



Going to the Dogs

The following satirical piece is intended as a warning as to the danger of judicial activism and how far down the slippery slope we can proceed when the law is separated from moral absolutes and marriage is no longer defined as being between one man and one woman.

"Yes, Your Honor, I am completely serious about proceeding with this lawsuit; it is not frivolous. And no, Your Honor, I have never been diagnosed with a psychiatric problem or detained in a mental-health facility of any kind. And no, I have not suffered any serious blows to my skull in the last six months."



"Very well. I have read the briefs by the plaintiff, Mr. Kilpatrick, and the attorneys for the defense, of the State of Massachusetts. I would like some clarification of points under consideration, Mr. Kilpatrick. First, you are contending that under Massachusetts' constitution, you should be allowed to claim your dog, Lady, as a spouse on your taxes and you want the state to mandate that employer-sponsored healthcare pay her vet bills; is that correct?"

"Yes, sir."

"You are suing on the grounds that the state is discriminating against you?"

"Yes, *ugly discrimination*."

"Mr. Kilpatrick, all discrimination is 'ugly,' but let's not have frivolous commentary in this court."

"Pardon me, Your Honor, but I wasn't using an adjective to describe the word discrimination; I was saying that the laws of this state are discriminating against me *because I am ugly!* I am entitled to equal treatment under the law as regards taxes and insurance, and since I cannot find someone to marry me, or even date me for that matter, monetary benefits that others can collect with regard to their cohabitation status are denied to me. It's like racism or sexism, but it's discrimination against people with unsavory looks and/or personalities — call it *uglicism*. Furthermore, I believe that laws against affection with animals are based on antiquated, bigoted, and religiously manipulated social norms that should be ignored so all people can live free — the heart wants what the heart wants, after all."

"In that case, in what sense can your pet be considered a 'spouse'?"

"She is an adult who lives in my home with me, and I love her, and she loves me — that seems to be the legal standard for spousal recognition in Massachusetts. She's more faithful than most spouses: she is always there when I get home; she is always happy to see me; and we spend all of our free time together. You could say we are 'life partners' because we'll be together until one of us dies."

"As touching as that may be, Lady is a dog. *She is not human!*"

"What difference does that make? Massachusetts law already acknowledges that a bond exists between dogs and people, a bond that is deeper and more special than a simple human-animal relationship. In



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Massachusetts, if a person were to shoot a raccoon for knocking over garbage cans and strewing junk around the yard, the law would only be concerned in the matter with regard to where the shooting took place — was it within city limits where shooting guns is prohibited. If a person were to shoot a dog for the same reason, he would face up to five years in prison; that's almost as long a sentence as the average killer of humans would receive. Also, I will vow before this court, or any other authority, that I will never abandon Lady. How many married couples can say that and mean it? And having to resort to a dog for companionship is not my choice, I was born this way."

"What 'way,' Mr. Kilpatrick?"

"At the risk of sounding flippant, Your Honor, I was born so ugly that my mother figured she would have to tie a steak around my neck to get the family dog to play with me — thankfully, I am apparently not quite that repulsive, but evidently I come close."

"Have you tried to do anything to remedy your condition?"

"Yes, Your Honor, I have joined over a dozen dating services, joined local volunteer organizations — figuring some do-gooder there would appreciate 'me' over my looks — and even worked at a college for the blind for a year to get in a target-rich environment, but without success. Apparently, though looks may only be skin deep, *ugliness* does truly go to the bone. After over 50 blind dates — some with women who retain their vision and others with those who don't — the closest I came to getting a second date with any of the women was one lady who contacted me later to try to get me to buy Amway products. She thought I might be interested in Amway's health-and-beauty line of products."

"Have you considered plastic surgery?"

"No, it's not in my budget. The best job I've been able to get, owing to my looks, is one driving a truck between construction sites and campgrounds to empty porta-potties. I don't make the type of salary that allows plastic surgery. Also, I'm not sure surgery would do a lot of good. One blind date — a blind girl who dated me, not the other kind of 'blind date' — told me, right before she left in the midst of our dinner at a nice restaurant, that my laugh reminded her of the noise made by two cats with their tails tied together and that my breath was so bad that it could make woodwork spontaneously combust."

"Well, Mr. Kilpatrick, as a former legal counsel for GLAD (Gay & Lesbian Advocates & Defenders), I am somewhat sympathetic to your case, but we can't just simply rewrite the law to suit our whims. We have to consider precedent. Would you have the court allow someone to get marital tax breaks, even if he or she lives completely alone, simply because the person is so in love with himself or herself that all relationships were destined to be doomed? Or should all single adults be able to get the 'married' tax break simply because they are desirous of getting married and fate has conspired against them so far in the search for a mate?"

"Yes, Your Honor, they should."

"That's troubling. It's also disturbing that the precedent that would be set by this case seems to set the stage for philosophical anarchy. We'd be so loosely defining the words that are the basis of our laws that we'd be undefining them. Someone could then find an exception for almost any behavior. In essence, everyone would be allowed to do anything they want to do, anywhere they want to do it, at any time, so long as they don't hurt anyone else in the process. Such thinking could lead to successful legal actions whereby a plaintiff could claim to be free to curse at the top of his lungs in a church, as long as it didn't interrupt a church service, or pray in school as often and as loud as he or she wanted, as long as it doesn't interrupt a class. After all, if one person has a 'right' to scream in gym class or yell from a



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pulpit, everyone else should then be afforded the same ‘right.’ And if police officers and ambulances can speed in an emergency, shouldn’t everyone be able to? And if people in rural areas have a right to carry and shoot guns, shouldn’t people in town have the same right, as long as they aren’t endangering anyone?”

“May I say that those are all good thoughts, Your Honor, but also respectfully disagree with you? As far as I can tell, this is *not* a precedent-setting case. I believe precedent was previously established when Massachusetts affirmed a constitutional right to gay marriage, though Massachusetts’ constitution says nothing about gay marriage. I’d like to add that to deny my claim would be to deny that the Massachusetts supreme court decision in that gay-marriage case was about individual ‘rights’ or ‘fair and equal treatment’ at all. It would be akin to saying that the ruling should have gone against gays because gays already had the same rights as every other man and woman — the right to marry someone of the opposite sex. A denial of my claim sends the message that the supreme court of Massachusetts simply usurped the law to advance the justices’ political agenda.”

“Ah, um, er, yes, you may say that, but if you do mention it again, your chances of prevailing in my court will drop dramatically.”

“Yes, Your Honor.”



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