ALLIANCE DEFENSE FUND
Defending Our First Liberty

Statement for churches on the California Supreme Court's same-sex "marriage" decision

On May 15, 2008, four judges on the California Supreme Court declared that the state law defining marriage as being only between one man and one woman (a law passed by over 4 million Californians as Proposition 22 in 2000) violated the state constitution.[1] That unfortunate and wrongheaded decision fabricated same-sex "marriage" in California – for now.

The judges held that the state may not disallow "marriages" between two men or two women—a decision which simply decimates the meaning of marriage and opens the door to the ultimate abolition of marriage entirely. In the wake of this radical departure from both law and Western cultural foundations, many pastors have asked ADF's lawyers whether they will be forced to solemnize same-sex "marriages," or otherwise accommodate such ceremonies on their church property that violate their faith and conscience.

The answer is "no."

Pastors are not obligated to perform such ceremonies, and churches do not have to accommodate ceremonies that run counter to their religious beliefs. Indeed, even these activist judges said that their decision "will not impinge upon the religious freedom of any religious organization, official, or any other person." Moreover, the judges pointed out that the California Constitution protects religious freedom, saying that "no religion will be required to change its religious policies or practices with regard to same-sex couples, and no religious officiant will be required to solemnize a marriage in contravention of his or her religious beliefs."

Though many other perils exist to religious liberty, pastors have the strongest constitutional basis for refusing to perform same-sex "marriages," and need not allow same-sex ceremonies to take place on their church's property. Any church that adheres to the fundamental Christian teaching that marriage is between one man and one woman that is challenged on this point should immediately contact ADF so that our attorneys may review the matter.

There are many measures that you can take to help defend your constitutional rights BEFORE the threat comes to your door. Church bylaws and other pertinent documents should state that Christian marriage is exclusively between one man and one woman, and that sexual activity outside of marriage is always immoral. The bylaws should also make clear that belief in, and practice of, these views on marriage and sexuality are prerequisites for obtaining and maintaining any position, paid or volunteer, within the church. And churches should designate in their bylaws the means within the church that authoritatively establishes the church's theological position (e.g., pastor, elder board, leadership council). This is the briefest of summaries on these points; it is NOT legal advice, and churches that need assistance on their bylaws should contact ADF for additional information.

This activist judicial decision may be effectively overturned if California voters pass the California Marriage Protection Act (http://protectmarriage.com/) this November. Until then, no church or pastor should be forced to participate in, or host, a same-sex "marriage" ceremony. Any church that is pressured to do so should call ADF. ADF is committed to defend our first liberty—religious freedom—and will relentlessly defend this right.

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[1] See *In re Marriage Cases*, S147999 (43 Cal.4th 757; 183 P.3d 384; 76 Cal.Rptr.3d 683 (Cal. 2008)).