



**MEMORANDUM**

TO: To Whom It May Concern

FROM: Jeremiah G. Dys, Esq., President and General Counsel

DATE: January 13, 2009

RE: Answers to Common Objections to a WV Marriage Protection Amendment

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Below is a list of common objections often made in opposition to a marriage protection amendment (MPA). Following the objections are answers you might make in gracious response to those objections.

Objection: *Same-sex “marriage” is never going to come to West Virginia.*

Answer: The greatest obstacle to passing a MPA in West Virginia may just be because there is such great support for marriage in West Virginia. While West Virginians clearly want to define marriage for themselves, there is a very determined and vocal minority financed by national activists who are intent on redefining marriage in every state.<sup>1</sup> Combine the determination of the opponents of marriage with the apathy of those who support marriage, and the result will be a great surprise on the great many West Virginians who support marriage as between one man and one woman.

Objection: *A special election for a MPA would cost the state more than \$1 million.*

Answer: While a special election will require a significant investment of taxpayer dollars, in the long run it is the most inexpensive option. Unless the voters of West Virginia define marriage within the State constitution, a legal battle over the definition of marriage will result.<sup>2</sup> The legal fees of the West Virginia Attorney General’s office alone will be in the multiple millions. Regardless of the result of any lawsuit, the legislature would be forced to consider a MPA anyway, costing the West Virginia taxpayer additional millions before allowing West Virginians to vote on the matter. In short, if West Virginians do not shut the door on same-sex “marriage” now, to do so in the future becomes a much more expensive prospect. A MPA during a 2009 special election is the quickest, easiest, least-expensive method of defending marriage.

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<sup>1</sup> Read the memo released by the ACLU, the Human Rights Campaign and other opponents of marriage at [www.familypolicywv.com](http://www.familypolicywv.com).

<sup>2</sup> For a review of the several scenarios in which this could occur, see the memos prepared by the Alliance Defense Fund at [www.familypolicywv.com](http://www.familypolicywv.com).

Objection: *West Virginia has a Defense of Marriage Act (DOMA). An amendment is unnecessary.*

Answer: Voters in California, Connecticut, and several other states thought so too. Unfortunately, just a handful of judges on their state supreme courts invalidated their DOMA's and made same-sex "marriage" a reality in their states. In West Virginia, just three judges on the Supreme Court of Appeals could invalidate our DOMA. If the U.S. Congress overturns<sup>3</sup> the Federal DOMA, the WV DOMA would be ineffective. Moreover, the WV DOMA merely prevents the recognition of same-sex relationships as marriage. There is no binding definition of marriage within West Virginia law. The only way to protect marriage as the union of one man and one woman is to define it within the Constitution of the State of West Virginia.

Objection: *Isn't this something that can just wait until the general election in 2010?*

Answer: Opponents of marriage get stronger with each passing year, as does the public acceptance of same-sex lifestyles. The acceptance of same-sex "marriage" just 15 years ago was not even half of what it is today. With an endless supply of money to refine their rhetoric and disseminate their propaganda, opponents of marriage think they can "wait out" any obstacle to their success. Moreover, the public acceptance of same-sex "marriage" will reach an even greater height with the coming of age of millions of young voters in the next two election cycles.

In addition, the political leadership in West Virginia has been reluctant to allow this issue to be placed on a general election ballot for fear of the loss of some seats of power. While this is an unfounded fear,<sup>4</sup> it is a popular excuse that is not easily overcome. Unless the MPA is placed on the ballot in 2009, it is unlikely that it will have another opportunity until 2013.<sup>5</sup> By then, it will likely be too late.

The threat is real. Same-sex "marriage" is a closer reality in West Virginia than many think. It would be easy and inexpensive for opponents of marriage to launch West Virginia into a legal chaos as they attempt to redefine marriage. Five judges in Charleston should not be allowed to alter the Biblical definition of marriage for all of West Virginia. West Virginians want to define marriage for themselves. They do not want a government setting a policy - or courts imposing a system - that knowingly deprives children of a mom and a dad.

In short, the people of West Virginia should define marriage. Not judges.

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<sup>3</sup> The Democrat National Committee's platform has the repeal of Federal DOMA as a plank in their party platform for the next 4 years.

<sup>4</sup> 73% of the respondents to our poll said they would be "more likely" to vote for a politician who supported a MPA. To download the poll, go to [www.familypolicywv.com](http://www.familypolicywv.com).

<sup>5</sup> Because it precedes a national and state general election year, it is unlikely that 2011 would find this issue on the ballot in West Virginia.