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# LAWbriefs

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## RECENT DEVELOPMENTS IN SEXUAL ORIENTATION AND GENDER IDENTITY LAW

*Production of LAWBriefs was on hiatus during 2004. While there were far too many developments during the past year to include here, the following are selected highlights.*

### 2004 HIGHLIGHTS

**Massachusetts Issues Marriage Licenses to Same-Sex Couples.** Massachusetts became the first state to legally marry same-sex couples on May 17, 2004, in compliance with the landmark decision of the Supreme Judicial Court in *Goodridge v. Department of Public Health*. According to statistics compiled by Gay & Lesbian Advocates & Defenders, approximately 1,700 same-sex couples had applied for licenses as of May 18, 2004. However, the state also turned its attention to a 1913 statute prohibiting out-of-state couples from marrying in Massachusetts if the marriage would be void if contracted in their home state; this law had previously remained virtually unenforced. (The law is currently being challenged before the Supreme Judicial Court; see below for details.) *Goodridge v. Dep't of Pub. Health*, 440 Mass. 309 (2004).

**Federal Marriage Amendment Fails.** In a July 14, 2004, vote, Senate supporters of the Federal Marriage Amendment failed to garner even a simple majority, let alone the 60 votes necessary to invoke cloture, a procedure which would end debate and force an up-or-down vote on the amendment. The amendment also failed to garner the necessary supermajority in the House when it came to a vote on Sept. 30, 2004. However, supporters vowed to continue their fight.

**House Adopts Court-Stripping Measure.** Only eight days after the Senate's FMA vote, the House passed the so-called "Marriage Protection Act," a court-stripping measure that would purportedly forbid federal courts from hearing challenges to part of the Defense of Marriage Act, by a margin of 233-194. The Senate never considered the measure.

**Discriminatory Marriage Amendments Adopted by Voters in Fall Elections.** Thirteen states placed on their ballots state constitutional amendments prohibiting marriage and, in some cases, other protections for unmarried couples. After Nov. 2, 2004, amendments had been adopted in Arkansas, Georgia, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, North Dakota, Ohio, Oklahoma, Oregon and Utah. In addition, state legislatures in Massachusetts,\* Tennessee and Wisconsin adopted amendments which must be re-approved in a subsequent legislative session

before they go to the voters. However, in the same session, proposed amendments were defeated in 15 statehouses. (\*Uniquely, Massachusetts' amendment would mandate civil unions while barring marriage for same-sex couples.)

**Marriage Cases Continue.** A number of court challenges to state and federal marriage laws began or continued in 2004. The vast majority of these cases were brought by same-sex couples challenging state marriage laws on state constitutional grounds. Cases are pending before intermediate or final appellate courts in California, New Jersey, New York and Washington and before trial courts in Connecticut and Maryland. Marriage suits have been dismissed by courts in Florida and North Carolina and have failed on the merits in Arizona, Indiana and West Virginia. At press time, there were also three challenges to the federal Defense of Marriage Act pending, none of which was brought by a major gay, lesbian, bisexual and transgender litigation organization.

**Domestic Partnership Laws Adopted.** In New Jersey, the Domestic Partnership Act, adopted by the Legislature by an overwhelming vote in January 2004, took effect on July 10. Under this law, registered same-sex couples (and elderly unmarried opposite-sex couples) can make medical decisions for one another, visit one another in the hospital, file joint state tax returns and be exempt from inheritance taxation. In Maine, on April 28, 2004, Gov. John Baldacci signed into law a domestic partner registry for unmarried couples. The rights provided by registering include the ability to inherit a partner's assets without being designated by will as an heir and control over the disposition of a partner's remains.

**Custody Case Tests Reach of Virginia's Anti-Gay Law.** On July 1, 2004, the so-called "Affirmation of Marriage Act" went into effect in Virginia. Among other things, this law purports to refuse recognition to out-of-state civil unions. On that same day, Lisa Miller-Jenkins filed suit in a Virginia trial court, asking the court to undermine a visitation decision made in Vermont during the dissolution of her civil union with Janet Miller-Jenkins. That Vermont court granted Janet visitation with their daughter. In August 2004, the Virginia trial judge found that he could assume jurisdiction over the parentage question, citing the Affirmation of Marriage Act. In December, Janet filed an appeal with the state's intermediate appellate court. Among the arguments on appeal are that the trial judge ignored Virginia and federal laws designed to prevent parents who are angry over custody determinations to go "forum shopping," seeking a better result in whatever state will provide it. *Miller-Jenkins v. Miller-Jenkins*, No. 454-11-03RcDMd (Rutland Co., Vt., Fam. Ct.) and *Miller-Jenkins v. Miller-Jenkins*, No. CH04-280 (Frederick Co., Va., Cir. Ct.).

**Solomon Amendment Ruled Unconstitutional.** On Nov. 29, 2004, the U.S. Court of Appeals for the Third Circuit overturned a district court's denial of a preliminary injunction in a challenge by a group of law schools, faculty and students (the Forum for Academic and Institutional Rights) to the Solomon Amendment. The amendment threatens to strip federal funding from any academic institution that fails to provide military recruiters the same access to students as other employers. The Third Circuit found that an injunction should have been granted because FAIR was likely to succeed on the merits. The court concluded that the Solomon Amendment violates the First Amendment in two ways: by interfering with the law schools' expressive association and by compelling law schools to participate in the military's expressive act of recruiting. Ironically, the Third Circuit looked to the Supreme Court's decision in *Boy Scouts v. Dale*, which found the Scouts' discrimination based on sexual orientation to be constitutionally protected associative expression, for the analytical basis of much of its opinion. *FAIR v. Rumsfeld*, 390 F.3d 219 (3d Cir. 2004).

**Protections for Federal Workers Challenged, Reaffirmed.** In February, under the leadership of Bush appointee Scott Bloch, the Office of Special Counsel removed references to sexual orientation from its website and complaint forms, stating that sexual orientation is not covered under the Civil

Service Reform Act. After an outcry by several members of Congress and GLBT rights groups, the White House announced on April 3, 2004, that “longstanding federal policy” bars discrimination based on “sexual preference” and that President Bush “expects federal agencies to support this policy.” On April 8, Bloch apparently reinstated the longstanding protections. However, Bloch did not restore the references to sexual orientation on the agency’s website listing forms of prohibited discrimination, leaving the current government policy somewhat ambiguous.

**Sixth Circuit Rules That Title VII Includes Transgender Persons.** In a landmark ruling, the Sixth Circuit Court of Appeals ruled on June 1, 2004, that Title VII of the Civil Rights Act of 1964, the provision of federal law that deals with employment discrimination, protects transgender workers. Jimmie Smith, a male-to-female transsexual firefighter in Salem, Ohio, filed the suit after the fire department tried to pressure her into resigning when she informed them of her intent to transition genders. *Smith v. City of Salem*, 378 F.3d 566 (6th Cir. 2004). The Sixth Circuit reaffirmed this conclusion in March 2005 when it upheld a jury award to a transsexual policewoman discriminated against by the Cincinnati Police Department. *Barnes v. City of Cincinnati*, 401 F.3d 729 (6th Cir. 2005).

**Senate Again Votes to Add Sexual Orientation to Federal Hate Crimes Law.** On June 15, 2004, the U.S. Senate voted 65-33 to add protections based on sexual orientation, gender and disability to federal hate crimes law. The provision came as an amendment to a defense funding bill. The Senate has twice before approved of the addition of such protections, but they have been stripped out both times in conference committee with the House. Unfortunately, the same result befell the bill this year.

**Cincinnati Voters Overturn Anti-Gay Charter Amendment.** On Nov. 2, 2004, Cincinnati voters approved the removal of Article XII from the city’s charter, which had explicitly prohibited the city from granting anti-discrimination protections to gays, lesbians or bisexuals. The city’s measure, adopted in 1993, was the only one of its kind in the nation and had withstood a federal constitutional challenge before the Sixth Circuit Court of Appeals.

**Canada Moves Toward Nationwide Marriage Equality.** In 2004, following the examples of Ontario and British Columbia from the previous year, courts in the provinces of Manitoba, Newfoundland and Labrador, Nova Scotia, Quebec and Saskatchewan, as well as the Yukon, ruled it unconstitutional to deny marriage licenses to same-sex couples. On Dec. 9, 2004, the Supreme Court of Canada ruled that the federal government can change the definition of marriage to include same-sex couples, but did not answer whether such a change is required by the Charter.

## 2005

### NON-DISCRIMINATION BILLS

**Two Governors Sign Non-Discrimination Bills.** Gov. Rod Blagojevich of Illinois and Gov. John Baldacci of Maine signed bills prohibiting discrimination on the basis of sexual orientation and gender identity in employment, housing, credit, public accommodations and education. In Maine, opponents of equality have threatened a repeal referendum, a method which has twice successfully removed a newly enacted anti-discrimination law in that state.

**Anti-Gay Ordinance Fails in Topeka, Kan.** On March 1, 2005, 53 percent of voters rejected an ordinance that sought to prevent the city of Topeka from taking any action to protect GLBT people from discrimination. The ordinance would also have overturned existing protections, including a ban

on employment discrimination on the basis of sexual orientation by the city government and a hate crimes ordinance.

## **HATE CRIMES**

**Sakia Gunn's Killer Takes a Plea Bargain.** Richard McCullough fatally stabbed 15-year-old Sakia Gunn in May 2003 after she rebuffed his advances at a bus stop by telling him she was a lesbian. In the plea agreement, the prosecution dropped murder charges in exchange for a guilty plea to charges of aggravated manslaughter, aggravated assault and bias intimidation. McCollough is expected to receive 20 to 25 years at sentencing and will have to serve at least 85 percent of his sentence before he is eligible for parole. As a result of the plea bargain, a constitutional challenge to New Jersey's 1981 hate crime statute raised by McCollough's lawyer and rejected by the judge will not be heard on appeal.

## **EMPLOYMENT**

**Supreme Court of Montana Requires State University to Provide Equal Access to Health Care Benefits.** Employees challenged a policy of the Montana University System that permitted dependent health care coverage for unmarried opposite-sex partners, but not for their same-sex partners. The court, in a 4-3 decision, found that this distinction violated equal protection under the Montana Constitution by impermissibly treating unmarried same-sex couples differently than unmarried opposite-sex couples. *Snetsinger v. Mont. Univ. Sys.*, 104 P.3d 445 (Mont. 2004).

**Ninth Circuit Upholds Casino Policy Requiring Women to Wear Makeup.** Harrah's casino in Reno, Nev., fired bartender Darlene Jespersen after 20 years of exemplary work because she refused to wear makeup. Jespersen brought a Title VII sex discrimination claim with the help of Lambda Legal, arguing that the dress and grooming code imposed unequal time and monetary burdens on male and female employees and that it forced her to conform to sex stereotypes. On appeal, the Ninth Circuit declined to apply the U.S. Supreme Court's decision on sex-stereotyping in *Price Waterhouse v. Hopkins* to sex-differentiated appearance and grooming standards, but rather relied on other precedent using an unequal burden test. The court concluded that Jespersen failed to sufficiently show that the standards imposed an unequal burden on women and affirmed the lower court's grant of summary judgment in favor of Harrah's. *Jespersen v. Harrah's Operating Co.*, 392 F.3d 1076 (9th Cir. 2004).

**New York Appellate Division Strikes Down Law Mandating Domestic Partner Coverage.** Local Law 27 of 2004, known as an "equal benefits ordinance," required that contractors who do more than \$100,000 of business each year with the city of New York provide employee benefits to domestic partners equal to those of married couples. The city council passed the legislation last May and overrode the mayor's veto. The Supreme Court for New York County directed the mayor to implement the law in December, but he refused to do so pending appeal of the case. On appeal, the Appellate Division reversed the lower court and held that Local Law 27 impermissibly violates the "best work at the lowest possible price" policy underlying the competitive bidding provisions by imposing additional restrictions "unrelated to the quality or price of the goods or services they offer." *In re Council of the City of New York v. Bloomberg*, No. 01843, 2005 N.Y. App. Div. LEXIS 2498 (N.Y. App. Div. March 15, 2005).

## **MARRIAGE AND RELATIONSHIP RECOGNITION**

**Discriminatory Federal Marriage Amendment Returns.** Last year's Federal Marriage Amendment has been reintroduced in the 109th Congress as the "Marriage Protection Amendment."

If successful, the constitutional amendment would deny marriage and likely civil union and domestic partnership rights to same-sex couples. Rep. Dan Lungren, R-Calif., introduced the House version of the amendment and Sen. Wayne Allard, R-Colo., introduced a similar amendment in the Senate. H.R.J. Res. 39, 109th Cong. (2005); S.J. Res. 1, 109th Cong. (2005).

**More State Amendments Move Forward.** There are currently, at various stages of legislative enactment, a number of proposed state constitutional amendments that would purportedly prohibit marriage for same-sex couples. Some of these bills also purportedly refuse to honor marriages legally conducted in other states, some prohibit civil unions and some even bar other forms of relationship recognition (such as domestic partnerships). Marriage-related amendments have passed the legislature and will be on the 2006 ballots in Alabama, South Dakota and Tennessee. Kansas will vote on an amendment on April 5, 2005. Amendments approved in Indiana and Virginia join those in Massachusetts and Wisconsin in needing legislative re-approval before they can go to the voters for ratification.

**New York Courts Disagree Over the Freedom to Marry.** Judges around the state disagree about whether the state may prohibit marriages for same-sex couples under the New York Constitution. For example, Judge Robert Mulvey in Tompkins County held that denial of marriage licenses to same-sex couples *is* constitutional. That court held that such denial did not violate equal protection because the state's desire to promote traditional families and procreation had a rational relationship to the restriction. Additionally, the court held that it did not violate due process because the right of same-sex couples to marry is not a fundamental right. *Seymour v. Holcomb*, 2005 N.Y. Slip Op. 25070 (N.Y. Sup. Ct. Feb. 23, 2005). Last year, a court in Rockland County also held that the state's domestic relations law did not include same-sex couples, and the denial of licenses did not violate equal protection or due process guarantees. *In re Shields v. Madigan*, 783 N.Y.S.2d 270 (Sup. Ct. 2004).

However, Judge Doris Ling-Cohan in New York County held that state law does allow same-sex couples to marry. The court noted that marriage is a fundamental right and the state had no rational basis for treating same-sex couples differently than opposite-sex couples. *Hernandez v. Robles*, 2005 N.Y. Slip Op. 25057 (N.Y. Sup. Ct. Feb. 4, 2005). Lawyers asked the New York Court of Appeals, the state's highest court, to take a direct appeal of the *Hernandez* case in order to resolve the conflict and provide clarity on the law for the whole state. However, the court has refused to hear the case until a middle-level state appeals court has considered the issue.

**Marriage Equality Victory in California.** A trial court judge ruled that the California Constitution requires same-sex couples to have equal access to marriage and that the sections of the California Family Code that define marriage as between a man and a woman "fail[ed] to meet constitutional muster." The court rejected the state's arguments about preserving the traditional definition of marriage and promoting procreation. Interestingly, the court found that the fact that California provided "marriage like" benefits to same-sex couples actually undermined its argument that there was a rational basis for treating those couples differently because it "smack[ed] of a concept long rejected by the courts: separate but equal." The court also found that the Family Code impermissibly distinguished between individuals on the basis of gender and violated the fundamental right to marry a person of one's choice. The court has stayed its order pending appeal. *Woo v. Lockyer*, No. 4365 (Cal. Sup. Ct. March 14, 2005), available at [www.nclrights.org/cases/pdf/CourtDecision031405.pdf](http://www.nclrights.org/cases/pdf/CourtDecision031405.pdf).

**Indiana Court of Appeals Says "Defense of Marriage" Law is Constitutional.** Five same-sex couples brought an equal protection challenge to Indiana's Family Law Code, which states that: "Only a female may marry a male. Only a male may marry a female." Giving substantial deference to the Legislature, the Court of Appeals upheld the statute because the state's goal of encouraging

heterosexual “responsible procreation” was reasonably related to the characteristic that distinguishes same-sex couples from opposite-sex couples: the ability to procreate “by a ‘natural’ means.” *Morrison v. Sadler*, 821 N.E.2d 15 (Ind. Ct. App. 2005).

**Ohio Anti-Gay Amendment Causes Confusion Concerning Domestic Violence Statute.** In November 2004, voters in Ohio approved Issue 1, a broadly-worded constitutional amendment purportedly barring state recognition of unmarried relationships. A trial court judge in Cuyahoga County held that a domestic violence law that applied equally to married and unmarried cohabitating couples was unconstitutional because it conflicted with the language of that amendment. As a result, the court reduced the charge against an unmarried man who abused his female partner from a fourth-degree felony for domestic violence to a first-degree misdemeanor for simple assault. However, two days after the opinion, a judge in another county concluded that the amendment does not prevent the domestic violence law from being applied to unmarried couples and refused to dismiss a case for that reason.

**No Government Benefits for Michigan Same-Sex Partners.** Michigan’s attorney general stated in an opinion that voter-approved Proposal 2, a constitutional ban on marriage and any “similar union” for same-sex couples, henceforth “prohibits state and local governmental entities from conferring benefits on their employees on the basis of a ‘domestic partnership’ agreement that is characterized by reference to the attributes of a marriage.” Opinion #7171 (March 16, 2005), available at [www.ag.state.mi.us](http://www.ag.state.mi.us). Same-sex couples filed suit on against the state on March 21, 2005, seeking a declaration that the amendment does not, in fact, bar domestic partner health care benefits. *National Pride at Work v. Granholm*, Ingham County Cir. Ct. For more information on these and other consequences of state constitutional amendments, see HRC’s report, “Truth or Consequences: The Effects of Constitutional Amendments on Marriage in Ohio, Michigan, Missouri and Utah,” available at [www.hrc.org](http://www.hrc.org).

**Charges Reinstated Against New Paltz, N.Y., Mayor for Marrying Same-Sex Couples.** Last March, Mayor Jason West was charged with multiple criminal misdemeanor counts for solemnizing the marriages of unlicensed same-sex couples. A town court judge dismissed the charges against West, stating that there were constitutional problems with denying marriage licenses to same-sex couples. However, in February, an Ulster County Court judge reinstated the charges, saying that the question was not whether the New York Constitution required marriage equality, but whether West had complied with his oath of office to uphold the law. West has said that refusing to marry gay couples *would* violate the Constitution and therefore his oath of office, which requires him to obey the Constitution where it conflicts with the law.

**Massachusetts Supreme Judicial Court to Decide Whether out-of-State Couples May Marry.** Eight same-sex couples have challenged both the constitutionality and the state’s interpretation of a 1913 law that prohibits clerks from issuing marriage licenses to out-of-state couples if the marriage would be void in their home state. The commonwealth began to enforce the long-dormant law just as the Supreme Judicial Court’s *Goodridge* decision was going into effect on May 17, 2004. The plaintiffs argue that the administration of the law violates the terms of *Goodridge*, discriminates against same-sex couples in violation of the equality guarantees of the Massachusetts Constitution and denies out-of-state couples the privileges and immunities of citizenship guaranteed by the U.S. Constitution. The Superior Court of Massachusetts sympathized with the couples and expressed its support for marriage equality, but found that the couples had failed to show that the facially neutral law was unconstitutionally enforced. *Cote-Whitacre v. Dep’t of Public Health*, No. 04-2656-G, 2004 Mass. Super. LEXIS 341 (Mass. Sup. Ct. Aug. 18, 2004).

## PARENTING

**Supreme Court Declines Review of Florida's Adoption Laws.** Florida's law allows gays and lesbians to be foster parents, but prohibits "homosexuals" from becoming adoptive parents. A group of Florida foster parents filed an equal protection challenge, but the U.S. Court of Appeals for the Eleventh Circuit held that there were rational reasons for the state to treat homosexual and heterosexual prospective adoptive parents differently and that the *Lawrence v. Texas* decision had no impact on an adoption case. The Eleventh Circuit declined to rehear the case and the U.S. Supreme Court subsequently denied certiorari, thereby leaving Florida free to continue to discriminate against gay and lesbian parents. *Lofton v. Sec'y of Dep't of Children & Family Servs.*, 358 F.3d 804 (11th Cir. 2004), *reh'g denied*, 377 F.3d 1275 (11th Cir. 2004), *cert. denied*, 125 S. Ct. 869 (2005).

**Arkansas Judge Strikes Down Bar on Gay and Lesbian Foster Parents.** Three prospective foster parents challenged a state regulation that stated "no person may serve as a foster parent if any adult member of that person's household is a homosexual." The trial judge made extensive factual findings, including that living with gays and lesbians did not harm children, and concluded that the state's policy did not rationally relate to protecting the health and safety of children needing care. The state has filed an appeal. *Howard v. Child Welfare Agency Review Bd.*, No. CV 1999-9881 (D. Ark. Dec. 29, 2004).

**Illinois Supreme Court Finds Sexual Orientation Irrelevant to Foster Parenting.** The court overturned a lower court decision that had placed a child with abusive grandparents rather than leave him with lesbian foster parents. The court held that the best interests of the child, not the sexual orientation of the parent, should control foster placement, adoption and all parenting decisions statewide. *In re Austin W. (Berkley v. Illinois Dep't of Children and Family Servs.)*, 823 N.E.2d 572 (Ill. 2005).

**Supreme Court of Pennsylvania Preserves Lesbian's Relationship with Daughter.** In its second review of this case, the Supreme Court of Pennsylvania overturned a lower court decision that found it to be in the best interest of a child not to have any contact with her lesbian mother solely because her ex-partner (the child's biological mother) had alienated the child from her. The court noted that a heterosexual spouse who alienated the child would not be rewarded for such behavior, and that "this scenario is equally applicable to the case at bar, despite appellant's non-traditional status." In its first review of the case, in 2001, the Supreme Court acknowledged the non-biological mother's rights as a de facto parent to seek visitation or custody. *T.B. v. L.R.M.*, 567 Pa. 222, 786 A.2d 913 (2005).

## SEXUAL PRIVACY

**Supreme Court Refuses to Hear Sex Toy Case.** The Supreme Court let stand a ruling by the U.S. Court of Appeals for the Eleventh Circuit that upheld the constitutionality of a law that makes it illegal to sell sex toys in Alabama. The Eleventh Circuit declined to extend the Supreme Court's decision in *Lawrence* to find a fundamental right to sexual privacy. Instead, the court agreed that the state was exercising "a time-honored use of state police power — restricting the sale of sex." *Williams v. Att'y Gen. of Ala.*, 378 F.3d 1232 (11th Cir. 2004), *cert. denied* 161 L. Ed. 2d 115 (2005).

## TRANSGENDER ISSUES

**Transgender Father Denied Custody of Child.** Sterling Simmons, a female-to-male transsexual, and his former wife married in 1985 and had a child through donor insemination in 1992. When Sterling filed for divorce in 1998, his wife sought to have their marriage declared void and to

terminate his parental rights. In April 2003, the trial court ruled that Sterling is not legally male, was not legally married, and is not a legal parent. On appeal, the Illinois Appellate Court upheld the trial court's conclusions that the marriage was void because it involved two women and that Sterling had no legal standing to pursue custody of the couple's child. *In re Marriage of Sterling Simmons*, Nos. 1-03-2284 and 1-03-2348 (Consolidated), 2005 Ill. App. LEXIS 127 (Ill. App. Ct. Feb. 16, 2005).

**New York Court Dismisses Transgender Discrimination Suit by AIDS Services Organization.**

In 2000, Hispanic AIDS Forum filed suit challenging a landlord's refusal to renew its lease. The landlord had insisted that HAF prohibit its transgender clients from using the "wrong" restrooms — those that matched their gender identity — and the organization refused. The suit was filed two years before the New York City Human Rights Law was amended specifically to include protection for transgender individuals. HAF argued that the laws in effect at the time of the lawsuit were applicable to transgender individuals, but the court disagreed. The court found that the landlord's designation of restroom use on the "biological gender," rather than biological self-image" of clients was not discriminatory under the laws in place in 2000 and dismissed the case. *Hispanic AIDS Forum v. Bruno*, No. 02399, 2005 N.Y. App. Div. LEXIS 3247 (N.Y. App. Div. March 29, 2005).

## **CRIMINAL LAW**

**Bisexual Defendant Has a Right to Know Jury Members' Viewpoints on Homosexual Behavior.** The Appellate Court of Illinois reversed a conviction for a prison sexual assault because the trial judge did not allow the defense attorney to question potential jurors about their attitude toward homosexuality. The judge noted that homosexual behavior was a controversial issue and jurors' attitudes are relevant where the alleged criminal conduct is "inextricably bound up with the conduct of the trial." *People v. Jones*, No. 1-03-1795, 2004 Ill. App. LEXIS 1542 (Ill. App. Ct. Dec. 27, 2004).

## **INTERNATIONAL**

**New Zealand Parliament Approves Civil Union Bill.** Civil union legislation went into effect in New Zealand in April, giving legal status to relationships for both opposite- and same-sex couples. It provides for the registration and dissolution of civil unions.

**British Civil Partnerships Bill Recognizes Same-Sex Couples' Rights.** Beginning in fall 2005, same-sex partners will be able to register their relationships and gain similar rights and responsibilities to married couples, including pensions, alimony, property, social security, child support, housing and employment.

**Honduras Bans Marriage and Adoption for Same-Sex Couples.** The National Assembly voted unanimously to support a constitutional amendment in March barring same-sex couples from marriage and adoption. The amendment also bars recognition of marriages between same-sex couples that were legally conducted in other countries.

**Canadian Parliament Debates Marriage Equality Bill.** On Feb. 1, 2005, the ruling Liberal Party introduced a marriage equality bill in the House of Commons. The Liberals have permitted a free vote on this piece of legislation, meaning members of the party may choose to vote against the official party position. The bill faces stiff opposition from the Conservative Party. With only minority control of the government, the votes of the majority of Liberals along with the majority of members of the Bloc Québécois and the New Democratic Party will be necessary for the bill to pass. A federal election is expected in the summer of 2005, which could mean this measure is deferred.



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