

The commission's decisions also make clear that, unlike federal disability laws, Massachusetts' disability law does not exclude trans people from protection. As long as a trans person is otherwise able to demonstrate he or she is "a qualified individual with a handicap," that person is entitled to protection from discrimination based on the person's disability.

The commission's decisions are consistent with recent state court cases in Massachusetts, New Jersey and New York; federal court decisions from California and Massachusetts; and administrative decisions in Connecticut, Florida and Illinois. They also reflect legislative developments in Minnesota, Rhode Island and the District of Columbia as well as more than 30 local jurisdictions to include trans people explicitly in their nondiscrimination laws.

CALIFORNIA

The National Coalition Against Censorship, the American Civil Liberties Union of Southern California, the First Amendment Project of Oakland and a large number of local and national artists announced Oct. 11 they are protesting the removal of Alex Donis' exhibit "WAR" from the Watts Towers Art Center.

The show, which is composed of a series of paintings featuring fictionalized pairings of Los Angeles Police Department officers and gang members in same-sex dancing poses with companion text from renowned African American poet and performance artist Keith Antar Mason, stirred controversy. The Watts Community Action Council warned of protest and possible violent action. Art center director Mark Greenfield, in consultation with Los Angeles Cultural Affairs Department general manager Margie Reese, decided to take the exhibition down.

The groups and artists urged the agency to take a stand for artistic expression by reinstalling the show as soon as possible. Furthermore, they called for a policy to ensure First Amendment rights are protected in the future.

"A government-sponsored art space cannot legally cancel an exhibition of constitutionally protected expression merely because the art may offend the sensibilities

of certain members of the community," they wrote in a letter to Greenfield and Reese.

Heather Carrigan, ACLU of Southern California public policy director, said: "Art challenges the very notion that there is only one way of seeing things. No one is required to like Mr. Donis' art, but everyone should be allowed to make that judgment for him or herself."

Svetlana Mintcheva, National Coalition Against Censorship arts advocacy coordinator, added, "If warnings of controversy and possible violence succeed in silencing expression, then violence prevails over freedom and democratic dialogue."

Jean Harris, California Alliance for Pride and Equality executive director and former Basic Rights Oregon executive director, testified in support of civil unions for same-sex couples Oct. 24 at the state Capitol. The informational hearing addressed Assembly Bill 1338, authored by Assemblymember Paul Koretz.

The legislation would enable gay and lesbian couples to enter into civil union providing comparable rights, benefits, responsibilities and

obligations afforded to opposite-sex couples when they get married. The Assembly Judiciary Committee, chaired by Darrell Steinberg, has scheduled a second informational hearing Nov. 5 at Los Angeles City Hall.

A state appellate court in San Diego released a extreme and unprecedented decision Oct. 25 that could have severe consequences for thousands of adopted children in families throughout California, according to Lambda Legal Defense and Education Fund. The case, Sharon S. v. Superior Court, involved a dispute concerning the validity of second-parent adoption, the only procedure by which both members of a same-sex or other unmarried couple can become the legal parents of their children.

In a decision that is sending shock waves throughout the state, the court appeared to call into question the legitimacy of these long-standing adoptions. "Never before has a court anywhere in the country purported to cast into doubt the validity of thousands of finalized adoption decrees," said Kate Kendell, National Center for Lesbian Rights executive director.

During the past 15 years, trial courts across California routinely have granted thousands of second-parent adoptions, and thousands of families now rely on these decrees to provide health insurance, Social Security, pension rights, inheritance rights and other crucial benefits for their children. In spite of this settled practice, the San Diego appellate court's rigid interpretation of the state's adoption statutes says trial courts never had the authority to grant second-parent adoptions.

"This decision ignores two basic principles of California family law: that adoption statutes must be interpreted in light of the best interest of children and that there is a strong public policy favoring the finality of adoption decrees," said Jennifer Pizer, Lambda senior staff attorney. "Besides depriving Joshua—the child involved in this case—of having two

legal parents, the court's decision could harm many other children and their families who were not even involved in the case by casting doubt on their legal status."

The court dismissed these concerns by saying all of these families could apply for new adoptions under Assembly Bill 25, California's recently signed domestic partnership law, which goes into effect in January 2002. But, asks Jordan Budd, staff attorney for the American Civil Liberties Union of San Diego: "What about families who have moved out of state and can't qualify for a California domestic partnership? What about families where the birth parent has died—which would leave the child a legal orphan if the adoption is invalid? What about children who rely on an adoptive parent's health insurance policy? This decision, if its effects aren't restricted or overturned, could cause chaos for so many families."

Civil rights groups expect the California Supreme Court will review the case and are analyzing other strategies to minimize the harmful effects of this decision. □

Compiled by News Editor JIM RADOSTA, who can be reached at jim@justout.com.



Kate Kendell



Alex Donis' Popeye and Captain McGill was banned along with the rest of the "WAR" exhibit



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