



# Clergy for a Conservative Court

## An Overview of the Current Supreme Court

One of the most significant changes in the Michigan Supreme Court in the last ten years is the Court's refusal to engage in "judicial legislation" - amending, by court decision, statutes, contracts, deeds and other written documents to accomplish a purpose other than that expressed in them. By enforcing statutes as written by the Legislature, the Court respects the democratic process by which the statutes are created. Similarly, when the Court enforces contracts and other written documents according to the plain and ordinary meaning of the language found in them, it protects the right of citizens to organize their affairs on terms they choose.

*“The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny”  
- James Madison*

In approaching its responsibilities in this fashion, the current Michigan Supreme Court: (a) promotes predictability in the law, and (b) enhances the ability of Michigan families to understand their legal rights and responsibilities because citizens no longer have to "guess" whether or how a Michigan court will change the plain meaning of a statute or written document such as a contract.

The following is a sampling of recent Supreme Court cases illustrating this judicial philosophy.

### **Marriage Amendment Prohibits State Government and Universities from Providing Benefits to Partners of Same-Sex Couples**

#### **National Pride at Work v. Governor**

The Court held that a 2004 voter-approved ban against homosexual marriage also blocks governments and state universities from offering health insurance to same-sex partners. The court found that language in the amendment prohibiting recognition of other unions “for any purpose” limits benefits to married couples and children of public employees. This stands in stark contrast to the recent California Supreme Court decision that overturned the vote of the people, rather than upholding the law.

## Church Doctrine Protected from a Lawsuit

### **Smith v. Calvary Christian Church**

In this case a parishioner formally agreed to accept church discipline. Because he later caused divisions and kept challenging the church leaders regarding doctrine, the

congregation was advised of the man's sins. The man later sued the church for invasion of privacy and intentional infliction of emotional distress. The Court held the church was entitled to have the lawsuit dismissed because the member that was disciplined had consented to the discipline when he joined the church. This case is seen as important to the maintaining freedom of religious institutions to practice their beliefs without secular intrusion.

## Protecting the Sanctity of Churches

### Stitt v. Holland Abundant Life Church

*“All the rights secured to the citizens under the Constitution are worth nothing, and a mere bubble, except guaranteed to them by an independent and virtuous Judiciary.”*  
- Andrew Jackson

The Court held that churches are not subject to liabilities imposed on commercial businesses such as shopping malls. In this case, a woman who was visiting the church to attend bible study tripped on a tire stop in the church parking lot. She sued the church. The Court's opinion held that persons visiting the church for non-commercial purposes are guests and not business visitors. A person visiting a church enjoys unrecompensed hospitality in the same way a houseguest would. Churches are not business establishments and are not subject to the higher duties imposed on businesses.

### **No Parental Rights for Live-In Partners**

#### Van v. Zahorik

The Court held that a person has no "parental rights" to a child where that person has no biological or marital link to a child. The Court held that the Legislature, rather than the judiciary, is the appropriate forum to create new forms of parental rights. This case is important because it upholds the importance and integrity of marriage.

## Summary

The current Michigan Supreme Court majority, led by Chief Justice Clifford Taylor, respects the legislative process and will not allow special interest groups to circumvent the rule of law to advance their agenda. A recent Wall Street Journal piece hailed this Court as “The Finest Court in the Nation.” Michigan will be well served by reelecting Cliff Taylor on November 4, 2008.