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News

July 14, 2009

Crowd packs legislative meeting on W.Va. marriage amendment

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Onlookers spill out into the hall as a legislative interim committee takes up a possible constitutional amendment defining marriage.

By **Alison Knezevich**
Staff writer

CHARLESTON, W.Va. -- As some states move toward legalizing same-sex marriage, conservative Christian groups are pressing West Virginia lawmakers to let voters ban it by amending the state constitution.

On Tuesday, an interim legislative committee studying a possible constitutional amendment -- which would define marriage as between one man and one woman -- heard from supporters and opponents of the idea. More than 70 people on both sides packed the committee room, and the crowd spilled into



Kenny Kemp

the hallway.

[Family Policy Council of West Virginia](#) president Jeremiah Dys told delegates and senators they have "no legitimate reason" to prevent a statewide referendum to amend the constitution.

Family Policy Council of West Virginia president Jeremiah Dys spoke in favor of a putting the marriage amendment to a statewide vote.



"The constitution of the state of West Virginia belongs to the people," he said.

Since 2001, West Virginia has had a Defense of Marriage Act, which prohibits it from recognizing same-sex marriages

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performed elsewhere. But Dys cited recent developments in other states -- such as Connecticut and Iowa -- as evidence that the law could be challenged in court.

"It is no longer debatable that there exists a coordinated, nationwide effort to redefine marriage," Dys said.

Legislators heard from two groups opposed to an amendment: the American Civil Liberties Union of West Virginia and [Fairness West Virginia](#).

Making minority rights "a function of popular opinion" endangers everyone's rights, said ACLU organizer and lobbyist Seth DiStefano.

Everyone has been part of a minority group at some point, DiStefano said -- whether because of their age, race, religion, gender, or disability.

"No one's rights are safe if anyone's rights can be taken away by the whim of popular opinion," he said.

Fairness West Virginia board president Stephen Skinner questioned how an amendment would protect heterosexual marriages from divorce and other problems.

"Is this going to help one marriage in West Virginia?" he asked.

He said people don't choose their sexual orientation, and asked whether the state's "Come Home to West Virginia" campaign should include an asterisk.

"Should it be, 'Come home unless you are gay or lesbian, because we don't really want you?'" he said.

At the start of the two-hour meeting, lawmakers also heard from constitutional expert Robert Bastress, a West Virginia University law professor.

Since the state constitution was ratified in 1872, it's been amended 73 times. But West Virginians have "rarely" changed the constitution's Bill of Rights, he said.

Besides prohibition in 1912, "we have never enacted an amendment that restricts or eliminates or contracts any individual right," Bastress said.

Later in the meeting, Jordan Lorence, senior counsel for the national group the [Alliance Defense Fund](#), disputed that interpretation. Five state constitutions ban polygamy, Lorence said.

Like other interim committees, the group that heard testimony Tuesday technically has no authority to advance a resolution calling for a constitutional amendment. It could make a recommendation to the full Legislature when the regular legislative session begins in January.

Committee co-chairs Sen. Herb Snyder, D-Jefferson, and Delegate Bonnie Brown, D-Kanawha, praised speakers for sticking with the legal aspects of amending the constitution, rather than moral or religious arguments.

"We're very pleased with the tone of the meeting to discuss what is often an emotional [issue]," Snyder said.

Still, there were a few heated moments when lawmakers asked questions of the speakers.

House Majority Whip Mike Caputo, D-Marion, asked Dys why






his group targeted him in a telephone poll on gay marriage. The pollsters asked residents to call Caputo to voice their opinion.

Caputo asked Dys why the phone campaign singled him out when his district has two other delegates. He also questioned why the group never asked for Caputo's position on the subject.

"I think that's very unprofessional," Caputo said.

During this year's legislative session, some other lawmakers also complained about the group's telephone campaigns.

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