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NATIONAL news

CALIFORNIA

A state appeals court heard arguments Feb. 10 in the case of a San Diego woman whose health care providers refused medical treatment to her because she is a lesbian. Attorneys are asking the court to overturn a 2002 ruling that said Guadalupe Benitez's doctors acted lawfully when, citing personal religious beliefs about gay people, they refused to provide infertility treatment to her so she and her life partner could start a family.

"After providing infertility treatment to Guadalupe for nearly a year, the health care provider refused services when Guadalupe was in the very short, critical window of time for insemination," said Jennifer Pizer of Lambda Legal. "She was shocked and felt utterly betrayed and had no choice but to go outside of her health plan to find another doctor, costing her several thousand dollars."

In the summer of 2000, the North Coast Women's Care Medical Group refused to inseminate Benitez. She had received 11 months of treatment from the clinic—but at the critical and brief moment when she needed to be inseminated, Drs. Christine Brody and Douglas Fenton said that because of their personal religious beliefs about gay people, they would not administer the procedure. No other doctors within the group were available or willing to perform this procedure, so Benitez was forced to go outside her health plan to receive services.

Benitez sued the group based on a California law outlawing discrimination by business establishments, including health care facilities, along with other legal claims. The trial court in San Diego dismissed her entire case, ruling that a federal law bars a state civil rights claim against doctors whenever their services are paid for through an employer-provided health plan. This appears to be the first case applying the California civil rights law against anti-gay discrimination in health care and the first case in which doctors have claimed they have no state civil rights liability because of the federal law.

The Rev. Troy D. Perry, who founded the predominantly gay Universal Fellowship of Metropolitan Community Churches, and his partner of 18 years, Phillip Ray DeBlicke, unsuccessfully tried to apply for a marriage license Feb. 14 in Los Angeles.

"It's time to move the debate on gay marriage forward," the veteran civil rights activist said. "It's time for equality. It's time for the U.S. to



Joanne Clark (left) and Guadalupe Benitez welcomed a baby boy, Gabriel, into their family a year after doctors refused to provide a standard insemination procedure

catch up with Sweden, Denmark, the Netherlands, Germany, France and other countries that are providing marriage rights for gay couples."

Perry encouraged other same-sex couples to go to courthouses and municipal offices on Valentine's Day and apply for marriage licenses. He believed the action could increase attention to the gay civil rights movement.

MINNESOTA

House File 341, a radical bill put forth by conservatives, would strip all references to "sexual orientation" from state law.

Activists urged legislators Feb. 7 not to hold a hearing on the hateful measure designed to stigmatize queer residents and remove all civil rights protections they have. Highlighting the extreme nature of the bill is the fact that the very first provision in the text is to remove "sexual orientation" from the state's condemnation of Nazi persecution of people in the Holocaust.

"It is a disgrace to the enduring legacy of Minnesota as a leader in civil and human rights that such an incredibly mean-spirited piece of legislation would even see the light of day," said Ann M. DeGroot, OutFront Minnesota executive director. "When legislators stoop to endorsing Nazi persecution of gay people, you know the motivation is one of deep-seated prejudice."

Civil rights language on "sexual orientation" was added to the Minnesota Human Rights Act in 1993. However, in recent years conservatives have taken aim at rescinding the law. As a candidate for governor, Republican Tim Pawlenty said he regretted voting for the amendment.

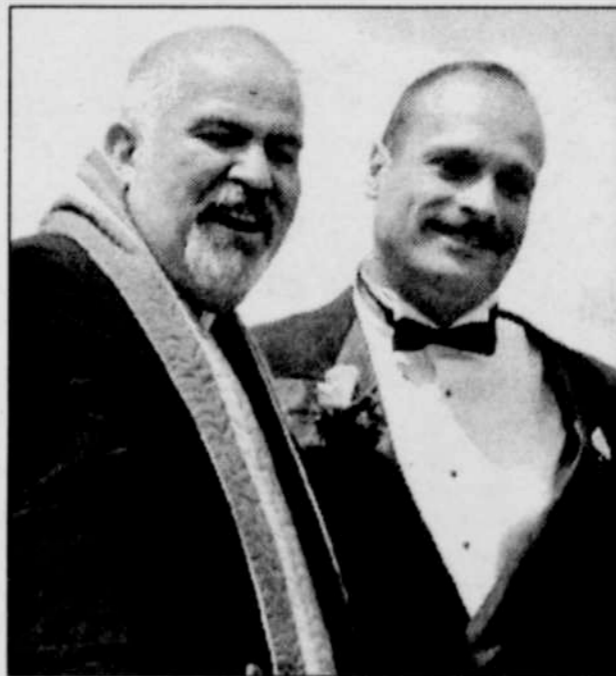
"Minnesota's law includes gender identity in its definition of sexual orientation, so it is believed this bill would also wipe out gender identity protection as well," said Seth Kilbourn, Human Rights Campaign national field director. "The bill would also remove references to sexual orientation in the state's hate crimes law and safe schools law, which are addressed under the Human Rights Act."

OHIO

The Cincinnati City Council voted 7-2 to add sexual orientation to a local hate crime law Feb. 5.

According to *The Cincinnati Enquirer*, Mayor Charlie Luken said he would sign the ordinance. The vote is a major victory for Cincinnati, the only city in the nation with a charter amendment, Article XII, prohibiting the council from passing any law giving "protected class" status based on sexual orientation.

The ordinance was put forth, in part, by the Dec. 31 death of Gregory Beauchamp, who police think was murdered because he was gay. The law will not affect felonies but will add sexual orientation, gender, age and disability status to the list of



Troy D. Perry (left) and Phillip Ray DeBlicke

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