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**NATIONAL**  
**Closed-Door Vote Rankles ACLU**

The American Civil Liberties Union expressed its disappointment May 18 as the Senate Judiciary Committee, meeting in a tiny room behind the Senate floor, approved a measure to amend the Constitution to deny marriage protections to gay and lesbian couples and their children.

"The Senate Judiciary Committee today took another step towards undermining the Constitution," said Caroline Fredrickson, director of the ACLU Washington Legislative Office. The Federal Marriage Amendment, offered by Sen. Wayne Allard, R-Colo., would deny states the ability to define marriage themselves and would ban all "legal incidents" of marriage to all unmarried couples.

The vote took place with committee members meeting in a small room off of the Senate floor, which was closed to the public. The ACLU noted that voting to amend the Constitution should not be done in secret but rather through a rigorous and thoroughly open process.

Opposition to the amendment has come from a diverse crowd, including conservative sources. Vice President Dick Cheney; Sen. John McCain, R-Ariz.; former Sen. John Danforth, R-Mo.; former Rep. Bob Barr, R-Ga., author of 1996's Defense of Marriage Act; columnist George Will; and others have spoken out against the measure.

"Senators should not vote to amend the Constitution behind closed doors, in a room so small that the entire committee barely fits and senators don't even have enough room to sit down," said Christopher Anders, an ACLU legislative counsel. "The nation's founding fathers must be rolling over in their graves today with a Senate committee that hides from the public while re-writing the country's most precious document. The nation deserves more from its Senate."



**Sen. Wayne Allard hopes to deny states the right to define marriage.**

**OKLAHOMA**  
**Anti-Gay Adoption Law Quashed**

In a decision released May 19, a federal court struck down an Oklahoma law that could have made the adopted children of same-sex couples legal orphans when their families are in Oklahoma.

The Adoption Invalidation Law, hastily passed at the end of the 2004 Oklahoma legislative session, held that Oklahoma "shall not recognize an adoption by more than one individual of the same sex from any other state or foreign jurisdiction."

Lambda Legal, a national civil rights organization, represented a group of same-sex couples who adopted children while living in other states and later moved to Oklahoma or want to visit the state with their family. It argued that the law was invalid based on the U.S. Constitution's guarantees of equal protection, due process and right to travel as well as the mandates of the Full Faith and Credit Clause.

The court found that the statute violated the U.S. Constitution by singling out a specific group for discrimination.

"Gay and lesbian parents in Oklahoma can now breathe a collective sigh of relief," said Ken Upton, senior staff attorney in Lambda Legal's South Central Regional Office and lead attorney on the case. "Oklahoma has to treat the children of gay and lesbian parents the same as all other kids."

**UTAH**  
**Amendment Doesn't Trump Partner Benefits, Says Court**

A Utah court has ruled that its anti-gay relationship amendment, one of the most sweeping of its kind to pass in the 2004 election, does not bar Salt Lake City from offering health insurance benefits to the domestic partners of city employees.

The American Civil Liberties Union, which filed a friend-of-the-court brief on behalf of a lesbian employee of the Salt Lake City Police Department and the local branch of the American Federation of State, County and Municipal Employees, cheered the decision as an important victory for same-sex couples in states with similar anti-gay relationship amendments.

"The court understood correctly that laws banning gay people from marriage do not in any way bar employers from choosing to provide domestic partner benefits," said Margaret Plane of the ACLU of Utah. "The court recognized that employers have important reasons for wanting to provide health insurance for the families of all their employees, and it's within their rights to do so."

Salt Lake City Mayor Rocky Anderson signed an executive order Sept. 21, 2005, extending health and other employment benefits to city employees' same-sex and heterosexual domestic partners. The governing body of the agency that administers health insurance for state and local government employees, the Utah State Retirement Board, then filed a petition in state court asking whether Utah's anti-gay relationship amendment prohibits the city from offering health insurance benefits to domestic partners.

In rejecting this argument, the court ruled: "The court is aware of no Utah law of general application to marriage that established health benefits as a prerequisite of marriage.... In their essence, employee health benefits are first and foremost simply a prerequisite of employment."

**GEORGIA**  
**Court Strikes Down Marriage Amendment**

An amendment to the Georgia Constitution that defines marriage as being between a man and a woman was ruled unconstitutional May 16 in Fulton County Superior Court.

According to the judge issuing the ruling, the amendment violated the single subject rule provisions of the Georgia Constitution because it also included a second part that would have prohibited