IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

MASTERPIECE CAKESHOP INCORPORATED, a Colorado corporation; and **JACK PHILLIPS,** **Plaintiffs,** **Intervening Plaintiffs** **GRACE HARLEY, Special Forces Of Liberty, SGM JOHN GUNTER JR., Special Forces Of Liberty, 1LT CHRIS SEVIER ESQ., De Facto Attorney Generals, WHITNEY KOHL, Special Forces Of Liberty** **V.** **AUBREY ELENIS, Director of the Colorado Civil Rights Division, in her official and individual capacities;** **ANTHONY ARAGON, as member of the Colorado Civil Rights Commission, in his official capacity;** **MIGUEL "MICHAEL" RENE ELIAS, as member of the Colorado Civil Rights Commission, in his official capacity;** **CAROL FABRIZIO, as member of the Colorado Civil Rights Commission, in her official capacity;** **CHARLES GARCIA, as member of the Colorado Civil Rights Commission, in his official capacity;** **RITA LEWIS, as member of the Colorado Civil Rights Commission, in her official capacity;** **JESSICA POCOCK, as member of**		**Case No:** **1:18-cv-02074-WYD-STV**

the Colorado Civil Rights Commission, in her official capacity; CYNTHIA H. COFFMAN, Colorado Attorney General, in her official capacity; and JOHN HICKENLOOPER, Colorado Governor, in his official capacity, *Defendants*.		

MOTION FOR LEAVE TO FILE AND PERMIT THE NATIONAL ALLIANCE OF BLACK PASTORS TO APPEAR AMICI CURIAE IN SUPPORT OF THE PLAINTIFFS AND IN SUPPORT OF THE INTERVENING PLAINTIFFS

NOW COMES, the National Alliance of Black Pastors, by and through Counsel, respectfully seeking leave to file *Amicus Curiae*. The attached brief supports the Plaintiffs' causes of action but for reasons that are asserted by the Intervening Plaintiffs. That is, while the Plaintiffs should prevail on the causes of action asserted, there are superior Constitutional causes of action that the Plaintiff should assert so that actual justice is accomplished. It is a long standing jurisprudence that "a plaintiff is the master of his own complaint." Normally, the *amicus* would wait until a party had filed a motion for summary judgment before filing a brief. However, this brief is timely under the totality of the circumstances because the *amicus*'s brief encourages the Plaintiffs to amend their complaint pursuant to FRCP 15 to assert a cause of action against the Defendants that Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) violates the First Amendment Establishment Clause for failing the prongs of the *Lemon* Test.[1] The *Amicus* should be granted leave to file because the brief explains

[1] What Is The Lemon Test?
https://soundcloud.com/user-450634204/what-is-the-lemon-test
To pass muster under the Establishment Clause, a practice must satisfy the *Lemon* test, pursuant to which it must: (1) have a valid secular purpose; (2) not have the effect of advancing, endorsing, or inhibiting religion; and (3) not foster excessive entanglement with religion. Id. at

how Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) fails prong one of *Lemon* in its making.[2] The *Amicus* should be allowed to file a belief because it

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592 (citing *Lemon v. Kurtzman*, 403 U.S. 602 (1971)). It is important to understand that government action "violates the Establishment Clause if it fails to satisfy any of these prongs." *Edwards*, 482 U.S. 578 at 583; *Agostini v. Felton*, 521 U.S. 203, 218 (1997). In view of the testimony of ex-gays, medical professionals, and ministers, gay marriage policy, sexual orientation discrimination statutes, transgender bathroom ordinances, and conversion therapy bans violate all three prongs of the Lemon test by a landslide in their making and in their enforcement. It is not a close call. There are millions of taxpayers who believe that all forms of parody marriage are immoral. They also believe that to enable acts of immorality is itself an act of immorality. It is coercive for the tax dollars of non-observers of Secular Humanism to be used to endorse parody marriages that do not involve one man and one woman because it makes them feel culpable of condoning immorality. When a person is legally married they are entitled to what is called a "constellation of benefits" that flows from the general fund. These taxpayers in this State have standing to enjoin the State from making or enforcing parody marriage policy, sexual orientation discrimination statutes, transgender bathroom ordinances, and conversion therapy bans because the policies themselves are (1) a non-secular shams that (2) have the effect of creating an indefensible legal weapon against non-observers of the religion of Secular Humanism, while (3) serving to excessively entangle the government with the religion of Secular Humanism. Policies that promote parody marriages do not accomplish their intended purposes and are based on a series of unproven faith-based assumptions and naked assertions that are implicitly religious and inseparable from the Secular Humanism.

[2] How Does Gay Marriage Policy, Colo. Rev. Stat. § 24-34-601(2)(a), and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) Fail Prong One Of The Lemon Test?
https://soundcloud.com/user-450634204/how-does-gay-marriage-policy-fail-prong-one-of-the-lemon-test
The State's enforcement of gay marriage policy and the State's enforcement or perspective enforcement of sexual orientation discrimination statutes, transgender bathroom ordinances, or conversion therapy bans violate prong one of *Lemon* because those policies are not "secular" and because they are the ultimate "sham" for purposes of the Establishment Clause, since they have an underlying primary religious objective. At the core of the "Establishment Clause is the requirement that a government justify in secular terms its purpose for engaging in activities which may appear to endorse the beliefs of a particular religion." *ACLU v. Rabun Cnty. Chamber of Commerce, Inc.,* 698 F.2d 1098, 1111 (11th Cir. 1983). This secular purpose must be the "pre-eminent" and "primary" force driving the government's action, and "has to be genuine, not a sham, and not merely secondary to a religious objective." *McCreary Cnty, Ky. v. ACLU of Ky.,* 545 U.S. 844 (2005). There are at least seven reasons why legally recognized gay marriage violates prong one of *Lemon* p rovided in motions for summary judgment and *amicus* briefs posted under the tab called "Law for Attorney Generals." First, in the wake of *Obergefell* there has not been a land rush on gay marriage. The raw numbers tell the tale. Prior to the *Obergefell* decision two years ago, the 7.9 percent of gays who were married would have amounted to 154,000 married gay couples. Two years later, this had grown to 10.2 percent or 198,000 married

provides evidence that Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) fails prong II of *Lemon* for creating an indefensible legal weapon against all non-observers of the religion of Secular Humanism, not just the Plaintiffs.[3] The *amicus*

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couples. Second, gay marriage policies are a total sham because while there has not been a land rush on gay marriage, there has been a land rush on Christian persecution. Third, while their has not been a land rush on gay marriage, there has been a land rush by Secular Humanists to infiltrate elementary schools with the purpose of indoctrinating minors to the Secular Humanism ideology on sex, faith, morality, marriage, and truth. Fourth, the fact that majority in *Obergefell* pretended that gay rights were civil rights like race-based civil right are, when race-based civil rights are actually based on immutability, shows that gay marriage policy and all other pro-gay policies are sham. Fifth, the fact that in the wake of *Obergefell* self-identified homosexuals continue to protest ex-gay conventions because the testimony of ex-gays causes the legal basis behind the fake gay civil rights plight to implode shows that the government's endorsement of LGBTQ ideology is a sham. Sixth, the fact that parody marriages have never been a part of American history and tradition and that gay marriage was basically illegal until *Lawrence v. Texas*, 539 U.S. 558 (2003) recently overturned *Bowers v. Hardwick*, 478 U. S. 186 (1986), and yet the Court pretended otherwise by monkeying with the Fourteenth amendment's Substantive Due Process Clause shows that gay marriage policy is a sham. The purpose of the government's decision to entangle itself with the LGBTQ church was to promote tolerance and equality for a pretend people group, and because the "stated purpose [of the government's entanglement with the LGBTQ church has] not [been] actually furthered...then that purpose [must be] disregarded as being insincere or a sham." *Church of Scientology v. City of Clearwater,*. 2 F.3d 1514, 1527 (11th Cir. 1993).

[3] How Does Gay Marriage Policy, Colo. Rev. Stat. § 24-34-601(2)(a), and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) Fail Prong Two Of The Lemon Test
https://soundcloud.com/user-450634204/how-does-gay-marriage-policy-fail-prong-two-of-the-lemon-test

Under this second prong of the *Lemon* t est, courts ask, "irrespective of the . . . stated purpose, whether [the state action] . . has the primary effect of conveying a message that the [government] is advancing or inhibiting religion." *Indiana Civil Liberties Union v. O'Bannon,* 259 F.3d 766, 771 (7th Cir. 2001). The "effect prong asks whether, irrespective of government's actual purpose," *Wallace v. Jaffree,* 4 72 U.S. 38, 56 n.42 (1985), the "symbolic union of church and state...is sufficiently likely to be perceived by adherents of the controlling denominations as an endorsement, and by the nonadherents as a disapproval, of their individual religious choices." *School Dist. v. Ball*, 473 U.S. 373, 390 (1985); *see also Larkin v. Grendel's Den*, 459 U.S. 116, 126-27 (1982)(even the "mere appearance" of religious endorsement is prohibited).

In the wake of the *Obergefell* and *Windsor* p utsch, there has not been a land rush on gay marriage, but there has been a land rush by Secular Humanists to persecute Christians for refusing to endorse a religious worldview that non-observers of Secular Humanism believe is self-evidently immoral, obscene, and subversive to human flourishing. While "gay marriage" is "fake marriage," the government's endorsement of homosexual orthodoxy has lead to the "very

should be granted leave because the brief provides arguments for how the enforcement of gay marriage policy, Colo. Rev. Stat. § 24-34-601(2)(a), and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) violate prong III of *Lemon* for excessively entangling the government of Secular Humanism.[4] The Court can take judicial notice of legislative facts. Courts "can take take

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real" persecution of Christians. The unconstitutional codification of the fake gay civil rights movement amount to an indefensible "legal weapon that no [Christian or non-observer of Secular Humanism] can obtain." *City of Boerne v. Flores,* 521 U.S. 507 (1997). A "gay marriage license" issued by the state amounts to a government issued "license to oppress." That is the effect of the government's unconstitutional entanglement with the religion of Secular Humanism. It is an evil that the Establishment Clause does not allow. The CADA statute that Jack Phillips was sued under violated the Establishment Clause in its making (it took state action to create it) and in its enforcement for failing prong two of Lemon. Alliance Defending Freedom refused to make that argument because they are more interested in defending donations and persecution is good for their business model.

[4] How Does Gay Marriage Policy, Colo. Rev. Stat. § 24-34-601(2)(a), and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III), Fail Prong Three Of Lemon?
https://soundcloud.com/user-450634204/how-does-gay-marriage-policy-fail-prong-three-of-lemo n
The State's enforcement of gay marriage policy or its potential enforcement of transgender bathroom policies, conversion therapy bans, or sexual orientation discrimination statutes excessive entangles the government with the religion of Secular Humanism because it enshrines one narrow and exclusive version postmodern western individualistic moral relativism, i.e. Secular Humanism, as the irrefutable supreme national religion. *In re Young*, 141 F.3d 854 (8th Cir 1998); *Westchester Day School v. Village of Mamaroneck*, 504 F.3d 338, 349 (2d Cir. 2007). In the wake of the *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor,* 1 33 S. Ct. 2675, 186 L. Ed. 2d 808 (2013) judicial putsch, there has not been a land rush on gay marriage, but there has been a land rush by Secular Humanists to infiltrate elementary schools with the purpose of indoctrinating minors to a worldview on marriage, morality, and sex that is questionably real, moral, decent, and non-secular. The Supreme Court has emphasized that there are "heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools," *Lee v. Weisman*, 505 U.S. 577, 592 (1992). The Federal courts have thus "been particularly vigilant in monitoring compliance with the Establishment Clause" in the public-school context, see *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987). The legislature has a duty under Article VI to be vigilant as well to keep Secular Humanists from indoctrinating minors to Secular Humanist's religious worldview. The government's endorsement of gay marriage policy has had the effect of entitling Secular Humanists to impose their religious beliefs on minors in public schools in a manner that demonstrates that gay marriage policy and sexual orientation statutes are religious shams that violate the Establishment Clause. Because tax dollars are flowing from the general fund to finance the distribution of a constellation of benefits to self-identified homosexuals who legally

judicial notice of legislative facts." *Landell v. Sorrell*, 382 S3d. 91 (2nd Cir. 2004);; *Lebron v. Secretary of Florida*, 772 F3d 1352 (11th Cir 2014);; Brand v. Motley, 526 F3d 921 (6th Cir. 2008). Leave to file should be granted *a*

because the *amicus* is working with the Special Forces of Liberty and De Facto Attorney Generals to compel the Colorado House and Senate introduce an act to be entitled the Marriage And Constitution Restoration Act in a manner that will better enable the red states and the federal Congress to pass the same the bill in a way that will cause Colo. Rev. Stat. § 24-34-601(2)(a), Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III), and gay marriage policy to be done away with for good.[5] In the scheme of things, these proceedings are just a formality.

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marry and because there are hundreds of thousands of taxpayers in every state who do not want to play a role in enabling parody marriages, the enforcement of gay marriage policy fails prong three of the Lemon Test for excessively entangling the government with the religion of Secular Humanism and therefore violates the First Amendment Establishment Clause.

What Is Religion Really?

https://soundcloud.com/user-450634204/what-is-religion-really

All "religion" amounts to is a a set of answers to the greater questions, like "why are we here" and "what should humans be doing." "Religion" is, therefore, a set of unproven truth claims and naked assertions that can only be taken on faith. The Establishment Clause was never designed to single out "institutionalized religions," like Christianity and Judaism, which tends to parallel transcultural self-evident truth that serves as the master narrative of the Constitution itself. The Establishment Clause also was designed - if not more so - to prohibit the government from legally codifying the truth claims floated by "non-institutionalized religions" as well, to include the truth claims asserted by the religion of postmodern western moral relativism and expressive individualism. Currently, "secularism" is having a full blown crisis because "secularism" is a "religion" in most respects that only pretends to be neutral.

[5] *https://soundcloud.com/user-450634204/the-marriage-and-constitution-restoration-act-summary-overview*

Does the Marriage And Constitution Restoration Act single out gay marriage?

https://soundcloud.com/user-450634204/does-the-marriage-and-constitution-restoration-act-single-out-gay-marriage

There are some bills that single out the LGBTQ community or gay marriage. But this is not one of them. This act does not single out self-identified homosexuals or gay marriage. This act bars the State from endorsing, recognizing, respecting, or favoring any form of marriage that does not involve one man and one woman. This act acknowledges that all citizens can have wedding

The fact of the matter is that continued attempts to arbitrarily limit marriage to two people to sneak around the Establishment Clause will no long work. Attempts to arbitrarily limit marriage to two people has always been a non-secular sham that is without merit and is just an excuse for Democrats to entangle the government with the ideology of the largest denomination within the church of Secular Humanism.[6] With Justice Kennedy stepping down in the wake of *Masterpiece Cakeshop v. the Colorado Civil Rights Commission*, 584 U. S. ____ (2018), it is game over when it comes to the continuation of what the Honorable Justice Scalia correctly called an "egotistic….putsch" that constitutes a "threat to American Democracy."[7] The Plaintiffs

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ceremonies of all kinds and live as married people do. It is simply the case that the government is prohibited from being in the parody marriage business.

[6] Why Can't The States Limit Marriage To Two Consenting People?
https://soundcloud.com/user-450634204/why-cant-the-state-limit-marriage-to-two-consenting-people
The Establishment Clause of the First Amendment of the United States Constitution prohibits all of the States from limiting marriage to two consenting adults. It is an arbitrary law state consideration that is undone by the holding in Obergefell and the Fourteenth Amendment if Obergefell was not a sham. Since the Supreme Court pretended that marriage is an "existing right," "individual right," and "fundamental right" based on a "personal choice" for self-identified homosexuals under the Fourteenth Amendment, then it follows that marriage must be an "existing right," "individual right," and "fundamental right" based on a personal choice for self-identified polygamists, zoophiles, and objectophiles as well under the Fourteenth Amendment. Zablocki v. Redhail, 434 U.S. 374, 384 (1978) (fundamental right); Cleveland Bd. of Educ. v. LaFleur, 414 U.S. 632, 63940 (1974) (personal choice); Loving v. Virginia, 388 U.S. 1, 12 (1967) (existing right/individual right); Lawrence v. Texas, 539 U.S. 558 (2003) (intimate choice). Otherwise, gay marriage plight is just a sham that is really barred by the Establishment Clause. The bottom line is that the Secular Humanists on the court are guilty of monkeying with the Fourteenth Amendment in a manner that makes Secular Humanists judges an internalized threat to American Democracy. The attempt by the blue states to limit marriage to two people is merely another arbitrary marriage ban that violates the Fourteenth Amendment, if the Obergefell decision was valid. But it was not. The First Amendment has exclusive jurisdiction in informing the states how to respond to all marriage requests that do not involve one man and one woman and how to respond to self-asserted sex-based identity narratives that are questionably real, moral, and decent.

[7] What Was The Real Implication Of The Masterpiece Cakeshop Decision?
https://soundcloud.com/user-450634204/what-was-the-real-implication-of-the-masterpiece-cakeshop-decision

should amend the complaint and include an Establishment Clause claim because the Supreme Court has already recognized that Secular Humanism is a religion.[8] The legislatures are

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The 7 to 2 decision in *Masterpiece Cakeshop v. the Colorado Civil Rights Commission*, 584 U. S. ____ (2018) shows that the decisions in *Obergefell* and *Windsor* were a political ploy and an unprincipled misapplication of the Fourteenth and Fifth Amendments. There is no such thing as "partial civil rights movements." If the "gay civil rights movement" was an actual a "civil rights movement," then Jack Phillips should have been required to defy his religious beliefs and bake the cake for the self-identified homosexual couple. Secular Humanists on the Supreme Court have been behaving like children who have been caught in a lie because they have been exposed for having monkeyed with the Fourteenth Amendment by misapplying it to create law that entangles the government with Secular Humanism. Imaging if after the race-based civil rights movement of the 1960s, blacks could still be barred from military service or they still could be required to ride on the back of the bus. Discrimination on the basis for color is an evil that cuts across aspects of society because unlike sexual orientation it really is based on immutability and genetics. The gay civil rights movement is about Secular Humanists entangling the government with their private code to ratify a moral superiority complex that is dangerous, desensitizing, depersonalizing, dehumanizing, and destructive and most importantly non-secular. The fake gay civil rights movement is an effort by devout moral relativists to use government to explain away the natural feelings of shame and inadequacy that come from engaging in forms of sex that violate the givenness of our nature and the truth about the way things are and the way we are. Instead of trying to make all sides happy, the Federal Court judges should have just done their job by enforcing the Constitution as it was written and not as how devout Secular Humanists wished that it was.

[8] What Is The Religion Of Secular Humanism?
https://soundcloud.com/user-450634204/what-is-the-religion-of-secular-humanism
Ex-gays, medical professionals, and licensed ministers have provided testimony under oath in support of this bill that sexual orientation has nothing to do with immutability or the Fourteenth Amendment, but rather, sexual orientation is a religious orthodoxy that is inseparably linked to the religion of Secular Humanism. The United States Supreme Court (and most of the Federal Courts of appeals) have held that Secular Humanism is religion for purposes of the Establishment Clause. See the Supreme Court decisions in Torcaso v. Watkins, 367 U.S. 488 (1961) and Edwards v. Aguillard, 482 U.S. 578, 583 (1987). ("Among religions in this country, which do not teach what would generally be considered a belief in the existence of God, are Buddhism, Toaism, Ethical Culture, Secular Humanism, and others." See Also Washington Ethical Society v. District of Columbia, 101 U.S. App. D.C. 371, 249 F. 2d 127 (1957); 2 Encyclopaedia of the Social Sciences, 293; J.Archer, Faiths MenLive By 120—138, 254—313 (2d ed. revised by Purinton 1958); Stokes & P feffer,supra, n.3 ,at 560. Welsh v. U.S, 1970398 U.S. 333 (U.S. Cal. June 15);; Wells v. City and Cnty. of Denver, 257 F.3d 1132 (2001)). There is hardly anything "secular" about the religion of "Secular Humanism." The first amendment was never just designed to single out institutionalized religions to keep the government from respecting its doctrine. The Establishment Clause was designed, if not more so, to prevent moral relativists from using government to enshrine their Secular Humanist dogma. In Real

recognizing it as well through legislative instruments authored by the Special Forces Of Liberty created directly out of a series of federal actions.

To give credit where credit is due, a lot of the research for this brief was conducted by the the National Coalition Of Black Pastors And Christian Leaders. Leave should be granted because this brief seeks to defend the integrity of the race-based civil rights movement lead by

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Alternatives, the Seventh Circuit Court of Appeals stated: "w e detect a difference in the "philosophical views" espoused by [the litigants], and the "secular moral system[s]...equivalent to religion except for non-belief in God" that Judge Easterbrook describes in Center for Inquiry, 758 F.3d at 873. There, the Seventh Circuit references organized groups of people who subscribe to belief systems such as Atheism, Shintoism, Janism, Buddhism, and secular humanism, all of which "are situated similarly to religions in everything except belief in a deity." Id. at 872. "These systems are organized, full, and provide a comprehensive code by which individuals may guide their daily activities." Instead having across or the ten commandments, the LGBTQ church has the gay pride flag and their own commandments,such as if you disagree with LGBTQ ideology you are a bigot worth marginalizing. The unproven naked truth claims evangelized by the LGBTQ church such as (1) there is a gay gene, that (2) people can be born in the wrong body, that (3) same-sex sexual activity checks out with the human design, that (4) same-sex buggery is not immoral, and that (5) people come out of the closest are baptized gay consists of a series of unproven faith based assumptions that are implicitly religious and take a huge amount of faith to believe are even plausible. Here is a video on Secular Humanism is a religion. https://www.youtube.com/watch?v=TeSM7cbXSEI;

What Is The Problem With The ACLU And The Freedom From Religion Foundation?
https://soundcloud.com/user-450634204/what-is-the-problem-with-the-aclu-and-the-freedom-from-religion-foundation

The ACLU and Freedom From Religion Foundation are constantly pushing to entangle the government with the religion of Secular Humanism that they ardently subscribe to. Both of these organizations are too intellectually blind and dishonest to see or admit that they have been working for decades to entangle the government with their religion - establishing Secular Humanism as the national supreme religion. The problem for the ACLU and the Freedom From Religion Foundation is that the Supreme Court and just about every Circuit Court has held that Atheism is a religion. *Wells v. City and Cnty. of Denver,* 257 F.3d 1132 (2001). The reason why in *Van Orden v. Perry,* 545 U.S. 677 (2005), Justice Breyer in his concurrence stated that "the Establishment Clause does not compel the government to purge from the public sphere all that in any way partakes of the religious" because "[s]uch absolutism is not only inconsistent with our national traditions, but would also tend to promote the kind of social conflict the Establishment Clause seeks to avoid" was because western postmodern moral relativism is a religion whose faith-based dogmatic unproven truth claims cannot be respected through government recognition.

Pastor Martin Luther King Jr, which the political and Constitutional malpractice of the Defendants threatens.[9] Leave should be granted because when the Defendants suggest "love is love," it does not mean what the public thinks.[10] This brief ties in with the briefs filed by the Center For Garden State Families, the Coalition of Doctors Defending Reparative Therapy, and American Family Association of PA, all of which make different points of law and point to different undisputed facts that will help the Court find the law, as Article III rights. It is important that this brief be in the record because it is the position of *Amicus* that for any government official to falsely equate the gay plight to the race based civil rights movement lead by Pastor Martin Luther King is an act of intellectual dishonesty that amounts to racism in kind

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[9] Anyone who compares the "gay civil rights plight" to the "race-based civil rights plight," whereas the race-based civil rights plight was actually based on immutability, only to not really mean it, has engaged in acts of fraud and racial animus in-kind that manages to be emotionally, intellectually, sexually, and racially exploitative. To oppose the government's unconstitutional endorsement of homosexual ideology is to defend the civil rights movement lead by Pastor Martin Luther King Jr. To embrace the fake gay rights movement is deeply offensive to people of color who were required at one point to walk to school, drink from the colored water fountain, and undergo mistreatment for characteristics that are without question based on genetics and immutability, not emotional faith-based beliefs. If a government official supports the government's endorsement of gay rights, they are refusing to think logically and can be accused of bigotry in-kind. Legislators support this act support the rule of law and the supremacy of the United States Constitution. Those who oppose this act that balances the Free Exercise Clause with the Establishment Clause are on the wrong side of history and reality. While there are thousands of ex-gays, there is no such thing as an "ex-black person." Help us safeguard and restore the integrity of the civil rights movement lead by Dr. Martin Luther King Jr. by standing behind the Marriage And Constitution Restoration Act.

[10] What Does Love Is Love Really Mean?
https://soundcloud.com/user-450634204/what-does-love-is-love-really-mean
When people say that "love is love" what they really mean is that they are perfectly ok with government assets being used to crush anyone who believes that homosexuality is immoral or subversive to human flourishing. Such a position is categorically "unloving." It is more accurate to say that "love without truth is shallow sentimentality." One thing that the fake gay civil rights movement has managed to prove is that people who are "intolerant" of "intolerant people" are "intolerant;" people who are "judgmental" against "judgmental people" are "judgmental;" people who are "dogmatic" about not being "dogmatic" are themselves "dogmatic." As Justice Kennedy stated in *Masterpiece Cakeshop*, "tolerance has to cut both ways."

in a manner that manages to be sexually, intellectually, emotionally, and racially exploitative. It is true that black lives matter and that all lives matter, and it matters that the race-based civil rights movement not be exploited by people who are really just advocates for perversion and the erosion of community standards of decency. While there is no such thing as an ex-black person, there are thousands of ex-gays.[11] *Amicus* has a vested interest in defending the integrity of the race-based civil rights movement.[12]

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[11] Do gay people exist or do only self-identified gay people exist?
https://soundcloud.com/user-450634204/do-gay-people-exist
There is no such thing as "homosexuals." There are only some people who "self-identify" as "homosexual" for at least some period of time. While people have the right under the Free Exercise clause to form self-asserted sex-based identity narratives, the Establishment Clause prohibits the government from respecting and recognizing identify narratives that are questionably real, moral, and decent. Sex-based identity narratives are semi-religious in nature. While there are no such thing as "ex-blacks," there are thousands of ex-gays. The First Amendment in balancing the Free Exercise Clause and the Establishment Clause has exclusive jurisdiction in resolving the question as to which marriages the States can recognize and how the States must respond to self-asserted sex-based identify narratives that are questionably real, moral, and have a tendency to erode community standards of decency. It is intellectually, racially, sexually, and emotionally dishonest for Secular Humanists advocate the unprincipled ploy that the Fourteenth Amendment has anything to do with answering how the States must legally define marriage.

[12] Pastor Charlene Cothran is the director of the National Alliance of Black Pastors And Persecuted Christians. Her sworn statement is in the record and sets forth her interest in detail.# Pastor Cothran is an African American Pastor who operated as a Militant self-identified Lesbian activist for over 28 years before converting to Christianity and leaving the lifestyle behind completely. Pastor Cothran was radically transformed by the personalized truth found in the New Testament Gospel. She went from persecuting Christians, as a devout self-identified lesbian to becoming one, leaving homosexuality behind. This brief draws from research conducted by the National Coalition of Black Pastors and Christian Leaders, which represent the interests of over 25,000 Churches and Ministries that include over 3 million laity. The National Coalition of Black Pastors and Christian Leaders lead their pastoral communities, preach, spread the good news of God's love, and promote the truth. As pastors, *Amici* are considered shepherds who guide their church communities in accordance with time-proven Biblical values and truth. For *Amici,* the Bible expresses sound, ethically-grounded doctrine upon which individuals beneficially rely regarding family matters. *Amici* carry the responsibility to oppose unsound morally-relative doctrines embraced by government actors and to oppose practices that are harmful to the following of God's time-proven teachings that accord with the self-evident transcultural universal law that is woven into the fabric of the Universe. *Amici* hold an interest in

Comparing the dilemmas of same-sex couples to the centuries of discrimination faced by Black Americans is a deceptive distortion of our country's culture and history. The disgraces in our nation's history pertaining to the civil rights of Black Americans are unmatched. No other class of individuals, including individuals who are same-sex, objectophilic, or polygamously attracted, have ever been enslaved, or lawfully viewed not as human, but as property.[13] Self-identified homosexuals, polygamists, transgenders, zoophiles and objectofile have never lawfully been forced to attend different schools, walk on separate public sidewalks, sit at the back of the bus, drink out of separate drinking fountains, denied their right to assemble, or denied their voting rights. Id. The legal history of these disparate classifications, i.e., immutable racial discrimination and same-sex attraction, is incongruent. Yet, some devout Moral Relativists in office have mistakenly understated this incongruence to manufacture and mandate the ill-conceived and apparently limitless concept of "marriage equality."

This brief, in-part, focuses on what happened in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) at the District, Appellate, and Supreme Court level, while exposing the intellectual dishonesty underlying the self-identified homosexual petitioners' arguments. It follows that if gay marriage policy is unconstitutional and unenforceable under the Establishment Clause, then

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the government not entangling itself with the religion of Secular Humanism postmodern moral relativism and expressive individualism. *Amici* are taxpayers themselves who have standing to file their own separate lawsuit under the Establishment Clause enjoining the State from legally endorsing, respecting, and recognizing gay marriage. The *Amici* were in-part inspired to author this brief after seeing the LGBTQ community gang up on and persecute African American Vanderbilt law professor Carol Swain, who is an outspoken grace-based Christian who is full of good will and the truth.

[13] *See*, *e.g.*, Stacy Swimp, *LGBT Comparison of Marriage Redefinition to Historical Black Civil Rights Struggles is Dishonest and Manufactured* (March 7, 2014), (http://stacyswimp.net/2014/03/07/lgbt-comparison-of-marriage-redefinition-to-historical-Black-civil-rights-struggles-is-dishonest-and- manufactured).

so are Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) on the same Constitutional prescription. A State has no responsibility to promote any person's sexual proclivities, whether heterosexual, homosexual, or otherwise—and certainly is not required to accept that one's sexual conduct preference is the same as an immutable characteristic like race. The Supreme Court in *Obergefell* should have upheld the State's marriage bans because the underlying legal basis for the marriage bans was the First Amendment Establishment Clause. Plus the states have a compelling interest to uphold community standards of decency as Jack Phillips has done at immense expense to himself.[14] If the Attorney General actually understood her job, she would know that all forms of parody marriage erode community standards of decency and affront the obscenity codes which she is charged to enforce. The fact that the Defendants do not know that homosexual and transgenderism are obscene, immoral, and non-secular demonstrates that they lack the character fitness to be in office and are a danger to the public's safety, health, and welfare. By rejecting the transgenders and self-identified

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[14] What Was The Real Purpose Behind The Original Gay Marriage Bans? *https://soundcloud.com/user-450634204/what-was-the-real-purpose-behind-the-original-gay-marriage-bans*
The original legal basis behind State's bans on parody marriages rested on the notion that parody marriages erode community standards of decency.The State's Constitution and the Supreme Court of the United States has made it clear that the States have a compelling interest to uphold community standards of decency. *Paris Adult Theatre I v. Slaton*, 413 US 49 (1973). Courts have held that "any school boy knows that a homosexual act is immoral, indecent, lewd, and obscene.Adult persons are even more conscious that this is true." *Schlegel v. United States,* 416 F. 2d 1372, 1378 (Ct. Cl. 1969). The Supreme Court has long since held that "to simply adjust the definition of obscenity to social realities has always failed to be persuasive beforethe Courts of the United States." *Ginsberg v. New York*, 390 U.S. 629, 639–40, 88 S.Ct. 1274, 20 L.Ed.2d 195 (1968), *Mishkin v. State of New York*, 383 U.S. 502, 509, 86 S. Ct. 958, 16 L. Ed. 2d 56 (1966), and *Bookcase, Inc. v. Broderick*, 18 N.Y.2d 71, 271 N.Y.S.2d 947, 951, 218 N.E.2d 668, 671 (1966). Community standards do not evolve but groups of people can become desensitized to objective immorality. While that is a state law argument, what is without question is that all parody marriage policies and sexual orientation discrimination states fail all three prongs of the Lemon test and violate the Establishment Clause in their making and in their enforcement.

homosexuals' requests imposed on Masterpiece Cake shop, the *amicus* believes that the Plaintiffs are fulfilling a narrowly tailored compelling state interest. Anyone with a semblance of common sense can see that. But the hallmark of the Colorado Civil Rights Commission is that it is intellectually blind because it has allowed itself to unwisely become brainwashed through a subscription to the unexamined assumption of the superiority of our cultural moment. By allowing the *amicus* to file it might illuminate the truth and help the blind see so that human flourishing can be advanced in a meaningful way in the formation of a more perfect union. Here is the truth - there is no such thing as "gay people." There are only some people who self-identify as gay for some period of time. Thousands of those people realize that they have been duped, having only conformed to society's messages only to discover a great truth allows them to be set free from the lies floated by the LGBTQ community that the Defendants promote for self-serving reasons that confuse children, erode community standards of decency, and lead to the persecution of Colorado's best, like Jack Phillips.

The *Obergefell* court should have properly applied the reasoning behind the landmark case of *Loving v. Virginia*, 388 U.S. 1 (1967) as the 6th Circuit did for reasons addressed in the brief. In no uncertain terms, the self-identified homosexual petitioners in *Obergefell* asked the USSC to commit an act of judicial overreach, aggrandize the power of a limited federal judiciary, and improperly diminish the power of the United States Constitution by asking the USSC to disregard the Establishment Clause and to misuse the Fourteenth Amendment. The Colorado Civil Rights Commission has done so ad nauseum by asking the administrative law courts to punish the Honorable Jack Phillips for having the humility and common sense to view their religious worldview endorsed by the Colorado Civil Rights Commission as being

completely implausible, obscene, and subversive to human flourishing for reasons that are self-evident. Jack Phillips is a Christ Follower who treats Jesus Christ as his King, having been radically transformed by the same personalized truth that billions of people across the globe have as well. The Defendants persecution of the Plaintiffs is profoundly vile and racists.

"Although there is no formal rule governing the filing of *amicus* curiae briefs, district courts possess the inherent authority to grant or refuse leave to *amicus* parties." *Georgia Aquarium, Inc. v. Pritzker,* 135 F.Supp.3d 1280 (N.D.Ga.2015). "A district court exercises wide discretion in deciding whether to grant or deny leave to file an *amicus* brief." *United States v. Board of County Commissioners of the County of Otero,* 184 F.Supp.3d 1097 (D.N.M. 2015). See also: Brief of an *Amicus Curiae* FRAP Rule 29;; Pleadings Allowed; Form of Motions and Other Papers FRCP Rule 7. This is a Constitutional action and given what is at stake leave should be given. Anger is not the opposite of love. Hate is. And the final form of hate is indifference, and the amicus is far from indifferent from the Colorado Civil Rights Commission's decision to frame sexual orientation as a civil rights issue when it has always been nothing more than a religious mythology that is inseparably linked to the religion of postmodern western individualistic moral relativism, expressive individualism, and Secular Humanism. While the *Amicus* has white hot pinpointed anger at the blatant malicious prosecution and abuse of process that the Defendants have perpetrated against the Plaintiffs, the *Amicus* requests to file is timely in light of the rules of Federal Civil Procedure because the brief effectively encourages the Plaintiffs to file an amended complaint that includes a cause of action under the Establishment Clause. The Special Forces of Liberty, the amicus, and others have been screaming at Alliance Defending Freedom to go on the offensive for Jack Phillips, so Alliance

[18] Swift v. Tyson, 41 U.S. 1 (1842), overruled by Erie Railroad Co. v. Tompkins, 304 U.S. 64, 58 S.Ct. 817 (1938). Plessy v. Ferguson, 163 U.S. 537, 16 S.Ct. 1138 (1896) held that "equal but separate" segregated facilities were constitutionally permissible. Overruled by Brown v. Board of Education of Topeka, Shawnee County, Kan., 347 U.S. 483, 495, 74 S.Ct. 686, 692 (1954) ("Separate educational facilities are inherently unequal."). Lochner v. New York, 198 U.S. 45, 25 S.Ct. 539 (1905) held that a state statute could not invalidate employer-employee contracts that required more than 60 hours/week of work. Overruled in part by Day-Brite Lighting Inc. v. State of Mo., 342 U.S. 421, 72 S.Ct. 405 (1952); and Ferguson v. Skrupa, 372 U.S. 726, 83 S.Ct. 1028 (1963). Coppage v. State of Kansas, 236 U.S. 1, 35 S.Ct. 240 (1915) held invalid a state statute that forbade employers to condition employment on a promise not to join a labor union. Overruled in part by Phelps Dodge Corp. v. N.L.R.B., 313 U.S. 177, 61 S.Ct. 845 (1941). Adkins

Defending Freedom deserves applause for having done so. Yet, Alliance Defending Freedom cannot necessarily be fully trusted to get justice for all people because they are too afraid of their own shadow when it comes to changing the course of law by having the Constitution enforced as it was actually written. Amicus, on the other hand, will call a "spade a spade," which can help the Court better find what the Constitution of the United States actually requires in this ongoing controversy.

Amicus should be granted leave because this case has the potential to strike down all sexual orientation statutes like Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) that exist in other states as the United States First Amendment Establishment Clause requires based on arguments that the *amicus* and the Special Forces Of Liberty have been making before a litany of legislative bodies that are preparing to introduce and pass the Marriage And Constitution Restoration Act. Furthermore, leave should be granted because the *amicus* is providing the Constitutional basis for *Obergefell* to be overruled. *Obergefell a*nd the enforcement of Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) against the Plaintiffs were based on emotion - nothing more. Due to their profuse refusal to think logically, the Defendants seem incapable of understanding that emotional appeals do not allow government actors to usurp the Establishment Clause.[15] Perhaps

[15] Do Emotional Appeals Or Sincerity Of Belief Allow The Government To Usurp The Establishment Clause?
https://soundcloud.com/user-450634204/do-emotional-appeals-or-sincerity-of-belief-allow-the-government-to-usurp-the-establishment-clause
Emotional appeals do not allow the government to usurp the Establishment Clause. When President Obama came into office, he emphasized that he wanted to appoint Judges to the Court who would demonstrate empathy. The entire basis for the Supreme Court in *Obergefell t*o force the government to respect gay marriage policy was predicated on a series of emotional appeals and naked assertions that were implicitly religious in nature. Justices, like Ginsburg and Sotomayor, were moved by the the stories of self-identified homosexuals who were dropped off

this brief, which seeks to safeguard the integrity of the race-based civil rights plight lead by Pastor Martin Luther King might help the Defendants awaken to transcultural reality about the way things are and the way we are.

Leave should be granted because "Stare Decisis" does not keep *Obergefell v. Hodges,* 135 S.Ct. 2584 (2015) from being overruled for the reasons that the *amicus* and the Special Forces Of Liberty have been asserting at legislative hearings on the Marriage And Constitution Restoration Act and in the Courts' records all across the United States. While the Judiciary has been attempting to circle the wagons to defend an unprincipled ploy for reasons that are immature, the legislative branch is not having it. The *Obergefell* and *Windsor* decisions were calculated shams that has caused real suffering - see the declaration of Lisa Bouch from WW Bridal .[16] The Supreme Court found that "questions which merely lurk in the record, neither

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in the middle of nowhere by taxi cab drivers, denied medical treatment, and assaulted, simply because they identified as homosexual. While those stories are tragic, they do not justify the Supreme Court's decision to misuse the Fourteenth Amendment in a manner in which it was never designed. There are other forms of relief already in place for victims who were wronged by taxi drivers, hospitals, and assailants. In *Holloman v. Harland,* 3 70 F.3 1252 (11th Cir. 2004), an elementary school teacher required her students to have a moment of silent to start the day. She had really good emotional and pragmatic reasons for doing so. Yet, the Eleventh Circuit found that the moment of silence had a primary religious purpose. The effect of the *Holloman* decision was that emotional appeals do not allow government actors to usurp the Establishment Clause. The *Windsor* and *Obergefell* Courts allowed emotional and pragmatic appeals to override the Establishment Clause by pretending that self-identified gay people were a class of people for purposes of the Fourteenth Amendment. Yet, the truth is that self-identified gay people are a part of a denominational sect within the over all religion of Secular Humanism. While there are no such thing as ex-blacks, ex-whites, ex-asians, and ex-hispanics, there are thousands of ex-gays, whose testimony voids the Federal Courts of Subject Matter and Personal Jurisdiction under claims brought by self-identified homosexuals under the Fourteenth and Fifth Amendments. The government cannot respect or recognize the LGBTQ dogma through creating or enforcing policies because the ideology is based on a series of unproven faith-based assumptions and naked assertions that are implicitly religious in nature.

[16] Why Can't The States Limit Marriage To Two Consenting People?
https://soundcloud.com/user-450634204/why-cant-the-state-limit-marriage-to-two-consenting-people

brought to attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents." *Cooper Industries, Inc. v. Aviall Services, Inc*. 543 U.S. 157 (2004). The Establishment Clause claims were "lurking" in the record but undecided in *Obergefell*. "[Stare Decisis]is at its weakest when [the courts] interpret the Constitution because our interpretation can be altered only by constitutional amendment or by overruling our prior decisions." *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44, 63, 116 S.Ct. 1114, 1127, 134 L.Ed.2d 252 (1996); *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38, 94, 56 S.Ct. 720, 744, 80 L.Ed. 1033 (1936) (Stone and Cardozo, JJ., concurring in result) ("The doctrine of stare decisis ... has only a limited application in the field of constitutional law"). The *amicus* is asking the Honorable District Court in this case to re-interpret the Constitution correctly and to provide relief that Plaintiffs is asking for and then some.[17] Judges and politicians in the other branches

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The Establishment Clause of the First Amendment of the United States Constitution prohibits all of the States from limiting marriage to two consenting adults. It is an arbitrary law state consideration that is undone by the holding in Obergefell and the Fourteenth Amendment if Obergefell was not a sham. Since the Supreme Court pretended that marriage is an "existing right," "individual right," and "fundamental right" based on a "personal choice" for self-identified homosexuals under the Fourteenth Amendment, then it follows that marriage must be an "existing right," "individual right," and "fundamental right" based on a personal choice for self-identified polygamists, zoophiles, and objectophiles as well under the Fourteenth Amendment. *Zablocki v. Redhail,* 434 U.S. 374, 384 (1978) (fundamental right); *Cleveland Bd. of Educ. v. LaFleur*, 414 U.S. 632, 63940 (1974) (personal choice); *Loving v. Virginia,* 388 U.S. 1, 12 (1967) (existing right/individual right); *Lawrence v. Texas*, 539 U.S. 558 (2003) (intimate choice). Otherwise, gay marriage plight is just a sham that is really barred by the Establishment Clause. The bottom line is that the Secular Humanists on the court are guilty of monkeying with the Fourteenth Amendment in a manner that makes Secular Humanists judges an internalized threat to American Democracy. The attempt by the blue states to limit marriage to two people is merely another arbitrary marriage ban that violates the Fourteenth Amendment, if the Obergefell decision was valid. But it was not. The First Amendment has exclusive jurisdiction in informing the states how to respond to all marriage requests that do not involve one man and one woman and how to respond to self-asserted sex-based identity narratives that are questionably real, moral, and decent.

[17] By allowing the *Amicus* filer to submit its brief it can allow to this Honorable Court and the Defendants to do its job under the Article 6 of the United States Constitution which reads:This

are human. They make mistakes. *Amicus*'s brief may help the Court relegate *Obergefell* to the line of overruled Supreme Court cases that were decided incorrectly.[18] None of us are perfect, but we can change course and do what is right. That is precisely what Reverend Harley (a former militant transgender) and Pastor Cothran (a former hardcore self-identified lesbian gay activist) did. They left the LGBTQ church and converted to a new identity narrative that has caused them from living a second class lifestyle to a first class one.

The Court should grant leave to file because while in the wake of *Obergefell v. Hodges,* 135 S. Ct. 2584 (2015)*,* there has been no landrush on gay marriage, there has been a landrush on the LGBTQ church to infiltrate elementary schools with the intent of indoctrinating minors to a worldview on sex that is questionably legal, moral, and obscene and clearly non-secular. The Supreme Court has emphasized that there are "heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools," *Lee v. Weisman*, 505 U.S. 577, 592 (1992), and the federal courts have thus "been particularly vigilant in monitoring compliance with the Establishment Clause" in the public-school context, see *Edwards v. Aguillard,* 482 U.S. 578-583 (1987). These "heightened concerns" should compel this Honorable Court to grant leave for *Amicus*to file so that children can be better safeguarded.

By granting leave, the Court will be in a better position to make the correct decision that might restore Constitutional integrity and the Court's inherent authority. As African American

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Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution.

Christian Pastors, *Amicus*, have a vested interest in not allowing the Government establish the religion of Secular Humanism as the National religion. As African American Pastors, *Amicus,* have a vested interest in not allowing Moral Relativists in office to hijack and misappropriate the Fourteenth Amendment. The Amicus does not want the government telling people who have been seduced into buying into the LGBTQ ideology that they cannot leave it behind. They can. They can transformed and redeemed, and set free - just like Pastor Cothran and Reverend Harley have been. The are millions of black Americans who are mortified that the Democrats have misused their very real civil rights efforts to promote a fake civil rights movement just because the Democrats want more votes. See #walkaway. By allowing the *amicus* leave to file, it might might the Democratic party rethink its efforts to alienate people of color due to its persistent subscription to intellectual darkness.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document and attached exhibits were mailed with adequate postage to the Defendants and Plaintiffs in this actions on August 27, 2018 to James A. Campbell ALLIANCE DEFENDING FREEDOM 15100 N. 90th Street Scottsdale, AZ 85260; JESSICA POCOCK, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; ANTHONY ARAGON, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; AUBREY ELENIS, Director Colorado; Civil Rights Commission 1560 Broadway Denver, CO 80202; MIGUEL "MICHAEL" RENE ELIAS, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; CAROL FABRIZIO, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; CHARLES GARCIA, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; RITA LEWIS, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; CYNTHIA H. COFFMAN Colorado Attorney General Office of the Attorney General Ralph L. Carr Judicial Building 1300 N. Broadway, 10th Floor Denver, CO 80203; JOHN HICKENLOOPER Colorado Governor Office of the Governor 136 State Capitol Building Denver, CO 80203

/s/Anna C. Little, Esq./

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

MASTERPIECE CAKESHOP INCORPORATED, a Colorado corporation; and **JACK PHILLIPS,** **Plaintiffs,** **Intervening Plaintiffs** **GRACE HARLEY, Special Forces Of Liberty, SGM JOHN GUNTER JR., Special Forces Of Liberty, 1LT CHRIS SEVIER ESQ., De Facto Attorney Generals, WHITNEY KOHL, Special Forces Of Liberty** **V.** **AUBREY ELENIS, Director of the Colorado Civil Rights Division, in her official and individual capacities;** **ANTHONY ARAGON, as member of the Colorado Civil Rights Commission, in his official capacity;** **MIGUEL "MICHAEL" RENE ELIAS, as member of the Colorado Civil Rights Commission, in his official capacity;** **CAROL FABRIZIO, as member of the Colorado Civil Rights Commission, in her official capacity;** **CHARLES GARCIA, as member of the Colorado Civil Rights Commission, in his official capacity;** **RITA LEWIS, as member of the Colorado Civil Rights Commission, in her official capacity;** **JESSICA POCOCK, as member of**		**Case No:** **1:18-cv-02074-WYD-STV**

the Colorado Civil Rights Commission, in her official capacity; CYNTHIA H. COFFMAN, Colorado Attorney General, in her official capacity; and JOHN HICKENLOOPER, Colorado Governor, in his official capacity, *Defendants*.		

BRIEF OF *AMICUS CURIAE* NATIONAL ALLIANCE OF BLACK PASTORS IN SUPPORT OF THE PLAINTIFFS AND INTERVENING PLAINTIFFS MOTION TO INTERVENE

(see marriageconstitutionrestorationact.com)

QUESTIONS PRESENTED

1. Have the Defendants actions violated the Plaintiffs' Free Exercise and Free Speech rights under the First Amendment and Equal Protection and Due Process Rights under the Fourteenth Amendment by enforcing Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III)?

-yes

2. Does the State's enforcement of Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) violate the three prongs of *Lemon* test under the Establishment Clause for (1) lacking a secular purposes, for (2) creating an indefensible legal weapon against non-observers, and for (3) fostering the government's excessive entanglement with the religion of postmodern western moral relativism and expressive individualism - i.e. Secular Humanism and does the Plaintiffs have the standing as injured taxpayers to enjoin the Defendants from enforcing Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) under taxpayer standing doctrines?

-Yes

3. Does gay marriage policies, conversion therapy bans, transgender bathroom ordinances, and sexual orientation statutes erode the integrity of the civil rights movement lead by Dr. Martin Luther King Jr?

-Yes, comparing two plights as equal even through they are not is intellectually dishonest. In this case it is sexually, racially, and emotionally exploitative. Anyone who supports the government's entanglement with the fake gay civil rights plight is either a racists or, more likely, guilty of refusing to think logically. Either way, their positions are implausible.

4. How does the Constitution allow the States (to include this one) to legally define marriage?
-the Constitution only permits the State and Federal Government to legally recognize, endorse, and respect man-woman marriage because man-woman marriage policies are secular in nature.

5. Was the *Obergefell* decision invalid and can it be overruled?
-*Obergefell* was an unprincipled ploy that was invalid and deeply offensive to people of color and it can be overruled because the Establishment Clause issues were lurking in the shadow but undecided upon in that controversy.

6. Through a principled application, does the Fourteenth Amendment allow self-identified polygamists, zoophiles, and objectophiles access to the same rights and benefits that self-identified homosexuals currently enjoy?
-No, the Fourteenth Amendment was hijacked by self-identified homosexuals and Secular Humanist Judges and for the States to respect any form of parody marriage violates the Establishment Clause.

7. Does the First Amendment require the Judicial, legislative, and executive branches to disentangle itself from the LGBTQ community?
-Yes**.** In a single instance, all aspects of government can no longer respect, enforce, recognize, or endorse or endorse any policy that treats homosexuality as if it is real and not faith-based.

8. Is it a form of reverse racism in kind for government officials to falsely equate the gay plight to the race-based civil rights movement, since the race-plight is actually based on immutability and the gay plight is not?
-Yes. It is racially exploitative for the Secular Humanists in office to compare the race-based civil rights plight to the fake gay civil rights plight, when race is actually based on genetics and sexual orientation is not.

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STATEMENT OF IDENTITY AND INTERESTS OF *AMICI CURIAE*

Interest of the *Amici* is as follows: Pastor Charlene Cothran is the director of the National Alliance of Black Pastors.[1] Her sworn statements are in the record and sets forth her interest in detail.[2] Pastor Cothran is an African American Pastor who operated as a Militant self-identified lesbian activist for over 28 years before converting to Christianity and leaving the lifestyle behind completely. Pastor Cothran was radically transformed by the personalized truth found in the New Testament Gospel, which opened her eyes about the truth about the way things are. She went from persecuting Christians, as a devout self-identified lesbian to becoming one, leaving homosexuality behind. This brief draws from research conducted by the National Coalition of Black Pastors and Christian Leaders, which represent the interests of over 25,000 Churches and Ministries that include over 3 million laity. The National Coalition of Black Pastors and Christian Leaders lead their pastoral communities, preach, spread the good news of God's love, and promote the truth. As pastors, *Amici* are considered shepherds who guide their church communities in accordance with time-proven Biblical values and truth. For *Amici,* the Bible expresses sound, ethically-grounded doctrine upon which individuals beneficially rely regarding family matters. *Amici* carry the responsibility to oppose unsound morally-relative doctrines embraced by government actors and to oppose practices that are harmful to the following of God's time-proven teachings that accord with the self-evident transcultural universal law that is woven into the fabric of the Universe. *Amici* hold an interest in the government not entangling itself with the religion of western postmodern moral relativism and expressive individualism - referred to as Secular Humanism. *Amici* are taxpayers themselves who have standing to file their

[1] Reverend Joan Grace Harley a member of the National Coalition of Black Pastors who once lived as a transgender for decades before leaving it behind completely. (see declaration)
[2] (See Declaration of Pastor Cothran)

own separate lawsuit under the Establishment Clause, enjoining the State from legally endorsing, respecting, and recognizing gay marriage and statutes like Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III). The *Amici* were in-part inspired to author this brief after seeing the LGBTQ community gang up on and persecute African American Vanderbilt law professor Carol Swain, who is an outspoken grace-based Christian who is an ex-Democrat full of good will and truth.

SUMMARY OF THE ARGUMENT

The Plaintiffs in this case should prevail, but they are not proceeding under the strongest cause of action. The controlling argument that the Plaintiffs should make is that Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) violate the Establishment Clause by failing prong two of the *Lemon* Test. If anyone needs a tutorial on the Lemon Test see; https://youtu.be/_hYslZWsjx. (see marriagerestorationact.com). In view of the Colorado Civil Rights Commission's efforts to terrorize Jack Phillips due to a form of prideful arrogance that proves that all pro-gay marriage policies are a sham, the amicus in step with the Special Forces of Liberty and the De Facto Attorney Generals convinced most of the state legislatures to introduce an act entitled the Marriage And Constitution Restoration Act at the 2019 legislative session. (see marriageresotrationact.com). The Federal Congress will be running and passing that act as well, since the question of marriage is a federal issue that is answered by the Establishment Clause and Free Exercise Clause of the United States Constitution. With Justice Kennedy stepping down the United States Supreme Court is going to uphold the United States Constitution and enforce the Marriage And Constitution Restoration Act and related legislation. Therefore, the Court and the Defendants need to know that the entire fake gay civil rights

movement that has at all times eroded community standards of decency, violated the United States Constitution, offended common sense, and assaulted the integrity of the race-based civil rights movement lead by Dr. Martin Luther King Jr. is going to implode under the weight of the truth which is this - homosexual and transgender orthodoxy is nothing more than a mythology that is inseparably linked to the religion of Secular Humanism. Alliance Defending Freedom is not going to make that argument because they have a business model where they thrive off of discrimination.

If the Establishment Clause of the First Amendment of the United States Constitution bars the State and Federal government from respecting gay marriage and other parody forms of marriage - and it does - then Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) are unconstitutional - and they are. This controversy is not just about whether the enforcement of Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) harmed the Plaintiffs, this case is really about which types of marriages the Constitution of the United States allows the States to legally recognize, respect, and endorse and how the government must react to all forms of self-asserted sexual orientionations that do not readily check out with the human design or self-evident truth. The answer is simple and comes in the form of the "Bright Line Rule." The Bright Line Rule strikes the perfect balance between the Freedom Of Expression and Establishment Clause of the First Amendment. Under the Freedom of Expression Clause, all citizens living in any State can self-identify as anything they would like, have parody marriages, and live as married people do for better or worse regardless of whether any Christian Republican conservative likes it or not; however, under the Establishment Clause despite the delusional lies that the Defendants unwisely feed themselves,

the State and Federal government cannot recognize any form of parody marriage or enforce any sexual orientation policy, conversion therapy ban, or transgender bathroom policy because doing so violates the *Lemon* Test.[3] That is the ultimate and final answer to this unsettled Constitutional question. In a single instance the government must disentangle itself from all pro-LGBTQ policies because the government's endorsement of LGBTQ policies have always been unconstitutional and the result of an incredible refusal to think logically. Alliance Defending Freedom is only interested in a decision where a single person cannot be held liable under Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III). That approach is inadequate from a evidentiary and Constitutional analytical approach.

The Supreme Court in *Obergefell v. Hodges,* 135 S.Ct. 2584 (2015) was correct about one thing: the Constitution is not silent as to how all 50 States must legally define marriage. However, the First Amendment answers that question, not the Fourteenth Amendment. The First Amendment Establishment Clause balanced with the Free Exercise Clause has exclusive jurisdiction over how the State and Federal government must respond to marriage requests of all kinds that do not involve one man and one woman. Here is the answer which is set-forth in the Marriage And Constitution Restoration Act that Colorado State legislators and nearly all of the legislative bodies across the country will introduce: the Free Exercise Clause allows individuals to self-identify as anything they would like, but the Establishment prohibits the government from legally endorsing any form of parody marriage. The Marriage And Constitution Restoration Act will ultimately serve as the catalyst to overrule *Obergefell*[4] because "Stare Decisis" does not save

[3] "To pass muster under the Establishment Clause, a practice must satisfy the *Lemon* test, pursuant to which it must: (1) have a valid secular purpose; (2) not have the effect of advancing, endorsing, or inhibiting religion; and (3) not foster excessive entanglement with religion." *Lemon v. Kurtzman*, 403 U.S. 602 (1971).
[4] 135 S.Ct. 2584 1-29.

it. The Supreme Court has held that "questions which merely lurk in the record, neither brought to attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents." *Cooper Industries, Inc. v. Aviall Services, Inc*. 543 U.S. 157 (2004). The Establishment Clause claims were "lurking" in the record but "not ruled upon" in *Obergefell*. The Judicial, legislative, and executive branch are now being asked to turn back and to re-interpret the Constitution correctly under the correct Constitutional Amendment - the First Amendment. "[Stare Decisis]is at its weakest when [the courts] interpret the Constitution because [their] interpretation can be altered only by constitutional amendment or by overruling our prior decisions." *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44, 63, 116 S.Ct. 1114, 1127, 134 L.Ed.2d 252 (1996); *Payne*, supra, at 828, 111 S.Ct., at 2609-2610; *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38, 94, 56 S.Ct. 720, 744, 80 L.Ed. 1033 (1936) (Stone and Cardozo, JJ., concurring in result) ("The doctrine of stare decisis ... has only a limited application in the field of constitutional law"). In short, Stare Decisis does not save *Obergefell* from being overruled and the Marriage and Constitution Restoration Act serves as the catalyst that will ultimately strike down gay marriage policies and statutes like Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III). The evidence shows that the Secular Humanists judges in the majority in *Obergefell* misused the Fourteenth Amendment to advance a power-grab by the Democratic party. Furthermore, the evidence shows that gay marriage policies are non-secular shams that entangle the government with the religion of Secular Humanism and create indefensible legal weapons against non-observers in violation of the prongs of *Lemon*. The fact that Alliance Defending Freedom will not make that argument is the same kind of intellectual blindness manifested by the Colorado Civil Rights Commission, who apparently does

not realize that there is no such thing as an ex-black person but there are thousands of ex-gays. The Amicus is interested in the truth and expects the Honorable District Court of Colorado to be as well.

This brief, in-part, focuses on what happened in *Obergefell* at the District, Appellate, and Supreme Court level, while exposing the intellectual dishonesty underlying the self-identified homosexual petitioners' arguments in the those cases that has gotten us to where we are at. If gay marriage policy is invalid and unenforceable, then so are Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III). In *Obergefell*, the USSC was presented with the question: "Does the Fourteenth Amendment require a State to license a marriage between two people of the same sex?" This question inherently posed two inquiries: 1) whether a non-politically accountable court can force a State to improperly redefine marriage and 2) whether refusing to redefine marriage denies individuals engaging in homosexual conduct a "fundamental right" to marry. The answer to those questions is that the courts can force the States to legally define marriage in a manner that accords with the Constitution and that marriage is not a fundamental right. In the wake of *Obergefell*, it is clear that the question that should have been asked in was whether the so-called "blue states" could define marriage in a manner that violates the Establishment Clause by entangling the government with the religion of Secular Humanism by respecting parody marriages and sexual orientation mythology in the first place. The answer is no they cannot. The Constitution prohibits all States and the Federal government from legally recognizing any form of parody marriage and from enforcing any statute that treats sexual orientation as a civil right, like Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III), because it is an evil that the Establishment Clause does not allow.

According to testimonials from thousands of ex-gays, medical professionals, and licensed ministers, sexual orientation is a religious mythology, not a fact-based science. So are parody marriages. They are not even marriage. Parody marriages are fake marriages but the persecution and the indoctrination of minors in public elementary schools that has resulted from the government's unconstitutional endorsement of the LGBTQ church is very real. The Constitutional amendments in most of the State's Constitutions and the policies that limited marriage to a man and woman never served a discriminatory purpose and to suggest otherwise is so intellectually dishonest that it only further underscores the fact that gay marriage policy is a non-secular sham that fails prong one of *Lemon*.[5] The State Constitutions and marriage laws of the respondent states in *Obergefell* affirmed the only definition of marriage that the United States Constitution will permit—a union of one man and one woman. Mich. Const. art. I, § 25; Ky. Const. § 233A; Ohio Const. art. XV, § 11; Tenn. Const. art. XI, § 18. The Supreme Court in *Windsor* was not necessarily accurate when it found that "it is the right of each State's voters to correctly codify the long-standing definition of marriage as between a man and woman." *United States v. Windsor*, 133 S. Ct. 2675, 2691 (2013). While "regulation of domestic relations" is "an area that has long been regarded as a virtually exclusive province of the States," the States cannot define marriage in a manner that violates the First Amendment Establishment Clause no matter who it offends. *Sosna v. Iowa*, 419 U.S. 393, 404 (1975). This State's gay marriage policy and any sexual orientation policies fail all of the prongs of the *Lemon* test and are

[5] Under prong one of *Lemon,* at the core of the "Establishment Clause is the requirement that a government justify in secular terms its purpose for engaging in activities which may appear to endorse the beliefs of a particular religion." *ACLU v. Rabun Cnty. Chamber of Commerce, Inc.,* 698 F.2d 1098, 1111 (11th Cir. 1983). This secular purpose must be the "pre-eminent" and "primary" force driving the government's action, and "has to be genuine, not a sham, and not merely secondary to a religious objective." *McCreary Cnty, Ky. v. ACLU of Ky*., 545 U.S. 844, at 844 - 86 (2005).

unconstitutional under the Establishment Clause. Period - full stop. This is not a right or left argument. This is what the United States Constitution requires.

As African American and persecuted Christian pastors, *Amici* know that all human beings have inherent value because God created every person in His image. See Genesis 1:27. Thus, it is *Amici's* position that the government should never classify or discriminate against another human being based on who they are. A person's sexuality and sexual preferences, however, are *not* their state of being, or even an immutable aspect of who they are, as race is. The truth is that sexual conduct is an activity. For *Amici*, truth matters, just as truth must matter to government officials who have a fiduciary duty to uphold the Constitution under Article VI.[6] The *Amici* is here to testify as the the truth, and the truth is that the *Amici* are taxpayers who do not want their taxpayer dollars going towards the government's entanglement with the religion of postmodern western individualistic moral Relativism, which the making and enforcement of gay marriage policies, sexual orientation discrimination statutes, conversion therapy bans, and transgender bathroom ordinances all accomplish. Jack Phillips is a taxpayer, who above all, has a logical nexus to challenge the Constitutionality of Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) under the Establishment Clause. Alliance Defending Freedom should amend the original complaint and include a cause of action under the Establishment Clause. It is not just that Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) violate the Constitution, similar statutes in 19 states do as well.

[6] For the survival of our Constitutional Republic, truth is vital. Without truth is there is no freedom. Freedom comes from the truth. The truth is that homosexuality is immoral and pro-gay marriage policies erode community standards of decency. But the *Amicus* is not here to debate that. The *Amicus* is here to argue the superseding truth that all parody marriage policies are unconstitutional.

A State has no responsibility to promote any person's sexual proclivities when they are questionably moral and certainly is not required to accept that one's sexual conduct preference is the same as an immutable characteristic like race. No reliable evidence exists before any of the lower courts in support of such a deceptive contention. Government may not regulate people based on who they self-identify as, but it may regulate their conduct, including sexual conduct that tends to erode community standards of decency. Even more germane to this case is the principle that government need not—and, indeed, may not—force its citizens to promote a type of sexual behavior to which its citizens object. The States have a duty under Article VI of the United States Constitution to not enforce policies that violate the United States Constitution. The *Amici* as taxpayers themselves have standing under the Establishment Clause to prevent the government from distributing a "constellation of benefits" to promote gay marriage policy and to entangle the government with the religion of Secular Humanism. *Flast v. Cohen*, 392 U.S. 83 (1968).

The Supreme Court in *Obergefell* should have upheld the State's marriage bans because the underlying legal basis for the marriage bans was the First Amendment Establishment Clause. The evidence shows that the Establishment Clause has exclusive jurisdiction over how all of the States must legally define marriage. The *Obergefell* court should have properly applied the reasoning behind the landmark case of *Loving v. Virginia,* 388 U.S. 1 (1967) as the 6th Circuit did for three reasons. Pet. App. 31a. First, the Sixth Circuit refused to use faulty logic to contort *Loving's* holding into a fundamental right for individuals to marry any other person(s) of their choice regardless of the person's gender. Pet. App. 46-50a. Second, the Sixth Circuit properly recognized that law should be based on our Nation's Constitution, adopted pursuant to our

deeply rooted history and legal traditions, rather than the current whims of certain parties or unelected judges who were merely advancing the religion of Secular Humanism that they personally subscribe to in step with their pattern to overly conform to society's messages. Pet. App. 14a, 31a, 32a. Third, the Sixth Circuit adequately considered the contentious and inconclusive factual record of the trial court concerning "optimal child outcomes," which was merely an emotional appeal that was crafted by zealous Secular Humanists in an effort to usurp the Establishment Clause. Pet. App. 15a-16a, 26a-27a. The concept of homosexuality, polygamy, zoophilia, objectophilia, and parody marriage are non-secular religious concepts that the government is prohibited from endorsing. (The scary fact about the Defendants who work at the Colorado Civil Rights Commission is that they are individuals who have allowed themselves to unwisely be brainwashed by culture. The Colorado Civil Rights Commission members are far too intellectually dishonest to admit that if self-identified transgenders are protected under Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III), then so are self-identified polygamists, zoophiles, and objectofiles. The Colorado Civil Rights Commission, with the blessing of their co-defendants, is monkeying with the Fourteenth Amendment in an immensely dangerous manner that warrants prosecution by DOJ and DOD).

The self-identified homosexual petitioners in *Obergefell* asserted that State-approved marriage restrictions violated the Due Process and Equal Protection Clauses of the Fourteenth Amendment. Pet. App. 17a. They were wrong. The Sixth Circuit's opinion explains this in an exceptionally thorough and well- reasoned analysis. Pet. App. 1a-102a. The self-identified homosexual petitioners asked the Supreme Court in *Obergefell* to reject the Sixth Circuit's exact consideration of our Nation's federal tradition, history, and morality. In doing so, the

self-identified petitioners asked the USSC to supplant the convictions of State voters, and the morality and social structure on which our nation was built, with the petitioners' religious moral relativism. In short, the petitioners asked the USSC to disregard the Establishment Clause and to pretend that the Fourteenth Amendment answered the question as to how the all states had to define marriage. It was a ploy and a religious sham that pro-Secular Humanist Judges ratified in violation of their Article III and Article VI duties. The self-identified homosexual petitioners asked the USSC to replace the "private moral code" that served as the foundation of law and common sense from the inception of the United States with their own self-invented "private moral code" that was formulated out of savage intellectual blindness and crafted to justify a course of sexual conduct that remains illegal in many well developed nations at present for good cause shown. See *Lawrence v. Texas*, 539 U.S. 558 (2003). The thrust of the petitioners argument in *Obergefell* was that all other private moral codes were inferior to their own. However, there is a difference with a distinction between the private moral code that served as the basis for how all of the States originally defined marriage and the private moral code advocated by the self-serving self-identified homosexual in *Obergefell*. (See the *Amicus* Brief of American Family Association of PA discourse on the "consent norm theory") The private moral code that was used to originally define marriage for millennia is predicated on self-evident, neutral, non-controversial, and natural morality that is secular in nature, whereas the private moral code advocated by the self-identified homosexual petitioners as a basis for law was completely predicated on a series of unproven faith-based assumptions and naked assertions that remain implicitly religious if not completely irrational. It takes a huge amount of faith to even believe that (1) gay marriage is actual marriage, that (2) gay marriage has spontaneously become

moral, that (3) gay marriage should even be legal, and (4) that gay marriage does not erode community standards of decency. The Petitioner should be arguing that Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) are unconstitutional because they are excessively based on the religious code of Secular Humanism. Just because self-identified homosexuals are sincere in their beliefs does not mean that their emotional fervor can usurp the Establishment Clause. Just because many self-identified homosexuals and jaded moral relativists fail to even see that their worldview is religious in nature due to a spectacular refusal to think logically does not mean that it is not. It is. It is not true that "times can blind," what blinds is a subscription to Secular Humanism. See the Defendants. Gay marriage policy is unconstitutional regardless whether it is politically expedient or not to pretend otherwise. Secular Humanism also has the added benefit of dehumanizing and depersonalizing its subscribers. The transgender and homosexual suicide rate confirms that. Secular Humanism kills, not a lack of tolerance towards the religion. The Supreme Court has recognized "that public debate of religious ideas, like any other, may arouse emotion, may incite, may foment religious divisiveness and strife does not," but that does not mean that the government can simply enshrine the doctrines of Moral Relativism so that truth allergic Secular Humanists can feel superior to everyone who has the humility to believe in absolute truth. *Terminiello v. Chicago*, 337 U.S. 1, 4-5, 69 S.Ct. 894, 895-896, 93 L.Ed. 1131 (1949). *McDaniel v. Paty,* 435 U.S. 618, 640, 98 S. Ct. 1322, 1335, 55 L. Ed. 2d 593 (1978). Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) are nothing more than an endorsement of Secular Humanism and all reasonable people can see it.

In no uncertain terms, the self-identified homosexual petitioners in *Obergefell* asked the Supreme Court to commit an act of judicial overreach, aggrandize the power of a limited federal judiciary, and improperly diminish the power of the United States Constitution by asking the Supreme Court to disregard the Establishment Clause and to twist the Fourteenth Amendment for reasons that were based on a moral superiority complex that is dangerous. Accordingly, the three branches of government must now turn back and obey their duty under Article VI to uphold the Constitution by disentangling the government with the religion of Secular Humanism, as the Establishment Clause requires by disposing of gay marriage policies, sexual orientation discrimination statutes, conversion therapy bans, and any policy that treats transgenderism as if were real. Because Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) were alway unconstitutional, the harm imposed on him by the jaded and intolerant Secular Humanists at the Colorado Civil Rights Commission must be made right. The Plaintiffs should be awarded the relief in the complaint and punitive damages. State actors cannot be allowed to monkey with the Constitution and the lives of our citizens because they feel that getting their values from cultural icons like Lady Gaga and the philosophers on is plausible. It is outrageous, and it shows that the Defendants objectively do not know the difference between right and wrong, real and fake, secular and non-secular, making them all unfit for office and incapable of doing their duty to uphold the United States Constitution as Article VI commands.

ARGUMENT

I. *LOVING V. VIRGINIA* NEVER REQUIRED MARRIAGE REDEFINITION.

For anyone to falsely equate a plight, which is not based on immutability, to the race-plight, which is based on immutability, is an act of racism in kind. Such an act is deeply offensive to

millions of people of color who have been discriminated on the basis of race. (See the Declarations of Cothran and Harley). The Fourteenth Amendment holds special significance for Black Americans. The text of the Fourteenth Amendment guarantees that "no state shall . . . deny to any person within its jurisdiction equal protection of the laws." U.S. Const., amend. XIV, § 1. When the Equal Protection Clause became law in 1868, many Black Americans were recently emancipated slaves. Four years later in 1872, the Supreme Court suggested that race discrimination was "the evil [the Civil War Amendments] were designed to remedy," *Slaughter-House Cases*, 83 U.S. 36, 72 (1873) ("We do not say that no one else but the negro can share in [their] protection, but . . . in any fair and just construction of any section or phrase of these [Civil War] amendments, it is necessary to look to the purpose which we have said was the pervading spirit of them all, the evil which they were designed to remedy."). It took nearly a century after the Civil War for the Supreme Court to enforce a modicum of what we now know as substantive equality. *Brown v. Board of Educ.*, 347 U.S. 483 (1954).

Comparing the dilemmas of same-sex couples to the centuries of discrimination faced by Black Americans is a deceptive distortion of our country's culture and history. The disgraces in our nation's history pertaining to the civil rights of Black Americans are unmatched. No other class of individuals, including individuals who are same-sex attracted, have ever been enslaved, or lawfully viewed not as human, but as property.[7] Same-sex attracted individuals have never lawfully been forced to attend different schools, walk on separate public sidewalks, sit at the back of the bus, drink out of separate drinking fountains, denied their right to assemble, or

[7] *See*, *e.g.*, Stacy Swimp, *LGBT Comparison of Marriage Redefinition to Historical Black Civil Rights Struggles is Dishonest and Manufactured* (March 7, 2014), (http://stacyswimp.net/2014/03/07/lgbt-comparison-of-marriage-redefinition-to-historical-Black-civil-rights-struggles-is-dishonest-and- manufactured).

denied their voting rights. *Id.* The legal history of these disparate classifications, *i.e.*, immutable racial discrimination and same-sex attraction, is incongruent. Yet, some devout Secular Humanist government officials have mistakenly understated this incongruence to manufacture and mandate the ill-conceived and apparently limitless concept of "marriage equality" in an effort to delegitimize the superiority of the United States Constitution itself. These Secular Humanist government actors know or should know that they are perpetrating acts of judicial, political, and Constitutional malpractice as they disregard their sacred fiduciary duties owed to the Constitution under Article VI. Such dereliction of duty based on intellectual dishonesty - no matter how well intended on the surface - is an act of sedition that has eroded fundamental Constitutional rights that are real. Any government official who misuses the suffering of African Americans to promote a religious worldview based on the philosophy that the ends justify the means is an evil that the neither the Establishment Clause nor the Codes of Conduct allow.

The Hawaii Supreme Court first ruled that a State's failure to promote so-called "same-sex marriage" violated the State's Equal Rights Amendment. *Baehr v. Lewin*, 74 Haw. 530 (Haw. 1993). This marked the first time a court twisted the Supreme Court's decision in *Loving v. Virginia*, 388 U.S. 1 (1967), to blur the line of a suspect class (race) and a non-suspect class (sexual preference) in Equal Protection Clause analysis.[8]

To understand why this analysis is incorrect, it is essential to understand the holding in *Loving v. Virginia*—that a State's statutory scheme to prevent marriage between a man and a

[8] The presiding justice in *Baehr* was misusing government to enshrine this own religious worldview of Secular Humanism in a manner that violates the Establishment Clause. Our government is not a church. It is not a redeemer. It cannot be used to explain away the natural feelings of shame and inadequacy that follows from simply putting Secular Humanist ideals into practice.

woman on the basis of racial classifications violated the Equal Protection Clause. *Id.* at 11. The plaintiffs in *Loving* were two Virginia residents, a black woman and a white man. *Id.* at 3. The plaintiffs legally married in Washington, D.C. and returned to Virginia. *Id.* Virginia, however, considered interracial marriage a criminal offense, and the plaintiffs were charged and pleaded guilty to violating Virginia's ban on interracial marriage and sentenced to a year in jail. *Id.* The Supreme Court struck down Virginia's ban:

> At the very least, the Equal Protection Clause demands that *racial classifications . . . be subjected to the "most rigid scrutiny," . . .* and, if they are ever to be upheld, they must be shown to be necessary to the accomplishment of some permissible state objective, independent of the racial discrimination which it was the object of the Fourteenth Amendment to eliminate. . . . *There is patently no legitimate overriding purpose independent of invidious discrimination which justifies this classification*. . . . We have consistently denied the constitutionality of measures which restrict the rights of citizens on account of race. *Id.* at 10-12 (emphasis added).

Loving was about *racial discrimination.* The *Baehr* Court improperly expanded *Loving* by plucking from its dicta that: "The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free [people]." *Baehr*, 74 Haw. at 562-63 (quoting *Loving*, 388 U.S. at 12). This statement is followed in *Loving*, however, by the *critical qualification* that this fundamental freedom is not to be denied "on so unsupportable a basis as [] *racial classifications*." *Loving*, 388 U.S. at 12 (emphasis added).

The Supreme Court in *Loving* never contemplated, much less addressed, "same-sex marriage." This concept was fully understood and analyzed by the Sixth Circuit Court in what became *Obergefell* prior to the Supreme Court's final decision. Pet. App. 48a ("When *Loving* and its progeny used the word marriage, they did not redefine the term but accepted its traditional meaning."). The self-identified homosexual petitioners in *Obergefell* ignored this truth and imperialistically asked the Supreme Court to adopt the faulty logic used in *Baehr*. The

self-identified homosexual petitioners wished the Supreme Court to assume, without reasoned explanation, that because *racial* discrimination is morally wrong and unconstitutional, it necessarily follows that a State cannot recognize the historical and moral value that marriage is between a man and woman, which is of course the only secular form of marriage that the Constitution will permit the Federal and State government to legally recognize. *Loving* actually affirmed the foundational institution of marriage—the union of a *Loving* strengthened marriage. *Loving* did not hold, as *Baehr* erroneously surmised, that marriage is the union of two (or more) people regardless of their gender, co-sanguinity, or any other factor. (See the *Amicus* Brief of the American Family Association of PA). As the *Baehr* dissent correctly pointed out, "*Loving* is simply not authority for the plurality's proposition that the civil right to marriage must be accorded to same sex couples." *Id.* at 588 (Heen, J., dissenting). *Baehr* was proof that many Secular Humanist judges fail to understand the objective difference between (1) "right" and "wrong", (2) "real" and "fake," and "secular" and "non-secular" because they have unwisely allowed themselves to be indoctrinated to a worldview that naturally breeds intellectual blindness and lunacy. Alternatively, the *Baehr* decision was proof of how Secular Humanist judges can abuse the powers of their office to enshrine their religious beliefs. Accordingly, it is not that the Federal Courts are "a threat to American Democracy;" it is the case that Secular Humanist on the courts are because they refuse to understand the difference between secular and non-secular and are willing to twist the Constitution to entangle the government with their irrational religious worldview. *Obergefell* at 1 (Scalia Dissenting). But it is not just Secular Humanist Judges on the bench who are a danger, the Secular Humanist in executive branch are as well - see the Defendants.

The self-identified homosexual petitioners in *Obergefell* misapprehend *Loving's* holding regarding the fundamental right to marriage. The self-identified homosexual petitioners reiterated a correct statement of the law in the sense that *Loving* affirmed the fundamental constitutional right of a *man and woman to marry* because "[m]arriage [between a man and a woman] is . . . fundamental to our very existence and survival." *Skinner v. State of Oklahoma*, 316 U.S. 535, 541 (1942). But then the petitioners irrationally and unconstitutionally attempt to extend *Loving* and its progeny to create a new federal right of the freedom of choice to marry without any qualification whatsoever. *Loving* emphasized the importance of marriage to all Americans, in the true sense of the word. It did not redefine the word in an effort to justify sexual conduct that erodes community standards of decency. *See* Pet. App. 46a-48a. If one redefines "marriage" to mean whatever anyone wants it to mean, it has no definition and is no longer useful as a bearer of meaning. Likewise, in attempting to enforce Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) against the Plaintiffs, the Defendants are making up imaginary civil rights movements because they are out of touch with the truth. It is the truth that sets people free and not the kind of lies that Defendants misuse government to promote for amazingly selfish and self-destructive reasons.

Loving did not require this destruction of marriage. It did not hold that if prohibited conduct is defined by reference to a proclivity, then that prohibition violates the Fourteenth Amendment. *See* S. Girgis, R.P. George, & R.T. Anderson, What is Marriage? 34 Harv. J. L & Pub. Pol'y, 245, 249 (2011) ("antimiscegenation was about whom to allow to marry, not what marriage was essentially about; and sex, unlike race, is rationally related to the latter question"). Thus, it is clear that *Obergefell* had nothing to do "civil rights" as the *Obergefell* petitioners

argued. It is, rather, *Obergefell* was about political activists seeking to use judicial power to bypass the will of the people, in order to judicially coerce civil acceptance of homosexual orthodoxy, in a deeply unconstitutional effort to establish Secular Humanism as the national Supreme religion. It was all a big lie. Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) are part of that lie that is damaging the public's health and eroding the validity of the United States Constitution itself. *Obergefell* was about Secular Humanist engaging in imperialistic power plays to establish their religious worldview as the supreme national religion so that government assets can be used to marginalize and oppress non-observers - namely Christians who vote Republican - for not converting to Secular Humanism. The enforcement of Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) against the Plaintiffs is based on the same unlawful objective. Yet, our government was not designed to be used as vehicle to explain away the nature feelings of shame and inadequacy that come from individuals acting out homosexual and transgender practices. Our government is not a redeemer.

There is no fundamental right for certain individuals to call their alternative arrangements "marriage"—and to compel others who disagree to not only assent to, but contribute to, the support of that redefined institution. Indeed, such coercion would violate the fundamental right of marriage for those who support marriage's true meaning.[9]

Loving did not support the *Obergefell* petitioners' mindless "marriage equality" slogan, which is ultimately standard-less and renders marriage equally meaningless for all. *Id.* at 269-75. Even if the government wanted to save legally recognized gay marriage by recognizing other

[9] The unconstitutional codification of the fake gay civil rights movement amount to an indefensible "legal weapon that no [Christian] or [non-believer in moral relativism] can obtain." *City of Boerne v. Flores,* 521 U.S. 507 (1997).

forms of parody marriage, doing so would only further entangle the government with the religion of Secular Humanism - further place "religion over non-religion." Just as government officials may not favor or endorse one religion over others, so too officials "may not favor or endorse religion generally over non-religion."*Lee v. Weissman,* 505 U.S. 577, 627, 112 S.Ct. 2649, 120 L.Ed.2d 467 (1992)(Souter, Justice, concurring)(citing *County of Allegheny v. ACLU*, 492 U.S. 573, 589-94, 109 S.Ct. 3086, 106 L.Ed.2d 472 (1989). When the government enforces man-woman marriage policies, it does not put religion over non-religion because the policies are based on natural, neutral, and non-controversial morality. Likewise, the Defendants cannot save Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) by enforcing the statute to protect self-identified polygamists who have been denied public accommodations because doing so only further plunges the government into an excessive entanglement with the religion of Secular Humanism, which has the secondary harmful effect of proliferating radical darkness, which leads to suffering.

All States *routinely* require certain qualifications to obtain a marriage license and disallow certain individuals who do not meet those qualifications. States discriminate against first cousins. States discriminate against bigamists, polygamists, pedophiles, sibling couples, parent-child couples, and polyamorists in the licensing of marriage, and it is within the States' rights to do so. *See, e.g.*, Barbara Bradley Hagerty, *Some Muslims in U.S. Quietly Engage in Polygamy*, National Public Radio: *All Things Considered,* May 27, 2008 (discussing the illegality of polygamy in all fifty States); *Lesbian 'throuple' proves Scalia right on slippery slopes*, Washington Times Editorial, Apr. 25, 2014, http://www.washingtontimes.com/news/2014/apr/25/editorial-throuple-in-paradise/ (lesbian

threesome claim to have married). The states have a compelling interest to uphold community standards of decency and to not enshrine practices that are questionably moral. *Paris Adult Theatre I v. Slaton*, 413 US 49, at 63 (1973).

In view of the self-identified homosexual petitioners' reasoning in *Obergefell* , however, such restrictions were longer valid because they imperialistically said so. The petitioners urged the Supreme Court to discard the long-established proper limits on marriage under State law and, acting as a super-legislature, to replace the traditional and rational definition of marriage with one that has no discernible limits. If "marriage" means fulfilling one's personal choices regarding intimacy, as self-identified homosexual petitioners insisted, it is difficult to see how States could regulate marriage on any basis. If personal autonomy is the essence of marriage, then not only gender, but also number, familial relationship, and even species are insupportable limits on that principle, and they all will fall. The *Obergefell* petitioners proposal was not just a slippery slope, it was a bottomless pit. If marriage was really a Fourteenth Amendment matter, then there is no legal basis to stop self-identified zoophiles and polygamists from acquiring a marriage license from the State. There is no legal basis to stop self-identified polygamists from asking the Colorado Civil Rights Commission to enforce Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) on their behalf. But the Colorado Civil Rights Commission would never enforce CADA on behalf of self-identified polygamists because this is all one big game to them. The Colorado Civil Rights Commission feels entitled to monkey with the Fourteenth Amendment and civil rights narratives in a manner that makes the members incredibly racists.

There are critical differences between race and sexual preference classifications. There are thousands of ex-gays but there is not a single ex-black person. Race is a suspect class, and racial discrimination triggers strict scrutiny review. In order for a law to survive strict scrutiny, the State interest involved must be more than important —it must be *compelling*. *Loving*, 388 U.S. at 11. And the law itself must be *necessary* in order to achieve the objective. *Id.* If any less discriminatory means of achieving the goal exists, the law will fall. *Id.* It is rare for a law to survive strict scrutiny review.

One's sexual preference triggers mere rational basis review. Pet. App. 31-31a; *Romer v. Evans*, 517 U.S. 620 (1996). A court undertaking rational basis review asks only whether "there is some rational relationship between disparity of treatment and some legitimate governmental purpose." *Central State Univ. v. American Assoc. of University Professors*, 526 U.S. 124, 128 (1999) (*citing Heller v. Doe*, 509 U.S. 312, 319-321 (1993)). It is within a State's right to define marriage between a man and a woman when that licensing restriction passes rational basis review, and it is true that man-woman marriage is Secular in nature for purposes of the Establishment Clause review and man-woman marriage policies are as well.

Loving does not require a higher standard. *Loving* only employed a higher standard because race is a suspect class, and it counsels the opposite outcome in this controversy: the protection of our State citizenry's fundamental right of marriage as truthfully defined. The law treats racial classifications as wholly distinct from sexual preference classifications. Such different classifications necessarily yield different outcomes. The *Obergefell* petitioners' analysis misapplied existing law and heightens sexual preference to the same level of immutable classes, such as race. That conclusion was wrong and void of factual, historical, and legal

support. The Sixth Circuit properly identified the fatal flaws in the self-identified homosexuals' arguments. Pet. App. 46a-48a; *see also Robicheaux v. Caldwell*, 2 F. Supp. 3d 910, 919 (E. D. La. 2014).

Finally, *Amici* protest the self-identified homosexual *Obergefell* petitioners' attempt to equate their case to *Loving* under the banner of "marriage equality." The *Obergefell* petitioners essentially claim that their proposed redefinition improves marriage by adding a necessary element of "equality" to it. That was certainly a clever ploy, for who can oppose "equality?" But that is all that it is, a ploy, just see the Defendants treatment of the Plaintiffs. More than just a ploy, it is a sham that fails prong one of *Lemon* because it centers on State action that has a primary religious purpose. The Supreme Court has already recognized that Secular Humanism is a religion for purposes of the Establishment Clause in *Torcaso v. Watkins*, 367 U.S. 488 (1961); see *Edwards v. Aguillard*, 482 U.S. 578, n 6. (1987)(*"*we did indeed refer to "Secular Humanism" as a "religio[n]."). LGBTQ and transgender ideology are inseparably linked to the religion of Secular Humanism. Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) are unconstitutional because they pay respect to the religion of Secular Humanism too excessively. That is the argument that the Plaintiffs should be making. Although the *Lemon* test is a three part test, if government action violates one prong the Court must enjoin. [10] Any reasonable observer in the wake of *Obergefell* can see that gay marriage policy and sexual orientation statutes, like Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III), violate all three prongs for *Lemon.* It is not even a close call, and any government official who refuses to admit that is lying to themselves and the American people.

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[10] Government action "violates the Establishment Clause if it fails to satisfy *any* of these prongs." *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987); *Agostini v. Felton*, 521 U.S. 203, 218 (1997)(Emphasis added).

Marriage already has all the equality it can contain without destruction of its meaning, purpose, and proper boundaries by zealous Secular Humanists who have a propensity to be truth allergic.[11] Any legally competent man can marry any legally competent woman, regardless of his or the woman's race, religion, national origin, or even sexual preference, and vice versa. The problem the self-identified homosexual petitioners claimed the Supreme Court had to resolve in *Obergefell* was one that does not exist. True *marriage* equality already existed prior to *Obergefell*. The *Obergefell* majority should have ultimately dismiss the self-identified homosexuals claims brought under the Fourteenth Amendment for lacking subject matter jurisdiction for the same reason that any Court should dismiss any claim brought by self-identified polygamists, pedaphiles, and objectophiles under the Fourteenth Amendment for marriage equality. The evidence is overwhelming that the First Amendment Establishment Clause has exclusive jurisdiction over which types of marriages the government can recognize and respect. This is why all three government branches must pass and uphold the Marriage And Constitution Restoration Act. It is why Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) are doomed. For the sake of the integrity of the Judicial branch, the Court assigned to this action, should get out ahead of this matter and side with the Plaintiffs by not just finding that Jack's decision to honor Jesus Christ as his King was valid under the Free Exercise Clause. No indeed! The Court must rule that Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) violated the Establishment Clause in their making and in their enforcement for being non-secular shams that cultivate indefensible legal weapons

[11] The self-identified homosexual petitioners in *Obergefell* argued that they can take our social body's fundamental building block, remake it in their own amorphous image, and society will be healthier. They essentially argue they can remove the walls from our cells, place them back in the body, and the body will be healthier. It will not. Cells without walls will die, and with them the body.

against non-observers to the religion of Secular Humanism and have the effect of excessively entangling the government with the religion of Secular Humanism.

What the self-identified homosexual petitioners in *Obergefell* actually sought was not equality but instead a self-indulgent form of religious inclusiveness that demands acceptance, and indeed support, of a wide variety of sexual conduct that self-evidently erodes community standards of decency and is inconsistent with obscenity codes. If the Attorney General from Colorado understand her job, she would know that it was her job to enforce the obscenity codes and not allow the Colorado Civil Rights commission to break them for religious reasons. Once the self-identified homosexual petitioners' inclusiveness camel got its nose in the marriage tent, marriage has not be a better tent; it has been trampled and dissed. The *Obergefell* petitioners' non-secular desire to redefine marriage to fit both heterosexual and homosexual preferences is nothing more than an attempt to establish Secular Humanism as the national religion. Yet, the Supreme Court has already found that Secular Humanism is a religion for purposes of the Establishment Clause, which means that its edicts are barred from government respect.[12] By legally recognizing gay marriage, the government has established Secular Humanism as the supreme national religion.

The *Obergefell* petitioners falsely deemed marriage their right to "autonomy." Petitioners' Brief at 21, 57. They thus proffer a subjective view of the reality of marriage. But a

[12] The Supreme Court found that non-institutionalized religions are regulated by the Establishment Clause in *Torcaso v. Watkins*, 367 U.S. 488 (1961) stating that "among religions in this country, which do not teach what would generally be considered a belief in the existence of God, are Buddhism, Toaism, Ethical Culture, Secular Humanism, and others." See also *Washington Ethical Society v. District of Columbia*, 101 U.S. App. D.C. 371, 249 F.2d 127 (1957); 2 Encyclopaedia of the Social Sciences, 293; J. Archer, Faiths Men Live By 120—138, 254—313 (2d ed. revised by Purinton 1958); Stokes & Pfeffer, supra, n. 3, at 560. Welsh v. U.S, 1970398 U.S. 333 (U.S. Cal. June 15); *Real Alternatives, Inc. v. Burwell*, 150 F. Supp. 3d 419, 440–41 (M.D. Pa. 2015), aff'd sub nom. *Real Alternatives, Inc. v. Sec'y Dep't of Health & Human Servs*., No. 16-1275, 2017 WL 3324690 (3d Cir. Aug. 4, 2017).

subjective view of reality has as many realities as it has subjects. If everyone can define what marriage means to him or her, *and the State must accede to that view*, where will that lead us? What will the state of our society then be? Will it be the Utopia of freedom and growth that the *Obergefell* petitioners implied, or will it degenerate into chaos? Is that a chance that the three branches are rightfully empowered to continue to take? The evidence is overwhelming that the government's reckless decision to entangle itself with the LGBTQ church has been a seething disaster and has plugged many Secular Humanists into a further state of intellectual darkness that has caused them to cultivate a moral superiority complex to the point of being dangerous. This case proves that. The Colorado Civil Rights commission is not a group that is working to promote civil rights. It is a group of intellectually dishonest atheist who are working hard to trample fundamental civil rights that are real. In fact, it is so bad, that the Colorado legislature should probably defund the Colorado Civil Rights Commission for serving as a danger to actual civil rights.

Let us spell out the truth about the *Obergefell* petitioners' inclusiveness and autonomy arguments as simply as we can. If someone wants to go bowling, they can go to a bowling alley with whomever they choose—a friend of the same or opposite gender, or five such friends, or a child (or their favorite pet, perhaps, in a more "enlightened" establishment). And they can all bowl together. But if that same entourage goes into a bowling alley and demands that they be permitted to "bowl" using pogo sticks, hula hoops, parasols, and buckets and buckets of whipped cream—but no balls or pins, because those offend their sensibilities—the proprietor will be completely justified in denying that request. He will not be denying them their fundamental right to bowl. He will not be unfairly discriminating against them or treating them like second-class

citizens. He will not be manifesting "hate." He will merely be telling them the truth: What they want to do is their business, but it's not bowling. And if the truth offends their sensibilities, that is their problem, not his. They simply have no cause of action against him. The Defendants never had a cause of action against Jack Phillips either. The Plaintiffs need to amend their complaint and add a cause of action against the Colorado Civil Rights commission for abuse of prosecution and malicious prosecution. The Defendant's targeting of the Plaintiffs because they have the humility and wisdom to be Christ Followers is not just a Constitutional violation. It is a tortious violation which reflects the worst in government.

The Amicus admits that under the Free Exercise Clause, self-identified homosexuals, polygamists, and objectophiles have the fundamental right to have a marriage ceremony and attempt to live as married couples do. No one is denying them that right. However, self-identified homosexuals do not have the right to tell the rest of the country that we must recognize their non-marital relationship to be the same as secular marriage, when it is self-evidently a parody of what marriage actually is. Secular Humanists may be dissatisfied with the fact that their view of marriage does not comport with objective reality from a reasonable person standpoint, but if their dissatisfaction is to be remedied, it is their view or some other aspect of their behavior that must change, not reality. The Establishment Clause prohibits the State and Federal government from codifying perspective non-realities least one religion becomes Established as the national religion. The degree of religious fervency concerning the meritoriousness of the advocates for parody marriage does not mean that parody marriage policy is secular. It is not. It never was. Gay marriage policies, conversion therapy bans, transgender bathroom ordinances, and sexual orientation discrimination statutes have always been a sham

that the Constitution does not permit in view of the Establishment Clause. Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) are completely unconstitutional and the amicus has an interest that the Plaintiffs win on that legal basis. The Establishment Clause was in place long before Secular Humanists in the Democratic party began to push to use the government to endorse the LGBTQ ideology.

II. COURTS, LEGISLATORS, AND EXECUTIVES, SHOULD NOT SUPPLANT THIS NATION'S DEEPLY ROOTED MORAL AND LEGAL TRADITIONS WITH THEIR OWN PERSONAL MORAL RELATIVISM

The self-identified homosexual petitioners in *Obergefell* hypocritically appealed to fellow indoctrinated Secular Humanists on the bench by floating a series of emotional appeals to eschew considerations of morality when assessing the constitutionality of the State's definition of marriage. Yet, the self-identified homosexual petitioners actually sought to replace the self-evident morality that coincidentally mirrors Judeo-Christian tradition on which our country was founded with the trendy, relativist morality of political correctness that is narrow, exclusive, and already out of date.[13] Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) are predicated on that same religious moral relativism ideology as well. The self-identified homosexual petitioners claimed that their case was a matter of autonomy. But the self-identified homosexual petitioners really wanted to jettison our Founders' sound judgment on that issue and just replace it with their unfounded opinions in order to marginalize and stifle those who do not condone their self-serving religious worldview.[14] That is also what

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[13] Like any lawgiver, the court cannot avoid the application of morality. *See, e.g.*, Senator Barack Obama, Keynote Address to Sojourners at the 'Call to Renewal' Conference (June 28, 2006) ("Our law is by definition a codification of morality, much of it grounded in Judeo-Christian tradition."). And as the Sixth Circuit stated when analyzing so-called "same-sex marriage" cases, our "[t]radition reinforces the point." Pet. App. 31a.

[14] *See, e.g.*, What is Marriage, *supra*, at 286 ("there is no truly neutral marriage policy"); Dent, G.W., Jr., Straight is Better: Why Law and Society May Justly Prefer Heterosexuality, 15 Tex. Rev. L. & Pol. 359 (2011) ("Sensible scholars acknowledge that moral neutrality is not only undesirable but impossible."). Robert Reilly more fully

Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) seek to accomplish overtly.

Amici understand better than many that "tradition" alone cannot justify a law, no matter how hoary its pedigree. But *Amici* do not argue a State's Constitution should remain unmolested by the federal judiciary merely because it upholds long-standing tradition. Contrary to the *Obergefell* petitioners' facile analysis, mere "tradition" is not the reason the State marriage definitions were constitutional. The *reasons* for the tradition are the reasons that the States' laws that limit marriage to a man and a woman were constitutional - the policies respecting man-woman marriage were Constitutional. While the United States does not mandate Christianity, it is simply a fact that the United States has and must continue to model its laws off of self-evident fact-based morality, which does happen to parallel Christianity by coincidence often, if not always. [15]

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explains the *Obergefell* petitioners' disingenuous displacement of morality and tradition: The legal protection of heterosexual relations between a husband and wife involves a public judgment on the nature and purpose of sex. That judgment teaches that the proper exercise of sex is within the marital bond because both the procreative and unitive purposes of sex are best fulfilled within it. . . . The legitimization of homosexual relations changes that judgment and the teaching that emanates from it. What is disguised under the rubric of legal neutrality toward an individual's choice of sexual behavior—"equality and freedom for everyone"—is, in fact, a demotion of marriage from something seen as good in itself and for society to just one of the available sexual alternatives. In other words, this neutrality is not at all neutral; it teaches and promotes indifference, where once there was an endorsement. Reilly, Robert R., Making Gay Okay: How Rationalizing Homosexual Behavior is Changing Everything, 13 (Ignatius Press, 2014).

[15] President Reagan said it best when he stated out of humility: "If we ever forget that we are One Nation Under God, then we will be a nation gone under." "America" might not officially be a "Christian Nation," as the Supreme Court found in *Holy Trinity v. United States*, 143 U.S. 457 (1892), but "America is [unofficially] a Christian Nation," insofar as the laws of this Nation must be based on fact-based self-evident morality, which tends to parallel new Testament precepts. There is no way to get around the axiom that without faith, there is no basis for morality, and without morality there is no basis for law. It is a proven fact that all moral doctrine are not equal. The moral doctrine of Secular Humanists is irrational because it asserts that there is no such thing as absolute truth. Moral Relativists have to assume the very thing that they say does not exist in order to disprove it. The hallmark of Moral Relativism is not just what is right for me is right for me and what is right for you is right for you, it is that no one set of moral doctrine is superior to another. That position is itself a moral doctrine that asserts itself as superior to all others. Virtually all policies that come out of moral relativism are predicated on a series of unproven faith-based assumptions that are non-secular for purposes of the Establishment Clause, not to mention categorically absurd from

Of course, the reasons for the tradition in *Obergefell* were entirely rational.[16] As our tradition recognizes, some truths are self-evident. Among them are that men and women are different. In fact, it is clear from our very existence that men are made for women, and women for men. Matthew 19:5. None of us would be here but for that truth. The Sixth Circuit properly recognized that "[i]t is not society's laws or for that matter any one religion's laws, but nature's laws (that men and women complement each other biologically), that created the policy imperative." Pet. App. 33a.

Another self-evident truth is that it is best for children to be raised by their natural parents with whom they share the same genetic code whenever possible. There have been many theories to the contrary throughout history, but they have all proven vacuous. Public policy that recognizes and acts on these truths is not unfairly discriminatory. In fact, the only way to have sound public policy is to build on such truths.

In inviting the United States Supreme Court to redefine "marriage," the self-identified homosexual petitioners in *Obergefell* rejected these truths in step with a pattern to refuse to think logically. The voters of Michigan, Kentucky, Ohio, and Tennessee, by an overwhelming majority, affirmed a truth upon which our nation was founded and has flourished for over two hundred years: that the natural family is the optimal environment in which children should be raised. Human history, scientific observations of human biology, and our own experience, common sense and reason tell us that children naturally come exclusively from opposite sex

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the perspective of any reasonable observer who has not yet checked his brain at the door of the unexamined assumption of the superiority of our cultural moment.

[16] *See*, *e.g.*, *Citizens for Equal Protection v. Bruning*, 455 F.3d 859 (8th Cir. 2006); What is Marriage, *supra*, at 248-259; M. Gallagher, Why Marriage Matters: The Case for Normal Marriage, available at http://marriagedebate.com/ pdf/SenateSept42003.pdf; Straight is Better, *supra* at 359, 371-75.

unions, and children benefit from being raised by their biological parents with whom they share the same genetic code whenever possible.[17]

To *Amici* and to most Americans, the proposed federalization and redefinition of marriage directly harms and threatens this sacred and foundational institution when falsely framed under the Fourteenth Amendment, but not when framed under the First Amendment Establishment Clause. There is no surer way to destroy an institution like marriage than to destroy its meaning.[18] If "marriage" means whatever a political activist, a cherry-picked plaintiff, or a politically unaccountable appointed atheistic judge wants it to mean, it means nothing. If it has no fixed meaning, it is merely a vessel for an unelected judge's will. It is a subterfuge for judicial legislation.[19] And as Montesquieu observed: "There is no greater tyranny than that which is perpetrated under the shield of law and in the name of justice." Charles de Montesquieu, Montesquieu's Considerations on the Causes of the Grandeur and Decadence of the Romans, 279 (Jehu Baker trans., Tiberius 1882).

The self-identified homosexual petitioners in *Obergefell* improperly urged the Supreme Court to overstep its authority and impose the *petitioners'* private religious morality on the thirty-two million citizens of Michigan, Kentucky, Ohio, and Tennessee. Pet. App. 15a. Article V of the Constitution exists for a reason, and that reason is to prevent such radical redefinition of our social contract by non-democratic means. A critical difference exists between interpreting

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[17] *See, e.g.* Straight Is Better, *supra* at 376, 378, 380-81; What is Marriage, *supra* at 258; M. Gallagher, (How) Does Marriage Protect Child Well-Being, in The Meaning of Marriage (R.P. George & J.B. Elshtain, eds.) (Scepter Publishers, Inc., 2010) at 197-212 (*see especially* 208-12 regarding gender roles).

[18] Destroying marriage by destroying its meaning is the admitted goal of many "same-sex marriage" advocates. *See, e.g.,* What is Marriage, *supra*, at 277-78 (citing numerous gay activists and supporters who openly advocate the destruction of traditional concepts of marriage and family).

[19] "The whole point of seeing through something is to see something through it. To see through all things is the same as not to see." — C.S. Lewis, The Abolition of Man.

and re-writing the Constitution, and the *Obergefell* petitioners wanted that line crossed. As the Eight Circuit correctly held in *Citizens for Equal Protection v. Bruning*:

> In the nearly one hundred and fifty years since the Fourteenth Amendment was adopted, to our knowledge no Justice of the Supreme Court has suggested that a state statute or constitutional provision codifying the traditional definition of marriage violates the Equal Protection Clause or any other provision of the United States Constitution.
> 455 F.3d at 870. It is no mere coincidence that this is so.

We ask you to imagine yourself sitting on the bench hearing oral arguments in 1868, shortly after the Fourteenth Amendment was ratified. The *Obergefell* petitioners come before you and present their main argument: "The Fourteenth Amendment to the U.S. Constitution requires a state to license a marriage between two people of the same sex." Petitioners' Brief at 22. Look around you. What is the panel and audience's reaction? Is it nodding approval, as *Obergefell* petitioners insinuated?

If not, what has changed between then and now? There has been no further Constitutional Amendment, as Article V requires. All that has changed is the attitude of a minority of the population toward homosexual conduct thanks in-part to an infantile media and the natural proclivities of the "me first" mentality that flow out of the hearts of all humans - especially those who are aligned with the Democratic party, like all of the Defendants are. At some point, it will have to start registering with progressives that for American society to "progress" towards savagery is not "progress" at all, it is stupid. The self-identified petitioners in *Obergefell* believed that attitude change in the form of forced religious conversion to Secular Humanism was all that was required for the Supreme Court to change the Constitution's meaning. The Courts, the legislatures, and the executive branch members must now turn back to the Constitution as it was actually written show that they were wrong by simply recognizing that the Establishment Clause

has always required that the State and Federal government stay out of the parody marriage business. It has also never allowed the government to recognize sexual orientation is anything other than what it really is - a religious mythology and dogma that predicated on an series of unproven faith-based assumptions and naked assertions that makes it inseparably linked to the religion of Secular Humanism. This means that Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) are unconstitutional under the Establishment and unenforceable against the Plaintiffs and anyone else, to include the intervening Plaintiffs.

We believe that actual marriage should be defended and that only real civil rights movement should be shielded, not redefined to suit the whims of certain individuals who would seek to misuse the Fourteenth Amendment to entangle the government with evangelical moral relativism, which is nothing more than a smoke screen that attempts to justify conduct that is self-evidently immoral, obscene, lewd, dehumanizing, depersonalizing, and subversive to human flourishing. Countless government bodies have taken the self-evident position that "any school boy knows that a homosexual act is immoral, indecent, lewd, and obscene. Adult persons are even more conscious that this is true." *Schlegel v. United States,* 416 F. 2d 1372, 1378 (Ct. Cl.1969). It is not like this has changed and that community standards of decency have evolved. The Supreme Court in *Obergefell* should have rejected the self-identified homosexual petitioners' argument because it violated the Constitution and undermines the family as the fundamental building block of our society by destroying the meaning of marriage for reasons that were religiously motivated. Self-asserted sex-based identity narratives that are questionably moral are implicitly religious in nature. "Critics" on religion almost always a new religion. Parody marriage policies are a critique on absolute truth and the Supremacy of the United States

Constitution itself. So is the Defendants enforcement of Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) against the Honorable Jack Phillips and his awesome business that seeks to proliferate meaningful forms of beauty and creativity in a life affirming way.

III. THE SIXTH CIRCUIT CORRECTLY FOUND THAT THE *OBERGEFELL* RESPONDENTS' LEGITIMATE STATE ACTION PASSED RATIONAL BASIS REVIEW

It was not the State's burden, on rational-basis review, to justify the State's traditional definition of marriage in *Obergefell*. Some lower courts in the gay marriage challenge, such as the District Court for the Eastern District of Michigan, committed reversible error by placing the burden of proof on the state to establish a legitimate government interest. The Supreme Court has unequivocally held that "the burden is on the one attacking the legislative arrangement to negate every conceivable basis which might support it, whether or not the basis has a foundation in the record." *Heller*, 509 U.S. at 320-21 (citations and quotations omitted). In the challenge to Michigan's Marriage Amendment, the District Court cited the correct constitutional standard, but thereafter failed to actually apply it.

A law is constitutional even if it is "based on rational speculation unsupported by evidence or empirical data." *Id.* at 320. Courts simply do not have "a license . . . to judge the wisdom, fairness, or logic of legislative choices." *Id.* As the USSC has elsewhere noted: "The inequality produced, in order to encounter the challenge of the Constitution, must be 'actually and palpably unreasonable and arbitrary.'" *Radice v. People of the State of New York*, 264 U.S. 292, 296 (1924) (citations and quotations omitted).

In matters involving a non-suspect classification, the Supreme Court permits both under- and over-inclusiveness in the drafting of such laws. All the State is required to show is that the definition rationally advances a legitimate state interest. *See*, *e.g.*, *Johnson v. Robison*, 415 U.S. 361, 385 (1947). Because the State respondents in *Obergefell* asserted that the definition of marriage rationally advanced the State's interests, *e.g.*, promoting procreation and effective parenting, the Sixth Circuit Court properly rejected self-identified homosexual petitioners' Equal Protection claim as a matter of law. Accordingly, the Supreme Court's final decision in *Obergefell* was a political and religious sham in the same what that Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) and their enforcement are. Five Secular Humanist judges knowingly monkeyed with the Fourteenth Amendment for reasons that were religious in nature and predicated on a rare form of egomania that has undermined the integrity of the judiciary. (In relentlessly enforcement Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) against the Honorable Plaintiffs, the Defendants have manifested the same truth allergic egomania that calls into question whether the United States Congress should do away with civil rights ethics commissions altogether for doing more harm than good.)

In the challenge to Michigan's Marriage Amendment, in order for the District Court to reach its iconoclastic conclusions, the District Court turned traditional rational basis review on its head. Pet. App. 106a, 125a-134a. The District Court first offered a series of rationalizations to bolster the factual inadequacies and limitations of the self-identified homosexual petitioners' expert testimony and to attack the testimony of the respondents' experts. But in the end, the lower court concluded that because the *State* failed to demonstrate a measurable difference in

some select child-rearing "outcomes" that the lower court arbitrarily deemed decisive, the millions of citizens who defended Michigan's marriage laws were irrational for not endorsing homosexual conduct as a matter of public policy. Yet, such a debate over such squishy factors should have never taken place because at all times the Establishment Clause forbade all of the States from legally recognizing any form of parody marriage regardless if doing so became unpopular with a Secular Humanists and the shallow media. (Likewise, the Establishment Clause has always forbad all of the states from enoughing any policy that treats sexual orientation as if it is a real thing. Just because the Defendants have unwisely allowed themselves to be brainwashed into believing that "homosexuals" exist, does not mean that there are only some people who self-identify as homosexual. The testimonials from ex-gay activists proves that with convincing clarity.)

In deciding to redefine marriage for the State, the federal district court held that Michigan voters were *irrational* in affirming a notion upon which our nation was founded and has flourished for over two hundred years: that the natural family is the optimal environment in which children should be raised. Pet. App. 127a-13a. In rejecting of the convictions of millions of voters, the District Court relied on the testimony of several individuals it deemed "experts" on the issue of child rearing who claimed there is "no difference" between heterosexual and homosexual couples raising children. Pet. App. 77a, 111a, 118a, 121a, 123a, 129a. Remarkably, the lower court found all the "experts" supporting the proposition to be "highly" or "fully" credible, and it found all who testified against petitioners' "no difference" theory to have no credibility at all. *See*, *e.g.*, Pet. App. 77a, 79a, 109a, 111a, 113a- 16a, 118a, 121a, 123a, 129a.

The District Court there failed to provide an adequate basis for its conclusion that this testimony supported the conclusion of "no difference." The District Court never satisfactorily established which criteria were relevant to its inquiry—*i.e.*, which differences matter, and why. The District Court seems to have relied primarily on the testimony of Mr. Brodzinsky in determining that: "What matters is the 'quality of parenting that's being offered' to the child." Pet. App. 108a. And the court adopted Mr. Brodzinsky's wholly inadequate definition of parental quality. Pet. App. 108a, 109a, 111a, 127a, 129a. The District Court did not rely on the First Amendment, and yet, the Constitutional answer to this question at all times lay lurking in the shadows until now.

The District Court failed to articulate any "scientific basis" for why certain qualities the "experts" chose and purported to measure are the qualities we as a people must adopt and endorse. What are the so- called experts' qualifications to make moral decisions about what makes for good parenting? The evidence that these social scientists actually measured *those* crucial factors—or are in any way qualified to even identify, much less measure, those factors—is nowhere in the record.[20]

Ultimately, these simply are not "scientific" matters. These are faith-based matters involving the misuse of our government by Secular Humanists who are so intellectually blind that they cannot even see that they are attempting to entangle the government with their religion of Secular Humanism in a manner that threatens the supremacy of the United States Constitution

[20] The experts largely purported to measure one or more facets of children's school performance, which the court then erroneously equated to "healthy development," Pet. App. 122a, 128a; and even that parameter was hardly conclusive in supporting the court's "no difference" thesis, Pet. App.128a-29a. There is no scientific basis for the conclusion that a child's well being is properly determined by checking whether he or she has dropped out of school or been held back a grade at some point. It is a reasonable factor to consider among many others, but not a factor that can "scientifically" be weighed.

itself. The Marriage And Constitution Restoration Act, which was authored in response to the the Defendants assault on the Honorable Plaintiffs, revives an unresolved controversy where blind Secular Humanists have misused government to to put the religion of Secular Humanism over non-religion through a series of dishonest imperialistic power plays. Materialistic science cannot measure the non-material. It cannot define or select morality, values, or the necessary components of a "successful" family, much less measure these factors. It is an injustice and exhibits a gross misreading of the Constitution to install such self-styled "social" experts as the moral compass of the population. These biased and flawed studies fail to demonstrate that an entire State's concept of family and marriage is irrational. Given the fundamental errors in the District Court's premises and reasoning, its factual findings were unreliable and cannot provide a stable foundation for any government actor to allow such monumental, nation-wide, and permanent change in our marriage laws to continue to exist.

The District Court also stated that "Rosenfeld's study shows that children raised by same-sex couples progress at almost the same rate through school as children raised by heterosexual couples." Pet. App. 127a. Leaving aside the fact that progress through school is hardly a conclusive measure for an optimal child-rearing environment,[21] this obviously does not "refute" the premise that heterosexual couples make better parents. *See*, *e.g.*, G.W. Dent, Jr., Straight is Better: Why Law and Society May Justly Prefer Heterosexuality, 15 Tex. Rev. L. & Pol. 359, 371-406 (2011).

The district court also touted Brodzinsky's illogical opinion that "parental gender plays a limited role, if any, in producing well-adjusted children." Pet. App. 127a. This raises the obvious

[21] When it found it convenient to advance its argument, the court actually admitted that "[o]ptimal academic outcomes for children cannot logically dictate which groups may marry." Pet. App. 130a.

question of which parent it is that children can supposedly do without—the mother or the father? Curiously, the court and its experts failed to elucidate this particular point.

The District court also failed to recognize that in trying to incentivize the optimal child-rearing environment, the State regularly provides preferences to a child's natural parents. In that sense, heterosexual couples regularly face the same issues articulated by the self-identified homosexual petitioners in *Obergefell*. For example, a heterosexual couple comprised of one remarried natural parent and one step-parent may provide a loving home for their child, but the vast majority of step-parents are not custodial parents. Their relationship with the child he/she raises is not indorsed or incentivized by the State. Step-parents face the same fears articulated by the self-identified homosexual petitioners regarding the child's future if the spouse, the natural parent, dies. However, the respondent state's treatment of step-parents does not amount to discrimination, nor does it mean that the step-parent's relationship with his or her child means less because the state recognizes others' rights before his or hers.

These were more than a few flaws with the District court judge's logic and "debate-ending" scientific foray. And under the applicable rational basis review—which is the only constitutionally appropriate test, it is enough for the State to promote natural families merely because natural families provide *some* benefit to the healthy development of our children. *See*, *e.g.*, *Hadix v. Johnson*, 230 F.3d 840, 843 (6th Cir. 2000). Under our Federal Constitution, a State is entitled to promote what has proven to be the healthiest social structure for the rearing of children and propagation of society; and it is not required to simultaneously promote less healthy alternatives, no matter how popular they might be with certain "social scientists," Secular Humanist federal judges, or other Moral Relativists.

Lastly, the Sixth Circuit Court properly rejected the self-identified homosexual petitioners' heavy-handed push to ignore prudence when inflicting a radical social experiment on the population, especially by non-politically accountable judicial decree. Pet. App. 14a, 31a, 33a. The Sixth Circuit found it rational not to overrule millions of voters and redefine marriage, taking away from the State a right it has held since the inception of our democratic republic. Pet. App. 32a. The Sixth Circuit properly reversed the factually erroneous and politically-driven opinion of the District Court, which distorted the burden of proof and the factual record in order to legislate, not from the voting booth as the States' voters did, but from the bench.

The Dissent in the Sixth Circuit Opinion raised no legitimate objections to the Majority's exceptional analysis. The gist of the Dissent's lament was: "But what about the children?" Pet. App. 70a (Daughtery, J., dissenting).

Two key passages sufficiently illustrate the futility of the Dissent's objections. First:

> [M]arriage, whether between same-sex or opposite-sex partners, increases stability within the family unit. By permitting same-sex couples to marry, that stability would not be threatened by the death of one of the parents.
> Pet. App. 82a.

If we understand "stability" to mean solely that the death of one parent has less of an adverse impact on the family, then the Dissent's argument more forcefully supports polygamous relationships than same-sex relationships.[22] This is the road to perdition they are on.

Second:

> Even more damning to the defendants' position, however, is the fact that the State of Michigan allows heterosexual couples to marry even if the couple does not wish to have

[22] We believe that the stability of the family unit depends on multiple factors, and is seriously harmed by the gender confusion that an improperly defined family unit can foster, for example. On this latter point, we disagree with both the Dissent and the Majority. *See* Pet. App. 33a. We understand that government following proper procedures (such as amending the Constitution) may defy the natural order instantiated in the traditional family by falsely denominating same-sex or other "alternative arrangements" as so-called "marriages" and thus re-invent the family, but we believe they cannot avoid the consequences of that defiance.

> children, even if the couple does not have sufficient resources or education to care for children, even if the parents are pedophiles or child abusers, and even if the parents are drug addicts.
> Pet. App. 82a.

This argument ignored the correct legal standard. Over-inclusiveness and under-inclusiveness might not be ideal, but they are permissible in that context. The USSC has long recognized that we do not live in an ideal world, and it has set the governing legal standards accordingly. *See Johnson v. Robison*, *supra* at 385. What Michigan, Ohio, Tennessee, and Kentucky, and its voters did to promote marriage and the family was imminently rational. It was also Constitutional under the Establishment Clause. In contrast, no law authorizes any court to destroy marriage by legally recognizing gay marriage, and it is beyond irrational and improper for the *Obergefell* Court to have done so in view of the Establishment Clause.

The loosely wound and superficially idealistic arguments of the self-identified homosexual petitioners in *Obergefell* were characteristic of the so-called "progressive" agenda that relentlessly attacks our nation's traditional family due to a form of intellectual blindness and emotional problem with the truth that it materially threatens the validity of our Constitutional Republic. Secular Humanists who seek to entangle the government with their religion rely exclusively on emotionalism and generalization to blur critical legal distinctions and to impugn foundational institutions as "oppressive." They are lying. They promise that their alternatives, which either are untested or have proven to be disastrous, will be better for us, and that they must be forced upon us for our own good or "for the children." Such intellectually dishonest arguments are emotionally, racially, intellectually, and sexuall exploitative. Such positions are unwise as as the idea of opening the door to the toxic influence of the LGBTQ Church in the first place. Fortunately, our Constitution forbids such a tyranny of the minority. Our Constitution

prohibits Secular Humanists, which include self-identified homosexuals, from misusing our government by entangling it with their faith-based worldview. While there is nothing religious about man-woman marriage and while those policies actually accomplish their secular goals, the same cannot be said of policies that respect and promote parody marriages of any kind. The Free Exercise balanced with the Establishment Clause is fair. Anyone can made the dumb decision to self-identify as a transgender, a polygamist, a zoophile, a wizard, a homosexula, or a chicken sandwich. The government cannot endorse or respect those decisions, and it certainly cannot make the taxpayers respect them through any form of direct or symbolic ratification.

CONCLUSION

The Court should allow the Plaintiff to prevail but not for the flimsy reasons floated by Alliance Defending Freedom, which have more in common with defending their donation racket than they do restorating the rule of law. The Judges, Legislators, and members of the executive branch all have a duty under Article VI to enforce the Establishment Clause. While there are no ex-black people, there are thousands of ex-gays. For any government official to equate the fake gay civil rights movement to the race-based civil rights movement lead by Pastor Martin Luther King Jr., whereas the race-based civil rights movement was actually based on immutability and genetics, is an act of fraud and racism in-kind. It is an absolute evil that the Establishment Clause of the United States Constitution does not allow. The Secular Humanists decision to hijack the Fourteenth Amendment in an effort to shoehorn sexual orientation into a civil rights narrative is just another reason why people of color are walking away from the Democratic party. #walk away. In order to save guard the integrity of the civil rights movement, the government must completely disentangle itself from the LGBTQ orthodoxy. It is not a right or left issue. It is what

the United States Constitution requires. Here is what is required of this Honorable District Court for the State of Colorado, the Court should rule that Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) are unconstitutional as applied to any citizen of the state because they fail the prongs of Lemon in their making and in their enforcement. The Democratic party needs to get a new platform other than toxic identity politics, which has only generated intolerance, disunity, perversion, and dishonesty. The amicus cares about human flourishing and the relief the amicus asks the Court to provide the Plaintiff with will generate major human flourishing. The Constitution does not require that all sides are happy. It just requires that it remains supreme. This brief is respectfully submitted to help the Honorable District Court for the District of Colorado to do just that.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document and attached exhibits were mailed with adequate postage to the Defendants and Plaintiffs in this actions on August 27, 2018 to James A. Campbell ALLIANCE DEFENDING FREEDOM 15100 N. 90th Street Scottsdale, AZ 85260; JESSICA POCOCK, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; ANTHONY ARAGON, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; AUBREY ELENIS, Director Colorado; Civil Rights Commission 1560 Broadway Denver, CO 80202; MIGUEL "MICHAEL" RENE ELIAS, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; CAROL FABRIZIO, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; CHARLES GARCIA, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; RITA LEWIS, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; CYNTHIA H. COFFMAN Colorado Attorney General Office of the Attorney General Ralph L. Carr Judicial Building 1300 N. Broadway, 10th Floor Denver, CO 80203; JOHN HICKENLOOPER Colorado Governor Office of the Govenor 136 State Capitol Building Denver, CO 80203

/s/Anna C. Little, Esq./

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Masterpiece Cakeshop

1:18-cv-02074-WYD-STV

v.

Elenis et. al.

DECLARATION OF FORMER GAY ACTIVIST TURNED CHRISTIAN SENIOR PASTOR OF ZION BAPTIST CHURCH CHARLENE E. COTHRAN

I, Charlene E. Cothran, declare under the penalty of perjury, pursuant to 28 USC sec. 1746 as follows:

1. I am over 18 and a resident of Florida.

2. Here are a few of many links to me speaking in videos. The statements that I make in this videos are true and accurate that I now incorporate into this sworn testimonial:

a. My interview with CNB Entitled: Former Gay Activist Charlene Cothran leaves gay lifestyle for Jesus: https://www.youtube.com/watch?v=yionQDpwTlM

b. Pure Passion Interview: Entitled Charlene Cothran - Gay Activist Finds Christ.

Charlene Cothran - former gay activist and publisher of Venus Magazine, (a magazine for black lesbians), shares her testimony of being a leader in the world of gay publishing and how Jesus Christ set her free from the bondage and the deception of homosexual confusion.

https://www.youtube.com/watch?v=2r7w-yGyNlM

c. Pastor Charlene Cothran - Testimony before the Civil Justice Subcommittee
https://www.youtube.com/watch?v=s-FhlKbCDJg

d. Ex Lesbian Charlene Cothran Tells her Testimony:
https://www.youtube.com/watch?v=p_wXcCCfE2U&list=PLB0192509974B4210

e. African-American Pastors Decry Gov. Deal's Betrayal on Religious Liberty
http://www1.cbn.com/cbnnews/us/2016/april/african-american-pastors-decry-gov-deals-betrayal-on-religious-liberty%20?cpid=:ID:-9283-:DT:-2016-04-01-16:32:42-:US:-JG1-:CN:-CP1-:PO:-GC1-:ME:-SU1-:SO:-FB1-:SP:-NW1-:PF:-%20VI1-

INTRODUCTION

3. I spent 3 decades as a militant gay rights activist. My entire identity surrounded the implicitly religious narratives advanced by the LGBT community. I stunned the gay and lesbian community by announcing that I had become a born again Christian - leaving behind a dehumanizing and destructive lifestyle that was built on lies and coming into a brand new identity by embracing the radically transformative and personalized truth offered by the central figure in the new testament. After I came out of the closest as a born again Christian I kept my job as the editor of a lesbian magazine that was named after my friend that was murdered by her lesbian lover. There is no life in the gay ideology and ratifying the agendas that I once stood behind is not an act of love. It is enabling a lot of destruction and harm. As I look back on my three decades as a militant gay rights activist, I can see that the devil deceived me and thousands of others believing that we could be happy buying into the gay religious narrative. The deception was that it was a happy life filled with pride. None of that is true. It is all lies. For the legislatures or Judges on the state and federal level to codify this fact ideology is not an act of love but an act of both fraud and hate. All laws that support gay rights, transgender rights, gay marriage amount to an insult to the civil rights movement of the 1960s and serve to establish a dehumanizing and shallow religion that I proactively advanced as a leader, editor, and organizer for over 30 years. It has to stop for the sake of children. The homosexual community that I was part of is using government to codify their unproven faith based assumptions with the ultimate hope of bringing

the youth to buy into their lifeless and empty ideology that is a cover for feelings of shame and inadequacy.

PART I. 30 YEARS OF MILITANT LESBIAN ACTIVISM

A. MY LIFE AS AN ORGANIZER, LEADER, AND MILITANT LESBIAN ACTIVIST IN A CRUSADE TO PROSELYTIZE AND BULLY THE NATION INTO ADOPTING THE RELIGION OF MORAL RELATIVISM BY COMPELLING GOVERNMENT TO CODIFY OUR RHETORIC

4. I had grown up in a Christian home, and had come into the lesbian lifestyle at 19 after several occurrences of childhood sexual abuse. I decided that I did not want anything to do with men anymore after feeling mistreated by them. I went away to college, which was a whole new world. In that world there were many women who were attracted to me and I was attracted to them. These were women who were nurturing, who wanted to get to know who I was intellectually, who were lesbian organizers, who I at first found a lot of comfort in. It felt good, and it felt right.

5. I began to organized social events for gay and lesbians of color. It started off with me and two other business partners and we were a perfect fit. We would rent restaurants and invite women who self-identified as lesbian to come hang out. And women would come from all over the region. The group was called hospitality Atlanta. It would not be unusual for us to have seven to eight hundred women show up at our events packed into a beautiful restaurant. We hired police to secure the event and to keep all straight men out. No heterosexual men were allowed at our events. I resented men, and I had nothing to take those feelings of hurt, unforgiveness, and resentment until I met Jesus Christ. He uprooted the bitterness and resentment, freeing me to trust men who trust in God.

6. From those events we developed softball leagues and major picnics. It was a very lucrative organization. I ran this organization for nearly ten years, and we cultivated a very large mailing list. From that mail list, I decided to launch a magazine.

The gay and lesbian political community began to pay attention that we could bring out and organize large numbers of black lesbians and gay individuals together through the work that we were doing. As soon as the magazine was launched, we were contacted by HRC (Human Rights Campaign), The National Gay and Lesbian Task Force, The Victory Fund, and many of the gay organizations who are doing a lot of the political work. We played a very important role in the early 90s because at that time they were being told by lawmakers and local, regional, and national politician that these other organization only represented rich white men who self-identified as gay. There was no coalition of gay color people until our organization got into the mix. My voice of activism became immensely powerful and persuasive. Venus Magazine played an important role in demonstrating that there was a large and vibrant multi-racial and socio-economically diverse gay community ran by black gays and lesbians. We became an important part of what gay activist legislative groups were trying to present.

B. WAR STRATEGY FOR TAKE OVER BASED ON THE ENDS JUSTIFYING THE MEANS AND DISHONEST MISDIRECTION

7. The strategy of gay activist like myself was to get one little foot in the door. When in fact the plan is to completely take over as much as possible in a power grab in order to put our values on top. For example, we would start by just trying to get a school board to issue a statement in a publication that they would not fire a gay teacher or that an institution would not be prejudicial towards individuals who self-identified as gay. The fact was that we at all times intended on taking over the entire school system as we see now 15 years later is happening with the transgender bathroom initiatives that is really a public health crisis. The strategy was to just get

in under the wire into different streams of influence, and once we get enough of our people on the inside, then we planned to do some major work to convert others to buying into our ideology and making sure that our religious ideology was on top when it came to policy making. We were bent on persecuting people of faith if necessary, since their worldview stirred up feelings of shame and inadequacy that we were running from.

8. I was asked by gay activist organizations to help get the domestic partnership bill passed in Atlanta Georgia, and these organizers helped to train me to speak with councilmen and the mayor. The activist group not only chose people of color but individuals who were landowners, who had a good strong voting record. We would go in under the wire and we were trained to not talk to anyone else about our plans. We were to get in and talk to the lawmakers and not inform the press. After all, we did not want the "church folk" to know that votes on our legislative proposals were coming up. On vote day, we would have auditoriums filled with gay and lesbian landowners to communicate to the politicians that they had to give us what we wanted. Just like with the gay marriage lawsuits, we would use dishonest tactics to get our policies turned into law, even if the intent of these proposals was to use government to validate our religious worldviews on truth, sex, and love - all of which were self-justifying. It gave us a sense of purpose to oppress truth.

9. Gay activist are well trained bullies who work to get results at all costs in step with the idea that the ends justify the means. Our activists were able to infiltrate media. I look at people who freelanced for or subscribed to my publication and went to work for major media outlets such as Bloomberg, The New York Times, and Conde Nast. It is simply the case that gay and lesbians run major media. They just do. Gay and lesbians are at the forefront of many major media decisions. It is not surprising that just about every sitcom has a gay character in it. Individuals

who self-identify as gay have major talk shows. The reason is because media speaks directly into the minds of young people, and gay activist want to recruit the youth to joining into our world view. We had this belief that if we could get everyone to agree that our lifestyle was not morally repugnant, then it would not be. We were motivated by pride, arrogance, fear, and feelings of inadequacy.

Like porn content creators or tobacco manufacturers, you can get the youth, you can change society. As a former insider gay activist, I can attest that we agreed with Hitler that when he wrote 'Mein Kampf' while serving out a prison sentence at Landsberg, "whoever has the youth has the future." We created sentimental slogans like "love wins" and "love is love" to mask the real intentions of our hearts.

PART II: RADICAL TRANSFORMATION - ENTERING THE LIGHT

A. REVELATION: WHISPERS IN THE PARK IN THE MIDST OF A GAY PRIDE PARADE

10. As a gay rights activist, I was never afraid to fight for what I believed in. I was as vocal and in your face as they come. I organized and marched with other lesbians in gay rights parades. I would chair speaking engagements on gay rights issues. I was a priest for moral relativism and the gay ideology. As editor in chief of Venus magazine, a National Gay and Lesbian publication, I was not about to change until something happened at a gay pride event that I never expected. In 2003, I was in Chicago, at a gay pride event in the middle of Bryant Park. I stopped and took a panoramic view, as far as I could see there were men with men and women with women partying and having a superficial good time. All of a sudden an overwhelming sense of shame fell on me. I felt so out of place in the world. Something spoke in my spirit that "this is that road that leads to destruction and you're on it." I knew, as well as all my fellow gay activists that the entire gay narrative we were mutually perpetuating was built on lies. It took several

years for me to come to terms with this vision that I had been feeding into a religious narrative that is false, dehumanizing, and destructive. After I had this awakening moment, I still continued to works as the editor for the Venus magazine, but I could not escape the message that I heard in 2003. I felt that the Loving and Just God of the Bible was chipping away at my heart to bring me into a relationship with Him.

11. I kept myself busy with activism and publishing, but in the still of the night, when everything was over there was that still small voice telling me that what I was advancing was out of step with God's plan for humanity. I knew that I was not right with the Creator that is referred to in our Bill of Rights who is the central figure of the New Testament Gospel. I longed for peace. Even in the midst of a long term lesbian relationship, I felt intense loneliness as so many gay and lesbian individuals do if being honest with themselves.

B. FACING MORTALITY - CRACKS IN A HEART OF STONE

12. At the top of what I thought would be my permanent career, my mother passed away. That made me examine my life. At the time, I had been in a 10 year relationship with a woman. We were living in New York. My life changed in many ways. I had to scale back on some of my gay activist activities. When I had to burry my mother, I had to really think about eternity. When you look at your own mortality, it really forces you to think about what's beyond the grave and the path your own. I had to really think about that. That began to change the way I saw the gay life. I continued to publish the gay magazine but the flaws in the gay ideology were becoming clear to me. I could see that no one in the gay community was thinking about things like what happens when we die. In fact, they avoided such questions. They were only living for the moment.

13. There are some things that we all universally know are wrong. No one has to tell us that murder is wrong. And we all know that all forms of sex besides the sex between a man and

woman in the confines of marriage are offensive to the truth of our design and the way things are.

I never wanted to go to a gay church because I knew that it wasn't real. Thinking about my own mortality made me think about things that are spiritual. There was something in my soul where I wanted someone to share with me how I could get out of this captivity that the gay life really is. I wanted to be free in my flesh. I wanted to not be able to look at a woman and get attracted.

C. THE POINT OF CONVERSION - THE AWAKENING - ABANDONING THE GAY NARRATIVE FOR CHRISTIANITY

14. But by 2006, it did not feel right any more. In June of that year a local pastor called me regarding an article in one of my publications. She did not know anything about my life but proceeded to talk to me about God. She challenged me on what I was doing with my life and what direction I was leading it in. She was not judgmental, she did not come at me with a sense of moral superiority, but she knew that I was living the gay lifestyle, and she challenged me to leave it behind because it was fruitless and unfulfilling. She told me that I did not have to stay in this lifestyle even if I had been spearheading parts of the movement. The pastor told me that I could be delivered from the lesbian life - even getting delivered that day, right at that time, and right where I was, no matter what I had done in my past, God would forgive me and take me as His child, if I would repent and surrender my life. At first I thought - how primitive - but I felt something moving in my heart. The gay rights movement was based on feelings of shame and inadequacy. We activist tried to legislate away conviction and force convert others into accepting our dogma no matter the costs. We all knew that something was phony and insincere about our homosexual ideology. It does not involve real love but a shallow and empty feeling that is based on co-dependency and distortion of the truth.

15. The pastor and I spoke at length and she said she could tell that I wanted to come back to God and God's way of living, as set forth in the Bible. She could tell that I felt unworthy, and I did feel unworthy. My lifestyle and activism efforts had amounted to an assault on God's ways and Christianity. I felt that if I dropped the lesbian ideology that entire adult life and work was all a waste of time. I feared that God could never use me because of my past - because I had been marching, and publishing, having been an outspoken lesbian for decades. That is, to say, I had been so public in my lesbianism, I did not think that God or the church would accept me. But something began to unlock and unravel in me with the words she spoke. The stony ground of my heart began to break up. I was speechless for several minutes. Tears flowed down my face. Her words hit something that was so true. I wanted to be free of this lesbian life. I heard a still small voice speak to my heart as plain as could be: "today is your day. If you choose me, I will use you for my own glory."

16. The pastor's words convinced me that with Jesus the work was finished on the cross, and all I had to do is accept Him in faith and pursue a love relationship with the God of the Bible in faith, and I could be cleansed and restored. I felt an impression on my heart that God was waiting for me to surrender my life to Him, and that day changed everything for me. I went from living a lifestyle that was ultimately empty to adopting a new identity that was fully of peace and a living hope. I asked Jesus Christ to come into my heart and to forgive me for conforming to the cultures narratives. It changed everything on the inside.

17. I felt the Holy Spirit well up inside me like I never felt before. Something just churned up inside me. God began to break up some ground in me. The third time the pastor asked me if I would pray the sinner's prayer with her, I said yes. The first two times she asked, I said no because I was thinking about my scheduled speaking engagements and magazine. She was so

persistent, and I am so grateful for that. In opening my heart up for conversion I was aware that my entire debt load was based on the publication, car payments, and house payments, but it did not matter. I wanted out of that false life and away from that dishonest narrative. I am convinced that the Lord came into my heart that day. I traded one identity void of meaning advanced by the culture to one with a living hope that is real and exploding with peace, healing, and intimacy. I take comfort in the fact that those who have been forgiven much love much. I knew that my conversion was going to turn everything upside down.

PART III. COMING OUT OF THE CLOSET TO THE LGBT COMMUNITY A SECOND TIME AS A BORN AGAIN CHRISTIAN TO SHARE THE JOY NO MATTER THE COST

A. SPEAKING TRUTH IN LOVE TO GAY AND LESBIAN ACTIVIST "THOSE FORGIVEN MUCH, LOVE MUCH"

18. Two weeks after my conversion experience, I went to the Schomburg Center for Research in Black Culture in New York City because I had previously committed to speaking to gays and lesbians during a gay pride event. I was part of a panel of speakers. I was nervous because I felt convicted to come out of the closet for the second time and discuss my conversion to Christianity and admit that I was leaving the gay life. At the end of the speaking engagement, the moderator asked me where I saw my magazine going, and I knew that I had to tell the truth. I said that the direction of Venus is going to change 180 degrees, in the opposite direction. Our message up to then have been to encourage gay and lesbians to stand up and be who they are and to come out of the closet - to be proud and let their parents and neighborhoods know. Now I was going to use the magazine to let gays and lesbians know that (1) this is not what God intended; that (2) they were being lied to; that (3) the gay life wasn't God's best for anyone; and that (4) there was no

real freedom in this false gay and lesbian ideology. Venus was now going to focus on how to get out of homosexuality, with the emphasis that a person could not just get out on their own but it takes a committed relationship with the Lord Jesus Christ, and I was going to tell what He had done for me. You could hear a pin drop in that auditorium of gay activists as I made this announcement. It took a while to let the silence break up.

19. Afterwards, there was a reception, and at first, I was thinking that I should immediately make a run for the parking lot, but something spoke to me inside and told me to stay and go to the reception. One by one, gay and lesbian people started coming over to me and saying things like, 'I used to go to church, and I am not happy in this life.' One woman came up to me and said, 'I used to be a minister and I backslide and that is the only reason I am in this life.' People began to come to me and thank me for sharing that and having the courage to speak out in truth and in love in that setting.

20. So many people know that I was in the same life under the same false truth claims, and they can talk to me, and I can relate. I do not speak to them with a sense of moral superiority or condemnation because I was the chief activist amongst them. But I now I am free. The Government's decision to codify this nonsense and false ideology is only proliferating harm, not understanding and freedom.

21. There is a song we sing in church which includes lyrics: "the Lord is in this place, Oh my soul, He is in this place." And it is not talking about a building. It is talking about this place in the soul. In leaving behind the gay identity and putting on the Christian identity, the Lord has filled up this dark and empty place in my soul.

22. I would say to someone who has that empty space - that does not have Christ dwelling in them - there is an empty space. Christ does not force Himself on you. But He will only come into a place where you allow Him to clean. I say that having in mind those who believe that they can be Christian and living the gay lifestyle at the same time. That is one of the lies that Satan keeps people trapped in. The Bible was never designed to be revised. A person cannot cut out parts of the Bible and revise it fit their preferred lifestyle.

23. That is an untruth that the Lord has now commissioned me to tell others about who were lured into the gay and lesbian lifestyle. You cannot be a real Christian and living the gay lifestyle at the same time - those are irreconcilable truth claims that are not equal. Light and darkness cannot persist in the same heart at the same time. The other lie that is advanced by the government's reckless codification of the gay narrative is that people who are in the gay lifestyle can never change or be free; that a lesbian can never stop desiring a woman or that a gay man can never stop desiring a man. That is a total lie from hell as well. I was an ardent gay activist for 29 years, and I have completely and totally left behind that worldview and way of thinking.

24. I was attracted to women for nearly 30 years, but I stand as evidence that the Lord can change you when you give the Lord your whole heart. I tell my gay and lesbian friends that when they pray to ask God to change their whole heart, not to just take the gay or lesbian thing away. It does not work like that. A person has to surrender all of themselves. God can come in and work powerfully, if a person will surrender and open their heart up to Him. God has changed many things in my life, not just the lesbian part. For example, I had an anger problem but by staring into the wonder of the gospel that part of me has been broken up by the transformative blood of Jesus. If a person gives God their whole heart, He will put them back together again in a way that

is marked by freedom and hope. God will take us however we are, but he is a God of justice, and he will not lets us stay the same. He wants us to be in relationship with him.

25. I had a lady write me and say, I think you are so wrong, but I applaud your change of life, but I think God loves me just like I am as a lesbian. And I responded back that I agree with you. I think God loves you just like you are, but He loves you enough to not let you stay the same, and if you know God, you'll want to obey - you get to obey. I remember feeling that God love me even when I considered myself a lesbian, but I also knew that I was sinning and preventing God from doing a great work in my life that could give me the joy, peace, and acceptance that I always wanted more than anything. God loves us just like we are, but He is waiting for us to love Him just like He is. He is a certain way. It is Just, not just loving. He is Holy. He has created an order that is woven into the fabric of the universe, and whether we like it or not that is the way things are. For government to disregard transcultural reality and buy into the dishonest unexamined assumption of the superiority of our cultural narratives amounts to a form of political mal practice that cannot be tolerate by proponents of freedom, love, and truth.

26. When you choose to love God the way he is, treating Him as the King that he is, he will be released to come into your heart and mind and radically transform an individual filling an individual with joy, peace, and fulfillment - that is what I found. Know that I put off the lesbian life and turned to the Christian life. I have a peace that passes understanding to the point that I can't even comprehend it at times. I can attest that I have a peace and a joy that was not there before. The lesbian lifestyle is nothing short of a total lie. I have a peace and a joy that people want, and the good news is that this peace and joy is available to all people. Christianity is inclusive. Everyone is welcome to get to know Jesus. The gay ideology is exclusive insofar as

they welcome converts, but if you stand in their way, they will do anything within their means to crush you.

B. PUTTING MY MAGAZINE, REPUTATION, AND LIVELIHOOD ON THE ALTER FOR THE SAKE OF REAL LOVE, TRUTH, AND FREEDOM

27. I was the editor of a black lesbian magazine and was highly respected in my field and featured prominently in gay activist literature, conferences, and media appearances. I was a role model for young black lesbians around the world. Yet God was not pleased with what I was doing or the lifestyle I was living. I became convicted by the Holy Spirit to turn around from homosexual ideology and give my life to Jesus Christ, surrounding to His will. I then continued to speak at gay events and publishing the Venus magazine for black lesbians only now I was calling them to leave this empty lifestyle and turn to Jesus instead. In never planned on giving up my gay magazine. It was doing incredibly well. The magazine was on automatic pilot. But I knew that God was calling me to use the magazine to speak the truth in love. I knew that I had to share my conversion experience no matter the cost. I figured if Oprah could be on the cover of her magazine every issue, I could feature my story on the cover of my own magazine.

28. I stunned the homosexual community by renouncing the gay ideology and becoming a Christian. I now advocate for traditional or natural marriage. I wrote I front page article in my magazine called "Redeemed. 10 Ways to Get Out of the Gay Life, If You Want Out." Here is what I wrote:

Over the past 29 years of my life I have been an aggressive, creative and strategic supporter of gay and lesbian issues. I've organized and participated in countless marches and various lobbying efforts in the fight for equal treatment of gay men and lesbians. I have kept current on the issues and made financial contributions to those organizations doing work about which I was most passionate.

As the publisher of a 13 year old periodical which targets Black gays and lesbians, I have had the opportunity to publicly address thousands, influencing closeted people to 'come out' and stand up for themselves, which is particularly difficult in the African-American community.

But now, I must come out of the closet again. I have recently experienced the power of change that came over me once I completely surrendered to the teachings of Jesus Christ. As a believer of the word of God, I fully accept and have always known that same-sex relationships are not what God intended for us.

I don't expect that this message will be widely received, quite the contrary. But, I do know that there is someone, possibly reading this very article, who is tired and unhappy living this way. Someone, in your heart of hearts, is searching for a way out, but you just can't seem to break free on your own. I am speaking to my gay and lesbian brothers and sisters who want real peace; the kind you've heard about, sung about, read about. It is simpler than you think to acquire it and there is no condemnation once you've entered it.

Although I have lived as a lesbian for my entire adult life, it is without a doubt my soul's purpose to use my gifts to LOVINGLY share the truth about how we got here: how we came to be gay or lesbian, how we came to enjoy our 'lifestyle' and how we came to believe that this was OK with God. [Romans 1:21-28]

Many argue that each individual should determine for themselves what God intends for him or her. This would indicate that we each have a separate set of biblical rules to live by. This is untrue. If you are ready for change and willing to open yourself to the truth, God's love can bring your current belief system in line with His Word. Jesus will cleanse and forgive all confessed sin from a willing heart. Homosexuality is only one of them.

By now you're asking, 'Has she lost her mind?' My answer is NO. I didn't lose it, I gave it away! In fact, I traded it in for a new one! [Romans 12:1-2] ONE TUESDAY MORNING I was minding my own business one fine New Jersey morning when I received a call from a local pastor. I had never spoken to her previously. She was calling to add a statement to an article about her gospel group in another paper we own called the Kitchen Table News.
I don't remember how we got on the subject of salvation but she could not have known how much I had been struggling with trying to reckon my spiritual upbringing with my lesbian lifestyle.

My stiff-necked resistance to the truth arose in me as she ministered. I honestly figured that if I simply mentioned the 'L' word that she'd drop the phone, anoint it with oil and that would be the last I'd hear from her. But that's not what happened. The pastor prophetically confirmed what I've known for years, 'one day you will come out of the world and bring many gay and lesbian souls out with you.' She asked if today was the day that I would choose but I said no. I felt the power of conviction upon me as she spoke but I resisted and hardened my heart against the truth as I had done many times before. I was not willing to hear her or give up my all to God, especially knowing that I had a confirmed speaking engagement scheduled the following week at the Schomburg Center during New York City Gay Pride.

HAVE MERCY

As I blurted out that I was a proud card-carrying lesbian, the pastor reminded me that God's mercy allowed me to survive my experiences as He developed my gifts, all as a part of His plan to lead others to Him, others who will not perhaps hear her or other ministers who have not LIVED this experience.

She could not have had a clue about my encounters with the mercies of God. Mercy had indeed covered me during those dark 1993 days when my good friend Venus Landin, for whom this magazine is named, was shot and killed. I recalled how I went with her to her ex-lover's home to recover her things, how the woman had built a fire using Venus' precious journals as fuel, how she burned her clothes and how the flames and debris had fallen out of the fireplace's box and were ablaze along the carpet.

I remembered the look on the woman's face and in her eyes. I know in my heart that she had intended to murder Venus that night but she did not expect me to arrive with her. There, I stood at the very gates of hell. Given her state of mind, there was no reason for the woman not to have killed us both, then turn the gun on herself as she did Venus a week later. When I received the call that they were both found dead, I knew instantly that mercy had covered me, but why?

I YIELD

The spirit of God spoke directly into my soul and said you will choose this day who you will serve and if you make the wrong choice, I will allow you to drift so far away from me that you will never hear my voice again.

I gave God my heart and soul in the parking lot of the mall, right there in my car. A river of tears flowed as Jesus washed me and forgave me and redeemed me for His work. I intend be just as 'out' about my transformation as I was about my lesbian life. I have given every gift I have back to God, including VENUS Magazine. The target audience will remain the same but the mission has been renewed. Our new mission is to encourage, educate and assist those in the life who want change but can't find a way out. My brother, my sister, please follow me out of this.

1. Establish and accept for yourself that God's Word is true AS-IS. Do not allow gay theology to divorce the Old Testament from the New or the written words of the Apostles from the spoken words of Jesus Christ. This is a good trick, but it's no longer working because God is preparing to bring millions of gays and lesbians back to His feet. He has already chosen many of us for this specific purpose and He is waiting for YOU to accept His call.

2. Seek the truth within the scriptures about homosexuality and it will be revealed to you as you read and pray.

Know that we were NOT born this way. This myth was fashioned by the gay establishment as a basis for changing laws in favor of gay rights.

Again it works for their purposes, but it is biblically UNTRUE. There is no way that anyone, without an agenda, can come away from the Bible with an endorsement by God of the gay

lifestyle. Gay theology starts with an agenda ['let's make the Bible say gay is O.K.'] in order to arrive at its conclusions, but it is a lie.

3. Do not resist God's call on your life. Get alone with God and let Him minister the truth directly to you. That conviction you feel is a gift to keep you near the cross. If you keep resisting Him and hardening your heart, He will eventually stop calling you. You can then have a great time fulfilling all the fantasies of the flesh without feeling a thing, but what awaits you at the end of such a life? [Romans 2:28]

4. Know with certainty that you are loved by God exactly where you are and that your experiences are of great value for kingdom work. I had BEEN tired, but the enemy kept my mind trapped for years by convincing me that I could not be of any real use to God having lived as an openly gay publisher, but that was a lie.

5. Say Yes. That's really all it takes to accept the truth which is accepting Jesus Christ. Pray this prayer of repentance with me now. "Lord, I'm coming to you because I believe your Word and I need your help. I can't change myself, I've tried. Please forgive me for everything I've done that did not glorify you. I believe that you ARE the Word. I believe that Jesus IS your son. I believe that He DIED for my sins, and BECAUSE I believe this, I AM NOW SAVED BY YOUR GRACE. Thank you for saving me! Amen."

6. Make your salvation real. Keeping the good news of your personal salvation a secret is another trick the enemy uses to buy time as he tries to pull you back to your former life. We must believe with our hearts AND confess with our mouths. You don't need to 'out' yourself but clobber the enemy by immediately sharing your testimony with SOMEONE about how the Lord has revealed the truth directly to you; about the level of joy and peace you now have which you could not reach without full repentance; about the welcomed change this brings in your life, and all the wonderful things He has done for you. [Romans 10:9]

7. Experience paradise NOW! Consult God first, then go ahead and live your life! Welcome new friendships, start that new venture, expand your experiences, obtain nice things, just don't put them before God. Enjoy your life to a new degree, without the burden of sin AND with the confidence of ALL of God's promises on your side! It is totally possible to live for God in this present age and enjoy yourself immensely. When I say live for God I mean totally 'sold out' for God. But you cannot be 'sold out' for God and live a gay/lesbian lifestyle at the same time. [Titus 2:11-12]

It's possible to have a BETTER time than you did in the clubs, in the parks, BETTER than all those secret encounters with folks whose names you've long forgotten, BETTER than your long-term relationship, BETTER than all your priceless possessions, BETTER than money! Most of us have experienced some of this AND WE WERE STILL MISERABLE. But thanks to God's mercy and saving grace we don't have to wait years and years to get to heaven to experience paradise. The earth is the Lord's, the fullness thereof, the world, and they that dwell therein. Enjoy God's earth, now. [Psalms 24:1]

8. Walk carefully or 'circumspectly' as the scriptures describe. This is about being careful to keep your spirit clean and fresh. Prayer, along with reading and hearing the Word AND seeking ways to apply it to your daily life is the way to STAY saved and delivered from any sinful habit.

Isn't it interesting that we sometimes give our garments of clothing more care than we give our very souls. When we put on an outfit, we're so careful not to lean against anything that might soil it. We protect it while we're eating so as not to get a spot on it. We sit in such a way to prevent it from wrinkling. Treat your soul's salvation with at least this much care. [Ephesians 5:15-16]

9. Have fellowship with believers. We know that the church has largely failed gays and lesbians by not being a welcoming place for those who have sought spiritual change. The invitation to 'come as you are' seems to be extended to everyone but us. However God has people everywhere who are open, real and willing to walk out with you. Ask the Lord to lead you to a loving, caring, bible-believing fellowship where you can be nurtured, be blessed, grow AND be a blessing. [Hebrews 10:25]

10. Stay in touch. We'd love to hear from you! If this article has helped you, please let us know. Email us at editor@victorymagazine.org or write VICTORY Ministry, Inc., P. O. Box 353378, Palm Coast, FL 32135. Include your day and evening number.

29. When the Lord saved me, I knew that everything would change: all of my editorials, the mission of the magazine, etc. Venus was going to be calling people out of homosexuality into the deeper richer freedom found in the personalized truth of Jesus Christ and the grace based narrative that he offers.

30. The response from the gay and lesbian community from my transformation from the gay religion of moral relativism to Christianity has been fiercely negative and abusive even. But I know that countless gay and lesbians are just as conflicted as I was. In order to fill up this empty space that we all have inside of us, the gay and lesbian activists pretend to put on this wonderful face of how gay and happy they are but at the end of the day homosexuals are incredibly lonesome and empty as ever. That is the real story. There is an underlying shame, discontentment, unfulfillment, and loneliness there which is not talked about and it is real.

31. There has been positive feedback as well. I get lots of emails from people who say that they struggle with homosexuality and want out. I am still on the front lines of the gay rights battle but only now I see it as a spiritual fight to lead others to the freedom that I have found.

32. Our mission now is to educate and to turn people away from the homosexual lifestyle simply by presenting the truth. We simply want people to question what they have learned through the pages of Venus Magazine through the past 13 years.

33. Prior to my conversion Venus circulated about 35,000 copies per issue, which ran four times a year. But after the issue with my testimony, gay activist pressured advertisers to drop the magazine. Gay pride events and college campuses no longer subscribed but I have no regrets about my change and transformation.

34. There is such a joy and a peace that you cannot find in the gay theocracy, in a gay pride parade in a beautiful float. The peace and the joy that I have I wouldn't trade for anything.

C. THE FALL OUT AND GAY REPRISAL

35. When my testimony first got out there, people wrote some very angry letters. One woman said how dare I harm their community and faith system, since I had financed my career off the backs of gays and lesbians. That same woman two years later wrote me back, and said, "I never thought I would be the one writing you this letter back, but I wanted to let you know that I have decided to come out of lesbianism and give my life to Jesus Christ." And that makes any personal suffering I have endured worth it all.

36. There are no greater bullies in America than the phony tolerant in the LGBT community. They turned on me. Many homosexual activist groups contacted my advertisers and major subscribers, to include college campuses, demanding that they withdraw support. They know the threat that I pose to their effort because I was not just an insider. I was an organizer and leader.

But to not speak the truth is an act of actual hate. I not only want to live my life on the right side of history, I want to live on the right side of reality - pointing people to the truth in love.

PART IV. BECOMING A CHRISTIAN ACTIVIST TO ADVANCE THE TRUTH IN LOVE

A. FAKE DISCRIMINATION, FAKE IMMUTABLE TRAIT ARGUMENT

37. As an African American, I was outraged, even as a gay rights activist and leader, that gays would claim discrimination, when in fact my skin color is immutable. My skin color cannot change. When I wake up and go to sleep, I am an African American whether I like it or not. However, people who self-identify as gay and lesbian do change. I am living proof of that and I have seen it over and over again. To suggest that sexual orientation is based on immutable traits and genetics is absolutely intellectually dishonest.

38. It angers me greatly to see homosexuals using the discrimination argument in equating their so-called plight to the race plight, when they know that they are absolutely lying. But the guiding principle in the homosexual ideology is that the ends justify the means. It has always caused me to feel outraged that the homosexuals have hijacked the model of the civil rights movement in an attempt to shoehorn homosexual rights into legal validity. To claim that the racial civil rights movement can be used as a valid model for the fake homosexual civil rights movement is totally removed from the truth. The Courts and legislatures must stop hiding behind the homosexuals' talking points when it comes to discrimination because they are outright lying. Also for the record, anger is not the opposite of love. Hate is. And the final form of hate is indifference, and I am not indifferent about the fact that the homosexuals are falsely using the civil rights movement to shoehorn their self-justifying plight into legal legitimacy. The state and federal lawmakers and Judges should share in my indignation if they are actually on the side of the truth, love, and justice.

39. For any politician to use the gay and lesbian talking points in equating sexual orientation to the immutable traits of skin tone is engaging in a real act of bigotry, animus, and fraud. The Civil Rights movement under the Rev. Dr. Martin Luther King Jr. was based on the truth, and not lies. For politicians and Justices to allow gay and lesbians to falsely compare their plight to the race won is a form of racial discrimination that is depersonalizing, dehumanizing, and downright wrong.

40. As a former gay activist who has had my eyes open and heart transformed by the truth of Jesus Christ, I can see that in fighting against gay marriage and homosexual rights, I am defending the integrity of the real Civil Rights movement. I call upon any federal and state Judge and Legislature to admit to themselves that the support the phony gay rights movement - which is based on shame and self-justifying religious narratives that are sexually exploitative - that to support gay rights is to threaten the integrity of the Civil Rights movement. My testimony as an ardent gay activist for nearly 30 years - alone - proves these points conclusively. The Country does not have the time for any further intellectual dishonesty in these matters of political correctness which erodes freedom and allows individuals with bad intentions to bully people who stand for the truth.

B. FREEDOM COMES FROM THE TRUTH

41. Throughout the Civil Rights movement, the Rev. Dr. Martin Luther King Jr. was never pushing for the lawmakers to step away from Christianity in passing laws to end segregation. He was pushing the lawmakers to return to a deeper and truer Christianity. This is because Christianity accords with that which is true period. But the truth claims embodied in Christianity do not fill an individual with a sense of moral superiority, instead, it humbles them. The gay ideology does the exact opposite. And the bottomline is that without the truth there is no

freedom. Freedom comes from the truth. As a gay rights activist, I used to believe the false narrative that in order to be free a person had to get away from the truth; avoid complying with any dogma or directives. But what I was doing was stepping away from the true religion of Christianity and into the false religion based on gay ideology that is founded in postmodern individual relativism birthed out of the enlightenment tradition. We gay activist were incredible dogmatic about not being dogmatic. We were the worst kind of hypocrite. We were utterly judgmental towards people we thought were judgmental because they had standards, which made us incredibly judgmental.

42. Sex is powerful, and I want to see the legislatures and Courts help our citizens channel their sexual energy in the right way. I want to see our marriage laws make the objectively "right choice" the "easy choice." Take a fish on the grass. A fish on the grass is not free at all. It is only when the fish is confined to the water that it is able to swim lightening fast and even breathe. So it goes with man. Man must be confined by laws to accord with the truth about our nature because our personal liberty is otherwise subject to suffocation. Our Democracy and unity is suffocating because our government has refused to see that the gay ideology is a moral code. And our government has traded truth for a lie due to a lack of wisdom and our people - especially the youth - are suffering as a result.

C. ENABLING THE TRUTH, NOT DARKNESS

43. So-called gay marriage matters cannot be compared to one of "black vs white." But it is a matter of "light vs. dark." For the Courts and legislatures to pass gay rights laws is not an act of love whatsoever because it plunges people further into the captivity and darkness that I was held captive in until surrendering that life to the deeper richer freedom of Christianity.

44. Just like a parent who enables their child's heroin addiction is not engaging in an act of love but a crime that makes them a prospective criminal accomplice, for the Government to pass laws that codify gay right religious doctrine enables a destructive self-perpetuating lie and makes the Government an accomplice in proliferation of fraud. Real love does not tolerate all things. Religious concepts that are part of the false homosexual doctrine like "love is love" and "love wins" are naked assertions that amount to whimsical sentimentality and have no relationship to reality.

D. EXAMPLE OF FALSE RELIGIOUS TRUTH CLAIMS ASSERTED BY THE GAY COMMUNITY

45. As a gay activist, organizer, leader, and insider, here are some of the false religious narratives that we advanced in society to get the ends we were seeking (1) "people are born gay;" (2) "there is such thing as gay genes; (3) being gay involves immutable traits; (4) love is love; (5) avoiding the truth is the way to be free; (6) paint all Christians as haters; (7) only tolerate those who agree with our viewpoint; (8) no set of moral truth claims matter as a basis for law except the one that fits our interests; (9) we are the good people who do not set up binaries and assert truth claims, the Christian are the bad people who do; (8) our identity narrative is not a religion. Our lawmakers should not use these false religious premises that are self-justifying in creating laws because there is no room for our people to object to what amounts to implicitly religious assertions. It is especially traumatic for me because it makes me have to pay homage to a false ideology that I spent nearly 30 years of my life as a captive of, only to later see that this religious ideology was destroying me and thousands of people who I care deeply about and still do to this day.

E. PRO-TRADITIONAL MARRIAGE LEGISLATION

46. I and other pastors helped support a bill that allows pastors to refuse to perform so-called gay weddings which passed in the state of Florida, but not Georgia. I am so glad that legislatures and the governor here thought it was important to protect pastors and small churches from having to drop their sound religious convictions and be forced to adopt the dishonest religious convictions held by the government officials who shoehorned so-called gay marriage into legal validity on the backs of fraudulent legal arguments. I am thankful to the sponsors and cosponsors of the bill, and I am most thankful for my Governor Rick Scott who signed the bill into law immediately. I am thankful to the work that the pastors and lobbyist did in presenting the facts. This law is a shield to protect pastors from having to abandon their religious views on marriage to adopt the ones that moral relativist in government feel that they should have.

47. I see gay activist throwing everything at governors and lawmakers to continue to codify and advance their fake religious ideology because they are afraid of being exposed as being completely dishonest. They are afraid of the push back coming from the church that is finally awakening is about to take place. The gay activist plan is get Hollywood involved and sport celebrities involved, suggesting that they are being discriminated against. They know - just like the devil knows - that they are about to be defeated. They know that so this is why they are coming with everything they have to shut down different initiatives that stop their efforts to use government to codify their religious narrative. The pushback has begun. The church has finally awakened, and we can take back our country.

F. TO FALSELY CALL A GROUP HATEFUL IN ORDER TO RAILROAD FRAUDULENT AGENDAS ITSELF MAKES GAY ACTIVIST GROUPS HATE GROUPS

48. It is the homosexual's talking point to suggest that Christians are hateful. Gays have used social ostracism as a tool. We were taught to use the word hate and social ostracism in advancing

gay rights because no Christian wants to known for being hateful and legalistic. Social ostracism was a great weapon for us. Behind private doors we would laugh at how we were able to use lies to get what we wanted. Now that I have become a Christian it is crystal clear to me that Christians do not hate people, but they do oppose the ideology and doctrines that lead people into lifestyles that are subversive to individual and collective human flourishing. Christians separate the spirit of homosexuality from the person who is being occupied by it. Christians love people who are homosexual, but they do not support and condone that lifestyle because silence in the face of evil is itself an immense act of evil. To not object to wrongdoing is to participate with it. The idea that "Christians are good people and gay people are bad people" is far too simplistic to be correct. People who are under the influence of Christianity by definition admit that they are flawed and broken and in need of a savior as the starting position. The question is not whether gay people are more or less moral than Christians. The question that I am concerned with is whether it is wrongful and unlawful for the government to codify the gay ideology. I submit that doing so will erode freedom and make us less free.

49. I absolutely love people who self-identify as homosexual. I want the same thing that has happened to me to happen to them. I want them to leave behind that false narrative and come into the healing and restorative waters of Christianity. If a person submits themselves to the Lordship of Jesus Christ and allow themselves to fall under His influence, they will not want to live a lifestyle that is outside of the ones He does not condone. God is no kill joy. He wants what's best for us, and we all are invited to receive the grace, joy, and peace that only Jesus can offer. It is not even that I am trying to over spiritualize these matters. It is simply my observation and experience that nothing else works. Nothing else can take away the pain and provide the fulfillment we all want so badly.

The gay community and the Christian community have this in common - they are both looking for life and happiness, but the Christian community has the answers in the form of a personalized truth.

50. I believe that I was rescued from a lesbian lifestyle that was not going to produce any life. I want others to have that same freedom. That is why I risked everything. That is why I put my magazine, financial situation, and reputation on the line. None of that matters, compared to the transcending peace that comes from having an authentic and sincere relationship with the God of the Bible through his son Jesus Christ. I hope and pray that the lawmakers and legislatures will use my testimony to stop advancing the gay charade that has more in common with slavery than liberty.

I attest under the penalty of perjury that the above mentioned statements are true and accurate.

Charlene E. Cothran

RESOLUTION

Whereas, civilizations for millennia have defined marriage as a union between a man and a woman;

Whereas, marriages policies that endorse marriage between a man and a woman are secular in nature for purposes of the Establishment Clause;

Whereas, marriage between a man and a woman arose out of the nature of things, and marriage between a man and a woman is natural, neutral, and non-controversial, unlike forms of marriage that do not involve a man and a woman;

Whereas, marriage policies that endorse a marriage between a man and a woman are based on self-evident neutral morality and do not put religion over non-religion upon their enforcement;

Whereas, the State of Colorado has a duty under Article VI of the United States Constitution to only enforce policies that do not violate the United States Constitution;

Whereas, the First Amendment applies to the State of Colorado through the Fourteenth Amendment;

Whereas, emotional appeals or sincerity of belief does not allow the State of Colorado to usurp the Establishment Clause of the United States Constitution;

Whereas, emotional appeals or sincerity of belief does not allow the State of Colorado to infringe upon the religious beliefs of Secular Humanists in view of the Free Exercise Clause of United States Constitution;

Whereas, the First Amendment, not the Fourteenth Amendment, has exclusive jurisdiction over which types of marriages the State can endorse, respect, and recognize;

Whereas, all parody marriages are equally non-secular in nature;

Whereas, all forms of marriage that do not involve a man and a woman and all self-asserted sex-based identity narratives and sexual orientations, that fail to check out the human design are inseparably part of the religion of Secular Humanism;

Whereas, self-asserted sex-based identity narratives that are questionably real, moral, and decent and that are not based on self-evident observation are implicitly religious in nature;

Whereas, the United States Supreme Court has found that Secular Humanism is a religion for the purpose of the First Amendment Establishment Clause in *Torcaso v. Watkins*, 367 U.S. 488 (1961) and *Edwards v. Aguillard,* 482 U.S. 578 (1987);

Whereas, the State of Colorado is prohibited by the Establishment Clause of the United States Constitution from favoring or endorsing religion over non-religion which includes the doctrines of non-institutionalized religions;

Whereas, in the wake of *Obergefell v. Hodges,* 135 S.Ct. 2584 (2015), there has not been a land rush on gay marriage, but there has been a land rush by Secular Humanists to persecute non-observers of the religion of Secular Humanism;

Whereas in the wake of *Obergefell v. Hodges,* 135 S.Ct. 2584 (2015), there has not been a land rush on gay marriage but there has been a land rush by Secular Humanists to infiltrate public schools with the intent to indoctrinate minors to their religious worldview and spiritual take on faith, morality, sex, and marriage;

Whereas, it is unsettled whether or not sexual orientation is immutable or genetic and therefore for a person to suggest that they were born gay or the wrong gender or that to disagree with their beliefs makes the dissenter a bigot are nothing more than a series unproven faith-based assumptions and naked assertions that are implicitly religious;

Whereas, parody marriages have never been a part of American tradition and heritage and have nothing to do with the Substantive Due Process Clause of the Fourteenth Amendment;

Whereas, the history of parody marriages is that most forms were illegal until recently or they remain illegal today;

Whereas, all forms of parody marriage equally erode community standards of decency and the State of Colorado has a compelling interest to uphold community standards of decency as set forth under the Colorado Constitution and in accordance with the findings of the United States Supreme Court;

Whereas, the enforcement of marriage policies between a man and a woman do not erode community standards of decency;

Whereas, the State of Colorado has a compelling interest to uphold community standards of decency;

Whereas, community standards of decency do not evolve, but people can become desensitized;

Whereas, there are hundreds of thousands of taxpayers living in the State of Colorado who sincerely believe that all forms of marriage that do not involve a man and a woman are immoral and that for their tax dollars to be used to enable immorality is itself and act of immorality that causes them them to violates their conscience;

Whereas it is unconstitutional under the Establishment Clause for tax dollars of non-observers of the religion of Secular Humanism to flow out of the coffers of the general fund to finance the distribution of a constellation of benefits to individuals who enter a marriage based solely on their self-asserted sex-based identity narrative, when there are hundreds of thousands of taxpayers who believe that parody marriages are immoral, non-secular, subversive to human flourishing, and go against community standards of decency;

Whereas, there are no ex-blacks but there are thousands of ex-gays;

Whereas, those who support the government only enforcing marriage policies between a man and a woman are de facto supporting the integrity of the civil rights movement lead by pastor Martin Luther King Jr.;

Whereas, for any person to suggest that the sexual orientation is a civil rights matter like race is, when race is actually based on immutability and sexual orientation is not, is an act of fraud and racial animus in-kind that is intellectually, emotionally, sexually, and racially exploitative;

Whereas, when a person says that "love is love" what they really mean is that they are ok with government assets being used to oppress and marginalize anyone who disagrees with their beliefs, which is a position that is categorically "unloving;"

Whereas, people who are intolerant of intolerant people are intolerant, people who are judgmental against judgmental people are judgment, and people who are dogmatic about not being dogmatic are dogmatic;

Whereas, "stare decisis" does not keep *Obergefell v. Hodges,* 135 S.Ct. 2584 (2015) from being overruled because of the overriding principle that Constitutional questions which merely lurk in the record, neither brought to attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents;

Whereas, the question whether the Establishment Clause has exclusive jurisdiction over informing the states as to which marriages they can legally recognize was lurking in the shadows but was undecided upon by the Supreme Court in *Obergefell v. Hodges,* 135 S.Ct. 2584 (2015);

Whereas, the decision in *Obergefell v. Hodges,* 135 S.Ct. 2584 (2015) was a non-secular sham based on an unprincipled ploy and the misapplication of the Fourteenth Amendment that has had the effect of excessively entangling the government with the religion of Secular Humanism and eroding the fundamental rights of non-observers of the religion of Secular Humanism;

Whereas, the First Amendment Free Exercise Clause and the First Amendment Establishment Clause have exclusive jurisdiction over how the State of Colorado a must response to marriage requests of all types that do not involve a man and a woman and the how the State of Colorado a must react to self-asserted sex-based identity narratives that are questionably real, moral, and have a tendency to erode community standards of decency;

MAY IT BE RESOLVED in view of the First Amendment Free Exercise Clause of the United States Constitution and the Constitution of the State of Colorado that any person in the State of Colorado may self-identify as anything they would like to, formulating their own self-asserted sex-based identity narrative or sexual orientation no matter how seemingly implausible or morally repugnant to some; they can have parody wedding ceremonies, and they can live as marriage people do, as long as they do not violate existing State and Federal law.

MAY IT BE RESOLVED in view of the First Amendment Establishment Clause of the United States Constitution and the Constitution of the State of Colorado, the State of Colorado is prohibited from enforcing, endorsing, recognizing, or respecting any marriage policy that does not involve one man and one woman, any sexual orientation discrimination statute, any policy that recognizes transgender ideology, any conversion therapy ban because those policies are non-secular endorsements of the religion of Secular Humanism that have the effect of cultivating indefensible legal weapons against non-observers of the religion of Secular Humanism and excessively entangling the government with the religion of Secular Humanism.

MAY IT BE RESOLVED the State of Colorado is prohibited from appropriating any funds or benefits to any individuals who have entered into any marriage that does not involve a man and a woman because such an appropriation endorses non-secular activity and excessively entangles the State of Colorado with the Religion of Secular Humanism in view of the First Amendment Establishment Clause of the United States Constitution.

MAY IT BE RESOLVED that sexual orientation or self-asserted sex-based identify narratives that are questionable real, moral, and decent are predicated on a series of unproven faith-based assumptions and naked assertions that implicitly religious and inseparably connected to the religion of Secular Humanism.

MAY IT BE RESOLVED that marriage policies that recognize a marriage between a man and a woman do not erode community standards of decency but that all parody marriage policies equally erode community standards of decency and the State of Colorado has a continuing compelling interest to uphold community standards of decency.

MAY IT BE RESOLVED that the decision in *Obergefell v. Hodges,* 135 S.Ct. 2584 (2015) was based on an unprincipled ploy and the misapplication of the Fourteenth Amendment that has had the effect of excessively entangling the government with the religion of Secular Humanism and because First Amendment Establishment Clause issue was lurking in the shadows but unruled upon the Establishment Clause retains exclusive jurisdiction over prohibiting the State of Colorado from enforcing the decision.

MAY IT BE RESOLVED that the Governor, Attorney General, legislator, and related agencies have a duty under Article VI of the United States Constitution and are required to obey the First Amendment Establishment Clause by not enforcing, endorsing, favoring, recognizing, or respecting any marriage policy that do not involve a man and a woman, sexual orientation discrimination statutes, policies that treat transgenderism as if it is real, or conversion therapy bans.

AN ACT ENTITLED THE MARRIAGE AND CONSTITUTION RESTORATION ACT

Summary: An act that balances the Free Exercise Clause with the Establishment Clause of the First Amendment of the United States Constitution in resolving how the Constitution requires State of Colorado to respond to marriage requests of all types that do not involve a man and a woman and how the State must react to self-asserted sex-based identity narratives that are questionably moral, real, and have the tendency to erode community standards of decency. An act that reaffirms that the State of Colorado will continue to enforce man-woman marriage policies because the policies are secular in nature and do not excessively entangle the government with any religion.

An Act To Be Entitled The Marriage And Constitution Restoration Act

DEFINITIONS:

PARODY MARRIAGE: A marriage that does not involve a man and a woman and is inseparably linked to the religion of Secular Humanism.

NON-SECULAR POLICY: State action which endorses, respects, and recognizes the beliefs of a particular religion where the pre-eminent and primary force driving the state's action is not genuine, but is a sham that ultimately has a primary religious objective. State action that is predicated on a series of unproven faith-based assumptions and naked assertions that are implicitly religious.

SECULAR POLICY: State action that is natural, neutral, non-controversial and that is based on self-evident morality and truth. Secular policy generally accomplishes its goals and purposes. State action were the pre-eminent and primary force driving the policy is genuine, not a sham, and not merely secondary to a religious objective.

SEXUAL ORIENTATION: a self-asserted sex-based identity narrative that is a dogma based on a series of naked assertions and unproven faith based assumptions that are implicitly religious and inseparably linked to the religion of Secular Humanism.

CONVERSION THERAPY: The practice of converting a person from one self-asserted sex-based identity narrative to another with the consent.

MARRIAGE: (use the State's original definition of marriage).

Section I: the State of Colorado has a duty under Article VI of the United States Constitution to not enforce policies that violate the United States Constitution.

Section II: Marriages That Do Not Involve One Man And One Woman Are Permitted In View Of The Free Exercise Clause

(1) In view of the First Amendment Freedom of Expression Clause of the United States Constitution and the Constitution of the State of Colorado:

(a) any person living in Colorado can cultivate any self-asserted sex-based identity narrative or self-asserted sexual orientation.

(b) any person can conduct any form marriage ceremony and other rituals that accords with their self-asserted sexual orientation and live as married persons do, as long as the ceremonies do not conflict with other parts of the Colorado Code and Federal law.

Section III: Marriage Policies That Do Not Involve One Man and One Woman, Sexual Orientation Discrimination Statutes, Policies That Recognize Transgenderism, And Conversion Therapy Bans Are Unenforceable In View Of The First Amendment Establishment Clause Of The United States Constitution:

(1) In view of the First Amendment Establishment Clause of the United States Constitution and the Colorado Constitution:

(a) the State of Colorado is prohibited from enforcing, respecting, endorsing, or recognizing any marriage policy that does not involve a man and a woman because such policies are non-secular and have the effect of excessively entangling the government with the religion of Secular Humanism.

(b) the State of Colorado is prohibited from enforcing, endorsing, recognizing, or respecting any policy that treats sexual orientation as a suspect class because all such statutes are non-secular, have the effect of cultivate indefensible legal weapons against non-observers of the religion of Secular Humanism, and excessively entangle the government with the religion of Secular Humanism.

(c) The State of Colorado is prohibited from enforcing, endorsing, recognizing or respecting any policy that treats a person as if they were born the wrong gender because the policies are non-secular and have the effect of excessively entangling the government with the religion of Secular Humanism.

(2) The State of Colorado is prohibited from appropriating any benefits to a person who enters into a marriage that does not involve a man and a woman because because such an appropriation is a non-secular endorsement of the religion of Secular Humanism and has the effect of excessively entangling the government with the religion of Secular Humanism.

(3) The State of Colorado is prohibited from enforcing, endorsing, respecting, or recognizing conversation therapy bans because such policies are non-secular and have the effect of excessively entangling the government with the religion of Secular Humanism.

Section IV: The State Will Continue To Enforce, Endorse, Respect, And Recognize Marriage Policies Between A Man and A Woman Because The Policies Have A Primary Secular Purpose And Are Not Prohibited By the First Amendment Establishment Clause Of The United States Constitution

(1) Man-woman marriage policies shall continue to be enforced because the policies are natural, neutral, non-controversial, and secular.

(2) the State of Colorado will continue to enforce, respect, endorse, and recognize marriage policies between a man and a woman because such marriage policies have a primary secular purpose, accomplishing non-religious objectives and do not put religion over non-religion.

(3) The State of Colorado has a compelling interest to uphold community standards of decency and marriage policies regarding a man and a woman will continue to be enforced because they do not erode community standards of decency.
(4) The State of Colorado will only issue marriage licenses to a man and a woman who meet the requirements by the governing State agency because such state action is secular and does not excessively entangle the government with any religion nor does the issuance endorse a religion.

RESOLUTION DECLARING THAT SECULAR HUMANISM IS A RELIGION FOR PURPOSES OF THE ESTABLISHMENT CLAUSE

A resolution recognizing that Secular Humanism, also referred to as postmodern western individualistic moral relativism or expressive individualism, is a religion for purposes of the First Amendment Establishment Clause;

Whereas, the First Amendment Establishment Clause reads, "Congress shall make no law respecting an establishment of religion;" U.S. CONST. Amend. I

Whereas, the First Amendment Establishment Clause also applies to the executive and judicial branch;

Whereas, the Establishment Clause applies to the State of Colorado through the Fourteenth Amendment;

Whereas, the State of Colorado is prohibited from enforcing policies that violate the Establishment Clause pursuant to Article VI of the United States Constitution;

Whereas, all religion amounts to is a set of unproven answers to the greater questions like "why are we here" and "what should be do doing as humans;"

Whereas a Secular Humanism consists of a series of unproven faith-based assumptions and naked assertions that are implicitly religious, and the State of Colorado is prohibited from respecting and endorsing such truth claims through state action;

Whereas, the First Amendment Establishment Clause was not just designed to prohibit the State of Colorado from respecting, endorsing, favoring, or recognizing the unproven truth claims and doctrines of institutionalized religions but also the Establishment Clause prohibits the State of Colorado from respecting, endorsing, favoring, or recognizing the unproven truth claims of non-institutionalized religions, like Secular Humanism, as well;

Whereas, the United States Supreme Court recognized that Secular Humanism is a religion for purposes of the First Amendment Establishment Clause in *Torcaso v. Watkins*, 367 U.S. 488 (1961) and *Edwards v. Aguillard*, 482 U.S. 578 (1987), stating that religions "exist that do not teach what would generally be considered a belief in the existence of God, to include Atheism, Buddhism, Taoism, Ethical Culture, Secular Humanism and others;"

Whereas, the Supreme Court in *County of Allegheny v. ACLU*, 492 U.S. 573 (1989) and *Lee v. Weissman,* 505 U.S. 577 (1992) resolved that just as government officials may not favor or endorse one religion over others, so too officials may not favor or endorse the religion generally over non-religion;

Whereas, self-asserted sex-based identity narratives that are questionably real, moral, and decent are implicitly religious in nature and flow out of the religion of Secular Humanism;

Whereas, the ideas that "sexual orientation is immutable" or that "life does not begin at conception" are an unproven truth claims and naked assertions that are doctrines that are inseparably linked to the religion of Secular Humanism;

Whereas, emotional appeals nor sincerity of belief can be used to usurp the Establishment Clause;

Whereas, at the heart of Secular Humanism is the unproven premise that there is no such thing as absolute truth and that truth is merely a man-made convention;

Whereas, the fundamental principle of Secular Humanism is what is right for me is right for me and what is right for you is right for you;

Whereas, the idea that all moral doctrine are equal and that no one set of moral doctrine should be used as the superior basis for law over another is itself a moral doctrine that suggest that it should be used as the superior basis for law over all others;

MAY IT BE RESOLVED that Secular Humanism is a religion for the purposes of the Establishment Clause prohibiting the State of Colorado from respecting, recognizing, endorsing, favoring, or enforcing policies that have the effect of entangling the government with the religion of Secular Humanism, placing religion over non-religion, or from endorsing the religion of Secular Humanism though state action.

MAY IT BE RESOLVED that in view of the Free Exercise Clause of the First Amendment of the United States and Colorado Constitution, any individual living in this state may self-identify as a Secular Humanist and practice Secular Humanism own their own as long as the practices do not violate existing federal and state law.

MAY IT BE RESOLVED that the unproven truth claims of Secular Humanism do not fulfill any compelling state interest.