

NATIONAL news

remains a rare occurrence because members of the majority are often reluctant to sign a petition against the wishes of their party's leadership.

ARIZONA

The U.S. Ninth Circuit Court of Appeals reversed Aug. 12 a lower court's decision to dismiss an equal protection claim brought against the Arizona Department of Corrections by a same-sex couple who were not allowed to hug or kiss during jail visits even though opposite-sex couples enjoyed the same right.

After Karl Whitmire hugged his incarcerated long-term partner, William Lyster, he was warned that if it happened again, "it will be a long time" before they see each other. A department policy states, "The following conduct shall be prohibited at visits...same-sex kissing, embracing (with the exception of relatives or immediate family) or petting."

Whitmire and Lyster filed suit against the state on the grounds that the discriminatory policy violated their rights. A lower court sided with the state in dismissing the suit, and the plaintiffs appealed.

The Ninth Circuit ruled that the policy might violate Whitmire's constitutional right to equal protection. "This ruling underscores the basic principle that no matter what the context, the government cannot treat lesbian and gay people differently simply because some people disapprove of same-sex relationships," attorney Courtney Joslin said.

The case now will return to the lower court for further proceedings. "Prison administrators can have reasonable rules to protect prison safety, but they can't arbitrarily penalize prisoners and visitors on the basis of sexual orientation," attorney Martha Matthews said.

CALIFORNIA

A gay California man whose partner died in the Sept. 11, 2001, terrorist attacks—and whose passionate testimony propelled legislation to provide partial inheritance rights for registered domestic partners—attended the ceremony where Gov. Gray Davis signed the bill into law Sept. 10.

Keith Bradkowski's partner, Jeff Collman, was a flight attendant on American Airlines Flight 11, the first plane that crashed into the World Trade Center. The couple, who had been in a committed relationship for 11 years, were registered domestic partners in California and mistakenly believed the law already included inheritance protections.

"Keith's situation would have been much more straight-forward if this law had been in effect a year ago," said attorney Jennifer Pizer, who represents Bradkowski with respect to the federal Sept. 11 Victims Compensation Fund.



Keith Bradkowski's partner, Jeff Collman (left), was a flight attendant on the first plane that crashed into the World Trade Center

"Many Californians worked very hard in support of this bill, and all of us—lesbians and gay men statewide—are indebted to Keith for sharing his painful personal story so legislators and the public can understand the need for effective legal protections for our families."

Assembly Speaker Herb J. Wesson Jr. has appointed lesbian Assemblywoman Christine Kehoe, D-San Diego, as speaker pro tempore of the California Assembly.

"Christine Kehoe represents the best of what California has to offer," he said. "I am confident she will conduct the affairs of this House with grace and efficiency."

Kehoe was elected Nov. 7, 2000. She has served as speaker pro tempore designate since February.

Gov. Gray Davis has signed legislation authorizing the boards of supervisors in Santa Barbara, Marin and Los Angeles counties to adopt resolutions providing domestic partners of county employees survivor benefits that are currently available to spouses. "This is another step in the direction of providing equality for same-sex couples in California," said Geoffrey Kors, California Alliance for Pride and Equality interim executive director.

NEW YORK

Gay Democrat Danny O'Donnell, in his second bid for state elective office, beat out seven other candidates to win an Assembly seat with 34 percent of the vote Sept. 10. Although he has a Republican opponent Nov. 5, the 69th District is so overwhelmingly Democratic that he is viewed as the presumptive victor.



Danny O'Donnell

He becomes the third openly gay or lesbian person in the New York Legislature, joining Assemblywoman Deborah Glick and Sen. Tom Duane, both D-Manhattan. His sister is former talk show host Rosie O'Donnell, who came out of the closet in March.

NEW JERSEY

Gov. James E. McGreevey signed the state's anti-harassment bill Sept. 6, heralding a new era of legal protection for students. The New Jersey Assembly and Senate unanimously passed the legislation in June.

The bill builds upon the state's Law Against Discrimination, which prohibits bias in public institutions, including schools, on the basis of real or perceived sexual orientation. This new legislation strengthens the existing legal obligations by including specific requirements for schools to adopt, implement and publicize policies and procedures for addressing instances of bullying and harassment. In addition, this makes New Jersey only the third state to include specific protections for trans students.

In addition to the District of Columbia, eight states now legally protect students on the basis of sexual orientation and/or gender identity: California, Connecticut, Massachusetts, Minnesota, New Jersey, Vermont, Washington and Wisconsin. Those laws cover only 11.9 million students, or 25 percent of the country's schoolchildren. Rhode Island, while not having a legal mandate from the Legislature, does have a statewide regulation from its education department protecting queer students from harassment. **JM**

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

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