

Stone Tablets, A Golden Calf and "What God Hath Joined Together"



***Stone Tablets,
A Golden Calf and
"What God Hath Joined
Together"***

by Utah Rep. LaVar Christensen

Stone Tablets, A Golden Calf and "What God Hath Joined Together"

by Utah Rep. LaVar Christensen

Utah's Constitutional Amendment in support of marriage as the legal union between a man and a woman and the social and moral confusion that demands such action

A virtuous, informed and responsible citizenry is essential in America, where our laws represent the "witness and external deposit of our moral life." ¹ The wisdom of Socrates teaches that "the unexamined life is not worth living." ² Neutrality regarding the defining questions of our time is an illusion and not an option. "The only choice we have is to be consciously aware of our worldviews and criticize them where they need criticizing, or let them work on us unnoticed and acquiesce to living unexamined lives."³

Consider, therefore, the many alarming indicators that family life in these United States is not what it was a half century ago. The "changing times" have not been good for America. The scale of marital and family breakdown in this country since 1960 is unprecedented:⁴

- The marriage rate has declined by 1/3 and the divorce rate has doubled.⁵
- A generation ago, 1 in 4 children would experience a parental break up. It is now 1 in 2. Only 1/3 of children in divorced families saw their father at least once in the last year.⁶ This is a reflection of what is increasingly becoming a "fatherless society".
- The number of single parent families has tripled.⁷
- More than one half (1/2) of all first-born children are born out of wedlock. In general, births outside of marriage have increased from 1 in 20 in 1960 to 1 in 3 currently.⁸
- Cohabitation among couples without marriage has increased 11 fold from under 500,000 to 5.5 million. (Among those who choose to "live together" before marriage, the divorce rate is twice that of those who do not).⁹ Forty-seven percent (47%) of children now spend some of their first 16 years with their mother and her cohabiting partner.¹⁰
- More than 25% of all pregnancies end in abortion.¹¹ (Approximately 1.3 Million per year. The number of abortions in this Country doubled in the first seven years following the Supreme Court decision in Roe v. Wade).

- A Washington Post/Harvard study reported in 1998 that “76% of Americans believe the country’s values and moral beliefs have gone seriously off track.”¹²

What are we to conclude from such a cataclysmic shift in American family life? A respected team of psychologists reports that “the present state of children and families in the United States represents the greatest domestic problem our nation has faced since the founding of the Republic. It is sapping our very roots.”¹³

Where is the moral outcry? Only limited, at best, it seems. Why? Because the historical meaning of “separation of church and state” has been changed and misapplied to effectively purge God and religion from all public debate.¹⁴ Thus, our culture is allowed to weaken and decline with only muffled resistance from what for generations was hailed as a “moral and religious society”. Laws are changed (weakened) to legalize and sanction practices and ideologies that have long been rejected. Permanence, public virtue and order are expected to give way to self indulgent theories of relativism and radical individualism in the deceptive and desensitizing name of “tolerance”, “fairness” and “diversity”. These liberal changes in our laws typically come from judges rather than the elected representatives of the people. This has the effect of trumping representative democracy. The result is a potentially standardless society where anything goes until everything is lost. Such was never intended by the Founders. As one scholar has written:

“It is undeniable that marriage as we have known it is a declining institution. This is a moral disaster, not just an expansion of multi-cultural options... When Thomas Jefferson asserted that the function of the new Republic was to protect life, liberty and the pursuit of happiness, the last thing he had in mind was an egocentric dash for consumer goods and sexual pleasure, both of them acquired, if necessary, by violence.”¹⁵

The hope of America as it is passed from one generation to the next lies not in its economic might or military power but rather in the life of its conscience. That is where we find the soul of American politics. That is what defines the true nature of humanity and gives life its ultimate meaning. Professor Jacob Needleman in *The American Soul, Rediscovering the Wisdom of the Founders*, writes:

“To reanimate the idea of America will demand more than moral or patriotic fervor, more than believing or rejecting fixed concepts about democracy and liberty. It will demand a new effort of thought, an effort to sound new depths of the idea of America...”

“Each aspect of the idea of America and much of what we can recognize as noble or hopeful in the American character draw strength from a hidden connection to the teachings of wisdom that have guided humanity throughout the millennia. And *many of the distortions of the American vision and the American character can be seen as perversions of this timeless vision of human nature and its possibilities...* [We need to look] once again and a little more closely at the startling contrast between a more profound meaning of some of America’s ideals and what they are now in danger of becoming. *The names, the words, have remained the same over the centuries, but the meanings are slipping away and, often enough, turning into their own opposites.*”¹⁶

In this dense “fog of abstraction,”¹⁷ as Judge Robert Bork has called it, where constitutional principles such as liberty and equality are too often “turned into their opposites,” American society is continually

tempted to trade settled truths based on divine authority and the wisdom of the ages for a new “golden calf” of our own making. Claims of modern “enlightenment” and suggestions that yesterday’s public recognition of the Bible as moral authority was either wrong or is now simply outdated are reminiscent of what happened when Moses left for a time to commune with God and receive further instruction. Although a chosen people were in route to their promised land and had already been miraculously delivered from Pharaoh and his advancing army by the parting of the Red Sea, in no time at all, an idol (a golden calf) of their own making was substituted and became their new object of worship (See Exodus 31:18; 32:1-9, 15-23).

As with ancient Israel, it may also be said of a society that espouses as their national motto, “In God We Trust,” but then sets the Bible aside to potentially sanction and confer new “rights” on same sex couples plus other departures from the moral and religiously based truths upon which our nation was founded: “They have turned quickly out of the way which I commanded them.” (Exodus 32:8). Thus, the need for “The Family: A Proclamation to the World” from the First Presidency and Quorum of the Twelve Apostles of the Church of Jesus Christ of Latter Day Saints.

When the Proclamation was first issued in 1995, I was serving as counselor in a stake presidency in the Church of Jesus Christ of Latter-day Saints. In that capacity and as a member of the church, I sought to honor the principles expressed in that important declaration. However, in 2004, it affected me in yet another and more unique way. As an elected member of the Utah Legislature (an “officer of government”), I focused specifically on the charge in paragraph nine to “promote those measures designed to maintain and strengthen the family as the fundamental unit of society.” By then, the following conditions had developed: Massachusetts legalized same sex marriage in their state based on a 4-3 majority directive from their Supreme Court; Vermont embraced “civil unions” and California created “domestic partnerships” even though the people by statewide vote affirmed marriage as the legal union of a man and a woman; the Mayor of San Francisco was offering marriage to same sex couples in willful disregard of that state’s laws (those illegal “marriages” were later invalidated by the Court); there were actual cases in Utah of judges disregarding our own laws in order to force shared custody and visitation of children following the breakup of a same sex relationship as if it were a legally recognized marriage, divorce or adoption. To strengthen the public policy of our state regarding marriage and family and to elevate it from statute to Constitutional authority, I worked with many “responsible citizens” and “officers of government” (as the Proclamation calls for) to author, sponsor and pass the following amendment to Utah’s Constitution:

Marriage consists only of the legal union between a man and a woman. No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent legal effect.

In just thirty-three words (two sentences), this Amendment to the Utah Constitution answers two very basic but important questions: First: Does Utah recognize and support traditional marriage and family as the foundation of our society? Second: Is Utah opposed to same sex marriage or its equivalent under some other name? The answer to both questions is YES!

At a point in our nation’s history when time honored values are being distorted, discarded or simply defined out of existence by a threatening combination of forces, two-thirds of Utah’s elected state representatives and senators voted to amend our state constitution and affirm marriage as the “legal union between a man and a woman.” Marriage predates our government and our Constitution. It has existed since the beginning of time. It is co-equal with the origin of mankind and it is the means by

which the human race has perpetuated itself over thousands of years.

Shortly before the general election when “Amendment 3” was adopted by the people of Utah, the First Presidency of the Church of Jesus Christ of Latter-day Saints issued this statement:

“We of The Church of Jesus Christ of Latter-day Saints reach out with understanding and respect for individuals who are attracted to those of the same gender. We realize there may be great loneliness in their lives but there must also be recognition of what is right before the Lord.

“As a doctrinal principle, based on sacred scripture, we affirm that marriage between a man and a woman is essential to the Creator’s plan for the eternal destiny of His children. The powers of procreation are to be exercised only between a man and a woman lawfully wedded as husband and wife.

“Any other sexual relations, including those between persons of the same gender, undermine the divinely created institution of the family. The Church accordingly favors measures that define marriage as the union of a man and a woman and that do not confer legal status on any other sexual relationship.”¹⁸

As expressed by the First Presidency, there is certainly great compassion and respect for the feelings and desires of those who seek to promote same sex unions. However, “what is right before the Lord” is irrefutable. The “rights” which same sex couples claim or seek to establish are not ours to give nor are we free to dismiss and discard history and scriptural authority except at our peril as also warned in the Proclamation. (See paragraph 8). The Declaration of Independence clearly states that our rights come from the Creator. These are referred to in the Declaration as “the Laws of Nature and of Nature’s God.” The preeminent English jurist and widely accepted legal scholar, Sir William Blackstone, provided this clarifying commentary:

“Man, considered as a creature, must necessarily be subject to the laws of his Creator, for he is entirely a dependent being...And, consequently, as man depends absolutely upon his Maker for everything, it is necessary that he should in all points conform to his Maker’s will...[T]his will of his Maker is called the law of nature.

“These laws laid down by God are the eternal immutable laws of good and evil...This law of nature dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity if contrary to this...”¹⁹ (emphasis added).

President John F. Kennedy acknowledged that “the rights of man come not from the generosity of the state, but from the hand of God.”²⁰ Only if we are willing to trade a “golden calf” of our own contemporary creation for the “stone tablets” that have guided us for generations would we ever cease to preserve, protect and promote traditional marriage and family in America.

The Massachusetts Supreme Court openly characterized its radical ruling that marriage is now available in that state to any “two persons” (of whatever sex) as a “change in the history in our marriage law,” a “reformulation” and a “significant change in the definition of marriage as it has been inherited from the common law, and understood by many societies for centuries.” The claimed justification for turning their back on more than 200 years of legal, social and historical precedent is what they call the

“changing realities of the American family”, the “evolving paradigm of civil marriage” and “evolving constitutional standards.”²¹ In short, a “golden calf”— a sudden judicial creation in a barren wilderness of new thinking completely divorced from the moral and religiously based law that so clearly marked the path before in this country.

The dissenting Justices in the Massachusetts case correctly argued that any new creation of “novel rights” (change, in other words) is reserved for the people themselves through the democratic and legislative process.²² They also stressed that there is no established “right to marry someone of the same sex.”²³ Unless expressly identified in the Constitution (which it is not), such a professed legal right must be “deeply rooted in the history and traditions of our country and our state... [and have] played a critical role in the culture and traditions of the nation.”²⁴ Unlike marriage between a man and a woman and a traditional parent-child relationship, same sex unions have no such historical roots and there is no recognized precedent to support their claims. The dissent further noted that even if “changing times” and a more “liberated” or “enlightened” culture could somehow justify such a drastic departure from current law, the only true guide to supposed “contemporary values” is legislation duly enacted by the country’s state legislatures.²⁵ Again, the impropriety of a plurality of one state Supreme Court Justice assuming authority to reverse 200 years of precedent and redefine marriage and family to suit their own evolving opinions is astounding and ominous in its implications.

The unabashed liberal activism of the Massachusetts decision and the chaos it has sparked are evident in the fact that the following view that so clearly mirrors what the majority of this country believes and what the law has so steadfastly upheld in the past is now cited as the “dissent”:

“Marriage is the very basis of the whole fabric of civilized society...

Each is free to marry a willing person of the opposite sex...The Court [however] has transmuted the “right” to marry into a right to change the institution of marriage itself...

“Civil marriage is the institutional mechanism by which societies have sanctioned and recognized particular family structures...[By limiting marriage to opposite-sex couples] “society is able to communicate a consistent message to its citizens that marriage is a (normatively) necessary part of the procreative endeavor.... [The consequences of a policy shift away from normative marriage, procreation and child rearing] “would be a diminution in society’s ability to steer the acts of procreation and child rearing into their most optimal setting.... This case is not about government intrusions into matters of personal liberty. It is not about the rights of same-sex couples to choose to live together, or to be intimate with each other, or to adopt and raise children together. It is about whether the State must endorse and support their choices by changing the institution of civil marriage to make its benefits, obligations, and responsibilities applicable to them.”²⁶

The United States Court of Appeals for the Eleventh Circuit has ruled in line with the dissent in the Massachusetts case. (See Lofton v. Secretary of Department of Children and Family Services, 358 F.3d 804 (2004 U.S. App.), aff’d 377 F.3d 1275 (2004)(en banc)). In Florida (as in Utah), the Legislature has prohibited adoption of children by same sex couples. To support their claim of a constitutional right to have their same-sex domestic union officially recognized by society and thereby be allowed to adopt children, the Appellants argued in Lofton that they were a “psychological family” with an “emotional bond” resulting from a “shared daily life.” The Court rejected such claims and stated that there is no recognized precedent for such a “novel proposition.” Id. at 815. The Court explained further that

“under Appellant’s theory, any collection of individuals living together and enjoying strong emotional bonds could claim a right to legal recognition of their family unit and...give rise to a constitutional claim.” That argument is unfounded and was rejected by the Federal Court.

The Lofton Court found that it was a rational decision and a legitimate state interest for the Florida Legislature to prohibit adoption of children by same-sex partners and to give preference to the placement of children in a “home anchored by both a father and a mother.” Id. at 820. The Court stated that such policy judgments are best exercised in the legislative arena and noted that their task was simply to determine whether a reasonably conceivable rationale was used by the Legislature to preclude same sex couples from adopting as provided in statute. The well known and accepted benefits of being raised in a “home anchored by both a father and a mother” (which is consistent with all recorded history) more than meets that test as held by the Federal Court in Lofton.

Regarding the liberal myth that “morality cannot be legislated” (the entire criminal code is one collective moral judgment), the Federal Court in Lofton Court cited the following compelling authority that there is not only a legitimate interest, but a “**substantial government interest in protecting order and morality.**” Id. at 819; **See also Barnes v. Glen Theatre Inc., 501 U.S. 560, 569, 111 S.Ct. 2456, 2462 (1991)**(“[I]n a democratic society, Legislatures, not Courts, are constituted to respond to the will and consequently the moral values of the people.”); **Gregg v. Georgia, 428 U.S. 153, 175, 96 S.Ct. 2909, 2926 (1976)**(“[T]he furtherance of public morality is a legitimate state interest.”); **Williams v. Pryor, 240 F.3d 944, 949 (11th Cir. 2001).**

In Lofton, the Court fielded and rejected every conceivable legal claim to official recognition of same-sex relationships. **The Court held that a right of “privacy” does not equal a fundamental constitutional right to public sanction and official recognition.** (The Legislature and the People of Utah by democratic due process have amended the State Constitution to clearly and decisively make that same important distinction). Citing but distinguishing Lawrence v. Texas, 539 U.S. 558, 123 S.Ct. 2472 (2003), the Eleventh Circuit in Lofton stated that Lawrence created no new fundamental rights for homosexuals. (The Appellants in Lofton argued that Lawrence supported the right of homosexuals to adopt children). The Lofton Court emphasized that Lawrence “[did] not involve whether the government must give formal recognition to any relationship that homosexual persons seek to enter.” 358 F.3d at 817. The Court also emphasized that unlike Lawrence, the state action in the Lofton case was not criminal prohibition but rather grant of a statutory privilege (adoption).

[T]he asserted liberty interest is not the negative right to engage in private conduct without facing criminal sanctions, but the affirmative right to receive official and public recognition. Hence, we conclude that the Lawrence decision cannot be extrapolated to create a right to adopt for homosexual persons. Id. at 817.

The Federal Eleventh Circuit appropriately noted in Lofton that extreme caution is required “when asked to take sides in an ongoing public-policy debate such as the current one over the compatibility of homosexual conduct with the duties of adoptive parenthood.” Id. at 827. Noting that the state of Florida had made a determination that it is not in the best interest of its displaced children to be adopted by individuals who “engage in current voluntary homosexual activity” and having “found nothing in the Constitution that forbids this policy judgment,” the Court reasoned that the Legislature is the proper forum for that debate. Id. at 827. **As a model of judicial restraint, the Lofton Court concluded, “We do not sit as a super legislature to award by judicial decree what was not achievable by political consensus.” Id. at 827 (citing Thomasson v. Perry, 80 F.3d 915, 923 (4th Cir. 1996).** _

On April 30, 1789, George Washington took the oath of office as this nation's first President under the newly adopted Constitution. Swearing fidelity to his office, he instinctively added the words, "so help me God," to the prescribed oath. He then gently kissed the Bible on which his hand rested. Fast forward to the present day and the President still places his hand on the Bible to take the oath of office but is not as free to open the Bible and actually quote and follow it while striving to perform those same constitutional duties.

In the case of public debate over the issue of same sex marriage, what might we find if we included the Bible in our public discourse and deliberations?

"And the Lord spake unto Moses saying... Thou shalt not lie with mankind, as with womankind: it is an abomination." (Leviticus 18: 1, 22).

To the Romans in New Testament times, the Apostle Paul spoke against those who "changed the truth of God into a lie" and were "without natural affection" when "women did change the natural use into that which is against nature: And likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is unseemly." (Romans 1:24-31). In contrast, the Bible also declares that "marriage is honorable in all." (Hebrews 13:4). "So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, be fruitful, and multiply, and replenish the earth.... Therefore shall a man leave his father and his mother, and shall cleave unto his wife; and they shall be one flesh." (Genesis 1:27-28; 2:24). Jesus Christ recounted those same scriptural truths and then declared, "What therefore God hath joined together, let not man put asunder." (Matthew 19:6).

When such Biblical guidance is set aside, society must grope for authority to resolve moral questions. Too often, the dialogue results in naked pleas for "tolerance" of "different points of view" as if there is no such thing as fixed moral absolutes (truth) and all proposals are of equal validity. Society tends to congratulate itself for such "openness" but as the Catholic writer, G.K. Chesterton, noted more than 100 years ago, "tolerance is the virtue of people who do not believe in anything."²⁷

Only when God is removed from our public discourse and deliberations does confusion arise to the point that eternal truths are first declared to be "relative", then outdated and then discarded. Contrast that condition with the wisdom and leadership of President Abraham Lincoln. He invoked the Bible as a source of moral obligation and authority that bound the nation:

"In regard to this Great Book, I have but to say, it is the best gift God has given to man.

"All the good the Savior gave to the world was communicated through this book. *But for it we could not know right from wrong.* All things most desirable for man's welfare, here and hereafter, are to be found portrayed in it."²⁸

As long as America openly acknowledged the Bible and sought to ensure that our laws do not conflict with the laws of nature and the Creator, the issue of same sex marriage never even arose. Why then has it taken 200 years for this to become a question? Is that a sign of progress or decline? Did the sun just come up? Were our ancestors all misguided bigots and is society today simply more "enlightened"? I do not believe that is the case.

In the mist of the Civil War, President Abraham Lincoln overheard someone remark that he hoped

“the Lord was on the Union’s side.” Lincoln’s straightforward reply was: “I am not at all concerned about that for I know that the Lord is always on the side of the right. But it is my constant anxiety and prayer that I and this nation should be on the Lord’s side.”²⁹ Answering the question, “Are we on the Lord’s side?” is hard to do when God is dismissed from our public deliberations. Even so, it is foolishness to think that man can hide from the Creator and eternal truth. (See Psalms 139:7-12,17). That issue was settled in Eden. (Genesis 3:8-24). Do we really need to go back that far?

Given these conditions in our society today, Thomas Jefferson’s warning is all the more sobering. Engraved in the Jefferson memorial in Washington D.C. are these words spoken in 1781:

“God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God? That they are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just; that His justice cannot sleep forever.”³⁰

Abraham Lincoln quoted this warning from Thomas Jefferson while adding, “When a nation thus dared the Almighty every friend of that nation had cause to dread His wrath.”³¹

As the great emancipator, Lincoln argued passionately for equality and natural rights but never apart from the Bible, which he quoted and relied upon in tandem with the Declaration of Independence. When Stephen Douglas unconscionably tried to justify a moral wrong (slavery) by making it merely a matter of “popular sovereignty” or what the collective vote of the masses might tolerate, Lincoln would not let him transform such a fundamental moral issue into a mere political question. Lincoln warned that Douglas was “blowing out the moral lights around us.”³² The Republicans, said Lincoln, believed that Slavery was “a moral, a social and a political wrong” but the party of Douglas did not.³³ Thus, Lincoln pleaded,

“That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles—right and wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time; and will ever continue to struggle...”³⁴

The issue of what is right (and not merely politically palatable) is indeed the question and the “eternal struggle” rolls on.

The present activist agenda of an extremely small percentage of the population who are aided by random judges in a push to reverse generations of scripture based objections to same sex unions is surely a test of America’s continuing belief in and reliance upon the Bible and its decrees. President John Adams framed the issue perfectly. To Thomas Jefferson on June 20, 1815, he wrote: “The question for the human race is whether the God of nature shall govern the world by His own laws.”³⁵ Now, even public prayer and the Pledge of Allegiance with its acknowledgement of one nation “under God” (which Congress added by official act in 1954, 36 U.S.C.A. Section 172) are challenged as unconstitutional. Abstract equality apparently means unanimity to some to the point that minority instead of majority rule is, unfortunately, becoming the new reality in our country. In 1924, Will Rogers said Americans thought they were getting smarter because, “they’re letting lawyers instead of their conscience be their guide.”³⁶ Hopefully, that is not the case in our day and the American soul has not been so stilled or scarred that it cannot reassert itself and regain control of the moral direction of

our Country.

At a critical moment during the Constitutional Convention of 1787, the aged, wise and beloved Benjamin Franklin spoke to the body of delegates assembled in Philadelphia. He said:

“I have lived, Sir, a long time; and the longer I live, the more convincing proofs I see of this truth, that *God governs in the affairs of men*. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writings, that ‘except the Lord build the house, they labor in vain that build it.’ I firmly believe this; and I also believe that, without his concurring aid, we shall succeed in this political building no better than the builders of Babel...”³⁷

Like the misguided “builders of Babel”, any proposed “remodeling” of our constitutional law to construct a new “left wing” for an “alternative lifestyle” is contrary to the “sacred writings” to which Franklin referred. Those writings are still available to us today if we will accept and abide by their counsel. Without those “sacred writings,” contention and difficulty ensue when all that remains is human logic and reason. How illogical and unreasonable is that?

The true task of culture is not wandering expansion but rather principled selection and rejection. Out of all the thundering voices of the day, we must manage to hear a voice. “Out of all this awful and aching battle of blinding lights, without one shadow to give shape to them, we must manage somehow to trace and to track a star.”³⁸ The Proclamation does that and I am profoundly grateful for it.

It is a privilege to serve in the Utah House of Representatives. I am continually inspired by our historic state Capitol. At the foot of the marble stairs leading to the House Chamber, near the heroic bronze statue of Brigham Young, is a glass case holding a hand written copy of our state constitution as it was adopted in 1896. The Preamble is plainly visible for all to read and ponder: “Grateful to Almighty God for life and liberty, we the people of Utah, in order to secure and perpetuate the principles of free government, do ordain and establish this Constitution.” Every time we take a stand in defense of what we know to be the laws of the Creator, we reaffirm that founding expression of gratitude to Almighty God in our Constitution.

The Proclamation calls upon responsible citizens and officers in government to “promote those measures designed to maintain and strengthen the family as the fundamental unit of society.” Through its sound reliance on doctrinal principle and scriptural authority and issued many years before the recent outburst of liberal changes in our marriage laws, it stirs the “mystic chords of memory” and appeals to the “better angels of our nature.”³⁹ It is a clear statement of fixed eternal principles at a time when America is dangerously adrift from its original moorings.

Yes, we are a free people and we can have and do whatever we may choose with that freedom. However, our ancestors based their trust and confidence in the future of our country on the assumption that their posterity would remain virtuous and not abandon the “firm reliance on the protection of divine Providence”⁴⁰ that must forever anchor our independence as a nation. As John Adams declared, “Our constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.”⁴¹

History will record that during the first decade of the 21st Century, America’s morality and founding principles were sorely tried and tested. However, at the critical hour when the winds of radical change were felt from the east and the west and when traditional values were under attack, the record will also

show that Utah stood firm and passed the “precious inheritance” received from our forefathers to the succeeding generation “unimpaired.”⁴² When others trusted in a “golden calf,” we chose instead to follow and adhere to the “stone tablets” that have stood the test of time.

¹ Holmes, Justice Oliver Wendell, Jr. *The Path of the Law: 10 Harvard Law Review 457 (1897)*; Alschuler, Albert W. *Law Without Values: The Life, Work and Legacy of Justice Holmes* (Chicago: University of Chicago Press, 2001), p. 151.

² Kimball, Roger. *The Survival of Culture: “The Fortunes of Permanence”* (Chicago: Ivan R. Dee, Inc., 2002), p. 233.

³ Smith, Houston. *Why Religion Matters: The Fate of the Human Spirit in an Age of Disbelief* (New York: Harper Collins Publishers), p. 21.

⁴ Bennett, William J. *The Broken Hearth: Reversing the Moral Collapse of the American Family*, (New York: Doubleday, 2001), p. 10; Myers, David G. *The American Paradox: Spiritual Hunger in an Age of Plenty* (New Haven: Yale University Press, 2000), p. 40.

⁵ Bennett, p. 12; Myers, pp. 39, 49.

⁶ Bennett, pp. 12, 148; Myers, p. 68.

⁷ Bennett, pp. 13, 179.

⁸ Bennett, pp. 13, 179; Myers, p. 20.

⁹ Bennett, pp. 13, 76-77, 179.

¹⁰ Myers, p. 27.

¹¹ Bennett, p. 18.

¹² Myers, p. xi.

¹³ Myers, pp. 6-7.

¹⁴ Contrary to what most citizens have been conditioned to believe, the phrase “separation of church and state” is not found in the Constitution. It comes from an exchange of letters in 1802 between President Thomas Jefferson and the Baptist Association of Danbury, Connecticut. The concern at the time was to prevent the federal establishment of an official state church or national religious denomination. The Baptist Association sent a letter of praise to President Jefferson, commending him for his defense of the principle of freedom of religion. Jefferson replied:

“Believing with you that religion is a matter that lies solely between man and his God; that he owes account to none other for his faith or his worship; that the legislative powers of government reach actions only and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should ‘make no law respecting an establishment of religion or prohibiting the free exercise thereof,’ thus building a wall of separation between Church and State.” (Emphasis added). See, Barton, David. *Original Intent: The Courts, the Constitution, & Religion* (Aledo: WallBuilder Press, 2000), pp. 45-46.

In 1947, in Everson v. Board of Education, the U.S. Supreme Court dusted off this metaphor of a “wall of separation between Church and State” and began misapplying it to strike down religious activities and expressions, which had been constitutional for the previous 150 years. (Barton, p.13). The metaphor of a “wall of separation” was not an original expression of Jefferson. It is a paraphrase of what the Baptist Minister, Roger Williams, had said many years before. Williams used a metaphor of “the garden and the wilderness.” As explained by Yale Law Professor, Stephen L. Carter:

“[T]he garden was the domain of the church, the gentle, fragile region where the people of God would congregate and try to build lives around the Divine Word. The wilderness was the world

lying beyond the garden wall, uncivilized and potentially quite threatening to the garden. The wall separated the two, and the reason for the wall was not that the wilderness needed protection from the garden—the wall was there to protect the garden from the wilderness...”

“[I]t was the responsibility [of] the wilderness to stay out of the garden—not the other way around...The religion clause of the First Amendment is designed to limit what the state can do, not what the church can do...[The purpose of the wall was] not to keep the faithful in, but to keep the world out...We have turned poor Roger Williams inside out. The wall of separation is no longer for the protection of the people of the garden; it is for the protection of the people of the wilderness...The metaphor...has been inverted...So the wall of separation turns out to be not a garden wall but a prison wall, surrounding the church to keep the people of the garden inside, with barbed-wire escarpments, angled inward, lest the religious try to clamber over...”

Carter, Stephen L. *God's Name in Vain: The Wrongs and Rights of Religion in Politics* (New York: Basic Books, 2000), pp. 75-81.

Chief Justice William Rehnquist described the phrase “wall of separation between church and state” as a “misleading metaphor,” which should be “frankly and explicitly abandoned” (Barton, pp. 20, 43-48) but it is hard to reverse the damage that has already been done and the extent to which it has become ingrained in our modern culture that the voice of religion is unwelcome and somehow inappropriate when moral issues are being publicly debated in this Country.

- 15 Stone, Lawrence. *Family Values in a Historical Perspective: The Tanner Lectures on Human Values* (Delivered at Harvard University, November 1994), p.110.
- 16 Needleman, Jacob. *The American Soul: Rediscovering the Wisdom of the Founders* (New York: Penguin Group, 2003), p. 20.
- 17 Bork, Robert H. *The Survival of Culture: “Adversary Jurisprudence”* (Chicago: Ivan R. Dee, Inc, 2002), p. 222.
- 18 Statement by the First Presidency of the Church of Jesus Christ of Latter-day Saints, October 19, 2004.
- 19 Federer, William J. *America's God and Country* (Coppell: FAME Publishing, Inc.), p. 52.
- 20 Hunt, John Gabriel. *The Inaugural Address of the Presidents: From George Washington to George W. Bush* (New York: Gramercy Books, Random House, Inc., 2003), p. 428.
- 21 *Goodridge v. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003), pp. 312, 334, 337, 339, 343.
- 22 *Goodridge v. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003), pp. 356.
- 23 *Goodridge v. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003), pp. 370.
- 24 *Goodridge v. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003), pp. 370.
- 25 *Goodridge v. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003), pp. 374.
- 26 *Goodridge v. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003), pp. 352, 353, 365, 381.
- 27 Bennett, William J. *The Death of Outrage: Bill Clinton and the Assault on American Ideals* (New York: The Free Press, 1998), p. 122.
- 28 Fornieri, Joseph R. *Abraham Lincoln's Political Faith* (DeKalb: Northern Illinois University Press, 2003), p. 35; Miller, William Lee. *Lincoln's Virtues: An Ethical Biography* (New York: Alfred A. Knopf, 2002), pp. 83-84.
- 29 Federer, William J. *America's God and Country* (Coppell: FAME Publishing, Inc.), pp. 387-388; Hill, John Wesley, *Abraham Lincoln – Man of God* (New York: G.P. Putnam's Son's, 1920), p. 330.
- 30 Fornieri, Joseph R. *Abraham Lincoln's Political Faith* (DeKalb: Northern Illinois University Press, 2003), p. 32.

- ³¹ Fornieri, Joseph R. *Abraham Lincoln's Political Faith* (DeKalb: Northern Illinois University Press, 2003), p. 33.
- ³² Johannsen, Robert W. *The Lincoln Douglas Debates of 1858* (New York: Oxford University Press, Inc., 1965), p. 233.
- ³³ Donald, David Herbert. *Lincoln* (London: Jonathan Cape, 1995), p. 223.
- ³⁴ Donald, David Herbert. *Lincoln* (London: Jonathan Cape, 1995), p. 224.
- ³⁵ Federer, William J. *America's God and Country* (Coppell: FAME Publishing, Inc.), p. 13
- ³⁶ Will, George. *The Law vs. Good Sense* (Jewish World Review, June 3, 2002).
- ³⁷ Eidsmoe, John *Christianity and the Constitution: The Faith of Our Founding Fathers* (Grand Rapids: Baker Book House Company, 1987), p. 208.
- ³⁸ Chesterton, G.K. *What's Wrong with the World* (San Francisco: Ignatius Press, 1994), pp. 154-155.
- ³⁹ Hunt, John Gabriel. *The Inaugural Address of the Presidents: From George Washington to George W. Bush* (New York: Gramercy Books, Random House, Inc., 2003), p. 197.
- ⁴⁰ Declaration of Independence
- ⁴¹ Eidsmoe, John *Christianity and the Constitution: The Faith of Our Founding Fathers* (Grand Rapids: Baker Book House Company, 1987), p. 292; John Adams, *Thoughts on Government*; quoted in John R. Howe, Jr., *The Changing Political Thought of John Adams* (Princeton: Princeton University Press), p. 384.