Thoughts About "Same-Sex Marriage"

by

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Vaughn R. Walker, a United States District Court Judge for the U.S. District Court for the Northern District of California, on 4 August 2010, in the case of Perry v. Schwarzenegger, Case No. C 09-2292 VRW, held that California's prohibition against same-sex marriage violated the U.S. constitutional requirements of "due process" and "equal protection of the law."

Judge Walker based his ruling on one key premise–*his*. On page 113, at lines 22-24, of his decision, Judge Walker opined:

> Gender no longer forms an essential part of marriage; marriage under the law is a union of equals.

His opinions–and that premise, are the key, pivotal, foundation for his decision.

Question: Do you experience one or more flaws with Judge Walker's reasoning?

Question: Do you experience Judge Walker's opinions and/or premise to be remarkable? To be based on a faulty principle? To be a startling premise? To be detached from reality?

Question: Do you think Judge Walker's decision effectively overruled centuries of established, accepted, practice and widespread comprehension of what is a *marriage*? Of who can marry who?

Question: Do you think Judge Walker's decision inverted and flipped the established whole scheme of *marriage*?

Question: Do you think Judge Walker is right or wrong? Why?

Question: Do you experience Judge Walker's logic to be compelling? Satisfactory? Acceptable? Why?

Question: Does Judge Walker's decision inspire your confidence in the judiciary? Why?

Question: Do you experience Judge Walker's decision to be illogical? To be based on unprovable assumptions?

Question: Do you believe that Judge Walker has actual authority to upset and to re-define one or more key words? Why?

A collegiate level Webster dictionary for the word *gender* is relevant, important, and probative of the validity of Judge Walker's opinion. Webster's first definition for *gender*, in this context, is the most suitable, and, arguably, the controlling definition. Per Webster, *gender* means: A set of two or more categories, *as masculine, feminine, and neuter*, into which words are

divided according to sex, animation, psychological associations are other characteristics and that govern agreement with or the selection of modifiers, referents, or grammatical forms. [Emphasis added.]

Question: Are *masculine, feminine, and neuter* equal? The same? Interchangeable?

Question: Is it true or is it false that, "Gender no longer forms an essential part of marriage . . . ."?

Question: Is it true or is it false that, "[M]arriage under the law is a union of equals."?

Question: Who has actual authority to determine what is "the law" in regards to *marriage*? Judge Walker? The voters? Duly elected legislative law makers?

Question: Is Judge Walker the proper person to make these decisions?

Question: Does Judge Walker have actual authority to redefine *marriage* as a legal union between a man and a woman to now include male-male and female-female legal unions? Why?

Question: Does Judge Walker have actual authority to overturn a state constitutional amendment approved by a majority of voters who voted that defined *marriage* as being legally limited to a legal union between a man and a woman?

Question: Are Judge Walker's opinions binding on the voters of California who approved a proposition that held that *marriage* is a legal union between a man and a woman? Why?

Question: Do the voters of California have to obey Judge Walker? Why?

Question: Since Judge Walker overturned the voters' vote, are those voters now living under a form of judicial despotism?

Question: Are gender and sex now legally irrelevant to the concept of marriage?

Question: Are men and women, husbands and wives, now legally interchangeable? Pragmatically interchangeable?

Question: Is gender now insignificant? Irrelevant?

Question: Are there really no important differences between men and women?

Question: Do you embrace this concept: A female mother has something unique to give to a child that no male father can give, and a male father has something unique to give to a child that no female mother can give?

Question: If mothers and fathers, husbands and wives, are now, according to Judge Walker, 100% legally interchangeable, have men as men and women as women lost their significance?

Question: To what extent does Judge Walker's decision present as a meaningful threat to the institution of marriage? As a threat to society as we know it?

Question: Does Judge Walker really have actual power, in the real world, a world attached to reality, to make sex and/or gender, irrelevant? Interchangeable?

Question: Does Judge Walker have the power to deny the force of gravity or to make gravity disappear if he were to issue an edict to that effect?

A few years ago I read a book written by one of the first U.S. Navy female fighter pilots. I was intrigued by her long list of complaints against U.S. Navy male fighter pilots who had made it clear they did not want to have to compete with females for coveted seats in a finite number of jet fighters. I was appalled by the unprofessional, sophomoric, boorish, obstacles male instructor pilots and male student pilots manifested against her, apparently, to sabotage her career as a Navy fighter pilot. To be objective, I was also intrigued by the assertions of the male instructor pilots that they had rated her objectively, and the truth was, regardless of gender, this pilot candidate did not measure up to gender-neutral standards. I almost fell out of my chair and I burst out laughing–hard, when I read a key line in this lady's book. After taking a lot of grief from her male pilot acquaintances, this lady said she told them [paraphrased], "Listen, buster, from the point of view of the airplane, the airplane does not know and does not care if the pilot has a vagina or a penis!" Wow! True. Insightful. Clever. Bravo for her.

There is a big difference, however, between what an airplane does not know and does not care about and what logical, principled, reasonably constituted, adult male and adult female citizens know and care about.

I do not experience Judge Walker's opinions to be true or his key premise to be logical, valid, or persuasive. I have serious issues with his contention that A) "Gender no longer forms an essential part of marriage;" B) "marriage under the law is a union of equals."; C) California's prohibition against same-sex marriage violates the U.S. constitutional requirements of "due process" and "equal protection of the law."**;** and D) he, as one federal judge, is the proper person to be making such important legal pronouncements, under color of law.

If I were to limit myself to professional language, I would dismiss Judge Walker's opinions and premise as being *non-meritorious*. If I were to allow myself to be blunt, or even boorish, I would characterize his opinion as an absurd *judicial brain fart* worthy of virulent contempt, because his premise is such a big stretch and so frankly illogical he blatantly and egregiously played fast and lose with established definitions of pivotal words and dared to pass off his asserted authority in excess of his actual authority as his actual authority. Bottom line: Judge Walker's decision reeks of judicial junk and swill [pig slop.] His professional tone is an inadequate pseudo-legal perfume. His professional tone fails to cover up his impermissible shuffling of the laws that he relies upon to support his premise.

American advocates for the alleged right of homosexual males [gays] and homosexual females [lesbians] to enter into a same sex "marriage" base their legal argument on this claim: Per the "Equal Protection of the Law" clause of the U.S. Constitution, they, like heterosexuals, have an *equal right* to enter into a same sex *marriage*. Same sex marriage advocates argue that this claim is valid because laws that make same sex marriage illegal are unconstitutional because such laws deny homosexuals the benefits of the "Equal Protection of the Law," as guaranteed by the U.S. Constitution. The merit of this claim depends on the strength of each link in this line of reasoning.

What these advocates champion is persuasive to some folks, but, to anyone who is sensitive to the correct use of language and/or who wishes to remain faithful to long established American constitutional law case precedents that apply "equal protection" law, what these advocates champion is queer, namely, deviates from the normal or expected, strange, odd,

unconventional, questionable, counterfeit, distorted, and, to be charitable and diplomatic, non-meritorious.

When an early cave man uttered a grunt or a noise, what did that grunt or noise mean? Out of necessity, human beings invented language to communicate efficiently, quickly, conveniently, and accurately.

Many disputes arise from a definition deviation, namely, one or more parties to a dispute use a pivotal word incorrectly and neither party appreciates the serious consequences arising from the improper use of words.

When the cave man made a noise and/or when a person uses a pivotal word improperly, one can and should appreciate Noah Webster's contribution to civilization. Noah was, and is, considered to be, for Americans, "the nation's schoolmaster" and *the* authority on the correct meaning of words. This is because he spent thousands of hours improving his authoritative dictionary by perfecting accurate and complete uniform definitions of words. His definitions make it possible for learned people of integrity to communicate accurately.

Thanks to Noah Webster, words have legitimate, long established, definitions. Definitions have meanings. Meanings have consequences.

The definitions, meanings and consequences of words distinguish words and the object(s) they reference from one another. These consequences advance a train of complex, logical, principled, thought which is, and should be, outcome determinative, if one is content to function with fidelity to established definitions.

Illiterate people, lazy people, folks who lack critical thinking skills, political whores, lawmakers who shuffle the laws like a card shark shuffles a deck, and learned wordsmiths with an agenda, typically use words in a queer [incorrect] manner to advance an agenda.

Collegiate level Webster dictionaries typically define "equal", where relevant, to mean: A) having the *same* measure, quantity, or value as another; B) being the *same or* <u>*identical to*</u> in value; C) having the same rights, privileges, or *status*; and D) *being the same* for all members of a group. [Emphasis added.]

Webster dictionaries also define "same" to mean: A) being the very one; B) *alike in kind, quality*; C) *identical*; D) *agreeing exactly in* value, quantify, or *effect.* [Emphasis added.]

These same dictionaries define "identical" to mean: A) being the same; B) exactly equal and alike; C) having such similarity or near resemblance as to be *fundamentally equal and interchangeable*. [Emphasis added.].

Webster also defines "fundamentally" to mean: A) constituting or functioning as an essential component or a system or structure; B) basic; and C) of major significance.

The "Equal Protection of the Law" clause in the US Constitution, historically, has been properly used only to "protect" X, Y, and Z when X, Y, and Z are truly "equal," as defined by Webster, per the above definitions. For example, if a litigant before a judge argued that an "apple" is "equal" to an "orange" and both are entitled to "equal protection of the law" because they are, for example, both fruits and, therefore, "equal," American judges, for decades upon decades, historically, have rejected such arguments on the basis that the litigant was, literally,

“mixing apples and oranges,” which are materially distinguishable, fundamentally different and, therefore, unequal. Consequently, the judiciary typically would correctly rule that given the lack of sufficient equality and sameness, the “Equal Protection of the Law” clause is not applicable and did not and does not control the outcome of the dispute.

There are compelling, excellent, sound, good public policy reasons to restrict the “Equal Protection of the Law” clause to people and things in a dispute that are, as strictly and narrowly defined by Webster, really *equal*. To the extent people who are fundamentally not equal seek to have themselves treated as equals and seek the law’s protection via the “Equal Protection of the Law” clause, if prudent judges did not limit the application of “equal protection” to people and things that were and are fundamentally equal, that guarantee of “equal protection” for “equal” people and/or things would be diluted, the legitimacy of the judges’ decisions would be questionable, respect for judicial authority would be diluted, and it would become increasingly impossible to predict how the judiciary would resolve a dispute because the standards for what is “equal” had become too lax, too bizarre, too illogical. For example, loose standards would allow a judge to declare that a cat is “equal” to a dog because they are both pets, or both have four legs and a tail.

I doubt if any intellectually honest and competent champion of same sex marriage would argue that a female cow is the "equal" of, the “same”as, or is “identical to” the male "cow". [I note that the term “male cow” is a misleading, laughable phrase because, as I understand it, when the appropriate words are used correctly, a “male cow” is an anatomical and definition impossibility. This is because all cows are females and cannot be males and the opposite of *cow* is *steer* or *bull*.

Living creatures that are not “uni-sexual,” namely, that have a male and a female sub-set of their species, reproduce when the male and the female copulate.

Judge Walker, however, in context, appears to want to treat human beings, males and females, as being literally interchangeable, and, in that sense, uni-sexual.

This next point is crucial. Pay close attention here. Champions of “same-sex marriage,” which includes Judge Walker, need to clothe their arguments for same, within one or more applicable constitutional grounds to have society embrace “same-sex marriage.” One such superficially plausible ground is “Equal Protection of the Law.” But, *male* and *female* are, per Webster’s legitimate definitions, the exact opposites of each other and, inherently, unequal. *That* is stark reality, which, for most reasonably constituted people, if not all of them, is an undisputed fact. Champions of “same-sex marriage,” however, dispute what is undisputable.

Judge Walker had to have been kidding himself, in a state of denial, when he wrote:

> Gender no longer forms an essential part of marriage; marriage under the law is a union of equals.

Really? It is going to take a lot more than that premise in a judicial decision to make that premise stick, to be widely embraced by the masses of heterosexuals.

Judge Walker’s premise purports to defy reality. As such, his premise fails a reality-check.

Judge Walker, in effect, can rail against reality all he wants, but, despite his premise, just as there is no such thing as a "male cow" or a "cow bull," there is no such thing as a "female male" or a "male female", and gender is still important, relevant, and outcome determinative when it comes to what really is a *marriage* and who can really marry who, per the real "law".

It is axiomatic that, anatomically, *female* is nowhere near being "equal" to, "alike in kind,", "identical to," "fundamentally equal to," or "interchangeable" with *male*.

Anyone who disputes that the female, anatomically, is not "alike in kind" to the male is not credible, is frivolous, has an agenda, and is waging a war of verbal aggression to promote an alleged, more desirable, "progressive" agenda.

The legal status of a *civil union* between a homosexual couple is not inherently a lesser status as compared to the legal status of a *marriage* between a heterosexual couple. The two–civil union and marriage–are different, just different, appropriately so, for good, logical reasons. From this perspective, *marriage* is not inherently legally superior to *civil union*. In context, *marriage* simply correctly distinguishes a heterosexual legal union as husband and wife from a *civil union* of a homosexual couple. As such, there is no discrimination against gays and lesbians. As such, Judge Walker's assertion that the prohibition against "same-sex marriage" denies gays and lesbians "Due Process of Law" and/or "Equal Protection of the Law" fails.

Per long established definitions and traditions and common usage, a heterosexual couple can properly refer to one of themselves as the *husband* and the other as the *wife*. Thus, a "married" same sex couples who refer to their "spouse" as their *husband* or as their *wife* are in denial, are kidding themselves, and are pounding oversized squares into too small holes. For example, there is something jarring when a "married" gay man refers to his partner as his "wife" and when a "married" lesbian refers to herself as "my wife's husband" or her partner as her "husband." What's next? How far will the concept of "equal" stretch before it breaks? Who and/or what is society prepared to recognize that a person has a right *to marry*? Is a pre-adolescent child, for example, sufficiently "equal" to a homosexual so that it is acceptable for an adult homosexual to "marry" a pre-adolescent? What about an animal? Or a tree? Or a rock? Or a mountain? How loose will the standards for "equal protection of the laws" become? What should be the criteria for deciding if X and Y are sufficiently "equal" for "equal protection" to apply?

Since a legal union of a homosexual couple is materially different from a legal union of a heterosexual couple, it is 100% logically appropriate, reasonable, non-discriminatory, and legal to use a different term to describe a homosexual couple's legal union. Anyone who disputes that last statement should ask themselves these questions: Would you call a dead person a living person? Would you call a non-virgin a virgin? Would you call an airplane a boat? Would you consider the Grand Canyon the equivalent of a road side ditch? Would you consider a body debilitated with cancer healthy? Would you call the Pope a rabbi? Would you call a Republican a Democrat?

When one functions with impartiality and fidelity to Webster's definitions and case precedents that have applied the "Equal Protection of the Law" clause, it is easy to reject as 100% bogus, the argument that "same sex marriage" is "equal" to "heterosexual marriage" and, therefore, Gays and Lesbians have a constitutional right to "marry" each other, per the "Equal

Protection of the Law" clause and limiting homosexual couples to *civil union* status is discriminatory. What “progressives” and champions of same sex marriage claim is non-meritorious. Their claim is a classic "mixing of apples and oranges" that distorts legitimate, long established definitions, to advance their agenda.

This non-meritorious assessment of “same sex marriage” is amply supported by Webster's dictionary definition of *marriage* as the legal union of *man and woman as husband and wife*. [Emphasis added.] That definition has existed for centuries.

Man is not “interchangeable” with *woman*. Ditto: husband/wife. They are anatomically substantially different.

It is indisputable that same sex couples, left to themselves, without outside assistance, cannot and never will, reproduce or produce offspring, but heterosexual couples can. That is a fundamental difference that makes them the exact opposite of *equals*. Being *unequal*, the Equal Protection of the Law clause guarantee of the U.S. Constitution is 100% *in*applicable.

Heterosexuals have no obligation to allow progressives, homosexuals, liberals, and activist judges to hijack, distort, pervert, and misapply the word or the concept of *marriage*.

It is wrong to assume or to equate that being *unequal* means, or is equivalent to, being *legally inferior* and/or *discriminated against*. To associate *unequal* with *inferior* or *discriminatory* is illogical. To recognize the material differences between heterosexuals and homosexuals is to be accurate and *discerning* and to appreciate those differences and to consider them to not be interchangeable or equal is not *unconstitutionally discriminatory*.

Champions of “same sex marriage” have been, and are, waging a war of aggression, by distorting legitimate words, definitions, meanings, consequences, and legal relationships that have stood for centuries. Progressives, liberals, and activist judges are now doing to the concept of *marriage* what they did to the Second Amendment: distorting it beyond recognition.

My core orientation on this subject is supported by history, by controlling material facts, by Webster's definitions, and by logic.

It should be noted that my analysis of this dispute is 100% independent of anything religious.

For the reasons stated, I virulently loathe what progressives, liberals, activists judges, political whores, and opinion elites have done to our language, distorting it to advance their cause, undermining two cornerstones of American civilization: first, the individual right to ownership of a firearm and second, hijacking the word *marriage*.

Non-violent semantic and conceptual wars of aggression that undermine the pillars of American civilization are a form of erosion which, if unchecked and stopped, can be and is destructive and dangerous. Webster spent thousands upon thousands of hours in his adult life perfecting legitimate definitions so we, as intelligent, learned, human beings, could use words to communicate accurately, to discern the difference among things that are unequal because they are different. Progressives and activist judges, however, do violence to long established definitions to advance their agendas.

Progressive, when properly used in context, means A) moving forward; B) advancing in steps; and C) promoting or favoring social reform. There is, however, nothing *progressive* to much of what *Progressives* advocate for, especially when they have to cheat to get what they want, e.g., by deviating from the true meaning and legitimate consequences of long established words.

Somewhat ironic is this observation: Functioning with fidelity to well established definitions and concepts, and avoiding judicial rulings that breed contempt for "the law" and for "the judiciary," while somewhat boring, are really *progressive* because the proper use of language with fidelity to the Constitution's commands and long established, well reasoned, case precedents, promotes stability which, while perhaps might be boring, is indispensable for people to enjoy continuity and the ability to predict and to assume, with a high degree of accuracy, how a legal dispute should be and will be resolved by the judiciary.

Progressives, however, tend to be highly selective, self-serving, and arbitrary. As a sweeping generalization, there is nothing *progressive*, enlightened, wise, prudent, and/or compassionate about being arbitrary, especially when one has to do violence to long established definitions. The arbitrary nature of much of what *Progressives* champion [e.g., their gutting of the Second Amendment as a guarantee of an individual right to firearms and their claim that homosexuals have a constitutional right to "marry" one another] is arbitrary. That arbitrariness does not promote the General Welfare for the Majority, for the Minority, or for the Individual. Instead, it makes a mockery of the law and it pragmatically amounts to an anything goes concept because words no longer have any definitions, meaning, or consequences that constrain anyone to anything.

When progressives and activist judges violate the law the most is the precise point in time when they claim they remain faithful to it, to try to cover up and dress up as legitimate their shenanigans under color of law.

It is appropriate, humane, legal, constitutional, and reasonable, for heterosexuals to tell Gays and Lesbians this: The Majority, Society and Government grant you a right to formal and legal Civil Union status with *all* of the functional benefits that heterosexuals enjoy via marriage, but, the term *marriage* shall be, is, and shall remain, reserved for a legal union of a man and a woman as husband and wife, as it has been for centuries, per Webster's definition and the cultural traditions and laws of this nation since the beginning. This is because, just as a "male cow" is, by definition, an anatomical illogical impossibility, and since "same sex marriage" is not identical to "heterosexual marriage," "same sex marriage" is also, by definition, and illogical impossibility; therefore, homosexuals should be content with the status of Civil Union with *all* practical rights, benefits, and burdens equal to married heterosexual couples. Thus, if Civil Union status is not acceptable to homosexuals, and/or if homosexuals think heterosexuals discriminate against them by denying them the label of *marriage* to pin on their Civil Union, tough. The homosexuals' attitudes and opinions are unfortunate and their conclusion that they are *entitled* to be *married* are wrong. They should get over their hurt feelings, and they should re-think their position and conclusion(s).

Abraham Lincoln, when making a point about logic and the importance of definitions and using words with fidelity to their true meaning, asked this question: How many legs would a dog

have if you called its tail a leg? His answer was: Four. His reasoning was: Calling a tale a leg does not make a tale a leg.

Progressives who champion "same sex marriage" are tying to call a tale a leg and get away with it. However, merely calling something what it is not does not make it what it is called.

A society and a government that has a tolerant orientation towards Gays and Lesbians enjoying their same sex pleasures, and grants them formal legal status of Civil Union with *all* formal legal benefits that a married heterosexual couple enjoys, does not unconstitutionally discriminate against homosexuals. Gays and Lesbians need to come to terms with this point of view, with this reality check, with this stark, stubborn, *fact*.

When Gays and Lesbians try to cram down heterosexuals their argument that denying homosexuals *marriage* status discriminates against them and violates the "Equal Protection of the Law" clause guarantee, they foolishly seriously antagonize, annoy, irritate, and alienate many heterosexuals who loathe their illogic and their frank distortion of the meaning and the consequences of words and definitions, long recognized, for centuries.

The circle is not the same as the square or the triangle. Ditto the male and the female. As Lincoln opined, calling a tale a leg does not make it so.

Judges who reason their way to uphold the allege right of homosexuals to *marry* are wrong.

It is true that in a democracy, the Majority might function as "the tyrant"and, via a majority vote, eliminate minority rights or individual rights or both. If and when that happens, judges, as Guardians of Liberty, have a duty to preserve the rights of the Minority and the Individual and overrule a Majority vote when the Majority votes to deny any right that belongs to any member of Society. However, the power of judges, in our system, is not unlimited. Judges do not have actual authority to overturn a Majority vote that does not violate anyone's right(s).

The Majority has a right to vote for and to pass a law that simply declares that a *marriage* is a *formal legal union between a man and a woman as husband and wife*. That definition, and that vote, is 100% consistent with how Webster and Western Civilization have defined *marriage* for centuries.

Per that definition, a Gay could marry a Lesbian and vice versa, bringing themselves within the legal definition of what is a *marriage*.

The fact that a Gay wants to marry another Gay and/or a Lesbian wants to marry another Lesbian is a volitional decision that they make. They have a right to make that decision. They do not, however, have a right to "marry" a same sex partner.

A judge who overthrows the legitimate vote of a Majority that defines *marriage* to be limited to a *formal legal union between a man and a woman as husband and wife* exceeds his or her actual authority.

There is nothing *progressive* about a judge who exceeds his or her actual authority. A judge who does that functions as the equivalent of an arrogant, drunk with power, irresponsible, Judicial Despot. Judicial Despotism smacks of too much similarity to the old bankrupt European idea of the alleged divine right of hereditary kings and queens to rule arbitrarily with no

accountability. In this nation, the real *Constitutional* Rule of Law, and the rights of the Majority, Minority, and the Individual, per that system of law, severely limits the judiciary's actual authority.

Judges, as Guardians of Liberty, should uphold the real *Constitutional* Rule of Law against a majority vote that violates constitutional rights. However, no judge should usurp and assert authority beyond his or her actual authority.

A Majority that voted in a lawful election and rendered a legitimate vote that did not violate the constitutional rights of anyone should be alarmed by a judge who unilaterally declared that their vote is unconstitutional, overturned it, and dared to tell the Majority, in effect, "I overrule your vote. You must live according to my decision." Such a Majority should never tolerate Judicial Despotism. Once tolerated, Judicial Despotism will become virulent, rampant, dangerous, and insufferable, and the concept of "Rule of Law" will become a farce because it will all be arbitrary.

Learned people with an agenda tend to excel at a special skill, namely, the ability to exploit the plasticity of certain words and to reshape them in a self-serving manner to redefine them, to try to make them mean what they do not mean and have never meant before, to promote their agenda. This form of mental gymnastics is analogous to pounding by illogic, repeated over and over with a straight face, over sized square cubes into too small circles, ignoring the stubborn fact that the corners on the cubes do not go easily–or at all--into the circular holes.

Human beings tend to have a cluster of ideas, e.g., if a person is partial to "A" the odds are high that they also embrace a variety of other ideas that tend to go along with or appear to be, at least superficially, compatible with or consistent with "A". For example, those who champion same sex marriage also tend to champion "gun control," namely, they refuse to embrace the Second Amendment to the U.S. Constitution as guaranteeing an *individual* "right" to firearms which "shall not be infringed." Instead, they commonly insist on gutting this *right* and reducing it to a mere *privilege*, which they would deny.

Advocates for "gun control" are a classic example of people with an agenda who have pounded squares into holes, trying to redefine what words mean. Consider what follows.

Immediately below is an exact, complete quote of the Second Amendment to the U.S. Constitution, as it was ratified on December 15, 1791.

> A well regulated militia, being necessary to the security of a free state, the *right of the people* to keep and bear arms, *shall not be infringed*. [Emphasis added.]

In 1791, it was commonly understood that *militia* meant *all able body men of military age even if they were not employed by government*. To understand the Second Amendment correctly, ne needs to get inside the Founding Fathers' minds and appreciate their world and their values, from over 230 years ago. Significantly, when the Founder's birthed the United States, there was no *police*. There was also no *National Guard*. The Founders also feared and loathed a standing professional army, especially in peace time. The Founders also could not afford a standing army and they did not want one. Instead, they trusted an armed citizenry and wanted citizens to be armed. To the Founders, *militia* was virtually synonymous with all free non-government

employed men of military age who were expected to be armed, at their own expense, with privately owned, unregistered, firearms, suitable for military use, that they kept under their private personal control, in their immediate possession, ready to marshal, on a voluntary basis, to defend the community and the nation, as the functional equivalent of the police and/or as an armed citizen army. Furthermore, to the Founders, *well regulated* did not mean *government regulated*. Instead, it meant *proficient* in small arms and military tactics, etc. "Well regulated" meant something worked properly, as in a well regulated clock kept accurate time.

Immediately below is a brief, simplified, accurate illustration of what modern American champions of "gun control" laws have tried to do to the Second Amendment from approximately 1965 to date.

> A ~~well regulated militia~~ government regulated professional police force and State National Guard, being necessary to the security of a free state, the States have a right to have armed police and armed National Guard and the privilege of the ~~right~~ of the people to keep and bear arms, shall ~~not be infringed~~ be infringed, suspended, withheld, diluted, and denied to promote the General Welfare per the caprice of political elites because political elites are wiser and have determined that a disarmed citizenry unable to defend self, unable to defend the community, and unable to defend the nation, promotes the General Welfare, and it is best if government, and its agents, have a monopoly on small arms, which makes it easier for government and its agents to oppress a disarmed citizenry under color of law.

The "progressives" among us who argue that inanimate objects [firearms] can commit an *assault* tend to be part of the same crowd that argue that homosexuals have a constitutional right to *marry* another same sex homosexual. These "progressives" play loose with words on both subjects–"same sex marriage" and "gun control".

The above "progressive" construction of the Second Amendment suffers from serious liabilities. A few of these liabilities are: First, the Founding Fathers left no writing that supports this construction; second, it perverts beyond recognition the original text; and third, it is improper to ignore such phrases as "right of the people" and "shall not be infringed" because every word, term, phrase, and clause in the Constitution is entitled to full and equal weight with the Constitution's original text, as written and should not be interpreted away or ignored by a strained interpretation that the original text will not support.

Another gimmick used by "gun control" advocates is to demonize certain firearms as *assault weapons*. This demonization suggests that a firearm can load itself, aim itself, form the intent to commit an assault, and pull its own trigger; however, the only thing a firearm can do by itself is self-destruct via a mechanism called rust, which is the opposite of *assault*.

"Gun control," properly construed, means hitting the target with the first shot. When properly construed, it does not mean disarming citizens and having an arbitrary, selective, pick

and choose approach to what parts of the U.S. Constitution shall be honored and which parts may be discarded, dishonored and unenforced.

When "gun control" advocates use that term they do not mean "criminal control." Instead, they mean "people control". When "progressives" claim they want "to serve" that is their code for what they really want: for *them* "to control"*you* [and me,] via their selective distortion of the U.S. Constitution to promote their agenda, bypassing the rigors of formally amending the U.S. Constitution.

Beware of "progressives" who fail to acknowledge a right stated in the Constitution's original text, who refuse to enforce it, as written in the original text.

Beware also of "progressives" who demand recognition for an alleged right that has never been acknowledge before by any culture in any century on any continent, and does not explicitly exist in the Constitution's text, as written. The alleged "right" of homosexuals to "marry" each other and have their legal union officially called "a marriage is such a "right."

When "progressives" reduce "right of the people" to a mere *privilege*, to *permit* what use to be a *right*, which "shall not be infringed," they engage in usurpation and blatant *people control*. This is because *to permit* is *to control*. *People control* is not *criminal control*. *Control* is the antithesis of *Freedom* and *Liberty*. Arbitrary control is worse. It is logically impossible to be arbitrary and to manifest fidelity to a vital constitutional guarantee: the right to "Due Process *of Law*." "Progressives," however, have an agenda. Their agenda includes reshaping what is "the law" so that they can dish out only that amount of "process" which they deem we are arbitrarily due.

When "Progressives" take a whack at our Constitution, and are allowed to get away with their shenanigans under color of law, it does not take long before the result of their re-write of the law becomes absurd. "Progressive" activist American judges who loathe the Second Amendment's guarantee of an *individual right* to arms which *shall not be infringed*, for example, have ruled that that amendment guarantees only the right of the States to have a National Guard and, therefore, if one does not have a government job that requires them to be armed while on duty, within the scope of their government job that requires them to be armed, no one–repeat–no one other than such a government employee, has a right to a firearm, not even a single shot .22 caliber bolt action rifle, and, governments' agents, therefore, may ban and confiscate all firearms possessed by anyone who is not a government employee required by their government job to be armed! *That* construction of the Second Amendment is–emphatically–not what the Founding Fathers intended or envisioned. Such judges butchered the Second Amendment. Their construction is a grotesque, ill-advised, dangerous, ludicrous, injudicious, brain fart. Their construction, by analogy, if it were a facelift, would put a person's belly button in the center of their forehead and their primary sexual organ where their chin should be.

"Progressive" activist American judges who butchered the Second Amendment beyond recognition have also butchered the concept of "marriage." Such judges have had a field day massaging plastic words, pounding them, with their illogic, to try to fit oversized squares into too small holes.

To summarize, the following "bottom line" is meritorious. Heterosexuals are squarely within their rights to A) insist that words be used with 100% fidelity to their long established definitions, per Webster; B) that correct classifications based on undisputed obvious anatomical differences between male and female, according to Webster's long established definitions, do not smack of unlawful prejudice and/or discrimination against gays or lesbians; C) regardless of what Judge Walker opined, gender still does matter; D) regardless of what Judge Walker opined, they–as voters, have a right to define *marriage* 100% consistently with how Webster has been defining *marriage* for centuries; D) Judge Walker exceeded his actual authority and, as such, his decision is not binding on them; E) when gays and lesbians complain that they are discriminated against merely because heterosexuals refuse to grant them the legal status as *marriage* while being willing to grant them the legal status of *civil union*–with all legal consequences the same as if they were legally married, that is their [the gays' and lesbians'] problem, namely, their illogical, distorted, wrong perception of reality, that ignores long established definitions of key pivotal words and their attempt to lay a non-meritorious guilt trip on heterosexuals who refuse to let gays and lesbians unilaterally re-define key words and radically change a key societal institution, namely, marriage.

A few years ago I heard and saw the following exchange between a mother and her young son who was crying at the top of his lungs as the mother appropriately verbally disciplined the son. The son yelled, "Mommy, I hate you. I don't love you any more!" The mother calmly immediately replied, "That's okay. You'll get over it. I'm still your mother. I still love you, and you will still do as I tell you."

By analogy, if gays and lesbians want to "cry" over the legitimate unwillingness of heterosexuals to let them [gays and lesbians] force upon heterosexuals an invalid re-definition of *marriage*, tough. If gays and lesbians want to stoop to claiming they are being discriminated against merely because heterosexuals are willing to grant them *civil union* status with full benefits, as if they were married, but withhold from them the legal label of *marriage*, to draw a valid, non-discriminatory distinction between a "heterosexual marriage" and a "same-sex marriage," tough. Gays, lesbians, so-called progressives, and activists judges with an agenda can go through all of their mental gymnastics and purported re-definition of words until lambs lie down with lions, and they can rail, scream, bitch, and moan until they become hoarse. So be it. Tough! Get over it. Grow up. Embrace reality. What is is. Words still have legitimate definitions. Definitions still have meanings. Meanings still have consequences. It is perfectly legitimate and constitutional for heterosexuals to insist–and to prevail–that they and gays and lesbians are *unequal*, and, since they are unequal, anatomically and in sexual preference, it is perfectly legitimate to insist upon a non-discriminatory classification of the two types of unions: *marriage* for heterosexuals and *civil unions* for "same-sex" couples. With that understanding, if "same-sex" couples still want to believe, or claim, that that distinction means they are being discriminated against, and, therefore, they are being denied "Due Process of Law" and "Equal Protection of the Law," they can wrongly believe anything they want to believe, but that is still *their* problem of *their* creation for which *they* are solely responsible, and it is *their* responsibility to push through that misconception and get over it.

The ultimate, outcome determinative bottom line is: A) "Equal Protection of the Law" is best properly reserved for applying the law uniformly and equally to people who are truly *equal*; B) since heterosexuals and homosexuals are the exact opposites in their sexual preferences, the two are not equal, there is no discrimination against homosexuals in making that 100% perfectly legitimate observation which is 100% factually correct, and, therefore, homosexuals' reliance on an alleged denial of "Equal Protection" is misplaced and non-meritorious and, therefore, is not outcome determinative; C) since the real "law" concerning what is legally a *marriage* is well established, and has been, for centuries, and that law is not inherently discriminatory in an unconstitutional manner but is a mere legitimate classification, and since society and voters have a legitimate power and right to define *marriage* as a legal union between a man and a woman, the homosexuals' claim that a prohibition against "same-sex marriage" denies them "Due Process of Law" is misplaced and is non-meritorious; D) homosexuals have no legitimate right or power to change the law of marriage or the jurisprudence of "Equal Protection of the Laws" to accommodate them; E) it is 100% constitutional to have a non-discriminatory classification of *heterosexual marriage* and *homosexual civil union*, as long as the legal consequences for both are equal, and, if homosexuals do not like that outcome, they can, "cry" and wail all they want, but tough; F) What is is; and G) heterosexuals have no duty to reward homosexuals merely because they wail and persist, and no duty to allow homosexuals to pervert the law and do cerebral violence to long established definitions, merely because homosexuals persist with making unrealistic, non-meritorious, illogical claims and, in effect, function as a wailing baby demanding special treatment.