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PLATTEVILLE, WI Lambda Seeks Justice for Gay Man Who Was Beaten

In court papers filed last month, Lambda Legal seeks recovery for damages suffered by a man who was gay-bashed.

"Mr. [Brett] Timmerman was singled out and beaten by his attackers because he is gay," said James P. Madigan, Staff Attorney in Lambda Legal's Midwest Regional Office in Chicago. "He suffered physical as well as emotional injury and has shouldered significant expense in the aftermath of the attack."

Timmerman, a student at UW-Platteville, at the time of the assault, was about to walk into a local sandwich shop when his would-be attackers called him a "faggot." Then Oden Waite and Enove Urias slapped and spit in Timmerman's face and struck him in the head before pushing him to the ground. When the police arrived, they pulled Waite off Mr. Timmerman and arrested Waite. Both Waite and Urias would later falsely accuse Mr. Timmerman of starting the fight. This led to a citation for disorderly conduct against Mr. Timmerman that prosecutors later dismissed.

WASHINGTON, DC Ivy League Supports Rights

The Ivy League - the nation's most elite institutions of higher education - is now unanimous in banning discrimination against students, faculty or staff based on their "gender identity or expression," GenderPAC said in a press release last month.

Following its September board meeting, Yale University announced it had become the final Ivy League school to adopt such protections in its employment and student admissions policies, joining Brown, University of Pennsylvania, Cornell, Harvard, Princeton, Columbia and Dartmouth.

SOUTH AFRICA Lesbian Conference in Johannesburg

Despite emotions stoked by personal stories of marginalization among lesbians that led to tears, the four-day lesbian conference hosted by Forum for the Empowerment of Women (FEW) was a success, according to Donna Smith, the organization's chief executive officer.

Held at Woman's Gaol of Constitution Hill in August, the

conference's main intention was to start working as a collective, and to work full-scale on gay issues.

Following the Coalition of African Lesbians (CAL) conference a few months before, the South African conference attracted lesbian mothers, lesbians living with HIV/AIDS and transgender individuals from all walks of life and provided a forum where they shared, learned and taught each other about their struggles.

WASHINGTON, DC Women Doubly Affected by "Don't Ask, Don't Tell"

Women continue to be discharged at twice the rate of their presence in the armed forces under the federal "Don't Ask, Don't Tell" law banning openly lesbian, gay, and bisexual service members, according to new data obtained by Servicemembers Legal Defense Network (SLDN).

While women account for approximately 15 percent of the armed forces, they totaled 30 percent of those dismissed under the gay ban in FY 2005, SLDN reported. In all, 219 women out of a total of 726 service members were discharged under "Don't Ask, Don't Tell."

NEW YORK Ugandan Gays Suffer Under Crackdown

In a country where a sodomy conviction carries a penalty of life imprisonment, a Ugandan tabloid's decision to publish the names of alleged homosexuals is a chilling development that could presage a government crackdown, Human Rights Watch said in a recent report.

"For years, President Yoweri Museveni's government routinely threatens and vilifies lesbians and gays, and subjects sexual rights activists to harassment," said Jessica Stern, researcher in the Lesbian, Gay, Bisexual and Transgender Rights Program of Human Rights Watch. "At a moment when sensational publicity has spread fear among a whole community, the authorities must exercise their responsibility to protect, not persecute."

Human Rights Watch called on Ugandan authorities to end a long campaign of homophobic statements by top officials, including President Museveni; to cease arrests under the sodomy laws and promptly repeal them; and offer protection against violence and harassment to human rights defenders working to protect lesbian and gay rights. ▼

national news

MARRIAGE

Rhode Islanders (Not Vermonters) May Marry in Mass.

BY BETH ROBINSON

Provincetown merchants can brace for a new wave of newlyweds in the wake of a Massachusetts court decision that clears the way for same-sex couples from Rhode Island to legally marry in Massachusetts. The September 29 decision in *Cote-Whitacre v. Department of Public Health* represents a welcome step forward in the march for full civil rights for same-sex couples, after a summer of disappointing rulings.

The *Cote-Whitacre* case, filed by Vermont's own Sandi and Bobbi Cote-Whitacre, and seven other same-sex couples from throughout New England, challenged Massachusetts' refusal to allow out-of-state same-sex couples to marry. After the 2003 Massachusetts Supreme Court decision ordering that state to issue marriage licenses to same-sex couples, the State of Massachusetts invoked a long-dormant 1913 law to deny marriage licenses to gay and lesbian couples from other states. That 1913 law said that a Massachusetts clerk should not issue a marriage license to nonresidents who are prohibited from marrying by the laws of their own state.

In March of this year, the Massachusetts Supreme Court upheld the state's use of the 1913 statute. The court left the door open to plaintiffs from Rhode Island and New York to show in further pro-

ceedings at the trial court level that the 1913 statute doesn't apply to them because same-sex marriage is not "expressly prohibited" in their home states. The Court concluded that the other states in question do formally prohibit same-sex marriage.

Back in the trial court, after analyzing Rhode Island law in great detail, Judge Thomas Connelly concluded in a September 29 opinion that Rhode Island law does not expressly prohibit same-sex marriage, and therefore the 1913 statute does not apply to gay and lesbian Rhode Islanders seeking to marry in Massachusetts. In the wake of the New York Court of Appeals' recent decision upholding that state's discriminatory marriage laws, the court concluded that gay New Yorkers were barred from marrying in Massachusetts. The Massachusetts Attorney General has announced that the state will not appeal the trial court's ruling, so the decision will stand, and gay and lesbian Rhode Islanders can start planning their nuptials.

GLAD attorney Michele Granda, who represented the plaintiffs in *Cote-Whitacre*, celebrated the court's ruling, explaining, "Loving, committed Rhode Island couples can now affirm their relationships in the most public and respected way our society knows." Wendy Becker and Mary Norton, the Rhode Island plaintiffs in the case, were thrilled to have the option of marrying after 19 years together.

They noted, "As the parents of two wonderful young children, our desire to marry has always been with them in mind. We want them to feel their family is as worthy as any other."

So why wasn't Vermont included in the trial court proceedings? In its March decision in *Cote-Whitacre*, the Massachusetts Supreme Court wrongly concluded that Vermont, like several other New England states, expressly forbids same-sex marriage. Although Vermont does not issue marriage licenses to same-sex couples (neither does Rhode Island), Vermont law (like Rhode Island law) does not "expressly forbid" such marriages, or "explicitly deem [them] void," a legal distinction that's critically important with respect to this particular issue. Unfortunately, at least for now, the Massachusetts high court is the final authority on the application of the 1913 statute, so Vermonters seeking to follow Sandi and Bobbi Cote-Whitacre's footsteps to the Massachusetts altar have little recourse. Like the Cote-Whitacres, they can continue working here in Vermont toward the day when gay and lesbian Vermonters share all the rights of citizenship, including the freedom to marry, without having to leave the state they call home. ▼

➤ Beth Robinson was co-counsel to the Plaintiffs in *Baker v. Vermont*, and is currently chair of the Vermont Freedom to Marry Task Force.

VERMONT EQUAL MARRIAGE ADVOCATES HAIL IN NEW JERSEY

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Justice Albin, all seven justices of the New Jersey Court recognized that gays and lesbians are "our neighbors, our co-workers, and our friends," and that there is no "legitimate public need for an unequal legal scheme of benefits and privileges that disadvantages committed same-sex couples."

However, a slim majority of the seven-justice court stopped short of requiring New Jersey to issue marriage licenses to same-sex couples; instead turning to the legislature to figure out how to implement its decision, and opening the door to a separate legal category for same-sex couples.

Writing for the three dissenters, Chief Justice Poritz decried the

possibility of such a separate legal status "Labels are used to perpetuate prejudice about differences that, in this case, are embedded in the law. Ultimately, the message [of a civil-union style law] is that what same-sex couples have is not as important or as significant as 'real' marriage, that such lesser relationships cannot have the name of marriage."

Robinson echoed the dissent's criticism. "One of the things we've learned in Vermont is that being 'married' is important to a lot of people, gay and straight" she said. "No newfangled term invented by a legislature in 2000 can carry the cultural meaning, dignity, and weight of 'marriage.'"

Noting that Massachusetts and Canada allow same-sex couples to marry, Robinson stated, "The sky hasn't fallen in Massachusetts, nor in Canada, and it won't fall in New Jersey if the legislature follows Massachusetts' lead."

Turning back to Vermont, she noted, "We look forward to the day when Vermont treats all families fairly, as genuine equals, and eliminates unnecessary exclusion and separation in our marriage laws." ▼

➤ Press release from the Vermont Freedom to Marry Task Force. For more information, contact Beth Robinson at 803-388-6356.