

NATIONAL news

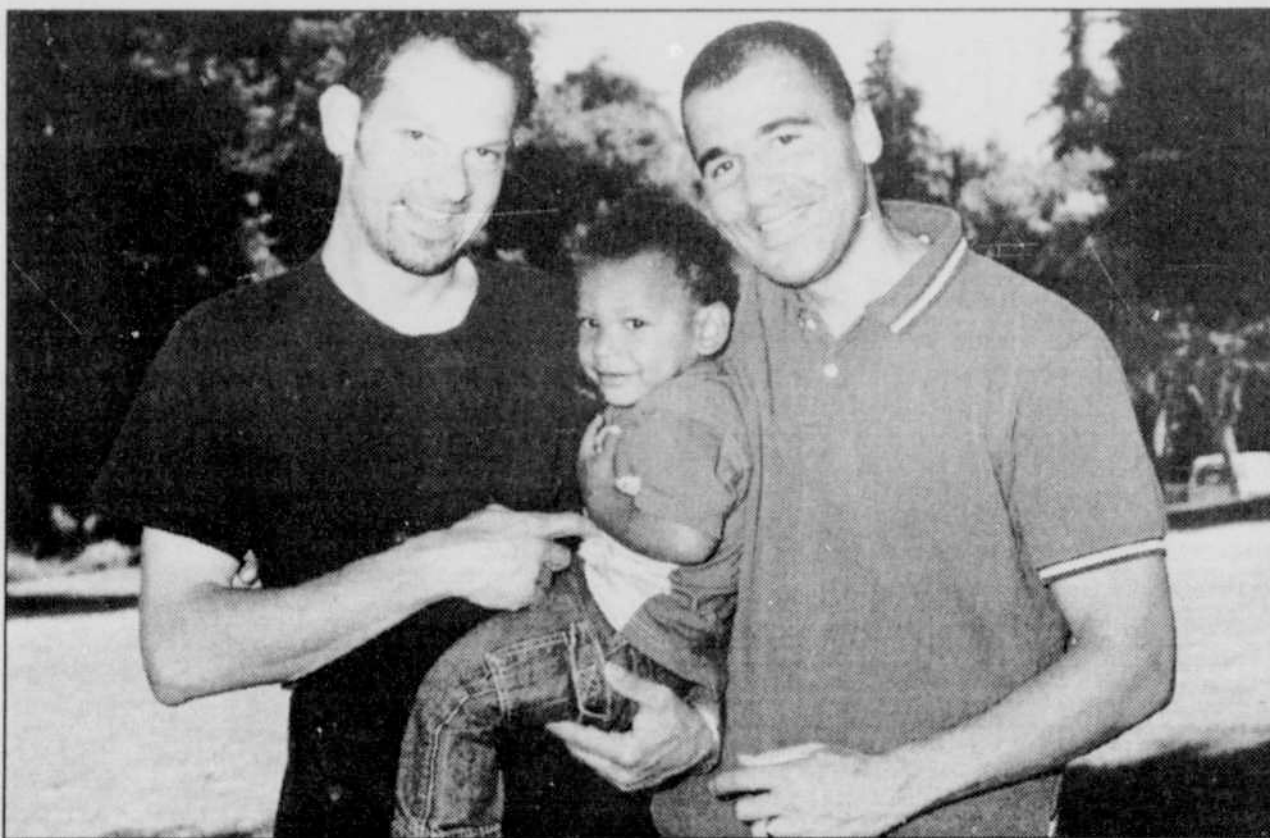
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Under a new domestic partnership law in California, Johnny Symons (left) and William Rogers will have more legal protections as they raise Zachary

CALIFORNIA

A Sacramento Superior Court refused Dec. 18 to stand in the way of a new state law that offers same-sex couples legal protections and imposes many responsibilities to each other.

Judge Thomas M. Cecil denied requests by state Sen. Pete Knight and Randy Thomasson of the Campaign for California Families to issue a preliminary injunction, which would prevent the state from putting the law into effect. Cecil ruled that Knight and Thomasson, who have brought legal challenges to the law claiming that it violates Proposition 22, had not shown that it was "reasonably probable" that the challenges would succeed.

The preliminary injunction would have prevented the state from explaining to Californians already registered as domestic partners that the new law, which goes into effect Jan. 1, 2005, will significantly increase the state law rights and duties that come with registered domestic partnerships. The new law is much closer to equality for same-sex couples under California law.

"We are extremely relieved that the court did the right thing," said Johnny Symons and William Rogers, one of the 12 couples who intervened in the lawsuit to defend the new domestic partnership law. "As parents, we are doing everything in our power to protect our two young children. But without the protections in AB 205, our family will never have the same security as other families."

Kay Smith of Riverside, Calif., who is participating in the lawsuit with her partner, added: "This lawsuit puts our family in harm's way. I've been with my partner for more than 20 years, but if this lawsuit succeeds, I'd be seen as a legal stranger to the woman I love in all kinds of tough situations. The people of California believe in this legislation and in fairness for everyone, but a small and vocal group of extremists insists on trying to take that away. We need and deserve to be able to get married, but this law doesn't give us marriage; it just gives us some basic protections other families take for granted."

Supporters of the Domestic Partner Rights and Responsibilities Act of 2003 received more good news Dec. 21: The law is no longer subject to the threat of a referendum. Knight and Assemblymember Ray Haynes filed papers with the secretary of state Oct. 2 indicating they would collect 373,816 signatures to require voter approval before AB 205 would go into effect—but no petitions were submitted.

"It is getting harder for the right wing to sell their message of intolerance and disrespect in California," said Geoffrey Kors, Equality Cali-

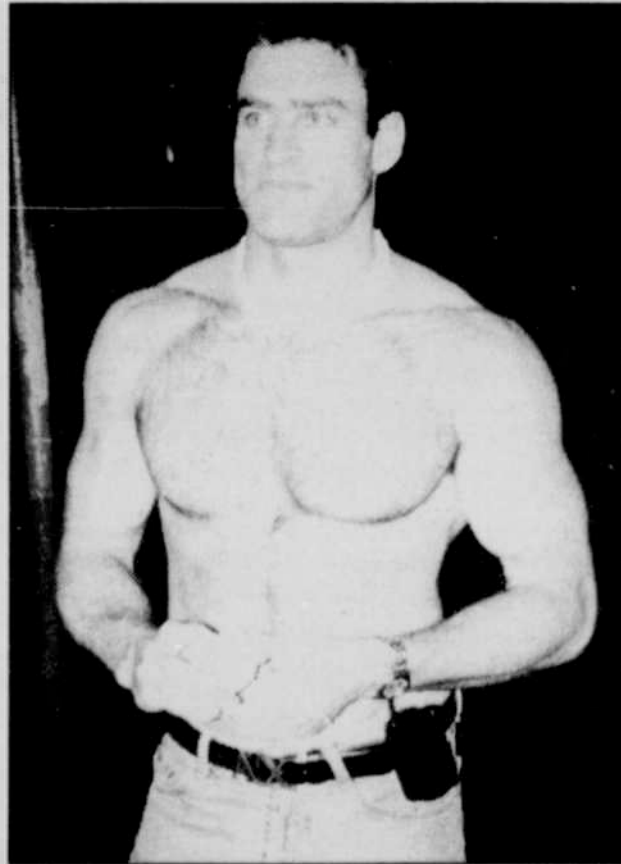
fornia executive director. "Californians are not interested in taking rights away from families."

After publicly admitting for months that it fired a top-notch gymnast solely because he has HIV, Cirque du Soleil told the San Francisco Human Rights Commission that some positions that don't involve bodily contact are suitable for people with HIV—such as dishwashers, food and beverage staff, office assistants, prep cooks, ushers and merchandise hawkers.

"Even 20 years ago, Cirque du Soleil's comments would be suspect. Today, they are shockingly ignorant," said Hayley Gorenberg of Lambda Legal, which represents gymnast Matthew Cusick, who Cirque fired last year because he has HIV. "If Cirque du Soleil ran the Lakers in the 1990s, Magic Johnson would have been transferred to wash dishes in the stadium restaurant after he disclosed his HIV status."

Cirque's position was made public Dec. 17 in a five-page letter the company filed with the commission, which launched a formal investigation in November because Cirque leases public property for its local show. With respect to its show in San Francisco, Cirque said that it contracts with temporary staffing agencies and that "there are many employment positions that would be suited to an individual with HIV."

Although Cirque du Soleil's own doctors cleared Cusick to safely perform for the Las



Cirque du Soleil fired gymnast Matthew Cusick because he has HIV

Vegas-based show Mystere, managers told him that because he has HIV the company would not continue to employ him. Lambda Legal and community leaders launched a national campaign against Cirque last year with protests at shows in several cities and a petition drive.

This month the Equal Employment Opportunities Commission in Nevada is set to conclude its investigation of Cirque in response to Lambda Legal's federal discrimination complaint. That filing, which ignited the current controversy, is unrelated to the current proceedings before the San Francisco Human Rights Commission.

Following successful protests in November at Cirque du Soleil shows in Los Angeles and San Francisco, community members will protest outside Cirque's *Vereka* show in Orange County once it opens Jan. 16. Protests are also planned at upcoming performances in Atlanta and New York.

IOWA

U.S. Rep. Steve King, R-Iowa, made disparaging remarks about the recognition of same-sex marriages in the Dec. 18 *Washington Times*. He recently joined six GOP state legislators in a suit seeking to overturn Sioux City Judge Jeffrey Neary's ruling recognizing the right of an Iowa couple to be granted a divorce from their Vermont civil union.



Steve King

"This situation paints a clear picture of why we need to rein in renegade judges legislating from the bench. By granting this homosexual couple a divorce, Judge Neary has pretended their marriage was valid in the state of Iowa. Unless I'm mistaken, it was in Vermont, not Iowa, that Howard 'the Coward' Dean slyly signed midnight legislation making same-sex unions legal," King told John McCaslin's "Inside the Beltway" column. "Unicorns, leprechauns, gay 'marriages' in Iowa—these are all things you will never find because they just don't exist."

Dave Noble, National Stonewall Democrats executive director, called the comments sophomoric.

"Leprechauns may not exist in Iowa, but obviously ignorance does," he said. "According to the most recent census, there are 3,698 married same-sex couples in Iowa who lack legal recognition under the law. A freshman congressman who offers such sophomoric opinions does not seem to understand this basic discrimination. These comments suggest that neither leprechauns, unicorns nor Rep. King are in touch with reality."

NEW YORK

According to the Gay and Lesbian Alliance Against Defamation, a front-page *New York Times* article published Dec. 21 presents an unbalanced and sensationalistic report on the results of a *Times*/CBS News poll about marriage rights and distorts President Bush's stance on the proposed anti-gay Federal Marriage Amendment. GLAAD noted several fundamental journalistic missteps rare to the *Times*:

- The headline "Strong Support Is Found for Ban on Gay Marriage" blatantly mischaracterizes the polling data it purports to report. Fifty-five percent support for the anti-gay marriage amendment in this context is neither "strong" nor indicative of the level of support necessary to pass it—an important fact apparently overlooked in the quest for a sensational headline, GLAAD said.

- In a media interview last month, Bush said, "If necessary, I will support a constitutional amendment which would honor marriage between a man and a woman, codify that." The article inaccurately contends that the president, previously "non-committal" about the proposal, "voiced support" with his recent comments, overlooking the key