



The

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## State of the states

Around the country, Gay activists await a deluge of marriage bills

by Sue Fox

Gay activists around the country will be pushing a straightforward, meat-and-potatoes menu of issues during the upcoming state legislative sessions, most of which begin this month. Comprehensive Gay civil rights protections, stiffer penalties for anti-Gay hate crimes, a repeal of sodomy laws, and domestic partnership benefits are all staples of this legislative diet, according to interviews with activists in all 50 states.

But activists have no appetite for one of the main dishes that many state legislatures are expected to serve up in their next sessions: anti-Gay marriage bills, which will seek to ban

marriages between same-sex couples and/or deny recognition to such marriages performed in other states. During the past two years, 16 states and the federal government passed anti-Gay marriage laws, and the governors of Mississippi and Alabama issued executive orders barring same-sex marriages. This year, such bills are anticipated by Gay activists in every state that has not already passed such a law.

"It probably will be reintroduced," said Scott Evertz, spokesperson of the Gay group Action Wisconsin. A bill banning recognition of same-sex marriages died in the Wisconsin legislature last year.

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National News

# Anti-Gay bias bills on agenda

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"Legislators who stayed away from it before because it was mean-spirited, I'm afraid, [saw] how easily it passed in Congress. They might sign onto it," Evertz said.

A Hawaiian state judge's Dec. 3 ruling that the state had no sufficient reason to deny marriage licenses to same-sex couples may also bolster the chance for passage of bills in other states designed to block recognition of Gay marriages. The Hawaii Supreme Court, which many observers believe will uphold the judge's order, is expected to review the case in 1997.

"Once Hawaii hits, when the Supreme Court finally rules, there will be no stopping [the bill] then," predicted New Jersey Gay activist Gina Reese. For now, activists in the Garden State are concentrating on containing a pending anti-Gay marriage bill in legislative committees.

Forty-four state legislatures were up for re-election last November, and the political landscape of many shifted in a way that could also have an effect on the hopes of Gay-related bills. Now, according to the National Conference of State Legislatures, 20 states have legislatures that are controlled by Democrats and 18 by Republicans. In eight states, each party controls one chamber; in three states, one party controls one chamber, but the parties are split in control of the second chamber; and in Nebraska, which is unicameral, the legislature is nonpartisan.

The outlook for Gay bills depends on the political climate and history in each state. In states like California, for instance, the Democrats recaptured control of the state Assembly last month, a positive development for pro-Gay legislation.

"It's certainly ended up in our favor," said Ellen McCormick, a lobbyist for LIFE: California's Lesbian/Gay and AIDS Lobby. California Assembly Speaker Cruz Bustamante last month appointed an open Lesbian, Assembly-member Sheila Kuehl (D-Santa Monica), to be speaker pro tem of the Assembly.

But Democratic control of a legislature does not always translate into a more favorable environment for pro-Gay legislation.

"Both Democrats and Republicans in South Carolina are pretty homophobic," explained South Carolina activist Pete Tepley. In Georgia, observed Larry Pellegrini, a lobbyist for the Georgia Equality Project, "many conservative Democrats would be philosophically Republicans in other places."

Taking into account these regional particularities, Gay activists plan to lobby for pro-active legislative agendas in the coming sessions that vary from state to state:

- In 16 states, activists say they may work to get a comprehensive bill introduced and passed to prohibit discrimina-

## Anti-Gay legislation state-by-state

	Ban on same-sex marriages	Ban on adoption, child custody, foster care	Cut AIDS funding	Ban Gay Issues in schools	Mandatory HIV testing	Allow ballot initiatives	"Parental Rights" bill
Alabama	■						
Alaska	■						
Arizona	■		■				
Arkansas	■						
California	■	■					
Colorado	■						■
Connecticut	■						
Delaware	■						
Florida	■						
Georgia	■				■		
Hawaii	■			■			
Idaho	■						
Illinois	■						
Indiana	■						
Iowa	■	■					
Kansas	■						
Kentucky	■	■					
Louisiana	■						
Maine	■	■					
Maryland	■						
Massachusetts	■						
Michigan	■						
Minnesota	■						
Mississippi	■						
Missouri	■						
Montana	■						
Nebraska	■	■	■	■			
Nevada	■						
N. Hampshire	■						
New Jersey	■						
New Mexico	■	■					
New York	■						
North Carolina	■						
North Dakota	■						
Ohio	■						
Oklahoma	■						
Oregon	■						
Pennsylvania	■						
Rhode Island	■					■	
South Carolina	■	■					
South Dakota	■						
Tennessee	■	■					
Texas	■	■			■	■	
Utah	■						
Vermont	■						
Virginia	■						
Washington	■	■	■	■	■		
W. Virginia	■						
Wisconsin	■						
Wyoming	■						

■ - This state has already passed a law prohibiting the recognition of same-sex marriages.  
 ■ - Activists say there may be attempts to pass these bills in the coming state legislative sessions.

tion based on sexual orientation in employment, housing, and other arenas.

- In 14 states, activists may try to enact hate crimes laws that enhance penalties for crimes motivated by sexual orientation bias.
- In 10 states, reforming sodomy laws is on the agenda.
- \* In 8 states, Gays plan to advocate for an employment nondiscrimination bill.
- In 8 states, gaining domestic partnership benefits is on the agenda.
- And in 7 states, activists say they will work to maintain or increase AIDS funding.

"A Gay civil rights bill remains the cornerstone of our agenda," said Dick Dadey, executive director of the Empire State Pride Agenda in New York. For the past four years, a bill to prohibit sexual orientation discrimination in various

arenas has passed the New York state Assembly but has been repeatedly blocked from a Senate vote by Republicans who control that chamber.

"Our No. 1 priority is a hate crimes bill," said Dianne Hardy-Garcia, executive director of the Lesbian and Gay Rights Lobby of Texas. The current hate crimes law in Texas stiffens penalties for bias-motivated crimes, but doesn't list any specific groups that are protected. Texas Gay civil rights advocates want to expand the law to explicitly name "sexual orientation" and other characteristics.

### Marriage and kids

But in many states, activists expect to spend much of their time on the defensive. Gay civil rights advocates in 14 states say they do not anticipate any pro-

Gay legislation to be introduced in the coming sessions. (A few of these states, however, like Vermont and New Jersey, already have many protections for Gay residents.)

"Unfortunately, the Tennessee legislature is not a particularly friendly place for pro-active Gay and Lesbian rights legislation," noted Hedy Weinberg, executive director of the American Civil Liberties Union of Tennessee, one of the states with no pro-Gay bills on its radar screen. "What we have to spend most of our time doing is damage control."

Jim Wiltberger, political director of the Forum for Equality in Louisiana, put it more bluntly: "In the past couple years, we've reacted to dumb legislation that some of the [members of the Louisiana] legislature came up with," he said, citing a recent attempt to mandate

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National News

# Gays push anti-bias, sodomy reform bills

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HIV antibody testing for couples seeking marriage licenses.

In addition to a second deluge of marriage bills, the next most frequently cited pieces of anti-Gay legislation that activists say could soon be introduced are bills to ban Gay people from adopting, foster parenting, or having custody of children. Activists in 10 states said they think these bills could be on the horizon.

Attacks on AIDS funding, bans on the presentation of Gay issues in public schools, and mandatory HIV antibody testing bills are considered a possibility by activists in three states. But beyond that, the focus of attacks on equal rights for Gay people seems to be directed through bills banning legal recognition of same-sex marriages.

In a few cases, Gay activists are coming up with bills specifically aimed at countering anti-Gay legislation. In four states, for instance, activists say that a bill seeking to legalize same-sex marriage could be introduced. And while activists in five states anticipate no legislative effort to bar Gay issues from public schools, they said will be working on legislation that seeks to protect Gay students from discrimination.

As state lawmakers file into their chambers for the first session of the new year, it remains too soon to guess the fate of Gay-related legislation in each of the legislatures. In 1996, states witnessed a dramatic rise in anti-Gay bills, largely attributed to the popularity of bills banning same-sex marriage. If the trend holds for another year, as activists nationwide fear it might, 1997 could deliver anti-Gay marriage laws to the majority of the 50 states — before such unions are legalized in even one. ▼

Christopher Jones contributed to this report.

## Pro-Gay legislation state-by-state

	Broad Gay rights bill	Hate crime penalties	Legalize sodomy	Employment protections	Domestic partnership	AIDS funding	Legalize Gay marriage	Gay student protections
Alabama			■					
Alaska			■					
Arizona		■	■	■		■		
Arkansas	■		■	■				
California	■	■	■		■			■
Colorado		■	■					
Connecticut	■	■	■		■			■
Delaware	■		■	■	■			
Florida		■						
Georgia		■	■	■		■		
Hawaii	■	■	■					
Idaho								
Illinois	■	■	■			■		
Indiana		■	■					
Iowa		■	■					
Kansas								
Kentucky			■					
Louisiana			■					
Maine	■	■	■					
Maryland	■							
Massachusetts	■	■	■		■			
Michigan		■	■					
Minnesota	■	■	■		■			■
Mississippi						■		
Missouri	■		■					
Montana	■		■					
Nebraska			■	■			■	
Nevada		■	■			■		
N. Hampshire	■	■	■					
New Jersey	■	■	■					
New Mexico	■	■	■		■			
New York	■	■	■					
North Carolina			■	■				
North Dakota			■					
Ohio			■					
Oklahoma	■							
Oregon	■	■	■	■			■	■
Pennsylvania	■	■	■					
Rhode Island	■		■					
South Carolina								
South Dakota			■					
Tennessee			■					
Texas		■	■	■		■		
Utah						■		
Vermont	■	■	■					
Virginia	■	■	■		■			
Washington	■	■	■					
W. Virginia	■	■	■				■	
Wisconsin	■	■	■		■		■	
Wyoming		■	■					

\* The existing hate crimes law in Texas does not specify categories. Activists want it changed to list sexual orientation and other characteristics.  
 ■ State already has a broad Gay civil rights law, enhanced penalties for hate crimes based on sexual orientation, or has legalized sodomy.  
 ■ Activists say there may be attempts to pass these bills in the coming state legislative sessions.

At the hub of Mississippi's Gay lobbying network sits Eddie Sandifer, a 67-year-old retired nursing home administrator who does double duty as the head of the state's Gay and Lesbian Democratic Caucus and its Gay and Lesbian Alliance.

Sandifer is waiting for his office to be built in the new Metropolitan Community Church in Jackson, but for now he operates both groups out of his home on a budget of "practically nothing." He said that, as far as he knows, he is the only Gay activist lobbying the state legislature.

"I've got a computer and everything," Sandifer said, "but no fax."

More than 1,000 miles to the northeast lies the Empire State Pride Agenda,

## Sizing up the states

a virtual colossus among statewide Gay groups. With three offices across New York state, the group boasts a full-time staff of 10 and an annual budget of about \$1.5 million.

"This community is extremely committed to grass-roots organizing in towns, cities, and villages all across this state," said Dick Dadey, executive director of the Pride Agenda.

But in less organized states, Gay activists have few expectations of being able to influence their state legislatures at all. In many states, support for out-

lawing same-sex marriage has spread like wildfire while basic civil rights for Gay people remain out of reach.

"I'm not sure that a lot of Gays and Lesbians in Oklahoma would have put [same-sex marriage] at the top of their list," said Paul Thompson, co-chair of the Oklahoma Gay and Lesbian Political Caucus. "What we're working on are things that are somewhat more basic than that," he said, such as adding "sexual orientation" to the state's human rights law.

"Right now, Gay people are more in-

terested in organizing parties and dances so that they have a place to gather," said Jack Johnson, a Gay activist in North Dakota.

Even in states which have organized statewide Gay civil rights lobbying groups, activists who work for them often find themselves outside the political loop.

"It's very frustrating. There are a lot of doors slammed. A lot of times I don't get phone calls returned," said David W. White, state coordinator of the Gay and Lesbian Alliance of Alabama. "It's also frustrating to know that you have supporters [who] are unable or unwilling to stand up for you."

—Christopher Jones and Sue Fox