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Hope on the Horizon

“Be careful what you pray for, you may just get it.” I’ve thought of this axiom regularly in the last year and how it applies to the conservative position on same-sex marriage. News out of California and Massachusetts suggests that the way God answers prayers may be full of surprises.

When the Massachusetts Supreme Judicial Court ruled in 2004 that there was no valid constitutional reason to deny same-sex partners the right to marry, the decision was panned by opponents as a prime example of judicial activism. The fact that the ruling was a 4–3 judgment only enhanced the feeling that a small group of judges had redefined marriage in Massachusetts in a way that was offensive to many citizens of that state.

Since then, the clarion call has gone out to stop activist judges. Leaders in the Congress have bemoaned judicial rulings opposed to the will of the people. During the Terri Schiavo affair, former House Majority Leader, Tom Delay, even delivered not-so-veiled threats that impeachment could be the price these judges would pay. As it turns out, Delay is now the one without a job.

There have been two “Justice Sundays” where leaders of the Religious Right and conservative politicians teamed up to denounce judicial activism as the greatest threat facing the American people. The fact these political events took place in churches and were broadcast throughout the country to other churches makes one wonder if these religious leaders are not selling their birthright for a pot of lentil stew. But I digress.

The undercurrent in the conservatives’ consistent cry for judicial restraint is “Let the people decide.” And you know what, they’re right. It would be better if profound social changes came about because of legislative action rather than judicial interpretation. More citizens would see those changes as a reflection of the will of the people. The sad fact is that it is unusual for the Congress and state legislatures to act courageously on controversial social issues when they have to face reelection. If it were not for wise judges in our past, segregation might still be the law of the land in some parts of this country.

Of course some state legislatures have gotten involved in the issue of same-sex marriage by passing constitutional amendments prohibiting people of the same gender from being wed. Fortunately, North Carolina has been spared that fate to this

point. What is interesting, however, is that other elected bodies are starting to take a different course.

Last year the California and Massachusetts legislatures took action to support the legalization of same-sex marriage. On September 6, the California Assembly voted 41–35 in favor of a bill making same-sex marriage state law. By doing so, California became the first state to approve a bill allowing same-sex marriages. Governor Arnold Schwarzenegger vetoed the bill. Schwarzenegger said he would prefer for the courts to decide this issue in his state. Apparently, Arnold was not in church on “Justice Sunday.”

What happened in Massachusetts last fall was even more interesting. A joint session of the Massachusetts House and Senate defeated a proposed constitutional amendment that would have banned same-sex marriage by a vote of 157–39. What was shocking about the outcome was that in 2004 the same legislative body had voted in favor of such an amendment. Why the sudden change of political will in Massachusetts?

Perhaps Senator Brian Lees summed it up best. Senator Lees is the Republican minority leader who originally co-sponsored the amendment that would have overturned the Judicial Supreme Court’s ruling allowing same-sex marriage. This time, however, Senator Lees voted against the amendment and in favor of continuing to allow gay couples to marry. Mr. Lees said: “Today, gay marriage is the law of the land.” If he had voted for the amendment, Lees noted, he would have been “taking action against our friends and neighbors who today are currently enjoying the benefits of marriage.” He further added: “Gay marriage has begun and life has not changed for the citizens of the commonwealth, with the exception of those who can now marry who could not before.”

The conservatives’ prayer that political leaders, and not judges, decide the issue of same-sex marriage is being answered. It’s just not being answered the way they expected, at least in some parts of our country. I pray that our representatives in North Carolina’s General Assembly will take note of their courageous brethren in California and Massachusetts and make marriage equality the law of our land.

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