

NATIONAL news

relationship with Sheila as being similar to that of a spouse and compensated her accordingly," attorney Jennifer Middleton said Jan. 23. "This is the first time the federal government has recognized a same-sex relationship this way."

Neff, who called Hein "my entire world and my soul mate, my closest confidante and my best friend," applied for assistance from the federal fund after being rejected by a state fund in Virginia, where the Pentagon is located. The federal Sept. 11 Victim Compensation Fund is reviewing claims from hundreds of people who lost spouses or family members in the attacks and, based on several factors including lost financial support, already has awarded money to dozens of them.



Police arrest Ken Einhaus, Kara Speltz and Mike Perez on Nov. 11 in Washington, D.C.

Three gay Catholics who were arrested during the U.S. Conference of Catholic Bishops last November in Washington, D.C., were found guilty of the criminal misdemeanor of unlawful entry Jan. 31 after a two-day bench trial in the District of Columbia Superior Court.

However, Judge Mildred Edwards refused to order the defendants to stay away from the Hyatt Regency in the future and declared the complete suspension of the imposition of sentence. They could have received six months in jail and a fine of \$350.

Kara Speltz, Ken Einhaus and Mike Perez had been denied Communion for no apparent reason during the bishops' Mass on Nov. 11 at the National Shrine. The defendants testified that they entered the Hyatt lobby the next day and knelt in hopes that at least one bishop present would serve them the Eucharist. None came forward, and the three spent more than 30 hours in jail.

"Terrible violence was done to you when the body of Christ was denied to you," said Edwards, who ordered each defendant to pay \$50 to the Victims of Violent Crimes Compensation Fund. "You are in solidarity with all victims of violence. I am terribly sorry for what happened to you. As a member of the church, I ask you to forgive our church. There is no way I am going to order you away from the Hyatt. You can engage in peaceful demonstration as long as it is law abiding. Go in peace."

CALIFORNIA

Legislation was introduced Jan. 28 to grant registered domestic partners nearly all the rights, benefits and obligations available to spouses under state law. Assembly Bill 205, known as the Domestic Partner Rights and Responsibilities Act of 2003, is co-authored by the five members of the recently formed Legislative Lesbian, Gay, Bisexual and Transgender Caucus.

"Rather than improving a handful of laws per year, it is time to upgrade the domestic partner law so it can protect families now," said Geoffrey Kors, California Alliance for Pride and Equality executive director. "To delay and instead continue making piecemeal changes merely creates confusion and potential legal problems for everyone trying to navigate the law."

Among the rights, benefits and obligations that

would be extended to more than 400,000 same-sex couples and their children under the legislation are decision-making authority for funeral arrangements and disposition of remains, community property, protection from threats and crimes against the families of public officials, custody provisions and child support obligations, and death benefits for surviving partners of firefighters and police officers. The bill also would require mutual responsibility for debts, disclosures of conflicts of interest and joint assessment of income for determining eligibility for government assistance programs. Even with passage of this law, Kors noted, domestic partners still would be denied more than 1,000 federal rights and responsibilities available to married couples.

Two other pro-gay bills have been introduced: AB 196, which would make it clear that laws prohibiting sex discrimination in housing and employment also prohibit bias based on gender identity, and AB 17, which would prohibit state agencies from contracting with companies that fail to provide equal benefits to employees with spouses and those with domestic partners. Assemblymember Judy Chu, D-Monterey Park, also has sponsored legislation broadly prohibiting discrimination and harassment in the foster care system.

NEW YORK

Saying that the physical anatomy of trans people is not relevant to gender identity, a New York State Supreme Court judge ruled Jan. 16 in favor of a leading Latino HIV/AIDS agency that was being threatened with eviction from its offices by a commercial landlord who sought disclosure of its clients' anatomical sex at birth.

The landlord also sought to make the Hispanic AIDS Forum reveal its clients' names. The judge sided with the agency that such a requirement would violate the clients' confidentiality rights because it largely treats people with HIV and AIDS.

"By evicting us and forcing us to relocate, this landlord has already cost us too many precious resources—resources that could have helped keep people alive," said Heriberto Sanchez Soto, the forum's executive director. "These rulings send the message that discrimination and prejudice are wrong, especially when so many lives are at stake."

According to the suit, the landlord told the forum that its lease would not be renewed because of complaints from other tenants concerning "men who think they're women using the women's bathrooms." When asked whether he was referring to the agency's trans clients, he reportedly replied: "I don't care what they are. They can't use the wrong restrooms."

The landlord insisted that the forum sign a written agreement that none of its clients would use restrooms in the building. When it refused, he began eviction proceedings, forcing the agency to incur higher rent and substantial moving expenses by relocating to Woodside, Queens, which is less central to Latino gay and trans communities.

VIRGINIA

A Virginia legislator who oversees a committee responsible for reappointing judges across the state says he opposes a local judge if she is a lesbian and is violating the state's sodomy statute.

"There is certain homosexual conduct that is in violation of the law," said Robert F. McDonnell, a Republican

member of the House of Delegates and chairman of the Legislature's House Courts of Justice Committee. "It certainly raises some questions about the qualifications to serve as a judge."

Newport News Circuit Judge Verbena Askew is one of 60 judges statewide up for reappointment this year, but she is the only one facing a challenge. The Legislature appoints judges to eight-year terms, and reappointments rarely are challenged.

"This is yet another deeply disturbing example of how these laws are used to justify discrimination against gay people," Lambda Legal's Ruth Harlow said Jan. 15. "These laws are widely used to deny gay people jobs, custody of their children and the fair and equal treatment we're all guaranteed in this country."

Virginia's sodomy law criminalizes private, consensual oral and anal sex between straight and gay adults but is almost exclusively used to discriminate against queers. An array of organizations filed briefs Jan. 16 urging the U.S. Supreme Court to overturn Texas' sodomy statute and 12 others like it nationwide.

GEORGIA

The Georgia Supreme Court unanimously struck down the state's fornication law Jan. 13, saying the government may not "reach into the bedroom of a private residence and criminalize the private, noncommercial, consensual acts of two persons legally capable of consenting" to sexual activity.

The court found that Georgia's constitutional right to privacy protects 16-year-old "J.M.," who was prosecuted for engaging in sexual intercourse with his girlfriend in her bedroom. Added to the court's 1998 Powell decision overturning the state's sodomy statute, "the court has essentially ruled that adults have the right to make private sexual decisions without interference from the state," said Debbie Seagraves, American Civil Liberties Union of Georgia executive director.

State law sets the age at which a person legally can consent to sexual intercourse at 16. Chief Justice Norman Fletcher noted in his opinion that "the only remaining rationale for the fornication

statute is to enable the state to regulate the private sexual conduct of persons who the Legislature has determined are capable of consenting to that conduct, and that is an insufficient state interest to overcome Georgia's constitutional protections of privacy."

Matt Coles, ACLU Lesbian and Gay Rights Project director, said: "This decision signals how far we've come since the state convinced the U.S. Supreme Court in *Bowers v. Hardwick* to let it prosecute lesbian and gay men for being intimate in their own homes. Let's hope the U.S. Supreme Court follows the Georgia court's lead later this year when it decides the fate of Texas' law against same-sex intimacy." [E]



Robert F. McDonnell



Verbena Askew should be disqualified from serving as a judge because she might violate Virginia's sodomy law, according to a key state legislator

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