

# The LUTHERAN CLARION



Lutheran Concerns Association  
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## Obergefell v. Hodges: the Triumph of Sentimentality

"The Court, in this decision, holds same-sex couples may exercise the fundamental right to marry in all States. It follows that the Court also must hold—and it now does hold—that there is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the ground of its same sex character." (Obergefell v. Hodges Supreme Court (Obergefell v. Hodges, 576 U.S. \_\_\_\_\_ (2015), p.28); source cited below.)

### Historicism rules

Anyone who has read Herbert Schlossberg's magisterial work, *Idols for Destruction*, will recognize the unstated philosophical position underlying the decision of the Supreme Court made public on June 26, 2015. The rationale of the majority opinion, delivered by Justice Kennedy, reveals a strong historicist bias, i.e., that laws are based on historical facts and express historical facts and perforce must change with the times. "Facts" in this context are understood as public opinion and sentiment, as well as socially acceptable acts and behavior. In recent years in public pronouncements, one often hears the cliché, "the right side of history," as if history has intrinsic meaning and direction that can – and should – influence human action and, by extension, the law. History, in time, somehow gets it right. All that remains is to adjust the law to fit the current sentiment – or "facts." (Expressions such as "living Constitution" and "loose constructionism" serve as euphemisms for this juridical position.) Since, by necessity, we act in the present historical moment, we must act on the assumption that whatever *is* is right.

It is no wonder that Schlossberg identifies historicism as his first "idol for destruction." That there is something (or Someone) outside of history that (who) judges history is simply not part of the equation. In our current legal quagmire, the scriptural perspective of the Lord of history, whose created order and changeless precepts undergird the way we conduct our lives, is less than irrelevant – even unconstitutional, at least according to a current understanding of the Constitution. While a variety of historical factors underlie our system of justice, there is no question that the Ten Commandments are a significant foundation of our moral and civil order. Yet, as Judge Moore in Alabama recently discovered, explicit recognition of that fact is not to be displayed in a public building.

### Echoes of Darwin

Readers will recognize in historicism a kindred aberrant philosophical position: the inexorable progress of history as a parallel to the 19th-century belief in the progressive evolution of

organisms. That both persist into the 21st century despite overwhelming evidence to the contrary is truly a sign of the times. Schlossberg exposes the fallacy of historicism in blunt language that reveals its absurdity: "History brings constant improvement, forcing the good to come whether it wants to or not, binding evil, pressing it back to successive retreats until the final inevitable defeat" (*Idols*, p. 19). History marches on, we might say, from Caligula through Hitler and Mao to Kim Jong-un and ISIS. Thus, in the majority Supreme Court opinion, we are to see the historical triumph of the good and right in ruling that same-sex couples are "constitutionally" entitled to enter into a legal

relationship equivalent, even identical, to that of two people of the opposite sex. Elsewhere in the majority opinion, we read of the benighted perspective of the outdated views that identified same-sex attraction as an illness and homosexual acts as not only un-

acceptable, but immoral and illegal. History and the legal system have finally gotten it right, they say, at least for now.

As Justice Kennedy explains, "[i]n the late 20th century, following substantial cultural and political developments, same-sex couples began to lead more open and public lives and to establish families. This development was followed by a quite extensive discussion of the issue in both governmental and private sectors and by a shift in public attitudes toward greater tolerance" (Obergefell, *op cit.*, p. 8). The opinion makes no mention of the political pressure groups, media promotion, and militant agendas that led to the "shift." It is simply the inevitable progress of history. Ultimately, the matter found its way to the courts, and "[w]hen new insight reveals discord between the Constitution's central protections and a received legal stricture [e.g., on homosexual acts], a claim to liberty must be addressed" (Obergefell, *op cit.*, p. 11). Elsewhere Kennedy provides an example of the "cultural and political developments." He asserts that "sexual orientation is both a normal expression of human sexuality and immutable" (Obergefell, *op cit.*, p. 8), citing a late 20th-century opin-

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ion of the American Psychological Association. (It's not clear how those who claim sexual orientation and even gender identity to be personal, autonomous choices would understand "immutable.")

The majority's historicist bias is further revealed in a statement made in passing: "The Court, like many institutions, has made assumptions defined by the world and time of which it is a part" (Obergefell, *op cit.*, pp. 11-12). The present is seen as the judge of the past but never, it seems, the reverse. That a shifting point of reference, the sentiment of the age, results in

ever-shifting legal opinions is not a concern. For example, in 1972 the Supreme Court of the United States declined to hear a case (*Baker v. Nelson*, 409 U.S. 1) involving a state's refusal to grant a marriage license to a same-sex couple. The appeal was dismissed by the Court for want of a substantial federal question. The Minnesota Supreme Court's reasoning had been forthright: "The institution of marriage as between a man and a woman, uniquely involving the procreation of children within a family, is as old as the book of Genesis." The Minnesota court further held that the Supreme Court's earlier landmark decision in *Loving v. Virginia* (388 U.S. 1) (on interracial marriage) did not apply because "in commonsense and in a constitutional sense, there is a clear distinction between a marital restriction based merely upon race and one based upon the fundamental difference in sex" (source cited below).

The matter of same-sex "marriage" has since apparently transmuted into a substantial federal question, and the clear "commonsense" and "constitutional" distinction between a marital restriction based merely on the color of one's skin and one based on the fundamental – and physiological – difference in sex no longer exists. Furthermore, any reference to Genesis, or God's Word in general, is now thoroughly out of juridical fashion. (See Checklist for further comments on the use of the 14th Amendment in the opinion.) Careful readers will find other examples of the Court majority's historicist bias.

**And then there is "love"**

Sentiment as a foundation of legal opinion is revealed also in the careless, even hazardous, abuse of the term "love" in public discussions of the issue of same-sex "marriage." While the Court majority prefers language such as "personal choice" and "personal autonomy" (as noted, a political stance at odds with the "immutability" of sexual orientation also espoused in the majority opinion), President Obama, in his speech following the Supreme Court decision, puts it this way: "In my second inaugural address, I said that if we are truly created equal, then surely the *love* we commit to one another must be equal as well." To ensure that no one would misunderstand the import of the decision, the President also makes a point to recognize "people across decades who stood up . . . , [a]nd slowly made an entire country realize that *love is love*" (emphases added; source cited below). While one may hesitate to hold the President responsible for the

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ramifications of his *ad hoc* philosophical – and theological – position in support of same-sex "marriage," one need reflect only briefly on the implications of using the sentiment, "love is love," as a rationale in future court decisions to gain a sense of where history and the law may be headed. (See also Checklist 7.)

Schlossberg's observation on the abuse of the word "love" in his chapter on the idol of humanism merits thoughtful attention: "There is no action so evil that it cannot and will not be said to be motivated by love. Antinomian love goes perfectly with autonomous man; neither can stand the shackles of the law. They both epitomize lawlessness. Humanist anthropology does not need law because it has a high view of man's moral stature. Not being encumbered by a propensity to sin, he [autonomous man] has no need for external restraint or correction" (*Idols*, p. 47). In this context, the emotion of love is its own justification and rationale for personal fulfillment.

**Historical "progress"**

In sum, what has history taught us in the past 50 years? That is, what is the "right side of history" today? Among behaviors and practices formerly ranging from socially unacceptable to immoral to illegal, the following have, in the past few decades, found their way largely unhindered into the mainstream of the body politic: sodomy, recreational sex with multiple partners, bearing children out of wedlock, "shacking up" before marriage, and government-sponsored gambling as a means of extracting more money from citizens. Progress, indeed. One hopes and prays that even those who reject unchanging standards of morality are aware of the personal and social costs of such historical "progress." We live in precarious times (cf. Romans 1:24 ff.). In regard to the Romans verses, it is important to understand that rampant deviant sexual behavior is a *result* of godlessness and suppression of truth: "*Therefore*, God gave them over to the sinful desires of their hearts." We live in the end times of effects, not causes.

The challenge to the church – not new, to be sure – might be framed as a question: What need is there for the Gospel when sin is no more than a passing, time-bound label for an act that will ultimately be transmuted "by history" into but another manifestation of "love"? We live in the hope and trust that though the ground is rocky indeed, the Seed is more powerful still.

*Thank You* **Balance-Concord, Inc.**

Balance-Concord, Inc., has been a most faithful contributor to *The Lutheran Clarion* in honor of the sainted **Rev. Raymond Mueller** and the sainted **Rev. Edgar Rehwaldt**, both of whom faithfully served the Synod and Balance-Concord, Inc., for many years.

*The Clarion* is most appreciative of such continued support from Balance-Concord, Inc., as well as the wonderful support of our readers. These contributions make it possible to bring you substantive articles by respected and qualified authors on issues affecting YOUR Synod. Please continue your support. It is both appreciated and needed.

**Sources:**

- Schlossberg, Herbert. *Idols for Destruction: Christian Faith and its Confrontation with American Society*. Nashville: Thomas Nelson, 1983. Wheaton: Crossway Books, 1993.
- Transcript: Supreme Court's Obergefell vs. Hodges majority decision and dissenting opinions [http://www.supremecourt.gov/opinions/14pdf/14-556\\_3204.pdf](http://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf) (All readers are encouraged to read the complete document, including the dissenting opinions.)
- Overview: Minnesota Supreme Court, Baker v. Nelson case <http://scarinciattorney.com/baker-v-nelson-the-often-forgotten-supreme-court-same-sex-marriage-case/>
- Transcript: President Obama's comments on love <http://www.washingtonpost.com/news/post-nation/wp/2015/06/26/transcript-obamas-remarks-on-supreme-court-ruling-on-same-sex-marriage/>

**Addendum: A checklist with comments for Christian citizens on the Obergefell v. Hodges Supreme Court majority opinion regarding same-sex "marriage"**

The checklist focuses first on matters of theology and religious conviction, followed by issues related to legal reasoning, internal contradictions, and omissions in the opinion. It is important for the Christian citizen to be alert also to the defects in this decision that do not relate to religious matters. That is part of the vocation of Christian citizenship. The list is not intended to be exhaustive, but rather to initiate and stimulate thinking and discussion. Pastors and elders are encouraged to:

1. Study the opinion in the light of Romans 13 and other scriptural references to Christians and governing authorities, and
2. Select specific aspects of the opinion, as well as their underlying assumptions, for discussion in Bible classes and other appropriate settings.

Given that the opinion will have an impact on individual Christians, as well as on the church at large, those who hold to the scriptural teaching of male and female in the image of God are obliged to be well prepared to respond to the opinion and its potential effects in a unified and consistent manner.

**The majority opinion**

- 1.a. Offers much lip service to tradition and the "transcendental importance of marriage" (p. 3), even acknowledging that throughout history marriage assumes one male and one female.
- b. Provides historical references to the importance of marriage, e.g., citing Confucius and Cicero (p. 3) – but conspicuously not the Scriptures or Christ – and notes that the view of "gender-differentiated" marriage is held "in good faith by reasonable and sincere people here and throughout the world (p. 4)."
- c. Recognizes that "many who deem same-sex marriage to be wrong reach that conclusion based on decent and

**Update—2016 LCA Conference**

The 2016 LCA Conference in Fort Wayne was a great success as we heard first-rate lectures from some great speakers.

In the near future, look on the Lutheran Concern's web site for videos of each of the speaker's presentations: <http://lutheranclarion.org>



**Extra Clarion Issues for 2016 Convention—Please Help!**

With the 66th Convention of the LCMS coming up July 9-14, 2016, in Milwaukee, WI, the **Clarion** editors hope to publish two extra issues (April and June). We want to keep everyone, particularly the delegates, informed on the matters that will be brought before the convention.

We sure could use your help with the expense of this as we urge delegates to uphold God's Word and doctrine during the convention. If you can help with the costs, there's an enclosed envelope so you can mail your check to Lutheran Concerns Association, 149 Glenview Drive, New Kensington PA 15068-4921. Do it now. **Thank you!!**



honorable religious beliefs or philosophical premises" (p. 19).

- d. "Emphasize[s]" that "those who adhere to religious doctrines may continue to advocate with utmost, sincere conviction that, by divine precept, same-sex marriage should not be condoned" (p. 27).

Comment: These assurances call to mind the ironing-tongued speech of Marc Antony in Shakespeare's *Julius Caesar*, in which he refers to Brutus several times as "an honorable man," when he intends his listeners to conclude the opposite. Notably absent is any mention of the possible or likely consequences of *acting* on one's "decent and honorable religious beliefs." Christians have already been fined and persecuted by representatives of the government for acting on them.

2. Asserts that codifying the historical, religious, and traditional understandings of marriage would "put the imprimatur of the State itself on an exclusion that soon demeans or stigmatizes those whose liberty is then denied [i.e., same-sex couples]" (p. 19).

Comment: By asserting, on the other hand, the State's right to *re-define* marriage (see also 8. below), the Court majority

- a. Usurps for the state the place of the Creator, who defined the relationship of male and female created in His image (Gen. 1);
- b. Rejects the word of Christ, who reiterated the essence and purpose of marriage (Matt. 19, Mark 10); and
- c. Defaces the image of Christ (bridegroom) and His Church (bride) (Eph. 5, Rev. 19, etc.).

See also the Christian description of and scriptural reasons for marriage in the Lutheran rite of Holy Matrimony (*Lutheran Service Book*, p. 275). That the Court's opinion cites Confucius and Cicero on the importance of marriage and the family, while ignoring the far more relevant Judeo-Christian model of marriage as understood by a significant plurality of U. S. citizens, is an unmistakable sign of what the Court majority rejects.

3. Bases reasons for marriage on such values and motives as personal autonomy, self-definition, and fear of loneli-

ness, none of which is a part of God's plan, as revealed in Scripture, for the relationship of male and female created in His image.

4. Assumes that history moves in the direction of greater enlightenment and new awareness, resulting in a broader understanding of Constitutional rights as they relate to changing cultural conditions. (See companion article on historicism in the majority opinion.)
5. Assumes that the 14th Amendment, enacted primarily to grant former slaves the rights of full citizenship, applies to the situation of same-sex "marriage" (pp.19 ff.). The purportedly relevant text from the Amendment reads as follows: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Comment: The Loving v. Virginia decision, which struck down laws prohibiting interracial marriage, is thus applied to people attracted to the same sex, the Court majority claiming that prohibiting people of the same sex to "marry" deprives them of liberty and equal protection under the law. The supporting rationale, that their "sexual orientation is . . . immutable" (p. 8), is in tension with, even contradicts, the majority opinion's appeal to personal autonomy and free choice. ("Gender choice" is a significant aspect of the LGBTQ, etc., culture.)
6. Assumes that case law reflecting changes in the institution of marriage, e.g., doing away with coverture, supports a decision to permit two people of the same sex to "marry." That is, same-sex "marriage" is just one more desirable alteration to an age-old institution. (See also 11. below.)
7. Repeatedly states that marriage involves only two people but provides neither an argument to support this limitation nor a guarantee of such a limit. Comment: There is nothing in the majority opinion that would prevent using it as a precedent for legitimizing other kinds of "marriage" and, by extension, sexual acts. Since personal autonomy and feelings are given paramount status in deciding whom to marry, the general thrust and legal reasoning of the opinion can be used to support polygamy, marriage of near relatives, etc.
8. Ignores, or at least underplays, the fact that the opinion is really about a new definition of the institution of marriage rather than about individual rights. (See also 2. above.)
9. Uses previous erroneous court decisions that permit same sex couples to adopt children as a rationale for another erroneous decision: mandating that same-sex couples have a right to "marry" and that states may no longer refuse to recognize same-sex "marriage." Comment: No reference is made to studies that reveal the negative effects on children of living in a household with

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same-sex "parents," that is, without both a mother and a father.

10. Recognizes that a primary motive of those who support same-sex "marriage" is the economic and legal benefits afforded married couples (pp. 16-17). Comment: Such benefits have been legislated over time because of the value and worth to the body politic of stable families: father, mother, and children.
11. Fails to acknowledge that court decisions and even legislation that it cites in support of changing the institution of marriage, e.g., no-fault divorce, have weakened the family structure and diminished its social importance and functions.

**A final consideration:**

Title 28, Part I, Chapter 21, Section 455 of the U.S. Code reads as follows: "Any justice, judge, or magistrate judge of the United States *shall disqualify* himself in any proceeding in which his *impartiality might reasonably be questioned*." [emphases added]

That both Justices Ginsburg and Kagan had previously officiated at "marriages" of same-sex couples, thus demonstrating their partiality in approval of and/or support for the procedure, their failure to act lawfully by recusing themselves from the O. v. H. Court proceedings leaves the validity of the majority opinion perpetually open to question. Furthermore, in her confirmation hearing in response to a question on the issue, Justice Kagan had said, "There is no constitutional right to same-sex marriage," thus leaving her integrity in question. How citizens who take their citizenship in a nation governed under the Constitution and law seriously can/should respond to this patent failure of the legal process is a matter of individual conscience supplemented with good legal advice.

The astute reader will surely find more to object to in this historic opinion and its cultural and moral implications. To reiterate and emphasize, readers are strongly encouraged to read the entire majority opinion and dissenting opinions at [http://www.supremecourt.gov/opinions/14pdf/14-556\\_3204.pdf](http://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf)

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## The Conscriptation of American Women Is Right around the Corner: May the Synod Speak in Defense of Our Daughters

While our nation continues to reel from this summer's Supreme Court ruling in support of gay "marriage" and further revelations concerning the grisly nature of the abortion industry in our country, there is another threat to the fabric of what remains of our nation's Christian culture.

It has not garnered near enough attention or concern as gay marriage or abortion, though in some ways it may be considered an even more shocking disregard for the natural law of

God that is imprinted upon all men's hearts and His orders of creation. What our families are facing is the interwoven issues of women in combat and the conscription of women.

The Department of Defense announced on December 3, 2015, that it will open all combat positions in our nation's armed forces to women. According to the Supreme Court, exclusion from combat was the legal rationale for also excluding women from the selective service system. Therefore, the possibility of women being required to participate in the selective service system, and thus potential drafts, is now coming down the tracks at full speed.

Many Americans still do not understand that combat and conscription go hand in hand. Those who have followed this issue for years, sounding the warning, have been called scare and fear-mongers. Unfortunately, those fears have been realized and the sand in which some would like to stick their heads into is being blown away.

A *Washington Post* article, posted online February 2<sup>nd</sup>, quoted two top generals of both the Army and the Marine Corps stating that all women should now be required to register for the selective service, and therefore be eligible for any future drafts, since combat jobs are now open to them:

Gen. Mark A. Milley, chief of staff of the Army, and Gen. Robert B. Neller, the Marine Corps commandant, both

said they were in favor of the change during an occasionally contentious Senate Armed Services Committee hearing on the full integration of women in the military. The generals, both infantry officers, offered their opinions in response to a question from Sen. Claire McCaskill (D-Mo.), who said that she also is in favor of the change.

"Senator, I think that all eligible and qualified men and women should register for the draft," said Milley, echoing the remarks of Neller.

Link for full article: [https://](https://www.washingtonpost.com/news/checkpoint/wp/2016/02/02/army-and-marine-corps-chiefs-its-time-for-women-to-register-for-the-draft/)

[www.washingtonpost.com/news/checkpoint/wp/2016/02/02/army-and-marine-corps-chiefs-its-time-for-women-to-register-for-the-draft/](https://www.washingtonpost.com/news/checkpoint/wp/2016/02/02/army-and-marine-corps-chiefs-its-time-for-women-to-register-for-the-draft/)

Further articles for more commentary on the legal situation concerning women and the draft: [https://](https://www.washingtonpost.com/news/checkpoint/wp/2015/12/07/pentagon-opening-combat-jobs-to-women-alters-factual-backdrop-in-keeping-them-out-of-the-draft/)

[www.washingtonpost.com/news/checkpoint/wp/2015/12/07/pentagon-opening-combat-jobs-to-women-alters-factual-backdrop-in-keeping-them-out-of-the-draft/](https://www.washingtonpost.com/news/checkpoint/wp/2015/12/07/pentagon-opening-combat-jobs-to-women-alters-factual-backdrop-in-keeping-them-out-of-the-draft/)

[https://www.washingtonpost.com/news/checkpoint/wp/2015/12/04/why-the-pentagon-opening-all-combat-roles-to-women-could-subject-them-to-a-military-draft/?tid=a\\_inl](https://www.washingtonpost.com/news/checkpoint/wp/2015/12/04/why-the-pentagon-opening-all-combat-roles-to-women-could-subject-them-to-a-military-draft/?tid=a_inl)

Many pagan societies, while not tolerating murder, indeed tolerated and sometimes even encouraged abortion and infanticide. Though no pagan society ever considered a homosexual relationship to be the equivalent of marriage, sodomitic behavior has been tolerated/winked at in some sections of them. But no civilization, Christian or heathen, has ever purposely sent women into combat as a regular matter of policy, nor dared to conscript them. It defies nature and all reason itself to send the bearers of life to be bearers of the sword. This revolutionary change is part of the same attempt by the proponents of gay marriage, transgenderism, and feminism to

erase the distinction between men and women. Further confusing the roles and nature of men and women by turning women into warriors and sending them into battle will bring grave consequences to the women of our nation as it will become ever more difficult for the distinction between combatants and non-combatants to be maintained. No longer will American women be able to claim special consideration in war, but will be logically looked upon as potential soldiers. It is unquestionably a mark of barbarism to send women into battle, but this is unfortunately of the same type of barbarism that greatly marks and defines our culture's recent history.

No government has the authority to lay such burdens onto the wives and mothers, daughters and granddaughters of a people. The men of a nation can indeed be called upon to serve, and if necessary, die in defense of the homeland. They are willing to do so precisely because they know it is right to lay down their lives for the sake of their families. The Scriptures clearly affirm this in the passages quoted in the below overture, and the unanimous testimony of the nations corroborates the deeply perverse nature of sending women into combat and their conscription.

For a more detailed argument see Rev. Heath R. Curtis' paper from the "Women in Times of War Conference," which was convened in 2008 by the Center for Lutheran Theology

and Public Life at Concordia Seminary, St. Louis. <http://www.scribd.com/doc/124576882/Natural-Law-and-Women-in-Combat-By-HR-Curtis>.

This issue is an important one that faces all of the congregations and families of our Synod and nation. The Missouri Synod ought to speak clearly against the conscription of women at the 2016 Convention.

Below is a suggested overture for congregations, circuit forums, District Board of Directors, and other bodies that may submit overtures to the Synod. This overture seeks to clearly state our theological objection to the

conscription of women and the Missouri Synod's support of those who seek an exemption from conscription on this basis.

In the original posting of this overture at the Brothers of John the Steadfast website, over 70 pastors of our Synod gave their support to this overture along with several of the lay contributors of BJS, including three members of the Lutheran Concerns Association: Mr. Scott Diekmann, Rev. Andrew Preus, and the author of this article. Since that time many

**"This revolutionary change is part of the same attempt by the proponents of gay marriage, transgenderism, and feminism to erase the distinction between men and women."**

### ACELC Conference Christ for Us: Dispute Resolution

The Sixth Annual ACELC Free Conference will be held April 26-28, 2016, at Redeemer Lutheran, Nashville, TN.

**Speakers:** • Rev. Dr. Martin Noland  
• Rev. Rolf Preus • Rev. Charles Herrickson • Rev. William Kilps • Rev. Brent Kuhlman • Rev. Paul Nus • Rev. Clint Poppe

All are invited and encouraged to attend.

See [www.ancelc.net](http://www.ancelc.net) for more information, i.e., online registration, schedule, hotels.



additional pastors and laymen have registered their support as well. Numerous congregations, circuits, and other appropriate bodies have sent this overture to be considered at the 2016 synodical convention.

Though the deadline to send this to the Synod was February 20<sup>th</sup>, it would be wise to still consider this overture in your congregation and circuit. Since the announcement concerning the decision on women in combat just took place in December, the Synod may still acknowledge overtures concerning this matter that are past the official deadline. But regardless of the synodical deadlines, passing this overture offers an opportunity for your congregation to publicly and officially record their objection to the conscription of women as they seek to support and safeguard their own daughters from being forcibly required to participate in the selective service system and potentially drafted.

Directions to submit overtures can be found at: <http://www.lcms.org/convention/overtures>.

### To Condemn the Conscription of Women

**Whereas**, on January 24th, 2013, the U.S. Department of Defense announced its intent to lift the nation's exclusion of women from all remaining combat positions from which they have been previously barred, an exclusion upheld by the U.S. Supreme Court; and

**Whereas**, the women of the LCMS may be subject to registering for selective service and a possible draft, as the rationale provided by the U.S. Supreme Court in prohibiting this practice was the Department of Defense's ban on women in combat; and

**Whereas**, the conscription of women, especially in view of their imminent inclusion into all combat positions in the U.S. Armed Forces, is not in accordance with God's order of creation (Gen. 1-2; 1 Cor. 11), in which men are to be the self-sacrificial heads and protectors of women, laying down their lives for them as Christ laid down His life for His Church (Ephesians 5:25), and showing honor to them (1 Peter 3:7), which is further confirmed and testified to by the exclusion of women from combat duty and conscription throughout the Scriptures (Num. 1, Joshua 1:14, Deut. 20, Deut. 22, etc.); and

**Whereas**, at the 2013 synodical convention, the Mercy floor committee intended to speak to the issue of the conscription of women in their original resolution, as was printed in *Today's Business* for 7/23/2013, "Resolved, that the LCMS support those who have a religious and moral objection to women serving in ground combat positions and/or participating in the selective service system and being subject to a possible draft," yet the committee did not present the above phrase, "and/or participating in the selective service system and being subject to a possible draft," because "Mercy committee members saw no need to address that issue at this time" (*Reporter Online*); and

**Whereas**, since then, on December 3rd, 2015, the U.S. Department of Defense announced that all U.S. military combat positions are being opened up to women, and detailed legal analysis has already been undertaken by the Department of Defense, in consultation with the Department of Justice, concerning the legal implications of this change of policy in regards to the constitutionality of the application of the selective service system; and

**Whereas**, we would be negligent if we did not defend the women of the LCMS and prepare for the serious and imminent possibility of women being subjected to being required to participate in

the selective service system and a possible draft; therefore be it

**Resolved**, That the LCMS condemn the conscription of women, in particular, by means of participation in the selective service system and a possible draft, as it is a confusion of God's order of creation; and be it finally

**Resolved**, That the LCMS support those who have a religious and moral objection to women participating in the selective service system and being subject to a possible draft.

**Rev. David P. Ramirez**

Pastor, Saint Paul Lutheran, Union Grove, Wisconsin

[Editorial Note: The February 4, 2016, website of California Congressman Duncan Hunter, an Iraq and Afghanistan Marine veteran, states he and Montana Congressman Ryan Zinke of Montana, introduced a bill requiring women to register for the draft saying:

"It's wrong and irresponsible to make wholesale changes to the way America fights its wars without the American people having a say on whether their daughters and sisters will be on the front lines of combat," said Hunter. "If this Administration wants to send 18-20 year old women into combat, to serve and fight on the front lines, then the American people deserve to have this discussion through their elected representatives. The Administration made its decision to open all combat specialties without regard for the research and perspective of the Marine Corps and special operations community, or without consideration of care for whether the draft would have to be opened to both men and women. This discussion should have occurred before decision making of any type, but the fact that it didn't now compels Congress to take a honest and thorough look at the issue." "It's unfortunate that a bill like this even needs to be introduced. And it's legislation that I might very well vote against should it be considered during the annual defense authorization process."]

## Response to the Rising of the "Nones"

Americans have long treasured their right to the free exercise of religion as proclaimed in the First Amendment to the U.S. Constitution. This is part of our national heritage. But in recent years attacks on religious liberty have increased. Sad to say, Christians often have been silent to these attacks. But more discouraging is the finding that teenagers are already calling it quits on traditional church. One of the first to put statistics to this epidemic was George Barna. Based on interviews with 22,000 adults and 2,000 teenagers, he reported in 2000 that "six out of ten 20-somethings who were involved in a church during their teen years are already gone."<sup>1</sup> In response to multiple-choice questions, those who select the bottom answers: "None of the above," can be conveniently designated "Nones."

More recently, a Pew Research Center has found in a survey of more than 35,000 adults by phone that the religious "Nones" over the seven year period from 2007-2014 have risen from 16% to 23% of the survey group. This is equivalent

to a dramatic 43.75% increase in the proportion of "Nones" in the survey group. The religious "Nones" include not only atheists and agnostics, but people who may believe in God but have no religious affiliation. Over that same seven year period, the religious "Nones" also have increased in politics from 19% to 28% among Democrats and from 10% to 14% among Republicans.<sup>2</sup> For each party this amounts to an increase of about 40% in the proportion of "Nones" in their party. If this trend in the rising of the "Nones" continues, it does not bode well for religious issues such as the tax exempt status of churches and other not-for-profit institutions. They need to consider the legal implication of the recent U. S. Supreme Court case on same-sex-marriage.<sup>3</sup> As admitted by the Obama administration's Solicitor General Donald Verrilli during the oral arguments in that case, the tax status of non-profit institutions that oppose same-sex marriage is "certainly to be an issue."<sup>4</sup>

**"Why are preachers so silent about the essential morality of marriage and the immorality of its redefinition by supremacist judges?"**

Mrs. Phyllis Schlafly

The rising of the "Nones" may also give impetus to levy property taxes on non-profit institutions. This was proposed in a January 2015 budget plan by Republican Gov. Paul LePage in Maine. The proposal "would make Maine the first state in the nation to require colleges, hospitals and other large charities to go on the tax rolls in their municipalities."<sup>5</sup> Although churches and government-owned entities would be exempt under the proposal, one wonders if the exemption would be forfeited by churches that refused to marry same-sex couples. In a most recent case which the U. S. Supreme Court on November 6, 2015, agreed to hear, the Obama administration had pleaded with the court not to take this case in which the exemption to the ObamaCare birth control mandate had been denied to the Little Sisters of the Poor.<sup>6</sup> What does that say about the long arm of our government which would deny the exemption to these nuns who minister to the sick and dying but believe that compliance with the birth control mandate would be a moral wrong? "Because if the government is willing to put its boot on the neck of an order of nuns, who's safe?"<sup>7</sup>

Local taxing authorities also have in their target those non-profit institutions with "large properties" in which a portion of their property mix is not used for charity. Recently, Lutheran Senior Services, which operates two senior apartment complexes in St. Louis County, agreed to pay annually about \$600,000 to settle a lawsuit against the Assessor who had placed the properties on the tax rolls.<sup>8</sup> The tax would cover that portion of the property devoted to independent living rather than charity.

The aforesaid survey by the Pew Research Center also "found that nearly all Christian faiths have become more accepting of homosexuality since 2007." Although many factors may contribute to the rising of the "Nones," in our current society where the teaching of biblical family life is being replaced with homosexuality, same-sex marriage and other aspects of the social agenda, is it any wonder that the "Nones" are on the increase? The silence of most Christians

against the homosexual agenda and same-sex marriage, opposed to biblical family life, has crept into the churches. As commented by Phyllis Schlafly, "What about the moral guidance we expect from the churches" ... "most churches have neglected their duty to remind their flocks of God's plan for marriage and children and need to emphasize the crucial importance of the nuclear family." She ponders, "Why are preachers so silent about the essential morality of marriage and the immorality of its redefinition by supremacist judges?"<sup>9</sup> Is it not a fair reasonable question to ask: Who is teaching these Christians and what are they being taught?

To seek a response to the rising of the "Nones," the first place that this essayist searches is Holy Scripture, both the Old and New Testaments. In the Proverbs of Solomon, the admonition is given to "train up a child in the way he should go and when he is old, he will not depart from it" (Prov. 22:6, KJV). The Apostle Paul exhorts: "Fathers, do not exacerbate your children; instead, bring them up in the training and instruction of the Lord" (Eph. 6:4, NIV). Christ himself commanded us to: "Preach the gospel to every creature (Mark 16:15, KJV), and to "Feed My lambs" (John 21:15, AAT). Other such commands in Holy Scripture are given in the Old Testament at Deuteronomy 6:7 and 11:19, and again by Christ in the New Testament at Mark 10:14.

Is the church obeying these biblical commands, or are they being down-played? Clearly, the LCMS is giving more attention to these commands than most other Protestant denominations. But it is a far cry from the original intent that every congregation should support a truly Christian school for its children. And despite substantial increase in the total enrollment in the Concordia University System, the enrollment for church work careers has significantly declined in recent years. At the risk of redundancy, one may again ask: Who then is teaching our children? Who is warning them about the dangers of quitting the church? What has happened to the former teaching of the authority of the Word of God? Without that firm foundation, our youths and young adults are vulnerable to the lure of the godless secular society that has taken hold in our nation.

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1 Quoted from a Barna Research Online report, January 10, 2000, by Ken Ham & Britt Beemer in *Already Gone: Why Your kids will it church and what you can do to stop it* (Green Forest, AR: Master Books, 2009), p. 23.

2 See commentary by Tamara Audi, "Religious 'Nones' Multiply in Politics," *The Wall Street Journal*, November 3, 2015, U. S. News, p. A5.

3 *Obergefell v. Hodges*, 576 U.S. News, \_\_\_\_ (2015).

4 See also "Background Brief: The Future of Tax Exemption and Homosexual Behavior," by Alan Sears & Craig Osten, *The Homosexual Agenda* (Nashville: B&H Publishing Group, 2003), Appendix 1, pp. 229-230.

5 Jennifer Levitz, "Maine Proposal Would Tax Property of Big Nonprofits," *The Wall Street Journal*, January 24, 2015.

6 See commentary by William McGurn, *The High Court Gets Religion*, *The Wall Street Journal*, Main Street, November 10, 2015.

7 *Ibid*

8 Jeremy Kohler, "Lutheran Senior Services goes on tax rolls," *St. Louis Post-Dispatch*, November 18, 2015.

9 Phyllis Schlafly, *Who Killed the American Family?* (Washington, D.C.: WND Books, 2014), pp. 125 & 224. Mrs. Schlafly is a leader of the conservative moment since 1964.

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