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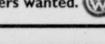


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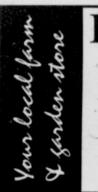
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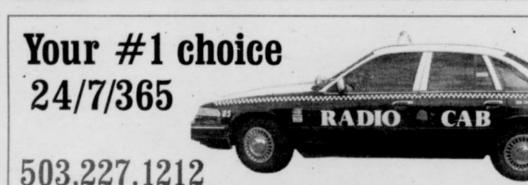
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#### NATIONAL news

### ARKANSAS ANTI-GAY FOSTER CARE BAN OVERTURNED

Finding that children are not harmed by living with gay or lesbian parents, an Arkansas court Dec. 29 struck down a state regulation that banned gay people and anyone living in a household with a gay adult from being foster parents. The American Civil Liberties Union brought the lawsuit against the state in 1999 on behalf of three prospective foster parents.

"Throughout this case, the state has relied on ugly stereotypes to deny children in the Arkansas foster care system the chance of having the widest possible pool of foster families available to them," said Rita Sklar, ACLU of Arkansas executive director. "We're very pleased that the court saw through these arguments and has recognized that gay and lesbian people can provide homes just as loving and stable as anyone else's."

In his findings, Circuit Court Judge Timothy Fox flatly rejected many of the claims the state



ACLU Arkansas executive director Rita Sklar

had made about gay and lesbian people's suitability as parents. He wrote: "[Psychology pioneer] Jerome Bruner has suggested that one of the reasons people believe in our system of justice may be as simple as 'our faith that confrontation is a good way to get to the bottom of things.' The 'confrontation' in this case has presented us all with an excellent opportunity to replace ignorance with knowledge and to make an informed decision based on information as opposed to assumption."

Among Fox's findings of fact:

- Being raised by gay parents doesn't increase the risk of psychological, behavioral or academic problems for children.
- Children of gay and lesbian parents are just as well-adjusted as children of straight parents.
- There is no factual basis for saying that heterosexual parents might be better able to guide children through adolescence than gay parents.
- There are no reasons that health, safety or welfare of a foster child might be negatively affected by living in a foster home where a gay person is present.
- The blanket exclusion can hurt children by excluding a pool of effective foster parents.

"Throughout the trial we presented a variety of experts who proved that the state's justifications for this ban were nothing but baseless myths about gay people," said Leslie Cooper, a staff attorney with the ACLU's Lesbian and Gay Rights Project. "This is a victory not only for gay families, but for the many children in the Arkansas foster care system who now have a better shot at finding a good home."

After Arkansas's Child Welfare Agency Review Board established a policy in 1999 that "no person may serve as a foster parent if any adult member of that person's household is a homosexual," the ACLU filed a lawsuit in state court challenging the policy on behalf of three Arkansans:

• William Wagner of Waldron, who works in an optical laboratory. He has been married for 31 years and has two adult children. Although he is a married heterosexual, he is disqualified from serving as a foster parent because his gay son sometimes lives at home. Wagner and his wife hope to serve as foster parents because they already provide emergency shelter to teens who have been physically abused and kicked out of their homes for being gay or lesbian and would like to be available to take care of teens in the foster care system.

 Matthew Lee Howard of Little Rock, a teacher who lives with his partner, Craig Stoopes, a librarian. The couple have been in a committed relationship for 19 years, are raising two children and hope to serve as foster parents.

 Anne Shelley of Fayetteville, a community organizer for various nonprofit organizations.
 She would like to serve as a foster parent but is prevented from doing so under Arkansas law because she is a lesbian.

# MONTANA COURT SAYS UNIVERSITY SYSTEM MUST PROVIDE DOMESTIC PARTNER BENEFITS

In a lawsuit brought by the American Civil Liberties Union, the Montana Supreme Court ruled Dec. 30 that the state must provide gay and lesbian employees of the University of Montana System with the option of purchasing health insurance and other employee benefits for their domestic partners.

"This is an incredible victory for the lesbian and gay employees of the University of Montana System who need to protect their families just like their straight colleagues do," said Scott Crichton, ACLU of Montana executive director. "The court has said that same-sex couples who form committed relationships can no longer be denied the same protections and benefits that it affords different-sex couples."

The court, in a 4-3 decision, ruled that the university system's policy of excluding gay and lesbian employees from equal employment benefits violates the state constitution's equal protection guarantees.

In a concurring opinion, Judge James C. Nelson wrote: "The equal protection clause states that 'No person' shall be denied the equal protection of the laws. The language is clear and unambiguous. 'No person' means simply that—there is no language in this clause excepting out of this guarantee gay and lesbians. At least our society has not come to the position that homosexuals are not even to be considered as persons."

Carol Snetsinger and Nancy Siegel are two of the plaintiffs represented by the ACLU. They have been in a committed relationship for more than eight years. Snetsinger works in the biology department at University of Montana, Missoula, and Siegel is a physical therapist. Because of the small size and limited purchasing power for health care of the place where Siegel works, she has no access to group insurance through her employer and has been forced to purchase private insurance that is inferior to and much more expensive than coverage that the married university employees are able to purchase for their spouses.

"We are ecstatic about this decision. It's been a long wait, and now we're thrilled that gay and lesbian employees of the university system will be able to insure their families," said Snetsinger. "I was moved to tears when I heard the decision. It's an incredible way to end this year."

The ACLU brought the lawsuit in February 2002 on behalf of two lesbian couples and Pride