CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975 Effective January 1, 1976

Including Amendments Received Through May 1, 2004

Current

CANON 3 A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

- (1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.
- (2) A judge shall maintain order and decorum in judicial proceedings.
- (3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.
- (4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.
- (5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.
- (6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

- (7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.
- (8) A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.
- (9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

- (a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;
- (b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;
- (c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:
 - (i) the means of recording will not distract participants or impair the dignity of the proceedings;
 - (ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;
 - (iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and
 - (iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

COMPARISON

CODE OF JUDICIAL CONDUCT

Effective January 1, 1976

Including Amendments Received Through March 1, 1993

CANON 3

A Judge Should Perform the Duties of His Office Impartially and Diligently

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

- (1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.
- (2) A judge should maintain order and decorum in proceedings before him.
- (3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.
- direction and control.

 (4) Except as pernitted by law, a judge should not permit private or ex parte interviews, arguments or communications designed to influence his judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries. secretaries.
- (5) A judge should dispose promptly of the business of the court.
- (6) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.
- (7) Except as herein provided a judge should pro-hibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court recesses between sessions

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CODE OF JUDICIAL CONDUCT

Effective January 1, 1976

Including Amendments Received Through March 1, 1994

CANON 8

A Judge Shall Perform the Dutles of-Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

- (1) A Judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear
- (2) A judge should maintain order and decorum in judicial proceedings.
- (3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.
- (4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest mance of judicial auties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.
- (5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, against parties, witness—53, counsel or others. This Section 3A(5) does not preclude legitimate advocacy when race, sex, religion, pational origin disability age sexual orientation or national origin, disability, age, sexual orientation or socioeconomic status, or other similar factors, are issues in the proceeding.
- (6) Except as permitted by law, a judge should not (6) Except as permitted by law, a judge should not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court owhom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.
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into Code of Judicial Conduct during 1993-1994 as well as the Sexual Orientation" language was inserted Following objection by numerous judges by Louisiana Supreme Court.

udges, all references to

"sexual orientation" were

Louisiana Council of Juvenile and Family Court

Louisiana City Judges Association and the



BATON ROUGE CITY COURT

POST OFFICE BOX 3438
BATON ROUGE, LOUISIANA
70821

DARRELL D. WHITE JUDGE DIVISION C

August 5, 1996

SUITE 219, CITY COURT BUILDING 233 ST. LOUIS STREET (504) 389-3346 FAX (504) 389-7656

Honorable Andrew B. Gallagher Judge, Caddo Parish Juvenile Court 1835 Spring Street Shreveport, LA 71101-4298

Re: "Sexual Orientation" Issue

Dear Judge Gallagher:

I understand from Judge Nancy Konrad that you will be attending a meeting of the National Council of Juvenile and Family Court Judges next month. Nancy requested that I forward some material to you that might be useful in the education of your colleagues concerning the implications associated with "sexual orientation" protected status provisions within their respective states' judicial ethics codes.

Accordingly, I forward herewith some material that I had recently shared with Nancy on that subject. I would especially commend to your attention the research done by Paul Cameron, of the Family Research Institute, who is both extremely knowledgeable and helpful in this cause. You may wish to contact him directly yourself.

I appreciate your interest in this important issue, and stand ready to assist in any way possible.

Sincerely,

Darrell D. White Judge, Division C

enclosures

cc: Honorable Nancy Konrad, 9108 Tanglewild Place, River Ridge, LA 70123



BATON ROUGE CITY COURT

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BATON ROUGE, LOUISIANA
70821

DARRELL D. WHITE JUDGE DIVISION C

SUITE 219, CITY COURT BUILDING 233 ST. LOUIS STREET (504) 389-3346 FAX (504) 389-7656

April 24, 1996

Mr. Timothy F. Averill, Deputy Judicial Administrator Louisiana Supreme Court 301 Loyola Avenue Room 109 New Orleans, LA 70112-1887

Re: Louisiana Code of Judicial Conduct

Dear Mr. Averill:

Receipt is acknowledged of your April 24th telephone call advising my office that the Advisory Committee to the Louisiana Supreme Court for Revision of the Code of Judicial Conduct did not act at its April 17th meeting to delete reference to "sexual orientation" in the proposed draft of that document. I do understand from your call that my recommendation in that regard (endorsed by both the Louisiana Juvenile Judges' Association and the Louisiana City Judges' Association) will be sent to all judges and the Supreme Court during the month of May.

To preserve an accurate historical record concerning this issue, I respectfully request that your office provide me with the following information:

- 1. The Order adding the "sexual orientation" language to the Louisiana Code of Judicial Conduct.
- 2. Any correspondence soliciting the views of the Louisiana Judiciary prior to adoption of the "sexual orientation" language referenced in (1) above, or confirmation that no such prior solicitation was made.
- 3. Any correspondence specifically announcing to the Louisiana Judiciary the adoption of the "sexual orientation" language referenced in (1) above, or confirmation that no such specific announcement was published to the Louisiana Judiciary.

Your courteous attention to this request will be appreciated.

Sincerely

Darrell D. White Senior Judge

TWELFTH JUDICIAL DISTRICT COURT



HAROLD J. BROUILLETTE JUDGE, DIVISION B P.O. BOX 125 MARKSVILLE, LA. 71351 AVOYELLES PARISH COURTHOUSE 301 NORTH MAIN STREET MARKSVILLE, LOUISIANA 71351

January 16, 1996

COURTHOUSE OFFICE (318) 253-9418 120 E. MARK ST. OFFICE (318) 253-7732

Hon. Walter F. Marcus, Jr. Associate Justice La. Supreme Court 301 Loyola Avenue New Orleans, La. 70112-1887

Re: Proposed Amendments to the Louisiana Code of Judicial Conduct

Dear Justice Marcus:

Thank you for your courtesy and attention in our telephone conversation on January 12, 1996. Pursuant to your request, this will confirm the information conveyed in that conversation. You will recall that the reason for communicating with you by telephone was to meet a response deadline on the above issue.

At the regularly scheduled January meeting of the Louisiana Council of Juvenile & Family Court Judges held in New Orleans on January 11, 1996, the membership adopted a resolution recommending an amendment to Canon 3 of the Louisiana Code of Judicial Conduct to remove the term "sexual orientation" in Paragraphs A(4) and A(5). As you know, along with other changes, this term was added to the Code between March 1, 1993 and March 1, 1994.

Without going into the discussions of the group leading up to adoption of the resolution, it is fair to say that the group essentially expressed agreement with the thoughts and ideas expressed in Judge Darrell D. White's letter to you of January 5, 1996.

We shall appreciate your making this resolution known to the appropriate committee or committees.

Yours truly,

Harold J. Brouillette Judge, Division B

President, Louisiana Council of Juvenile &

Family Court Judges

HJB/blr

bcc: Hon. Darrell D. White

LOUISIANA CITY JUDGES ASSOCIATION



Post Office Box 2148

Baton Rouge, Louisiana

April 17, 1996

The Honorable Walter Marcus Justice, First District Supreme Court of Louisiana 301 Loyola Avenue New Orleans, Louisiana 70112

VIA FACSIMILE: 504/568-5893

Dear Justice Marcus:

At the April 11 membership meeting in Lafayette, the Louisiana City Judges Association voted to request the removal of the sexual orientation language from the proposed Code of Judicial Conduct.

Although formal Minutes have not yet been prepared, the pertinent portion of the proceedings relative to this action is as follows:

"MOTION Judge Brandon, Second Judge Delery to request the Code of Judicial Conduct Advisory Committee to delete the current language in the draft Code relative to sexual orientation and insert instead, general language that judges should not have bias. MOTION CARRIED UNANIMOUSLY."

I have been requested to bring this action to your attention, since your Advisory Committee is having ongoing meetings to develop the language for the Code. On behalf of the Association, your consideration of this position would be appreciated. Thank you.

Executive Director



BATON ROUGE CITY COURT

POST OFFICE BOX 3438
BATON ROUGE, LOUISIANA
70821

DARRELL D. WHITE JUDGE DIVISION C

March 29, 1996

SUITE 219, CITY COURT BUILDING 233 ST. LOUIS STREET (504) 389-3346 FAX (504) 389-7656

Honorable Walter F. Marcus, Jr., Associate Justice Louisiana Supreme Court 220 Supreme Court Building 301 Loyola Avenue New Orleans, LA 70112-1887

Re: Code of Judicial Conduct

Dear Justice Marcus;

I am aware at this point that the Louisiana Juvenile Judges' Association along with a number of individual judges and legislators have written requesting that the Advisory Committee act to remove "sexual orientation" language from Louisiana's Code of Judicial Conduct. I also understand that the Advisory Committee at its February 14th meeting elected not to remove or even define the term so as to restrict eventual inclusion of pedophilia or other aberrant "orientations."

Concerned that further inaction by the Advisory Committee will unwittingly promote the political agenda of the homosexual lobby to the detriment of our future, I write to respectfully request reconsideration of this issue when the Committee meets again on April 17th.¹

Attached at Tab A is a report of male homosexual activity taken from a survey conducted by *The Advocate*, a national magazine for homosexuals. Notwithstanding the distinction between conduct and orientation, that the Louisiana Code of Judicial Conduct would expressly countenance a status whose very identity gives expression and approval to such activity is not in the State's best interests. History teaches us that no society has

[&]quot;Converting the general public into supporters of homosexual demands is an unrealistic objective according to Marshall Kirk and Hunter Madsen [in their comprehensive summary of the homosexual lobby's political strategy entitled, After the Ball: How America Will Conquer Its Fear and Hatred of Gays in the 90's.] 'At least at the outset, we seek desensitization and nothing more. You can forget about trying right up front to persuade folks that homosexuality is a good thing. But if you can get them to think it is just another thing - meriting no more than a shrug of the shoulders - then your battle for legal and social rights is virtually won.... The fastest way to convince straights that homosexuality is commonplace is to get a lot of people talking about the subject in a neutral or supportive way." The New American, April 1, 1996, page 6.

Honorable Walter F. Marcus, Jr., Associate Justice Code of Judicial Conduct (March 29, 1996)

loosened sexual morality outside marriage and survived.2

Moreover, failure to remove language extending protected status on the basis of sexual orientation would most assuredly set the stage for eventual requirement of "sexual orientation" sensitivity training of the Louisiana judiciary. If and when it comes, such training will doubtless take the position that traditional religious views of homosexuality are intolerant and thus unacceptable. An examination of current events in our Nation clearly bears witness of this clash of opposing worldviews (Tab B). Obviously the Roman Catholic Church's position on homosexuality would be viewed as inappropriate, which would jeopardize even the future of the Louisiana Judiciary's annual Red Mass ceremony (Tab C).

As indicated in my January 5, 1996, letter to you, our Judiciary can avoid the negative implications of the non-bias issue without sacrificing the underlying operative principle simply by stating in Canon 3A that judges shall not engage in or tolerate prejudice, period. At least 4 other states have already handled this issue thusly.

Thank you for your courteous attention to this matter.

Sincerely,

Darrell D. White

Judge, Division C

enclosures

cc: Members of the Advisory Committee and Judges of the State of Louisiana.

[&]quot;Analyzing studies of cultures spanning several thousand years on several continents, [late Harvard sociologist Pitirim] Sorokin found that virtually all political revolutions that brought about societal collapse were preceded by sexual revolutions in which marriage and family were no longer accorded premiere status. To put it another way, as marriage and family ties disintegrated, the social restraints learned in families also disintegrated. Societal chaos ushers in tyrants who promise to restore order by any means." The American Family Association Journal, April 1996, page 17

Psychiatry falters, America sleeps

The erosion of heterosexuality

By CHARLES W. SOCARIDES, M.D. (originally published in The Washington Times)

The author is a clinical professor of psychiatry at Albert Einstein College of Medicine, Montefiore Medical Center in New York. He is president of the National Association for Research and Therapy of Homosexuality.

A significant portion of society today holds the belief that homosexuality is a normal form of sexual behavior different from, but equal to, that of heterosexuality. Many religious leaders, public officials, educators, social and mental health agencies – including those at the highest level of government, departments of psychiatry and psychology, and mental health clinics – have been taken in by a wide spread sexual egalitarianism and by accusations of being undemocratic or prejudiced if they do not accept certain assertions that are thrust upon them, as if they were deprived of all intellectual capacity to judge and reason.

This revolutionary change in our sexual mores and customs has been ushered in by a single act of considerable consequence: The removal of homosexuality from the category of aberrancy by the American Psychiatric Association in 1973. It is, furthermore, a fateful consequence of our disregard for established psychoanalytic knowledge of human sexual behavior.

This act was naively perceived by many psychiatrists as the "simple" elimination of a scientific diagnosis in order to correct injustices. In reality, it created injustices for the homosexual and his family, as it belied the truth and prevented the homosexual from seeking and receiving help. At the social, group, and community level, it proved to be the opening phase of a two-phase sexual radicalization; the second phase being the raising of homosexuality to the level of an alternative lifestyle - an acceptable psychosexual institution - alongside heterosexuality as a prevailing norm of behavior. The motivating force behind this movement was the wish to protect the homosexual against injustices and persecution. This could have been legitimately effected by the demand for equal rights for the homosexual, a demand arising from the humanitarian philosophy so deeply embedded in our humanistic science. Instead, the false step of removing homosexuality from our manual was substituted. This amounted to a full approval of homosexuality and an encouragement to aberrancy by those who should have known better, both in the scientific sense and in the sense of the social consequences of such removal. To many American psychiatrists, this action remains a chilling reminder that if scientific principles are not fought for

they can be lost – a disillusioning warning that unless we make no exceptions to science, we are subject to the snares of political factionalism and to the propagation of untruths to an unsuspecting and uninformed public, to the rest of the medical profession, and to the behavioral sciences.

The devastating clinical fallout from this decision was yet to follow. Those who would prefer to retain homosexuality as a valid diagnosis have been essentially silenced in lectures, meetings, and publications; a silencing that originates both within our association and from other sources as well. Political parties and religious leaders have been utilized to reinforce this silence. The press has been influenced in addition to the electronic media. Television and movies promote homosexuality as an alternative lifestyle and censor movies that might show homosexuality as a disorder. Homosexual sex education has entered our schools and colleges; pro-gay activists - homosexual or otherwise - portray their way of life as normal and as "American as apple pie." while intimidating those with different views. In essence, this movement has accomplished what every other society, with rare exceptions. would have trembled to tamper with: a revision of the basic code and concept of life and biology, that men and women normally mate with those of the opposite sex and not with each other.

This psychiatric nonsense and social recklessness bring with it many individual tragedies, as men and women who no longer appreciate their own appropriate sexual roles create confusion in the very young for generations to come. Gender identity disturbance is bound to increase, and more true homosexual deviations result as parents distort the maleness or femaleness of their infants and children.

Currently, homosexuals who are in therapy have developed tremendous resistance, which retards their progress, while others are dissuaded even from seeking appropriate help. Other medical specialists, such as pediatricians and internists, are baffled by psychiatry's folly. Residents in psychiatry have very little interest in going into an area of psychiatric research where they will be attacked, belittled, demeaned, and where their knowledge of sexual development will cease

The Advocate Survey - 1994

This information on homosexual activity is taken from *The Advocate*, a national magazine for homosexuals. The study included 2500 homosexual men. Results were published in the August 23, 1994, issue.

| Sex acts men say they love | |
|---------------------------------|-------|
| Insertive oral intercourse | 72% |
| Receptive oral intercourse | 71% |
| Insertive anal intercourse | 46% |
| Receptive anal intercourse | 43% |
| Receptive anilingus | |
| (tongue in the anus) | 45% |
| Insertive anilingus | 29% |
| Sex acts (last five years) | |
| Three-way sex | 48% |
| Group sex (four or more) | 24% |
| Bondage & discipline sex | 20% |
| Use of nipple clamps | 19% |
| Sadomasochism | 10% |
| Where partners met (last five y | ears) |
| Bar/disco | 65% |
| Bathhouse, sex club | 29% |
| Adult bookstore | 27% |
| Park, bathroom | 26% |
| Roadside rest area | 15% |

- Most (57%) report having had more than 30 partners over their lifetime, and about a third (35%) report more than 100 partners.
- About one quarter (26%) of HIV-positive men who have had insertive oral intercourse have ejaculated in another man's mouth, most typically with someone they have just met.
- Among men who have had insertive anal intercourse in the past year, 44% ejaculated in a partner without a condom. Among those who had receptive anal intercourse in the past year, 58% had a partner ejaculate without a condom.
- Among HIV-infected men who have had insertive anal intercourse in the past year, 19% ejaculated without wearing a condom. They most typically did this with long-term partners or with men with whom they had a purely sexual encounter rather than within the context of a relationship.
- Anilingus (tongue on or in the anus) is fairly common: 41% have performed it in the past year, and 47% have received it. When engaging in insertive and receptive anilingus, only 4% to 5%, respectively, have used dental dams to prevent the spread of sexually transmitted diseases.
- Among men who had had a positive result from an HIV antibody test, 11% have said or implied that they were HIV-negative in order to have sex.

to grow. Above all, however, it is the individual homosexual wishing to change who suffers the most.

Young men and women with relatively minor sexual fears are led with equanimity by some psychiatrists and non-medical counselors into a self despising pattern and lifestyle. Adolescents, nearly all of whom experience some degree of uncertainty as to sexual identity, are discouraged from assuming that one form of gender identity is preferable to another. Those persons who already have a homosexual problem are discouraged from finding their way out of self destructive fantasy discouraged from learning to accept themselves as male or female, discouraged from following those often painful but necessary courses that allow people to function as reasonable and participating individuals in a cooperating society.

After all, homosexuality cannot create a society or keep one going for very long. It operates against the cohesive elements of society. The sexes are driven in opposite directions, and no society can long endure when either the child is neglected or the sexes war with each other. Those who reinforce the disintegrating elements in our society will get no thanks from future generations.

Individuals who adamantly insist that homosexuality is an alternative lifestyle have not been stopped by appeals to tradition, enlightened self-interest, or even the established findings of psychoanalysis. Threats about what would happen to society do not have much effect – no one considers himself society's guardian. Average citizens say they don't quite know what these social interests are, and after all, aren't personal decisions about sex a private matter? The answer to that question, contrary to popular opinion, is no.

Psychoanalysis reveals that sexual behavior is not an arbitrary set of rules set down by no-one-knows who, for purposes which no one understands. Our sexual patterns are a product of our biological past, a result of humanity's collective experience in its long biological and social development. They make possible the cooperative coexistence of human beings with one another. At the individual level, these patterns create a balance between the demands of sexual instinct and the external realities surrounding each of us. Not all cultures survive - the majority have not - and anthropologists tell us that serious flaws in sexual codes and institutions have undoubtedly played a significant role in many a culture's demise. When masses of people think similarly about long-standing customs, their collective behavior will, in the last analysis, have a profound impact on the whole of society.

Scientists, psychologists, psychiatrists,

JOURNAL

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political leaders, public officials, and others with vested interests, ransack literature for bits of fact and theory that can be pieced together into a pro-homosexual or bisexual concept of nature, humanny, and society. Some individuals say that homosexuals are healthy, society is sick, and that science should cure society. Others raise false or outdated scientific issues to do battle with traditional values.

Many of our values could use some change, but polemical pseudoscience and genetics without corroboration is not the way. No society has accepted preferential homosexuality. Nowhere is homosexuality, or so called "bisexuality," a desired end in itself. Nowhere do parents say, "It's all the same to me if my child is heterosexual or homosexual." Nowhere are homosexuals more than a small minority at the present time. Nowhere does homosexuality per se place one in an enviable position.

Some pro-homosexual proponents within the behavioral sciences state that mental illness is simply a product of social definition, and that sexual behavior considered normal in one society may be deviant in another. Examination of the facts shows that this is not true of all illness and all behavior. Some behaviors are universally deviant and every society considers them destructive. Incest, rape, and psychopathic (apparently unmotivated) violence are considered taboo in all societies. So is predominant or exclusive homosexuality or even bisexuality. While homosexuals can and should be protected by all the laws of society, homosexuality should not be encouraged.

The forces allied against heterosexuality are formidable and unrelenting. Charges of being "undemocratic," "cruel and inhuman,"

or "irresponsible, homophobic, and prejudiced," are leveled at those who would question the normality of homosexuality. These accusations are then reinforced by the media and motion pictures, and render the ordinary citizen who disapproves of such practices (as well as faint-hearted members of the psychiatric and psychological professions) mute before their onslaught.

The counteraction for such forces is the knowledge that heterosexuality has self-evident, adaptive value. Man is not only a sexual animal, but a care-bonding, group-bonding, and child-rearing animal. The male female design is taught to the child from birth and culturally ingrained through the marital order. The male female design is thus perpetually maintained and it is only overwhelming fear or man's false pride and misdirected individual enterprise that can disturb or divert it.

All of this is enough "to make the angels weep." I borrow the phrase from one of William Shakespeare's bitter comedies, *Measure for Measure*. One of my patients brought the quote to my attention some time ago, as he himself mused about his condition. (He is a homosexual and a distinguished scholar, but he is learning about the dynamic forces behind his homosexuality and how to gain control of them.) Here's the entire quote:

But man, proud man
Dress'd in a little brief authority,
Most ignorant of what he's
most assur'd,
His glassy essence like an angry ape
Plays such fantastic tricks before high
heaven
As makes the angels weep.

AMERICAN FAMILY ASSOCIATION

WASHINGTON WATCH®

In 1888, the U.S. Supreme Court declared that marriage is "the foundation of the family and of society, without which there would be neither civilization nor progress."

Because of its crucial role, marriage has a special status within the culture and the law. Its essence — the joining of one man and one woman in an exclusive legal, sexual, economic and spiritual bond with the procreation of children as a desirable and common result — had not been seriously challenged for thousands of years.

Hawaiian Havoc

Now, a tiny segment of a tiny fraction of the population - the homosexual activist community - is on the verge of radically redefining marriage and family. If they succeed, all distinctions based on sex may fall, and the worst aspects of the rejected Equal Rights Amendment will be imposed. Homosexuals will gain the "right" to adopt children; schoolchildren will be taught that homosexual sex is the equivalent of marital love between husband and wife: businesses will be forced to subsidize homosexual relationships; churches will be pushed outside the civil law; and government power will be wielded against anyone who holds the biblical view of homosexuality.

In August, a Hawaiian court is expected to strike down that state's law limiting marriage to "one man and one woman." The case, Baehr v. Lewin, was brought by three same-sex couples who charged the state with "discrimination" for not granting them marriage licenses. Despite widespread opposition within Hawaii (recent polls show that 71% of Hawaiians oppose same-sex "marriage"), homosexual activists hope to impose their agenda through compliant courts.

Because the U.S. Constitution's Full Faith and Credit Clause calls for states to honor each other's laws, homosexuals are planning to fly to Hawaii, "marry," and return to the mainland to claim "married" status. About 25 states now have efforts underway to protect

SHREDDED Bliss

marriage, and three of them — Hawaii, Utah and South Dakota — have enacted new laws protecting marriage.

In Washington, a bill is being drafted to bind the federal government to a "one-man, one-woman" definition of marriage. Tentatively titled the Defense of Marriage Act (DOMA), the bill would protect the military, Social Security, and all federal agencies from radical redefinition of wedlock.

Full Court Press

The marriage battle is being fought while several other key cases involving

TWENTY-FIVE STATES MOVE TO PROTECT MARRIAGE.

homosexuality are being decided in the nation's courts. The Supreme Court is expected to rule soon in a key Colorado case in which voters had passed a constitutional amendment to bar any city or county from enacting special rights based on sexual orientation. About a dozen cases challenging the military's ban on

homosexuality are being heard around the nation.

In Georgia, a federal appeals court ruled in favor of a lesbian fired from her job at the state attorney general's office after she announced that she had "married" her lover. Bear in mind that the attorney general is required to defend Georgia's sodomy law. In New York, the state's high court opened adoption proceedings to homosexual couples and unmarried heterosexual couples, thus devaluing marriage and jeopardizing ehildren.

The pattern is clear: homosexual activists are using the courts to get what they cannot achieve through democracy. But the courts do not operate in a vacuum. U.S. Supreme Court justices noted that one factor that affected the Casey decision upholding Roe v. Wade was the court's public image. Amherst legal scholar Hadley Arkes notes that if Americans boldly defend marriage, the courts may hesitate to radically redefine it. If the states pass marriage protection bills, and Congress enacts DOMA, the judicial assault on traditional morality could falter.

What You Can Do

Call your Congressman and Senators and ask that they cosponsor the coming Defense of Marriage Act. The Capitol Hill switchboard is 202-225-3121.

Call state legislators and ask them to support your state's marriage protection bill, or if there isn't yet such a bill, ask them to sponsor one.

Educate yourself about the threat to marriage today — from mistaken public policies and cultural decay. Consult the enclosed reply card for information on new resources that defend this embattled, but essential institution.

FOR CURRENT
LEGISLATIVE INFORMATION DIAL
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UPDATED EVERY FRIDAY.

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On the Hill

Border Order. H.R. 2202 by Rep. Lamar Smith (R-Tex.), and two competing Senate bills, Alan Simpson's (R-Wyo.) S. 1394 and Spencer Abraham's (R-Mich.) S. 1535, each seek to reform immigration policy. FRC deplores nativist rhetoric and supports provisions which reflect the following principles: (1) Illegal immigration must be halted; America should not reward those whose first act in this country is to break the law, and (2) America must remain a country that welcomes legal immigrants, with appropriate safeguards for our national sovereignty.

Red Letter. President Clinton went on record in a Feb. 28 letter to Senate Judiciary Committee Chairman Orrin Hatch (R-Utah), saying he will veto the Partial-Birth Abortion Ban Act when it reaches his desk. Mr. Clinton claims the legislation is unacceptable because it does not protect a woman's life or "health." FRC responded by saying, "That President Clinton would veto a ban on a procedure characterized as four-fifths infanticide and one-fifth abortion shows his clear disregard for the value of human life."

Gambling Gambit. On March 5, the House of Representatives passed legislation to establish the National Gambling Impact and Policy Commission. The nine-member commission would conduct a two-year study and report its findings to states, Congress and the president. "[T]his legislation creates no new regulations and imposes no new mandates on gambling or state and local governments," said its sponsor, Rep. Frank Wolf (R-Va.). The sole purpose, he added, is to help communities make informed decisions on gambling questions. Senate consideration is next.

Healthy Debate. On April 18-19 the Senate will debate a health insurance reform bill sponsored by Ted Kennedy (D-Mass.) and Nancy Kassebaum (R-Kan.). The bill, which President Clinton supports, does not contain medical savings accounts (MSA's), and would give Health and Human Services Secretary Donna Shalala the power to ensure that state health insurance plans conform with the "goals" of the bill, including "comprehensive coverage." A related House bill, sponsored by Rep. Dennis Hastert (R-III.), is expected to contain MSA's, no new taxes, and no defined comprehensive benefits package.

Around Town

Teens and AIDS. A new study released by the White House advocates more efforts to reduce the spread of AIDS among teenagers. Twenty-five percent of Americans infected with AIDS each year are under the age of 20. The report calls for more explicit AIDS education and HIV testing without parental notice. Meanwhile, a House-Senate conference committee on the Ryan White Care Act reauthorization is deadlocked over an amendment by Reps. Tom Coburn, M.D. (R-Okla.) and Gary Ackerman (D-N.Y.) to require AIDS testing of newborns. The Clinton administration opposes the requirement-FRC supports it.

Wing and a Prayer. The Department of Transportation is at odds with a DOT employees' group over whether a prayer and fellowship group can label homosexual behavior a sin. The 50-member Christian organization has waited more than 14 months for official status because it rejects a "nondiscrimination" clause that includes sexual orientation. Group leaders say they welcome homosexuals, but cannot agree to give them leadership positions or sanction actions they consider sinful. Meanwhile, DOT has already given preferential treatment to GLOBE, the Gay, Lesbian or Bisexual Employees group.

Across the Nation

Court-Assisted Suicide. The Ninth U.S. Circuit Court of Appeals ruled

March 7 that Washington state's ban on assisted suicide is unconstitutional. The next day, a Michigan jury acquitted Dr. Jack Kevorkian on charges of assisting in the suicide of two individuals, the second time he has been exonerated. Judge Stephen Reinhardt, writing for the Ninth Circuit's 8-3 majority, directly linked the ruling with Roe v. Wade, the 1973 case that established abortion on demand. Decision by Washington state officials on an appeal to the U.S. Supreme Court is pending.

Damsels in Distress. A new Population Reference Bureau study confirms what Massachusetts and California have already found: about two-thirds of births to teenage girls are fathered by men age 20 or older. In addition, a 1994 Alan Guttmacher Institute report found that six of 10 girls who had sex before age 15 were coerced by males an average of six years their senior. As more girls grow up without fathers to protect their honor, their search for a father figure leaves them more vulnerable to predatory males.

Grave But Stable? Another Population Reference Bureau report reveals both positive and negative trends among U.S. families. Good news is that the divorce rate has leveled off, the growth rate of single-parent families has been halved, and more two-parent families with children have formed. However, the report also shows that the U.S. still has the world's highest divorce rate and that single-parent families are increasing three percent annually. Census reports such as these sometimes reflect only a change in demographics, not a genuine attitudinal shift.

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Tove in Action - PO Box 2655 San Rafael. CA 94912 415 - 454 - 0960

March, 1991

Dear Love In Action Friends:

"As a man thinks in his heart, so is he." (Proverbs 23:7)

Is Homosexual Orientation Sin?

By Frank Worthen

This month I am tackling a subject that finds wide disagreement among Christians. One official publication of the Catholic church says the act of homosexuality is sin, while the condition of homosexuality is not.

Most Protestants agree with this conclusion. To take a good look at this controversy, we must take a few steps back and see exactly what we are talking about.

Definitions. What does orientation mean? One definition is this: "Psychological awareness of one's environment as to time, space, objects and persons" (Webster's). That's not much help.

To the homosexual, orientation means only one thing: the focus of their sexual desires. Most gays believe they were born with a same-sex orientation and that it cannot be changed.

In other words, homosexuality is God-given. If this



*Most gays believe they were born with a same-sex orientation and that it cannot be changed."

is true, the homosexual condition cannot be sin. God's gifts to mankind are not tainted with sinfulness.

Derivation. Since we cannot shed much light on the word orientation, perhaps we can find more information on the word homosexual. Where did this term come from?

Homosexual is not a Biblical term; actually, it did not exist before the middle of the nineteenth century.

Before the 1800's, there were other designations for the homosexual. Buggerer was a term used during the Middle Ages. After that era, other terms developed: sodomite, degenerate, pederast, urning.

Then in 1869, a Hungarian doctor named Benkert introduced a new word: homo from the Greek word for "same"; and sexual, thus describing someone who was sexually interested in the same sex.

The Apostle Paul also had terms to describe homosexuality. In 1 Corinthians 6:9, he uses two Greek words: malakoi, meaning "soft" or "weak," and arsenokoitai, meaning "men who go to bed together" (with a sexual implication). Koitai is the root word for the English word "coitus" which means sexual intercourse.

Why would Paul mention homosexuality twice in the same verse? The accepted interpretation throughout the centuries has been that Paul is condemning both passive and active homosexuality.

Passive homosexuality is allowing your body to be used sexually by others, or being on the receiving end of a sexual encounter. Active homosexuality would be taking the reverse role, aggressively seeking sexual pleasure with one's own sex.

Whatever one's role in a homosexual act, Paul says that person is not blameless, that they must bear responsibility for their actions.

Although there is much support of these definitions

among respected Greek scholars, this interpretation of 1 Corinthians 6:9 is typically rejected by members of the pro-gay church.

State of Being? These two Greek words are nouns, but many consider them adjectival nouns. This raises an important question: From the biblical perspective, can someone "be" a homosexual?

I believe that Paul implies that people are labeled by their behavior. Look at the rest of the passage. Paul describes other sins, using terms like fornicators, idolaters and adulterers. Just as a person is not born to be homosexual, people are not created by God to be controlled by these other sins.

No conclusive scientific proof exists of anyone being born homosexual. No one is predestined genetically or hormonally to become gay; they are directed toward homosexual feelings by unfavorable life circumstances.

Homosexuality is not an identity. Homosexual behavior is simply a sin, like other sins.

Orientation. Many agree that the behavior is sin. But what about the homosexual orientation itself, the inclination

toward same-sex desires, even when those desires are not acted upon?

First, a definition. Gay men commonly use the term orientation to mean what stirs sexual arousal, both visually and in fantasy life.

So if a man is sexually aroused by the sight of other males or has daydreams of homosexual activities, then he has a gay orientation. For the female, the definition is a bit different, centering on the emotions and a deep sense of identity with other self-professed lesbians.

Lesbians form deep emotional ties which lead to physical intimacy, rather than sex being the primary motivator in relationships.

Few gay men and women consciously choose their homosexual orientation. So, if our same-sex desires are somehow forced on us by circumstances, how can anyone call such an orientation sin?

Isn't the gay person as innocent as another person born with multiple sclerosis or cerebral palsy? We don't label such physical limitations as "sin"; so why do we put the "sin" label on the homosexual orientation?

One nationally-known Lutheran leader, Larry Christenson, answered the question this way:

"Anyone who sees homosexual orientation as a gift of God to be celebrated--whether or not he or she engages in homosexual practice--is fundamentally at odds with biblical truth.

"Some in the church have argued that the sin is not

in the orientation but in the behavior: it is not wrong to be gay or lesbian, but it is sin to give any expression to that orientation. We regard the separation of orientation and affectional expression in this way to be specious" (quoted from *Homosexuality: Truths and Halftruths*).

Many gay people strongly disagree with Christenson's conclusion. They refuse to separate the sinner from the sin.

Responsibility. What does God hold us responsible for? I believe the answer is this: God holds us responsible to accept the healing and deliverance He extends

to us. To accept a gay identity or celebrate our homosexuality is sin. We should gladly part with that identity when the God-given opportunity comes.

Of course, God holds us responsible for all ungodly sexual behavior. Beyond that, we are also responsible for our unwillingness to change, to mature and to strive toward being all that God intends us to be.

It is no accident that ex-gay ministries are flourishing. When the gay community sent up its cry for freedom some twenty years ago, God answered that

call--but in an unexpected way. God did not grant approval to homosexual behavior; He sent His Spirit to supernaturally initiate healing ministries.

Since that time, the message of deliverance has reached multitudes of homosexuals. A few have accepted what God offers; many others have refused His gift of change. They have ignored instruction and strayed "from the words of knowledge" (Prov. 19:27).

Approval. There is another thing for which God holds us responsible: inappropriate approval of the gay lifestyle.

The first chapter of Romans speaks of homosexuality as a result of separation from God (man went his own way, not considering God as worth knowing). This chapter clearly speaks of homosexuality as sin and a fallen condition.

The last verse of Romans 1 says this: "...they not only continue to do these very things but also approve of those who practice them" (vs. 32). Thus God holds us responsible for any approval of the gay lifestyle.

In the light of these verses, let's go back to our original question: Is a homosexual orientation sin? In my opinion, the answer is this: The original condition-caused by factors beyond the control of the individualis not sin. But, at the same time, an unwillingness to accept change is sin. And any kind of approval of the homosexual lifestyle is sin.



Supreme Court

STATE OF LOUISIANA 301 LOYOLA AVENUE ROOM 109

New Orleans

TELEPHONE (504) 568-5747 FAX (504) 568-5687

March 8, 1996

Honorable Darrell D. White Judge, City Court of Baton Rouge P. O. Box 3438 Baton Rouge, LA 70821-3438

RE:

Advisory Committee to the Supreme Court for Revision of the Code of

Judicial Conduct

Dear Judge White:

I wish to confirm our telephone conversation concerning your suggested changes to Canons 3A(4) and 3A(5) of the Code of Judicial Conduct. At its meeting on February 14th, the Advisory Committee considered your suggestions, as well as the suggestions of all other judges who commented on the Advisory Committee's initial recommendations for changes to the Code of Judicial Conduct.

The Advisory Committee's initial recommendation was to make no change to the presently existing language of Canons 3A(4) and 3A(5). At the February 14th meeting, the Advisory Committee adopted a minor, stylistic amendment to Canon 3A(5), but otherwise affirmed its initial recommendation to suggest no substantive change to Canons 3A(4) and 3A(5).

Please feel free to contact me should you have any further questions or concerns.

Sincerely,

Γimothy F. Averill, Esq.

TFA/ebg CONDUCT\LETTERS\WHITE.003

ADVISORY COMMITTEE TO THE SUPREME COURT FOR REVISION OF THE CODE OF JUDICIAL CONDIJET

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TWELFTH JUDICIAL DISTRICT COURT



HAROLD J. BROUILLETTE JUDGE, DIVISION B P.O. BOX 125 MARKSVILLE, LA. 71351 AVOYELLES PARISH COURTHOUSE 301 NORTH MAIN STREET MARKSVILLE, LOUISIANA 71351

January 16, 1996

COURTHOUSE OFFICE (318) 253-9418 120 E. MARK ST. OFFICE (318) 253-7732

Hon. Walter F. Marcus, Jr. Associate Justice La. Supreme Court 301 Loyola Avenue New Orleans, La. 70112-1887

Re: Proposed Amendments to the Louisiana Code of Judicial Conduct

Dear Justice Marcus:

Thank you for your courtesy and attention in our telephone conversation on January 12, 1996. Pursuant to your request, this will confirm the information conveyed in that conversation. You will recall that the reason for communicating with you by telephone was to meet a response deadline on the above issue.

At the regularly scheduled January meeting of the Louisiana Council of Juvenile & Family Court Judges held in New Orleans on January 11, 1996, the membership adopted a resolution recommending an amendment to Canon 3 of the Louisiana Code of Judicial Conduct to remove the term "sexual orientation" in Paragraphs A(4) and A(5). As you know, along with other changes, this term was added to the Code between March 1, 1993 and March 1, 1994.

Without going into the discussions of the group leading up to adoption of the resolution, it is fair to say that the group essentially expressed agreement with the thoughts and ideas expressed in Judge Darrell D. White's letter to you of January 5, 1996.

We shall appreciate your making this resolution known to the appropriate committee or committees.

Yours truly,

Harold J. Brouillette

Judge, Division B

President, Louisiana Council of Juvenile &

Family Court Judges

HJB/blr

bcc: Hon. Darrell D. White



BATON ROUGE CITY COURT

POST OFFICE BOX 3438
BATON ROUGE, LOUISIANA
70821

DARRELL D. WHITE JUDGE DIVISION C

January 5, 1996

SUITE 219, CTTY COURT BUILDING 233 ST. LOUIS STREET (504) 389-3346 FAX (504) 389-7656

TO: Honorable Walter F. Marcus, Jr., Associate Justice Louisiana Supreme Court

301 Loyola Avenue

New Orleans, LA 70112-1887

RE: Proposed Amendments to the Louisiana Code of Judicial Conduct

Your memorandum of November 28, 1995, subject as above, solicits comment upon the proposed CJC. Noting that proposed Canon 3 retains "sexual orientation" language that was only recently added to the Louisiana Code of Judicial Conduct, I respectfully cite the following reasons why reference to that concept should be stricken from our Code:

- 1. Louisiana's Code of Judicial Conduct was amended during the 1993-94 timeframe to adopt the "sexual orientation" language. (See comparison at attachment A). To my knowledge, this attempt at normalization of homosexuality was not preceded by any solicitation of the views of Louisiana's judges nor has there been any specific announcement of this change published to the judiciary as a whole. Most of the judges with whom I have spoken have expressed surprise and dismay upon learning of this development.
- 2. Nowhere in our Code is the term, "sexual orientation" defined. As I noted in previous correspondence, there is cause for concern that this term could be used to seek legitimacy of pedophilia. (attachment B).
- 3. If not removed, it is reasonable to expect that "sexual orientation" sensitivity training programs will be forthcoming at Louisiana Judicial College seminars. These training sessions, would probably take the form of "homosexual sensitivity training," and can be expected to portray traditional religious views on the subject of homosexuality in a negative light. One recent example of what can be expected is the controversial Resolution B-9 of the National Education Association discussed at attachment C.
- 4. If not removed, it is reasonable to expect future efforts to include "sexual orientation" as a non-discrimination category in Canon 2 regarding membership in organizations. This would certainly invite challenges on First Amendment "free exercise" grounds.

Preferable language concerning the "non-bias" issue may be found in the expressions of such states as Iowa, Missouri, South Dakota, and Washington. (attachment D).

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Your attention to and consideration of this matter is appreciated.

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Sincerely,

Darrell D. White Judge, Division C

COMPARISON

CODE OF JUDICIAL CONDUCT

Effective January 1, 1976

Including Amendments Received Through March 1, 1993

CANON 3

A Judge Should Perform the Duties of His Office Impartially and Dillgently

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

- (1) A judge should be faithful to the law and maintain processional competence in it. He should be unawayed by partisan interests, public clamor, or fear of criticism.
- (2) A judge should maintain order and decorum in receedings before him.
- (3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.
- direction and control.

 (4) Except as permitted by law, a judge should not permit private or ex parts interviews, arguments or communications designed to influence his judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

 (6) A judge should dispose promptly of the busi-
- (6) A judge should dispose promptly of the business of the court.
- ness of the court.

 (6) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstantion on the part of court personnel subject to his direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

 (7) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediate or receases between seasions.

 A trial judge may suthorize:

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

- (b) the broadcasting, televising, recording or photographing of investitive or ceremonial pro-ceedings;
- (c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:
- (i) the means of recording will not distract participants or impair the dignity of the pro-ceedings;
- (ii) the parties have consented, and the con-sent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction; (iii) the reproduction will not be exhibited un-til after the proceeding has been concluded and all direct appeals have been exhausted; and
- (iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

tions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decourn and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

CODE OF JUDICIAL CONDUCT

Effective January 1, 1976

Including Amendments Received Through March 1, 1994

CANON 8

A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the perfor-mance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

- (1) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear of criticism.
- (2) A judge should maintain order and decorum in judicial proceedings.
- (3) A Judge should be patient, dignified, and courte-ous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others aubject to the judge's di-rection and control.
- (4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race; sex, realigion, national origin, disability, age, sexual orientation of sequeoconomic status, and shall not permit staff, gust officials or others subject to the judge's direction and control to do so.
- do so.

 (5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based—upon—race_set_religion_national origin_disability_set_set_set_set_law_set_
- issues in the proceeding.

 (6) Except as permitted by law, a judge should not permit private or ex parts interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appeliate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court owhom a case is slicted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

 (7) A judge should dispose promptly of the business
- (7) A judge should dispose promptly of the business of the court.
- of the court.

 (8) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

 (9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

 A trial judge may authorize:

- A trial judge may authorize:

 (a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;
- (b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;
- (c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:
- (i) the means of recording will not distract participants or impair the dignity of the proceed-ings;
- (ii) the parties have consented, and the consent to being depicted on recorded has been obtained from each witness appearing in the recording and reproduction;
- (iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for
instructional purposes in educational institutions. An
appellate court may permit broadcasting, televising, recording, and taking photographs of public
judicial proceedings in the courtrooms of appellate
courts in accordance with the guidelines set forth in
an appendix to this Canon, subject, however, to the
authority of each court and the presiding judge of
each court or panel to (a) control the conduct of
proceedings before the court, (b) ensure decorum and
prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

American universities begin to accept pedophilia

The University of Massachusetts at Amherst recently revised its nondiscrimination policy to protect "persons whose sexual orientation includes minor children as the sex object." Under this new code, pedophiles receive the protections granted to other minority groups.

Professors from prestigious schools such as Johns Hopkins University and other experts on sexual behavior have already begun to validate the idea that pedophilia is a legitimate "sexual orientation" and should be protected with special rights.

The North American Man Boy Love Association (NAMBLA) continues its fight for widespread acceptance of pedophilia. In addition, the International Lesbian and Gay Association, which strongly supports NAMBLA, was recently granted United Nations affiliated status by 22 nations, including the United States.

Rutherford

National Reports

AMA ASKED TO RECONSIDER "HARVESTING" LIVE HANDICAPPED BABIES

COLORADO SPRINGS, CO-Df. Eugene Diamond introduced a resolution at a recent American Medical Association (AMA) conference asking the AMA to reconsider its 1994 decision to allow the "harvesting" of organs from live babies born without brain function. The current decision considers these "brain absent" babies to be dead, setting a dangerous precedent which could affect others who are mentally handicapped or in a coma. (FF4/5/95)

OPERATION RESCUE RELOCATES NATIONAL OFFICE NEXT TO ABORTUARY

DALLAS, TX---Operation Rescue (OR) has moved its national headquarters—next door to an abortion clinic. Flip Benham, national director of OR, said that renting space next to A Choice for Women was a coincidence. Norma McKorvey, the marketing director for the clinic, was "Jane Roe," the plaintiff in the landmark Roe v. Wade case. (WP 4/1/95)

U.S. PRO-ABORT, PRO-GAY MOVES BLOCKED AT COPENHAGEN WORLD SUMMIT *

COPENHAGEN, DENMARK---Abortion and gay rights forces led by Vice President Al Gore, First Lady Hillary Clinton and former Congresswoman Bella Abzug "failed in their efforts to smuggle such code terms as 'reproductive health' (i.e., abortion) and 'diversity of family forms' (i.e., perversion) into the Copenhagen document," reports pro-life journalist Michael Schwartz, who attended the conference. (WM 4/1/95)

ACHTENBERG TO LEAVE HUD

WASHINGTON, DC-Avowed lesbian activist Roberta Achtenberg will step down from her position at the Department of Housing and Urban Development (HUD) to run for mayor. of her home town, San Francisco. (WT 4/5/95)

HUD SPENDS MONEY TARGETED FOR CUTS

WASHINGTON, DC-The Department of Housing and Urban Development went on a "spending spree" to spend appropriated funds before Congress could approve budget reductions. Rep. Jerry Lewis (R-CA) reports that the agency spent \$2 billion overnight, thwarting proposed spending cuts. (WT 3/27/95)

KEY AFRICAN AMERICAN LEADER STRESSES STRATEGIC IMPORTANCE OF 104TH CONGRESS

LOS ANGELES, CA-Rev. E. V. Hill, pastor of Mount Zion Missionary Baptist Church and a key leader of the PromiseKeepers movement, called the first 100 days of the new Congress, "A lot of hard work that I believe, when it's all over with, will move our government more toward the center. It will be neither extreme left or right. And each side will have to compromise, which is good in my opinion." (WT 4/7/95)

PEDOPHILIA BEING REDEFINED

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COLORADO SPRINGS, CO-The American Psychiatric Association (APA) adopted a definition of pedophilia that moves toward accepting child molestation as normal. The APA's new Diagnostic and Statistical Manual IV defines pedophile as a person who feels "clinically significant distress" over his condition or who feels socially impaired because of his pedophilia. (PB 3/31/95)

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EEOC BANS GENETIC DISCRIMINATION -

WASHINGTON, DC-The Equal Employment Opportunity Commission (EEOC) "has concluded that healthy people carrying abnormal genes are protected against employment discrimination by the Americans with Disabilities Act." The Commission's finding is the first federal document to declare that it is illegal to discriminate against a person on the basis of genetic makeup. (WP 4/7/95)

In America Today...



RIVERSIDE, OH-Jeff Burhenne knows he will encounter some resistance when he includes a prayer in his valedictory speech at Riverside High School because the school tried to censor prayer from his sister Rebecca's speech two years ago. While the ACLU has intimidated many school administrators into banning prayer at graduation, Christian legal groups have successfully defended students' rights to pray. For information contact the American Center for Law and Justice at 804-579-2489, or the Rutherford Institute at 804-978-3888. (CZ 4/17/95)

COLLEGES INFLATE GUIDEBOOK STATISTICS

NEW YORK, NY-Many U.S. colleges give far different data to guidebooks than to debtrating agencies. Misseading ratings agencies would violate federal law, but SAT scores and graduation rates sent to popular guidebooks and magazines are often inflated. (WS) 4/5/95)

GIRL SCOUTS CANCEL "SEX CAMPS" ★

NEW YORK, NY—The National Girl Scout Council has cancelled their so-called "sex camps." The camps promoted "safe sex" camps." The camps promoted "safe sex" helps will "introduce Christianity in a new and all forms of sex as acceptable. (PB 3/17/95) way" to Native Americans. (NIR 4/3/95)

WHITE HOUSE ADMITS TO STAFF DRUG USE

W\SHINGTON, DC-White House Administrator Patsy Thomasson admitted to a Senate\subcommittee that 11 White House staffers\are in a special drug testing program because of recent drug use. Chief of Staff Leon Panetta/had earlier denied that anyone in the administration used drugs. Thomasson also acknowledged that volunteers without securify clearances have access to both the East and West Wings of the White House, a fact she had denied in previous testimony. (WT 3/28/95)

WHITE HOUSE MOVES TO BLOCK SEXUAL HARASSMENT PROCEEDINGS

WASHINGTON, DC-President Clinton's attorneys filed arguments with a federal appeals court on April 5 asking that all proceedings in the sexual harassment lawsuit by Paula Corbin Jones be stopped until he leaves office. The appeal seeks to reverse a lower court judge who had ordered sworn statements to be taken in the case. The White House hopes to bury this issue through the 1996 elections. (FF 4/6/95)

PROPOSAL WOULD MOVE U.S. EMBASSY IN ISRAEL TO JERUSALEM

WASHINGTON, DC-Sen. John Kyl (R-AZ) will introduce a bill requiring the U.S. Embassy to Israel be placed in Jerusalem. The U.S. has placed embassies in the capital of every country except Israel. This bill will strengthen Israel's rightful claim to its capital city, Jerusalem. (CIP)

PORN REMOVED FROM LOCAL HOLIDAY INN *

LANCASTER, OH-After local teens checked into a Holiday Inn and watched pornographic movies without parental consent Deborah Smalley contacted the hotel. When owner Roy Lovelace ignored her complaints Smalley organized a boycott. After being bombarded by protest letters and room cancellations. Lovelace broke his franchise agreement with Holiday Inn and removed the pornographic movie service. (CZ. 4/17/95)

ETHICS CLASSES EMPHASIZE CHARACTER *

MCLEAN, VA-High school teachers are challenging students to evaluate decisions based on what is right or wrong. Many teachers give up three-weeks of summer vacation to attend a voluntary "ethics camp" founded by teachers Carloyn Gecan and Bernadette Glaze. Teachers study the Bible and Plato and discuss what makes a good person. (WT 3/26/95)

NATIVE AMERICAN SCRIPTURES PUBLISHED ★

NEW YORK, NY—The International Bible Society (IBS) published The Jesus Wayscripture portions containing helps written by Native Americans. Publication of the entire Bible is also planned. Glenn Paauw of IBS said the

* = An answer or development to an IFA First Friday, CHURCH PRAY or mid-week Washington Alert prayer focus. Publication Index: CIP: Christian Israel PAC, CZ: Citizen, FF: Focus on the Family, NIR: National and International Religion Report, PB: Pastors Weekly Briefing, WM: World Magazine, WP: Washington Post, WSJ: Wall St Journal, WT: Washington Times

> NATIONAL DAY OF PRAYER MAY 4, 1995 "SEEK HIS FACE" "You will seek Me and find Me when you seek Me with all your heart." —Jeremiah 29:13

f Brochures presenting tips on estate planning and charitable giving are available free upon request from the f FA office. INTERCESSORS FOR AMERICA is a Christian ministry which serves the Church of Jesus Christ by encouraging effective prayer and fasting by all believers



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Haven't we been down this road before?

A revised definition of pedophilia is hauntingly reminiscent of the tactics employed in "normalizing" homosexuality.

by Scott DeNicola

I were better for him that a millstone were hanged about his neck, and he cast into the sea, than that he should offend one of these little ones. Luke 17:2.

Christians throughout history have recognized and embraced these words of Jesus Christ as implicit condemnation of child exploitation. And virtually all societies have adopted this standard as their own.

Even under the modern notion of moral relativism, pedophilia—the exploitation of children as sex objects—still ranks as one of the most egregious assaults against children. That's why many pro-family mental-health professionals were alarmed when the influential American Psychiatric Association (APA) altered the definition of pedophilia in its latest version of the *Diagnostic and Statistical Manual (DSM-IV)*—the bible of psychiatry.

"The criteria [in DSM-IV] have been changed for when pedophilia is considered a disorder and when it's not," explained psychiatrist Jeffrey Satinover of Westport, Conn. "Apparently there's the possibility of adult/child sex being

considered perfectly normal."

In its previous edition (DSM-IIIR), a pedophile was identified as a person who acts on or is distressed by urges involving sexual activity with children, Satinover said. In DSM-IV, however, the description of pedophilia has been revised: The fantasies, sexual urges, or behaviors limist cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

"According to DSM-IV, a person is no longer a pedophile simply because he molests children or fantasizes about molesting children," said Joseph Nicolosi, Ph.D., co-founder of the National Association for Research and Therapy of Homosexuality (NARTH). "He is a pedophile only if he feels bad or anxious about what he's doing, or if it impairs him in an important area of functioning."

The APA, however, flatly denies any change in its classification of pedophilia as a disorder.

"Many pedophiliacs deny that they're in any distress," DSM-IV editor Dr. Michael First told Citizen. "We certainly wouldn't want to include only people who are actually bothered by the fact that they have [pedophilic] feelings.

"Categorically, there is no change fin the status of pedophilial," First continued. "Perhaps [the revision] was not as crystal-clear as we would have liked. We regret any possible misunderstanding."

Regardless of the APA's intent, Nicolosi and Satinover see the DSM revision as a replay of efforts that eventually declassified homosexuality as a pathology:

"In 1952, the original DSM listed homosexuality among sociopathic personality disturbances," Nicolosi said. "In 1968, the DSM-II removed homosexuality from the sociopathic list, categorizing it with other sexual deviations. Then, in 1973, the DSM-III showed the most striking change of all: Homosexuality was considered a problem only when it was dissatisfying to the person. When ... the person was comfortable with his homosexual thoughts, feelings and behavior, homosexuality was not considered pathological."

Later, in a partial revision of the manual, DSM-IIIR omitted homosexuality entirely, Nicolosi continued.

"The process by which homosexuality was normalized parallels what is happening with respect to pedophilia," Satinover said. "Pedophilia is now at the same step that was taken with homosexuality in 1973."

First, however, refutes the possibility that pedophilia will eventually be declassified as a pathology.

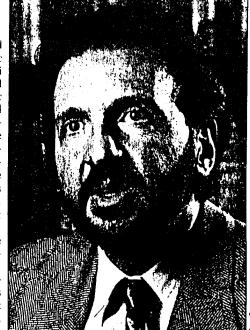
"There's absolutely no discussion by anyone that even suggests making any change now or in the future of the status of this disorder," he said.

Nicolosi and Satinover are not reassured. "DSM is extraordinarily influential," Satinover said. "Changes within DSM open the door for a whole series of arguments that powerfully influence public policy. The reason that gay activists vigorously targeted DSM is because they perceived accurately that the impact on society's perception of homosexuality would be dramatically influenced by a change at that level—and they were correct."

Satinover perceives past DSM revisions as laying the groundwork for the typical psychiatric "treatment" many homosexuals are now receiving. Today, the homosexual lifestyle is viewed by many as normal, unchangeable behavior that society should affirm. The dissatisfaction a homosexual may experience is regarded as the result of the "homophobic" attitudes of others.

"In the latest DSM-IV, the same thing is happening with pedophilia," Nicolosi said. "Now pedophilia is not intrinsically dis-

ordered. Next, will we be told that the distress the molester feels is due to a 'pedophobic' society?" [1]



Psychologist Joseph Nicolosi counsels men seeking to leave the homosexual lifestyla.

Focus on the Family is offering a new video debunking the myths that pedophilic behavior is normal and is not hamful to children. The Children of Table 34, produced by the Family Research Council, reveals how the faulty conclusions of sex researcher Alfred Kinsey provided todder for the warped views of child/adult sex advocates. See p. 9 for more information.

Resolution R-9: Anything But Benign

BY NINA GEORGE HACKER, ASSISTANT EDITOR

"Mommy, today at school we learned about men who have sex with other men.

My teacher said there's nothing wrong with that."

nreal? Not if the National Education Association (NEA) and the Lesbian, Gay, and Bisexual History Month Project, Inc. (LGBHM) have their way.

But for now—thanks to the members of CWA—plans to celebrate Lesbian and Gay History Month in public school classrooms have been derailed. In September, Concerned Women for America exposed NEA Resolution B-9, "Sexual Orientation Education" [see box]. Nearly 9,000 delegates adopted it at the NEA's 1995 Representative Assembly. Through emergency mailings to its members, two timely editions of "Beverly LaHaye Live," and a full-page ad in newspapers nationwide, CWA alerted the nation to this latest threat to our children.

Throughout October, the NEA and gay activists responded with angry denials and vicious name-calling. A flood of faxes, action alerts, and letters to editors accused CWA of spreading lies, engaging in scare tactics, and generating hysteria to raise funds.

NEA spokesmen insisted that Resolution B-9 does not *direct* classroom teachers to observe the occasion, "nor does it encourage schools to 'celebrate homosexuality." Then why—as far back as July, 1993—did the NEA sponsor a special evening plenary session at the 15th National Lesbian and Gay Health Conference in Houston, Texas? Its theme was *Gay Positive School Curricula* and included an address—by the Chancellor of New York

City's public schools—entitled,
"Establishment of a K-12 Sexuality Curriculum Including Lessons on Homosexuality."
One conference workshop called "Inclusive
Sexuality Education: K-12" was "intended for
educators working with [children] ages 5-8."

The NEA argues that the 1995 resolution "does not promote or encourage a gay or lesbian lifestyle." But note the wording in B-9: positive plans, acceptance, support, and celebration. True, the nation's largest educators' union cannot legally *require* public schools to teach homosexuality. But by adamantly supporting this resolution, the NEA has targeted our nation's classrooms with a powerful message.

omosexual activists and the NEA weren't alone in raising a ruckus after CWA's exposure of Resolution B-9. Teachers and parents were shocked and horrified at what this could lead to. CWA received thousands of calls in response to our newspaper ad. Communications poured in from educators around the U.S. asserting, "Not in our state!"

Oklahoma Area Representative Nancy Jo Kerr wasn't surprised at the union's campaign. Speaking as a mother of two, a former public school teacher and NEA member, Nancy Jo said, "Their social agenda has been heading in this direction for a long time. I wanted to jump on this right away because so many innocent parents and teachers don't

know what the NEA is up to." Mrs. Kerr contacted CWA members and wrote letters to her local newspapers. Not long after, the president of the Oklahoma NEA affiliate stated that "no activities" celebrating homosexual history would be held.

Bill Bowman of the Tennessee **Education Associ**ation announced: "TEA has no plans whatsoever to support Gay/Lesbian History month."

Incredulous, Mr. Bowman asked, "What's a child of five or six years of age to think when they see their teacher extolling the 'virtues' of homosexuality?" It was reported that the TEA would lose several hundred members because of Resolution B-9.

Scores of concerned parents, grandparents, and teachers actively protested to their local school boards, community media, and national NEA President Keith Geiger. Consequently, many NEA affiliates alerted by CWA members refused to go along with the resolution.

"There has been no request by any teacher group, parent, community member or staff to participate in any gay history month," said Jude Theriot, superintendent of Calcasieu Parish School System in Louisiana. Jim Griess, executive director of the Nebraska State Education Association, declared: "Tam not aware of any public school [here] that plans to participate in that observance." And United Educators of Sapula, Oklahoma, vowed to "repeal the NEA's resolution at the

B-9, SEXUAL ORIENTATION EDUCATION

The National Education Association recognizes the importance of raising the awareness and increasing the sensitivity of staff, students, parents, and the community to sexual orientation in our society. The Association therefore supports the development of positive plans that lead to effective ongoing training programs for education employees for the purpose of identifying and eliminating sexual orientation stereotyping in the educational setting. Such programs should attend to but not be

limited to the contravel of the roles and contribution. tions of gay, lesbian, and bisexual people throughout history, with acknowledgment of their sexual orientation of the state of the Ceremon and a company of the company

b. The acceptance of diverse sexual orientation and the awareness of sexual stereotyping whenever sexuality and/or tolerance of diversity is taught. c. Elimination of sexual orientation name-calling

and jokes in the classroom.

d. Support for the celebration of a Leebian and Gay History Month as a means of acknowledging the contributions of lesbians, gays, and bisexuals throughout history (94,95)% (154,000) (1995) (1995) (1995)

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next delegate assembly." Their stance is that "this issue is a parental, not an educational issue."

Dr. Beverly Lallaye couldn't agree more, "This slap in the face from the NEA is another attempt to undermine the role of parents in their children's education," she said. "Parents are fighting for the fundamental right to direct their children's upbringing and education.

This move is a blatant denial of that right."

Meanwhile, the NEA has been temporarily routed by CWA-forced to shift from being offensive to being on the defensive. But the battle is not over. Teresa Moore of the Washington State Education Association said. "There is nothing going on in any Washington state school district." However, Seattle School District spokesperson Dorothy Dubia told the Seattle Times: Although no gay history month was planned, "the school district is starting a new advisory committee . . . to look into the possibility of developing Ihomosexuall role models, to make sure that gay and lesbian students are not mistreated."

Many educators at the grassroots level refused to implement the NEA resolution. But on October 14, 1995, the Los Angeles Unified School District's Gay and Lesbian Commission pressed the issue. The commission sponsored "Models of Pride III, a Conference for Gay, Lesbian, Bisexual, and Transgender Youth." The California conference—believed to be the first of its kind



sponsored by a city school district—targeted young people between the ages of 15 and 23.

ay activists will not stop trying to force their agenda on America's children.

"Gay and lesbian people have a history, and we want people to know that history," said Rodney Wilson, the 30-year-old Missouri high school history teacher who chairs the national committee formed to promote a gay history month. "We are not going to allow that history to be erased, distorted or ig-

nored any longer."

The LGBHM claims historical figures such as Alexander the Great, economist John Maynard Keynes, and poets Sappho, Walt Whitman, and Audre Lorde have been "systematically excluded." Not so. The achievements of these men and women are taught in schools. What hasn't been discussed openly is their sexual practice, something not usually addressed in the study of history.

istorical biographies do not normally include the sexual

features of the famous person described," wrote Dr. Judith Reisman. However, biographies authored by homosexuals insist on doing so. Dr. Reisman, a researcher, discovered this when she surveyed 166 gay male biographies in the 1994-1995 Alyson Almanac, the gay and lesbian fact book. She found that not only is sex highlighted, but nearly half mentioned pedophilia in positive terms. Wrote Reisman, "Forty-nine percent included references to man/boy sex."

"This predatory lifestyle must not be permitted to infect our public school children," declared Dr. Beverly LaHaye.

Remember—Gay and Lesbian History Month may not have been celebrated in your school, but the NEA will not stop forcing their agenda. Only by staying informed, praying, and working together, can we stop this assault on America's children. The NEA must be stopped!

 $[\mathbf{M}]$

TO HELP STOP THE NEA/GAY AND LESBIAN AGENDA, YOU CAN:

Present your educational concerns to Congress and state legislators.

Promote traditional family values; join CWA—your voice on Capitol Hill.

Inform others about "Beverly LaHaye Live," which provides updates of vital interest.

Organize a CWA Prayer/Action Chapter to pray for our nation's teachers, schools, and students.

ICIAL CONDUCT REPORTER A publication of the American Judicature Society Volume 16, Number 4 Winter 1995

Iowa

Effective September 1, 1994, the Iowa code of judicial conduct was revised to add three provisions regarding bias.

The Iowa code now includes a provision prohibiting membership in organizations that practice invidious discrimination. Iowa adds the italicized language to the 1990 model code provision: "A judge shall not hold membership in any organization that the judge knows practices invidious discrimination on the basis of race, sex, religion or national origin."

Iowa also added a provision prohibiting judges from manifesting bias in the performance of judicial duties and requiring judges to require court staff and lawyers to refrain from doing so (Canons 3B(5) and 3B(6) of the 1990 model code). However, where the 1990 model code prohibits bias on the basis of "race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status," the list of prohibited bias in the Iowa code adds ethnicity but omits religion, disability, age, sexual orientation, and socioeconomic status.

Cynthia Gray, Director of the Center for Judicial Conduct Organizations, advises that Missouri and South Dakota CJC language is in accord with Iowa's.

A publication of the American Judicature Society Volume 17, Number 2 Summer 1995

Membership in discriminatory organizations. Like the 1990 model code, the new Washington code includes a prohibition on membership in discriminatory organizations. However, where Canon 2C of the 1990 model code prohibits judges from holding "membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin," the Washington code provides that a judge "should not hold membership in any organization practicing discrimination prohibited by law." The Washington code does not include any of the commentary to Canon 2C of the model code.

Bias. The new Washington code adopts the first sentence of Canon 3B(5) of the 1990 model code, which states that a "judge shall perform judicial duties without bias or prejudice." However, Washington did not adopt the remainder of that canon.



BATON ROUGE CITY COURT

POST OFFICE BOX 3438
BATON ROUGE, LOUISIANA
70821

DARRELL D. WHITE JUDGE DIVISION C

April 5, 1995

SUITE 219, CITY COURT BUILDING 233 ST. LOUIS STREET (504) 389-3346 FAX (504) 389-7656

Honorable Walter F. Marcus, Jr. Associate Justice Louisiana Supreme Court 220 Supreme Court Building 301 Loyola Avenue New Orleans, LA 70112-1887

Re:

Code of Judicial Conduct

Dear Justice Marcus;

At a recent conference sponsored by the Louisiana Judicial College, Judicial Administrator Hugh Collins reported that you are chairing a committee considering revisions to the Louisiana Code of Judicial Conduct and that it would be both timely and appropriate to forward any recommendations for changes to you at this time.

I respectfully recommend that Louisiana adopt the bifurcated procedure proposed in the American Bar Association's Model Rules for Judicial Disciplinary Enforcement on the reasoning that separation of the investigatory, prosecutive, and adjudicatory functions of the Judiciary Commission would enhance public confidence in the fairness of such inquiries.

I further recommend deletion of the recently enacted reference to "sexual orientation" as a category for non-discrimination in Canon 3(A). Attached is an article announcing that a "sexual orientation" non-discrimination clause has been used as a basis for pedophiles to obtain legitimacy upon the campus of University of Massachusetts at Amherst. While that may not be the intended interpretation of our Code's language, as a concerned father, I must still go on record as registering an objection to the recent inclusion of that language in our State's Code of Judicial Conduct.

Thank you for your attention to this matter.

Sincerely,

Darrell D. While Judge, Division C.

enclosure

ce: Justices of the Louisiana Supreme Court

updates



Condom ads spark controversy

Ringing in 1994 in a politically correct fashion, MTV aired its first condom commercial on New Year's Eve. A series of radio and television spots have been produced by the federal government to tout condom use as the answer to AIDS. Most major television networks have joined the crusade and are airing the ads after 9 p.m.

"We have been too timid," explained Donna Shalala, secretary of Health and Human Services. "Our duty as public health officials is to save lives."

Many remain concerned that the commercials give a green-light to extra-marital sex and encourage high risk behavior. Other concerns are the effectiveness of condoms in disease prevention and the lack of emphasis on abstinence. In addition, critics question how commercials portraying young heterosexual couples deciding not to have sex without a condom can possibly convince the homosexual audience.

The theme, "AIDS does not discriminate," remains central to the Clinton administration's plan for combatting the deadly virus. Few officials point out that AIDS remains primarily a disease contracted through homosexual activity or intravenous drug use.

American universities begin to accept pedophilla

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Professors from prestigious schools such as Johns Hopkins University and other experts on sexual behavior have already begun to validate the idea that pedophilia is a legitimate "sexual orientation" and should be protected with special rights.

The North American Man Boy Love Association (NAMBLA) continues its fight for widespread acceptance of pedophilia. In addition, the International Lesbian and Gay Association, which strongly supports NAMBLA, was recently granted United Nations affiliated status by 22 nations, including the United States.



New discoveries spur bioethical questions

Is it possible to be born without ever having a living mother? The idea may sound far-fetched, but British researchers recently revealed that they successfully removed ova from aborted animal fetuses and created living babies. They predict the procedure will be perfected to the point of creating viable human babies in less than three years.

The technique could be a solution for infertile couples, but it brings up widely debated ethical issues. Many fear the development of a market for fetuses and the creation of new abortion clinics strictly for harvesting ova.

Helen Alvare from the National

Conference of Catholic Bishops questioned the logic of such techniques saying, "On the one hand, you're denying the humanity of this child as soon as you abort her. On the other hand, you're saying she can be the mother of a next generation — which only a human being can be."



Surgeon General's influence growing

Despite the controversy evoked by her radical beliefs, Joycelyn Elders, United States surgeon general, recently enlarged her staff from 100 to over 250 members. In addition, her budget has grown from \$8.3 million to \$218.4 million.

Throughout the past year, Elders has frequently been criticized for her radical beliefs and her outspoken comments. She has called on pro-lifers "to get over their love affair with the fetus." In discussing teenage sexuality, Elders said, "We have taught kids what to do in the front seat of a car, now we need to teach them what to do in the back seat."

Elders latest radical plan is legalizing drugs to fight violence in America. Twice in recent months she has stated the necessity of conducting studies on drug legalization. The Clinton administration opposes the investigative studies. However, Elders maintains that even if the government refuses to fund the studies, she will recruit private studies by universities and foundations. **IRI**

CODE OF JUDICIAL CONDUCT

Effective January 1, 1976

Including Amendments Received Through March 1, 1993

CANON 3

A Judge Should Perform the Duties of His Office Impartially and Diligently

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

- (1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.
- (2) A judge should maintain order and decorum in proceedings before him.
- (8) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.
- direction and control.

 (4) Except as permitted by law, a judge should not permit private or ex parte interviews, arguments or communications designed to influence his judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.
- (5) A judge should dispose promptly of the business of the court.
- ness of the court.

 (6) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.
- (7) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sussions of court or recesses between sessions.

A trial judge may authorize:

- (a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;
- (b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;
- (c) the photographic or electronic recording and reproduction of appropriate court proceedings un-der the following conditions:
 - (i) the means of recording will not distract participants or impair the dignity of the pro-
 - (ii) the parties have consented, and the con-sent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;
- (iii) the reproduction will not be exhibited un-til after the proceeding has been concluded and all direct appeals have been exhausted; and
- (iv) the reproduction will be exhibited only for instructional purposes in educational institu-

tions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

CODE OF JUDICIAL CONDUCT

Effective January 1, 1976

Including Amendments Received Through March 1, 1994

CANON 8 A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the perfor-mance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

- (1) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear
- (2) A judge should maintain order and decorum in judicial proceedings.
- (3) A judge should be patient, dignified, and courte-ous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.
- (4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials or others subject to the judge's direction and control to
- do so.

 (5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, diability, age, sexual orientation or socioeconomic status, against parties, witnesses, counsel or others. This Section 3A(5) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, or other similar factors, are issues in the proceeding.

 (6) Evenue as preprinted by lawy a judge should not
- (6) Except as permitted by law, a judge should not (6) Except as permitted by law, a judge should not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.
- (7) A judge should dispose promptly of the business
- of the court.

 (8) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

 (9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

 A trial ludge may authorize:

A trial judge may authorize:

- (a) the use of electronic or photographic means for the presentation of evidence, for the perpetua-tion of a record for the court or for counsel, or for other purposes of judicial administration;
- other purposes of judicial administration;
 (b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;
 (c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:
- (i) the means of recording will not distract participants or impair the dignity of the proceed-
- (ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;
- (iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and
- (iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

instructional purposes in educational institutions. An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

National Reports

AMA ASKED TO RECONSIDER "HARVESTING" LIVE HANDICAPPED BABIES

COLORADO SPRINGS, CO-Df. Eugene Diamond introduced a resolution at a recent American Medical Association (AM λ) conference asking the AMA to reconsider its 1994 decision to allow the "harvesting" of organs from live babies born without brain function The current decision considers these "brain absent" babies to be dead, setting a dangerous precedent which could affect others who are mentally handicapped or in a coma. (FF 4/5/95)

OPERATION RESCUE RELOCATES NATIONAL OFFICE NEXT TO ABORTUARY

DALLAS, TX-Operation Rescue (OR) has moved its national headquarters-next door to an abortion clinic. Flip Benham, national director of OR, said that renting space next to A Choice for Women was a coincidence. Norma McKorvey, the marketing director for the clinic, was "Jane Roe," the plaintiff in the landmark Roe v. Wade case. (WP 4/1/95)

U.S. PRO-ABORT, PRO-GAY MOVES BLOCKED AT COPENHAGEN WORLD SUMMIT *

COPENHAGEN, DENMARK—Abortion and gay rights forces led by Vice President Al Gore, First Lady Hillary Clinton and former Congresswoman Bella Abzug "failed in their efforts to smuggle such code terms as 'reproductive health (i.e., abortion) and 'diversity of family forms' (i.e., perversion) into the Copenhagen document," reports pro-life journalist Michael Schwartz, who attended the conference. (WM 4/1/95)

ACHTENBERG TO LEAVE HUD

WASHINGTON, DC-Avowed lesbian activist Roberta Achtenberg will step down from her position at the Department of Housing and Urban Development (HUD) to run for mayor of her home town, San Francisco. (WT 4/5/95)

HUD SPENDS MONEY TARGETED FOR CUTS

WASHINGTON, DC—The Department of Housing and Urban Development went on a "spending spree" to spend appropriated funds before Congress could approve budget reductions. Rep. Jerry Lewis (R-CA) reports that the agency spent \$2 billion overnight, thwarting proposed spending cuts. (WT 3/27/95)

KEY AFRICAN AMERICAN LEADER STRESSES STRATEGIC IMPORTANCE OF 104TH CONGRESS

LOS ANGELES, CA—Rev. E. V. Hill, pastor of Mount Zion Missionary Baptist Church and a key leader of the PromiseKeepers movement, called the first 100 days of the new Congress, "A lot of hard work that I believe, when it's all over with, will move our government more toward the center. It will be neither extreme left or right. And each side will have to compromise, which is good in my opinion." (WT 4/7/95)

PEDOPHILIA BEING REDEFINED

COLORADO SPRINGS, CO-The American Psychiatric Association (APA) adopted a definition of pedophilia that moves toward accepting child molestation as normal. The APA's new Diagnostic and Statistical Manual IV defines pedophile as a person who feels 'clinically significant distress" over his condition or who feels socially impaired because of his pedophilia. (PB 3/31/95)

EEOC BANS GENETIC DISCRIMINATION

WASHINGTON, DC-The Equal Employment Opportunity Commission (EEOC) "has concluded that healthy people carrying abnormal genes are protected against employment discrimination by the Americans with Disabilities Act." The Commission's finding is the first federal document to declare that it is illegal to discriminate against a person on the basis of genetic makeup. (WP 4/7/95)

In America Today...



RIVERSIDE, OH-Jeff Burhenne knows he will encounter some resistance when he includes a prayer in his valedictory speech at Riverside High School because the school tried to censor prayer from his sister Rebecca's speech two years ago. While the ACLU has intimidated many school administrators into banning prayer at graduation, Christian legal groups have successfully defended students' rights to pray. For information contact the American Center for Law and Justice at 804-579-2489, or the Rutherford Institute at 804-978-3888. (CZ 4/17/95)

COLLEGES INFLATE GUIDEBOOK STATISTICS

NEW YORK, NY-Many U.S. colleges give far different data to guidebooks than to debtrating agencies. Misleading ratings agencies would violate federal law, but SAT scores and graduation rates sent to popular guidebooks and magazines are often inflated. (WSI 4/5/95)

GIRL SCOUTS CANCEL "SEX CAMPS" *

NEW YORK, NY—The National Girl Scout Council has cancelled their so-called "sex camps." The camps promoted "safe sex" and all forms of sex as acceptable. (PB 3/17/95)

WANTE HOUSE ADMITS TO STAFF DRUG USE

WASHINGTON, DC-White House Administrator Patsy Thomasson admitted to a Senate\subcommittee that 11 White House staffers\are in a special drug testing program because of recent drug use. Chief of Staff Leon Panetta/had earlier denied that anyone in the administration used drugs. Thomasson also acknowledged that volunteers without securify clearances have access to both the East and West Wings of the White House, a fact she had denied in previous testimony. (WT 3/28/95)

WHITE HOUSE MOVES TO BLOCK SEXUAL HARASSMENT PROCEEDINGS

WASHINGTON, DC-President Clinton's attorneys filed arguments with a federal appeals court on April 5 asking that all proceedings in the sexual harassment lawsuit by Paula Corbin Jones be stopped until he leaves office. The appeal seeks to reverse a lower court judge who had ordered sworn statements to be taken in the case. The White House hopes to bury this issue through the 1996 elections. (FF 4/6/95)

PROPOSAL WOULD MOVE U.S. EMBASSY IN ISRAEL TO JERUSALEM

WASHINGTON, DC-Sen. John Kyl (R-AZ) will introduce a bill requiring the U.S. Embassy to Israel be placed in Jerusalem. The U.S. has placed embassies in the capital of every country except Israel. This bill will strengthen Israel's rightful claim to its capital city, Jerusalem. (CIP)

PORN REMOVED FROM LOCAL HOLIDAY INN *

LANCASTER, OH-After local teens checked into a Holiday Inn and watched pornographic movies without parental consent Deborah Smalley contacted the hotel. When owner Roy Lovelace ignored her complaints Smalley organized a boycott. After being bombarded by protest letters and room cancellations Lovelace broke his franchise agreement with Holiday Inn and removed the pornographic movie service. (CZ 4/17/95)

ETHICS CLASSES EMPHASIZE CHARACTER *

MCLEAN, VA-High school teachers are challenging students to evaluate decisions based on what is right or wrong. Many teachers give up three-weeks of summer vacation to attend a voluntary "ethics camp" founded by teachers Carloyn Gecan and Bernadette Glaze. Teachers study the Bible and Plato and discuss what makes a good person. (WT 3/26/95)

NATIVE AMERICAN SCRIPTURES PUBLISHED ★

NEW YORK, NY-The International Bible Society (IBS) published The Jesus Way scripture portions containing helps written by Native Americans. Publication of the entire Bible is also planned. Glenn Paauw of IBS said the helps will "introduce Christianity in a new way" to Native Americans. (NIR 4/3/95)

*=An answer or development to an IFA First Friday, CHURCH PRAY or mid-week Washington Alert prayer focus. Publication Index: CIP: Christian Israel PAC, CZ: Citizen, FF: Focus on the Family, NIR: National and International Religion Report, PB: Pastors Weekly Briefing, WM: World Magazine, WP: Washington Post, WSJ: Wall St Journal, WT: Washington Times

> NATIONAL DAY OF PRAYER MAY 4, 1995 "SEEK HIS FACE" "You will seek Me and find Me when you seek Me with all your heart." —Jeremiah 29:13

Brochures presenting tips on estate planning and charitable giving are available free upon request from the IFA office. INTERCESSORS FOR AMERICA is a Christian ministry which serves the Church of Jesus Christ by encouraging effective prayer and fasting by all believers



for the Church, our nation and their leaders. This newsletter, provided on request, is published 11 times annually. To enroll friends as partners-in-prayer or receive a sample CHURCH PRAY! bulletin, contact: IFA, Box 4477, Leesburg, VA 22075, a 501 (c)(3) tax-exempt, non-profit organization. Your tax-deductible gifts cover newsletter costs, are greatly appreciated and support extension of this ministry. Contents may be reprinted, except for items separately copyrighted. Your IFA staft: John Beckett, Chairman of the Board, Gary Bergel, President; Joe Venezia, Administrative Director; Bernadine Venezia, Accounting, Charliy Nash, Research & Information; Ardith Nielsen, Data Processing, Eileen Reed, Correspondence Secretary; Betty Reed, Secretary; Anna Harris, Program Secretary. IFA Office Phone: 703-777-0003; Fax: 703-777-2324; E-Mail: USAPRAY@AOL.COM 24 Hr Washington Watch Alert: 703-777-2042



conclusions."

The New Mexico code adds a prohibition on extra-judicial activities that "violate the judge's oath and obligation to uphold the laws and constitutions of the United States and the State of New Mexico."

The New Mexico code allows a judge to act as a fiduciary not only for a member of the judge's family but also for a member of "the family of a close friend."

The revised New Mexico code retains the following restrictions, which are in neither of the model codes:

A judge shall not hold any other paid position, judicial or otherwise that conflicts with the hours and duties the judge is required to perform for every judicial position. A judge shall devote the number of hours that is required by any judicial position held. In no event shall other paid employment or compensable activities hours be performed simultaneously.

No full-time municipal, magistrate, metropolitan, district or appellate judge may hold any other judicial position, elected or appointed.

To the restriction on judges publicly endorsing or opposing a candidate for public office, the New Mexico code adds "through the news media or in campaign literature." To the 1990 model code restrictions on campaign speech, the New Mexico code adds that a judicial candidate shall not "announce how the candidate would rule on any case or issue that may come before the court." The New Mexico code permits a judicial candidate to "use advertising that does not contain any misleading contents, provided that the advertising is within the bounds of proper judicial decorum and does not, in nonpartisan elections, contain any reference to the candidate's affiliation with a political party." Where the 1990 model code prohibits a judicial candidate from "knowingly misrepresent[ing] the identity, qualifications, present position or other fact concerning the candidate or an opponent," the New Mexico code prohibits a judicial candidate from "misrepresentling) the candidate's identity, qualifications, present position or other material fact" (emphasis added).

For judges seeking appointment to public, nonjudicial office, the New Mexico code adds that the judge

shall be disqualified from presiding or partici-

pating as a judge in any legal proceeding involving or materially affecting the interests of:

- (a) the appointing authority; or
- (b) an organization or individual that has been contacted by the candidate to make, or is known by the candidate to be making, a recommendation to the appointing authority concerning the appointment.

The New Mexico code adds provisions requiring unused campaign funds to be returned pro rata to the contributors or donated to a charitable organization.

The New Mexico code adds the following provision regarding contributions by attorneys and litigants:

Candidates for judicial office, in both partisan and retention election, shall not personally solicit or personally accept campaign contributions from any attorney, or from any litigant in a case pending before the candidate. Contributions from attorneys and litigants shall be made only to a campaign committee, and are subject to all the requirements of this rule. Campaign committees may solicit contributions from attorneys. Campaign committees shall not knowingly solicit a contribution from a litigant whose case is then pending before the candidate. Campaign committees shall not disclose to the judge or candidate the identity or source of any funds raised by the committee. If a case is pending before any candidate for the judicial office being contested, restrictions of this subparagraph apply to all candidates for that office.

Commentary explains:

Attorneys and litigants have the right as citizens to participate in the electoral process of public officers, including judges, and have the right to support and make contributions to candidates for judicial office. Therefore, campaign contributions by attorneys and litigants are permitted, within the restrictions of this rule. However, campaign contributions from litigants with cases pending before any candidate for judicial office being contested may not be knowingly solicited or accepted by any candidate for that office, or that candidate's campaign committee.

The New Mexico code adds that judges "shall comply with all rules, requirements and procedures of the Judicial Standards Commission, shall cooperate with the Judicial Standards Commission in the performance of its functions and shall comply with all laws applicable to judicial office."

lowa

Effective September 1, 1994, the Iowa code of judicial conduct was revised to add three provisions regarding bias.

The Iowa code now includes a provision prohibiting membership in organizations that practice invidious discrimination. Iowa adds the italicized language to the 1990 model code provision: "A judge shall not hold membership in any organization that the judge knows practices invidious discrimination on the basis of race, sex, religion or national origin."

Iowa also added a provision prohibiting judges from manifesting bias in the performance of judicial duties and requiring judges to require court staff and lawyers to refrain from doing so (Canons 3B(5) and 3B(6) of the 1990 model code). However, where the 1990 model code prohibits bias on the basis of "race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status," the list of prohibited bias in the Iowa code adds ethnicity but omits religion, disability, age, sexual orientation, and socioeconomic status. Accord Missoner

Judicial Conduct Reporter

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Chambers of Darrell D. White Judge

June 30, 1997

Honorable M. J. "Mike" Foster Governor, State of Louisiana P.O. Box 94004 Baton Rouge, Louisiana 70804-9004

Re: "Sexual Orientation" Feature of Senate Bill 914¹

Dear Governor Foster:

Having been involved in an initiative that resulted last year in the Louisiana Supreme Court's decision to remove "sexual orientation" language from the Louisiana Code of Judicial Conduct, I write to respectfully call to your attention several reasons why the so-called "hate crimes" legislation (as presently written to extend official legitimacy to the concept of "sexual orientation") is ill-advised and should be vetoed:

1. Unlike other categories accorded special protection under the bill, the conduct

See Tab 1 reporting that the effort to remove "sexual orientation" language from the bill failed in the House by a vote of 46 to 49.

²The sexual orientation language was added as a non-discrimination category sometime in 1993-94 by the Louisiana Supreme Court's adoption of portions of the American Bar Association's so-called "1990 Model Code of Judicial Conduct." To my knowledge, no input was solicited from the Louisiana judiciary as a whole prior to that decision. Thereafter, beginning in November of 1994, the Louisiana Supreme Court undertook a thorough review of the Louisiana's Code of Judicial Conduct, and sought input from the Louisiana judges in that process. As a result of that review, and at the urging of a number of Louisiana judges, including both the Louisiana City Judges' Association and the Louisiana Council of Juvenile and Family Court Judges, the Court by resolution dated July 3, 1996, removed all reference to "sexual orientation" language in Louisiana's Code of Judicial Conduct. Of significance is the fact that, according to the American Judicature Society's Center for Judicial Conduct Organizations, at least 4 other states (lowa, Missouri, South Dakota, and Washington) have adopted "non-bias" provisions that do not mention sexual orientation. See Tab 2.

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associated with homosexual orientation remains a crime under Louisiana law.³ On page 47 of Tab 3 is a shocking report of male homosexual activity taken from a survey conducted by <u>The Advocate</u>, a national magazine for homosexuals. Notwithstanding the distinction between conduct and orientation, that the state of Louisiana would expressly countenance a status whose very identity gives expression and approval to such activity is not in our best interests.

- 2. Enactment of this legislation would unwittingly promote the political agenda of the homosexual lobby to the detriment of our state's future as this legislation represents but the initial step in a carefully planned campaign to achieve full acceptance of the homosexual lifestyle as normal.⁴
- 3. The normalization of homosexuality would adversely affect our state from a public health perspective. Morbidity research shows that the median age of death for homosexuals is comparable with that of intravenous drug users. The homosexual population exhibits extremely high incidences of communicable diseases. Moreover, the

³In <u>State v. Baxley, 656 So.2d 973</u> (La. 1995), the Louisiana Supreme Court upheld the constitutionality of the criminal offense of crime against nature, La. Revised Statutes 14:89, described therein as "unnatural carnal copulation."

⁴"Converting the general public into supporters of homosexual demands is an unrealistic objective according to Marshall Kirk and Hunter Madsen [in their comprehensive summary of the homosexual lobby's political strategy entitled, After the Ball: How America Will Conquer Its Fear and Hatred of Gays in the 90's.] 'At least at the outset, we seek desensitization and nothing more. You can forget about trying right up front to persuade folks that homosexuality is a good thing. But if you can get them to think it is just another thing - meriting no more than a shrug of the shoulders - then your battle for legal and social rights is virtually won.... The fastest way to convince straights that homosexuality is commonplace is to get a lot of people talking about the subject in a neutral or supportive way.'" The New American, April 1, 1996, page 6. See Tab 3 for detailed analysis entitled, Homosexuality in America; Exposing the Myths.

⁵"[T]he consistency of the median age of death for homosexuals indexed by the obituaries of 18 independent homosexual journals over an eleven year period, suggests an average life-span locating in the mid 40s if AIDS fails to intervene, late 30s-to-early-40s if it does. The more limited evidence regarding lesbian deaths suggests an average life-span of under 50 years." Cameron, Paul et al.; The Longevity of Homosexuals: Before and After the AIDS Epidemic, Omega Journal of Death and Dying, Volume 29, Number 3 (1994) page 259. See Tab 5.

⁶Kingsley et al., Sexual Transmission Efficiency of Hepatitis B Virus and Human Immunodeficiency Virus Among Homosexual Men, 264 J. Am. Med. A. 230 (1990). [Although homosexuals constitute only approximately 4% of the total U.S. population, they account for almost 50% of the cases of male syphilis.] Rolfs et al., Epidemiology of Primary and Secondary Syphilis in the U.S., 264 J. Am. Med. A. 1432 (1990). [In one study, at least 43% of all reported cases of Hepatitis B occurred in homosexuals.] Handsfield, Sexually Transmitted Diseases in Homosexual Men, 71 Am. J. Publ. Hlth. 989 (1981). [A large number of enteric diseases, including salmonella infection, shigellosis, and the parasitic diseases

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risks of sexual molestation of minors⁷ and the tendency toward violence in general⁸ is enhanced within the homosexual community. In fact, research confirms that homosexual domestic violence is a bigger problem than "gay bashing." Would not a "public health impact statement" from the Secretary of Health and Hospitals be in order prior to consideration of extending statutorily protected status to homosexual orientation?¹⁰

- 4. There is no definition of "sexual orientation" in the bill such as would distinctly exclude such perversions as pedophilia, bestiality, and necrophilia. Significant recent events have already been initiated to destignatize pedophilia.¹¹
- 5. There is every reason to expect that "sexual orientation sensitivity training" of

giardiasis and amebiasis, all of which were formerly thought to be passed only through the food and water chain, are now being sexually transmitted exclusively by homosexuals.] William, The Sexual Transmission of Parasitic Infections in Gay Men, 5 J. Homosexuality 291 (1980).

⁷"One study revealed that between 44% and 81% of all homosexual sodomites surveyed admitted to having engaged in sodomy with at least one underage boy, while 68% of the more promiscuous respondents admitted to sodomy with six or more minor boys," citing Goode and Troiden, Correlates and Accompaniments of Promiscuous Sex Among Male Homosexuals, 43 Psychiatry 50, 54 (1980); Cameron, Cameron et al., Effect of Homosexuality Upon Public Health and Social Order, 64 Psychol. Rep. 1167 (1989); Cameron, Proctor et al., Child Molestation and Homosexuality, 58 Psych. Rep. 327 (1986) [31% of child abuse victims were homosexually attacked]; Jenny et al., Developmental Approach to Preventing the Sexual Abuse of Children, 78 Pediatrics 1034 (1986); Spencer et al., Sexual Abuse of Boys, 78 Pediatrics 133 (1986).

⁸Cameron, <u>Is Homosexuality Disproportionately Associated with Murder?</u>, The Christian News 9-10 (January 31, 1983).

⁹See the essay entitled <u>Same Sex Marriage</u>; <u>Till Death Do Us Part??</u>, Tab 4, pages 6-7 for an analysis of research showing that violence that homosexuals do to one another is much more significant than the violence that others do to homosexuals.

¹⁰See Tab 5 for several studies analyzing the medical implications of permissive sodomy laws.

¹¹While that may not be the current intendment, immorality does not stand still. It has been reported that the University of Massachusetts at Amherst recently revised its nondiscrimination policy to protect "persons whose sexual orientation includes minor children as the sex object." Rutherford Magazine, April 1994, page 17. Moreover, the American Psychiatric Association (APA) has recently amended its definition of pedophilia in a way that arguably moves toward acceptance of child molestation as normal. The APA's new Diagnostic and Statistical Manual IV now defines pedophile as a person who feels "clinically significant distress" over his condition or who feels socially impaired because of his pedophilia. Some concerned psychologists see this as a replay of recent actions that eventually declassified homosexuality as a pathology. Citizen Magazine, June 19, 1995, page 7. See Tab 6.

Louisianians would shortly follow final enactment of this legislation. ¹² If it develops, such training would doubtless take the position that traditional religious views of homosexuality are "intolerant" and thus unacceptable. Quite clearly the Roman Catholic Church's official position on homosexuality would be viewed by homosexual rights advocates in this light, which would jeopardize the future of the Louisiana Judiciary's venerable Red Mass Ceremony. ¹³ It is also reasonable to expect that any special recognition accorded by this statute would be followed by homosexual activists' pursuit of other legal challenges and initiatives designed to force acceptance of their lifestyle as normal. ¹⁴ Yielding to the demands of the homosexual community in this area will only fuel further demands.

- 6. Knowledgeable sources suggest the existence of serious constitutional, legal, and sociological implications surrounding the special treatment contemplated in such legislation.¹⁵
- 7. In the final analysis, it is respectfully requested that the issue of according special recognition of "sexual orientation" rights be examined in light of the profound question, what will the citizens of Louisiana ultimately have to forfeit in order to accommodate these new rights of homosexuals? Will this legislation bring us closer to the day we might find ourselves reaping the harvest described in the attached article concerning San Francisco?¹⁶

As a father of seven children, an elected Republican judge since 1979, and one who supported your candidacy, ¹⁷ I am not willing that history should recognize you as the Louisiana chief executive who signed legislation introducing the mistaken idea that homosexuality is a normal condition of life. As John Adams observed, facts are stubborn things, and history clearly teaches

¹²See Tab 7.

¹³The District of Columbia forced Georgetown University to allow pro-homosexual student groups to meet on campus, even though the pro-homosexual groups advocated sexual activities contradicting Georgetown's Roman Catholic theology. The highest court for the District of Columbia ruled that D.C.'s homosexual rights ordinance prevailed over Georgetown's constitutional right to free exercise of religion. Gay Rights Coalition v. Georgetown University, 536 A.2d 1 (D.C. 1987). See Tab 8 for essay entitled, Is Homosexual Orientation Sin?

¹⁴Tab 8.

¹⁵Tab 9.

¹⁶See Tab 10.

¹⁷Through the urging of mutual friends, Sandy and Jim McClelland.

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the lesson that no society has loosened sexual morality outside marriage and survived. 18

As I've mentioned to you in previous correspondence, my family prays daily that God would give you wisdom, and we will be especially prayerful that you carefully examine this piece of legislation through the filter of God's Word.

Sincerely,

Darrell D. White Judge, Division C

attachments

cc: Cheney Joseph, Governor's Executive Counsel
Bobby Jindal, Louisiana Secretary of Health and Human Services
Honorable Bernard Boudreaux, District Attorney for St. Mary Parish
Honorable Doug Moreau, District Attorney for East Baton Rouge Parish
Pastor Larry Stockstill, Bethany World Prayer Center

^{18&}quot; Analyzing studies of cultures spanning several thousand years on several continents, [late Harvard sociologist Pitirim] Sorokin found that virtually all political revolutions that brought about societal collapse were preceded by sexual revolutions in which marriage and family were no longer accorded premiere status. To put it another way, as marriage and family ties disintegrated, the social restraints learned in families also disintegrated. Societal chaos ushers in tyrants who promise to restore order by any means." The American Family Association Journal, April 1996, page 17.