home with your family, even get baptized and go to church. However, you had a choice. "You could either be a Christian," she told us, "or you could be successful."

So when GOP presidential contender Mike Huckabee recently tweeted "Kim Davis in federal custody removes all doubts about the criminalization of Christianity in this country," perhaps he wasn't being *literally* accurate. After all, churches aren't yet being shuttered. But implicit in everything that's occurring, with a wink and a nod, is that old message: You can be Christian — or you can be successful.

And leftists have said this in so many words. Not that long ago a number of stories were in the news about Christian bakers who refused to bake cakes for faux weddings. And if you read Internet comments, you'd observe a common sentiment: "If you can't do the job, you can't have the job." The problem is that any and every "job" is increasingly being defined as requiring absence of Christian principle. The quoted standard tendentiously places the onus on the Christians, but here's what is really being said: "You'll conform to our agenda — or we'll destroy you to the point of pennilessness."

A good example is couple Aaron and Melissa Klein, former owners of the bakery Sweet Cakes by Melissa in Gresham, Oregon. They were forced to shut down their business in 2013 after refusing two lesbians a "wedding" cake and being charged with discrimination. But this wasn't enough for the sexual storm troopers. Because earlier this year administrative judge Alan McCullough fined them \$135,000



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and ruled that the funds will go to the lesbians for “emotional, mental, and physical suffering.” The government perhaps wanted to persecute in private, though, because Oregon labor commissioner Brad Avakian “placed an effective gag order on the Kleins, ordering them to ‘cease and desist’ from speaking publicly about not wanting to bake cakes for same-sex weddings based on their Christian beliefs,” wrote the *Daily Signal* in July. This apparently is part of Avakian’s attempt to “rehabilitate” the Kleins, which, stated their lawyer, Anna Harmon, he made clear was his goal with “those whose beliefs do not conform to the state’s ideas.”

The good news is that, with the help of Christian relief organization Samaritan’s Purse, far more than the fine amount has been raised for the Kleins’ cause. Yet granting relief to those targeted for “rehabilitation” is becoming a monumental task. As Samaritan’s Purse reported in April in a piece entitled “Persecution Against U.S. Christians On the Rise”:

In Indiana, a small-town pizzeria owned by a Christian family closed its doors after receiving death and firebombing threats after the owner said in a television interview that he would not want to cater a gay wedding because it would conflict with his faith.

In New Mexico, the state Supreme Court ruled that a photographer could not refuse to shoot gay ceremonies — even though Elaine Photography owner Elaine Huguenin said that she would happily photograph gay customers, but her faith forbid her from doing so in a context that seemed to endorse same-sex marriage.

In Washington state, a florist was sued for discrimination by the government because she could not in good conscience create custom arrangements for a same-sex ceremony.

It should be noted that this is unprecedented in American history. Government has long trumped freedom of association under the pretext that businesses, though privately owned, are nonetheless “public accommodations.” Yet what we’re seeing now is a huge step beyond: not merely forcing businesses to serve certain classes of people, but forcing them to service *certain types of events*. The analogy has been drawn, almost to the point of hoariness, that the above examples are akin to compelling a Jewish or black businessman to service a Nazi or KKK affair. The reality is, of course, that no one would even consider such tyranny. Nor did it faze media, politicians, and activists when pundit Steven Crowder produced a video earlier this year of Muslim bakers in Dearborn, Michigan, refusing to provide faux wedding cakes. But when Christians do it, they’re haters.

And this double standard is everywhere. Just consider again the aforementioned ruling by the Ohio Supreme Court’s Board of Professional Conduct. Reporting on the consequences for judges “who stop performing all marriages to avoid marrying same-sex couples,” CBS News wrote that they “may be interpreted as biased and could be disqualified from any case where sexual orientation is an issue.” Yet who doesn’t have biases? (Note that unlike a “prejudice,” a “bias” can be positive, negative, or neutral.) Did Judge Tonya Parker not exhibit a bias when refusing to perform marriages in the name of homosexual activism? And what of Supreme Court justices Elena Kagan, an open lesbian, and Ruth Bader Ginsburg, both of whom officiated at faux weddings? Inferring bias, critics such as Representative Steve King (R-Iowa) say they should have recused themselves from the *Obergefell* case and suggest they could be impeached for not doing so. Liberals have, of course, scoffed at the notion, but is it substantially different from the Ohio board’s position? Putting their own biases aside when ruling on law — just calling balls and strikes, as Chief Justice John Roberts put it — is a challenge for *all*



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judges, not just a subset. It is quite possibly the most important part of their job and one that, as recent history illustrates, too many jurists are failing at miserably. So the scrutiny received by judges such as Vance Day is not due to their having that universal thing called “bias.” It’s due to their having that increasingly unfashionable thing called a Christian worldview.

Putting Christians in Their Place

This is why all the discussion about whether Kim Davis is “breaking the law” misses the deeper and more important point: What does it say about our civilization when laws and standards — or, at least, how the powers-that-be wish to interpret them — preclude authentic Christianity in the halls of government and the marketplace? It says that while Justice David Josiah Brewer could write in an 1892 Supreme Court ruling of “a volume of unofficial declarations” and “mass of organic utterances” stating “that this is a Christian nation,” it can no longer rightly be said. The once stigmatized is now valued, and the once valued is now stigmatized.

This inversion of virtue and vice was predictable — and predicted. In their 1990 book *After the Ball: How America Will Conquer Its Fear and Hatred of Gays in the 90’s*, homosexual activists Hunter Madsen and Marshall Kirk called for the valuing of homosexuality, prescribing a desensitization of Americans to homosexuality via a “continuous flood of gay-related advertising,” a “conversion of the average American’s emotions, mind, and will, through a planned psychological attack, in the form of propaganda fed to the nation via the media.” Furthermore, they said that once homosexuality was normalized, those who would “still feel compelled” to oppose it would be “cow[ed] and silence[d] ... as far as possible” and that if homosexual activists can “produce a major realignment solidly in favour of gay rights, the intransigents (like the racists of twenty years ago) will eventually be effectively silenced by both law and polite society.”

And what do we see today? Christians called haters and bigots, hate-speech laws in most Western lands prohibiting criticism of homosexuality, and the stifling of dissent via economic pressure. And the homosexuality agenda is an ideal vehicle through which to devalue Christianity. Just consider, for instance, that the Catholic Church has defined teaching stating that same-sex attraction is “disordered” and homosexual acts are objectively evil. Moreover and contrary to what some may suppose, this teaching cannot change; even Pope Francis, whom the media has portrayed incorrectly on the matter, has said as much. And, of course, any traditional Protestant will take the same position.

And the folly of doing otherwise is easily illustrated. What is one supposed to say? Adultery is a sin, fornication is a sin, self-gratification is a sin, watching pornography is a sin, but homosexuality is ... what? A lifestyle choice, like living on a houseboat? This is why I’ve often noted that the homosexuality activists aren’t asking for equal treatment, but preferential treatment, and it is an untenable position. For accepting homosexual behavior isn’t just accepting homosexual behavior: It’s accepting the complete collapse of the Christian model (and this applies to certain other faiths as well) for man’s sexuality. This is just one reason why no faithful Christian can even consider accepting homosexual behavior.

And this is the reason Christianity cannot be valued if the homosexuality agenda is. Once people accept that calling homosexual behavior sinful is “hateful” and “bigoted,” they will consider Christianity a hateful religion. And “Voila!”: At this point you have successfully placed the faith and its churches in the same category as hate groups, such as the Nazis, Aryan Nations, or the Ku Klux Klan, and made them



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grist for the Southern Poverty Law Center's HateWatch page. And this makes clear the economic persecution facing Christians. After all, what prospects does an open and avowed Nazi or Klan member have for getting a high-paying job?

And what else lies ahead? Just as asteroids have a trajectory that enables scientists to accurately predict their future location, a culture also has an observable trajectory. Should we remain on ours — and only powerful applications of energy can alter a great body's path — a further perversion of the "separation of church and state" myth may be used to completely exclude Christians from serving in government; in this, Kim Davis' plight is a portent of things to come. On the same basis, Christians may one day even be prohibited from voting or from receiving government benefits (after all, "religion mustn't influence government," and public money mustn't fund religious entities). Far-fetched? Well, if you'd told people in 1954 that in a few generations homosexuality would be celebrated and Christians who opposed it castigated, they'd have called you crazy.

But, of course, the story of man is quite crazy. This is why modern times have seen the murder of priests in 1920s Mexico and during the Spanish Civil War, and why Christians were regularly persecuted under Marxist regimes and suffer in the Mideast and elsewhere today. In accordance with Jesus' warning, "You shall be hated by all men for my name's sake," Christian persecution hasn't been an anomaly in the annals of man but a recurring theme. And what recurs the world over can occur anywhere — even over in our world. For as homosexuality and other un-Christian elements continue to be valued, Christianity will correspondingly be devalued. And, as the communists and Romans proved, when this happens enough, Christians may be thrown into gulags or the mouths of lions. After all, haters of humanity are fair game for most anything.

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