

#2 THE 14TH AMENDMENT: MIDWAY

Elder ParminderBiant

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In the first presentation, we spoke about a person from the LGBT community, and how they grappled in 2005, how they grappled with the amendment to the Kansas constitution. The reason why they were personally affected, they and their family, was because to amend the constitution in Kansas, you have to have a referendum. We discussed the reason for this amendment. In the opinion of Elder Parminder, the Kansas government is backwards, a regressive government. Regressive is opposite of progressive.

They already had a long standing ban on same sex marriage. This law was now going to be challenged. So, in order to preempt the attack upon the law, the government of Kansas want to amend the constitution because the constitution, either at the state level or the federal level, is the highest authority. You can't go to court and challenge the constitution. The constitution is untouchable. It may not be above reproach but it's above attack. All you can do is make amendments which is never easy to do; 27 amendments from 11,000 applications.

The 14th Amendment is the longest and possibly the most important amendment of all the 27 amendments. It addresses many aspects of a person's rights as they interact with the government. What is important about this amendment is that it clarifies that this interaction between the individual and the government is both at the state level and the federal level.

The Bill of Rights, the first 10 amendments, the way it was viewed by the Supreme Court, it was viewed only as a federal amendment. Prior to the 14th Amendment, when the Supreme Court took on a case, they would only consider the Bill of Rights to be only at the federal level and not at the state level. This amendment clarified that. So now, all of the amendments would now have to be applied to both the federal and the state level. This is very significant.

There are various aspects to this amendment. The amendment is a tool that you can use to defend yourself. The one that is most frequently litigated, this portion of the amendment that is most often used, is the one most useful for the people. It is the equal protection under the law. Five Supreme Court cases were mentioned that used the 14th Amendment: Brown v. the Board of Education, Roe v. Wade, Bush v. Gore, Reed v. Reed, and UC v. Bakke. Most of us probably familiar with the first three because they have been widely publicized, but perhaps not so much with the last two.

Reed v. Reed is a husband versus a wife. Their young son dies, and they have to decide who will take care of the child's estate. So the mother made an application to the court wanting to be the executor of her son's estate. The father, the husband, does the same. The father and the mother are now fighting in court over who will administer their son's estate. They go through the probate court. The mother loses the case because in the statute books, that if both parties are equally able to do the job, (the obvious thing to do would be to see who would be most qualified to do this job), the law says that without even checking, the man would always win.

She appealed and went to a higher, a district court. The district court reverses the case, the wife wins, and she will be the executor. The State Supreme Court took this case, and they checked it, and they reverse the decision and awarded the case to the husband because that is what the law said. The following reason is that if you have a man and a woman who are equally capable, the man wins because it will cost less, saving the court some money. Then, it went to the Federal Supreme Court, and the case was overturned again, awarding the case back to the mother.

UC v. Bakke was actually a white male who took the UC to court. He felt that he was unfairly treated, and he won his case.

The 14th Amendment contains number of important concepts. It applies to the states as well as to the federal government. 1) Privileges and immunities. 2) Citizenship. 3) Due Process. 4) Equal protection under the law. This is all in section one. Section two deals with how you appoint representatives to the congress. This dealt with the 3/5 rule or law that they had previously. Section three forbids anybody who was involved in the insurrection or rebellion against the United

States from holding office. That was targeted for all the important people from the confederacy from the southern states.

Section four deals with the debts and the liabilities that the confederacy had. The government won't pay for their debts. Section five says that the federal government has to enforce this amendment. Passed in 1866 and ratified in 1868. It is sandwiched between the 13th and the 15th Amendments. This is midway between the 13th and the 15th Amendment. The 13th Amendment is about slavery. Basically, it says that you cannot have slavery except imprisonment. This was passed in 1865. The 15th Amendment is basically about voting. A citizen of the USA would be able to vote and cannot be denied on any grounds. This was passed in 1870.

So, the 13th abolishes slavery, the 14th gives you equal protection under the law, and the 15th says that everyone can vote. But, not really everybody; only the male variety can vote. When we talk about the equal protection under the law, section 2 of the 14th Amendment, this is dealing with how they are going to work out with the numbers, "the members of the legislature thereof is denied to any of the male inhabitants of such a state and they have to be 21 years of age or over." You can see that it explicitly says in the section two of the amendment that it has to do with male, anyone who is of a male inhabitant. So, it's all about men.

We have dealt with the 13th, the 14th, and the 15th Amendments. We have to jump to the 19th Amendment which is ratified in 1920, and now, anyone can vote. Men or women. It takes from the 14th Amendment to the 19th Amendment before women can vote. So, now the 19th undoes this portion of the 14th. The 14th Amendment also says that you have to be 21 years or older in order to vote. Then it takes them to the 26th Amendment for them to change that. It changes the age from 21 to 18.

In section two it says male inhabitants, and when it says male inhabitants, it means that only men can go to congress. Only men. It's not about just voting. Then towards the very end of section two, it says, "which the number of such male citizens shall bear to the whole number of male citizens." So, the first part spoke about you have to be a male who is 21 years or older to go to congress. They fix first part of that in 1920. They fix the second part of that in 1971. In

section two after that says that only men who are older than 21 are allowed to vote.

If you look at section two, it says “whole number of men.” The “whole” is the attack of the 3/5 law; black people are worth 60% of white people. This is a racist issue, but don't be confused what the 60% is all about.

The 14th Amendment is cited in more court cases than any other amendment in the dispensation in which we live. Whenever you get a case that is seeking to end discrimination, when it's based on race, religion, gender, sexual orientation, or any other status, the 14th Amendment has a long history of litigation because it traces the struggle of civil and legal rights of all Americans.

Roe v. Wade is currently under attack. This is about reproductive rights. Thus far, there is no court cases under way at the Federal Supreme Court level. This is another tactic that the right wing evangelical uses. They might not be fraudulent laws but they are flippant laws.

Fraudulent means false or untrue laws; fake laws. Flippant means they are making a joke out of it or do something silly. There are currently flippant laws; cheeky laws. These are state laws, laws at the state level. These laws are very extreme against the reproductive rights. These laws are meant to be baits in order to attract attention. These laws are extreme because they want to bait people who promote civil liberties or civil rights. What they want is they want these cases to go to the Supreme Court.

When it comes to the women's reproductive rights many government at the state level are making extreme laws which are silly laws. They are doing that to provoke a reaction. The only recourse for sensible people to do is to take the government to court. If the government loses the case, then they will appeal to the Supreme Court.

We have identified two tactics that these people on the right use. First, amend the constitution. Second, make extreme laws to bait people to end up taking these cases to the Supreme Court. Why is it happening now and not before. Because they know that the former President Trump has left a legacy. The current Supreme Court, when you look at the numbers, it is now a right wing court. It is conservative more than it is liberal.

So their hope is if you get a case that deals with the women's reproductive rights, we're talking about the issue of abortion, abortion rights, (our movement has not yet made a public position on this subject) but because it's in the public consciousness, because the time frame which is happening, because of the way it occurred, you know that it is an issue of Bible prophecy and therefore, you have to have an opinion on this. You may not have it today but you will have to have an opinion on this. For many Christians, this is a very difficult subject to grapple with. You are required to do this. You cannot escape this question, this issue.

Section one of the 14th Amendment, when it says privileges and immunities, it means the following: The federal government has given you certain privileges, i.e. anybody can vote, whether you are a black person in the southern states, you now have the privilege to vote. Second word is immunity. If those southern states write a law prohibiting you to vote, it means that you are immune to their laws. The federal government gives you certain privileges and you are immune to state interference.

Due process, you have access to the law, both at the federal and the state level. We have spoken about equal protection. We have spoken about how you send people to congress. Initially, only males 21 and over can vote or get into congress. It took a long time for this to change. Eventually, the voting age drops down to 18, and now women can also vote.

So, we're in 2005, and all the residents of Kansas are asking themselves this question. Remember that back in 2005, society is ill equipped when it comes to what language and what words to use about the LGBT community. So they use very simplistic language, not all encompassing. So, when it comes to same sex marriage, people are going to use the word homosexual. They won't include the term lesbians. That in itself is sexist. The person is a homosexual so he is speaking from his own perspective.

So, everybody is asking themselves, is it not discrimination to vote for this amendment against homosexuals. In many of those conversations that people were having, when we say people, we want to focus on Christians. The Bible belt: if you think about the geography of USA, there's a band that goes right across the middle of America which is known as the Bible belt. It's basically where Evangelical Christianity rules. All the north is the liberal democrats, and the south

is the conservative republicans. The pagans to the north; the Christians to the south.

Kansas is part of that Bible belt. So, these are the thoughts and perspectives of that person. Many of these Christians are decent, hard-working, nice people, good and wholesome. Many of these Christians believe that the LGBTQ people should be treated equally. They should be treated fairly under the law. Their sexual orientation should not be a hindrance for them to be progressing through life. That is their stated position. They would say of themselves that they are reasonable people. Live and let live.

But there is a sticking point and that is about marriage, because marriage wasn't created by humans according to their perspective. So we're going to look at this from their perspective and not our own perspective. We need to decide where our beliefs lie; where you agree with them and where you disagree with them.

So, these Christians will afford the LGBTQ people all their rights. But, when it comes to marriage, it's now different because marriage is from God. When you check the Bible out, it tell you clearly. Go to Genesis chapters one and two. God created Adam and Eve, a man and a women, and married them. You can close the Bible because that's all you need to say on that subject. It's an open and shut case, they would say.

So, in Kansas, all these Christians are sympathetic to these LGBTQ people. They want to help them. But on this issue, they've gone too far. Same sex marriage. Now they are asked to vote on this, and many of the Christians say that this has to be banned. We're sorry, but we have to do our duty. Their duty to whom? Defenders of what? All for God's glory. The way this begins to be framed is that the LGBTQ community is tolerated, not accepted but tolerated. And they think that we, Christians, will not grant the LGBTQ people to be allowed to get married.

First, they say, we're liberal. We're open in our acceptance of these people. Then you realize that they are only putting up with these people and only tolerating them. And now these people, the heterosexual people, are going to grant or not grant LGBTQ people whether they can marry or not. Like they are doing them a favor.

So, after discussing the 14th Amendment, where are we in our thinking? These are the issues that A.T. Jones had to deal with. For him, it wasn't marriage. It was the Sabbath. The issue, however, was the same. He said people or government can't grant you anything. Why? Because it's your inalienable right that is at stake. You can't grant people the right to marriage or not. The majority is not allowed to tolerate the minority.

The issue that we're facing today about gender rights are the same issues that A.T. Jones dealt with; Elder Tess would call it step number two, Cane, the issue of worship. When he is dealing with worship, we're now dealing with gender rights. Upon the testimony of two a thing is established, so you know that the issue of the rights about race are also the same issue. So, whether it's about worship, race, gender, slavery, it's all the same issues.

In closing, we must ask ourselves this question. Do you accept people or do you tolerate them? Do you have the right to grant or not grant to people certain freedoms. All this deals with a person's inalienable rights, which means God given rights. In the future, we will be discussing more about the issues that this person has to go through.

Pray: Heavenly Father, we thank you. As we consider the wisdom of humans in devising good laws, but also our foolishness and our weakness, when we think it's okay to enslave people because of their skin color, their beliefs, or their gender, help each of us to understand what is going through our hearts and our minds. We can all speak freely; talk is cheap. But it has to do with our actions. Help us to continue to examine ourselves in this critical moment in earth's history, in our personal history, in our movement's history, so that we can be sure that we're standing on the right side of the truth. In Jesus' name. Amen.