

discrimination, especially when it's used for political purposes."

# ARKANSAS

The Arkansas Supreme Court ruled Oct. 7 that a misleading "marriage" initiative will remain on the ballot.

Although voters are led to believe that the Amendment Concerning Marriage only addresses same-sex marriage, it could deny other types of relationship recognition, such as civil unions or domestic partnerships. It also raises questions about the status of common law marriages and about certain rights single people have. In addition, it would grant greatly increased power to the Legislature concerning what the legal rights and obligations of marriage are.

"We are disappointed that the court has ruled that Proposed Amendment 3 will remain on the ballot," said Rita Sklar, American Civil Liberties Union of Arkansas executive director. "As Justice Jim Hannah pointed out in his dissent, there is 'simply a lack of candor in the popular name and ballot title.'"

After a six-month delay, the American Civil Liberties Union's challenge to an Arkansas policy that prevents gay and lesbian people and anyone living in a household with a gay adult from being foster parents resumed Oct. 5 in the Circuit Court of Pulaski County with a new expert witness for the state.

"The state has put up nothing but outdated, baseless myths to justify denying Arkansas' foster children potential homes," said Rita Sklar, ACLU of Arkansas executive director. "There may be a new witness taking the stand, but the state is going to be singing the same old song."

The trial began in March but was cut short after the state's only expert witness was killed in a car crash before he could testify. After being given time to find another witness, the state chose George A. Rekers, a founder of the Family Research Council well known for his religiously based, anti-gay views who admits to relying on the discredited research of anti-gay extremist Paul Cameron and practices "conversion therapy" that attempts to "cure" gay people.

The ACLU first brought the lawsuit against the Arkansas Child Welfare Agency Review Board in 1999 on behalf of a group of prospective foster parents, charging that the policy violates the equal protection guarantees of the state and federal constitutions. Throughout the case, the state has

relied on unsupported negative stereotypes about gay people to defend the ban.

For example, it has claimed that queers are more likely to commit pedophilia, expose kids to domestic violence and spread HIV to foster children.

# CALIFORNIA

The Family Pride Coalition, a national nonprofit that works to secure equality for queer parents and their families, honored Rosie O'Donnell and her spouse, Kelli, at its first awards dinner Oct. 2 in Los Angeles.

The couple were the recipients of the "Family Tree" Award for their work in advancing the rights of gay and lesbian families. They are the parents of four children.

In accepting the award, O'Donnell spoke of her experience at the coalition's annual Family Week event in Provincetown, Mass.

"The first time we went, my son, who was 7 years old at the time, said it was the best week of his entire life," she said. "It was a life-altering experience for our whole family. We're going every year, not just because our children demand it, but because it's unbearably life-affirming."

# WISCONSIN

Saying that a Wisconsin doctor illegally discriminated against his patient by refusing to perform surgery when he learned the man has HIV, Lambda Legal filed a lawsuit in state court Oct. 5 arguing the doctor violated multiple federal and state laws. Attorneys also argue that the doctor

failed to offer proper counseling services to the patient when he told him he tested HIV-positive, which is mandated by state law.

Lambda represents Steve Spera, a 54-year-old who sought relief for severe and debilitating back pain from Milwaukee orthopedist James Cain. For nearly two years, Spera received care

from Cain with a series of pain management procedures but with little success.

Cain finally recommended spinal fusion surgery, and Spera submitted to a blood test to enter the hospital as a patient for surgery. The blood test showed that Spera has HIV, and Cain informed Spera of his status and said

he would not perform the surgery. Spera had previously tested negative for HIV.

"Doctors have an ethical and legal obligation to treat people with HIV. This doctor didn't just treat our client insensitively—he refused to treat him at all," attorney Jonathan Givner said. "Steve suddenly learned that

he has HIV, and he was given no resources or referrals to deal with that life-altering news. Instead, within five minutes of learning he has HIV, he was discriminated against by his doctor even though there's no evidence at all that he posed a threat to himself or the doctor."

# MARYLAND

In a groundswell of support for families headed by same-sex couples, Mount Rainier has become the fourth Maryland jurisdiction in six months to extend health care and bereavement coverage to same-sex and opposite-sex domestic partners of employees.

The City Council voted unanimously Oct. 5 to follow the leads of Hyattsville, College Park and Howard County. Other Maryland jurisdictions that offer equal benefits include Montgomery County and the cities of Baltimore, Greenbelt, Rockville and Takoma Park.

"I am thrilled that we have finally joined three other cities in Prince George's County in offering these important benefits, and I hope that some of our employees take

advantage," Mayor Bryan Knedler said. "I think the county should follow the lead of its progressive residents and follow suit."

Because same-sex couples in Maryland are not recognized as family by the state or federal governments, they not covered under the Family and Medical Leave Act to take unpaid leave to care for their sick partner, or for health care coverage that a spouse may be eligible to receive. Furthermore, even when health insurance benefits are offered to domestic partners, the employee taking advantage of these benefits is taxed on the benefits by both the

state and federal governments.

"Nine states and the District of Columbia have a law, policy or union contract that guarantees equal health care benefits for state employees, but Maryland is not one of them," said Dan Furmansk, Equality Maryland executive director. "The time has come for Prince George's County and the state of Maryland to address the lack of access to domestic partner benefits that adversely impacts the lives of so many hardworking and committed employees."

# PENNSYLVANIA

Following a decision by University of Pittsburgh to provide domestic partner health coverage to its gay and lesbian employees, the American Civil Liberties Union withdrew Oct. 5 a legal challenge to the university's prior refusal to provide the benefits, ending a lengthy battle.

"This lawsuit was always about equal treatment for lesbian and gay employees. Now that the university has agreed to provide equal health benefits, we've won," attorney Christine Biancheria said. "The plaintiffs were never in this for the money. They are very pleased with the outcome and are ready to put this behind them."

The ACLU originally brought suit against Pitt in 1996 on behalf of seven current and former employees who were denied health insurance for their domestic partners even though the university provided such coverage to its married employees.

After vigorously defending the lawsuit for more than eight years, the university announced Sept. 2 that it would offer gay and lesbian employees as well as unmarried heterosexual employees in committed relationships health insurance benefits for their domestic partners. **J**

Compiled by JIM RADOSTA



Dan Furmansk hopes the state of Maryland will grant domestic partner benefits to its employees

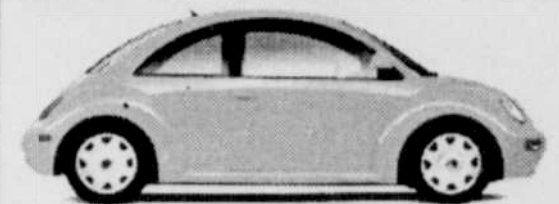


H. Alexander Robinson (left, with the National Black Justice Coalition board) helped compile a landmark report on queer African American same-sex households



Judge William Morvant threw out an amendment to the Louisiana Constitution that denies marriage rights and all other legal protections to same-sex couples

# Drive with Pride



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