



July 14, 2009

The Honorable Bonnie Brown, Chair
Joint Standing Committee on the Judiciary - Subcommittee A
West Virginia House of Delegates
Room 207E, Building 1
State Capitol Complex
Charleston, WV 25305

The Honorable Herb Snyder, Chair
Joint Standing Committee on the Judiciary - Subcommittee A
West Virginia Senate
Room 217W, Building 1
State Capitol Complex
Charleston, WV 25305

Re: Need for Marriage Amendment

Senator Snyder, Delegate Brown, and committee. My name is Ray Lambert, Chairman of the West Virginia Family Foundation. President Kevin McCoy could not attend; therefore, I am here in his stead to represent our organization

The West Virginia Family Foundation, founded in 1992, is an affiliate of the [American Family Association](#) and the group which introduced the marriage amendment beginning in 2006-([HJR-106](#)) through 2009-([SJR-12](#)). We will continue to lead this effort until West Virginians are given the opportunity to vote on the definition of marriage.

I stand here today to present why this subcommittee should recommend a constitutional amendment be placed on the ballot in the November 2010 election year.

By now you should have in your possession a packet of information containing a [legal opinion from Liberty Counsel](#) and other materials, which was distributed to you today. I would encourage you to read the legal opinion from Liberty Counsel as it precisely defines in no uncertain terms why West Virginia needs the Marriage Protection Amendment.

For the sake of time; however, I would like to move quickly in describing the materials we have provided you today.

In 1980, the [American Bar Association](#) began reporting women were being treated differently from men in court proceedings.

The effort to counter this gender bias officially began in 1982 with the establishment of the [New Jersey Supreme Court Task Force on Women in the Court](#), whose mandate was to examine the nature and extent of the gender bias within that court system. During the next 15 years, similar task force activities were undertaken in more than 40 states.

In December of 1993, the West Virginia Supreme Court of Appeals created a Task Force on Gender Fairness in the Courts, later renamed the "[Committee on Equality in the West Virginia Judiciary](#)"

Under the leadership of [West Virginia Supreme Court Justice Margaret Workman](#), working in conjunction with the national "[Gender Bias Task Force Movement](#)", a Implementation Committee was established through the efforts of Justice Workman and stated as an "[outgrowth of the original committee](#)". Unfortunately, this initiative and its stated purpose to address "gender discrimination" in the courts became the Trojan Horse for the recognition of homosexuality throughout the Judiciary in West Virginia.

While we applaud the original stated intent of this initiative, the West Virginia Supreme Court of Appeals appears to have [taken the lead in redefining "gender discrimination" to also mean "sexual orientation"](#) and incorporated this decadent behavior into its [Code of Judicial Conduct Canon 3\(B\)\(5\) 3\(B\)\(6\)](#) as a "civil rights" protected class. Several other states courts have since followed West Virginia's lead in this particular endeavor.

This information is available from the [National Center for State Courts](#) which disseminates information to state court leaders on key national policy issues, and helps advocate their policies with Congress.

This action by the WV Supreme Court has effectively greased the skids for favorable rulings for homosexuals by directing judges, attorneys, litigants, witnesses, jurors and court personal not to show bias toward homosexuals. This information is contained in the document in your possession titled "[Final Report of the Task Force on Gender Fairness in The Courts, October 1996](#)".

In fact, as outlined in the legal opinion from [Liberty Counsel](#), the Supreme Court has already demonstrated a willingness to promote the acceptance of homosexuality by issuing favorable decisions for homosexuals by granting custody of children on June 17, 2005 and more recently on June 5, 2009. These two decisions are but stepping stones and a pretext to strike down West Virginia Defense of Marriage Act which our organization assisted in passage on April 4, 2000.

Furthermore, several members of the WV Legislature are relentless in their pursuit for "civil rights" status for homosexuals in both the WV Human Rights Act and the WV Hate Crime Statute, which we have effectively countered by God's grace. At least one of these legislators [presides as a member on the "Committee on Equality in the West Virginia Judiciary" initiative](#) who is married to one of the speakers here today.

We have always sought to build positive and enduring relationships with members of the WV Legislature, but will never compromise on the issues and mission of our organization, especially on the issue of normalizing homosexual behavior in our society or undermining the definition of marriage as recognized for over millennia.

Indeed, why would any legislator deny their constituents the ability to vote on this critical issue, especially in light of the information we have provided to this committee today?

For all the reasons mentioned, we respectfully request this committee to recommend a constitutional amendment be placed on the ballot in 2010 and allow the citizens of West Virginia to exercise their will on this most critical family policy issue.

In closing, we request these comments, including the materials provided today, to be accepted in the record of this proceeding.

Supplemental information of organizations collaborating in this national initiative.

[Legal Momentum](#) (Formerly, [NOW Legal Defense and Education Fund](#))

[The National Association of Women Judges](#)

[The National Judicial College](#)

[ABA Commission on Women in the Profession](#)

[The National Judicial Education Program](#)

[Conference of Chief Justices](#)

[American Judicature Society](#)

Other related information:

List of [National Gender Fairness Task Forces and Reports](#)

List of [state courts and status of “sexual orientation” in their Code of Judicial Conduct](#) monitored by the Human Rights Campaign, a national homosexual advocacy organization.

List of [state laws on “sexual orientation” and “gender identity”](#) monitored by the Human Rights Campaign, a national homosexual advocacy organization.

[ABA’s National Presidential Summit on *Diversity in the Legal Profession: The Next Steps*- 2009](#)