

SUMMARY

Joseph W. Morris

Former United States District Court Judge.

May 6, 2005

Canon 3.03.

Judge Morris comments on the phrase "sexual orientation" as extremely vague and ambiguous. In his view, it could mean any sort of sexual behavior, activity or preference, including homosexuality, trans gender or transsexual traits, pedophilia, bestiality, or just about any other type of sexual behavior one could think of. He states that the ABA should not be in the business of disqualifying judges from office because they hold a legitimate personal view concerning the morality, legality or appropriateness of behavior one might describe as "sexual orientation."

Judge Morris is concerned that this proposed amendment could have extreme consequences, such that a judge's membership in a church, synagogue or mosque that rejects homosexuality and other sexual behavior, and/ or which supports organizations that do so, would be prohibited. He finds the ABA proposed language activist and wrong. He also finds the commentary vague and ambiguous.

He states that the Commission apparently recognizes that rights relating to "sexual orientation" are very much in flux at this time. He asks, "Why would the Commission seek to put this provision into the Code where the Commission itself acknowledges that the states have taken varying approaches on this issue, knows that it is controversial."

Judge Morris notes that there are substantial medical studies concerning the homosexual lifestyle which show that it is unhealthy, destructive, and even deadly. He asks, "Why should the ABA be promoting such a lifestyle and condemning those who disagree with it?"