

For an \$8 fee (\$24 less than the cost of a marriage license), they receive a certificate entitling them to roughly one-sixth the rights and benefits of married couples, including survivor rights, health-related benefits such as hospital visitation and family and funeral leave, and legal standing of beneficiaries related to victims rights.

The measure became law June 23 without the governor's signature.

It was passed by lawmakers in conjunction with an initiative for the November 1998 ballot in which voters could authorize the Legislature to amend the state Constitution to restrict marriage to one man and one woman.

## Black gay and lesbian group mourns Shabazz

The National Black Lesbian and Gay Leadership Forum expressed condolences over the death of Dr. Betty Shabazz, the widow of Malcolm X.

Shabazz, 61, died June 23 from complications due to third-degree burns.

"Dr. Shabazz embodied strength and endurance through her triumphs," says Keith Boykin, executive director of the Leadership Forum. "She will be greatly missed."

While working as a nurse, Shabazz met and married Malcolm X in 1958. After his assassination on Feb. 21, 1965, Shabazz raised their six daughters alone in Mount Vernon, N.Y. She went on to earn a doctorate in education from the University of Massachusetts in 1975. In addition, she served as director of public relations at Medgar Evers College in Brooklyn and became head of the office of institutional advancement there.

"Dr. Shabazz was a friend to our community and advocated for the human rights of all people," says Boykin. "She will be remembered as a soulful, unifying force in the black community."

Established in 1988, the National Black Lesbian and Gay Leadership Forum is the only national organization dedicated to the country's estimated 2-plus million African American gay men and lesbians.

## ACLU sues New Jersey for adoption rights

The American Civil Liberties Union filed a class-action lawsuit June 19 against the state of New Jersey, claiming it is discriminating against lesbian and gay families by refusing to grant joint adoptions to same-gender couples.



The case is filed on behalf of Jon Holden and Michael Gallucio, a couple seeking to adopt their foster child, Mark, an 18-month-old born HIV exposed and cocaine addicted.

The child has been in the couple's care since January 1996. The other named plaintiff is Lambda Families, a group advocating for sexual minority interests statewide.

After an extensive home study by state adoption officials in 1995, Holden and Gallucio were accepted as both an adoptive family and a foster family, with further approval to care for children who had been exposed to HIV and drugs.

According to an ACLU news statement, the couple initially were told they could jointly adopt Mark, only to be told later they would have to do so separately, one as a single parent and the other as a step parent.

By way of explanation, state officials cited a

previously unenforced policy they claim limits adoptions to married couples and single parents.

The ACLU, however, charges this policy is inconsistent with current state law and judicial record. Furthermore, the ACLU maintains the two-step policy amounts to unequal treatment in violation of state and federal constitutions.

## Favorable appeals court ruling on asylum

The 9th U.S. Circuit Court of Appeals ruled June 24 that lesbians and gay men who suffer violence in their homelands need not prove the malicious intent of their persecutors.

According to a Lambda Legal Defense and Education Fund news release, "The court recognized the cruelty and discrimination in government anti-gay persecution, regardless of the excuses that governments may give," such as an agenda to "cure" gay men and lesbians through psychiatric hospitalization and drug treatment.

The San Francisco-based court's ruling centered around the 1995 U.S. Board of Immigration Appeals rejection of Alla Pitcherskaia's request for political asylum. Saying the BIA's decision was based on the alleged intent of Pitcherskaia's persecutors—Russian police and organized crime members—the court remanded her case for reconsideration.

Lambda says Pitcherskaia, 35, sought political asylum after being beaten, harassed and forcibly detained because she is a lesbian and an advocate for lesbian and gay civil rights in Russia.

The organization says since she left her home country in 1992, the Russian Mafia has destroyed the business Pitcherskaia began with gay co-workers who had lost their jobs due to their sexual orientation, and murdered one of those co-workers.

## Attorneys do battle in Atlanta

Robin Shahar, a lawyer who lost an offer to work for the Georgia attorney general's office after she held a private religious wedding with her lesbian partner, filed an appeal in federal court on June 20 asking that her discrimination case be reheard.

Shahar's appeal is based on former Attorney General Michael Bowers' recent admission of adultery while in office, which she says undermines his reason for rescinding the offer and the court's basis for upholding the dismissal—that her purported marriage to another woman would weaken the credibility of the state attorney's office.

A three-judge panel of the 11th U.S. Circuit Court of Appeals ruled in December 1995 that Bowers had infringed on Shahar's constitutional right to free association and sent the case back to trial, but that ruling was vacated by the full appellate circuit.

Six days after that decision, Bowers, who resigned as attorney general to join the race for the governor's office in 1998, publicly admitted he had had a decade-long affair with a female employee.

The American Civil Liberties Union and Lambda Legal Defense and Education Fund are representing Shahar in the case, which began in 1991. Her attorneys plan to argue for reconsideration in light of the Supreme Court's 1996 decision in *Romer vs. Evans*, which establishes that discrimination against sexual minorities cannot be based on bias or discomfort alone, but must serve a legitimate governmental interest. Given Bowers' admission of adultery, a misdemeanor under Georgia law, they argue that his dismissal of Shahar does not fulfill the conditions of the *Romer* precedent.

Compiled by Christopher D. Cuttone

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