



## **JUDICIAL INVESTIGATION COMMISSION**

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Charleston, West Virginia 25326-1629  
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November 6, 2007

Re: JIC Advisory Opinion 2007-26

Dear

In recent correspondence to the Judicial Investigation Commission you asked for an advisory opinion. You stated that you had been asked to join the Daughters of the American Revolution Organization. You asked whether there is any ethical prohibition against you doing so.

To address the question which you have raised, the Commission has reviewed Canon 2C of the Code of Judicial Conduct. This Canon states:

Canon 2. A judge shall avoid the impropriety and the appearance of impropriety in all of the judge's activities.

- C. A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin. For the purposes of this Canon, an "organization, which practices invidious discrimination" shall mean any organization, which arbitrarily excludes persons from membership upon the basis of race, sex, religion, or national origin. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical, or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

November 6, 2007

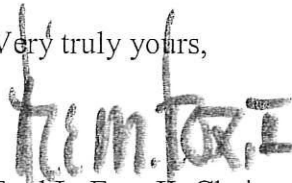
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The Daughters of the American Revolution is described as "a lineage-based membership organization of women dedicated to promoting historic preservation, education, and patriotism." It states that the DAR does not discriminate based on race or religion, and welcomes all women with a provable bloodline to revolutionary ancestors.

Based upon the description of the Daughters of the American Revolution Organization and its membership criteria, as well as a review of the language contained in Canon 2C of the Code of Judicial Conduct, it is the opinion of the Commission that you could join the Daughters of the American Revolution Organization.

It is hoped that this opinion fully addresses the question that you have raised, if there is any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Fred L. Fox, II". The signature is stylized with a large, prominent "F" and "L".

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

FLF,II:nb