

agreements like this one, and we're going to ask the appeals court to correct the judge's error and let this family protect their child."

Lambda argued that Ohio has a long history of allowing voluntary shared custody agreements. As recently as 2002, the state's Supreme Court recognized the harm caused to children when there is no legal relationship with a parent. The court ordered that the best interest of the child should be the guide in establishing shared custody agreements.



The Florida Court of Appeal invalidated trans father Michael Kantaras' marriage but rejected his ex-wife's attempt to deprive him of his parental rights

**FLORIDA**

The Florida Court of Appeal issued a decision July 23 that invalidated the marriage between a transsexual man and a woman.

Michael Kantaras married a woman in Florida and had two children with her. When he petitioned for divorce, his wife asked the court to invalidate their marriage and to strip him of any parental rights, based solely on his trans status.

After a three-week trial in 2002, which was televised on Court TV, the court held that Kantaras is legally male and that the marriage was valid and awarded primary custody to him. The decision—which surveyed all existing legal and medical literature on transsexualism and ultimately exceeded 800 pages in length—received national attention.

The appeals court reversed the trial court's ruling on the validity of the marriage on the ground that "whether postoperative transsexual is authorized to marry a member of their birth sex is a matter for the Florida Legislature and not the Florida courts to decide." However, it rejected the mother's request to strip Kantaras of his parental rights. Instead, it remanded the case back to the trial court "to determine the legal status of the children and the parties' property rights."

"We are relieved that the court did not separate Michael from his children," said Karen Doering, National Center for Lesbian Rights staff attorney. "Protecting the children has always been Michael's foremost concern. We are confident that on remand, the trial court will find that Michael continues to be a legal parent, based on well-settled Florida law that even if a marriage is found to be void, that finding does not affect the legitimacy or parentage of the children."

**NEW YORK**

The three largest car insurance companies in New York—which, together, provide insurance to a third of all drivers in the state—will respect the marriages of same-sex couples, providing them with the same rates and coverage as married heterosexual couples, Lambda Legal said July 6.

"New York law requires respect for marriages that were validly performed elsewhere," attorney Alphonso David said. "As more same-sex couples get married, it's critical that they receive rights and protections—from the government as

well as the private sector. The insurance industry is making a strong statement for fairness, and we're working with other businesses and government agencies to secure similar results."

Allstate, State Farm and Geico auto insurance companies—which are, in order, the top three providers in New York—have agreed to comply with state law and respect all same-sex couples who are legally married, David said. Electric auto insurance also treats its legally married gay and lesbian clients equally.

Lambda discovered that Geico had previously respected the marriages of only some same-sex couples while denying the same benefits to others. Two New York couples who pay for Geico auto coverage were treated unequally by the insurance giant. But Geico recently reversed its inconsistent practice and said it will respect all same-sex couples who are legally married.

"Not all of the benefits and protections of marriage come from the government," David said. "Many of the practical changes married same-sex couples will see will come from private businesses. In some instances, like car insurance, the difference may add up to hundreds of dollars a year for gay couples. These couples are married, and their marriages must be respected like any other."

**MISSOURI**

By a margin of 71 percent to 29 percent, voters approved an amendment to their state constitution Aug. 3 prohibiting the recognition of same-sex marriages.

All major newspapers in Missouri came out against Amendment 2, including the *St. Louis Post-Dispatch*, *St. Louis Business Journal*, *Kansas City Star*, *Columbia Missourian* and *Springfield News Leader*. Mayors Kay Barnes of Kansas City and Francis Slay of St. Louis publicly opposed it along with nearly 200 clergy.

"While we are saddened by the vote, we are not surprised," said Matt Foreman, National Gay and Lesbian Task Force executive director. "Fundamental human rights should never be up for popular vote.... The fight goes on. We know it and they know it: We are on the right and winning side of history, and ultimately we will prevail."

Missouri is the first state to pass an amendment banning same-sex marriage since the Massachusetts Supreme Judicial Court ruled to legalize it last year. One anti-gay group boasted that the vote bodes well for future fights.

"In the months ahead marriage may be on the ballot in at least a dozen other states," said Tony Perkins, Family Research Council president. "We believe today's win...will prove to be just one of many victories for marriage this fall. Opponents of the amendment hoped to sway the vote their way by placing it on the same day as the Democratic primary, but what we saw today shows that defending marriage is not an issue that divides people by political party—but instead unites them."

**GEORGIA**

In court papers responding to a lawsuit Lambda Legal filed in May, Nodak Enterprises admitted firing a skilled auto glass installer from Georgia because he has HIV.

"Nodak Enterprises has just admitted to firing our client because he has HIV, and we're committed to

holding them accountable," attorney Greg Nevins said. "There's nowhere for them to go; our client was fired out of fear and bigotry—not sound science—and that is against the law."

Joey Saavedra, 45, has worked in the industry for nearly 27 years. During an interview for a job with Nodak for a position installing auto glass, he disclosed his HIV status to the company's district manager.

After he was hired, Saavedra also told his direct supervisor. Three months later, after news of his HIV status made its way up to the company's leadership, he was fired—even though he did his job well and his direct supervisor wanted to keep him on staff.

In an unusual move, Nodak gave Saavedra a termination notice on the day of the firing that documented the company's own illegal actions: "HIV status is a direct threat to the safety of others...it is in the best interest of this company to terminate employee at this time." In the court papers made public July 29, the company admits that Saavedra "performed his job duties in a satisfactory manner" and that the termination notice "speaks for itself."

Lambda's lawsuit, filed in federal court, is based on the Americans with Disabilities Act. Nodak, which has headquarters in Murfreesboro, Tenn., operates 42 retail stores under the names Auto Glass Service and Service Auto Glass in seven Southern states.

**CALIFORNIA**

Republican Gov. Arnold Schwarzenegger accused Democrats of delaying the California budget and pandering to special interests during a rally July 17 in Ontario.

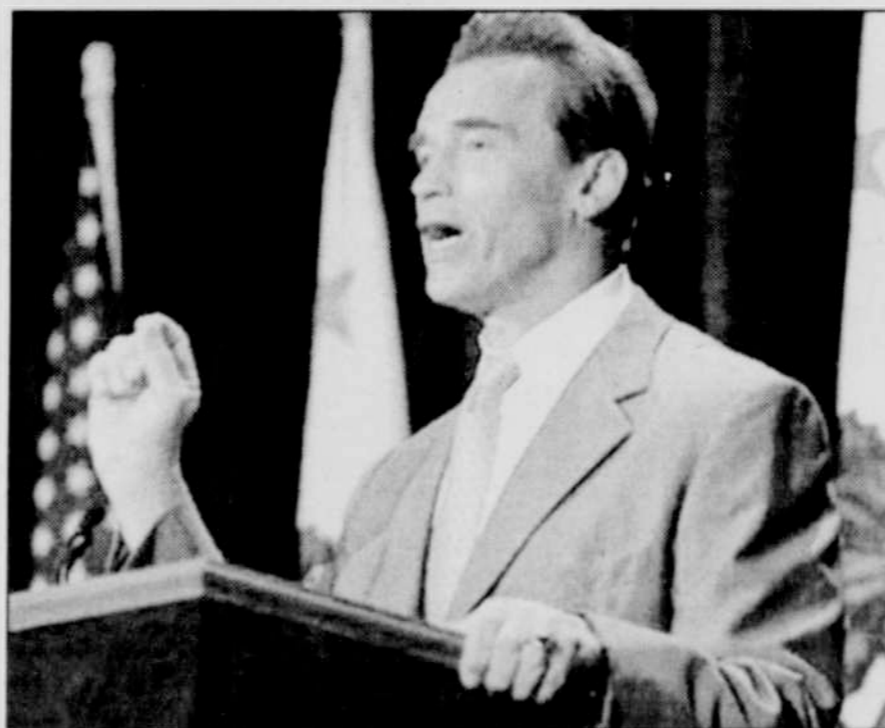
In a reference to a *Saturday Night Live* skit, he said, "If they don't have the guts to come up here in front of you and say, 'I don't want to represent you, I want to represent those special interests, the unions, the trial lawyers'...if they don't have the guts, I call them girlie men."

Gay Assemblyman Mark Leno called the remark "as misogynist as it is anti-gay." Lesbian state Sen. Sheila Kuehl said Schwarzenegger had resorted to "blatant homophobia."

"It uses an image that is associated with gay men in an insulting way, and it was supposed to be an insult," she told *The Associated Press*. "That's very troubling that he would use such a homophobic way of trying to put down legislative leadership."

Log Cabin Republicans executive director Patrick Guerriero defended Schwarzenegger, calling him "one of the most inclusive governors in the nation regardless of party affiliation.... This is not the time for baseless partisan attacks and mind-numbing political correctness." □

Compiled by News Editor JIM RADOSTA, who can be reached at jim@justout.com.



California Gov. Arnold Schwarzenegger mocked his Democratic rivals by calling them "girlie men"



**Endometriosis**

Research participants are needed for a collaborative study between the OHSU Women's Health Research Unit and the Oregon College of Oriental Medicine.

The study compares 12 weeks of acupuncture and Chinese herbs to 12 weeks of hormone therapy for treating endometriosis-related pelvic pain, with follow up visits at weeks 24 & 36. You may qualify for the study if you have chronic pelvic pain, have been diagnosed with endometriosis confirmed by laparoscopy within the past 6 years, are between 18-45, and are willing to be randomly assigned to Chinese medicine or a hormone therapy that is already FDA approved. To determine if you qualify, please call the OHSU Women's Health Research Unit at 503/494-3666.

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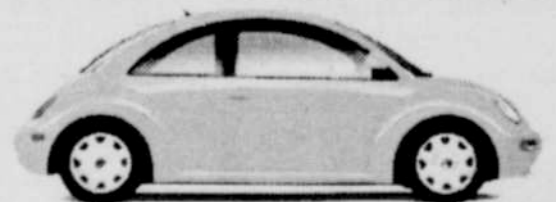


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