

# Making amends

What does it take to alter the U.S. Constitution?

**G**ood news and bad news come our way. In the bad news category, it's time to consider the harsh fact that even in the world of seeming acceptance for *Queer Eye for the Straight Guy* and the tediously bad *The L Word*, the gay and lesbian community is not yet poised for our Sally Field moment. Guess what? They don't all like us. They really don't.

First, let's acknowledge and celebrate, albeit briefly, the recent and potentially powerful victory. On Feb. 4 the Massachusetts Supreme Judicial Court clarified its ruling late last year that denying marriage licenses to same-sex couples violates the Massachusetts Constitution's guarantee that all citizens be treated equally under the law. "The history of our nation has demonstrated that separate is seldom, if ever, equal," wrote the four justices who ruled in the advisory opinion. The ruling also said that a bill allowing civil unions instead of civil marriage would create an "unconstitutional, inferior and discriminatory status for same-sex couples."

Evan Wolfson, executive director of Freedom to Marry, states that the timetable is such that on May 17—the 50th anniversary of Brown vs. Board of Education—civil marriage licenses should be issued (without discrimination) to same-sex couples willing to take on the commitment and follow the rules and responsibilities of marriage. Freedom to Marry is the gay and non-gay partnership working to win marriage equality nationwide. The text of the court ruling is on the Internet site [www.freedomtomarry.org](http://www.freedomtomarry.org), which also includes resources pertaining to the national marriage equality debate.

Celebration must be tempered with the knowledge that the above-mentioned "victory" serves also as a rallying cry for those opposed to gay marriage. Even as Freedom to Marry makes its plans, President Bush issued a statement calling the Massachusetts ruling "deeply troubling" and reiterated his stance that the constitutional amendment process might be necessary to defend the sanctity of marriage.

News of the Massachusetts victory might have gay Floridians packing their bags and heading north, especially in the wake of a stunningly harsh ruling set down last month. On Jan. 28 the 11th Circuit U.S. Court of Appeals affirmed the state's ban on gay and lesbian adoption in the Lofton vs. Kearney case. Florida has the most restrictive law in the country, one that provides a blanket prohibition on gay and lesbian individuals from adopting. As summed up by Roey Thorpe, executive director of Basic Rights Oregon: "This decision is an outrage. It is an insult to two of the finest parents I have ever met and to gay and lesbian parents across this country. It ignores the needs of thousands of children who desperately need and deserve loving families." Further details of this ruling and the impact on Portlanders Steve Lofton and Roger Croteau can be found on Page 15 of this issue.

Florida Gov. Jeb Bush indicated that he was "pleased" by the ruling. It validates Florida's contention "that it is in the best interest of adoptive children, many of whom come from troubled and unstable backgrounds,

to be placed in a home anchored both by a father and a mother."

As if the Florida decision weren't enough, we now also have a ruling in the case of Limon vs. Kansas. The Kansas Court of Appeals decision upholding differential penalties for gay and lesbian citizens is another blow to the attainment of civil rights for all citizens. The American Civil Liberties Union sought a finding of unconstitutional because current law gives gay teen-agers much higher prison sentences than heterosexual teen-agers who engage in identical consensual sexual activities. This appeal was overruled.

Matthew Limon was appealing a 17-year prison sentence he received for performing consensual oral sex with a nearly 15-year-old male. Limon, who had turned 18 only a week before the incident, would have been sentenced to a maximum of 15 months if he and his partner had been members of the opposite sex, because the state's "Romeo and Juliet" law applies only to heterosexuals.

And this brings us to Republican Senate Leader Bill Frist of Tennessee, who, in reference to the Massachusetts Supreme Judicial Court, remarked, "The issue before us today is that activist judges in Massachusetts are intent on destroying the traditional definition of family." He went on to state that he is in support of amending the U.S. Constitution to prevent gay families from being labeled as actual families.

**S**o, what does it take to amend the U.S. Constitution?

There are essentially two ways spelled out in the Constitution for how it can be amended. Only the first procedure, as described below, has ever been used.

This method is for a bill to pass both halves of the legislature, by a two-thirds majority in each. Once the bill has passed both houses, it goes on to the states. And then comes the hard part. The costly part. The painful part. The amendment must be approved by three-fourths of the 50 states, 38 to be specific. Congress has the power to set a time limit for the process, normally seven years. Seven years in which to tie up the energies, the emotions, the moneys of a nation. Seven years of battling. Seven years of unfettered hatred.

One of the last amendments brought to the nation was the Equal Right Amendment. This was a simple and basic wording that stated, "Equality of Rights under the law shall not be denied or abridged by the United States or any state on account of sex."

First written in 1921 by suffragist Alice Paul, the ERA was introduced in Congress every session from 1923 to 1972. It passed Congress in the above form in 1972 but was not ratified by the necessary 38 states by the July 1982 deadline.

Oregon was one of the 35 states that ratified the ERA. Nearly 25 years later, how do you think the majority of Oregon citizens would vote on a federal amendment designed to recognize marriage as a union between man and woman only? ☐

## REFLECTIONS

20 years ago in *Just Out*... VOL. 1 No. 7, JAN. 20-FEB. 3, 1984



- For the first time in eight years, the Imperial Sovereign Rose Court gave the group's award for community service to an organization not in the court system, the Right to Privacy PAC. Emperor X Gary Benoit presented the award to Keeston Lowery, treasurer of the organization.

- Darcelle XV and Sandy are inviting all past Foxy Lady Pageant contestants to a 10th anniversary reunion Feb. 5.

- It happened at 8 a.m. Jan. 6: Dan White, convicted assassin of San Francisco Mayor George Moscone and gay Supervisor Harvey Milk, became a free man. White was released from prison after serving just over five years of his voluntary manslaughter sentence. All political and judicial efforts to prevent his release had failed.

- A foundation has been formed to cure the dangerous disease of homophobia. It was named after comedian Eddie Murphy, who has justified jokes about contracting AIDS from girlfriends who "hang out with gay people." The six-minute verbal attack was part of a Columbia record album and an HBO television program.

- Tee Corinne will present *Lesbian Sexual Imagery* in the Fine Arts Slide Show on Jan. 21 at Metropolitan Community Church of Portland. Included in the program is "A Sappho-centric Love Story," a warm and gentle animation of lesbian lovemaking. This is a woman-only event.

- A Woman's Place Bookstore celebrates its 11th anniversary with a benefit Sock Hop featuring the infamous '50s rock 'n' roll band The Dyketones on Feb. 4 at Echo Theatre.

- Portland Community Bowling Association started its sixth year Jan. 8, not only as a nonprofit organization but with the prestige of being the largest bowling league in the state. Portland City Commissioner Margaret Strachan was on hand to throw out the first ball of the season.

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- \$76,500 Eastmoreland Heights: Terrific neighborhood, great two-level home perfect for roommates or kids. Private yard, two fireplaces, family room, huge master. Bridgetown Realty.

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