

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division**

WESLEY C. SMITH  
Plaintiff

v.

CHERI SMITH, et als  
Defendants

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Case No: 7:07-CV-00117

**#9 - REFERENCE DOCUMENTS**

A pdf copy of this document is available at: <http://www.liamsdad.org/court/civilrights>

I am making these documents available to Judge Conrad should he find them useful:

1. Federal question regarding equal rights to care, custody, and control of minor children... -

Indiana Civil Rights Council

A parent's right to raise a child is a constitutionally protected liberty interest, A state's granting of sole custody is sufficiently intrusive to warrant scrutiny, The compelling state interest in the best interest of the child can be achieved by less restrictive means than sole custody.

2. Parental Rights And Due Process - Donald C. Hubin

The U.S. Supreme Court regards parental rights as fundamental. Such a status should subject any legal procedure that directly and substantively interferes with the exercise of parental rights to **strict scrutiny**. On the contrary, though, despite their status as fundamental constitutional rights, **parental rights are routinely suspended or revoked as a result of procedures that fail to meet even minimal standards of procedural and substantive due process**. This routine and cavalier deprivation of parental rights takes place in the context of divorce where, during the pendency of litigation, one parent is routinely deprived of significant parental rights without any demonstration that a state interest exists—much less that there is a compelling state interest that cannot be achieved in any less restrictive way. In marked contrast to our current practice, treating parental rights as fundamental rights requires a presumption of joint legal and physical custody upon divorce and during the pendency of divorce litigation. The presumption may be overcome, but only by clear and convincing evidence that such an arrangement is harmful to the children.

3. Amicus Curiae Brief - Families In Transition

The parent-child relationship is a protected liberty interest. A parent has fundamental right to parent his child. That fundamental right is recognized by a presumption in law and protected by the United States Constitution. The State may not abridge that fundamental right without a compelling interest. The statutory scheme lacks constitutional protections.

4. Parenting As A Protected Constitutional Right - Children's Rights Council

Given the long history of cases by the Supreme Court it can no longer be doubted that the best interest of the child must be coupled with harm to the child before restricting a parent's fundamental liberty interest in parenting his or her child.

5. Parental Rights And The Law - Alliance for Non-Custodial Parents Rights

Case citations that Parental Rights are Constitutionally Protected Rights and that the principle is well settled.

6. Federal Incentives Make Children Fatherless by Phyllis Schlafly

Discussion of how Federal Funding Incentives to the States for "Child Support" encourages states to deprive fathers of their parental rights.

7. Welfare for the Affluent by Center for Parental Responsibility

Discussion of how Federal Title IV-D Welfare, why it was created, how its purpose was perverted and how it now is used to generate revenue for states by granting welfare to affluent custodial parents and alienating one parent.

8. How federal welfare funding drives judicial discretion in child-custody determinations and domestic relations matters By Lary Holland and Jason Bottomley

9. Order Declaring Georgia's Child Support Guidelines Void And Unconstitutional - Honorable

C. Dane Perkins

10. How The Judiciary Stole The Right To Petition by John E. Wolfgram

Discussion of Judicial Immunity and the Petition Clause

**Respectfully Submitted,  
Wesley C. Smith**

June 12<sup>th</sup>, 2007

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Wesley C. Smith, Plaintiff  
5347 Landrum Rd APT 1  
Dublin, VA 24084-5603  
703-348-7766  
liamsdad@liamsdad.org