

COVENANT MARRIAGE: A LEGISLATOR'S PERSPECTIVE

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In the summer of 1925 in the small mountain community of Dayton, Tennessee, conservatives proved you could win the battle of truth, but lose the war of public perception.¹ In *Scopes v. State*, conservatives convinced the Tennessee Supreme Court that the State was not imposing religion on its citizens by forbidding teachers from teaching evolution.² Despite winning the famous Scopes Monkey Trial, popular culture eventually succeeded in driving conservatives (fundamentalists) from the public square.

Social conservatives (in the form of traditional family values advocates) are no longer shying away from the arena of public debate. One of the first "modern" voices of traditional family values was none other than the Moral Majority's founder, Jerry Falwell, a televangelist based in Lynchburg, Virginia. Reverend Falwell took the position that America's "moral majority" was fed up with the fruits of the immoral minority's sexual revolution. It was, therefore, time to return to the traditional family values upon which America was founded. Ultimately, Falwell's Moral Majority dissolved into relative obscurity. However, Ronald Reagan won two landslide presidential elections by catering to the family values proponents of the Democratic and Republican parties, who were undoubtedly influenced by Falwell's message.

M.G. "Pat" Robertson, another televangelist, sought to tap into this movement and renewed the fight for traditional family values when he ran for political office in 1988. As a Republican candidate for the presidency, Pat Robertson used his platform to communicate the message of traditional family values to the American public. Unfortunately, his positions often clashed with the "popular" positions adopted by his own political party.

Although Robertson was not successful in his political campaign, his and Falwell's family values message had a positive impact on America. Moreover, out of the ashes of Pat Robertson's failed presidential bid rose the Christian Coalition. The Christian Coalition's grass roots campaigns during the 1994 elections were a major force in enabling the Republican

* Representative Perkins sponsored the Louisiana Covenant Marriage Bill that became law in 1997. See LA. REV. STAT. ANN. § 9:272 (West 1999).

¹ See Debra Baker, *Trials of the Century*, 85 ABA JOURNAL 42, 46 (1999) (discussing the lesson on evolutionary theory taught by John T. Scopes in 1925 that set off the debate of separation of church and state).

² 289 S.W. 363, 367 (Tenn. 1927).

party to wrest control of both Houses of Congress from the Democratic party for the first time in more than fifty years. Federal family values legislation became a reality because of this Republican control.

The family values movement's newfound success brought with it a confidence that was often characterized by self-righteous zeal (at least from the liberal culture's perspective). The confidence was understandable. For the first time in several decades, the American populace appeared to be embracing the traditional family values agenda with open arms. Conservatives responded by speaking out against the moral erosion that was moving beyond government policy and the public school classroom into the homes, and even churches, of our nation. In the process, they offended many of their ideological opponents, and others who were indifferent to the conservative moral positions (the social liberals/fiscal conservatives).

Family values advocates are now standing on a moral island while the ground around them continues to erode. Visions of hope and victory have been replaced by a defensive posture. Consequently, the family values movement is now often characterized by rhetorical battles, which are really nothing more than verbal jabs aimed at opponents that have no long-term positive impact on American families. Regrettably, at least in the court of public opinion, this tactic has redefined the family values movement in terms of what it opposes rather than what it supports.

In my capacity as a lawmaker, I frequently hear the family values movement described as against not only abortion, but also as opposed to public education, divorce, abused women, single moms, homosexuals and a host of other things. This war of rhetoric has alienated many of the voters who embraced the conservative message back in 1994. Further, it has yielded few substantive victories. Consequently, it is time to adopt a long-term approach to changing our culture. This will require leading in the arena of public policy by first identifying and defining what the family values movement stands for and how it intends to accomplish its goals.

This is what covenant marriage law represents. It is not a short-term approach that simply changes divorce law by repealing no-fault divorce. Rather, it is a long-term solution that fosters the development of a culture that embraces traditional family values. Creating such an environment is, in large part, up to the faith community, but government can foster its development by providing optional standards that recognize the value of family and the permanence of marriage.

Popular culture has reached the point where imposing moral standards is met with vehement opposition, yet at the same time our society can no longer cope with the carnage created by the decline of moral standards and values traditionally taught and supported by the family.

Conservatives have a tremendous opportunity to offer public policy solutions that do not impose, but rather accommodate a traditional view of morality. Indeed, Louisiana's experience illustrates how government policy can encourage traditional family values while not forcing those values upon citizens who support an alternative approach.³ This reasonable accommodation will allow segments of our society to serve as models of effective families which in turn will stem the moral decline associated with family breakdown. The results, although not immediate, will begin a cultural, rather than political, transformation of our society.

³ See LA. REV. STAT. ANN. § 9: 272(B) (West 1999) (requiring parties to expressly declare their intent to contract for a covenant marriage).