

A photograph of two men standing outdoors. The man on the left is wearing a white shirt and a red tie, and is holding a large American flag. The man on the right is wearing a yellow shirt and is holding a large rainbow flag. They are both looking towards the right. The background shows trees and a building.

#3 Gay Marriage, the Fight Continues

Elder Tess Lambert

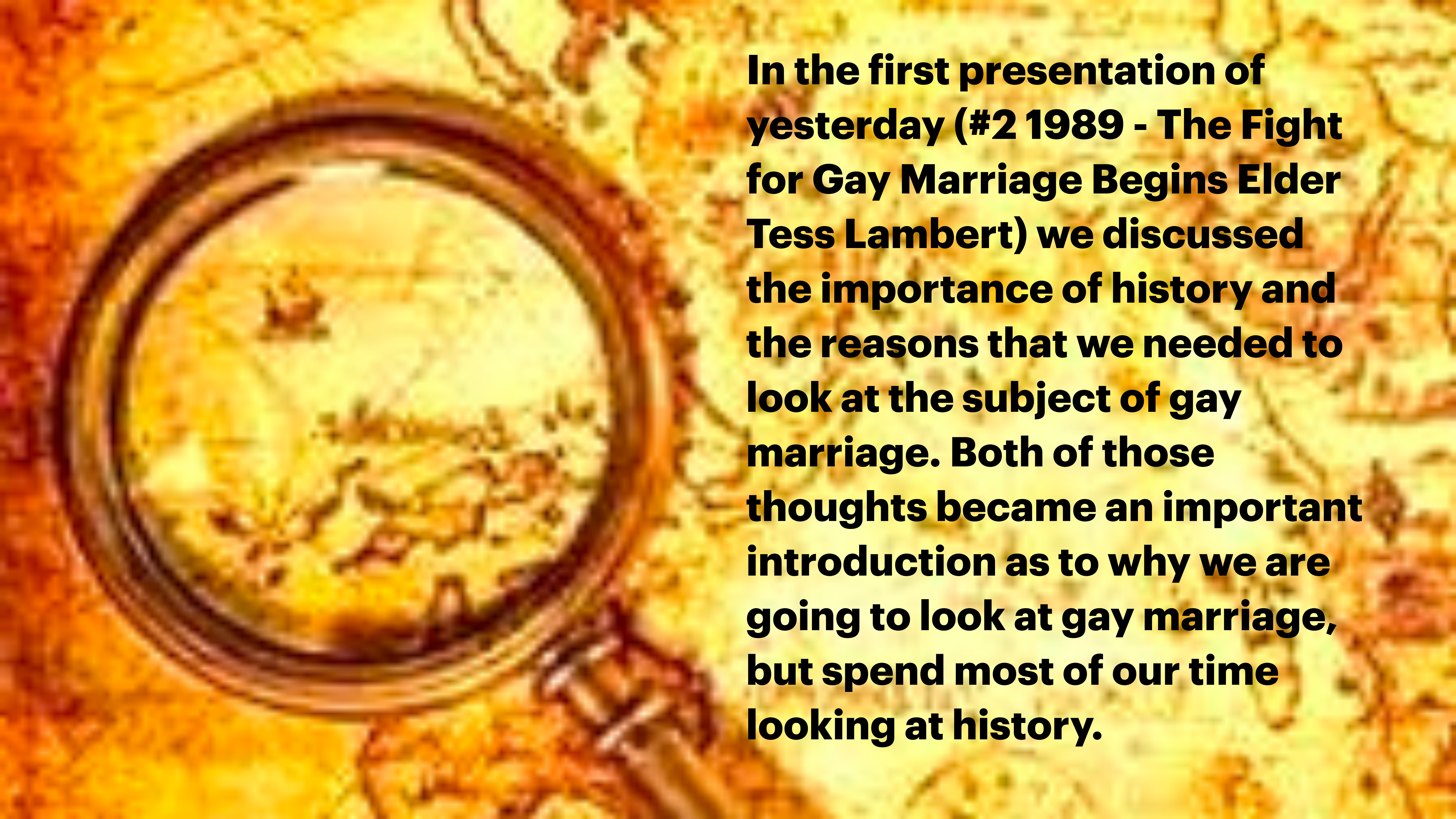
August 26, 2021

Opening Prayer

If you'll kneel with me we'll have
a silent prayer and begin.

AMEN





In the first presentation of yesterday (#2 1989 - The Fight for Gay Marriage Begins Elder Tess Lambert) we discussed the importance of history and the reasons that we needed to look at the subject of gay marriage. Both of those thoughts became an important introduction as to why we are going to look at gay marriage, but spend most of our time looking at history.

We discussed the problem with Adventism, not just that they use wrong methodology, but also that they don't have a correct understanding of history to apply methodology to. Whether that's biblical or Millerite, or anytime in-between or after. And liberal Adventism, without a refined methodology or history, makes similar mistakes. It's a uniform problem.



So that was my excuse for spending 90% of this campmeeting with history. Then, when we come to the gospel the application should make complete sense, logical sense. So I hope no one is falling asleep or put off through the study of history, because it is one of the two things that people lack that sends them down the wrong path.





A horizontal timeline with a black line and vertical tick marks. Major years are labeled with horizontal bars above them: 1989 (pink), 1996, 2001, 2012, 2014, 2019, and 2021. There are also several unlabeled tick marks between these major years.

1989

1996

2001

2012

2014

2019

2021

We discussed the history that led us to **1989**, and explained how, while, people who were homosexual and lesbian had been persecuted before, and fought for their rights before, that it wasn't until 1989 that the fight really began for gay marriage, and that can be seen inside and outside the United States.

1989



Outside With Denmark - The First Country in the World to Legalize Same-Sex Unions.

1989

1996

2001

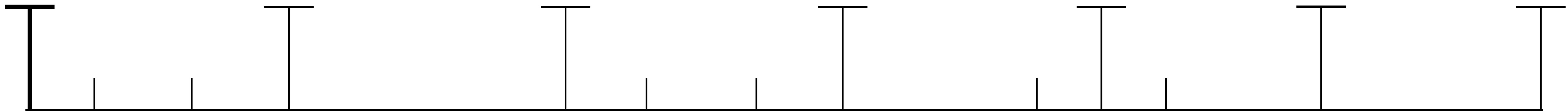
2012

2014

2019

2021

•Denmark
'1st'



THE CASE FOR
Gay Marriage

The New Republic's Campaign
for Marriage Equality

by Andrew Sullivan



1989

1996

2001

2012

2014

2019

2021

- Denmark '1st'
- NYC recognizes gay couples
- Sullivan TNR

The Fall of the Berlin Wall



November 9, 1989

'Coming Out'

The Groundbreaking German
Film That Premiered While
The Berlin Wall Fell



1989

1996

2001

2012

2014

2019

2021

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- Matthias Freihof Film "Coming Out" 11/9



So it became a mainstream subject in 1989.

A Turning Point

In 1993, couples in Hawaii applied for marriage licenses. As they expected, they were denied, so they sued. They began that legal process in 1991. They fought with the state of Hawaii up until the state Supreme Court in 1993. And the Supreme Court said, “The state of Hawaii is not making a good enough argument as to why they will not allow these couples to marry. And all the other states fall into a panic.”

1989

1996

2001

2012

2014

2019

2021

'91

'93

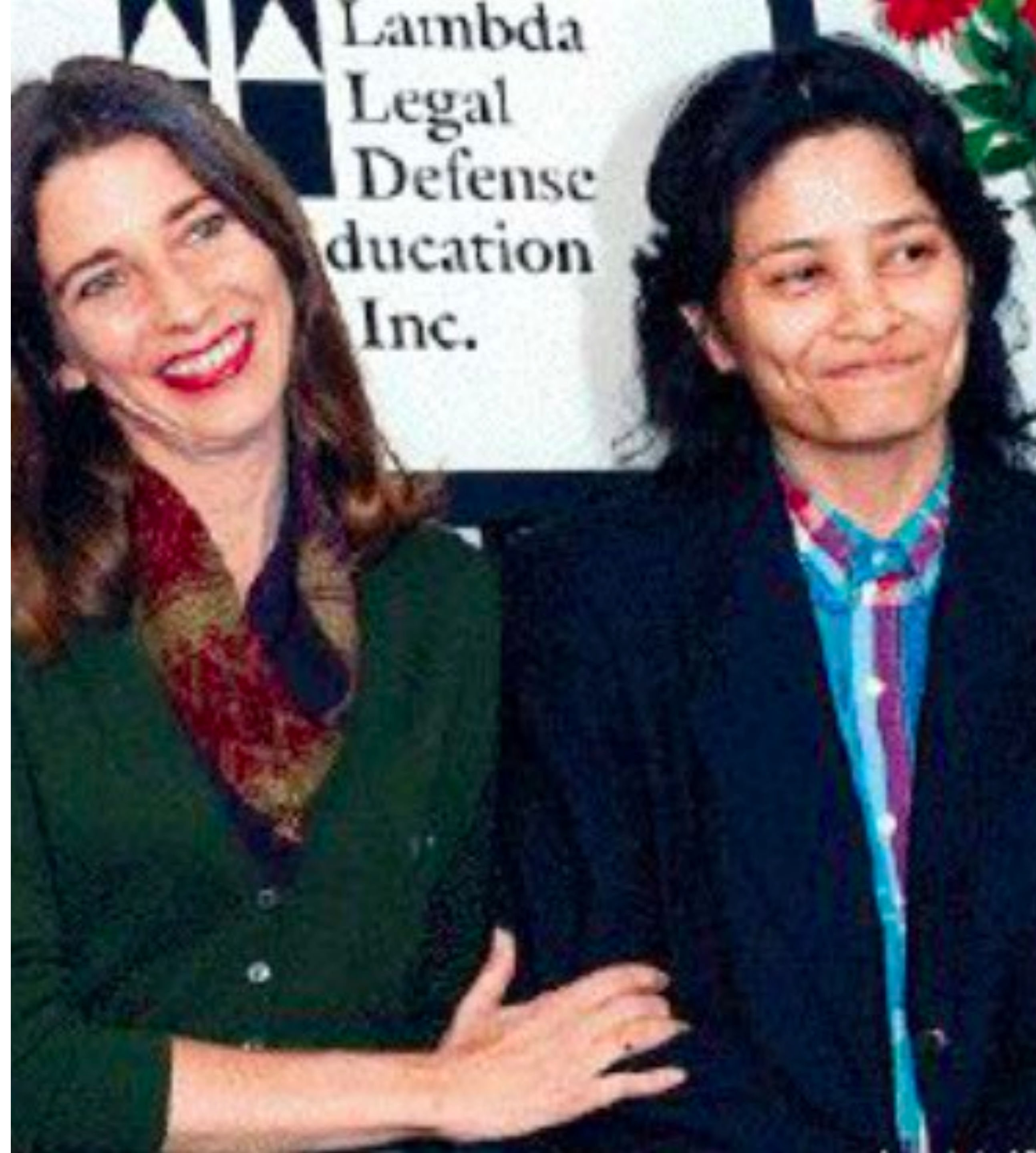
Baehr
v.
Lewin
(Miike)

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Baehr v. Lewin

Ninia Baehr (Left) and Genora Dancel (Right)

Baehr v. Lewin (Miike) was a lawsuit in which three same-sex couples argued that Hawaii's prohibition of same-sex marriage violated the state constitution. Initiated in 1990, as the case moved through the state courts, the passage of an amendment to the state constitution in 1998 led to the dismissal of the case in 1999.



Lambda

In 1970, the Gay Activist Alliance chose the Greek letter lambda as their symbol, because a flag with a lambda on it was carried by a regiment of Greek warriors who were accompanied into battle by their younger male lovers and were noted for their fierceness and willingness to fight to the death.



By 1996 they've put together, formalized, the Act of DOMA - the Defense of Marriage Act. And it's really to try and isolate any state that tries and pursues legalizing gay marriage.

D

So if a heterosexual couple gets married in Georgia it's recognized by the Federal Government and by all the other states. Now Arkansas can't stop what Georgia does, but they can isolate it.

O

So, **Statement Two of DOMA** says, "if the state allows gay marriage then none of the other states acknowledge that marriage, and **Statement Three** says, "the Federal Government does not acknowledge that marriage."

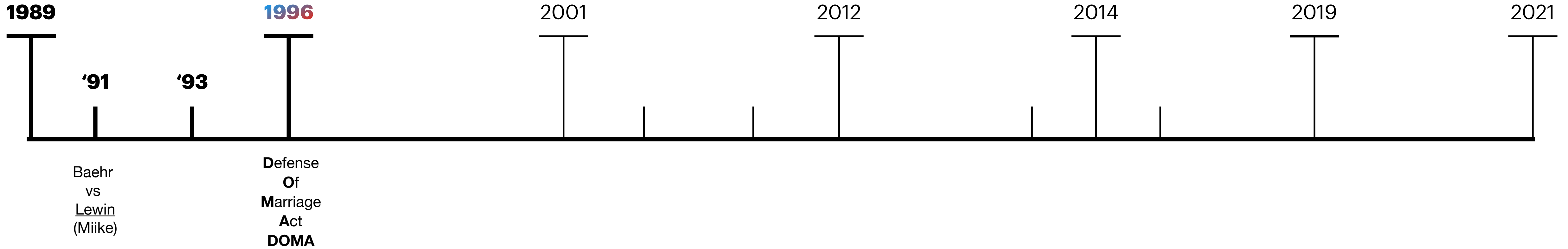
M

So while they cannot control another state, they can isolate what that state does.

A

1989

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We discussed 1996 as an election year, which means that Bill Clinton needed to get that Republican vote. He already tried to allow lesbian and homosexual members into the armed forces, and when he did that he was surprised by the hostility that came, and he was afraid that if he didn't support the Republican Party with **DOMA** then it would negatively impact his chances of winning that 1996 election. So we didn't want to go off track, but we also talked about what he did with immigration in 1996. That's about where we ended. We discussed this as the response to a 'Group Threat.'



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1989

1996

2001

2012

2014

2019

2021

'91

'93

Baehr
vs
Lewin
(Miike)

Defense
Of
Marriage
Act
DOMA

Netherlands '1st'
"Gay Marriage"

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STEREO

INVITA

INVITA

INVITA



LOVE IS A HUMAN RIGHT



FIGHT FOR IT!



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Baehr
vs
Lewin
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Defense
Of
Marriage
Act
DOMA

Arkansas
decriminalizes
homosexuality

Netherlands '1st'

"Gay Marriage"

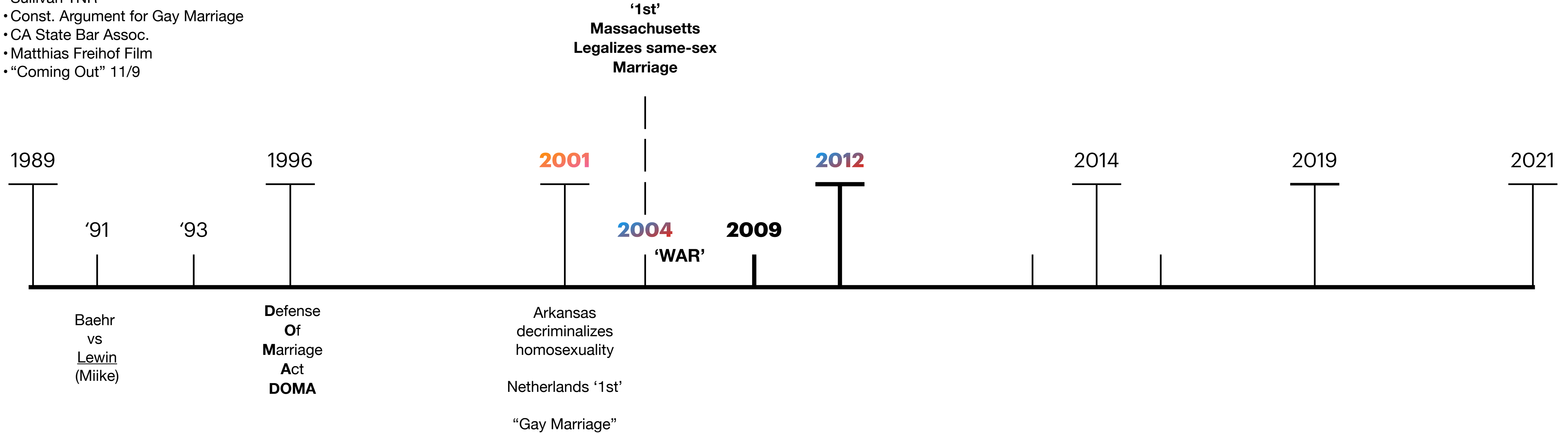
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So by late 2004, eleven states amended their constitutions; defining marriage as the union between one man and one woman. Arkansas was one of those. Two more states did it in 2005, eight more in 2006. So now they are not just happy with **DOMA**, now all the states are changing their constitutions, because that was one of the problems with Hawaii. The Supreme Court of Hawaii now said, “Your constitution isn’t clear enough on this issue.” So the other states not only enacted **DOMA**, they also, from 2004, went in and started changing their constitutions.

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2012
Election Year



The Republican National Convention approved a platform that asserts the right of the Federal Government and each state to deny legal recognition to same-sex marriages and endorsed a constitutional amendment **defining marriage as a union of one man and one woman.**

MARRIAGE =
1 MAN + 1 WOMAN

**WE ALL
DESERVE
THE
FREEDOM
TO MARRY**

**"I DO"
SUPPORT
THE FREEDOM
TO MARRY**
Equality Center | ecpa.org

**WE ALL
DESERVE
THE
FREEDOM
TO MARRY**

GOOD
ISAIAH

**WE ALL
DESERVE
THE
FREEDOM
TO MARRY**



The Democratic National Convention adopted a political platform that supported marriage equality for the first time in its history, and opposed all constitutional amendments that would exclude same-sex couples from marriage. It shouldn't surprise us that this is two opposing views of the Constitution - a 'WAR' over the Constitution.

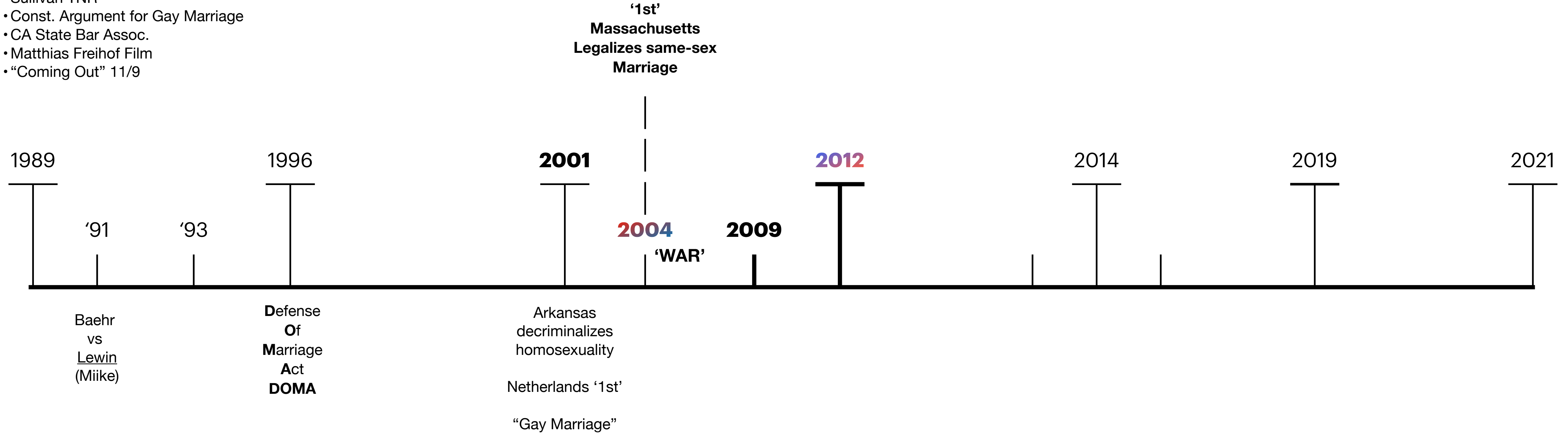
The Republican Party is saying **DOMA** is not enough, just changes to the state constitution are not enough. We need to make the Constitution of the United States Christian, and ban same-sex marriage in the Constitution.

The Democrat Party says for the first time in their history that they supported same-sex marriage, and would fight any Republican attempt to change the Constitution.

So both armies stake their ground.

1989

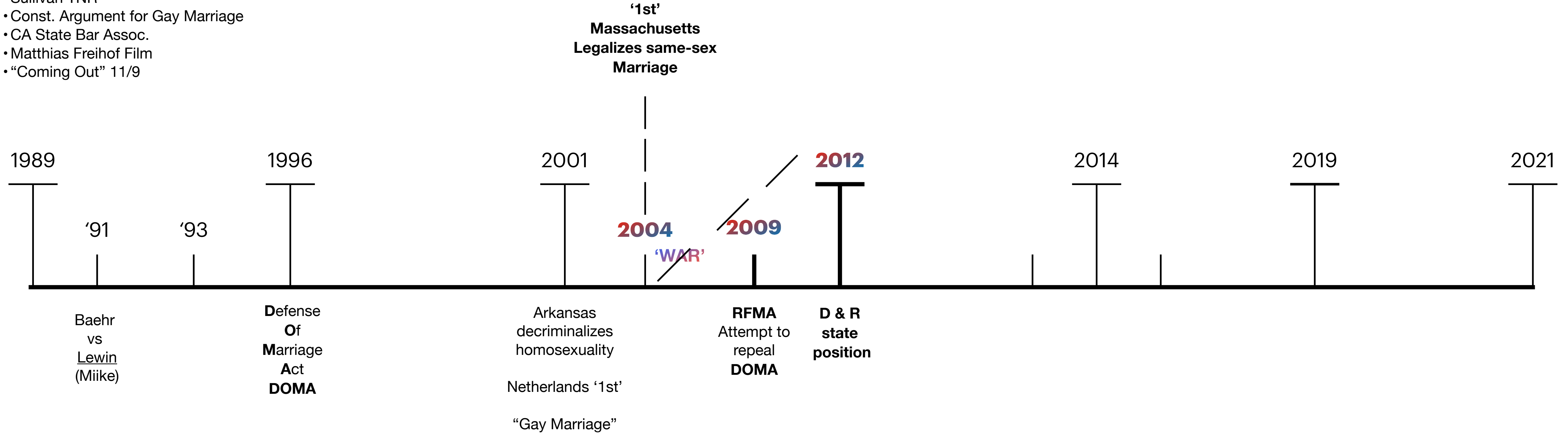
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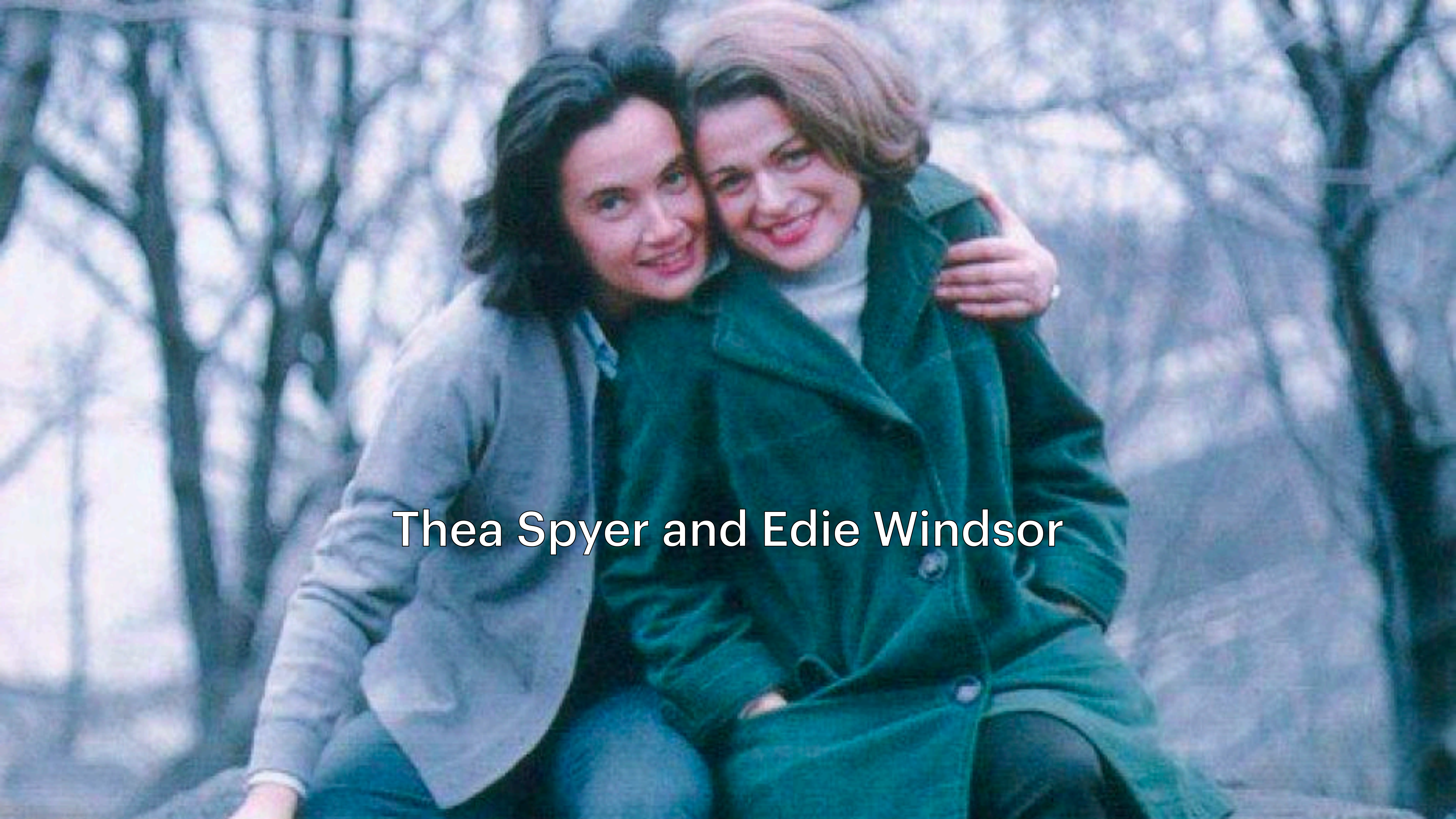
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Thea Spyer and Edie Windsor



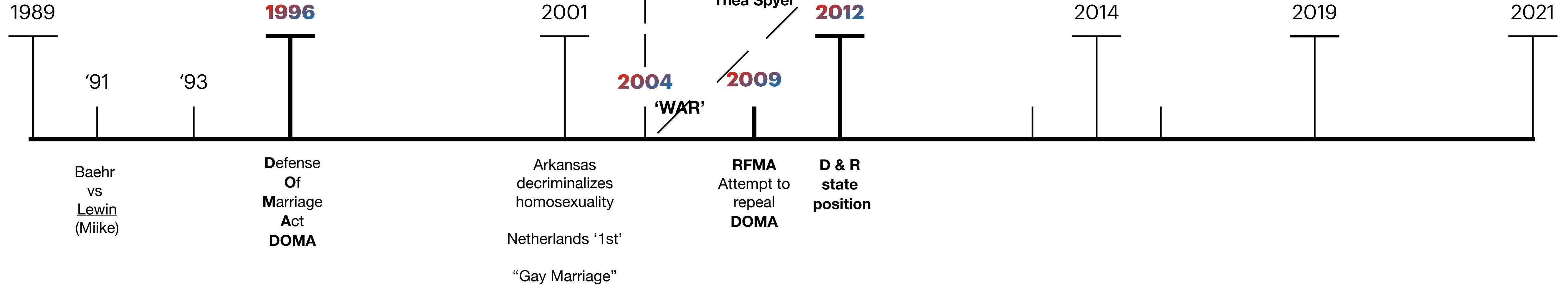
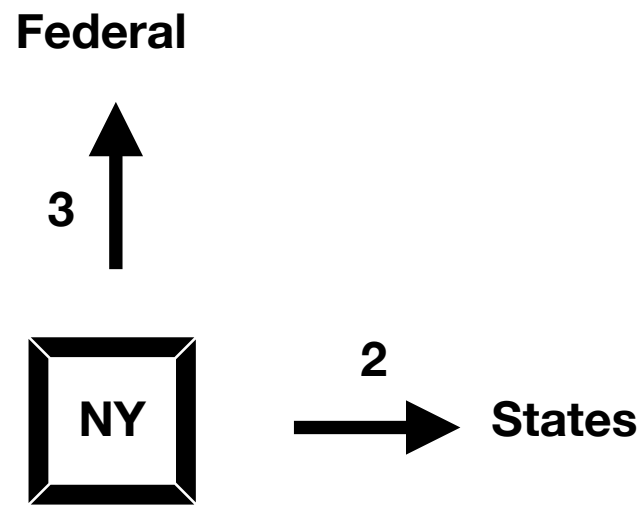
Love Through the Years

This is from *The American Civil Liberties* (ACLU) website:

Ordinarily whether a couple is married for Federal purposes depends on whether they're considered married in their state. New York recognized Edie and Thea's marriage, but because of a Federal Law called 'the Defense of Marriage Act' or DOMA, the Federal Government refuses to treat same-sex married couples, like Edie and Thea, the same way as other married couples. When Thea died the Federal Government refused to recognize their marriage, and taxed Edie's inheritance from Thea as though they were strangers.

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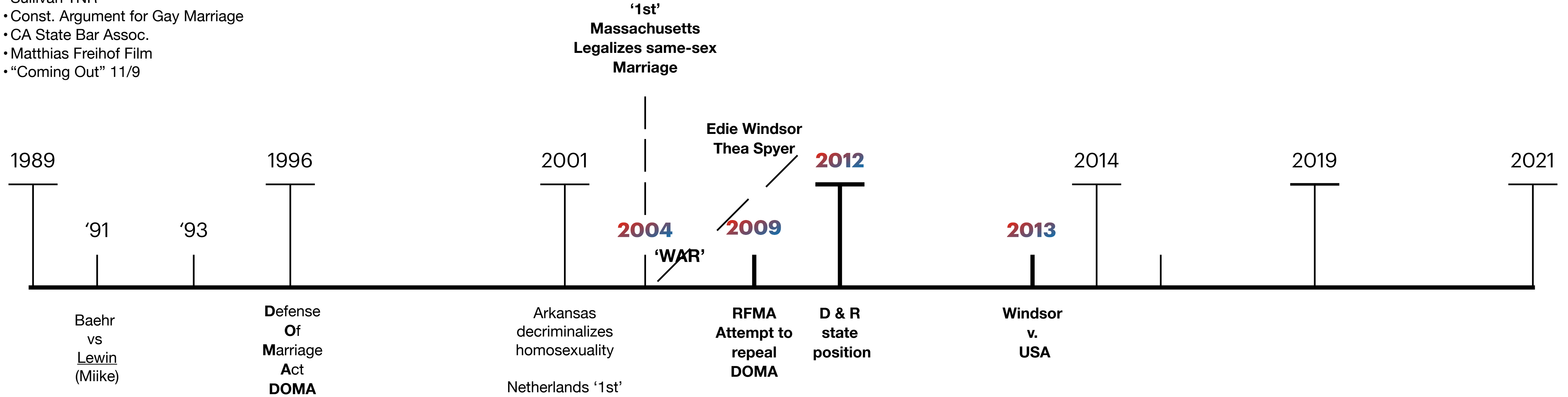
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JUST
MARRIED

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Supreme Court accepts Windsor case

“**DOMA**, the 1996 Defense of Marriage Act bars the Federal Government from recognizing or from providing Federal benefits for same-sex couples married in states where such unions are legal. There are more than one thousand Federal benefits and preferences.”

United States v. Windsor

Supreme
Court
Briefs



Edie Windsor and Thea Spyer whose 2007 marriage was recognized by the State of New York, were together for 44 years, but when Spyer died Windsor was required to pay \$363,000 US dollars in Federal/State taxes that she would not have owed if her spouse had been of the opposite sex.

“If Thea was a Thio, I would not have had to pay that” Windsor told NPR in March. “Now that’s just a terrible injustice. I think it’s a mistake that has to get corrected.”

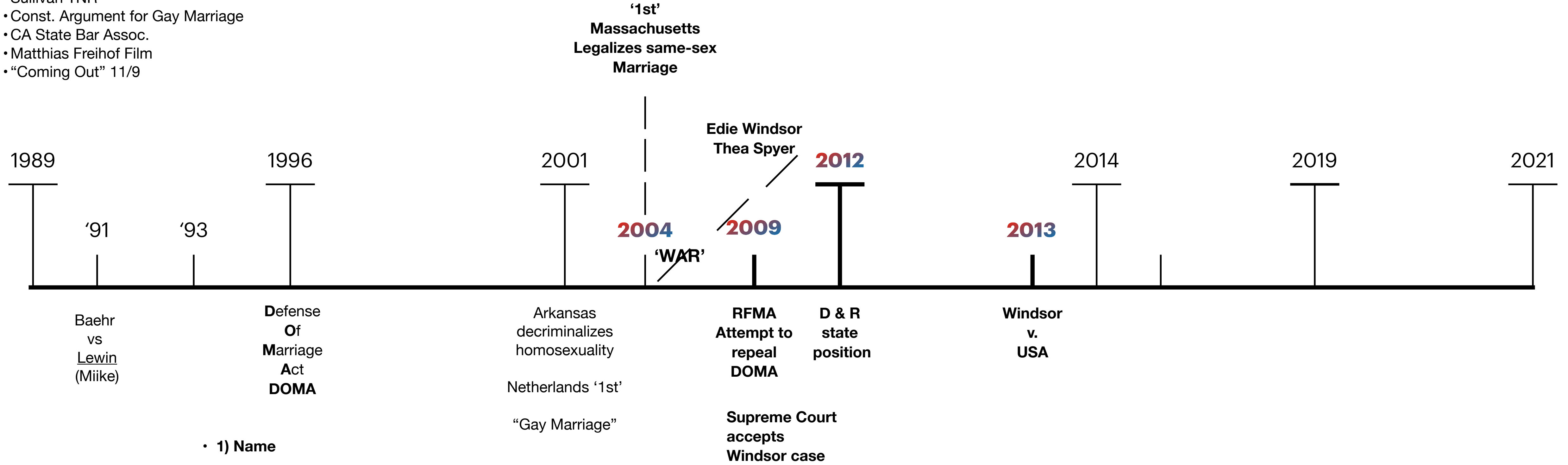


In 2012 it was taken up by the Supreme Court and they passed down their ruling in June of 2013. A 5-4 majority on the Supreme Court ruled that **Section Three of DOMA** was unconstitutional. From 2013, the Federal Government has been forced to recognize same-sex marriage in the state in which it was legal. **Section Three of DOMA** was unenforceable any longer, but you'll notice this is a 5-4 decision.



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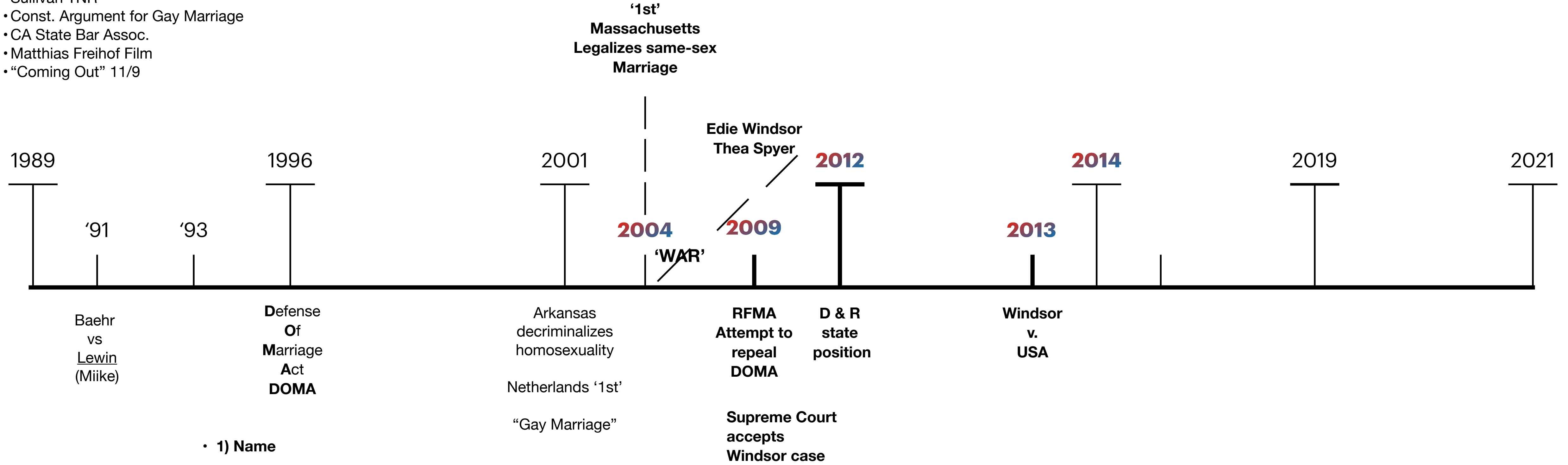
Supreme Court accepts Windsor case

RBG was known for her dissents. You should read the venom in the conservative dissent. The liberal members and RBG essentially dragged Scalia kicking and screaming. So this was not a happy conservative faction.



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2014 - I'm going to read an article from *The Boston Globe*. It's written at the very end of 2014, December 23, 2014. It's titled, *2014 was a pivotal year for same-sex marriage*.

<https://www.bostonglobe.com/news/politics/2014/12/23/pivotal-year-for-same-sex-marriage/183krHMrtZeNwgQRgm4vrM/story.html>

So we focus on 2015. I think we forget about 2013, and maybe we're not aware of the significance of 2014.

EVAN HOROWITZ

2014 was a pivotal year for same-sex marriage

By Evan Horowitz Globe Staff, December 23, 2014, 10:44 a.m.

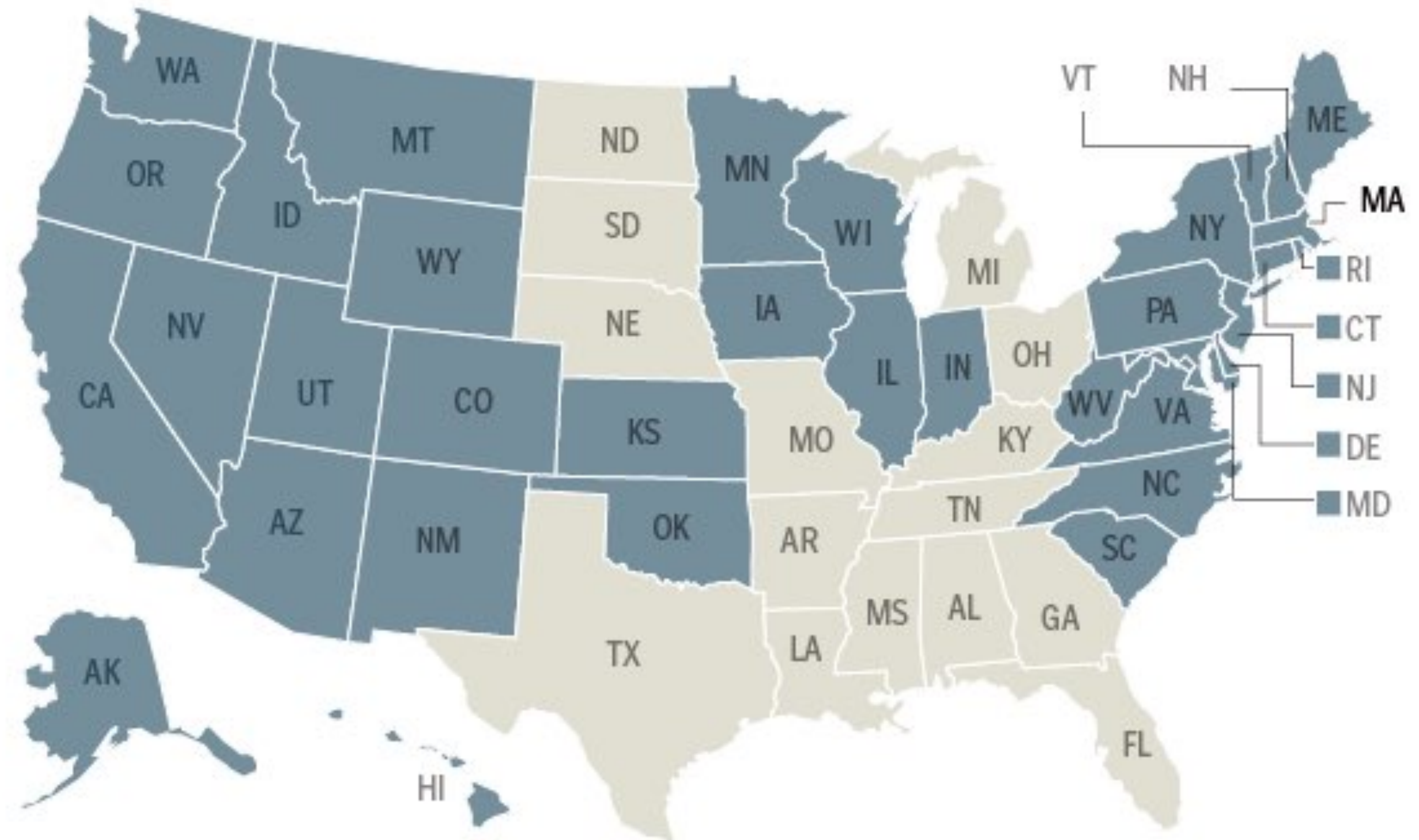
A year ago, only about a third of Americans lived in states that permitted same-sex marriage. Today, nearly **65 percent of Americans** do, making 2014 perhaps the biggest turning point in the history of same-sex marriage in the United States.

The change wasn't driven by a bevy of new laws or a big Supreme Court decision. Instead, it was a slow-burning sequence of consistent lower court rulings — combined with the Supreme Court's **decision not to intervene**. For thousands of same-sex couples, the effect has been transformative. And it may end up reshaping the political landscape as well, because same-sex marriage doesn't break down cleanly along party lines. Three of every five **young Republicans** now say they support same-sex marriage.

Where is same-sex marriage legal?

Massachusetts was the first state to allow same-sex marriage. **In the 10 years since**, same-sex marriage has spread to 34 other states, including 18 new states just this year. States that continue to ban the practice tend to be concentrated in the South and the Midwest.

35 states allow same-sex marriage



Elder Tess now comments on what we've just read in the article so far.

So at the end of 2013 only about 33% of Americans lived in a state that legalized same-sex marriage. By the end of 2014 that was about 65%. It almost doubled. From 2004 to the end of 2013, 17 states had legalized same-sex marriage. In 2014, one year alone, 18 states legalized same-sex marriage, and this was not a Supreme Court case this was all the lower courts.

What drove this year's expansion of same-sex marriage?

In a streak of victories in federal courts — and especially in the appellate courts that make law for whole regions of the country — various statewide bans on same-sex marriage were declared unconstitutional.

At first, many of those rulings were put on hold, which is not uncommon. Sometimes, lower courts want to hit the pause button and let the Supreme Court weigh in before implementing big social changes. But in October, the Supreme Court **decided not to intervene** — they didn't say why, but it may be because there was no dispute for them to resolve. The pro-marriage side had won every case.

Once the Supreme Court declined to step in, those lower-court rulings became law and same-sex marriage expanded.

Elder Tess now comments:

So all of the lower courts were declaring these bans unconstitutional, but instead of enacting their decision, they'll say, 'Let's just put this decision on hold until the Supreme Court gives it their opinion, because I'm just a lower court and this is a massive social change. So we need to know what the Supreme Court thinks.'

The Supreme Court looks over at the lower courts, and every single lower court had come to the same conclusion - that same-sex marriage bans were unconstitutional, and the Supreme Court says, *'If there is no disagreement why do I need to intervene? Do what you want. You aren't fighting. You all agree with each other.'*

So when the Supreme Court refuses to intervene all of these decisions go into force. But then after they had already done that, right towards the end of 2014....



Will the Supreme Court eventually intervene?

Shortly after the Supreme Court decided not to review those earlier cases, a disagreement finally occurred. The sixth circuit — which covers Michigan, Ohio, Kentucky, and Tennessee — became the first appeals court to **uphold a state ban** on same-sex marriage.

Elder Tess comments:

The article then explains how the Supreme Court may now want to intervene, because now there's an argument. The lower courts are coming to different conclusions, and now those supporting same-sex marriage are pushing the Supreme Court to intervene. Particularly, because they know 2013 was decided by a 5-4 liberal majority. I shouldn't call all five of them true liberals, and they know that just one change in the Supreme Court and they could lose this window of opportunity. So by the end of 2014, everyone is on the edge of their seats waiting to see what the Supreme Court is going to do.



**KEEP
CALM
AND
MARRY
ON**

**FREE
FOR EVERYONE**
Live for Marriage

must

Lo
Nei

What happens next?

As pivotal as 2014 has been in the history of gay marriage, 2015 may be definitive. If the Supreme Court rules in favor of gay marriage, the United States would join the growing ranks of countries that have embraced it. Alternatively, a Supreme Court ruling against gay marriage would force the issue back to the states, potentially leading to a dramatic retrenchment in the number of same sex couples who are able to marry.

So there's a number of things all happening at once. You had Edie Windsor take the United States to the Supreme Court and win in 2013. You've had a few years of the Democrat Party trying to repeal **DOMA** with another alternative Marriage Act. You have Part Three of **DOMA** already repealed, essentially. All the lower courts are repealing same-sex marriage laws in their states, and this takes us to 2015, and another couple.

2013 was Edie Windsor and Thea Spyer. When Windsor won that court case there was a homosexual couple who went over and said, '*Let's get married,*' but same-sex marriage was not legal in the state they belonged to.

This couple was John Arthur and Jim Obergefell.



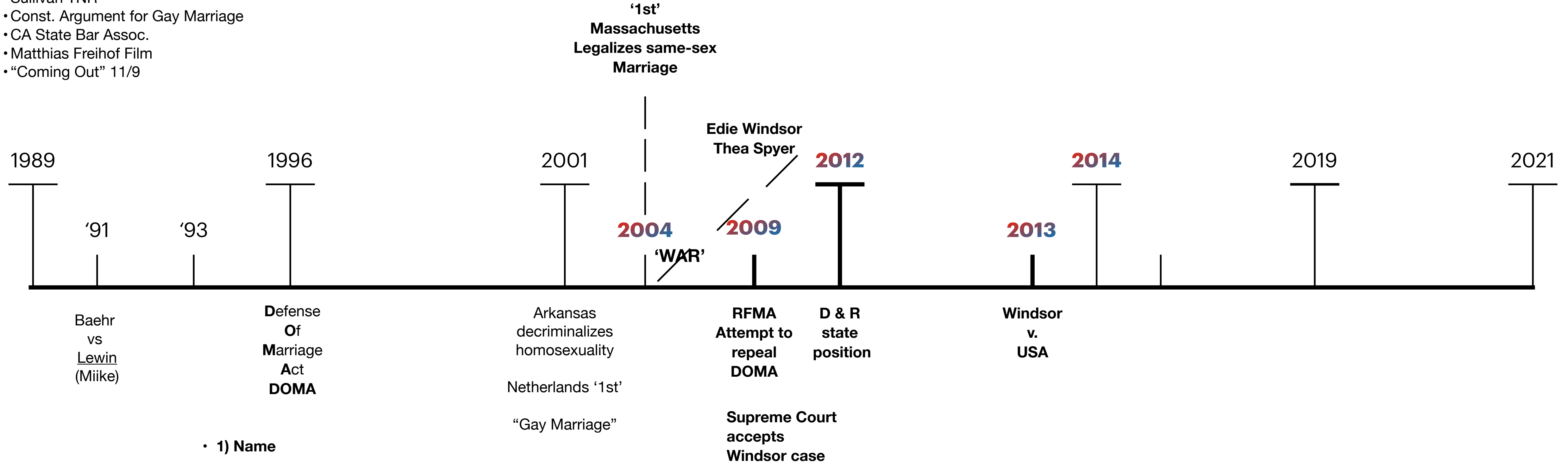
Jim Obergefell and John Arthur

So John Arthur and Jim Obergefell met in the early 1990's. It was, they often joked, "*Love at third sight.*" First time they met, not interested. Second time, not interested. Third time they met they were inseparable.



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But there was one problem in 2013, when I believe it was Jim Obergefell who leant over and said, "Let's get married." John Arthur was dying.

There was no way they would be able to drive him in a car where gay marriage was legal, because it wasn't in their state. There was no way they'd be able to put him on a regular flight either. He was not a well man.





So family and friends came together and they raised money to pay for a medical flight. I think it was about \$13,000 to get a medical flight to another state.



They flew to the tarmac to Baltimore, Washington International Marshal Airport. They married in the plane and then flew back.

There was no honeymoon of course, and a few days after they wed an old neighbor mentioned their situation to Al Gerhardstein, a local civil rights attorney. “I knew right away they had a problem” Gerhardstein said, “and I knew they probably weren't thinking about it. Who thinks about a death certificate after getting married?”

You see how many of these changes are really fought over when one partner is going to lose another, or has lost another.



So the problem was, within their state, same-sex marriage was not legal. So they might have gotten married in a plane on a tarmac at another state, but when they flew back to their own, and a few months later John Arthur passed away, what name goes on the death certificate? Because John Arthur wanted to take Obergefell's name, and a neighbor contacted a civil rights attorney, and the attorney says, "Now there's a problem."



Al Gerhardstein, Civil Rights Attorney

So they went to court. They won the first ruling, so their State of Ohio appealed to a higher court, and he lost in the higher court. So Obergefell says, “That’s fine. I’m going to the Supreme Court .”



Now he was not the only case; it was not just him v. the Supreme Court. There were many cases that were similar to his that the Supreme Court was considering. They're all lumped together in one, and they didn't name this court case after him because they just liked him. It's a complicated process how that name gets to be chosen. He didn't even want it chosen. It's not a choice, but because of how it's decided it became Obergefell v. Hodges.



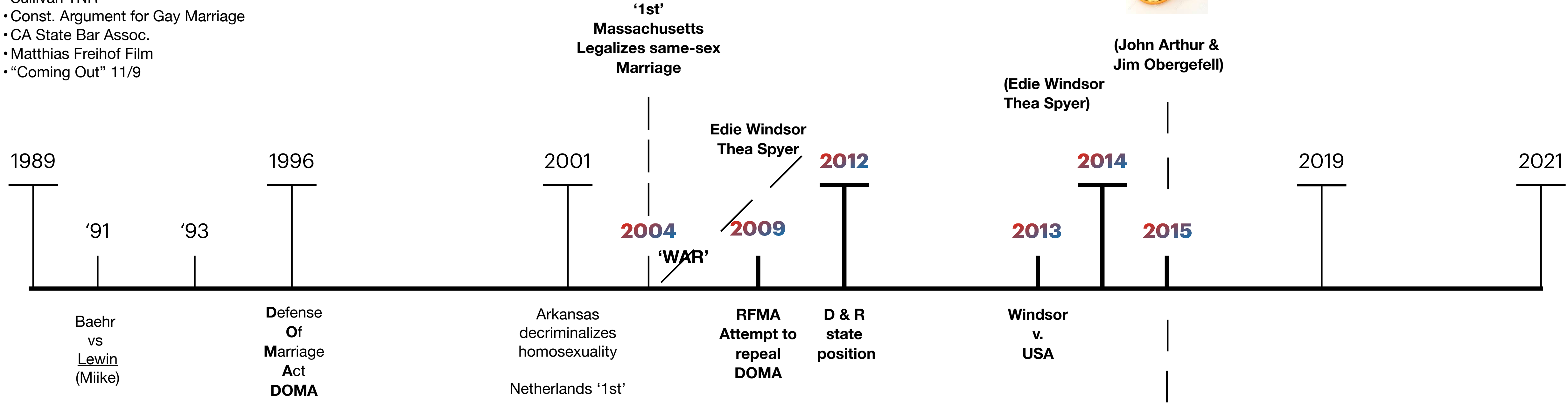
It's really Obergefell v. The State of Ohio, but Hodges was the Representative of the Seat. So he took it to the Supreme Court.

He keeps reminding himself about what his fight is really about - the 'Death Certificate', the 'Title of Spouse', even if he feels the pressure of a monumental Civil Rights Movement moment. "It's hard to put into words, Obergefell said, How to grasp that our decision to stand up and say, This isn't right, is going to affect so many people."



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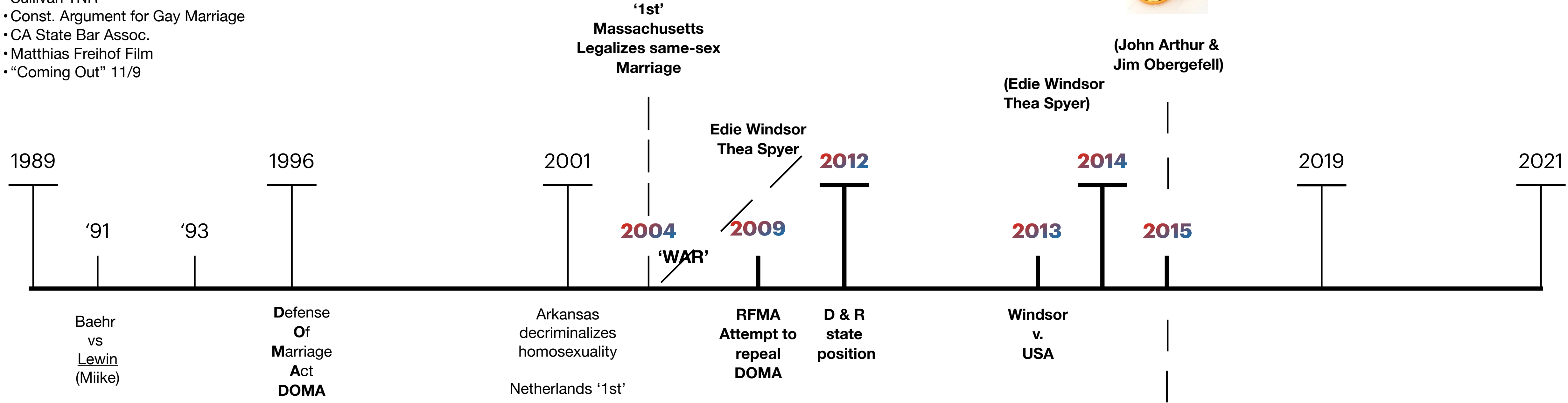
On the 26th of June, 2015, the US Supreme Court ruled in Obergefell v. Hodges that the Fourteenth Amendment requires all US state laws to recognize same-sex marriages.



This left Section Two of DOMA as superseded and unenforceable.

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Netherlands '1st' "Gay Marriage"

RFMA Attempt to repeal DOMA
Supreme Court accepts Windsor case

Obergefell v. Hodges

(Edie Windsor Thea Spyer)
(John Arthur & Jim Obergefell)

Obergefell v. Hodges, 576 U.S. 644, is a landmark civil rights case in which the Supreme Court of the United States ruled that the fundamental right to marry is guaranteed to same-sex couples by both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

Date decided: June 26, 2015



**The Respect for Marriage Act
was never passed, because in the end -
it never needed to be.**



S. Hrg. 112-120, S. 598: The Respect for
Marriage Act: Assessing the Impact of
DOMA on American Families

U.S. Government Printing
Office (GPO)

1989

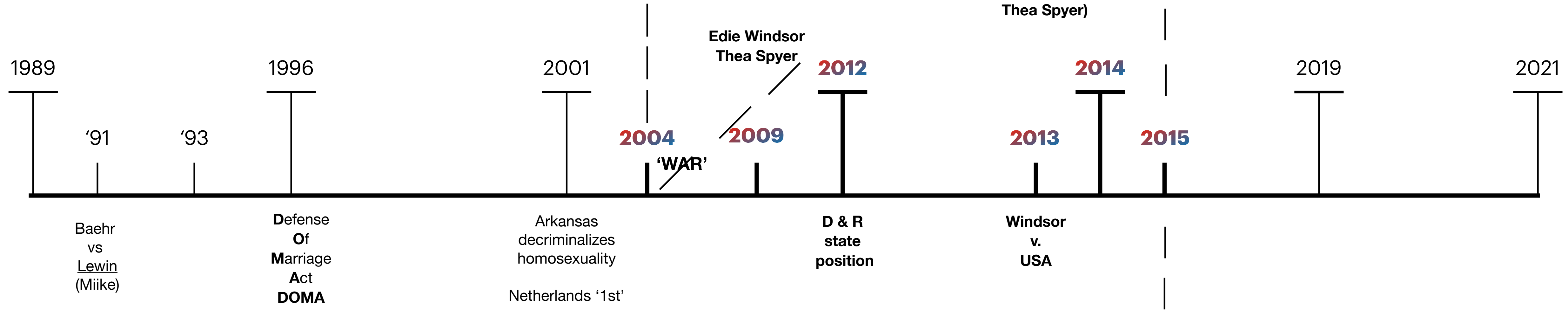
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'1st'
Massachusetts
Legalizes same-sex
Marriage

(John Arthur &
Jim Obergefell)

(Edie Windsor
Thea Spyer)



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Supreme Court
accepts Windsor case

Obergefell v. Hodges

And from 2015, Gay Marriage became legal in the United States for every single state.



The Supreme Court stepped in and decided.



After the Supreme Court ruled in favor of same-sex marriage. **“Love has won,”** the crowd chanted as courtroom witnesses raised their arms in victory.



I've intentionally not gone farther. I want to end this discussion of our reform line at 2015, except to say this one thing. Do we think the conservatives were happy? You know what they thought in 2013; they were quite expressive. And in 2014, as all of this is happening beneath their feet, and Steve Bannon and other Republicans are stoking flames about a culture war, they can see it's a war they are losing. So by the time you get into 2015, 2016, what do you expect, except for Donald Trump. Why do you think they don't care in whatever form their Savior comes, because they have had defeat, after defeat, after defeat.



When we see Trump's introduction in 2015, and then we trace 2016 to the January 6, Insurrection - and what is happening right now? This is just internal civil war - remember 'Revolutions' - and one-side afraid of losing. So what do you have to do? Mobilize against a 'Group Threat.'





Remember when it came to Millerite history, why did it lead to a Civil War? Because despite the fact that the good parties were full of compromises, slave states and slave holders began to feel more and more isolated, and few people recognized, even in the North, the depth of feeling. Everything that was seen from 2015, '16, to now, has just been a response to this fight.

There's, I thought, one article that made a really good point. Why are so many conservatives in the United States not getting vaccinated? Why won't Fox News and the Republican Party just tell people to go get vaccinated? It's not just conspiracy theories. There's something much deeper. This is why logic itself is not going to make a difference. Even if they were forced to see those vaccines as positive, as lifesaving.

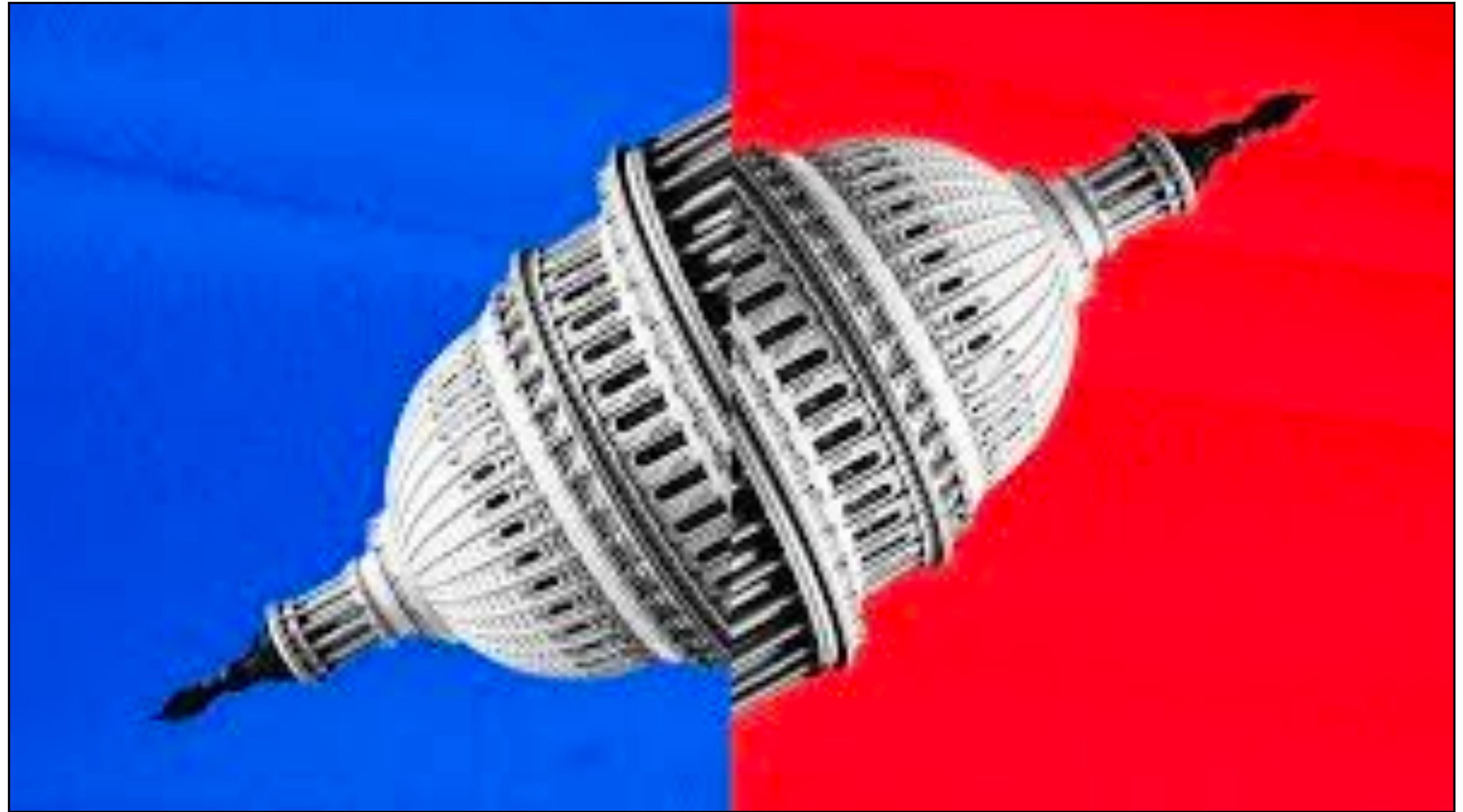




Have you ever had an argument with someone and they can see that you're right and they're wrong, but rather than admit it they just get so irritated that they keep moving the argument. It becomes childish. It becomes really, self-harm. If I can't win on this point, then I'm going to dig my heels in on every single other point.

Conservatives' hesitancy to take vaccines is as much connected to this as it is to conspiracy theories, because when you're losing a war, and it hurts when you're losing an argument, you dig your heels into the ground like a child in a supermarket. Can't get what you want, then just lay on your back and say, 'Well I'm not going anywhere even if it's good for me.'

This is the resistance, and the difficulty with working with the Republican Party now. They are not dumb people. They are not incapable of logic, but they are going to make every Democratic advancement as difficult as possible, because we don't realize how much they were hurt when they kept on losing.



If you'll kneel with me we'll
close in prayer.

Dear Lord,
Thank You for how we can
trace history. Thank You for
how You lay it out for us
breaking it down making it
simple. Maybe we'd be willing
to sit at Your feet and learn.
May we treasure these things.
We pray this in Jesus' name.

AMEN

