

- Denmark '1st' NYC recognizes gay couples
- Sullivan TNR
- Const. Argument for Gay Marriage
- CA State Bar Assoc.
- Matthias Freihof Film "Coming Out" 11/9

- 1) Name
- 2) No state recognizes S-S Marriage for other states/
- 3) Federal Gov. Does not recognize gay marriages

Supreme Court accepts Windsor case

Windsor v. USA

Obergefell v. Hodges

### #3 Gay Marriage, the Fight Continues Elder Tess Aug 26, 2021

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

3) In the first presentation of yesterday 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.

4) 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.

5) So that was my excuse for spending 90% of this camp-meeting 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.

6) So with that introduction we move to our reform line.

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. It wasn't until 1989 that the fight really began for gay marriage, and that can be seen inside and outside the United States.

7) Outside with Denmark - the first country in the world to legalize same sex unions. 4) Registered partnerships not same sex marriage. It gave some protections, but it was not comprehensive.

8) REFORM LINE

9) Then within the United States there was a few key events, one in New York City and one in California, and an article by Andrew Sullivan in *The New Republic*, titled *A Conservative Case for Gay Marriage*.

10) REFORM LINE

11) Then we moved to Germany and saw that as the Berlin Wall was falling a short walk away, 12) the first Gay themed film of East Germany was having its double premiere, titled *Coming Out*.

13 REFORM LINE) That is recognized as a turning point even separately to the significance of the date. 16) Some articles I read on the subject said it was a queer night referencing the meaning very peculiar but also using a word that can be offensive to homosexuals.

15) So it became a mainstream subject in 1989.

16) 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."

17 ) REFORM LINE And all the other states fall into a panic.

18) Baehr v LEWIN (Wikipedia quote) **Lambda** Legal Defense entered this case seeking marriage equality as an amicus in 1993 before Hawaii's highest court. (Lambda Case file)

19) LAMBDA definition

20) 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.

21) 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. So, **Statement Two of DOMA** says, "if the state allows gay marriage then none of the other states acknowledge that marriage, and part three, **Statement Three** says, "the Federal Government does not acknowledge that marriage." So while they cannot control another state, they can isolate what that state does.

22) REFORM LINE

23) 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 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.

24) REFORM LINE We'll move on to 2001.

So 1989 was the first country in the world to legalize registered partnerships, or civil partnerships. 2001 was the first country in the world to legalize gay marriage. This was Denmark this was the Netherlands.

25) The Netherlands became the first country in the world to legalize gay marriage. Even before it got to the Netherlands, the first gay marriages in modern times occurred in Canada on the fourteenth of January. It just took two years for that to be held up in court.



26) REFORM LINE So they became in 2003, they had been the first legal same sex marriages, but it was the Netherlands that legalized it in 2001. And while some countries are legalizing gay marriage, Arkansas finally decided to decriminalize homosexuality itself.

27) So up until 2001 it was illegal to be homosexual in Arkansas. So it's progress. I mention Arkansas, because it continually comes up in prophecy. I'll remind you that AT Jones said the SL would start in the State of Arkansas.

28 REFORM LINE) So 1989 the first country was registered for civil partnerships, 2001 the first country with gay marriage, 2004, which I'll remind you is a waymark - just not one of our primary ones.

Massachusetts became the first US state and the sixth jurisdiction in the world to legalize same-sex marriage. Other cities and other states started to hand out marriage licenses, especially in California, but the state hadn't legalized it. So without going into the messy legalities it was just War. States knew they couldn't control what another state did, but now DOMA wasn't enough. Now they were afraid of it spreading to their state. Because finally one of the fifty states had taken a step.

29) 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.

30 REFORM LINE) We come to 2009. So now before we go to 2009, I want to touch on 2012 and then we'll come back to 2009 and tell just one story, but 2012 was a singular event. Now this is in the document of quotes, so I hope people can find that under 2009.

31) 2012 was an election year, which means the Republican National Convention met and the Democratic National Convention met. In 2012 for the first time, both political parties stated their position clearly. You'll remember back here (pointing to **DOMA** on the board) that the Republican Party stated their position but the Democratic Party said nothing.

32) 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.

33) Picture 1 man + 1 woman



34) 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.

35) It shouldn't surprise us that this is two opposing views of the constitution - a war over the constitution.

36) 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.



37 REFORM LINE) I think that's a type of formalization (pointing to a waymark on the board that will be 2009). But I want to come back to 2009 and trace the story. Before we get to the story September 15, 2009 three democratic members of congress introduced legislation, and what they were fighting to do was to abolish **DOMA** and they would establish it by introducing a new act.

38) REFORM LINE) Democrat and Republican parties state their position (Board placement '12). 2009 the Democrat Party starts to fight **DOMA**. They've put together legislation called the 'Respect for Marriage Act.' And this is an attempt to repeal DOMA by replacing it instead of a defense of marriage a respect for marriage. It had 91 co-sponsors in the House of Representatives and among them was quite a few legislatures who had voted for DOMA at the time including Bill Clinton. So he's fighting now to take down his own act.

39) The Respect for Marriage Act was never passed. We will explain why, because something else happened in 2009.

40) I want to introduce you to a couple called Edie Windsor and Thea Spyer.



These were two lesbian women living in New York City.

41) They'd lived as a couple in New York City, by this time, for 44 years. They had been



## Love Through the Years

engaged for 40 of those years, almost half a century. And then in Canada in 2007 they had been married, and after a 44 year relationship in 2009 Thea passed away.

42) Back to the document. This is from *The American Civil Liberties* 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.”

43 REFORM LINE) So the state of New York recognized their marriage, but because of DOMA - Act Three, Section Three, the Federal Government did not, and the taxing of the states comes through the Federal Government.

44) So after a 44 year relationship and a 40 year engagement Thea Spyer left her inheritance to her wife Edie. But the Federal Government said, “You’re not married.” So as though they were strangers Edie was supposed to pay taxes on that inheritance, and it was a significant inheritance.

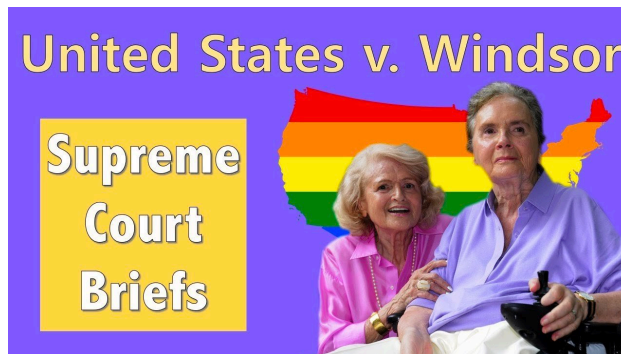
45 REFORM LINE) So in 2009 Thea Spyer died, and in 2012 Edie Windsor took the Federal Government to court. It had been to court and now she takes it to the Supreme Court, and this became Windsor v. USA. The Supreme Court accepts the case in 2012, but it’s in 2013 that they decide on the case.

46) Quoting from the document.

“**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 a unions are legal. There are more than one thousand federal benefits and preferences.”

47) Picture Slide) The case before the court was illustrative.



48) 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.”

49) In 2012 it was taken up by the Supreme Court and they passed down their ruling in June of 2013. A five to four 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.

50 REFORM LINE) **Section Three** of **DOMA** was unenforceable any longer, but you'll notice this is a 5-4 decision.

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

52) We mark 2014 -

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

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



**54) EVAN HOROWITZ**

## **2014 was a pivotal year for same-sex marriage**

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

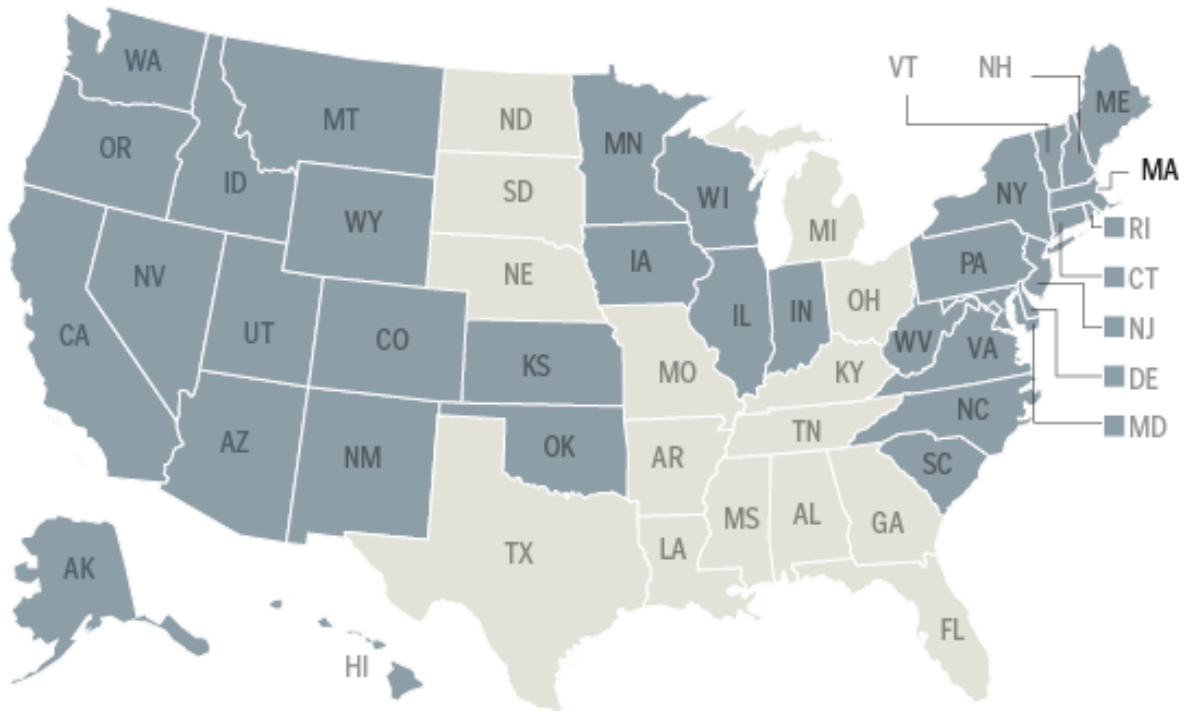
A year ago, only about a third of Americans lived in states that permitted same-sex marriage. Today, nearly **65 percent of Americans** do, making 2014 perhaps the biggest turning point in the history of same-sex marriage in the United States.

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



### 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.

### 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.

A split like this in the lower court **greatly increases the likelihood** that the Supreme Court will decide to rule on the constitutionality of same-sex marriage — possibly as early as this coming spring. While it's impossible to say with any certainty how the court will rule, same-sex marriage advocates are optimistic. So much so that they're actually pressing the court to intervene now (not least of all because a single new justice could upend the current balance).

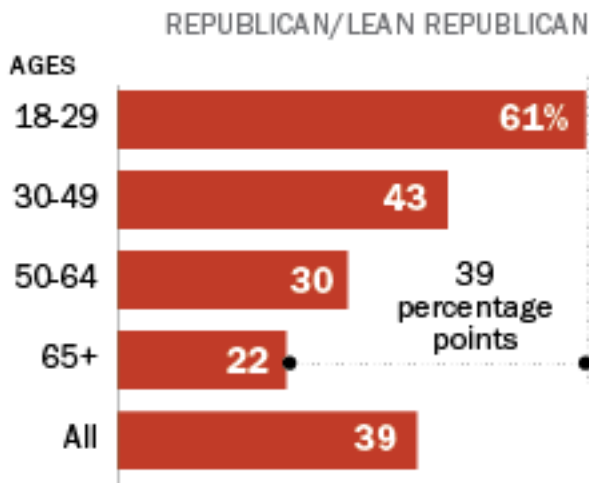
### What about public opinion?

Public opinion has been shifting in favor of same-sex marriage since about 2009, and this year was no exception. The number of Americans supporting same-sex marriage **crossed 50 percent** last year and reached 54 percent this year.

It's not just Democrats who support gay marriage, it's also **younger Republicans**.

## Most Young Republicans Favor Same-Sex Marriage

*Percent who favor allowing gays and lesbians to marry legally*



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### 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.

\*End of article\*

54) E Tess:

“A year ago only about a third of Americans lived in states that permitted same-sex marriage. Today nearly 65% 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. Massachusetts was the first state to allow same-sex marriage. In ten 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.”

55) 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.

56) Show REFORM LINE showing 18 states and 65%

57) Continuing to read: “What drove this year’s expansion of same-sex marriage? In a streak of victories in federal courts, and especially in the appellate court 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 no uncommon. Sometimes lower courts might 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 maybe because there was no dispute for them to resolve . The pro-marriage side had won every case.”

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.*”

58) 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:

59) “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.”

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.

Slide 60) Picture I just LOVE this...some said stay calm while this gets worked out! Keep the faith and keep on marrying. Love will have it's say!



Slide 61) “As pivotal as 2014 has been in the history of Gay Marriage, 2015 maybe 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 entrenchment to 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.

62) 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.



63) So John Arthur and 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.

64) REFORM LINE So by this time period, (pointing to board from the WAR waymark through their experience) they've been together for about 20 years.

65) But there was one problem in 2013, when 'I believe it was Jim obergefell' leant over as 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's no way they'd be able to put him on a regular flight either. He was not a well man.

66) 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.

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

Continuing to read:

68) "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.

69) 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.”

70) 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 .”

71) Now he was not the only case, that it was not just him v. the Supreme Court. There was 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.

*And finishing that article by the Washington Post:*

72) “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.’”

73 REFORM LINE) We know what that 2015 court decision was. (*Pointing to the board*) This was June 2013 (Windsor v. USA) this was 2015 (Obergefell v. Hodges).

74) “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.”

75) (*E Tess then wipes out both Sections One and Two of DOMA to clearly demonstrate that it was deemed unconstitutional.*)

76) SLIDE PIC OF OBERGEFELL V. HODGES



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. [Wikipedia Date decided: June 26, 2015](#)

77) The Respect for Marriage Act was never passed because in the end it never needed to be. (*E Tess then wipes away RFMA on the board*).

78 REFORM LINE )Because one lesbian couple, Edie Windsor and Thea Spyer, the surviving spouse, took down Section Three of DOMA. And in 2015, one homosexual couple, Tim Obergefell and John Arthur, took down Section Two of DOMA. And while it might exist on the books it's superseded and unenforceable.

2013, 2015. A lesbian couple, a homosexual couple. Both in committed relationships. One for about twenty, one for about forty-four. Both committed.

John Arthur asked Jim Obergefell to remarry after he died. He still says he can't do it.

These two couples from '13 and '15 took down Section Two and Section Three. As we said, Section One has no meaning.

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

80)The Supreme Court stepped in and decided.



81) Love has won!



Vin Testa celebrated Friday 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.

Credit...

Zach Gibson/The New York Times

82) 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.

83) 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.

84) 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 was seen from 2015, '16 to now has just been a response to this fight.

85) 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.

86) Do you ever have 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 they keep moving the argument. It becomes childish. It becomes really self-harm. If I can't win on this point 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, just lay on your back and say, 'Well I'm not going anywhere even if it's good for me.'

87) 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.

[I'll review before we close. Actually we'll close now and I'll come back and review.]

88) If you 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. Pray this in Jesus' name. AMEN