

Lincoln: Don't Allow "Eminent Tribunal"

By Phyllis Schlafly, Founder and President of the Eagle Forum –



"The U.S. Supreme Court is right now holding in its hands the issue that can make or break America. Within a few weeks, the Court will hand down its decision on the definition of Marriage, and it is expected to be binding on all our 50 states. The Court has before it two cases. In one case, the homosexuals are asking the Court to declare unconstitutional the Defense of Marriage Act, known as DOMA. It was passed by overwhelming majorities of Congress in 1996 and signed by President Clinton. It simply declares that in all reference in federal law to marriage (of which there are more than 1,000), marriage means the union of a man and a woman. The other case came from California. California voters, in a statewide referendum, passed Proposition 8 defining marriage as the union of a man and a woman. The homosexuals got two federal courts to declare that referendum vote unconstitutional, and Prop 8 sponsors have appealed to the U.S. Supreme Court to uphold the vote of the people."

"Let me tell you a little history. You know I fought the Equal Rights Amendment for ten years against incredible odds. The most decisive vote in those ten years was in the Illinois State Legislature in 1980. The ERAers had announced that the ERA would pass that day and that would end the fight. All the

media, all the TV networks, were in the balcony of the Legislature expecting to film their victory. We had done all our lobbying, but we knew we were still short of votes. Illinois votes electronically, and it was very tense as the votes lit up the board. That day, God brought us two votes from Chicago Democrats who had never voted with us before, and we won. ABC immediately put the feminist leader, Eleanor Smeal, in front of the TV camera and said, "You told us that you had the votes. Why didn't you win?" She replied, "There was something, very powerful against us, and I don't mean people." That's right. We had something, Someone, very powerful on our side who delivered the two votes we needed."

"That's what we are asking God to do for us now. Find and deliver the votes we need to preserve your definition of marriage. We need His help. And we need you to ask Him for help. And we need you to go to your pastor and ask your pastor to ask his congregation to pray that the Court upholds Marriage."

"We must pray for God to enlighten any swing votes to persuade them to uphold marriage the way the Lord ordained it. But we do have to give some thought to what we will do if the Court throws out traditional marriage and opens it up to any people who want to live together. I don't like thinking about that possibility, but we probably should. For guidance, I suggest we look at Abraham Lincoln's First Inaugural Address, where he dealt with the worst Supreme Court decision in history, the infamous Dred Scott decision. The Supreme Court ruled wrong in that case, holding that a man who traveled to other states had to be protected in his property right of owning the slave, named Dred Scott."

"Abe Lincoln was eloquent. He first of all admitted that a Supreme Court decision would be binding on the parties to a case. But then he said that we should consider such an erroneous decision limited to that particular case and never let it become a precedent for other cases, with the hope that

it may one day be overruled. Then he made this important pronouncement: "If the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in person actions, the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal."

"In other words, if the Supreme Court makes such an erroneous decision on such vital questions as slavery, or the definition of marriage, we will no longer be a self-governing people but a nation ruled by "that eminent tribunal." And that, we cannot allow to happen."

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