

the rest of our world

Dutch marriage

AMSTERDAM, Netherlands—The Dutch parliament's upper house has cleared the final hurdle to legal marriage and adoption by same-sex couples.

Parliament will strike the words "mother and father" and "man and woman" from civil law, amending them to read "partners" and wiping out the last references distinguishing gays from heterosexual couples.

An overwhelming majority of parliament members stood by their desks Tuesday in the First Chamber to register their vote in favor of the bills, and no count was needed. The lower house passed the bills Sept. 12 by a vote of 109-33.

The legislation, expected to take effect next April, will affect some 20,000 Dutch children with parents of the same sex. But the laws will not allow nonresident gay couples to marry in the Netherlands or register adopted children here.

"As far as possible, homosexual marriage will have the same consequences as heterosexual marriages," said the Justice Ministry in a statement Wednesday. "The normal rules on maintenance obligations will apply to same-sex marriages."

Mattachine leader dies

SAN FRANCISCO - Hal Call, an early leader of the original Mattachine Society, died on Dec. 18. He was 83.

"As president of the National Mattachine Society, (Call) made his mark and helped to lay the indispensable foundation," Frank Kameny, a long-time gay activist told GayToday.Com, "providing the impetus for the astonishing cultural changes which we are witnessing today."

Historian James T. Sears of Harvard University is writing a biography of Call to be published in 2002. "A champion of sexual freedom," said Sears, "Hal Call refused to downplay his sexuality, or apologize for his sexual behavior."

LIFE Magazine featured Call in a 1964 article about homosexuality in America, and in 1967, Mike Wallace interviewed him for a national CBS TV documentary, *The Homosexual*. Call was one of the first openly gay individuals seen nationwide.

Clemency denied

The Oklahoma Pardon and Parole Board voted 3-1 on Dec.

15 to deny clemency to a lesbian scheduled to be executed in January for the death of her lover.

"Her time is up," Assistant Attorney General Sandy Howard told the board, cautioning them not to see the impending execution as a milestone. Wanda Jean Allen would be the first woman put to death since Oklahoma gained statehood.

Eight civil rights, minority, and anti-violence organizations have joined the American Civil Liberties Union to work for Allen's clemency. Citing questionable legal representation and Allen's reduced mental capacity along with general opposition to the death penalty, they will focus on Oklahoma Gov. Frank Keating.

Eric Ferrero of the ACLU's Lesbian and Gay Rights Project, said the plan is three-pronged. "We will encourage public pressure, urging people to call and write to Gov. Keating," he said.

Political pressure may also factor into the picture. Keating is said to be on the shortlist of candidates for United States Attorney General, an appointment that requires Senate approval. The ACLU believes action in Allen's favor by Keating might help his chances in that evenly divided chamber.

Finally, Ferrero said, although the Roman Catholic governor has publicly disagreed with the church's position on the death penalty, religious pressure might have some effect.

Keating could issue a stay of execution and ask the Pardon and Parole Board to reconsider Allen's case based on specific issues. Only the board, however, can ultimately spare Allen's life.

"Although Gov. Keating does not have the outright power to grant clemency," said Ferrero, "he does have the power to see that Wanda Jean Allen is not executed on Jan. 11. We will be asking him to exercise that power."

Appeal set

A gay man on death row in Texas will have another chance to plead his case to a federal appeals court.

The 5th U.S. Circuit Court of Appeals agreed to hear the case of Calvin Burdine, convicted of stabbing his lover, W. T. Wise, to death with a butcher knife, in spite of the fact that his attorney, Joe Cannon, slept through a significant portion of the trial. The defense also said

the prosecuting attorney used anti-gay slurs in the original trial.

A three-judge panel of the court ruled 2-1 in October that Burdine's rights were not violated, and that he could not prove Cannon, who has since died, slept during important court proceedings.

It is rare, Burdine's current attorney told the Associated Press, for the full court to review a decision of one of its panels. "It's safe to say the majority of the full court has serious doubts about the correctness of the panel opinion in this case," he said.

A spokesperson from the Texas Attorney General's office agreed that it was an unusual move.

Burdine was sentenced to death in 1984. His latest appeal will be heard in New Orleans on Jan. 22.

Canada customs

OTTAWA—A Canadian Supreme Court ruling will force the country's customs officials to prove material is obscene before it can be seized at the border. Until the Dec. 15 decision, the burden was on intended recipients to prove that there was no obscenity.

In the 6-3 decision, the Court said officials can now hold material for up to 30 days, after which it must be released if no obscenity is proven. The three dissenting judges favored completely striking down the legislation barring the import of obscene material.

The Court also found that Vancouver gay and lesbian bookstore Little Sisters suffered "excessive and unnecessary prejudice" in dealings with Canada Customs. Nearly 300 packages intended for the store have been destroyed in its 16-year battle with the customs agency.

"When Customs officials prohibit and thereby censor lawful gay and lesbian erotica, they are making a statement about gay and lesbian culture, and the statement was reasonably interpreted (by Little Sisters) as demeaning gay and lesbian values," wrote Justice Ian Binnie in the opinion. "The message was that their concerns were less worthy of attention and respect than those of their heterosexual counterparts."

The decision is hailed as a major step forward in the fight for lesbian and gay rights in Canada.

Toronto banns

TORONTO—A church with a predominantly gay and lesbian congregation plans to make Canada the first country to legally marry a same-sex couple.

The Metropolitan Community Church is using a centuries-old Christian practice of publishing marriage banns to circumvent laws prohibiting issuing marriage licenses to same-sex couples. The Ontario Marriage Act accepts banns as common law, but contains no reference to the gender of the individuals being married.

Any church that has been in existence for 25 years or more may legally marry a couple after publishing intent to do so for three weeks.

If no legal reasons are raised as to why the two people cannot marry, a ceremony is performed and documentation is sent to the registrar general, who would then issue a marriage certificate.

Opponents maintain Canadian federal common law prohibits issuing a marriage certificate to couples of the same gender. "In order to contract a legally valid marriage," Lisa Hitch, senior counsel with the federal Justice Department, told the *Vancouver Sun*, "you must comply with provincial law and comply with federal law."

Doug Elliott, an attorney for the MCC, said Hitch is wrong. He said the common law to which she points has been superceded repeatedly in recent cases. Also, he told the *Sun*, "There is nothing in the marriage act that says the marriage isn't valid unless it's registered by the registrar general."

MCC pastor Brent Hawkes announced the church's plans from the pulpit on Dec. 3. "Until now, we have felt restricted from acting on our beliefs by what we thought was a legitimate impediment regarding same-sex weddings," he said. "Being called by God to marry same-sex couples, we recently sought legal advice and as a result we have changed our position on the legality of same-sex marriages." The congregation, 85 percent of which is gay and lesbian, according to the *National Post*, responded with cheers and applause.

Hawkes said he isn't worried about the "any objections"

portion of the banns requirement. "I don't expect to get any objections," he said. "The objections must be based on legal grounds." According to the legal advice he has received, there are none.

Radio suit

A jury in Cobb County, Ga. has ordered Todd Wolff to pay a former co-worker, Anthony Middlebrooks, \$280,000 in damages for supposedly outing him on a local radio show.

Middlebrooks is not gay said he was "deeply offended" when Wolff, the man who had fired him the day before, called radio station 99X to tell host Jimmy Baron—on the air—that Middlebrooks had claimed to have had an affair with Baron.

"Basically, he was accusing me of promiscuous adultery," Middlebrooks, a married father, told the *Atlanta Journal-Constitution*.

There's more to the story, though, said Kevin McClellan of the Atlanta office of Gay and Lesbian Alliance Against Defamation. Jimmy Baron is notorious, McClellan said, for his anti-gay commentary. "We get at least a call a week from people complaining about things he says about gays on the air," he said. "That anyone would believe it [Wolff's story] is shocking because of Baron's history."

More likely, McClellan said, is that Middlebrooks saw a way to get back at the man who had fired him.

Middlebrooks' attorney, Christopher J. Moorman, focused on the insinuated adultery in claim rather than the homosexuality. "I was not there to label homosexuality as wrong," he told Law.com.

There's a strong likelihood, said GLAAD's McClellan, though, that the gay issue played into the jury's decision. "There are still many bastions of that kind of thinking here," he said. He said Middlebrooks made it clear in early press coverage that being accused of being gay angered him as much as anything else.

According to Kent Middleton, a professor of journalism and communications law at the University of Georgia, slander is defined by the community in which it takes place. "Anything that causes a person to be shunned or humiliated" can pass that test, he told Law.com. Being