

individual 18 years of age and over in which both parties intend a lifelong commitment; is financially interdependent with that other individual; is not married or in a permanent partnership with anyone other than that individual; is unable to contract with that other individual a marriage recognizable under [the Immigration and Naturalization Act]; and is not a first-, second- or third-degree blood relation of that other individual."

"It is not a marriage bill; it is not intended to be a marriage bill," Nadler said in explaining how it avoids becoming caught up with the Defense of Marriage Act. Some opponents have called it a backdoor approach to gay marriage. But Nadler says that is a red herring; he believes most of the opposition is rooted in anti-gay animus.

"More than 15 other nations have recognized permanent partnerships for the purposes of immigration, and it is time that the United States do so as well," Nadler added. "A diverse coalition of advocacy groups, religious organizations and companies support this legislation."



U.S. Rep. Jerrold Nadler (left), D-N.Y., introduces the Uniting American Families Act with Steve Boullianne (middle) and Olivier De Wulf and their adopted sons, Reece and Laurent, along with Adam Francoeur (right) of Immigration Equality.

Adam Francoeur, program coordinator with Immigration Equality, shared the story of Sandra and Veronika. Veronika was expelled when her visa expired, and she returned to Hungary with their two children, who are having problems adapting to a new language. Sandra is in the process of selling their belongings to join the family. He said such stories "are all too common."

"U.S. immigration policy is based on the principle of family unification; indeed, nearly 65 percent of all green card applications are family-based. Sadly, we know that lesbian and gay couples are treated as less than equal," Francoeur said.

Christopher Labonte, legislative director of the Human Rights Campaign, said: "We hear of

up their homes, their lives, their community or live in constant fear of deportation."

Based on the 2002 census, Immigration Equality estimates the bill might affect 36,000 couples. However, there are reasons to believe the census undercounted same-sex couples.

Nadler acknowledges the bill is unlikely to receive a hearing or a vote in this session of Congress. "I'm trying to get as many co-sponsors, to raise the consciousness as much as possible so that either one can put unbearable pressure on the Republicans, or we can have a Democratic House, whatever comes first."

There are 53 co-sponsors on the bill, and Nadler is confident that they will surpass the 129 co-sponsors of the last session of Congress. **J**

MARRIAGE ROUNDUP

Massachusetts governor flip-flops on civil unions; setbacks in New Jersey and California

by Bob Roehr

Anti-gay foes have launched yet another effort to roll back marriage for gays and lesbians in Massachusetts, this time with a constitutional amendment that would define marriage as only between a man and a woman. It has the support of Republican Gov. Mitt Romney.

The Massachusetts Legislature passed a state constitutional amendment that would limit marriage to between a man and a woman while establishing civil unions for same-sex couples. It barely passed last year and is scheduled to taken up for a required second vote in the fall, where passage is uncertain. If it passes, it would go to the voters in November 2006.

The Coalition for Marriage and Family says the amendment goes too far. Its amendment, unveiled June 16, would ban civil unions as well. The group must gather 65,825 valid signatures on a petition between Sept. 21 and Nov. 23, then obtain the support of at least a quarter of the Legislature in order to get it on the ballot in 2008.

This amendment effort is being led by close allies of James Dobson and Focus on the Family. It has the support of the state's four Roman Catholic bishops and a number of legislators.

Romney immediately endorsed the effort, saying the compromise amendment that the constitutional convention adopted "is somewhat confused or muddled." He reiterated his support for traditional marriage, linking it to "ensuring the well-being of children."

Romney supported the compromise amendment when it was before the constitutional convention last year. *The Boston Herald* criticized him for flip-flopping on the issue, writing in a June 18 editorial, "It will be amusing to hear

him explain how he was for civil unions before he was against them."

Marty Rouse is campaign director for Mass Equality, the group that has led the political fight for gay marriage within the state. He charged, "Romney is burnishing his right-wing credentials and using gay and lesbian couples in Massachusetts to help him with his possible run for president." Romney has made numerous high-profile appearances in states with key Republican primaries.

Joe Solmonese, president of the Human Rights Campaign, called it "cynical politics masquerading as a public policy debate. The people of Massachusetts don't want this amendment, but Gov. Romney and his extremist backers do." He also tied it to Romney's aspirations for the Republican presidential nomination.

Jennifer Chrisler, executive director of the Family Pride Coalition and the mother of twins, chided Romney for using the "old trick" of claiming to be protecting children. She invited him to see how gay families really work by attending the coalition's 10th annual Family Week from July 30 to Aug. 6 in Provincetown.

NEW JERSEY

Many advocates had hoped that New Jersey would become the second state to find that denying gays and lesbians the right to marry was not allowed under that state's constitution. Their hopes were dashed by the 2-1 decision of an appellate court June 14.

The majority opinion effectively dismissed the equal protection claims raised by Lambda Legal; it relied primarily upon the lower court decision. It affirmed that marriage traditionally has been between a man and a woman and that New Jersey's recently enacted domestic partners

law offers some of the benefits plaintiffs were seeking.

The majority also asserted that furthering procreation was a valid reason for the state to limit marriage to a man and a woman. The state's attorney specifically rejected that line of argument in defending the status quo during oral arguments.

Because the appellate court was divided, the New Jersey Supreme Court cannot duck the issue but must consider an appeal.

"We are disappointed but not discouraged. We've always known that this case is headed for the New Jersey Supreme Court, and now we're that much closer to the final word," said David Buckel, director of the Marriage Project at Lambda Legal. It will file an appeal as quickly as possible.

CALIFORNIA

A ruling in favor of the Defense of Marriage Act has most gay advocates breathing a sigh of relief, at least for now.

Sitting in Orange County, outside Los Angeles, federal Judge Gray Taylor found that the U.S. Constitution did not guarantee a right to same-sex marriage and that the purpose of DOMA—to foster "the optimal union for procreating and rearing children by both biological parents"—was a legitimate goal for the legislation.

The National Center for Lesbian Rights had filed a petition asking that the court not rule on the issue under the California Constitution, as that is a matter of ongoing litigation and appeal elsewhere within the state's judicial system. Taylor agreed.

Advocates fear that should a federal court prematurely strike down DOMA, it will increase pressure on Congress to pass a federal constitutional amendment limiting marriage to opposite-sex couples. The current legal situation allows some wiggle room for states to experiment with gay marriage as allowed under state constitutions and legislation.

Plaintiffs have said they will appeal the ruling to the Ninth Circuit Court of Appeals. Two other courts, in Washington and Florida, have ruled on DOMA and have found it legitimate. Those cases have not been appealed. **J**

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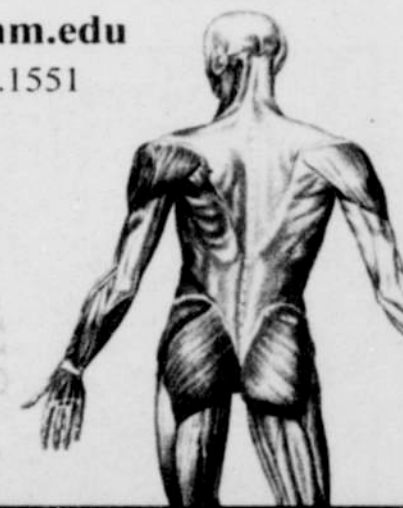
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