

:The Dominion Post;:Apr 12, 2009;:Opinion;:25

# GUEST COMMENTARY

## The sky is not falling

### Threat to marriage has no basis in fact, just manipulation

**BY BARBARA FLEISCHAUER**

Remember the fable about Chicken Little? A chicken gets hit on the head by an acorn and believes the sky is falling. She tells other animals and mass hysteria breaks out. An unscrupulous fox uses this to manipulate the animals, some of whom end up as his supper.

That is not very different from what has happened with a proposal to change our state constitution to ban gay marriage. According to the Family Policy Council of West Virginia, marriages are threatened, citizens are being denied the right to vote and democracy in the state of West Virginia is at risk. It has been said that another delegate [Carrie Webster, DKanawha] and I are preventing citizens from voting on this issue.

There are several reasons this is not true — all of them are practical, not ideological.

First, we have had a Defense of Marriage Act since 2000 stating that marriage is only between a woman and a man. Second, our state Supreme Court has already refused to consider a challenge to that law. Third, almost all DOMA laws, including the federal law, have been upheld. The only state Supreme Court ever to overturn one was Iowa (California, Connecticut and Vermont did not have DOMA laws). Fourth, in our representative democracy, the voters have already had their opportunity to vote — for delegates, senators, governor and, unlike Iowa, for our Supreme Court. And fifth, our governor has stated that if our court were ever to overturn our DOMA law, he would call a special session. If we reach that point, which I strongly doubt, voters would have another opportunity to vote.

I strongly support the institution of marriage. However, we have many more immediate and pressing issues, such as rising unemployment, lack of health care and a growing budget deficit.

The last thing we need at this time is a costly special election over a divisive, hypothetical and unlikely threat to our marriage laws.

The decision not to pursue a constitutional amendment at this time was made by the leadership of the House and Senate, and the governor, not by me or any single person. It is the judgment of the Legislature and the governor that our law is solid and that there will be time to act if something changes.

Whatever you read or hear, the sky is not falling. But like the Chicken Little story, many people are being manipulated into thinking there is a crisis. The West Virginia Family Policy Council is like Don Blankenship all over again. Like the millions spent by the Massey Energy CEO's "And for the sake of the kids" campaign to unseat Democrats, this campaign for a constitutional amendment is headed by a nonunion coal company president.

For its fundraising and its Web site, the Family Policy Council of West Virginia uses "campaignsecrets.com," an out-of-state consulting firm which brags that it is, "America's leading company focusing exclusively on electing Republicans to local office."

And like prior "wedge issue" campaigns, there have been lots of dirty tricks. On March 23, a letter was delivered to my office demanding that I show up at a forum in Morgantown on March 25 at 5:30 p.m. I saw the letter when I

returned from my Judiciary Committee meeting at 9 p.m. I e-mailed and faxed a response indicating that I could not attend. We had split sessions (at 11 a.m. and 5 p.m.) every day that week and I had committee meetings until late every night after session.

Even though he knew I could not attend, Jeremy Dys, the executive director of the Policy Council, apparently did not inform attendees. He and they continue to criticize me for refusing to skip scheduled meetings at the Legislature and attend their last-minute forum. Had I forsaken my legislative duties, I would undoubtedly have been attacked for missing critical votes at the Capitol. As a delegate, I believe my duties to the citizens who elected me come before any duty to race six hours back and forth for Dys' meeting in Morgantown.

Perhaps more disturbing are the threats and violent imagery used against me. At a coal association reception, Delegate Bob Beach, D-Monongalia, was told by Dys that the Policy Council would be "gunning for" me and for him, if he did not force me to put the amendment on the agenda of the committee I chair. Fliers were passed out showing a picture of a piece of glass with an apparent bullet-hole through it.

A video was made with a sniper's target over a picture of a happy family urging people to call legislators. Radio ads were purchased demanding that I be called and told to move the amendment out of the [House] Constitutional Revision Committee, which meets only once a week. A telemarketing company forwarded calls to my office. Several people told me that when they did not agree with the anti-gay message, the telemarketers hung up on them. A CD delivered to my office from the campaign contained a virus which may have destroyed my assistant's computer. Thousands of dollars have been spent on advertising, polling, mailings and consulting fees for this campaign.

Despite this furious and expensive attempt to bully the Legislature, the proposed amendment did not make it through the 60-day legislative session this year. Nevertheless, citizens can rest assured that the Legislature will act, if a need arises.

Sometimes, when you obtain additional facts, your perspective changes. The comedian Steven Wright has an appropriate "chicken little" quote for this situation: "The sky is falling — No, I'm tipping over backward!"

The sky is not falling in West Virginia, unless you have been manipulated into tipping over backward and are unable to see straight.

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