

NATIONAL news

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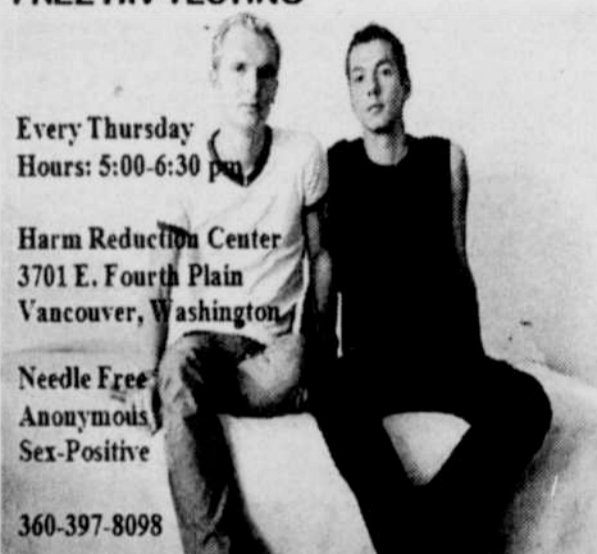

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NATIONAL

Defeated U.S. Supreme Court nominee Judge Robert Bork was the star witness May 13 at a U.S. House Judiciary subcommittee hearing on the Federal Marriage Amendment.



Robert Bork

"Judge Bork's...philosophy falls well outside the mainstream and fails to even be conservative—it's just plain radical," said Christopher E. Anders, American Civil Liberties Union legislative counsel.

"His endorsement of the amendment should raise serious flags about the intent of its supporters."

In response to *Romer vs. Evans*, which held that states could not prevent local governments from enacting or enforcing laws to protect gays and lesbians from discrimination, Bork claimed the decision was the result of "the newly faddish approval of homosexual conduct among the elite classes from which the justices come."

The hearing was the third in a series of five focused on the amendment, which was proposed by U.S. Rep. Marilyn Musgrave, R-Colo., who joined Bork and lawyer Jay Sekulow in testifying for the majority. She compared the *Lawrence vs. Texas* ruling, which overturned state laws prohibiting consensual sex between same-sex adults, to the *Dred Scott* ruling, which upheld slavery laws.

Sekulow also has a history of anti-gay bias. In a 1997 fund-raising letter for the American Center for Law and Justice, where he serves as chief counsel, he wrote: "The homosexual agenda [is] a runaway train bent on destroying communities.... Homosexuals are not only out of the closet, they are out to destroy the family as we know it."

U.S. Rep. Barney Frank, D-Mass., testified for the minority and argued for fairness for same-sex couples. He was joined by Democratic U.S. Reps. Jerrold Nadler of New York, Tammy Baldwin of Wisconsin, Robert Scott of Virginia and Melvin Watt of North Carolina.

NEW JERSEY

An appeal brief filed May 6 in Lambda Legal's lawsuit seeking marriage equality for same-sex couples in New Jersey puts the state at the front of the line for the ultimate answer on marriage for gay men and lesbians.

The historic lawsuit—filed in June 2002 on behalf of seven couples—is based solely on the New Jersey Constitution; therefore, the New Jersey Supreme Court will have the last word in

the case. The appeal follows a lower-court decision late last year in favor of the state, just as a lower court ruled in Massachusetts before its high court concluded that same-sex couples must receive marriage licenses.

"More and more these last few weeks, people have been asking us if we are going to Massachusetts to get married," plaintiff Karen Nicholson-McFadden said. "We hope to be able to say our vows right here in New Jersey by this time next year."

Along with the lawsuit, Lambda launched an extensive education campaign to win the hearts and minds of New Jersey citizens by showing that gay and lesbian couples need and deserve all of the protections marriage provides.

"What makes our case in New Jersey unique is the pairing of the legal work with a highly visible public education strategy, including 14 town hall meetings with record-breaking attendance throughout the state," attorney David Buckel said. "We learned our lesson in Hawaii and Alaska, and we hope with this major investment we will fend off, in advance, some of the issues other states are battling now. New Jersey has a very high probability of winning marriage for same-sex couples and keeping it."

KANSAS

The Legislature adjourned May 8, effectively killing a proposed anti-gay amendment to the Kansas Constitution that would have denied

marriage to same-sex couples. The measure, which failed in Senate and House votes, also would have denied the legal protections of marriage to same-sex couples in civil unions or domestic partnerships.

"Legislators recognized that resurrecting an anti-gay amendment to the Kansas Constitution was a bad idea and waste of time," said Cheryl Jacques, Human Rights Campaign president. "This amendment was twice rejected—first by the Senate and then by the House. But some lawmakers just couldn't take no for an answer. It's heartening to see fairness won out."

Following a successful House vote, the Senate, led in part by Republican state Sen. David Adkins, rejected the amendment March 26. Lawmakers then brought the bill up for another vote. The Senate passed it; however, the House rejected it the second time around May 4.



David Adkins

IOWA

In a friend-of-the-court brief filed May 10, Lambda Legal asked the Iowa State Supreme Court to reject an attempt made by anti-gay groups to insert themselves into a case in which an Iowa district court granted two Sioux City women's request to terminate their civil union.

"Iowa courts consistently resolve matters between couples living together, regardless of the status of their relationship, whether married or not," attorney Camilla Taylor said. "A handful of legislators and others have tried to insinuate themselves into this particular case because this time it involves two lesbians. It's clear these groups don't like gay people, but that doesn't give them the right to interfere in other people's personal lives."

The two women filed papers to dissolve their civil union in August 2003. The judge in their case noted that he simply was resolving a legal matter between a couple as the state's courts routinely do.

In February a group of state legislators, a congressman and a northwestern Iowa church filed a petition to be heard by the Iowa State Supreme Court. They have filed a lawsuit asserting that the judge, in the Iowa District Court for Woodbury County, lacked authority to declare the rights of the two women and terminate their civil union, and have asked the state high court to hear their case.

Lambda is urging the court to throw the case out. The brief argues that none of the parties involved in the challenge have legal standing to interfere in the case because they aren't harmed in any way by the decision. The brief also points out that Iowa law permits a court to terminate a civil union, so that the members of the couple can move on with their lives with certainty about their legal rights, plan financially and start new families.

NEW YORK

The New York City Council passed a measure May 5 requiring contractors to provide equal benefits to all employees, whether they are married or in domestic partner relationships. The lopsided 43-5 vote on the Equal Benefits Bill came after months of hearings and years of preparation and work by queer activists.

Despite the big victory, the bill must still overcome the opposition of Mayor Mike Bloomberg before it can become law. Once a supporter but now an opponent, he is widely expected to veto the bill when it reaches his desk, forcing the council to override the veto if it wants to enact the legislation. Speaker Gifford Miller and lead sponsor Councilor Christine Quinn have said this is an action the council is ready to take.

The bill requires contractors that do more than \$100,000 of business each year with the city to offer the same benefits to employees who are domestic partners as they do to those who are spouses. It is expected to make benefits like health coverage available to tens of thousands of additional people in the New York City region and hundreds of thousands across the country.

The bill was first introduced Sept. 23, 2002, with less than a dozen council sponsors and Bloomberg's support for the issue in general, based on his response to the Empire State Pride Agenda's 2001 candidate questionnaire when he ran for mayor. In October 2002 he revealed he no longer supported the issue and would oppose the bill. "Trying to use the city's procurement dollars to advance social issues is just not productive," he said.

Bloomberg also cited a decrease in competition for contracts and a resulting increase in the cost of services. None of the jurisdictions with similar laws in effect—Seattle, Los Angeles, San Francisco, Oakland and the state of California—have experienced such problems.



Marcy and Karen Nicholson-McFadden (with their children, Maya and Kasey) hope to marry in New Jersey by this time next year

PHOTO BY MICHAEL CHIBALDO