

DEFENSE OF GAY MARRIAGE ACT

At 11:30 A.M. on October 10, the Connecticut State Supreme Court legalized “gay marriage,” making Connecticut the third state, behind Massachusetts and California, to sanction the practice. In a 4-3 ruling that cannot be appealed, because it is based on an interpretation of the state constitution, Justice Richard N. Palmer opined for the narrow majority that relegating homosexuals to civil unions is a violation of the Connecticut state constitution’s equal-protection clause: “Interpreting our state constitutional provisions in accordance with firmly established equal protection principles leads inevitably to the conclusion that gay persons are entitled to marry the otherwise qualified same-sex partner of their choice. To decide otherwise would require us to apply one set of constitutional principles to gay persons and another to all others.”

The Connecticut court actually did us a favor by cutting the legs from under the Trojan horse presented by the Obama and McCain campaigns: Both favor civil unions for homosexual couples but are against “gay marriage.” So state legislatures can “protect” marriage by giving legal sanction “only” to civil unions, then the state courts can cry foul, declaring that anything less than “marriage” for homosexuals is a violation of “equal protection.” Justice Palmer and the majority agreed with the “gay persons” (the plaintiffs) that “the discrimination to which they have been subjected has been so severe and so persistent that, as with race and sex discrimination, it is not likely to be remedied soon enough merely by resort to the majoritarian political process.” Courts across the land could easily line up behind Justice Palmer, agreeing that homosexual couples “do not wield sufficient political power to obviate the need for heightened judicial protection,” and that “gay persons are demonstrably less powerful than African-Americans and women, two groups that have

been accorded protected status under the federal constitution.”

The unconstitutional 14th amendment and the deleterious interpretation of its original intent are applied in this Connecticut State Supreme Court decision—and in the same breath in which “marriage” is declared to be special: “We conclude that, in light of the history of pernicious discrimination faced by gay men and lesbians, and because the institution of marriage carries with it a status and significance that the newly created classification of civil unions does not embody, the segregation of heterosexual and homosexual couples into separate institutions constitutes a cognizable harm.” “We also conclude,” the court quickly adds, that, “for the same reasons that classifications predicated on gender are considered quasi-suspect for purposes of the equal protection provisions of the United States constitution, sexual orientation constitutes a quasi-suspect classification for purposes of the equal protection provisions of the state constitution, and, therefore, our statutes discriminating against gay persons are subject to heightened or intermediate judicial scrutiny.” The abstract Jacobin right of “equality” is applied to homosexuals in the context of “marriage”—grooms licensed to grooms and brides licensed to brides—and the Equal Protection Clause is handed to them as a weapon to force their way into other state courts under the color of the U.S. Constitution. The way has indeed been prepared to strike down all state Defense of Marriage Acts. And how could the courts not strike them down, when words such as “discrimination” and “segregation” are being deployed? The linkage between the prohibition of interracial marriages in some states, which the federal courts struck down, and “gay marriages” has already been made and will obviously be one of the major points in future briefs filed before the courts.

The vanguard of this decision has already crossed state lines. The gov-

ernor of New York, in a disingenuous pretense of defending “traditional marriage” while acknowledging the decision of the Connecticut State Supreme Court, has stated that New York will recognize these “marriages” but will not allow them to take place on his soil.

The Connecticut Supreme Court asserts that marriage is an institution of “transcendent historical, cultural and social importance.” Then the court, in an insidious irony, gives a biologically abnormal and socially deviant lifestyle equal status in the institution which it has so high-mindedly described.

No matter what any court or legislature says, Christians should understand that God is the author of marriage. He is the inextricable third party Who knits the union together as the man and woman give their vows. We would do well to remember that many of today’s “heterosexual marriages,” taken to vow solely within the framework of state licensure, are treated as nothing more than “civil unions”: easy in and easy out, no-fault divorce on demand.

Marriage, the union of a man and a woman who become one flesh, is the foundation of the family, that commonwealth which emancipates us from our compulsions by instilling in us a sense of duty that ultimately, along with other virtues, brings us to be just men. “Gay marriage” is the antithesis of marriage. It enthrones compulsions, barbaric impulses, and enslaving desires. As such, it is simply a variation on an old but tempting theme originally played by the usurper in the garden.

—Robert Peters

OLMERT’S BOMBSHELL

Israel’s outgoing Prime Minister Ehud Olmert says Israel will have to give up almost the entire occupied West Bank, including most settlements and East Jerusalem, as the price for peace with the Palestinians. “What I am saying to you now has not been said by any Is-

raeli leader before me," he declared—and he was right. His comments have caused a major controversy: Israel officially considers the whole of Jerusalem her "eternal, undivided" capital, of which Olmert had been a hawkish mayor for a decade (1993-2003) before becoming prime minister.

Olmert told the Hebrew-language daily *Yediot Aharonot* that any parts of the West Bank retained by Israel would need to be compensated, in an eventual peace deal, by equal territory from pre-1967 Israel: "We have to reach an agreement with the Palestinians, the meaning of which is that in practice we will withdraw from almost all the territories, if not all the territories. . . . We will leave a percentage of these territories in our hands, but will have to give the Palestinians a similar percentage, because without that there will be no peace."

"Whoever wants to hold on to all of the city's territory will have to bring 270,000 Arabs inside the fences of sovereign Israel. It won't work," the caretaker premier added with reference to Jerusalem. "A decision has to be made. This decision . . . contradicts our natural instincts, our innermost desires, our collective memories, the prayers of the Jewish people for 2,000 years." Conceding that "for a large portion" of the past 35 years of political activity he was "unwilling to look at reality in all its depth," Olmert now admits that he "erred in his foreign policy views and actions for decades."

Olmert's assessment goes well beyond any stated readiness for territorial concessions by a key national political figure, let alone a prime minister still holding office. Even if his words give a much-needed boost to the Israeli left, what will they do for the long-stalled "peace process"? It may well continue humming promisingly on the Syrian front, but what Bashar Assad does, says, or thinks is of secondary importance. More worrisome is that, on the Palestinian side, Mahmoud Abbas may be removed from power come January 9—and his Islamist rivals do not acknowledge the need for any major concessions to Israel, including the recognition of her

right to exist on any territory.

The suspicion that Arab promises are empty—unenforceable, or insincere, or both—is not confined to the Likud Party. The question is whether people on Israel's left who agree with Olmert will be able to obtain meaningful commitments from the Palestinian side before contemplating a new episode in the never-ending "process."

A leading Palestinian negotiator, Saeb Erekat, responded by pointing out that Olmert had not translated his current conciliatory ideas into formal offers during nearly a year of peace talks that started last November. "We have been having serious negotiations with the Israeli side, but up to this moment we have not received any written proposals from the Israeli side and Mr. Olmert," Erekat told the *Jerusalem Post*. The Palestinians want to put the progress made so far in writing, so that talks will not have to return to square one when Israel's next prime minister takes office, Erekat said.

Among reasonable people of good will on both sides of the divide in the Holy Land, the concept of land for peace is still fundamentally valid. It needs to be discussed in more practical terms than ever before, however: What land(s), exactly, for what kind of peace? Signed and sealed by whom, on what surety, and with what external guarantees?

Olmert's statements are likely to make it more difficult for the governing Kadima party's new leader, Tzipi Livni, to stave off elections that could return the Likud to power. Perhaps a secondary objective of Olmert's sudden ultra-dovishness is to frustrate his old Kadima rival, even if that means the return to power of Benjamin Netanyahu.

—Srdja Trifkovic

OBITER DICTA

The editors of *Chronicles* note with regret the departure, effective January 1, of Srdja Trifkovic, our longtime foreign-affairs editor. He has lasted longer than could be expected in a position that required much work for too

little remuneration. With his help, *Chronicles* has gained attention around the world. We wish Srdja continued success in his career and expect to publish his work when he has the time to contribute to the magazine. Fortunately for us, his work has been ably supported by a competent and brilliant team of regular contributors—Wayne Allensworth, Doug Bandow, Ted Galen Carpenter, Andrea Crandall, Leon Hadar, and Edward Olsen—and by a growing list of area specialists: José Javier Esparza, Roberto de Mattei, Claude Polin, and Andreas Yannakopoulos, among many others. We are confident that *Chronicles*, in the coming years, will continue to broaden and deepen our coverage of foreign affairs.

Our poet this month is our poetry editor, Catharine Savage Brosman, professor *emerita* at Tulane University. A widely published poet, she is the author of several collections of verse, including her latest, *Range of Light* (LSU Press). Her work appears in this issue at the request of the editor.

Our cover is a photo of a painting by Giotto di Bondone (1266-1336). The hermitage in Greccio, 1299. Mural, 270 x 230 cm. Photo Credit: Erich Lessing / Art Resource, NY. Upper Church, S. Francesco, Assisi, Italy.

Our cover layout and interior art are provided by our designer, Melanie Anderson. Mrs. Anderson received her B.F.A. from Northern Illinois University.



Christmas Nightmares

Like many children growing up in the 1950's, he looked forward to Halloween even more than to Christmas. It was, admittedly, a difficult choice, because at Halloween, all he got was candy or a disappointing piece of fruit, while Christmas was a bigger bonanza even than his birthday. Nonetheless, after the anticipations of Christmas Eve and the visitations of carolers, the unwrapping of presents on Christmas morning was anticlimactic. Quickly working through the soft presents to get the socks and shirts out of the way, he moved on to the pair of Roy Rogers six-guns, chemistry set, or truck until his parents would bring out the big present—his first two-wheeler, a new sled, a pair of hockey skates. But then what did he have to look forward to? After an hour or two of showing off and comparing loot with his pals, there was the long slow day of losing interest in the new toys, ended by a dinner—worth looking forward to, certainly, for the food, but ruined by too much grown-up conversation or, worst of all, his grandparents who spoke some language they claimed was English but which he could never understand. If he was lucky, he would be permitted to escape to his room to read, though all too often his parents made him stay in the living room to make “conversation” with their friends. He obliged by showing off his amazingly boring set of astronomical statistics: the circumference of the earth, Mars, and Jupiter; Earth’s distance from the sun, Alpha Centauri, or Vega; the surface temperature of Venus and Mercury. A half-hour of this was usually enough to earn him a reprieve from the mind-numbed grown-ups. “Smart kid” was their polite way of saying, “Send him to bed.”

As he grew older, the finest moment was looking out the window at the stars glittering hard upon the heaped-up snow, knowing, with a sigh, that it was all over for another year.

Halloween was just the reverse, an ordinary day punctuated by the stupid parties at school that seemed designed to take the magic out of the holiday. In the early years, when he had been dressed up as a ghost—blinded by the sheet whose holes never matched his eyes—and dragged from house to house by an exasperated sister screaming, “Come on, hurry up, you little dope,” he came back more than once bruised and bleeding from running into a tree or splitting his head on the boulder that a crazy old woman kept in front of her cottage. But by the time he was eight or so, he could go out with his friends and face the terrors of a cold autumn night. If Christmas was a prison ruled by domineering old people who refused to let him play with his new toys—“Just keep that in the box until we have time to read the instructions”—Halloween was the GET OUT OF JAIL FREE CARD so sought after when losing at Monopoly with his sister; a born plutocrat who did not hesitate

to cheat. (She was, after all, the banker.)

He and his friends never actually soaped—much less waxed—any windows, though, in the case of old Mr. Van Horne, who spent September nights protecting his garden with a shotgun loaded with rock salt (so they said), they were sorely tempted. They did lie in wait behind bushes to jump out and scare the littler kids who came by, but that was the extent of their mischief. It did not matter what they did because they were free, free even to eat so much candy that they would be sick all night.

But as much fun as it was to demand—and get—the treats by methods that sounded a lot like the techniques used by the hard boys in the blackmail or protection rackets, the real thrill of Halloween was the eerie sense of something inexplicable out there, something that could not be explained away by an atheist father or by the rationalist moralizings he heard from Christian friends, who cheated, lied, and stole more than he did. Sure, Jesus must have been a swell guy, but as presented in school and at the occasional Sunday-school class he attended with neighbors, he was a little too much like the YMCA camp counselors who talked a good game about playing straight and leading a good life but were no less likely to write bad checks or abandon their wives. Less crudely generous than Santa Claus but certainly more real than the Easter Bunny, Jesus sometimes reminded him a bit of the Pilgrim fathers they had to pretend to be on Thanksgiving, despite the fact that among the Swedes, Polacks, and Micks in his class, none of them could trace his ancestry back to Plymouth or even Massachusetts Bay. At least Capt. John Smith had been an Indian fighter, but Jesus fought nobody, not even the Devil, who won in the end. That is what Easter was all about—dying on the cross with no complaints and then, oh yeah, some story about pie in the sky when you die, as Rev. Ike, the “success and prosperity preacher” on the radio, dismissed the immaterial blessings of the Faith. Perhaps his dislike of Christianity came from his father, but it was exacerbated by the preacher’s kid in his class—a nasty little piece of work who flattered the teachers and tried to get the other boys in trouble when they beat him up as he deserved.

On Halloween, there was nothing or no one you could put a name to, no cut-out figures in a pageant, no Squanto who betrayed his own people to curry favor with aliens, no gentle Jesus meek and mild, who refused to resist evil even

