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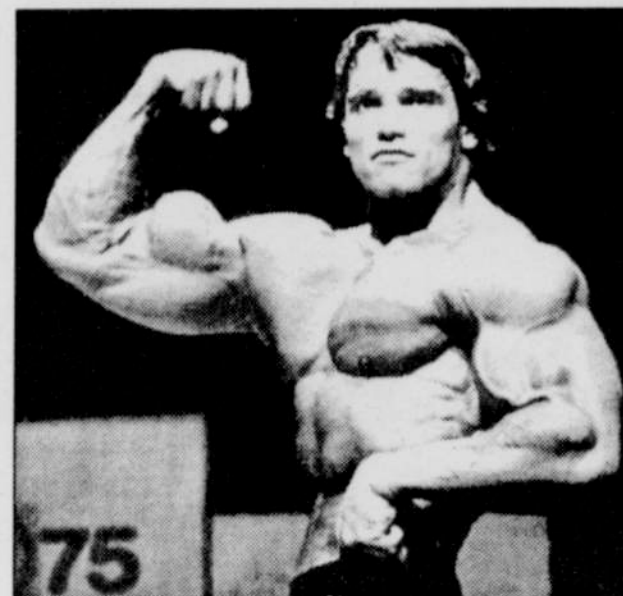
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NATIONAL news



Will Ahnuld muscle up to his desk and sign three pro-gay bills in California?

CALIFORNIA

The California Legislature took final action last month on five queer civil rights bills and resolutions:

- The California Insurance Equality Act amends insurance, health and safety codes to prohibit insurance providers from issuing policies or plans that discriminate against domestic partners. It requires all insurance policies and plans that include coverage for spouses—including health, life, auto and homeowners insurance, among others—to include the same coverage for domestic partners.

- The Omnibus Labor and Employment Non-discrimination Act amends existing labor and employment nondiscrimination provisions in California law to be consistent with the non-discrimination provisions in the Fair Employment and Housing Act.

- The Omnibus Hate Crimes Act standardizes penal code sections relating to hate crimes. It also changes policies and procedures related to the treatment of victims, plus the training of law enforcement.

- The Permanent Partners Immigration Act Resolution encourages Congress to pass federal legislation covering same-sex binational couples.

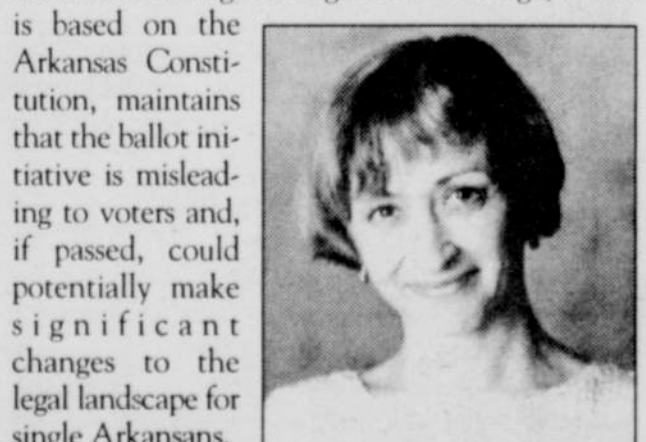
- The Resolution Opposing a Federal Marriage Discrimination Amendment denounces attempts to alter the U.S. Constitution to prohibit same-sex couples from ever obtaining marriage equality and equal legal protections for their family relationships.

Equality California is "optimistic" that Gov. Arnold Schwarzenegger will sign the three bills on his desk.

"Our coalition in support of equality has grown stronger as a result of President Bush's attacks on LGBT families," executive director Geoffrey Kors said. "LGBT and non-LGBT organizations have joined together in support of a simple principle: equal rights for all Californians."

ARKANSAS

The American Civil Liberties Union of Arkansas filed a legal challenge Aug. 26 on behalf of three concerned citizens to the Amendment Concerning Marriage. The challenge, which is based on the Arkansas Constitution, maintains that the ballot initiative is misleading to voters and, if passed, could potentially make significant changes to the legal landscape for single Arkansians.



In papers filed with the Arkansas Supreme Court, attorneys argue that the amend-

ment violates the state constitution because its name, ballot title and text are misleading. If the initiative passes, these are some of the potential outcomes lawyers cited:

- Although voters are led to believe that the amendment only addresses same-sex marriage, it could affect far more than marriage alone, denying other types of relationship recognition, such as civil unions or domestic partnerships.

- The amendment raises questions about the status of common law marriages and about certain rights single people have. For example, single Arkansians could suddenly find themselves without the protections state law provides against marital status discrimination when applying for credit.

- The amendment would grant greatly increased power to the Legislature concerning what the legal rights and obligations of marriage are. The Legislature could, for example, take away homestead protections involving bankruptcy from married people.

"Single people could return to their former position as second-class citizens when it comes to things like availability of credit," said Rita Sklar, ACLU of Arkansas executive director. "But most of all, we think the average voter standing in the voting booth is not going to be able to see all the possible effects of this amendment. They'll just think they're voting against same-sex marriage."

NATIONAL

Sidestepping the crucial question of whether the military can still regulate the private sexual lives of its personnel, the military's highest court upheld an Air Force sergeant's sodomy conviction on narrow grounds Aug. 23.

In its ruling, the U.S. Court of Appeals for the Armed Forces upheld the conviction of Tech. Sgt. Eric Marcum for consensual sodomy. However, it did so on the grounds that his sexual partner was in his chain of command, which violated military norms, and therefore it didn't address the broader question of the military sodomy law's validity.

The military sodomy law, Article 125, applies both to heterosexual and homosexual sodomy regardless of where the act takes place, meaning that even married couples could be prosecuted for committing sodomy in the privacy of their own home. Attorneys had urged the military to strike down Article 125 on the basis of last year's U.S. Supreme Court decision ending all laws prohibiting consensual sodomy.

"The end of the military's ability to criminalize private consensual sex is in sight," said James Esseks, litigation director for the American Civil Liberties Union's Lesbian and Gay Rights Project. "There are at least eight other cases pending before lower military courts that will likely chip further away at Article 125."

In 2001, a blue ribbon panel chaired by retired Judge Walter T. Cox III was tasked to review the Uniform Code of Military Justice on its 50th anniversary. Calling military sodomy prosecutions "arbitrary, even vindictive," the Cox Commission recommended that Congress repeal Article 125 and replace it with a statute governing sexual abuse similar to laws adopted by many states and in Title 18 of the U.S. Code. Congress has not acted on the panel's recommendations, and the law remains in effect.

Cox had previously upheld the military's sodomy law in U.S. vs. Fagg, holding the court was bound by Bowers vs. Hardwick, which upheld Georgia's sodomy law. The U.S. Supreme Court has since explicitly overruled Bowers with the recent Lawrence vs. Texas decision.

The Human Rights Campaign learned Sept. 2 that Home Depot decided to offer domestic partner health insurance after HRC publicly denounced the company's policy to