



HUMAN  
RIGHTS  
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## LAWbriefs

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*LAWbriefs is a public education publication of the Human Rights Campaign Foundation, highlighting recent developments in sexual orientation and gender identity law. Inclusion of cases and legislative actions in LAWbriefs should not be construed to indicate involvement by the Human Rights Campaign or the Human Rights Campaign Foundation unless otherwise noted. HRC and the HRC Foundation applaud the work of the many national, state and local litigation, legislative, policy and advocacy organizations working for equal rights for gay, lesbian, bisexual and transgender people.*

### RECENT DEVELOPMENTS IN SEXUAL ORIENTATION & GENDER IDENTITY LAW

#### MARRIAGE AND RELATIONSHIP RECOGNITION

**Pennsylvania Senate Approves Discriminatory Marriage Amendment.** On June 21, 2006, the Pennsylvania Senate approved a proposed constitutional amendment to restrict marriage to opposite-sex couples. The Pennsylvania House passed a similar measure; however, its version also bars civil unions. If the House and Senate cannot reconcile the different versions by mid-August, the proposal will be dead for 2006. Pennsylvania already has a statutory ban on marriage for same-sex couples. *H.B. 1084, 2006 Gen. Assemb., Reg. Sess. (Pa. 2006).*

**Rhode Island Establishes Fund for Back Taxes on Domestic Partner Benefits.** On June 21, 2006, without action by Republican Gov. Donald Carcieri, a measure which establishes a fund to provide interest-free loans to state workers who have been assessed taxes on domestic partner benefits passed into law. The state began offering domestic partner benefits to its employees in 2001 but failed to report that benefit on the workers' W-2 forms, resulting in \$709,000 in state and federal back taxes. *H.B. 7679, 2006 Gen. Assemb., Reg. Sess. (R.I. 2006).*

**Colorado Supreme Court Rejects Challenge to Proposed Discriminatory Marriage Amendment.** On June 16, 2006, the Colorado Supreme Court held that a proposed measure to amend the state constitution to prohibit marriage and other forms of relationship recognition for same-sex couples does not violate the state's "single subject" requirement. The measure, titled "Prohibition on Legal Status Similar to Marriage," would bar the state from giving any legal recognition to same-sex couples. Opponents of the measure argued that it will confuse voters because "similar to marriage" means different things to different voters. *Dubofsky v. Lundberg, In re Title, Ballot Title & Submission Clause, and Summary for 2005-2006, #109, Case No. 06SA165 (Colo. June 16, 2006).*

**Westchester County Honors Marriage Equality.** On June 7, 2006, Westchester County Executive Andrew Spano issued an executive order guaranteeing that marriages between same-sex couples lawfully performed in other jurisdictions will be honored by the county. The largely symbolic order ensures that married same-sex couples will enjoy the rights and privileges associated with marriage in the county, including the right to buy family passes to county parks, but does not require villages and cities within Westchester County to honor those marriages. New York City and seven other municipalities in the state also honor the marriages of same-sex couples. *Exec. Order No. 3 (2006)*, available at [www.westchestergov.com/lgbtc](http://www.westchestergov.com/lgbtc).

**Federal Marriage Amendment Fails in U.S. Senate.** On June 7, 2006, a constitutional amendment to ban marriage and potentially other forms of relationship recognition for same-sex couples failed to gain enough votes to end debate in the U.S. Senate. Seven Republicans joined 41 Democrats and one Independent in voting down the measure, which opponents said was a political campaign tool intended to satisfy the conservative right wing prior to November's elections. A vote on the amendment in the U.S. House of Representatives was scheduled for mid-July. *S.J. Res. 1, 109th Cong. (2006)*.

**Alabama Approves Discriminatory Marriage Amendment.** On June 6, 2006, Alabama voters overwhelmingly approved a state constitutional amendment to ban marriage and potentially other forms of relationship recognition for same-sex couples. The amendment passed by a margin of more than 80 percent. Alabama had previously adopted a statute prohibiting marriage for same-sex couples in 1998. Alabama joins 18 states that have amended their constitutions to bar same-sex couples from marriage. *S. 109, 2005 Leg. (Ala. 2006)*.

**California Senate Passes Bill to Allow Joint Tax Returns for Domestic Partners.** On May 30, 2006, the California Senate passed a bill that would allow registered domestic partners to file joint state tax returns. The bill is now pending before the California Assembly for consideration. *S.B. 1827, 2006 Leg., Reg. Sess. (Cal. 2006)*.

**Georgia Court Strikes Down Discriminatory Marriage Amendment to State Constitution.** On May 16, 2006, a Georgia trial court struck down an amendment to the Georgia Constitution, adopted in November 2004, that denies marriage and other forms of relationship recognition to same-sex couples. The court held that the amendment violated the state constitution's "single subject" procedural requirement that one legislative enactment must not address multiple subjects having no common objective. The state has appealed the ruling directly to the Georgia Supreme Court. *O'Kelley v. Perdue, 2006 WL 1350171 (Ga. Sup. Ct. 2006)*.

**Utah Court Upholds Benefits for Domestic Partners.** On May 11, 2006, a Utah court ruled that the state's constitutional ban on marriage for same-sex couples does not bar Salt Lake City from offering health insurance benefits to the domestic partners of its employees. The suit was brought in response to Mayor Rocky Anderson's issuance of an executive order extending those benefits. *In re Utah State Retirement Board, Civil No. 050916879 (Utah Dist. Ct. May 11, 2006)*.

**Louisiana Court Permits Taxpayer Challenge to City's Domestic Partner Registry.** On May 5, 2006, the Supreme Court of Louisiana ruled that a group of New Orleans taxpayers has standing to bring a suit against the city of New Orleans challenging the validity of ordinances that extend health care insurance and benefits to domestic partners of city employees. The court held that a plaintiff has an interest, however small and indeterminable, when attempting to restrain action by a public body that affects public money. The case was remanded to the trial court for further proceedings. *Ralph v. City of New Orleans, No. 06-C-0153, 2006 La. Lexis 1431 (La. May 5, 2006)*.

**Oregon Taxpayers Rebuffed in Suit over County Commissioner's Issuance of Marriage Licenses.** On May 3, 2006, a panel of the Oregon Court of Appeals affirmed a lower court decision holding that a taxpayer is not entitled to relief for the county commissioners' issuance of marriage licenses to same-sex couples under advice of counsel. In a January 2004 written opinion letter, the county attorney for Multnomah County advised the county commissioners that it was a violation of the Oregon Constitution to fail to issue marriage licenses to same-sex couples. An Oregon taxpayer subsequently brought suit against several county officials alleging that their issuance of same-sex marriage licenses amounted to an unlawful use of public money. The appellate court held that the defendants were entitled to rely on the advice of counsel. *Belgarde v. Linn*, 205 Ore. App. 433 (Or. Ct. App. 2006).

**District of Columbia Laws Expanding Domestic Partnership Rights Go into Effect.** Two measures adopted by the District of Columbia Council went into effect in May 2006. The first expands the rights of registered domestic partners in the areas of spousal immunity, inheritance, surviving spouses and children, spousal support and public assistance. The second measure increases the city government's portion of the costs of domestic partner health benefits for city employees from 0 to 75 percent. *B. 16-0052, B. 16-0129, 2006 Council, Reg. Sess. (D.C. 2006)*.

## DISCRIMINATION

**Referendum on Washington Anti-Discrimination Law Fails to Qualify; Law Takes Effect.** On June 7, 2006, a measure that became law in January took effect, with opponents failing to submit enough signatures to force the measure to a public referendum. The provision bans discrimination based on sexual orientation and gender identity in employment, rental housing, public accommodations, insurance and financial and real estate transactions. *2006 Wash. Sess. Laws Ch. 4 (Wash. 2006)*.

**California Assembly Passes Measure for GLBT Seniors.** On May 31, 2006, the California state Assembly passed legislation requiring the state to create programs and services targeted toward GLBT seniors. The bill was introduced in response to studies showing that gay and lesbian elders often do not have adequate access to services. *Assemb. B. 2920, 2006 Leg., Reg. Sess. (Cal. 2006)*.

**Colorado Governor Again Vetoes Anti-Discrimination Law.** On May 26, 2006, Republican Gov. Bill Owens vetoed a non-discrimination measure adopted by the Colorado Legislature in early May. The measure would have added sexual orientation and gender identity to state non-discrimination laws. Owens vetoed an identical measure last year. *S.B. 081, 2006 Gen. Assemb., Reg. Sess. (Colo. 2006)*.

**Court Finds Sexual Orientation Discrimination Against New Hampshire State Employees.** On May 3, 2006, a New Hampshire trial court reversed a "no probable cause" finding by the state Commission for Human Rights on a claim by two state Technical College System employees that the denial of domestic partner benefits impermissibly discriminated on the basis of sexual orientation. The court held that because New Hampshire prohibits marriage for same-sex couples, the system of extending benefits based on marriage impermissibly discriminates against those couples on the basis of sexual orientation. *Bedford v. N.H. Cmty. Technical Coll. Sys.*, \_\_ A.2d \_\_, 2006 WL 1217238 (N.H. Super. 2006).

**Kentucky Governor Repeals Anti-Discrimination Protections.** On April 11, 2006, Republican Gov. Ernie Fletcher issued an executive order repealing anti-discrimination protections for GLBT state employees. Those protections were extended in May 2003 by an executive order issued by then-Gov. Paul Patton. Fletcher claimed that the change was made in order to improve Kentucky's

record in hiring women and racial minorities to high-ranking state jobs. *Exec. Order No. 2006-0402*, available at [apps.sos.ky.gov/executive/journal](http://apps.sos.ky.gov/executive/journal) (Ky. 2006).

## PARENTING

**Arkansas Supreme Court Throws Out Foster Care Ban.** On June 29, 2006, the Arkansas Supreme Court upheld a trial court ruling that found unconstitutional a state regulation barring gay and lesbian people, as well as individuals with a gay or lesbian person living in their household, from serving as foster parents. The court found no connection between a foster child's well-being and the sexual orientation of a parent. The court held that the regulation falls outside the duty given to the Child Welfare Agency Review Board by the state Legislature, namely to promote the health, safety and welfare of children, and instead acts to exclude gay and lesbian people from becoming foster parents based on morality and bias. *Dep't of Human Services and Child Welfare Agency Review Bd. v. Howard*, \_\_ S.W.3d \_\_, No. 05-814, 2006 WL 1779467 (Ark. June 29, 2006).

**Kentucky Supreme Court Denies Lesbian Co-Parenting Rights.** On June 15, 2006, the Kentucky Supreme Court ruled that a lesbian did not have standing to bring an action seeking parental rights because she could not prove *de facto* custodian status with regard to her partner's child. Under Kentucky statute, a *de facto* custodian must be both the primary caregiver and financial supporter of a child. Although she was found to be the primary financial supporter and a partial caregiver, the court concluded that the appellant was not the primary caregiver because her former partner attended to most of the child's daily needs. However, the court did not bar same-sex co-parents from seeking *de facto* custodian status in future cases. *B.F. v. T.D.*, \_\_ S.W.3d \_\_, No. 2005-SC-000557-DG, 2006 WL 1650568 (Ky. June 15, 2006).

**Missouri Attorney General Abandons Fight Against Gay Foster Parents.** On June 8, 2006, Missouri Attorney General Jay Nixon withdrew the state's appeal of a trial court decision that held a lesbian was wrongly denied the opportunity to become a foster parent. However, the Missouri Department of Social Services has not, as of yet, moved to allow other GLBT people to be foster parents. *Johnston v. Mo. Dep't of Soc. Serv.*, No. 0516CV09517 (Mo. Cir. Ct. Feb. 17, 2006).

**Florida Court Denies Woman Visitation with Former Partner's Child.** On June 6, 2006, a panel of the Court of Appeal for Florida for the Fifth District upheld a trial court decision that held a lesbian co-parent was not entitled to child custody or visitation. The court rejected the petitioner's argument that cutting off all contact would cause the child significant harm, concluding that depriving a child contact with a person that has no legal connection to him does not rise to the level of abuse needed to support a finding of dependency. Because Florida law neither allows a non-parent to seek custody or visitation nor permits gays and lesbians to adopt, the petitioner lacked other legal options to gain rights that are available in other states. *D.E. v. R.D.B.*, \_\_ So. 2d \_\_, 2006 WL 1501256 (Fla. Dist. Ct. App. June 2, 2006).

**Ohio Judge Rules that Discriminatory Marriage Amendment Does Not Void Custody Rights.** On June 6, 2006, an Ohio trial court ruled that the state's discriminatory marriage amendment cannot be used by a woman to withhold visitation rights from her former partner. The women, who were a couple when their son was conceived, were granted equal parenting rights by a state family court in 2001. The trial court concluded that the amendment, which denies legal status to all unmarried couples, does not extend to adoption or child custody. Rather than distinguish it as a "co-parenting" case, the court treated the case as a shared custody dispute, noting that custody disputes are often settled between unmarried people and people of the same sex, such as a grandmother and aunt or an adult sibling and a parent. *In re Fairchild*, No. 01 JU-2542 (Franklin County Ct. of C.P., Div. of Dom. Rel., Juv. Branch June 6, 2006).

**Federal Court Strikes Down Oklahoma's Anti-Gay Adoption Law.** On May 19, 2006, a federal district court struck down Oklahoma's Adoption Invalidation Law, which was adopted in 2004. The statute provided that Oklahoma "shall not recognize an adoption by more than one individual of the same sex from any other state or foreign jurisdiction" and potentially threaten to invalidate adoptions by same-sex couples. The court found that the statute violated the Full Faith and Credit, Equal Protection and Due Process Clauses of the U.S. Constitution by singling out a specific group for discrimination. *Finstuen v. Edmonson*, No. CIV-04-1152-C (W.D. Okla. 2006).

**Minnesota Court Upholds Visitation Rights for Former Partner.** On April 4, 2006, a Minnesota appellate court ruled that a lesbian co-parent is entitled to visitation. During their relationship, the plaintiff's partner adopted two girls, who were parented by both women in the same household until their separation. While the women were in a relationship, they held themselves and the children out as a family unit, and the children referred to each woman as "mom." The court held that the plaintiff was a demonstrably qualified non-parent, and gave full effect to the children's best interest in awarding visitation privileges. *SooHoo v. Johnson*, No. A05-537 (Minn. Ct. App. Apr. 4, 2006).

## PRIVACY

**Missouri Legislature Repeals Sodomy Law.** On June 5, 2006, more than three years after the U.S. Supreme Court invalidated sodomy laws in *Lawrence v. Texas*, the Missouri Legislature voted to repeal its "sexual misconduct" statute. That law had set a sentence of one year in jail for consensual sexual activity between adults of the same sex. Despite its invalidation by *Lawrence*, the statute had been cited in other cases involving gays and lesbians, most notably in defense of the state's policy barring gays and lesbians from serving as foster parents. The repeal was included in a bill strengthening laws regarding child sex offenders. *H.B. 1698*, 2006 Gen. Assemb., Reg. Sess. (Mo. 2006).

## FIRST AMENDMENT

**Federal Court Holds Christian Groups' Free Speech Violated by Restrictions at Pride Festival.** On May 8, 2006, a federal district court in Pennsylvania held that the free speech rights of two anti-gay Christian activists were violated when they were kept too far away from a gay pride festival in Harrisburg. The court held that although the pride organizers had the exclusive right to the permitted area in a city park, the imposition of an additional 50-foot buffer zone violated the plaintiffs' right to free speech by excluding them from areas that were not being used for the festival. *World Wide St. Preacher's Fellowship v. Reed*, \_\_ F. Supp. 2d \_\_, 2006 WL 1289215 (M.D. Pa. 2006).

**Sixth Circuit Rejects First Amendment Claim of Chaplain Who Rejected Gay Choir Leader.** On April 26, 2006, a panel of the U.S. Court of Appeals for the Sixth District upheld a trial court decision that a prison chaplain's First Amendment rights were not violated after he was disciplined for insubordination by refusing to follow the warden's order to allow an openly gay inmate to lead a choir. The court held that the chaplain's refusal to place the inmate in a position of leadership in the service did not constitute protected speech, placing more weight on the prison's interest in promoting efficiency and security than on a public employee's speech on a matter of public concern. *Akridge v. Wilkinson*, No. 05-3015, 2006 U.S. App. LEXIS 10671 (9th Cir. Apr. 26, 2006).

**Federal Appeals Court Denies Injunction to Student Wearing Anti-Gay T-Shirt.** On April 20,

2006, a panel of the U.S. Court of Appeals for the Ninth Circuit denied a student's request to enjoin enforcement of his school's dress code pending litigation of the school's refusal to allow him to wear a t-shirt with a religious message condemning homosexuality. The court concluded that public schools are permitted to restrict student speech that intrudes upon the rights of other students, and there was no evidence in this case that school officials were trying to change the student's religious views. *Harper v. Poway Unified School District*, No. 04-57037, 2006 U.S. App. LEXIS 9879 (9th Cir. Apr. 20, 2006).

## TRANSGENDER

**Vermont Governor Vetoes Transgender Protections.** On May 17, 2006, Republican Gov. James Douglas vetoed a bill approved by the Vermont Legislature that would have made Vermont the ninth state in the nation to prohibit discrimination against the transgender community by adding "gender identity or expression" to the state's non-discrimination law. The governor stated that he believes the bill duplicated existing protections and was too vague. *H. 0865*, 2006 Leg., Reg. Sess. (Vt. 2006).

**District of Columbia's Explicit Transgender Protections Take Effect.** In May 2006, a measure adding "gender identity or expression" to the district's Human Rights Act went into effect. The act protects transgender people from discrimination in employment, housing, public accommodations and education. *B. 16-0389*, 2006 Council, Reg. Sess. (D.C. 2006).

**Ninth Circuit Upholds Corporate Grooming Policy.** On April 14, 2006, an *en banc* panel of the U.S. Court of Appeals for the Ninth Circuit affirmed a summary judgment ruling in support of a casino's termination of a female employee for refusing to comply with the employer's "Personal Best" grooming policy, which required women to wear a regimen of facial makeup. The court held that the employee failed to show either that in violation of Title VII of the Civil Rights Act of 1964, the grooming policy placed an unequal burden on women, or that the policy constituted impermissible sex stereotyping. *Jespersen v. Harrah's Operating Co.*, 444 F.3d 1104 (9th Cir. 2006).

## MILITARY

**"Don't Ask, Don't Tell" Challenge Dismissed for Failure to State Claim.** On April 24, 2006, a federal district court in Massachusetts dismissed a suit filed by 12 former service members who were discharged under the U.S. military's discriminatory "Don't Ask, Don't Tell" policy. The court concluded that the policy is rationally related to the goal of maintaining high standards of morale, good order and discipline and could withstand a federal constitutional challenge. It also held that the policy was a content-neutral, non-speech policy that was justified to prevent the disruption to military readiness from same-sex activity by service members. *Cook v. Rumsfeld*, \_\_\_ F. Supp. 2d. \_\_\_, 2006 WL 1071131 (D. Mass. April 24, 2006).

## SCHOOLS

**Safe Schools Bill Dies in New York Senate.** On June 21, 2006, the sponsor of a bill designed to protect students from discrimination, harassment and bullying based on sexual orientation or gender identity criticized New York state Senate Republicans for blocking a floor vote on the bill. Earlier in the session, the New York Senate defeated a motion to bring the "Dignity for All Students Act" out of committee and to a floor vote. The bill has been introduced every year since 1999, and the Assembly overwhelmingly passed the measure on May 9. *S.B. 1454/A.B. 9491*, 2006 Leg., Reg. Sess.

(N.Y. 2006).

**Tennessee Legislature Adopts Measure to Encourage Hate Crimes Education.** On June 20, 2006, Democratic Gov. Phil Bredesen signed a measure encouraging the University of Tennessee system to offer an introductory course to freshmen that includes instruction on hate crime offenses; Tennessee hate crimes law includes sexual orientation. While the measure as introduced mandated the hate crimes course, the Tennessee House Education Committee amended the bill to only “strongly encourage” it. *S.B. 3112, 2006 Leg., Reg. Sess. (Tenn. 2006)*.

**Court Permits Teacher Fired for Discussing GLBT Rights to Sue School District.** On June 8, 2006, a federal district court in Ohio refused to dismiss a lawsuit brought by a teacher who was fired after teaching a unit on GLBT rights in her high school government class. The primary catalyst for her dismissal was a presentation she made in conjunction with the National Day of Silence. *Beall v. London City Sch. Dist., No. 2:04-cv-290, 2006 WL 1582447 (S.D. Ohio June 8, 2006)*.

**California Senate Adopts Measure Requiring Inclusion of GLBT History in Textbooks.** On May 11, 2006, the California Senate passed a bill that would require textbooks used in California schools to include the roles and contributions of GLBT people in history and contemporary society. The bill would also bar texts and school-sponsored activities that are adverse to GLBT people. The bill currently awaits hearings in the Assembly. Republican Gov. Arnold Schwarzenegger has already announced his intent to veto the legislation should it reach his desk. *S.B. 1437, 2006 Leg., Reg. Sess. (Cal. 2006)*.

**Christian Student Groups Grapple with University Non-Discrimination Policies.** Two federal district courts decided cases involving public universities’ refusal to officially recognize Christian organizations which would not abide by university policies prohibiting discrimination based on sexual orientation by university-recognized organizations. On April 17, 2006, a federal district court in California granted summary judgment to the University of California Hastings College of Law because the Christian Legal Society chapter failed to show that Hastings’ uniform enforcement of its non-discrimination policy infringed on any of CLS’s constitutional rights. On May 4, 2006, a federal district judge in North Carolina dismissed a complaint by Alpha Iota Omega Christian Fraternity against officials of the University of North Carolina at Chapel Hill because UNC had changed its policy to offer recognition to organizations who select members based on a commitment to set beliefs. Because UNC voluntarily altered its policy to address AIO’s complaint, the court concluded that AIO had no right to an award as the prevailing party. *Christian Legal Soc’y v. Kane, No. C 04-04484 JSW, 2006 U.S. Dist. LEXIS 27347 (N.D. Cal. April 17, 2006)*; *Alpha Iota Omega Christian Fraternity v. Moeser, No. 1:04CV00765, 2006 U.S. Dist. LEXIS 28065 (M.D. Cal. May 4, 2006)*.

## INTERNATIONAL

**South Korean Court Ruling Allows Transsexuals to Legally Change Gender.** On June 22, 2006, the South Korea Supreme Court ruled that transsexuals who have completed sex-reassignment surgery must be permitted to alter the gender marker on their identification documents. The action was brought by a female-to-male transsexual who sought to legally change his gender on the family registration record.

**British Men Sentenced to Life for Hate-Motivated Murder.** On June 16, 2006, two homeless men were sentenced to life for the beating death of a gay London man as a new law against hate crimes came into effect. In October 2005, Jody Dobrowski was so brutally murdered that identification by dental records was impossible. The defendants did not dispute that the murder was aggravated by

Dubrowski's sexual orientation. The new hate crimes law doubles convictions for attacks against based on the victims' sexual orientation, which is similar to punishment for violence motivated by race, religion or disability.

**European Parliament Adopts Resolution Against Anti-Gay and Racist Attacks.** On June 15, 2006, the European Parliament passed a resolution that calls on member nations to condemn all racist and anti-gay attacks and to implement anti-discrimination directives. Members from Latvia and Poland rejected the resolution. *Resolution on the Increase in Racist and Homophobic Violence in Europe, EUR. PARL. DOC. P6\_TA-PROV(2006)0273 (2006).*

**Australian Territory's Civil Union Effort Blocked by Federal Legislature.** On June 13, 2006, on the advice of Prime Minister John Howard, Governor-General Michael Jeffery took the rare step of nullifying a civil unions bill passed by the Legislature of the Australian Capital Territory. Australia's Senate failed to overturn that veto by only two votes. Howard claimed that the territorial proposal extending most of the rights of marriage to same-sex couples was impermissible under a federal law limiting marriage to opposite-sex couples. The Australian Capital Territory's attorney general said the territorial government will likely introduce a new proposal to recognize same-sex couples.

**Latvian Legislature Votes to Remove Sexual Orientation from Anti-Discrimination Law.** On June 15, 2006, the Latvian Parliament voted to strip protections for gay, lesbian and bisexual people from its non-discrimination law, which was adopted as a condition of its European Union membership. Latvian President Vaira Vike-Freiberga vetoed the measure and sent it back to Parliament.

**Jerusalem Ordered to Compensate Gay Pride Organizers.** On May 30, 2006, an Israeli court ordered the city of Jerusalem to pay \$77,000 to a non-profit GLBT rights group as restitution for denying it municipal funds for a pride festival for the last three years. The court held that the city engaged in illegal discrimination against gay pride organizers by withholding funds for Jerusalem Pride while funding other cultural events.

**Moscow Court Upholds Ban on Pride Parade.** On May 26, 2006, a Moscow city court judge upheld the city's decision to ban a gay pride parade under pressure from conservative groups and both Russian Orthodox and Muslim leaders. Many gay rights supporters attempted to march in Moscow's first gay pride parade despite the ruling, which led to rioting and several arrests.

**United States Backs United Nations Role for International GLBT Group.** On May 16, 2006, in a reversal of its prior position, the United States backed the efforts of a German gay organization to obtain consultative status with the Department of Economic and Social Affairs and give the group the ability to officially influence proceedings. However, the United Nations member states voted to deny the group those benefits. Without consultative status, the group cannot speak at United Nations meetings or lobby member nations.

**Costa Rica High Court Rules Against Marriage for Same-Sex Couples.** In May 2006, by a 5-2 vote, Costa Rica's Supreme Court upheld a law banning marriage for same-sex couples. It held that the Costa Rica Constitution was meant to construe marriage as between a man and a woman, but that the Legislature might be able to legalize same-sex civil unions.

**Bermuda Legislators Reject Gay Rights Bill.** In late May 2006, Bermuda's House of Assembly rejected a proposal to add sexual orientation to the island's Human Rights Act. That action brought hundreds of protestors to the Capitol and the bill's sponsor has vowed to reintroduce the measure.



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