

# LIBERTY TREE

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## To be, or not to be, Married



By Dick Greb

(by  
government)

Last month I wrote about the injustice that occurs whenever government exercises any power that favors one individual, or group of individuals, over any others, and how the powers granted by the Constitution are such as can be exercised by a common agent to the equal benefit of all its principals. This month, I'd like to follow up on that thread by taking a look at another situation where altering this foundational principle of a free government works to oppress the people — often just a minority at the beginning, but in the end, every one of us.

An issue generating quite a bit of discussion these days is so-called “gay marriages.” On the one hand is a group of citizens who believe that God condemns homosexuality as an abomination<sup>1</sup> and has established the institution of marriage as one man and one woman.<sup>2</sup> Wanting to uphold these biblical principles, this group opposes gay marriages. On the other hand, a different

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1. “Thou shalt not lie with mankind, as with womankind: it is an abomination.” *Leviticus 18:2*
2. “And he answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female, And said, for this cause shall a man leave father and mother, and shall cleave to his wife; and they twain shall be one flesh? Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder.” *Matthew 20:4-6*

## What's new at LWRN?



This month, LWRN will roll out some “apps” for Android and iPhones. This means listeners will be able to listen everywhere to the LWRN live stream by simply downloading the free LWRN application and choosing the icon on their phones.

As various participants in Occupy Wall Street are interviewed by the media, it is clear that many hope for more-and-bigger government (primarily regulations and taxes) to rein in the “1%.” Education on the limits of the Constitution and the consequences of straying from that supreme law is needed now more than ever. To that end, LWRN welcomes hosts Randy Stufflebeam and Dan Sheridan this

month. Co-hosting “Constitutionally Correct,” airing from 7-8 PM EST Monday through Friday, Randy and Dan will compare issues in the news to the measuring stick of the Constitution. They will be looking at the founding documents to explain just what the founders meant, and interviewing constitutional experts and others to educate Americans on their constitutional heritage.

Randy “Constitutional Evangelist” Stufflebeam retired from the Marines after 22 years. Shortly after retiring in 2003, Randy became aware of the betrayal of his honorable service to “protect and defend the Constitution against all enemies, foreign and domestic” by the very government that hired him. Since then,

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**Editor's note:** Last issue, we began to explore the new IRS rules which force tax preparers to become licensed. Next month, we plan to examine how the IRS has bent the laws to achieve its aims.



Because governments convey an array of “legal rights,” *i.e.*, *benefits*, to married couples, homosexuals are envious and say they are treated unfairly when denied those benefits. They understandably desire to relieve this injustice by acquiring for themselves the government-derived benefits which accompany government-sanctioned marriage.

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group of citizens, either not believing these biblical principles, or not caring that they are violating them, want the “right” to marry someone of the same sex. When you look at the situation in this context, it should be easy to see that whether gay marriages are allowed or disallowed, one of these groups will be favored over the other.

So, a quandary exists. No matter how the issue gets resolved, it appears that the fiduciary duty our common agent owes to *each and every one of us* will be breached with respect to at least *some of us*. And yet, there is quite a simple answer to this dilemma — our common agent should not resolve the issue. In fact, it should not be involved in any way whatsoever.

**C**ertainly, the Constitution doesn’t grant any authority to the federal government to establish rules for marriage, so any interference by it with respect to this issue would be illegitimate. But there are those who want to remedy that, by ratifying an amendment to the Constitution that mandates the biblical institution of marriage as one man and one woman. In other words, they want to subvert our form of government by altering the fundamental principle of a common agent with an equal duty to all. They want the supreme law of the land to promote their interests over the interests of others with whom they disagree. And of course the danger of such a subversive idea is that once it takes hold, no person can ever be secure in their rights; because while there are very few ways that a common agent can

equally promote the interests of everyone, the number of ways that it can promote one’s interests over another are utterly without limit. The fighting over control of the machinations of government so that one’s own interests will be promoted would never end — exactly what we see today, because we have already started down that path.

The same rationale applies to the state governments, which after all are founded in the same principle of a common agent. Therefore, the same quandary exists at that level, and the states should likewise refrain from getting involved in this issue, since they also can not resolve it without favoring one group over another.

**B**ut, if neither the states nor the federal government can rightfully decide this issue of gay marriages, then what is to be done about it? And so we come to the real point that underlies this issue — that is, what business is it of government at any level whether or not people are *married*? Any instance where a

distinction is made in the law between married and unmarried individuals, one or the other’s interests must be subverted. Indeed, if it were not so, then no such distinction would need to be made in the first place. And any such subversion of one individual’s interests, being a breach of the equal fiduciary duty owed him by the government, is nothing less than — as Bastiat termed it — *legalized plunder*. One form of such plunder that immediately comes to mind is the different income tax rates imposed on married and unmarried individuals. And yet, while that may be the most obvious, it is just one example.

Any inequality that exists as a function of the law naturally causes those against whom it exists to attempt to relieve the injustice.<sup>3</sup> In the case of gay marriages, because of an array of “legal rights” which government confers on married couples, homosexuals believe they are being discriminated against by being denied those same “rights.”<sup>4</sup> However, “legal rights” are not the same as God-given rights. Rather, they are called “legal rights” precisely because they exist only as a function of legislative action. A couple of these “legal rights,” according to the web site arguing for the “legal right” of same-sex marriages, are the right to collect Social Security survivor’s benefits and the right not to have to testify against a spouse in court.

To start, since the entire Social Security program is nothing but an unconstitutional Ponzi scheme, the government has no power to distribute such benefits, nor

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3. Unfortunately, it seems the oppressed too often would rather become the oppressor, so to speak, than to merely eliminate the inequality. They seek to reverse the situation so they become the favored, instead of getting rid of favoritism altogether.

4. See, for example: <http://arguingequality.org/chapter1.htm>

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can anybody have a legitimate right to receive them. So, government creates the problem by violating the Constitution, and distributing to some that which it has no right to take from others in the first place. But rather than fixing the problem by stopping the violation, the inequality is instead used as justification to expand the scope of the distribution, making the violation even worse.

**A**nd with respect to the right not to have to testify against a spouse in court, I would direct your attention to my article in the April 2010 Liberty Tree, entitled "An absolute right to remain silent." There I explained how forcing anyone to testify at any time and for any reason violates our right to remain silent. Thus, once again government created the problem by violating our God-given rights in compelling us to testify against our interests in the first instance.<sup>5</sup>

In both of these examples, if the unconstitutional government action were eliminated, the corresponding incentive for gays to marry would likewise be eliminated. And so it is with many more of the reasons given to justify allowing gay marriages. In fact, if all of the inequalities introduced by legislation favoring either married or unmarried individuals were eliminated, then every legal incentive for *any* couple to marry would be eliminated. With governments in the form of common agents, any other situation necessarily involves a breach of the fiduciary duty owed to some individual or group. And with the legal incentives removed, you are left with the incentives that should really matter — love and commitment, the desire to start a family, etc.

Some may argue that gay marriages would undermine the biblical institution of marriage, but I disagree. Marriage, as ordained by God, cannot be changed by the acts of man. That biblical institution will always serve as the standard by which we are to measure ourselves, just like the Ten Commandments do. The commandment against adultery is not undermined because we engage in extra-marital sex, any more than the biblical institution of marriage is undermined because we get divorced.<sup>6</sup> Those standards are un-

5. Naturally, in situations where it would be in our interest to testify, no compulsion would be necessary.

6. "And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery; and whoso marrieth her which is put away doth commit adultery." *Matthew 20:9*

tainted by our failures to live up to them. That being the case with heterosexual couples who actually make a vow to God to enter into His ordained institution and then fail to uphold it, it is even less so for homosexual couples who, though going through the rituals, in reality can only pretend to enter into that sacred estate. The difference would be akin to two watches, one that is manufactured to look like a Rolex, and the other a Timex with "Rolex" written across it with a felt-tip pen. The former might fool some, but the latter would not fool anybody; and neither would fool a Rolex dealer. Likewise, anyone who believes that marriage is only between one man and one woman would not be fooled by the contrary claims of other combinations.

**T**he bottom line is that the controversy over same-sex marriages exists only because government has usurped the ecclesiastical jurisdiction within which marriage belongs — not only by providing civil alternatives to biblical marriage and procedures by which both might be sundered, but also by its discrimination for and against married individuals. Therefore, it is foolish to think that the answer to this government-created problem is more government intervention. Rather, the answer is to remove all government intrusion into this ecclesiastical jurisdiction, and eliminate all legal discrimination based on marriage. That would do more to preserve the sanctity of marriage than anything that could be accomplished by increasing the intrusion.



*You are invited to*

**SAVE-A-PATRIOT FELLOWSHIP'S**

**Saturday, November 19, 2011, 7:30 PM**  
**12 Carroll Street, Westminster, MD.**



**THANKSGIVING**  
**CELEBRATION!**

Please bring a covered dish; the Fellowship will supply the turkey. Call receptionist at 410-857-4441 for details.

# OKTOBERFEST

## FUN and FREEDOM

ANNAPOLIS — Liberty Works Radio Network members were out in a show of patriotic force on October 2<sup>nd</sup>, inviting Oktoberfest passers-by to take our famous 11-point civics quiz to test their basic knowledge of the Constitution and law.

As in years past, this simple, free challenge opened many people up to conversing about the principles of Liberty and what can be done to save our Republic. At times, up to ten people were gathered at LWRN's booth — more than any other booth at the festival, except for the food vendors (!).

But the food for thought offered at the LWRN booth is critically needed, and just as in other years, it was obvious that most are ill-informed about the nature of the Social Security and banking systems. While surprised to learn that social security numbers are not required by law to be issued at birth, Americans do not readily intuit that signing up for social security is therefore voluntary rather than mandatory. Likewise, while more and more understand that the Federal Reserve Bank “prints” or manufactures money, they do not generally comprehend how that practice steals purchasing power from them every day. These legal criminal enterprises must be exposed daily, and constant education is necessary to “reprogram” our friends and neighbors who have been dumbed down by government schooling and mass media. There is simply no substitute for a medium of our own: Liberty Works Radio.



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Randy has served as Constitution Party chairman for the state of Illinois and the Midwestern United States. He ran for Governor of Illinois in 2006, receiving nearly 20,000 votes as a write-in candidate, and then for U.S. Senate in 2010, when the Republicans spent tens of thousands of FRNs to keep him off the ballot. **Dan Sheridan** has hosted several radio shows over the years, talking about Biblical and Constitutional issues. In 2004, Dan began to deeply investigate the Constitution and since then has become an expert in the field of

Constitutional and American history.

LWRN also welcomes the **Faith & Freedom** show with host David Alan Carmichael back to the 3-4 PM EST time slot, Monday through Friday. David discusses the issues of the day from a constitutional, biblical and moral basis. He believes “Our freedom will come in proportion to our faith.”

**David Alan Carmichael** has taken the lead in the fight to be *free* from embracing an SSN while pursuing the ordinary course of life, business and religion. David took a stand while in the Navy and was discharged for requesting religious accommodation with respect to the SSN. After an eight-year court battle, he was vindicated in federal court. David works for the liberty of others through the American Christian Liberty Society. Under the banner of Freedom Ministries, he provides Biblical counseling, performs legal research, and develops litigation strategies.

