No: 16-111
IN THE UNITED STATES COURT SUPREME COURT

MASTERPIECE CAKESHOP, LTD. ET AL.,
(Petitioners)

v.
COLORADO CIVIL RIGHTS COMMISSION, ET AL
(Respondents)

CHRIS SEVIER, JOHN GUNTER JR, JOAN GRACE HARLEY, WHITNEY KOHL

(Intervening Respondents)

On Appeal From The Colorado Court Supreme Court

PARTIALLY UNOPPOSED MOTION TO INTERVENE AS A PARTY RESPONDENT, AND MOTION TO STAY THE CASE UNTIL IT IS DETERMINED WHETHER LEGALLY RECOGNIZED GAY MARRIAGE AND CADA VIOLATES THE LEMON TEST UNDER THE ESTABLISHMENT CLAUSE FOR EXCESSIVE ENTANGLEMENT WITH THE RELIGION OF SECULAR HUMANISM IN EIGHT PENDING FEDERAL CASES

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I. INTRODUCTION

NOW COMES, Intervening Respondent John Gunter Jr and Joan Grace Harley, self-identified polygamists, joining Intervening Respondent Sevier and Kohl and filing his own separate grounds for intervention under Rule 21, F.R.C.P. 24(a), and 24(b) to intervene as Respondents with one difference. Intervening Respondent Gunter and Harley break from the Intervening Respondents Sevier and Kohl insofar as that they asks not only that he be allowed to intervene but that these proceedings be stayed until all of the follow cases are resolved: (1) *Sevier et. al. v. Herbert et. al,* 2:16-cv-00659 (C.D. U.T. 2016), (2) *Sevier et. al. v. Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017), (3) *Sevier et. al. v. Ivey et. al.*, 2:17-cv-01473 (N.D. A.L. 2017), (4) *Gunter et. al. v. Bryant et. al.,* 3:17-cv-00177-NBB-RP (N.D M.S 2017), (5) *Sevier et. al. v. Brown et. al.,* 3:17-cv-05046 (N.D. C.A. 2017), (6) *Kohl et. al. v. Hutchinsen et. al.,* 4:17-cv-00598 (E.D. A.R. 2017), (7) *Harley et. al. v. Masterpiece Cakeshop et. al.,* 17-cv-1666 (C.O.D. 2017), and (8) *Sevier et. al. v. Lowenthal et. al.,* 1:17-cv-00570 (D.C. 2017). The above mentioned cases have a direct impact on the outcome of this action. Intervening Respondent Gunter marks this motion as partially opposed and partially unopposed because both the Respondents and the Petitioners gave mixed and unclear messages to the Intervening Respondents demand for intervention. Make no mistake, if Colo. Rev. Stat. § 24-34-601 et. seq. "CADA" cannot be enforced against the Petitioners, then legally recognized gay marriage is a sham and *Obergefell v. Hodge,* 192 L. Ed. 2d 609, 1-29 (2015) is invalid under Constitutional arguments not raised previously. If other individuals who are part of the non-obvious suspect classes of sexual orientation, like "objectophiles" and polygamists, like the Intervening-Respondents, are not permitted to enforce CADA against violators, like the

Petitioners, then both CADA and legally recognized gay marriage are non-secular shams that are at this very instance invalidated by the Establishment Clause for violating all three prongs of lemon. Likewise, if *Obergefell* and CADA are good law, then self-identified polygamists and machinists must be allowed to legally marry and enforce CADA against violators, like the Petitioners. Id. at 192 L. Ed. 2d 609 1-29. Sexual orientation is either matters of "civil rights" under the Fourteenth and Fifth Amendments or it is a matter of religion under the Establishment Clause.

First, this action should be stayed because it should be preliminarily determined, if the making of CADA by the Colorado legislature violated the First Amendment Establishment Clause as applied to the states through the Fourteenth Amendment for excessive entanglement and for lacking a secular purpose. Second, this case should be stayed because it should be preliminarily resolves if the enforcement of CADA by the Colorado State court in *Craig v. Masterpiece Cakeshop, Inc.,* No. CR 2013-0008, at 1-2 (Colo. Civ. Rights Comm'n Dec. 6, 2013) violated the First Amendment Establishment Clause as applied to the state administrative law courts under the Fourteenth Amendment and if the enforcement of CADA by the Federal Court in *Harley v. Masterpiece Cakesphop Ltd.*, 17-cv-1666 (C.O.D. 2017) violates the First Amendment Establishment Clause as applied to the Federal Court under the Fifth Amendment for (1) lacking a secular purpose, for (2) cultivating an indefensible legal weapon against non-observers of the religion of secular humanism, and for (3) excessive entanglement with the religion of Secular Humanism. *Lemon v. Kurtzman*, 403 U.S. 602, 657 (1971). Even if this Court wanted to sweep the implication of this intervention demand under the rug, like it attempted to do when Intervening co-Respondent Sevier moved to intervene in *Obergefell*, it will

not get away with it this time in light of the growing litigation in the District Courts in which the Intervening Respondents are exposing the Constitutional malpractice in *Obergfell* with convincing clarity. Id. 1-29. The Intervening Respondents have a total of eight lawsuits pending in the lower Federal Courts spread out across different circuits that will impact the validity of the outcome in this case.[1] By time oral argument is set in this case that number will have doubled. Furthermore, even the mainstream media is covering the correct Constitutional narrative as advanced by the Intervening Respondents.[2] So continuing attempts to pull the wool over the eyes on the American public is not going to work anymore in matters involving self-asserted sexual orientation. It is time that the courts start admitting the truth because the truth sets us free. Truth wins.

Stari Decisis, i.e. precedent which is Latin for "water over the damn," is an important part of our legal system. "Garbage in; garbage out." The courts cannot be expected to reinvent the wheel in normal cases. But the controversy over whether gay rights are civil rights is abnormal. In *KVOS, Inc., v. Associated Press,* 299 U.S. 269, 279 (57 S.Ct. 197, 81 L.Ed. 183), the Supreme Court found that if an Constitutional argument was never raised in a resolved controversy that Stare Decisis does not apply, stating: "the most that can be said is that the point was in the case if anyone had seen fit to raise it. Questions which merely lurk in the record,

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[1] *Sevier et. al. v. Herbert et. al,* 2:16-cv-00659 (C.D. U.T. 2016);; *Sevier et. al. v. Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017);; *Sevier et. al. v. Ivey et. al.*, 2:17-cv-01473 (N.D. A.L. 2017);; *Gunter et. al. v. Bryant et. al.,* 3:17-cv-00177-NBB-RP (N.D M.S 2017);; *Sevier et. al. v. Brown et. al.,* 3:17-cv-05046 (N.D. C.A. 2017);; *Kohl et. al. v. Hutchinsen et. al.,* 4:17-cv-00598 (E.D. A.R. 2017);; *Harley et. al. v. Masterpiece Cakeshop et. al.,* 17-cv-1666 (C.O.D. 2017);; *Sevier et. al. v. Lowenthal et. al.,* 1:17-cv-00570 (D.C. 2017).

[2] http://www.clarionledger.com/story/news/politics/2017/09/21/polygamists-filed-federal-lawsuit-over-gay-marriage-mississippi/688892001/

http://wjtv.com/2017/09/21/polygamists-and-machinist-file-lawsuit-over-gay-marriage/

neither brought to the attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents." In light of the fact that Intervening-Respondent Sevier attempted to intervene in *Obergefell* before this Court, the Supreme Court knows first hand that the arguments that the Intervening-Respondents are raising through their related cases were "lurk[ing] in the record" but "not ruled upon." *KVOS*, 299 US 269 at 279. Before this Court can determine if CADA can be enforced against the Petitioners, it should wait until it is resolved in the lower Federal Courts whether CADA and gay marriage are overruled by the trajectory of the First Amendment Establishment Clause and in light of the watertight testimony being offered in those actions by former LGBTQ activists and the controlling Constitutional arguments made by the Intervening-Respodent-Plaintiffs that actually accord with the evidence, and not any agenda whatsoever.[3] That is, it should be preliminarily determined by the trial courts if the Establishment Clause has exclusive jurisdiction over all self-asserted sex-based identity narratives that are questionably real, questionably moral, and questionably legal that fail to check out with the natural human design. In other words, it should first be resolved whether the Establishment Clause is the ultimate DOMA § 3 and the ultimate national marriage ban that precludes all fifty states - including deep blue ones - from (1) legally recognizing all forms of parody marriage, since they are all equally part of the religion of secular humanism, postmodern western individualistic moral relativism, and (2) expressive individualism, since they are predicated on a series of unproven faith based assumptions that are implicitly religious. Of

In light of Intervening Respondent Sevier and Kohl's motions to intervene, this Court is on notice that the Intervening-Respondent-Plaintiffs have one lawsuit against the Petitioners

[3] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; ; Pastor Farr ¶¶ 1-33.

where they are seeking to recover for violating CADA under similar facts, while also having a lawsuit against the State of Colorado to enjoin the state from enforcing CADA. *Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017);; *Harley et. al. v. Masterpiece Cakeshop et. al.,* 17-cv-1666 (C.O.D. 2017). In light of those pending cases, it is debatable whether or not this Court even has Subject Matter Jurisdiction to revolve this action until the controversies in the lower court are determined. *Brown v. Jefferson Cty. Sch. Dist*. No. R-1, 297 P.3d 976, 979 (Colo. Ct. App. 2012);; *Jackson v. City & Cty. of Denver,* No. 11-cv- 02293-PAB-KLM, 2012 WL 4355556, at *2 (D. Colo. Sept. 24, 2012). This Court cannot afford to make another wrong decision in matters dealing with Sexual Orientation mythology.

II. INTERVENTION LEGAL STANDARD

Intervening Respondents Sevier and Kohl set forth the standard for intervention in their motion and it is hereby incorporated and reasserted by reference here to save judicial economy.

III. ARGUMENT

The evidence shows that "anger" is not the opposite of "love." "Hate" is. The final form of "hate" is "indifference," and the Intervening-Respondents are not "indifferent" to the Democrats and Secular Humanist government actors, to include the members on this Court and others, colluding with the homosexual lobby and the church of Secular Humanism to perpetrate abuse process by shoehorning fake gay civil rights into Fourteenth Amendment Equal Protection and Substantive Due Process narratives for self-serving reasons, when all parody forms of marriage and sex-based identity narrative statutes are insurmountably governed by the First Amendment Establishment Clause. It is not surprising that in *Obergefell v. Hodge*, 192 L. Ed. 2d 609 (2015) the"disheartened" Honorable Chief Justice Roberts quipped from the bench in his dissent,"just

who do we think we are" and the late Justice Scalia called the courts' scheming to entangle the government with the religion of Secular Humanism an "egotistic….judicial putsch" that constituted a "threat to American Democracy." Respectfully, moral relativist who have infiltrated the bench like a cancer cannot be permitted to monkey with the Fourteenth Amendment just because they believe that "the ends justify the means" or because they feel entitled to personally misuse government to enshrine their own religious worldview out of their jadedness so that they themselves feel less ashamed and inadequate out their own core beliefs and identity narratives that are more likely than not "removed from reality" and culturally driven. The United States simply cannot - and must not - have Justices on the bench who are punch drunk on the unexamined assumption of the superiority of our cultural moment and who lack the ability to tell the difference between "secular" and "non-secular." Judges must apply transcultural Constitutional law. The evidence shows that the Establishment Clause has exclusive jurisdiction over all "self-asserted" "sex-based" identity narratives that do not accord with self-evident truth and that objectively fail to check out with the human design. Because the evidence shows that legally recognized gay marriage and CADA violates all three prongs of the lemon test and the coercion test under the Establishment Clause by a landslide, the courts, to include this one, must muster the character to throw *Obergefell v. Hodge*, 192 L . Ed. 2d 609 (2015) on the same trash pile that *Dred Scott v. Sandford,* 60 U.S. 393 (1857) has been thrown in. If *Obergefell* is junk law - and it is - then so is CADA. Id. 1-29. Just as *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954) overturned *Plessy v. Ferguson*, 163 U.S. 537 (1896), the District Courts will ultimately reverse *Obergefell* under the correct controlling Constitutional argument under the Establishment Clause asserted by the Intervening-Respondent-Plaintiffs,

which will overrule fake civil rights statutes like CADA completely. In deciding whether to turn back and enforce the Establishment Clause over Stare Decisis, this Court should remember that "the legitimacy of the courts ultimately rests upon the respect accorded to its judgments." *Obergefell* at 19 (Roberts Dissenting) quoting *Republican Party of Minn. v. White,* 536 U. S. 765, 793 (2002) (KENNEDY, J., concurring). The United States has a "written Constitution" not a "living Constitution," and for better or worse, the evidence shows that the Establishment Clause has exclusive jurisdiction over all self-asserted sex-based identity narratives, to include the Intervening Respondents' and the self-identified homosexual Respondents,' since they are all predicated on a series of unproven faith based assumptions and naked assertions that are at the very least implicitly religious. *Obergefell*, at 7 (Thomas Dissenting); *Obergefell* at 26 (Roberts Dissent) quoting "Rehnquist, The Notion of a Living Constitution, 54 Texas L. Rev. 693, 700 (1976);[4] The United States cannot afford to have an "evolving Constitution." Sometimes it will evolve for the worse and other times for the better. The Constitution must be more like a rock.

IV. UNDERSTANDING THE COMPETING CAUSES OF ACTION IN THE INTERVENING-RESPONDENT-PLAINTIFFS OTHER CASES AND THEIR DIRECT IMPACT ON THIS ACTION

In *Sevier et. al. v. Herbert et. al,* 2:16-cv-00659 (C.D. U.T. 2016), *Sevier et. al. v. Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017), *Sevier et. al. v. Ivey et. al.*, 2:17-cv-01473 (N.D. A.L. 2017), *Gunter et. al. v. Bryant et. al.,* 3:17-cv-00177-NBB-RP (N.D M.S 2017), *Sevier et. al. v. Brown et. al.,* 3:17-cv-05046 (N.D. C.A. 2017), *Kohl et. al. v. Hutchinsen et. al.,* 4:17-cv-00598 (E.D. A.R. 2017), and *Sevier et. al. v. Lowenthal et. al.,* 1:17-cv-00570 (D.C.

[4] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; ; Pastor Farr ¶¶ 1-33.

2017) , the Intervening Respondents primary cause of action demands that the District courts enjoin the state under the Establishment Clause so that the States no longer legally recognize gay marriage and enforce phony sexual orientation statutes like CADA all of which are nothing more than political attacks on Christianity and other worldviews that condemn the religion of moral relativism advocated by the Democratic party ad nauseam in exchange for votes at the expense of Democracy.[5] A critique on religion is almost always a "new religion." "Gay marriage" is a critique on Christianity and the same self-evident truth that Constitution and the Bill of Rights, themselves, are based on. The Intervening-Respondents-Plaintiffs alternative cause of action pled under Fed. R. Civ. P. 8(e)(2) in their related pending cases demands that the District courts enjoin the States under the Equal Protection and Substantive Due process clause so that the Intervening-Respondents can enjoy the same "civil rights" and treatment under the law as self-identified homosexuals, like the Respondents.[6] The intervening-Respondents-Plaintiffs have the right to plead in the alternative. See 5 Wright & Miller, Federal Practice and Procedure: Civil 2d § 1282 (2001 Pocket Part). There is no requirement that the alternative theories be consistent. Id., § 1283 at p. 532; accord *Blazer v. Black*, 196 F.2d 139, 144 (10th Cir. 1952). [7] In pleading in

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[5] The idolatry of the accumulation of political power at all cost never ceases to amaze in how it reflects on the human condition.

[6] Rule 8(e) (2), Fed. R. Civ. P., specifically provides that a party may plead in the alternative, even where the alternative claims are inconsistent: "A party may set forth two or more statements of a claim or defense alternately or hypothetically, either in one count or defense or in separate counts or defenses." When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as the party has regardless of consistency and whether based on legal, equitable, or maritime grounds.

[7] *Blazer v. Black*, 196 F.2d 139, 144 (10th Cir. 1952) (explaining that a party is "at liberty to state as many separate claims as he wishe[s], regardless of consistency, whether based upon legal or equitable grounds or both"); *Clark v. Associates Commercial Corp*., 149 F.R.D. 629, 634 (D.Kan.1993) (recognizing a party's right under Rule8(e)(2) to plead alternative and inconsistent claims); *Lader v. Dahlberg*, 2 F.R.D. 49,50 (S.D.N.Y.1941) (noting that the Federal Rules of Civil Procedure "contemplate a disposition of all issues between litigants in a single lawsuit," whether alleged in the alternative or hypothetically and whether or not consistent with one another). So, for

the alternative under Fed. R. Civ. P 8(2)(e), the Intervening Respondents are compelled to metaphorically put two loaded guns to either side of both the States' and the District Courts' head in off chance that it will respectfully force both to finally tell the truth and to resist the temptation to abuse their fiduciary duty owed to the United States Constitution matters involving self-asserted sexual orientation. While "times can blind" due to shallow cultural indoctrination by a self-serving elite media, the Intervening- Respondents-Plaintiffs will force the Judiciary to "see the light" and climb out of its pit of intellectual darkness that is eroding freedom and producing real suffering at the expense of the public's safety, health, and welfare.

In Intervening-Respondent-Plaintiffs pending cases,[8] the thrust of the States' defense in support of legally recognized gay marriage has been to attack the Intervening Respondents' standing to marry an object and two people by arguing as that the Intervening Respondents' marriage request amounts to a "non-secular sham" offered to take down the existing "non-secular sham" of gay marriage that the States then turn around and try to defend with a straight face in a manner that is spectacularly irrational. Prospective red herrings aside, the States are beginning to understand that the Intervening-Respondents-Plaintiffs have standing to enjoin them from issuing marriage licenses and marriage benefits to self-identified homosexuals under the Establishment Clause as taxpayers under *Flast v. Cohen*, 392 U.S. 83 (1968), despite

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example, "[c]ourts have permitted plaintiffs to sue on a contract and at the same time alternatively repudiate the agreement and seek recovery on a quantum meruit claim or allege fraud or some other tort theory." 5 Wright & Miller, § 1283 at pp. 535-37. And in *Lann v. Hill*, 436 F. Supp. 463, 465 (W.D.Okla. 1977), the court noted that when a party pleads alternative and inconsistent claims, "the Court will determine if it has subject matter jurisdiction over either of the possible actions under which Plaintiff might proceed."

[8] *Sevier et. al. v. Herbert et. al,* 2:16-cv-00659 (C.D. U.T. 2016);; *Sevier et. al. v. Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017);; *Sevier et. al. v. Ivey et. al.*, 2:17-cv-01473 (N.D. A.L. 2017);; *Gunter et. al. v. Bryant et. al.,* 3:17-cv-00177-NBB-RP (N.D M.S 2017);; *Sevier et. al. v. Brown et. al.,* 3:17-cv-05046 (N.D. C.A. 2017);; *Kohl et. al. v. Hutchinsen et. al.,* 4:17-cv-00598 (E.D. A.R. 2017);; *Harley et. al. v. Masterpiece Cakeshop et. al.,* 17-cv-1666 (C.O.D. 2017);; *Sevier et. al. v. Lowenthal et. al.,* 1:17-cv-00570 (D.C. 2017).

the meritorious plausibility of the Intervening-Respondent-Plaintiffs self-asserted sex-based identity narratives.[9] The States' practice of legally recognizing gay marriage and enforcing fake civil rights statutes like CADA violates the lemon test, and any taxpayer, to include the Intervening-Respondent- Plaintiffs, have standing to make that Constitutional argument before Article III courts to include the authors of the amicus briefs. There are millions of people living in the United States who do not want a penny of their taxpayer dollars going towards advancing the dogma and practices of the religion of Secular Humanism, which homosexuality is unequivocally apart of.[10] These tapayers, to include the Petitioners, sincerely believe, as Dr.

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[9] The general rules regarding standing to challenge governmental actions are designed to ensure that courts are addressing actual cases that can be resolved by the judicial system. However, in some circumstances, individuals may seek to challenge governmental actions for which neither those individuals nor any other individuals could meet standing requirements. Indeed, the Supreme Court has noted that in some instances "it can be argued that if [someone with a generalized grievance] is not permitted to litigate this issue, no one can do so." *United States v. Richardson*, 418 U.S. 166 (1974) Generally, the Court has noted, "lack of standing within the narrow confines of Art. III jurisdiction does not impair the right to assert [one's] views in the political forum or at the polls." However, the ability of individuals to effect change through political and democratic means does not eliminate all cases where a large group of individuals would be affected by the challenged governmental action. In particular, the Court has specifically allowed taxpayer standing for claims arising under the Establishment Clause. Under the *Flast* exception to the general prohibition on taxpayer standing, taxpayers may raise challenges of actions exceeding specific constitutional limitations (such as the Establishment Clause) taken by Congress under Article I's Taxing and Spending Clause which is applicable to the states under the Fourteenth Amendment. *Flast v. Cohen*, 392 U.S. 83 (1968). The Court has maintained its interpretation of this exception, refusing to extend it to permit taxpayer lawsuits challenging executive actions or taxpayer lawsuits challenging actions taken under powers other than taxing and spending. *Valley Forge Coll. v. Americans United,* 454 U.S. 464 (1982)(refusing to allow a taxpayer challenge of government transfer of property to a sectarian institution without charge because the action was taken by an executive agency exercising power under the Property Clause); *Hein v. Freedom from Religion Foundation,* 551 U.S. 587 (2007) (refusing to allow a taxpayer challenge of activities of the White House Office of Faith-Based and Community Initiatives because the funding was made through discretionary executive spending). These exceptions, the Court has explained, result because the Establishment Clause is a constitutional limit on the government's ability to act. According to the Court, the framers of the Constitution feared abuse of governmental power that might result in favoring "one religion over another." *Flast*, 392 U.S. at 103-04. It is difficult to imagine circumstances in which potential abuses of the Establishment Clause could be enforced without this exception. Accordingly, for the purposes of their causes of action under the Establishment Clause, the Intervening-Respondents-Plaintiffs' self-asserted sex-based identity narrative does not matter in their related cases. The Intervening-Respondents-Plaintiffs could self-identify as twinkies and still move to have the State enjoined from legally recognizing gay marriage, transgender policies, and the enforcement of fake gay civil rights statutes like CADA for violating the prongs of the Lemon test under the Establishment Clause for putting "religion over nonreligion" and for discriminating against "religion and religion."

[10] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33.

Martin Luther King Jr. and Dietrich Bonhoeffer did that silence in the face of evil is to cooperate with it. No amount of Government coercion will compel these Christ Followers and non-observers to convert to the religion of Secular Humanism sermonized ad nauseum by the LGBTQ church and Secular Humanist in office.

V. IDENTIFYING THE FIVE POSSIBLE OUTCOMES OF THE INTERVENING RESPONDENTS CASES IN THE LOWER COURTS THAT DIRECTLY IMPACT THE OUTCOME OF THIS CASE

Shy of total judicial tyranny, there are five optional outcomes in *Sevier et. al. v. Herbert et. al,* 2:16-cv-00659 (C.D. U.T. 2016);; *Sevier et. al. v. Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017);; *Sevier et. al. v. Ivey et. al.*, 2:17-cv-01473 (N.D. A.L. 2017);; *Gunter et. al. v. Bryant et. al.,* 3:17-cv-00177-NBB-RP (N.D M.S 2017);; *Sevier et. al. v. Brown et. al.,* 3:17-cv-05046 (N.D. C.A. 2017);; *Kohl et. al. v. Hutchinsen et. al.,* 4:17-cv-00598 (E.D. A.R. 2017);; *Sevier et. al. v. Lowenthal et. al.,* 1:17-cv-00570 (D.C. 2017) that directly impact this action and should compel honest members of the Court to grant the relief sought by the Intervening-Respondent-Plaintiffs that should preliminarily be identified.

Optional Outcome 1

The District Courts in the Intervening-Respondent-Plaintiffs other case could find that the Establishment Clause is the ultimate DOMA § 3 and the ultimate National marriage ban insofar as it dictates that at the very most all 50 states can only legally recognize "man-woman" marriage, since it is the only natural, neutral, secular, and non-controversial form. (See the attached 2018 South Carolina resolutions filed by Intervening-Respondents Sevier and Kohl to be introduced by Rep. Burns and Rep. Chumley). The evidence shows that legally recognized

gay marriage and CADA violate all three prongs of the lemon test and coercion test by a landslide. *Lynch v. Donnelly,* 465 U.S. 668, 687-94 (1984); *Lee v. Weisman*, 505 U.S. 577 (1992); *School District v. Doe*, 530 U.S. 290 (2000); *County of Allegheny v. ACLU*, 492 U.S. 573 (1989). The bright line rule in *State v. Holm,* 137 P.3d 726, 734 (Utah 2006) would apply across the board, which allows for self-identified homosexuals, polygamists, zoophiles, and machinists to have a wedding ceremony but not to have their marriages legally recognized by the state and federal government.[11] The courts could find that the trajectory of the First Amendment is that all self-asserted sex-based identity narratives that are questionably moral, obscene, and legal and that do not accord with self-evident truth are categorically "non-secular," and therefore, unrecognizable for purposes of the Establishment Clause. For the record, the Intervening Respondents are not "bigots" because they ask the District Courts in their other cases to apply the Constitution as it was written, even if it demolishes a fake civil rights movement that was at all times a sexually exploitative and racially exploitative political power play. The lower courts will likely find that the lemon test renders statutes fake gay civil rights statutes, like CADA, and transgender bathroom policies unenforceable, since the myth of "sexual orientation" is a "matter religious orthodoxy," not a matter of protected civil rights under the Equal Protection and Due Process clause, as Secular Humanist justices on this Court and others have pretended for self-serving reasons. If this is the outcome of the Intervening-Respondents-Plaintiffs other cases,

[11] Many Attorney Generals in the southern states agree with the Intervening-Respondents-Plaintiffs. They are preparing to follow the lead of Attorney General Eric Holder in *United States v. Windsor*, 133 S. Ct. 2675, 186 L. Ed. 2d 808 (2013), agreeing not to not defend against the Intervening-Respondents-Plaintiffs claims against them under the First Amendment Establishment Clause. The difference is that Attorney General Holder was merely following rules for radicals in pretending that DOMA § 3 was not Constitutional under the Equal Protection and Due Process Clause of the Fifth Amendment, and the Plaintiffs arguments accord with the controlling Constitutional narrative that informs the state and federal government how to handle all self-asserted sex-based identity narratives under the Establishment Clause.

then make no mistake, the Intervening-Respondents-Plaintiffs are defending the integrity of the race-based civil rights movement lead by Dr. Martin Luther King Jr from Secular Humanist, like Justices Kennedy, Ginsburg, and the DNC, who pose an ongoing threat to due to a spectacular refusal to think logically.[12]

Optional Outcome 2

The District Courts in the Intervening-Respondent-Plaintiffs other cases could enjoin the States from legally recognizing gay marriage for eroding community standards of decency and promoting obscenity. *Miller v. California*, 413 U.S. 15, 3034 (1973). The States are violating their own obscenity codes by advancing policy that promotes LGBTQ religious ideology. The States have "a compelling interest to unhold community standards of decency." *Paris Adult Theatre I v. Slaton*, 413 US 49, at 63,69 (1973). By using government to prosthelytize the LGBTQ gospel pursuant to an Constintutionally invalid judicial directive, the States are cultivating secondary harmful effects of a lifestyle that (1) is self-evidently obscene, that (2) does not even check out with the human design, and that (3) is categorically subversive to human flourishing - hurting the public's health, safety, and welfare. There are millions of people living in the United States who find that all forms of parody marriage are morally repugnant and a danger to the public's health, who adamantly do not want their taxpayer dollars and services going towards.

Optional Outcome 3

[12] Since the inception of the Democratic party, they have always been the party of racial and sexual exploitation. For the Defendants to pretend that "gay rights" are "civil rights" like "race-based rights" are "civil rights" predicated on "immutability" and "not really mean it" is itself an act of fraud and racial animus that manages to be both sexually and racially exploitative

The third optional outcome of Intervening-Respondent-Plaintiffs other cases involves a different kind of violation under the Establishment Clause which must compel the District Courts to enjoin the States. The District Courts could enjoin the States from legally recognizing gay marriage and from enforcing statutes like CADA for treating discrimination against "religion and religion." Homosexuality, zoophilia, machinism, polygamy are merely different denominational sects within the overall church of moral relativism, since they are all based on similar unproven faith based assumptions and naked assertions that are implicitly religious in nature.[13] As members of the true minority of sexual orientation suspect class, the Intervening-Respondents-Plaintiffs have standing to enjoin the States so that gay marriage gets the same treatment under the law as individuals in the denomination who prefer man-object and man-multi-person marriage.[14] It is an undisputed fact that the States, to include the State of Colorado, are treating the homosexual denomination with special treatment under the law in comparison to those individuals who belong to the polygamist, zoophile, and machinist sects. This optional piles onto the fact that gay marriage policies violate the lemon test under the Establishment Clause, rendering legally recognized gay unconstitutional under the First Amendment from literally every angle.

Option Outcome 4

[13] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33.

[14] *McCreary Cnty, Ky. v. ACLU of Ky*., 545 U.S. 844, 860 (2005); *Engel v. Vitale*, 370 12 U.S. 421, 431 (1962); DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33 .

In order to try and save "gay marriage," the District courts in the Intervening-Respondent-Plaintiffs related cases could award the Intervening-Respondent-Plaintiffs the same marriage rights and constellation of benefits as self-identified homosexuals under the Establishment Clause to cure the discrimination against "religion and religion." The Supreme Court has "long recognized that the government may (and sometimes must) accommodate religious practices and that it may do so without violating the Establishment Clause," *Hobbie v. Unemployment Appeals Commission*, 480 U.S. 136, 144-45 (1987). Also, in some cases, Congress and the state legislature may enact laws to "alleviate significant governmental interference with the ability of religious organizations to define and carry out their religious missions," *Corp. of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos,* 483 U.S. 327, 335 (1987). But this fourth option is not as valid as the prior three because government would only further continue to places "religion over non-religion" at the expense of the Constitution. That is, if other forms of parody marriage were legally recognized to "save" gay marriage, it would only further entangle the government with the religion of Secular Humanism.[15] 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).

Optional Outcome 5

The District Courts in the Intervening-Respondent-Plaintiffs other cases could pretend that the marriage controversy is not rife with fraud and honor Stare Decisis, giving the

[15] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33.

Intervening-Respondent-Plaintiffs the same civil rights to marry that self-identified homosexuals have been given in line with the holdings in *Obergefell v. Hodge*,192 L. Ed. 2d 609 (2015). If marriage really is an "existing right," "individual right," "fundamental right" based on a "personal choice" for self-identified homosexuals under the Equal Protection and Due Process clause as prior courts asserted, then very obviously self-identified zoophiles, polygamists, and machinists, like the Intervening-Respondent-Plaintiffs, must have access to enjoy those identical right to legally marry in step with their self-asserted sex-based identity narratives.[16] This is not a question of a "slippery slope;" this is a question of "how the Constitution works." If "sexual orientation" really was a matter of "civil rights" and not religious mythology, then very obviously all of the non-obvious classes of sexual orientation warrant those same civil rights to include machinists, zoophiles, and polygamists no matter how "morally disapprov[ing]" anyone found them to be. *McDonald v. Santa Fe Trail Transp. Co*., 427 U.S. 273, 27879, 96 S. Ct. 2574, 2578, 49 L. Ed. 2d 493 (1976); *Lawrence v. Texas*, 539 U.S. 558, 576-77 (2003). After all, "[i]f the constitutional conception of 'equal protection of the laws' means anything, it must at the very least mean that a bare. . . desire to harm a politically unpopular group cannot constitute a legitimate governmental interest." *Romer v. Evans*, 517 U.S. 620, 635 (1996). In his dissent read from the bench in *Obergefell*, the Honorable Chief Justice Roberts already admitted that if "gay rights" are "civil rights" then "polygamy rights" are also "civil rights.." [17] So there you have

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[16] *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)

[17] "Indeed, from the standpoint of history and tradition, a leap from opposite-sex marriage to same-sex marriage is much greater than one from a two person union to plural unions, which have deep roots in some cultures around the world. If the majority is willing to take the big leap, it is hard to see how it can say no to the shorter one. It is striking how much of the majority's reasoning would apply with equal force to the claim of a fundamental right to plural marriage. If "[t]here is dignity in the bond between two men or two women who seek to marry and in their autonomy to make such profound choices," ante, at 13, why would there be any less dignity in the bond between

it: “no psychoanalysis or dissection is *Obergefell* required here, where there is abundant evidence, including his own words, of the Chief Justice’s purpose.”*Glassroth v. Moore*, 335 F.3d 1282 (11th Cir. 2003). Due to the infiltration of Secular Humanist on the bench, there is no shortage of cases that pretend that sexual orientation is a suspect class, and surely there are other non-obvious classes of sexual orientation that warrant the same protection as the largest minority - the homosexual suspect class.[18]

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three people who, in exercising their autonomy, seek to make the profound choice to marry? If a same-sex couple has the constitutional right to marry because their children would otherwise “suffer the stigma of knowing their families are somehow lesser,” ante, at 15, why wouldn’t the same reasoning apply to a family of three or more persons raising children? If not having the opportunity to marry “serves to disrespect and subordinate” gay and lesbian couples, why wouldn’t the same “imposition of this disability,” ante, at 22, serve to disrespect. *Obergefell* at 21 (Justice Roberts Dissenting).

[18] See *Lalli v. Lalli*, 439 U.S. 259, 264-65 (1978);;;; *Craig v. Boren*, 429 U.S. 190, 197-98 (1976)(indicating that sexual orientation is a basis for suspect classification). Courts have stated that sexual orientation has no "relation to [the] ability" of a person ‘to perform or contribute to society." *City of Cleburne*, 473 U.S. at 440-41;;;; see *Pedersen v. Office of Pers. Mgmt*., 881 F. Supp. 2d 294, 3 18-19 (D. Conn. 2012) ("[T]he long-held consensus of the psychological and medical community is that 'homosexuality per se implies no impairment in judgment, stability, reliability or general or social or vocational capabilities.") (quoting 1973 RESOLUTION OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION);;;; *Perry v. Schwarzenegger*, 704 F. Supp. 2d 921, 1002 (N.D. Cal. 2010) ("[B]y every available metric, opposite-sex couples are not better than their same-sex counterparts;;;; instead, as partners, parents and citizens, opposite-sex couples and same-sex couples are equal.");;;; see also *Watkins v. US. Army*, 875 F.2d 699, 725 (9th Cir. 1989) ("Sexual orientation plainly has no relevance to a person's ability to perform or contribute to society.") The Courts also contend sexual orientation is immutable. As the Supreme Court acknowledged, sexual orientation is so fundamental to a person's identity that one ought not be forced to choose between one's sexual orientation and one's rights as an individual even if one could make a choice. *Lawrence*, 539 U.S. at 576-77 (recognizing that individual decisions by consenting adults concerning the intimacies of their physical relationships are "an integral part of human freedom"). See, e.g., *Perry*, 704 F. Supp. 2d at 964-66 (holding sexual orientation is fundamental to a person's identity);;;; *Hernandez-Montiel v. INS,* 225 F.3d 1084, 1093 (9th Cir. 2000) (holding that sexual orientation and sexual identity are immutable). Furthermore, the scientific consensus is that sexual orientation is an immutable characteristic. See *Pedersen*, 881 F. Supp. 2d at 320-21 (finding that the immutability of sexual orientation "is supported by studies which document the prevalence of long-lasting and committed relationships between same-sex couples as an indication of the enduring nature of the characteristic.");;;; *Perry*, 704 F. Supp. 2d at 966 ("No credible evidence supports a finding that an individual may, through conscious decision, therapeutic intervention or any other method, change his or her sexual orientation.");;;; see also *G.M. Herek*, et al., Demographic, Psychological, and Social Characteristics of Self-Identified Lesbian, Gay, and Bisexual Adults in a US. Probability Sample, 7 SEXUALITY REs. & Soc. POL'Y 176, 186, 188 (2010) (noting that in a national survey, 95 percent of gay men and 84 percent of lesbian women reported that they "had little or no choice about their sexual orientation.") Certain classes of sexual orientation constitute a minority group that lacks sufficient political power to protect themselves against discriminatory laws that lack political power and deserve suspect classification. See, e.g., *SmithKline Beecham Corp. v. Abbott Labs*, 740 F.3d 471, 480-84 (9th Cir. 2014) (holding use of peremptory strike against gay juror failed heightened scrutiny);;;; see also *Pedersen*, 881 F. Supp. 2d at 294 (finding statutory classifications based on sexual orientation are entitled to heightened scrutiny);;;; *Golinski v. Office of Pers. Mgmt*., 824 F. Supp. 2d 968, 314-33 (N.D. Cal. 2012) (same). See *Romer v. Evans,* 517 U.S. 620, 634-35

VI. OBLITERATING *OBERGEFELL:* BURNING OBERGEFELL TO THE GROUND FOREVER AND ALWAYS

Because the Constitutional validity of gay marriage and the enforcement of sexual orientation statutes hinges on the validity of the *Obergefell* decision, Intervening-Respondent-Plaintiffs Gunter and Harley will preliminarily break down what really happened and what the ultimate takeaway from *Obergefell* is going to be. To begin, the Majority in *Obergefell* was absolutely correct in finding that the United States Constitution was never silent as to how all 50 states must legally define marriage. Id. 1-33. The Dissent was dead wrong in their cop-out position that the question of how marriage should be defined should be left to the individual states to decide. Id (See dissents generally). However, the Majority was dead wrong in pretending that the Equal Protection and Substantive Due Process Clause of the Fourteenth Amendment held the answer as to how marriage should be defined. Id. The reason why the Majority on this Court colluded with LGBTQ lobby to misuse the Equal Protection and Due Process Clause to shoehorn "gay rights" into a fake civil rights narrative was because they knew that they could confuse the general public with emotional appeals, false comparisons, and by using complex terminology like "Substantive Due Process" and "Semi-Intermediate Scrutiny," which really do not mean anything in the marriage context. The LGBTQ lobby and moral

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(1996) (citing *Dep't of Agr. v. Moreno*, 413 U.S. 528, 534 (1973)) ("[I]f the constitutional conception of 'equal protection of the laws' means anything, it must at the very least mean that a bare. . . desire to harm a politically unpopular group cannot constitute a legitimate governmental interest.") (emphasis added). Then, in 2003, the Court held that homosexuals had a protected liberty interest to engage in private, sexual activity;;;; that homosexuals' moral and sexual choices were entitled to constitutional protection;;;; and that "moral disapproval" did not provide a legitimate justification for a Texas law criminalizing sodomy. See *Lawrence*, 539 U.S. at 564, 571. The Court held that the Constitution protects "personal decisions relating to marriage, procreation, contraception, family relationships, [and] child rearing" and that homosexuals "may seek autonomy for these purposes." Id. at 574. Most recently, in 2013, the United Supreme Court held that the Constitution prevented the federal government from treating state-sanctioned heterosexual marriages differently than state-sanctioned same-sex marriages, and that such differentiation "demean[ed] the couple, whose moral and sexual choices the Constitution protects." See *Windsor*, 133 S. Ct. at 2694. If *Obergefell* is invalid law, then so is all of the above mentioned law. Id. 1-29.

relativist on the bench colluded to exploit emotions by "piggybacking" off of the valid "race-based civil rights movement" through a litany of invalid emotions appeals and false comparisons in a manner that is so dishonest that it constitutes an act of racial animus in-kind.[19] To clarify, the Equal Protection Clause is legitimately invoked when "immutability" is at issue. For example, there is no question that race is "immutable," i.e. "genetic," and it is self-evident that "race" is a matter of civil rights, and therefore, the government cannot discriminate against any person on the basis of "race." Besides Michael Jackson perhaps, no one in recorded human history has been able to change their skin color as an act of will. Even the King of Pop had to undergo a litany of chemical peels. The intellectually dishonest homosexual litigants and the *Obergefell* Majority's misuse of the Equal Protection Clause to pretend that gay rights are civil rights is fatally impeached by the testimony for ex-gays and ex-transgender who admitted under oath in *Sevier et. al. v. Herbert et. al,* 2:16-cv-00659 (C.D. U.T. 2016), *Sevier et. al. v. Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017), *Sevier et. al. v. Ivey et. al.*, 2:17-cv-01473 (N.D. A.L. 2017), *Gunter et. al. v. Bryant et. al.,* 3:17-cv-00177-NBB-RP (N.D M.S 2017), *Sevier et. al. v. Brown et. al.,* 3:17-cv-05046 (N.D. C.A. 2017), *Kohl et. al. v. Hutchinsen et. al.,* 4:17-cv-00598 (E.D. A.R. 2017), and *Sevier et. al. v. Lowenthal et. al.,* 1:17-cv-00570 (D.C. 2017) that (1) homosexuality has absolutely nothing to do with immutability whatsoever, that (2) self-identified homosexuals have the ability to convert to a brand new self-asserted sex-based identity narrative like they did, and that (3) homosexuality is a religion.[20] Accordingly, the Equal

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[19] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33 .

[20] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33.

protection clause is completely "out the window" as a basis to legally justify gay marriage.[21] At the very least, the idea that people are born gay is unsettled if not completely disproven.[22] That position is not "hateful," it is what the evidence shows. The members of this Court must be guided by evidence, not emotion.

Moreover, the all encompassing, "Substantive Due Process" is the second legal concept abused by the homosexuals and the evolutionists in the *Obergefell* Majority to create legally recognizable same-sex marriage and a basis for fake sexual orientation civil rights statutes like CADA. Id. at 1-33. Accordingly, it should be identified when "Substantive Due Process" applies and what it is. "Substantive Due Process" is applicable when the matter at issue involves "American heritage" and "tradition."[23] The collusion of homosexual lobby and with the *Obergefell* Majority's use of the Substantive Due Process clause to justify paying respect to gay marriage is impeached by the fact that man-man, woman-woman, man-animal, man-object, and man-multiperson marriages are all equal not a part of American tradition and heritage.[24] Id. at

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[21] *Obergefell at 1-33 (Majority);* To continue to pretend otherwise should be treated as a criminal offense by the Department of Justice and as a form of racism in kind that violates the 1964 Civil Rights Act, 42 usc 2000e.

[22] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33.

[23] *Washington v. Glucksberg,* 521 U. S. 702, 721 (1997), many other cases both before and after have adopted the same approach. *District Attorney's Office for Third Judicial Dist.* v. *Osborne*, 557 U. S. 52, 72 (2009); *Reno v. Flores*, 507 U.S. 292 (1993); *United States* v. *Salerno*, 481 U. S. 739, 751 (1987); *Moore* v. *East Cleveland*,431 U. S. 494, 503 (1977) (plurality opinion); see also *id.,* at 544 (White, J., dissenting) ("The Judiciary, including this Court, is the most vulnerable and comes nearest to illegitimacy when it deals with judge made constitutional law having little or no cognizable roots in the language or even the design of the Constitution."); *Troxel* v. *Granville*, 530 U.S. 57, 96–101 (2000) (KENNEDY, J., dissenting) (consulting "'[o]ur Nation's history, legal traditions, and practices'" and concluding that "[w]e owe it to the Nation's domestic relations legal structure . . . to proceed with caution" (quoting *Glucksberg*, 521 U. S., at 721)).

[24] http://conservativetribune.com/mans-lawsuit-gay-marriage/; Man's Lawsuit BRILLIANTLY Challenges Gay Marriage… Liberals Are Stomping Mad: "Texas Attorney General Ken Paxton has tried to get the lawsuit thrown out, stating that it had no basis in reality. "The right to marry one's computer is not an interest, objectively, deeply rooted in the nation's history and tradition such that it qualifies as a protected interest," Paxton's brief explained.

1-33 (Majority). In fact, many of those sexual unions remain illegal for presenting a danger to the community standards of decency for the normalization of false permission giving beliefs on sex. The heritage of homosexuality in American is that it was basically illegal until 2003 when *Lawrence v. Texas*, 539 U.S. at 579 overturned *Bowers v. Hardwick*, 478 U. S. 186 (1986), which was not even that long ago. While homosexuality remains questionably legal at present, what is certain is that all forms of parody marriage - to include gay marriage - continued to be classified as categorically obscene by every state obscenity code. *Manuel Enterprises Inc. v. Day*, 370 U.S. 478 (1962). There are secondary harmful effects of the government promoting homosexual obscenity that has cultivated into a public health crisis.

Stare Decisis does not save *Obergefell* because the case record remains rife with fraud, in-part, due to Intervening-Respondent-Plaintiff Sevier's direct involvement in the court's record through his filings. Id. 1-33 (Majority). It is an undisputed fact that Intervening-Respondent Sevier moved to intervene in what became *Obergefell v. Hodge*, 192 L. Ed. 2d 609 (2015) under Fed. R. Civ. P. 24 at the District Court, Court of Appeals, and Supreme Court a grand total of eight times, as a self-identified "machinists," as a member of the true minority of sexual orientation suspect class, who had sustained the same injury as the self-identified homosexual litigants.[25] In response to Plaintiff Sevier's attempts to intervene in *Obergefell,* after the same County Clerk's that denied the homosexuals a marriage license denied Intervening-Respondent Sevier a license for procedural and moral reasons, the fake tolerant *Obergefell* litigants adamantly opposed his intervention request and the LGBTQ media gestapo unleashed on a

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Advertisement - story continues below And same-sex marriage is? That's going to be a hard argument to follow." Well said.

[25] See Exhibits and *Tanco v. Haslam,* 7 F. Supp. 3d 759 (MD Tenn. 2014);; *Bourke v. Beshear,* 996 F. Supp. 2d 542 (WD Ky. 2014);; and *Obergefell v. Hodge*,192 L. Ed. 2d 609 (2015).

National crusade to violently oppress Intervening-Respondent-Plaintiff Sevier in an effort to intimidate him into silence, which only further proves that gay marriage is a "non-secular sham" that is designed to amass power around the Democratic party as just another invalid imperialistic power play in step with Alinsky's "divide and conquer" scheme. In opposing Intervening-Respondent Sevier's intervention request, the dishonest homosexual litigants in *Obergefell* managed to "explained away" the entire "explanation" for their case in chief, which was that the "gay marriage plight was one of "civil rights," "equality," and "tolerance" like the race-based civil rights movement." (See Exhibits). It never was. Legally respected Gay marriage and fake sexual orientation civil rights statutes, like CADA, are a way for Secular Humanist to used government to attack and marginalize Christians and people who by and large vote Republican. Imagine if during the 1960s in *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), a group of Mexican students moved to intervene who were also being discriminated against because of their race and the African American plaintiffs opposed the intervention of the Mexican students. If that had occurred, it would have destroyed the integrity of the African American plaintiffs' case in chief.[26]

To expose the hypocrisy of the homosexual litigants in *Obergefell*, this Court should recall that Intervening-Respondent Sevier submitted the written responses of the Homosexual plaintiffs opposition to his intervention into this Court's record, which amounted to an omission against a party's interest under the Federal Rules of Evidence 801 and 804 and as an exception to the hearsay rules. On that basis alone, the Supreme Court should have dismissed *Obergefell* for

[26] Either race is a matter of civil right or it is not, and either sexual orientation is a matter of civil rights or it is a matter of religion. The Supreme Court cannot be permitted to engage in any more "intellectual squinting" and malicious misdirections.

lacking Subject Matter Jurisdiction, since self-asserted sex-based identity narratives that self-evidently do not check out with the human design have absolutely nothing to do with civil rights under the Equal Protection and Due Process Clause, as the homosexual litigants directly admitted in their opposition to intervention. Instead, this Court tried to sweep that evidence under the rug as an act of full blown judicial imperialism in the off chance that the Judge Advocate General would merely roll over in the face of treasonous judicial imperialism.[27] Fat chance.

In light of the testimony of ex-gays, filed in *Sevier et. al. v. Herbert et. al,* 2:16-cv-00659 (C.D. U.T. 2016);; *Sevier et. al. v. Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017);; *Sevier et. al. v. Ivey et. al.*, 2:17-cv-01473 (N.D. A.L. 2017);; *Gunter et. al. v. Bryant et. al.,* 3:17-cv-00177-NBB-RP (N.D M.S 2017);; *Sevier et. al. v. Brown et. al.,* 3:17-cv-05046 (N.D. C.A. 2017);; *Kohl et. al. v. Hutchinsen et. al.,* 4:17-cv-00598 (E.D. A.R. 2017);; *Sevier et. al. v. Lowenthal et. al.,* 1:17-cv-00570 (D.C. 2017) the evidence conclusively shows that the Constitution informs the State and Federal government that all self-asserted sex-based identity narratives fall within the exclusive jurisdiction of the First Amendment Establishment Clause.[28] All self-asserted sex-based identity narratives that do not check out with the human design and are questionably moral, real, and legal are all based on a series of unproven faith based assumptions and naked asserts that are at the very least implicitly religious and can only be taken

[27] These matters are not going away and no amount of intellectual squinting will undo the facts. In the 2018 legislative session, there will be countless states that will move to do away with legally recognized gay marriage and other parody forms because their government endorsement violates the Establishment Clause. Mississippi and Arkansas already introduced two bills to that effect, but the Intervening-Respondents are rewriting those acts for them in a manner that squares precisely with the Constitution. Arkansas House Bill 2098 and House Bill 1523.

[28] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33.

on faith. Id. So the Majority in *Obergefell* was correct, the Constitution is not silent as to how all 50 states must legally define marriage, but they were operating under the wrong Constitutional narrative at all times. Yet, the Establishment Clause is the controlling Constitutional prescription on these matters, which dictates that - at the very most - the state and federal government can only legally recognize marriage between "one man and one woman" since actual marriage is the only secular, neutral, natural, and non-controversial form that squares with every level of Constitutional scrutiny. The policy of marriage between one man and one woman actually accomplishes its objective and is not used for ulterior reasons. At this very instance gay marriage is unconstitutional in all 50 states in view of the Establishment Clause and all three branches must immediately declare it so in order to restore Constitutional order in the defense of actual Constitutionally protected fundamental rights, not fake ones that a handful of arrogant moral relativists on the bench invented under a misapplication of "Substantive Due Process." Citizens are free to self-identify as a "sexualized chicken sandwich" if that is how they want to express themselves but the government cannot recognize or respect such self-asserted identity narratives without really eroding actual liberty interests by entangling the government with religion.

Besides attempting to intervene in *Obergefell*, Intervening-Respondent-Plaintiff Sevier moved to intervene in at least nine or more of same-sex marriage actions, as a self-identified objectofile, seeking legally recognized person-object marriage on the same legal basis that the homosexuals were seeking legally recognized man-man and woman-woman marriage, after the same County Clerk offices refused to issue Intervening-Respondent-Plaintiff Sevier a marriage

that marriage licenses that reflected his self-asserted sexual orientation. [29] In *Brenner v. Scott*, 2014 WL 1652418 (2014), Florida District Judge Hinkle shared his irrelevant and offensive opinion that "man-object marriage" was "removed from reality. (See Exhibits). In undermining the legal basis for man-object marriage, the pro-gay Florida District Court at the same time undermined the legal basis for gay marriage as well. Woops. In terms of actual relevance, what Judge Hinkel was really saying - for Constitutional purposes - was that it takes a huge amount of faith to believe that any form of parody marriage is even "real" or "moral." Therefore, despite Judge Hinkle's best efforts to collude with the LGBTQ lobby and the judicial bandwagon at work, he was admitting that the Establishment Clause has exclusive jurisdiction over all self-asserted sex-based identity narratives that do not accord with self-evident truth to include homosexual, machinism, zoophilia, and polygamy marriage equally. Judge Hinkle personally established in the public record that to codify gay marriage is a non-secular sham for purposes of prong one of Lemon, even if he was too intellectually blind and inept to see that he has single handedly punctured the gay balloon in his findings. This Court cannot now pretend that such a finding does not have implications for CADA and gay marriage in general because it wants to continue to pander to the shallow media, who does not have the Constitution in mind. The Honorable Chief Justice Roberts was right, when he said "times can blind," and it is unfortunate for the trustworthiness of the judiciary that he was also referring to moral relativists on the bench

[29] *Bradacs v. Haley*, 58 F.Supp. 3d 514 (2014);; *Brenner v. Scott*, 2014 WL 1652418 (2014);; *General Synod of The United Church of Christ v. Cooper*, 3:14cv213 (WD. NC 2014);; *Kitchen v. Herbert*, 755 F. 3d 1193, 1223 (CA10 2014);; *Bostic v. Schaefer,* 760 F.3d 352 (4th Cir. 2014);; *Majors v. Horne*, 14 F. Supp. 3d 1313 (Ariz. 2014);; *Deleon v. Abbott*, 791 F3d 619 (5th Cir 2015);; *Tanco v. Haslam,* 7 F. Supp. 3d 759 (MD Tenn. 2014);; *Bourke v. Beshear,* 996 F. Supp. 2d 542 (WD Ky. 2014);; and *Obergefell v. Hodge*,192 L. Ed. 2d 609 (2015).

who cannot resist the temptation to play god and who dangerously operate with unfettered impunity with feeling that they they are completely unaccountable. [30]

Intervening-Respondent-Plaintiffs Sevier attended oral argument *Obergefell* by way of invitation of the Congressional members and the recommendation of members within DOD, who have at all times known that the judicial putsch failed the smell test for advancing immoral conduct that remains immensely prejudicial to good order and discipline. At oral argument, Justice Sotomayor, who ultimately voted in favor of gay marriage, correctly stated that "the United States is not a pure Democracy. It is a Constitutional Republic." She is right. Since the District Court and the legislatures are beginning to see and admit that the Establishment Clause has exclusive jurisdiction over parody marriages, and the Secular Humanist on the bench and LGBTQ lobby will now have to eat those words no matter the cost. The bottomline is this: the dishonest, intolerant, and scheming homosexual litigants and their like-minded justices to include, some on this version of the Supreme Court, have managed to accomplish the opposite of their self-serving and coercive goal to force all 50 states to enshrine their obscene and religious worldview that does not even check out with the human design - let alone - the Constitution. The ultimate take away from *Obergefell* is that all 50 states, to include deep blue ones that actually voted to legalize gay marriage through the Democratic process, shall ultimately be required to at the very most only legally recognize marriage between "one man and one woman," since it is the only secular form that the Constitution permits the state to recognize. Id. The states do not have to legally recognize man-woman marriage if they do not want to. But they certainly cannot legally recognize any parody form of marriage, which does not single out gay marriage.

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[30] "Times can blind." Tr. of Oral Arg. on Question 1, at 9, 10 stated first by the Petitioners in *United States v. Windsor,* 133 S. Ct. 2675, 186 L. Ed. 2d 808 (2013) repeated in *Obergefell* at 5 (Roberts Dissenting)

Accordingly, it does not matter how much the LGBTQ lobby gives to the Democrats to prosecute Christians under fake sexual orientation civil rights statutes and to entangle the government with Secular Humanism, even the deep blue states must comply with the Constitution or face the consequences. Id.[31] In sum, the end result of *Obergefell* is that gay marriage must be done away with in all 50 states in applying the Establishment Clause of the United States Constitution to the states through the Fourteenth Amendment. That will be what the outcomes of the Intervening-Respondents-Plaintiffs related cases will likely be. Therefore, this case should be stayed until Intervening-Respondents-Plaintiffs related cases are resolved to avoid absurd results.

VII. THIS CASE SHOULD BE STAYED UNTIL IT IS RESOLVED WHETHER PARODY MARRIAGE MARRIAGES ERODE COMMUNITY STANDARDS OF DECENCY IN THE PENDING RELATED CASES

The District Courts in *Sevier et. al. v. Herbert et. al,* 2:16-cv-00659 (C.D. U.T. 2016), *Sevier et. al. v. Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017), *Sevier et. al. v. Ivey et. al.*, 2:17-cv-01473

[31] Basically what happened in *Obergefell* was that the homosexuals argued that the "private moral code" that is predicated on self-evident truth as a basis for law did not matter but that their "private moral code" had to be used as the basis for law and policy. Id. at 1-20 (Majority). Meanwhile, the LGBTQ church's "private moral code" promotes obscenity in violation of the state's obscenity statutes and erodes community standards of decency concerning conduct that was illegal until recently. At some point the Judiciary is going to have to come to terms with the fact that "without faith," there is "no basis for morality," and "without morality," there is "no basis for law." For anyone to say that "no one doctrine on morality is superior" is a "doctrine on morality" that asserts itself as "superior." In his letters from a Birmingham jail, Dr. King wrote that the reason he knew that a law was unjust was because it violated a "higher law" or a "divine law." He was right. If Military Officers, like Intervening-Respondents-Plaintiffs Sevier can disobey an unlawful order from all the way up to the President, then it is a waste of time for any government body to pretend that moral judgments do not count. They do. (UCMJ) 809.ART.90 (20); *Armbruster v. Cavanaugh*, 140 Fed. Appx. 564 (3rd Cir. 2011). So the question is which set of moral doctrine can the government used to create policy so that it does not erode freedom and offend the Constitution? The answer is self-evident morality that does not buck common sense, is non-controversial, and that is transcultural. If self-evident morality as a basis for law happens to parallels institutionalize religions, like Christianity, that does not make policies that are built upon it unconstitutional. The Appellants are not arguing that "America is a Christian Nation" as the USSC held in *Church of the Holy Trinity v. United States*, 143 U.S. 457 (1892) nor is "America a [Savage] Nation" as Justice Kennedy floated when he attempted to enshrine the modern view when he stated ""at the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe." *Planned Parenthood of Southeastern Pa. v. Casey,* 505 U.S. 833, 84748 (1992). Justice Kennedy's worldview amounts to the German Proverb, "Jedem das Seine," which means "to each his own," which was of course what the sign over Buchenwald concentration camp read.

(N.D. A.L. 2017), *Gunter et. al. v. Bryant et. al.,* 3:17-cv-00177-NBB-RP (N.D M.S 2017), *Sevier et. al. v. Brown et. al.,* 3:17-cv-05046 (N.D. C.A. 2017), *Kohl et. al. v. Hutchinsen et. al.,* 4:17-cv-00598 (E.D. A.R. 2017), and *Sevier et. al. v. Lowenthal et. al.,* 1:17-cv-00570 (D.C. 2017) all could enjoin the States from legally recognizing gay marriage, from enforcing statutes like CADA, and from enforcing transgender bathroom policy for promoting obscenity that are cultivating cultivating in secondary harmful effects, especially in public elementary schools. The evidence shows that Man-man, woman-woman, person-animal, man-multiperson, and person-object marriage are all equally obscene and a harmful threat to community standards of decency. One argument that the States could float in defense of gay marriage and statutes like CADA comes under the Eighth Amendment. The States could appeal to evolutionists on the bench and suggest that community standards of decency have evolved and our society is "ready for gay marriage." In reference to the Eighth Amendment, Chief Justice Warren offered an elegant axiom: "the Amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society." *Trop v. Dulles*, 356 U.S. 86, 101 (1958). However, Justice Warren's statement is completely contradicted by the Supreme Court's prior "go to position" that "to simply adjusts the definition of obscenity to social realities has always failed to be persuasive before the 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). This contradiction is so stark that it makes the Supreme Court look completely absurd. While "we, indeed, live in a vulgar age," community standards of decency do not "evolve." *Lee*, 505 u.s. at 638. The word "standard" means

"unmovable." The evidence shows that in the area of sex, some doors in life are better left unopened, least one undergo a slippery slope of the heart that dehumanizes, desensitizes, and depersonalizes them, eroding the quality of their life. If a person opens the door to unprotected obscene stimuli or LGBTQ speech, doing so can easily produce sexual voyeurism, sexual addiction, objectification, and ultimately desensitization that is subversive to human flourishing that has far reaching secondary harmful effects. Countless sex addiction therapist can attest that "whatever a person has sex with, they bond with in step with the straight forward science of involving neurotransmitters like dopamine, oxytocin, serotonin, and beta fosb." *Sevier v. Google, Inc*., et al, 0:15-cv-05345 (6th. Cir. 2015). The science of classical conditioning upon orgasim is not "junk scinece," and is without a political or religious motivation.

"Obscenity is unprotected speech."[32] The states have a compelling interest to uphold community standards of decency. *Paris Adult Theatre I*, 413 US 50-70. The USSC has already concluded that obscene speech produces secondary harmful effects. Id. The evidence shows that "sex" is powerful."Sex" is not inherently bad; after all, "God made it." But "healthy sex" is all about "context." A government that actually cares for its people will create laws that encourages its citizens to channel their "sexual energy" in a way that accords with the truth about "how we are designed" to promote maximized human flourishing in a secular manner. The fake

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[32] "Obscenity is not within the area of protected speech or press." *Court v. State*, 51 Wis. 2d 683, 188 N.W.2d 475 (1971) vacated, 413 U.S. 911, 93 S. Ct. 3032, 37 L. Ed. 2d 1023 (1973) and abrogated by *State v. Petrone*, 161 Wis. 2d 530, 468 N.W.2d 676 (1991);;;; *State v. Weidner*, 2000 WI 52, 235 Wis. 2d 306, 611 N.W.2d 684 (2000);;;; *Ebert v. Maryland State Bd. of Censors*, 19 Md. App. 300, 313 A.2d 536 (1973). Obscenity is not protected expression and may be suppressed without a showing of the circumstances which lie behind the phrase "clear and present danger" in its application to protected speech. *Roth v. United States,* 354 U.S. 476 (1957);;;; *United States v. Gendron*, S24 :08CR244RWS (FRB), 2009 WL 5909127 (E.D. Mo. Sept. 16, 2009) report and recommendation adopted, S2 4:08CR 244 RWS, 2010 WL 682315 (E.D. Mo. Feb. 23, 2010);;;; *Chapin v. Town of Southampton,* 4 57 F. Supp. 1170 (E.D.N.Y. 1978);;;; *Sovereign News Co. v. Falk*e , 448 F. Supp. 306 (N.D. Ohio 1977);;;; *City of Portland v. Jacobsky*, 496 A.2d 646 (Me. 1985).

codification of gay marriage and the phony sexual orientation discrimination statutes completely fail to do that.[33]

VIII. THIS ACTION MUST BE STAYED UNTIL IT IS DETERMINED BY THE LOWER COURT WHETHER LEGALLY RECOGNIZED GAY MARRIAGE AND CADA FAIL THE ESTABLISHMENT CLAUSE

Besides promoting obscenity, legally recognized marriage and the faith-based assertion that "sexual orientation is a matter of civil rights" are religious concepts flowing from the church of moral relativism and secular humanism. In *Sevier et. al. v. Herbert et. al,* 2:16-cv-00659 (C.D. U.T. 2016), *Sevier et. al. v. Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017), *Sevier et. al. v. Ivey et. al.*, 2:17-cv-01473 (N.D. A.L. 2017), *Gunter et. al. v. Bryant et. al.,* 3:17-cv-00177-NBB-RP (N.D M.S 2017), *Sevier et. al. v. Brown et. al.,* 3:17-cv-05046 (N.D. C.A. 2017), *Kohl et. al. v. Hutchinsen et. al.,* 4:17-cv-00598 (E.D. A.R. 2017), and *Sevier et. al. v. Lowenthal et. al.,* 1:17-cv-00570 (D.C. 2017) the Intervening-Respondent-Plaintiffs argue that the District Courts must at the very least enjoin the States because legally respected gay marriage puts "religion 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).

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[33] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33. The Intervening-Respondent-Plaintiffs are testifying as to the "truth" because "love" without "truth" is just "shallow sentimentality." The naked assertion that "love is love" is circular reasoning that has no bearing in reality, and the state defendants in *Obergefell* were too afraid to argue that gay marriage threatened community standards of decency because they were worried that secular humanist "Justice Kennedy types" and the shallow media would call them "bigots" due to a pride of their own that renders them as feckless invertebrates.# *Windsor* at 2-13. Fortunately for the Constitutions sake, the evidence shows that the Intervening-Respondent-Plaintiffs are vertebrates and they are making this argument in the cases in the District Courts. The promotion of obscenity is already part of the LGBTQ religious indoctrination platform because it generates sympathy for their life style. (DE _Yarro ¶ 57). This is why the LGBTQ lobby constantly partners with the Tech lobby to defend human trafficking and child exploitation.

The First Amendment to the United States Constitution, as applied to the States through the Fourteenth Amendment, provides that "Congress shall make no law respecting an establishment of religion." U.S. CONST. amend. I. This provision, among other things, "prohibits government from appearing to take a position on questions of religious belief or from 'making adherence to a religion relevant in any way to a person's standing in the political community.'" *County of Allegheny,* 492 U.S. at 574 (quoting *Lynch,* 465 U.S. 668 at 687 (O'Connor, J., concurring)). The government must "remain secular" and must "'not favor religious belief over disbelief.'" Id. at 610. 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 just 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. After all, the religion of moral relativism has been the catalyst for most of the worst atrocities since the inception of humanity. Currently, "secularism" is having a full blown crisis because "secularism" is a "religion" in most respects that only pretends to be neutral. The testimony of ex-gays proves that "homosexuality" is a religion.[34] Just as there is no real proof of a "rape gene," there is no proof

[34] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33.

of a "gay gene" either. No one can really prove or disprove that they were "born in the wrong body," which makes such an assertion implicitly religious in nature. Even the idea of a person "coming out of an invisible closest" to be baptised as "gay" is totally faith-based at the very least implicitly religious. Just as "atheism is a religion for First Amendment purposes" under *Wells v. City and Cnty. of Denver,* 257 F.3d 1132 (2001), homosexuality, zoophilia, polygamy, and machinism are a different variation of the atheist religion and are categorically unrecognizable for "First Amendment purposes."[35] The Supreme Court has already weighed in on this issue in *Torcaso v. Watkins*, 367 U.S. 488, 495 n. 11 (1961) holding 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.[36]

So there you have it. The LGBTQ church, just like the Polygamy, Zoophile, and Machinism, denominations are part of the religion of secular humanism, atheism, postmodern western moral relativism, expressive individualism, and "others."[37] By legally recognizing gay marriage, by having CADA on the books, and by enforcing CADA, the state of Colorado is likely violating the Establishment Clause at every turn. While the financially driven Alliance Defending Freedom (ADF) only defends Jack Phillips through an inept defensive position that

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[35] Man-man, man-multiperson, man-animal, and man-object marriage are all a critique and parody of actual marriage between "one man and one woman," self-evident truth, the Constitution itself, and Christianity. A "critique" on religion is almost always a "new religion." Gay marriage is a critique on Christianity and the same kind of self-evident truth that the Constitution itself is made up of.

[36] 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); *Edwards,* 482 U. S. 592 .

[37] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33.

his freedom of expression rights are violated if CADA is enforced, whereas the Intervening-Respondent-Plaintiffs are on the offense in their related cases arguing that statutes like CADA and gay marriage, themselves, are unconstitutional in their making and in their enforcement under the Establishment Clause. In over to avoid a completely absurd unconstitutional result by the Court of last restore, the Intervening-Respondent-Plaintiffs should be permitted to intervene and this action should be stayed until the District Courts redetermine if gay marriage and CADA statutes are overruled and whether the Intervening-Respondents-Plaintiffs can enforce CADA against the Petitioners.

IX. THIS ACTION SHOULD BE STAYED UNTIL THE LOWER FEDERAL COURTS DETERMINE WHETHER THE STATES' FORCED LEGAL RECOGNITION OF GAY MARRIAGE FAILS ALL THREE PRONGS OF THE LEMON TEST

In *Sevier et. al. v. Herbert et. al,* 2:16-cv-00659 (C.D. U.T. 2016), *Sevier et. al. v. Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017), *Sevier et. al. v. Ivey et. al.*, 2:17-cv-01473 (N.D. A.L. 2017), *Gunter et. al. v. Bryant et. al.,* 3:17-cv-00177-NBB-RP (N.D M.S 2017), *Sevier et. al. v. Brown et. al.,* 3:17-cv-05046 (N.D. C.A. 2017), *Kohl et. al. v. Hutchinsen et. al.,* 4:17-cv-00598 (E.D. A.R. 2017), and *Sevier et. al. v. Lowenthal et. al.,* 1:17-cv-00570 (D.C. 2017), the Intervening-Respondent-Plaintiffs demonstrate that the lemon test is the absolute death nail to legally recognized gay marriage and statutes like CADA. The lemon test in the related actions is applicable because they are not one of those "borderline cases" like in *Van Orden v. Perry,* 545 U.S. 677 (2005). In the face of insurmountable evidence, legally recognized gay marriage manages to fail all three prongs of lemon by a landslide in the related cases. All that is needed is the failure of one prong to require the court to enjoin regardless of the personal values of the presiding Justice. "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)). 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). The evidence shows in the Intervening-Respondent-Plaintiffs other cases that CADA and legally recognized gay marriage violate all three.

A. THIS CASE SHOULD BE STAYED UNTIL IT IS DETERMINED WHETHER GAY MARRIAGE AND CADA VIOLATE PRONG ONE OF LEMON FOR BEING NON-SECULAR SHAMS

The government's legal recognition of gay marriage and promulgation of CADA violates prong one of lemon because they are not "secular" and because they are the ultimate "sham" for purposes of the Establishment Clause. 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, 844 - 864 (2005). The Intervening-Respondent-Plaintiffs argue at least seven reasons in their related cases why legally recognized gay marriage - and by way of extensions CADA - violates prong one of Lemon. First, nobody is going to jail or losing their job because County Clerks, like Kim Davis, issuing marriage licenses to "one man and one woman" because "man-woman" marriage is the only secular, real, natural, neutral, and non-controversial form,

accomplishing the desired purposes of the policy behind it. *Sevier v. Davis* 17-5654 (6th Cir. 2017). As Chief Justice Roberts pointed out in his Dissent in *Obergefell,* "man-woman" marriage is the only secular dictionary definition that is natural, neutral, and non-controversial.[38] No amount of intellectual squinting will convert the secular dictionary into a religious doctrine. The Intervening-Respondent-Plaintiffs stipulate here and in their other cases that "man-animal," "man-object," "man-multiperson," "man-man," and "woman-woman" marriage are all equally controversial and are all equally not secular from a legal and factual perspective rendering substantive due process justification intellectually dishonest. In truth, legally recognized gay marriage came about through *United States v. Windsor,* 133 S. Ct. 2675, 186 L. Ed. 2d 808 (2013) and *Obergefell v. Hodge,* 192 L. Ed. 2d 609 (2015) as a result of a series of irrelevant emotional appeals advanced by homosexuals in collusion with fellow Secular Humanism on the bench who at all times had ulterior political and religious motives in the execution of unprecedented abuse of process that has cultivated in catastrophic results to the public's health and to fundamental liberty interests, advancing a sexual holocaust in an effort to alienate Christians and Republican voters. See the Petitioners. A civil religion based upon majoritarian principles floated by the LGBTQ church is precisely an evil that the Establishment Clause prohibits. Yet, one argument that the States, who are attempting to defend legally recognized gay marriage, make in the Intervening-Respondents-Plaintiffs other cases comes under *Lemon v.*

[38] Traditional marriage arose out of the "the nature of things" and did not arise out of a desire to acquire political power and to use government as a tool to show the irresponsible gospel of moral relativism down the throats of our citizens. (Roberts dissent page 5). See G. Quale, A History of Marriage Systems 2 (1988); cf. M. Cicero, De Officiis 57 (W. Miller transl. 1913). *Obergefell* at 5 (Roberts Dissent). Roberts in his dissent in *Obergefell* also stated: "In his first American dictionary, Noah Webster defined marriage as "the legal union of a man and woman for life," which served the purposes of "preventing the promiscuous intercourse of the sexes, . . . promoting domestic felicity, and . . . securing the maintenance and education of children." 1 An American Dictionary of the English Language (1828). Id.

Kurtzman, 403 U.S. 602 (1971). In attempting to justify the legal recognition of gay marriage, the Defendants could argue that the gay marriage union fulfills a secular purpose to honor certain beliefs about sex, marriage, and morality to cultivate "ennoblement," and to make homosexuals feel less guilty and inadequate about their lifestyle which many reasonable people see as depersonalizing and dehumanizing for self-evident reasons, just like rape by trick is. Yet, the Constitution does not care if individuals feel secure about their faith-based religious beliefs on morality. Our government was never designed to be used to make people feel better about their religious worldviews that do not accord with self-evident truth. Our "Government" is not a "redeemer." Our government is not a "church." Secular Humanist should look elsewhere for validation of their self-invented worldview that is likely shallow and over to explain away immoral sexual conduct that is dehumanism. Attempts to achieve ultimate secular objectives, however, though inherently religious means, do not satisfy the Constitutional secular purpose requirement of Lemon. This argument has consistently been rejected, including in *Holloman v. Harland*, 370 F.3 1252 (11th Cir. 2004).

In *Holloman,* a public school teacher defended a daily moment of silent prayer by arguing that she intended to teach students compassion, pursuant to character education plan mandated by the state. Id. at 1285. The court concluded that this emotional explanation did not constitute a valid secular purpose because the teacher's most basic intent unquestionably was to offer her students an opportunity to pray. "While [the teacher] may also have had a higher-order ultimate goal of promoting compassion, we look not only to the ultimate goal or objective of the behavior, but also to the more immediate, tangible, or lower-order consequences a government actor intends to bring about." Id. The unmistakable message of the Supreme Court's teaching in

Holloman is that the states cannot "employ a religious means to serve an otherwise legitimate secular interests." Id. at 1286. The *Holloman* court further concluded that "a person attempting to further an ostensibly secular purpose through avowedly religious means is considered to have a Constitutionally impermissible purpose." Id., citing *Jagar v. Douglas County School*, 862 F.2d 824, 830 (11th Cir. 1989). ("An intrinsically religious practice cannot meet the secular purpose prong of the Lemon test."). The entire basis for gay marriage is predicated on the same kind of "religious-compassionate-emotionalism," which openly seeks to dignify the religion of secular humanism through the misuse of Government by way of excessive entanglement.

Second, the fact that homosexuality was basically illegal until the 2003, when *Lawrence* overturned *Bowers* is a history that shows that legally recognized gay marriage is nothing more than a non-secular sham for purposes of the Establishment Clause to make up for the fact that a deeply held belief in Secular Humanism is implausible.[39] The history of homosexuality cuts against legally recognized gay marriage and the promulgation of CADA under lemon in a manner that is fatal. Likewise, the fact that homosexuality remains obscene under the obscenity codes cuts against homosexuality. *Manuel Enterprises Inc. v. Day*, 370 U.S. 478 (1962). Legally recognized gay marriage and fake gay civil rights statutes are an arrogant act of moral superiority that are the poster child of nonsecular shams for purposes the First Amendment Establishment Clause from the perspective of any "reasonable observer." *Trunk v. City of San Diego,* 629 F.3d 1099 (9th Cir. 2011).

Third, the fact that (1) religious persecution has been on the rise in the wake of *Obergefell* at an unprecedented rate of "salt of the earth" Christians, like Jack Phillips,

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[39] *Lawrence v. Texas*, 539 U.S. at 579 overturned *Bowers v. Hardwick*, 478 U. S. 186 (1986)

Vanderbilt Law Professor Carol Swain, Chief Justice of the Alabama Supreme Court Roy Moore, and others and that (2) there has not been this land rush for homosexuals to marry insurmountably demonstrates that gay marriage and CADA are "political power plays" and a "non-secular shams" to keep persons of conviction - namely Christians who vote Republican - out of the public square and silenced in step with a calculated "chilling effect." Two years after *Obergefell* and there has hardly been the "land rush" in gay marriage that was promised. 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 couples. Hardly the land rush we were told to expect by the manipulative Majority in *Obergefell,* who always had questions motives to begin with, like the Respondents here, who benefit by pretending that "gay rights" are "civil rights."[40] In the wake of the *Obergefell* and *Windsor* judicial putsch: (1) Fire Chiefs have been fired;[41] (2) The Chief Justice of the Alabama Supreme Court have been subjected to prosecution by the ethics commissions and suspended;[42] (3) County Clerks have been thrown in jail and subjected to merciless civil litigation;[43] (4) Christian Florists have been sued for providing artistic services in support of gay marriage ceremonies;[44] (5) Christian Bakers have been sued for refusing to use their artistic talents to design wedding cakes for gay marriage ceremonies;[45] (6) Law Professors have been bullied for believing that gay marriage is unconstitutional;[46] (7) Ex-gay conventions

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[40] http://www.washingtonexaminer.com/two-years-after-obergefell-no-land-rush-on-gay-marriage/article/2629142

[41] http://www.nationalreview.com/corner/428779/federal-court-keeps-atlanta-fire-chiefs-case-alive

[42] http://www.cnn.com/2016/09/30/politics/alabama-chief-justice-suspended/index.html

[43] www.npr.org/sections/thetwo-way/2017/05/03/526615385/gay-couples-lawsuit-against-kentucky-clerk-is-back-on-after-appeals-court-ruling

[44] http://www.theblaze.com/news/2017/02/17/christian-florist-who-refused-to-make-gay-wedding-arrangements-to-take-case-to-u-s-supreme-court/

[45] https://www.nytimes.com/2017/06/26/us/politics/supreme-court-wedding-cake-gay-couple-masterpiece-cakeshop.html

[46] http://www.vanderbiltpoliticalreview.com/the-carol-swain-petition-hurts-the-cause-more-than-it-helps-but-theres-a-better-way/

have been disrupted by people who will not tolerant the idea that homosexuality is not immutable due to a spectacular state of denial;[47] (8) Christian ranchers have been sued in civil court for refusing to host gay weddings on their farms.[48] It is outrageously corrupt. In view of rampant Nationwide persecution of Christians, the evidence shows that legally recognized gay marriage might be the greatest "non-secular sham" to ever offend the Establishment Clause, since the inception of American Jurisprudence, as result of "judicial policy" making. CADA is just part of the Constitutional assault that is posing an internalized National Security risk. The lion share of the persecution that is taken place rests exclusively with the Secular Humanist on the bench, like Justices Kennedy and Ginsburg, whose unconstitutional misappropriation of the Fourteenth Amendment is unequivocally the superseding cause of the damaging persecution.

Fourth, also in terms of statistics, the transgender suicide rate is spiraling out of control and gay marriage codification has made it worse.[49] The State's decision to issue gay marriage license and to enforce fake sexual orientation civil right statutes is not an act of "love" but an omission that they encourage transgender teen suicide.[50] Meanwhile, the ex-gays and ex-transgenders who are present in the related cases want others to know that they can leave the lifestyle, like they did - if they want to.[51] For the Government to pretend that homosexuality is "immutable" and the idea that "if someone opens the door to the lifestyle, they can never leave it

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[47] https://www.lifesitenews.com/blogs/if-gays-are-so-tolerant-why-are-they-disrupting-an-ex-gay-conference

[48] http://www.theblaze.com/news/2014/08/21/judge-fines-christian-farm-owners-13000-for-refusing-to-host-gay-wedding/

[49] Dr. Cretalla, The American College of Pediatricians (ACPeds), is a declarant in this action who just stated in an interview on Tucker Carlson that the teen transgender surgery is child abuse; DE 8 Dr. King ¶¶ 1-20; DE 4 Dr. Cretella ¶¶ 1-20: https://youtu.be/WP2OAS1nRio

[50] https://williamsinstitute.law.ucla.edu/wp-content/uploads/AFSP-Williams-Suicide-Report-Final.pdf

[51] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33.

behind" amounts to an act of government sanctioned sexual exploitation and domestic violence.[52] Respectfully, the evidence shows that the five secular humanist on this Court, who wrongfully ratified gay marriage out of Substantive Due Process, are culpable for the secondary harmful efforts of the mismanagement of their office due to an inability to distinguish between "secular" and "non-secular."

Fifth, the fact that moral relativist on the bench pretended that "gay rights" were "civil rights" in order to shoehorn homosexual moral relativism unproven truth claims into a governmental recognized reality - alone - proves that legally recognized gay marriage is a "non-secular sham" for purposes of the Establishment Clause.[53] It is the "lie" floated by intellectually dishonest homosexuals in collusion with moral relativistic justices that totally renders gay marriage a "nonsecular sham" for purposes of the Establishment Clause. Just as it was "'self-evident" that Chief Justice Moore's purpose in displaying the [religious] monument [of the ten commandments] was non-secular," it is self-evident that the reason why the judges on *Obergefell* Court shoehorned that gay marriage into a Fourteenth Amendment narrative was because they were trying to misuse government themselves to enshrine the religion of moral relativism that they too believe in step with their own sense of moral superiority. *Glassroth*, 335 F.3d at 1287. Sixth, the States' legal recognition of gay marriage absolutely proliferates pervasive monitoring by public authorities to ensure that citizens are indoctrinated in the religion of moral relativism and that they do not find homosexuality to be immoral, obscene, and subversive to human flourishing. *Agostini,* 521 U.S. 203 at 206. CADA was designed precisely

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[52] DE _ Dr. King ¶¶ 1-20; DE _ Dr. Cretella ¶¶ 1-20. Dr. Cretella;

[53] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33.

for that purpose. The Intervening-Respondent- Plaintiffs, themselves, have been subjected to relentless social and governmental harassment for not believing in homosexual orthodoxy, as they plead in their complaints and sworn statements in related cases.

Seventh, legally recognized gay marriage is a "non-secular sham" because it has not created more tolerance and unity but rather more division and persecution of primarily law abiding salt of the earth Christians, nearly all of whom vote Republican. Legally recognized gay marriage has promoted (1) intellectual darkness, (2) sexual exploitation, (3) the normalization of false permission giving beliefs about sex that erodes consent, and (4) a moral superiority complex in imperialistic moral relativist that is as equally dangerous, depersonalizing, and dehumanizing as the moral superiority complex manifested by Islamic jihad. Because that "stated purpose [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). The reason why fake tolerant gays are protesting ex-gay conventions in step with their persistent intellectual blindness is because the testimony of ex-gays is fatal to the their phony civil rights narratives predicated on "immutability" and "equal protection." [54] While homosexuals started the fake gay civil rights plight, it is the testimony of ex-gays that will end it in the related cases.[55] Self-identified homosexuals can play pretend on their own time, but the Federal and State government has to keep out of it.

In light of these factors, to pretend that legally recognized gay marriage are CADA are secular and not total shams "bucks common sense." *McCreary Cnty.*, 545 U.S. at 866; see also

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[54] https://www.lifesitenews.com/blogs/if-gays-are-so-tolerant-why-are-they-disrupting-an-ex-gay-conference

[55] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33.

Books v. City of Elkhart, 235 F.3d 292 (7th Cir. 2000). For all of the reasons that legally recognized gay marriage and CADA violate the Establishment Clause. It is not a close call. The Courts in the related case inquiry could end there because the lack of secular purpose "is dispositive" as to the fate of gay marriage and CADA. *Wallace v. Jaffree*, 472 U.S. 38, 56 (1985); see, e.g., *McCreary,* 545 U.S. at 873-74; *Glassroth*, 335 F.3d at 1297. For these reasons - alone - the Supreme Court is only going to hurt its legitimacy if it fails to permit the Intervening-Respondents leave to intervene and if it fails to stay this action until it is determined by lower federal courts whether CADA and gay marriage are overruled under prong one of lemon.

B. THIS CASE SHOULD BE STAYED UNTIL IT IS DETERMINED WHETHER GAY MARRIAGE AND CADA VIOLATE PRONG TWO OF LEMON IN THE PENDING RELATED CASES

Intervening-Respondents should be allowed to intervene and this case should be stayed until *Sevier et. al. v. Herbert et. al,* 2:16-cv-00659 (C.D. U.T. 2016), *Sevier et. al. v. Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017), *Sevier et. al. v. Ivey et. al.*, 2:17-cv-01473 (N.D. A.L. 2017), *Gunter et. al. v. Bryant et. al.,* 3:17-cv-00177-NBB-RP (N.D M.S 2017), *Sevier et. al. v. Brown et. al.,* 3:17-cv-05046 (N.D. C.A. 2017), *Kohl et. al. v. Hutchinsen et. al.,* 4:17-cv-00598 (E.D. A.R. 2017), and *Sevier et. al. v. Lowenthal et. al.,* 1:17-cv-00570 (D.C. 2017) are resolved because the Intervening-Respondent-Plaintiffs are arguing that legally recognized gay marriage and CADA violates the second prong of the lemon test because they constitute a "tomahawk" in the hands of moral relativist and who feel licensed to hack-down, harass, and harangue anyone who has the decency and common sense to believe that homosexual ideology is immoral, obscene, faith-based, and subversive to human flourishing. Just ask Petitioner Phillips or Clerk Kim Davis, who is a defendant in *Miller v. Kim Davis,* No. 15-5880

(6th Cir. 2016). Under this second prong of the Lemon test, 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*, 472 U.S. at 56 n.42, 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). By the states' arbitrarily giving marriage licences to self-identified homosexuals and the privilege to enforce CADA based on their self-asserted beliefs on morality, sex, and marriage and not to machinists, zoophiles, and polygamists based on theirs, the States go beyond "mere appearance" and fail the effects test of lemon entirely. The gay marriage licenses - themselves - amount to the government's stamp of approval of the religion of moral relativism as irrefutable and supreme. There is no question that "a reasonable observer would perceive [the marriage license provided to self-identified homosexuals and the privilege to enforce CADA] as projecting a message of religious endorsement," especially when marriage licenses and rights to enforce CADA are not provided to polygamists and machinists for reason that can only be described as arbitrary. *Trunk*, 629 F.3d at 1118. The unconstitutional codification of the fake gay civil rights movement amounts to an indefensible "legal weapon that no [Christian] or [non-believer in moral relativism] can obtain" in every respect. *City of Boerne v. Flores,* 521 U.S. 507, 537 (1997). A "gay marriage license" issued by the state amounts to a government issued "license to

oppress." CADA is nothing more than a weapon to coerce and force Christians to convert to the culture's subscription to the religion of Secular Humanism. Alliance Defending Donations (ADD) would not dare raise that argument as on behalf of Jack Phillips before the Colorado Administrative law courts or before the Supreme Court, as they are implicitly required to under the rules of Professional conduct, because to do so would harm their business model and cause their organization to actually prevail on Constitutional basis, instead of on a series of irrelevant emotional appeals that are as invalid as the emotional appeals floated by the LGBTQ lobby in *Obegefell*. Id 1-29. Religious persecution is good for ADF's and the ACLU's business model, while being terrible for the health of our Constitutional Republic.

Furthermore, the "starkly religious message of the [LGBTQs] supporters would not escape the notice of the reasonable observer," especially, when machinists and polygamists are arbitrarily denied a marriage license because their beliefs on marriage, sex, and morality are less popular or due to restrictions that are arbitrary, if gay marriage is legally recognizable. *Trunk* at 1120. *See also Am. Atheists, Inc. v. City of Starke,* 2007 U.S. Dist. LEXIS 19512 (M.D. Fla. 2007). In short, the Intervening-Respondents-Plaintiffs are able to show in their cases in the District Court that the government's efforts to codify the truth claims floated by the LGBTQ church through legally recognized gay marriage and sexual orientation discrimination statutes fail the lemon test by a landslide. The bottomline is that this case should be stayed until it is determined in the Intervening-Respondent-Plaintiffs other cases whether gay marriage, CADA, and other statutes like CADA violate prong two of lemon. The answer is, more likely than not, they do.[56]

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[56] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr¶¶ 1-33. *Sevier et. al. v. Herbert et. al,* 2:16-cv-00659 (C.D. U.T. 2016);; *Sevier et. al. v. Hickenlooper et. al.,*

C. THIS CASE SHOULD BE STAYED UNTIL IT IS DETERMINED WHETHER CADA AND GAY MARRIAGE VIOLATE PRONG THREE OF LEMON FOR EXCESSIVE ENTANGLEMENT WITH THE RELIGION OF SECULAR HUMANISM

Intervening-Respondents should be allowed to intervene and this case should be stayed until all of the Intervening-Respondent-Plaintiffs pending cases are resolved because the Intervening-Respondent-Plaintiffs are successfully arguing that legally recognized gay marriage and CADA violate the third prong lemon because they promote the government's excessive entanglement with the religion of Secular Humanism, postmodern western individualistic moral relativism, and expressive individualism. The legal recognition of gay marriage and CADA, fosters excessive entanglement with religion because it enshrines one version moral relativism as the 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).

The evidence shows that the Intervening-Respondent-Plaintiffs have been viciously targeted by the pro-gay gestapo for asserting their rights as members of the smaller denomination within the church of moral relativism.[57] But even if the government's impermissible legal recognition of gay marriage had not lead to the systematic persecution of the Intervening-Respondent-Plaintiffs, and it has, the bottomline is this: "compelled taxpayer support of religious indoctrination cannot be justified on the basis that the participants are not coerced." The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the selective legal recognition of gay

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17-cv-1750 (C.O.D. 2017);; *Sevier et. al. v. Ivey et. al.*, 2:17-cv-01473 (N.D. A.L. 2017);; *Gunter et. al. v. Bryant et. al.,* 3:17-cv-00177-NBB-RP (N.D M.S 2017);; *Sevier et. al. v. Brown et. al.,* 3:17-cv-05046 (N.D. C.A. 2017);; *Kohl et. al. v. Hutchinsen et. al.,* 4:17-cv-00598 (E.D. A.R. 2017);; *Sevier et. al. v. Lowenthal et. al.,* 1:17-cv-00570 (D.C. 2017).

[57] http://www.thedailybeast.com/meet-the-anti-lgbt-bigot-marrying-his-computer

marriage, whether that form of parody marriage operate directly to coerce non-observing individuals or not. Engel v. Vitale, 37012U.S.421, at 430(1962);; *Newdow v. Congress*, 292 F.3d 597, 607, n. 5 (9th Cir. 2002). The Intervening-Respondent-Plaintiffs have standing under their Establishment Clause as taxpayers: their self-asserted sex-based identity narrative does not even matter. There are millions of Americans who do not want their tax payer dollars going towards government entanglement with the religion of Secular Humanism in any manner whatsoever to include symbolically.

A decision about whether the Establishment Clause is violated cannot entail a decision about the ultimate usefulness of the of religion of moral relativism flowing from the LGBTQ church; the sole question must be whether the State's aid and endorsements can be squared with the dictates of the Constitution. *Americans United for Separation of Church &. State v. Prison Fellowship Ministries,.*432 F. Supp. 2d 862 (S.D. Iowa 2006). They cannot. Doctrinal entanglement involves government in religion's very spirit, in its core decisions on matters of belief cannot be justified. *Duffy v. State Personnel Board,* 232 Cal. App. 3d. 1, 17 (Cal. App. 1991). For the government to unilaterally enshrine one form of parody marriage and to promote the LGBTQ religion does more than "end debate" and "close minds" as the Honorable Justice Roberts found in *Obergefell,* it is uses a based for coercion and to use government to proselytize minors and the unwary into joining the LGBTQ's congregation, cultivating in hardcore opportunity costs and a reduced quality life that arguably is marked by settling for less, suffering, and even death. *Obergefell* at 27 (Roberts Dissenting). No reasonble person could possibly deny that the LGBTQ church's decision to provide kindergartens in public schools with LGBTQ coloring books following the wrongful codification of the fake gay civil rights movement is

motivated by the LGBTQ church's paramount desire to recruit the youth to join their church that remains categorically obscene, irrational, sexually exploitative, and does not even check out with the human design. Such tactics have embodied the similar purpose behind ISIS propaganda videos that are made to look like video games frequently played by teens. The LGBTQ church's goal is to "convert students while they are young and impressionable." 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*, 505 U.S. at 592, and the federal courts have thus "been particularly vigilant in monitoring compliance with the Establishment Clause" in the public-school context, see *Edwards,*482 U.S. 578- 583. Distributing marriage licenses to self-identified homosexuals has given license to the LGBTQ church to infiltrate public schools to (1) promote sexual confusion; (2) normalize false permission giving beliefs about sex; (3) erode consent, (4) reverse right and wrong, and (5) indoctrinate minors who have overly conformed to societies messages on homosexuality concerning the idea that "once they join the LGBTQ church, they can never leave." Such intellectually dishonesty amounts to government sponsored child abuse. Gay marriage licenses and statutes like CADA are a license for the LGBTQ church to inflitrate public elementary schools to indoctrinate minors to their sexualized worldview of moral relativism, which is per se excessive entanglement of government with the religion of Secular Humanism that millions of taxpayers find to be objectionable.

Legally recognized gay marriage and fake sexual orientation civil rights statutes are not really providing dignity to self-identified homosexual adults, but they are causing the government itself to promote the sexual exploitation of minors in violation of its own obscenity

codes that Governor and Attorney General are charged to enforce. Yet, if gay marriage is legally valid, then so are polygamy, machinism, and zoophile marriages, and the Intervening-Respondent-Plaintiffs will naturally want machinism and polygamy coloring books distributed in elementary schools as well as a matter general equality: then it can be said that "love wins." By all measures, the States' recognition of "man-man" and "woman-woman" marriage at the expense of other parody forms constitutes impermissible direct support or the establishment of the narrow and exclusive religion of moral relativism advocated by the LGBTQ church. Whether participation is coerced in supporting the plausibility of gay marriage, the government's legal recognition of gay marriage and the enforcement of fake gay civil rights statutes are measures that taxpayers cannot be compelled to support.[58] Neither the government's legal recognition of gay marriage nor fake gay civil rights statutes can be saved because (1) in some cases homosexuals adopt children, because (2) homosexuals feel embarrassed, (3) because the children of gays might be mortified by the their parents beliefs on morality, because (4) self-identified homosexuals participate in society, or because (5) gays are just sincere in their beliefs as ISIS suicide bombers are, all of which were emotionally charged justifiers floated by the homosexuals in *Obergefell* in order to have their beliefs legally enshrined by government through a series of invalid imperialistic power play in a manner that completely violates the Constitution from every angle. Id. at 1-33. Legally recognized gay marriage cannot also be saved by describing it as "non-denominational" because the States are undisputedly lending their imprimatur to a specific religious dogma spewed forth by the LGBTQ congregation, in contrast to religious doctrine advanced by the zoophile, polygamists, and machinism sects, who at the

[58] The same is true with government funding going to Planned Parenthood's abortion, which is the religion of child sacrifice masquerading as a plausible medical procedure. Taxpayers cannot be compelled to support abortion either.

very least warrant the State's imprimatur on their marriages to the same extent that self-identified homosexuals do - which is to say not at all whatsoever. In short, the States' legal recognition of gay marriage and the State of Colorado's enforcement of CADA, violates the Establishment Clause every which way one looks. The Intervening-Respondent-Plaintiffs have standing to enjoin the State Of Colorado in *Sevier et. al, v. Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017) from enforcing CADA, as taxpayers, for excessive entanglement. This is a fact that the this Court cannot afford to ignore, without prospectively continuing to dig the hole deeper. America cannot afford to have Supreme Court constitute an insult to logic reasoning due to the refusal of Secular Humanist serving on this body to think logically.

X. CONCLUSION

The Intervening-Respondent motion should be granted in full so that the USSC does not embarrass itself and erode freedom - yet again - by floating another Constitutionally absurd decision in marriage matters where the religion of Secular Humanism is being entangled with government - once again - by enforcement of religious statute that seeks to put "religion over non-religion." Both the Petitioners and the Respondents positions in this case are at best inadequate and shallow. The Intervening Respondents should be permitted to intervene. These matters should be stayed until stayed until *Sevier et. al. v. Herbert et. al,* 2:16-cv-00659 (C.D. U.T. 2016), *Sevier et. al. v. Hickenlooper et. al.,* 17-cv-1750 (C.O.D. 2017), *Sevier et. al. v. Ivey et. al.*, 2:17-cv-01473 (N.D. A.L. 2017), *Gunter et. al. v. Bryant et. al.,* 3:17-cv-00177-NBB-RP (N.D M.S 2017), *Sevier et. al. v. Brown et. al.,* 3:17-cv-05046 (N.D. C.A. 2017), *Kohl et. al. v. Hutchinsen et. al.,* 4:17-cv-00598 (E.D. A.R. 2017), and *Sevier et. al. v. Lowenthal et. al.,* 1:17-cv-00570 (D.C. 2017) are resolved. Given the nature of CADA, all administrative remedies

must be exhausted before the higher court has subject matter jurisdiction. *Brown v. Jefferson Cty. Sch*. Dist. No. R-1, 297 P.3d 976, 979 (Colo. Ct. App. 2012);; *Jackson v. City & Cty. of Denver*, No. 11-cv- 02293-PAB-KLM, 2012 WL 4355556, at *2 (D. Colo. Sept. 24, 2012).. "A man" can sincerely believe that "another man" is "his wife," and "a man" can believe that "the object of his affection" is "his spouse" until blue in the face, but the government can certainly not legally codify those faith-based beliefs directly or symbolically without completely violating the Establishment Clause and eroding actual fundamental rights that are protected for cause, while advocating the secondary harmful effects of eroding community standards of decency. The Court should familiarize itself with the bright line rule at issue in *State v. Holm,* 137 P.3d 726, 734 (Utah 2006) because it holds the Constitutional solution that accords with the trajectory of the First Amendment, and is the legal basis flowing from the Constitution that has compelled the Intervening-Respondent-Plaintiffs to draft state and federal legislation that will be introduced at the outset of 2018 legislative session at the latest.

A woman once called cried out to Justice Holmes, "Do justice!" He replied with "that's not my job. It's my job to apply the law." Before deciding if CADA can be "applied" against the Petitioners in this case by self-identified homosexuals, it should be resolved whether CADA is overruled by the Establishment Clause and whether other individuals of other non-obvious self-asserted sexual orientations can enforce the statute in the pending related cases so that this Court can "do its job." [59]

[59] In view of the Establishment Clause, the States have the right to impose restrictions over the County Clerks and probate judges as to who can receive marriage licenses. See *Laskowski v. Spellings,* 443 F.3d 930, 937 (7th Cir. 2006); *Bowen,* 487 U.S. at 614-15; *Freedom From Religion Foundation, Inc. v. Bugher*, 249 F. 3d 606, 612-13 (7th Cir. 2001); *American Jewish Congress v. Corporation for National Community Service*, 399 F.3d 351, 358, (D.C. Cir 2005), *Columbia Union College v. Oliver*, 354 F. 3d 496, 506 (4th Cir. 2001); *ACLU v. Foster*, 2002 U.S. Dist. LEXIS, 13778 at 49 (E.D. La. 2002). The requirement of safeguards does not presume the misuse of the County Clerk, but the state cannot ignore the practical need of state institutional control. Even where money and state

In light of the testimony of former transgenders and ex-gays, the evidence shows that there is no such thing as "gay people." There are only "people," and President Lincoln was right: "all people are created equal." "All people are created equally [broken]" and in the need of a redeemer. But not all people make the same life style decisions. For example, metaphorically speaking, if Nancy Pelosi was to suddenly snap and to beat Senator Schumer to death at a DNC religious meeting, at her trial for second degree murder, murder by provocation, Rep. Pelosi could not legitimately defend by arguing "well your Honor, Lady Gaga was right, I was born this way. I was born with feelings of anger down deep inside of me, and I simply opened the door and acted on those emotions as a matter of genetics, and, therefore, I cannot be held accountable, since acting out in anger is an Equal Protection and Substantive Due Process right." Such a defense is as equally absurd as the naked assertion that "people are born gay and cannot help it and are therefore entitled to constellation of fake civil rights and if anyone disagrees with that they can be punished by the used of government assets." The testimony of former ex-gay activists filed in the pending related cases undermines that fake narrative, since after living the lifestyle for decades they were able to completely and totally leave it behind having been radically transformed by a personalized truth truth of the New Testament Gospel that serves as the master narrative of the United States Constitution itself. *Church of the Holy Trinity v. United States*, 143 U.S.457 (1892). While it was self-identified homosexuals who imposed gay marriage on all 50 states with the aid of Secular humanist judges on this Court and others, it will be the testimony of ex-gays who were radically transformed by the same Jesus of Nazareth who the

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benefits are being given to a gay married individual with a secular component, "it is important that there be some mechanism for limiting the use of the money and [benefits] to the secular component." *Laskowski v. Spellings*, 443 F.3d 930 (7th Cir. 2006). Safeguards over the Clerk's office are required because religion is an example of an activity that a grant of [state] money may not be used to support. Id.

Petitioners are compelled by who will end it for all 50 states.[60] Just as Christians cannot use government to enshrine their worldview (nor should they want to because it would produce "legalism"), neither can moral relativists. It is unacceptable that the following quote from President Lincoln applies squarely to the Justices that are pushing the fiction of substantive due process to codify the religion of moral relativism:

> "From whence shall we expect the approach of danger? Shall some trans-Atlantic military giant step the earth and crush us at a blow? Never. All the armies of Europe and Asia...could not by force take a drink from the Ohio River or make a track on the Blue Ridge in the trial of a thousand years. No, if destruction be our lot we must ourselves be its author and finisher. As a nation of freemen we will live forever or die by suicide."

The Courts of the United States cannot serve as the greatest internalized threat to National Security interest. Secular Humanist Judges cannot make the law, they need to interpret the law. Before this case progresses any further, the Intervening-Respondents need to be permitted to intervene and this action should be stayed until the Intervening-Respondent-Plaintiffs other cases are resolved.

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CERTIFICATE OF SERVICE

I here by certify that a copy of this document and attached exhibits were mailed with adequate postage to the Petitioners and Respondents in this actions on September 27, 2017. KRISTEN K. WAGGONER Counsel of Record JEREMY D. TEDESCO JAMES A. CAMPBELL JONATHAN A. SCRUGGS ALLIANCE DEFENDING FREEDOM 15100 N. 90th Street Scottsdale, AZ 85260 (480) 444-0020 kwaggoner@ADFlegal.org; Ria Tabacco Mar Counsel of Record ACLU 125 Broad Street, 18th Floor New York, NY 10004-2400 rmar@aclu.org 212-549-2627 Party name: Charlie Craig and David Mullins Frederick R. Yarger Counsel of Record Solicitor General Colorado Judicial Center 1300 Broadway, 10th Floor Denver, CO

[60] DE _ Quinlan ¶¶ 1-37; DE _ Pastor Cothran ¶¶ 1-50; DE _ Dr. King ¶¶ 1-20; DE _Dr. Cretella ¶¶ 1-20; DE _ Goodspeed ¶¶ 1-20; DE _ Grace Harley ¶¶ 1-25; DE 9 Kohl ¶¶ 1-1; DE_ Pastor Cuozzo ¶¶ 1-21; Pastor Farr ¶¶ 1-33 .

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/s/John Gunter Jr/.