

Massachusetts court set to rule on gay marriages

If Massachusetts' highest court rules in favor of 14 homosexual claimants, the state will be the first in the nation to allow gay marriage

By Angela Coulombis
Knight Ridder Newspapers (KRT)

BOSTON — Gloria Bailey and Linda Davies privately exchanged gold and silver wedding bands 30 years ago as a symbol of their commitment to spend their lives together.

Since that time, the friendly, outgoing couple from the small town of Orleans on Cape Cod have shared all but one thing — the legal right to call themselves a family.

But a much-anticipated ruling by the Massachusetts Supreme Judicial Court, stemming from a lawsuit filed by Davies, Bailey and six other gay and lesbian couples, could soon change the political and social landscape on the contentious issue of same-sex marriage.

If the seven couples prevail, Massachusetts will become the first state in the nation to grant gays and lesbians

the right to marry, giving them access to a long list of tax, inheritance and other benefits.

"That one little word — 'marriage' — means so much, and we're not allowed to use it to describe what we have," said Davies, 57. "I love Gloria, and I'm proud of being with her. And I want people to know it."

Supporters of gay and lesbian rights are holding out hope that the state's highest appellate court will seize on the momentum of recent victories for their community — including the recent U.S. Supreme Court ruling overturning the Texas anti-sodomy law and the decisions in two Canadian provinces to legalize same-sex nuptials — and rule in their favor.

"I've been in the movement for 25 years, and these past five weeks have been the most thrilling and frightening I can remember," said Matt Foreman, executive director of the National Gay and Lesbian Task Force. "... After all these years, we have the real possibility of winning right here in this country."

Currently, no state permits mar-

riages between same-sex couples, though legal battles to gain that right have been fought in several states, including Hawaii, Alaska and Vermont.

In Vermont, the state Supreme Court in 1999 ruled that the state constitution entitled gay and lesbian couples to all the protections and benefits afforded by marriage. But it left it to the legislature to decide whether to permit those couples to marry. The legislature in 2000 voted to create "civil unions," which give same-sex couples all the benefits of marriage except one: the actual right to marry.

The case stemming from Massachusetts seeks to go beyond what Vermont has offered — though supporters of gay and lesbian rights acknowledge that the high court could follow in Vermont's footsteps. But the lawsuit that sparked the legal debate seeks full marital rights under the Massachusetts Constitution.

Filed in a Massachusetts lower court in April 2001, the suit argues that the right to marry the person of one's choice is protected under the state constitution. The suit also contends the

state cannot justify excluding gay and lesbian couples from the institution of marriage and the benefits it provides.

The case landed before the Supreme Judicial Court this year, turning Massachusetts into a testing ground to determine how far U.S. courts are willing to go to ensure equal rights.

"The Massachusetts state constitution is the oldest functioning constitution in the world, and has very expansive protections for liberty and equality," said Mary Bonauto, the lead attorney for the seven couples.

If the Massachusetts high court rules in favor of the gay and lesbian couples, the case cannot be appealed to the U.S. Supreme Court, said Harry Knox, program director for Freedom to Marry, which is working to secure same-sex marriage in the United States.

The reason: The decision will be based on an interpretation of the state constitution of Massachusetts, not the Constitution of the United States.

"It would be a watershed moment," Knox said, adding that a victory in Massachusetts would prompt

couples to go there to marry, then return to their home states and demand that those governments — as well as the federal government — recognize the new marriage licenses.

Critics of the gay and lesbian marriage movement, who anticipate Massachusetts will rule in favor of same-sex marriage, are working to pre-empt such a chain reaction of events.

On the federal level, several members of Congress are sponsoring a proposed constitutional amendment to outlaw same-sex marriages, a move that, if passed, has the potential to stop same-sex marriage lawsuits around the country in their tracks.

In 1996, Congress approved and President Bill Clinton signed the federal Defense of Marriage Act, defining marriage in federal law as a legal union between a man and a woman. It did not outright ban same-sex marriages but allowed states to reject such marriages performed in other states.

(c) 2003, The Philadelphia Inquirer. Distributed by Knight Ridder/Tribune Information Services.

Judge rejects NAACP suit filed against gun industry

The NAACP's dismissed lawsuit contended that firearm industry practices particularly harmed its principally black membership

By John Marzulli
New York Daily News (KRT)

NEW YORK — A federal judge in Brooklyn threw out the NAACP's lawsuit against the gun industry Monday.

Despite finding that gunmakers' failure to stem the flow of illegal weapons by retailers put the public at risk, Judge Jack Weinstein threw

out the suit.

He said the civil rights group failed to prove its main claim — that the industry's practices had been particularly harmful to the NAACP's predominantly black membership.

The NAACP "failed to show that its harm was different in kind from that suffered by any other person in New York," Weinstein wrote in his 175-page decision.

But he added: "While (the gun industry) is justified in disclaiming liability for all these violent crimes and the resulting injuries and deaths, that

is hardly justification for failure to take elementary steps that ... would have saved the lives of many people."

Among the obvious steps would be requiring retailers to stop selling multiple guns to the same customers, he said.

Weinstein's decision follows a two-month trial that concluded in May with an advisory jury clearing 45 gun manufacturers and distributors of negligence.

The NAACP had sought sweeping reforms of laws regulating the sale of guns, but no monetary damages.

On Monday, the group's lawyer, Elisa Barnes, proclaimed the ruling a "moral victory."

She said the ruling paves the way for lawsuits pending against firearm manufacturers filed by the city and state because the judge indicated that neither would have to show a particular group had been hurt.

"We carried the ball 99 yards, and now it's up to the city and the state to carry it across the goal line," said Matthew Nosanchuk, another plaintiff's lawyer.

A spokesman for the gun industry

hailed the ruling, despite Weinstein's criticism.

"We are not interested in Judge Weinstein's personal opinion or ruminations on public policy," said Lawrence Keane, vice president of the Newtown, Conn.-based National Shooting Sports Foundation.

"The industry should never have had to defend itself against such a frivolous lawsuit," Keane said.

(c) 2003, New York Daily News. Distributed by Knight Ridder/Tribune Information Services.

Tuition

continued from page 1

"From a policy perspective, there are no classes that we don't have to pay for," Lussier said.

Although some students will have to pay more next year, students leaders were happy with the board's decision to delay the implementation of plateau changes until winter term.

"It's a huge victory from where we were a week and a half ago," ASUO Legislative Associate Gabe Kjos said. He added that ASUO will use the ex-

tra time to educate students about the changes and how they will be affected. Student leaders will also meet with administrators to discuss new ways to attain funding and more financial aid for students.

Since the changes will not be implemented until January 2004, however, schools will face financial shortages in the fall.

"Our concern is that postponing the decision will mean that we might not be able to offer all course sections," Frohnmayer said. The University expects to be \$400,000 short in the fall, which translates to about 60

lost classes in winter and spring terms.

Oregon Student Association Executive Director John Wykoff said universities should stop using "shock therapy," such as threatening to cut classes, to deal with the financial problems. He said they should think of another, more important cut.

"There is a cut, and it's students, because some of them won't be able to finish their education," Wykoff said. He said while schools may believe students will continue to fill the classrooms, they need to think about what type of students will have access to education. Those with higher income

may continue to trickle in as lower-income students are forced out.

Wykoff added that it is time to find ways to mitigate the damage of the tuition increases for students who are "financially on the margin." He said institutions perceive tuition as a source of revenue, adding that the plateaus were being eliminated or changed to raise funds, not to create more equity between part-time and full-time students.

Kjos had similar sentiments about ending the plateau system, saying its elimination would have been "catastrophic."

However, Frohnmayer said some of

the acrimony surrounding the changes to the plateaus was "entirely unjustified," especially in relation to the University. Stating the University had started implementing changes to its plateau a year ago, Frohnmayer said the "parade of horrors" put forward by students at other universities had not been experienced at the University.

He added that the University intends to cushion the effects of the tuition increases by re-evaluating financial aid packages for low-income students.

Contact the reporter at ayishayahya@dailymerald.com

Candidate

continued from page 1

withdrawing from both the World Trade Organization and the North American Free Trade Agreement. Kucinich said his administration would also support the Kyoto Accords and enforcing other environmental regulations.

"As citizens of this planet, we have a right to breathe clean air and drink clean water," Kucinich said.

The presidential candidate also criticized the media for unbalanced coverage of issues such as the Iraq war, saying he was concerned with media concentration.

"There's a sense that we're not getting the truth," Kucinich said. He said as president he would file suit to break up "monopolies in the media."

According to Kucinich's campaign Web site, he has found support from a variety of individuals, including Mahatma Gandhi's grandson; country singer Willie Nelson and Ben Cohen, co-founder of Ben and Jerry's Homemade, Inc. Ralph Nader, the Green Party's presidential candidate in 2000, has also endorsed his views.

Kucinich first entered the national spotlight when he was elected mayor of Cleveland at the age of 31, becom-

ing the youngest person to lead a major American city. After serving as a state senator for two years, he was elected to the U.S. House of Representatives in 1996.

College Republicans Chairman Jarrett White said he disagreed with many of Kucinich's points, saying Kucinich, with his anti-war views, would not be the right person to lead the country.

"I think he would make this country a dangerous place to live," White said. "Terrorists would not take the United States seriously with Kucinich as president."

White added that Kucinich and other Democratic candidates are taking advantage of the situation in Iraq

to propel their own campaigns.

"Now that we have a little turmoil in Iraq, Kucinich and other Democrats are getting on board to bash Bush," White said.

Emily Vedaa, a senior majoring in international studies, said she liked Kucinich's progressive views, adding that other Democratic Party candidates seemed too moderate. Vedaa said it was encouraging to see a lot of people supporting Kucinich.

"The Democrats are going nowhere," Vedaa said. "I think (Kucinich) is taking the true meaning of democracy and going with it."

Contact the reporter at shoikeda@dailymerald.com.

LAMA TSERING

CREATING PEACE


In Times Of Turmoil

Tuesday, July 22 at 7 p.m.

BROWSING ROOM, KNIGHT LIBRARY

15th & Kincaid - U of O CAMPUS

OFAM 2003
AUGUST 7-16



THE JOHN PIZZARELLI TRIO

OFAM 2003 OPENING GALA CONCERT - HULT CENTER

THURSDAY, AUGUST 7, 7:30 PM - TICKETS: 692-5000