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Kessler supports sexual orientation legal protections, says chances for bill up to House

By [Phil Kabler](#)

CHARLESTON, W.Va. -- Sen. Jeff Kessler, D-Marshall, gave an impassioned speech Monday in support of legislation to add sexual orientation to the state's anti-discrimination laws.

"It is time to recognize once and for all in West Virginia that, clearly, all men and all women are created equal," Kessler, acting Senate president and a candidate in the gubernatorial special election, said during a rally outside of Senate chambers.

"These are individuals who are who they are," Kessler said. "They have no more ability to change their orientation than they do the color of their skin."

Kessler said he believes it is wrong to discriminate against people based on their race, gender, age, "or the God they love, or the person they love."

Afterward, he said the bill's fate probably lies with the House of Delegates, where similar legislation died in 2008 and 2009.

"We've sent it over twice, and they've killed it," he said. "We'd like some reasonable indication they'll take it up."

In 2008, the bill advanced to the full House, but was pulled off the active calendar by the House Rules Committee at the end of the session. In 2009, the bill died in House Judiciary Committee.

Sponsored by Fairness West Virginia, Monday's rally drew more than 100 supporters, who frequently chanted, "Stand with Sam" in recognition of Sam Hall, a gay ex-miner who is suing a Massey Energy subsidiary for workplace sexual harassment.

Hall told the crowd that he was subjected to threats, verbal and physical harassment and vandalism on the job, and said he would not have had to endure such "demeaning and inexcusable behavior" if sexual orientation were included in the state Human Rights Act.

"Why, as West Virginians, do you allow this type of behavior and harassment to occur and go unpunished?" Hall asked the crowd.

Critics of the legislation (SB226, HB2045) contend that the state should not extend civil rights protections to what they regard as a deviant lifestyle.

On Monday, Delegate Barbara Fleischauer, D-Monongalia, took to task one of the most vocal opponents of the bill, Jeremy Dys of the Family Policy Council of West Virginia.

She cited Dys' statement in the Sunday Gazette-Mail, in which he said the legislation "insults the civil rights pioneers."

"On this issue, the Family Policy Council of West Virginia is on the wrong side of history," Fleischauer said. "Opposing this bill means you are for discrimination, and that is not what West Virginia is about."

Secretary of State Natalie Tennant, another gubernatorial candidate, was unable to appear at the rally, citing a scheduling conflict. She issued a statement endorsing the legislation, stating, "It's time for a new approach. It's time for West Virginia to move forward."

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