

# NATIONAL news

a beneficiary in a will but not to same-sex partners, most of whom do not have wills. Unlike opposite-sex spouses, gay and lesbian partners without wills cannot submit claims for compensation. Instead, they would need to rely on another member of the victim's family to name them as a survivor.

In meetings with victims' relatives, Feinberg has indicated orally he would consider amendments to include same-sex partners not named by the family member submitting the claim. However, disputed cases will be referred to state courts, which—with few exceptions, such as Vermont—do not recognize same-sex partnerships.

cent of respondents in the 1993 National Black Politics Study.

Officials of the Catholic Church, which has been rocked by recent revelations of a child sex abuse cover-up by its hierarchy, are attempting to deflect attention from their own culpability in the growing scandal by suggesting a purge of gay priests. A number of far-right commentators seized on this notion and have begun to make unfounded assertions linking adult homosexuality with pedophilia.

"One important perspective has been missing from much of this debate: that of gay and lesbian Catholics," said Marianne Duddy, executive director of Dignity, a gay Catholic organization. "The Catholic Church's scapegoating of gay priests, paired with their historical refusal to discuss their role in oppressing gay and lesbian members of the Catholic Church, is only



A newly released survey polled 2,645 people during the summer of 2000 at black Gay Pride celebrations throughout the country (including Houston Splash, above)

Representing the largest multicity sample of black sexual minorities ever surveyed on such a wide array of topics, a national study released March 25 documents a significant prevalence of parenting, high levels of political participation and widespread experiences of racism and homophobia. *Say It Loud: I'm Black and I'm Proud* also found HIV/AIDS, hate violence and recognition of same-sex relationships to be their top priorities.

"It contains significant policy implications for the predominantly white GLBT community and for the predominantly straight African American community," said Juan Battle and Cathy J. Cohen, the study's lead researchers and primary authors. "This report also provides much-needed data on an underserved and understudied population which is an integral part of both the black community and the GLBT community."

A total of 2,645 participants were surveyed during the summer of 2000 at black Gay Pride celebrations in Philadelphia; Houston; Washington, D.C.; Los Angeles and Oakland, Calif.; Chicago; Detroit; New York; and Atlanta. Among the report's key findings:

- A high prevalence of parenting is revealed: 40 percent of women, 18 percent of men and 15 percent of trans people reported having at least one child.
- Half of the respondents say racism is a problem in the white sexual minorities community.
- Two-thirds report that homophobia is a problem within the black community.
- In terms of sexual identity, three-quarters identify as gay or lesbian, 11 percent bi and 1 percent trans.
- More than half say their church or religion views homosexuality as "wrong and sinful."
- The sample is slightly less Democratic, and more Republican, than the black population as a whole. At the same time, it is more liberal than the black population as a whole, with 47 percent identifying as liberal vs. only 31 per-

creating more pain and distrust for those who seek solace in the church."

## KANSAS

The Kansas Supreme Court ruled March 15 that the 1998 marriage of transsexual J'Noel Gardiner to her late husband, Marshall, was invalid. After his death, his son successfully sought to block her claim to her spousal share of the estate.

Chief Justice Donald Allegrucci wrote that, despite undergoing successful sex reassignment surgery in the early '90s, "J'Noel remains a transsexual, and a male for purposes of marriage under Kansas law. A post-operative male-to-female transsexual does not fit the common definition of a female."

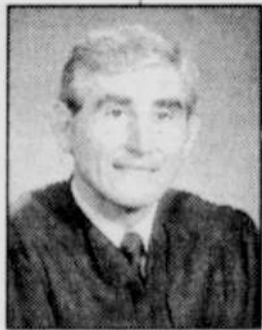
Allegrucci further determined the state has no "full faith and credit" duty to recognize Wisconsin's judicial determination that reissued Gardiner's birth certificate recognizing she is female. He said Kansas marriage can exist only "between a biological man and a biological woman."

"It strikes me as the Supreme Court trying to bury its head in the sand and ignore the reality of 21st century science and medicine," said Jennifer Middleton of Lambda Legal Defense and Education Fund. "The court relied on a 1970 edition of Webster's dictionary instead of contemporary medical evidence to conclude that J'Noel Gardiner is not female and left her in a legal void."



The case cannot be appealed. The National Transgender Advocacy Coalition views the opinion to be a travesty of justice.

"It absolutely defies logic that the very same state that created law which allowed for the issuance of a valid marriage certificate to Mr. and Mrs. Gardiner [would] later determine that their own state procedures for marriage could be deemed invalid," board chair Yosefio Lewis said. "Judge Allegrucci and the other justices have invalidated their own procedures." □

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



Donald Allegrucci

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