

NATIONAL news

"After being involved in litigation against the university over these benefits for more than eight years, this is truly wonderful news," attorney Chris Biancheria said. "What a relief to the many lesbian and gay employees at the university who struggle to provide their families with adequate health insurance."

The ACLU originally brought suit against the university in 1996 on behalf of seven current and former university employees who were unable to obtain health insurance for their domestic partners because of Pitt's policy. While the decision to provide equal health insurance benefits brings closure to a critical issue in the case, there are some legal issues that must still be resolved. The case is pending in the Commonwealth Court of Pennsylvania.

TEXAS

In a legal first, a unanimous federal appeals court has ruled that seven ranking Texas



Roderick Keith Johnson, a gay man who was repeatedly raped by prison gangs, will get his day in court

prison officials can be sued for damages because of discrimination based on sexual orientation. The ruling by the Fifth Circuit Court of Appeals came in a lawsuit filed by the American Civil Liberties Union on behalf of Roderick Keith Johnson, a gay man who was repeatedly raped by prison gangs and whose pleas for help were ignored by officials.

Attorney Margaret Winter applauded the decision, which was issued Sept. 8. The decision also upheld the right to proceed in the case under the Eighth Amendment's protection against cruel and unusual punishment.

"I could not be more pleased that we are one step closer to Roderick Johnson having his day in court," Winter said. "Once heard, Mr. Johnson's testimony about the horrifying abuse he endured and the prison staff's deliberate indifference to that abuse will shock Texas citizens and hopefully bring about improvements for all prisoners in similar circumstances."

For 18 months, Johnson was housed at the James A. Allred Unit in Iowa Park, where prison gangs allegedly bought and sold him as a sexual slave, raping, abusing and degrading him nearly every day. He filed numerous grievances, letters and complaints with prison officials and appeared before the unit's classification committee seven separate times asking to be transferred to safe-keeping, protective custody or another prison, but each time they refused, telling him that he must "fight or fuck." Prison officials moved Johnson out of the Allred Unit and into a wing designated for vulnerable prisoners only after the ACLU intervened on his behalf.

Attorneys showed that Johnson had produced ample evidence that Texas prison officials "were well aware of the significant risk that...[he] would be raped and that they consciously disregarded the risk, arbitrarily denying him protection." Indeed, direct evidence provided by Johnson includes statements by prison officers announcing that they were denying him protection because it was up to Johnson to fight off predators if he did not choose to sexually submit to them and that he should "choose someone to be with" if he wanted protection from rape.

CALIFORNIA

A Sacramento Superior Court dismissed a lawsuit Sept. 8 that sought to block legal

protections for same-sex couples that are to go into effect in January 2005. The court rejected claims by deceased state Sen. Pete Knight and Randy Thomasson of Campaign for California Families that the new domestic partnership protections guaranteed under Assembly Bill 205 were in violation of Proposition 22, which states that "only marriage between a man and woman is valid in California."



California state Sen. Pete Knight rolled over in his grave Sept. 8 when a judge dismissed his anti-gay lawsuit

"We're grateful that the court has dismissed this harmful lawsuit. But by noting the many ways that AB 205 differs from full marriage rights, the court's decision demonstrates how same-sex couples continue to be discriminated against by California law," said attorney Cristina Sun of the American Civil Liberties Union. "AB 205 is certainly a step in the right direction, but lesbian and gay Californians will only have true equality once the state allows same-sex couples to marry."

AB 205 provides basic protections and imposes significant responsibilities on registered domestic partners in California. Protections for families headed by same-sex couples include: community property, mutual responsibility for debt, parenting rights and obligations such as custody and support, and the ability to claim a partner's body after death. The law does not allow for joint tax filing and certain other protections under state law and does not provide access to more than 1,000 federal protections that married couples enjoy.

MICHIGAN

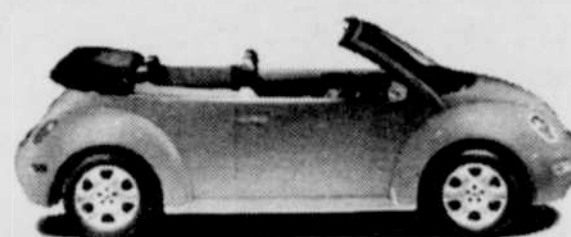
The Coalition for a Fair Michigan criticized the Michigan Court of Appeals for bypassing the State Board of Canvassers and approving ballot language Sept. 3 intended to confuse voters and allow judges to interpret the Gay Marriage Amendment to also prohibit domestic partnerships, even those between a man and woman.

"The Court of Appeals had an opportunity to make sure the voters had a fair and accurate description of how this amendment will wipe out existing domestic partnership benefits, including those between a man and a woman," campaign manager Wendy Howell said. "Unfortunately, when voters read their ballot, they will read legalese meant to keep them from knowing that this amendment will take away health and pension benefits from Michigan families, including those of a man and a woman."

In hearings before the State Board of Canvassers, the backers of the proposal would not deny that they want this amendment to pass so they can attack domestic partner benefits. Furthermore, in their arguments before the Court of Appeals, the proponents admitted that the meaning of "marriage or similar union for any purpose" is so unclear that it will have to be interpreted by the courts. Same-sex marriage is already against three Michigan laws.

The amendment to the Michigan Constitution would permanently ban any legal recognition of relationships other than opposite-sex marriage, including civil unions or domestic partnerships for unmarried heterosexual couples. It also would prohibit any form of domestic partnership benefits, such as health care and prescription benefits, from being offered to public sector employees. **J**

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