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TODAY:

Gay adoptions in Oklahoma

States target adoptions by gays

Oklahoman seeks to 'legislate morality'

IN THE Statehouse

As the federal government turns over more political power to the states, more of the legislative action occurs in capitals like Boston and Austin instead of Washington. But state legislatures receive scant attention in the national media.

In this five-part series, "In the Statehouse," The

Washington Times sends political reporters to five state capitals to examine lawmakers' innovations on key social and financial issues. The series will appear every Monday through May 10.



By Sean Scully
THE WASHINGTON TIMES

OKLAHOMA CITY — State Rep. Tim Pope thinks children deserve better than to be adopted by homosexuals.

"Homosexual people are unstable in their lifestyle — period," said Mr. Pope, Mustang Republican and the sponsor of a bill that would forbid homosexuals from adopting children in Oklahoma.

The bill, which passed the state House of Representatives last month 97-2, would rule out joint adoptions by any couple — heterosexual or homosexual — living together in any manner "not solemnized as marriage" by state law. Homosexual marriage is specifically banned by Oklahoma law.

His proposal also specifically rules out adoption by "homosexuals and lesbians," banning adoption by single homosexuals, a practice not mentioned in the current law.

Children who are up for adoption often come from broken homes and families, said Mr. Pope, who calls himself the "number one homo enemy" in the state. "There's no need to put them back in the same atmosphere, where there's no commitment, no authority, no pledge before God."

Although Mr. Pope's bill passed the House overwhelmingly, it is languishing in a Senate committee, where it is likely to die.

But Mr. Pope is part of a recent national wave of state officials addressing the issue. Five states considered banning homosexual adoption last year, although none passed a bill. This year, three state legislatures are considering bans and two state adoption agencies — in Utah and Arkansas — have imposed administrative bans on homosexual adoptions.

"I think there is clearly momentum on the part of the religious and

see GAYS, page A12

FROM PAGE ONE

GAYS

From page A1

political extremists to politicize lesbian and gay family issues," said Kate Kendall, executive director of the San Francisco-based National Center for Lesbian Rights. "Adoption is the latest mechanism to give validity to that."

Mr. Pope waves aside charges of being an extremist.

"They've been saying that for years," he said with a broad grin.

Mr. Pope, a moving-company consultant from a sprawling, oil-well-studded suburb west of Oklahoma City, is no stranger to legislative battles over homosexual rights. He was the lead sponsor of the state law banning homosexual marriage and fought vigorously against an expansion of the state hate-crime laws, which was rejected by the House last month.

"They say you can't legislate morality," Mr. Pope said, lounging comfortably in a deep chair just off the House floor at the state Capitol. "Why not? We legislate morality every day of the week. They don't have any common sense."

Of the 431 adoptions in Oklahoma last year, a quarter were by single-person households, according to the state Department of Human Services. The state has no way of knowing how many of those single people are homosexual.

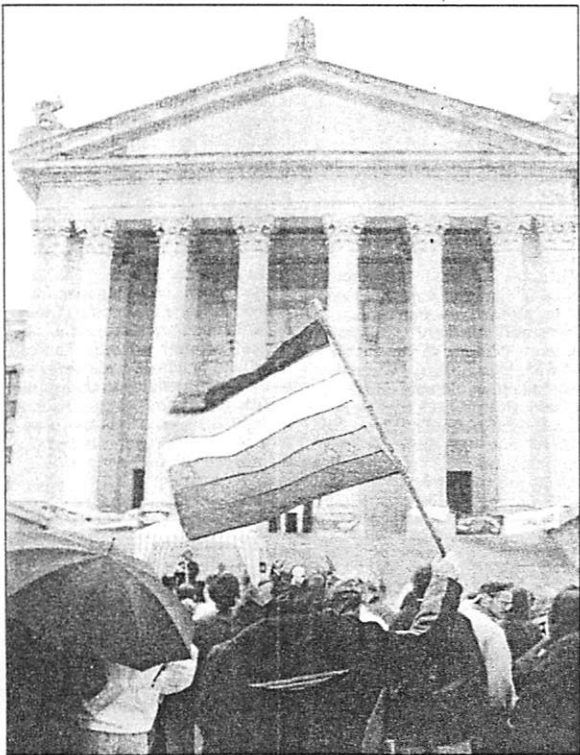
There are no statistics on the number of homosexuals who have adopted children in the United States. Although homosexual couples are not allowed to adopt jointly in most states, both sides of the debate agree that a significant number of single people who adopt every year are homosexual.

Only two states have laws specifically forbidding homosexual adoption: New Hampshire and Florida. The New Hampshire state legislature is considering a bill this year to reverse that law, and the American Civil Liberties Union is preparing a lawsuit challenging the Florida ban.

Mr. Pope and other supporters say the movement to ban homosexual adoption is a logical reaction to pressure by homosexual-rights groups for increased legal protection and societal recognition.

"I think that is a strategy of gay and lesbian organizations all over America ... [but] we're still talking about a lifestyle that's not legitimate," said Ken Wood, executive director of the Oklahoma branch of the Christian Coalition.

The legislation in Oklahoma and other states is "a healthy response to an alarming trend, in which homosexuals are acquiring children through adoption agencies



A protester waves a rainbow flag, a symbol of the homosexual-rights movement, at a recent rally at the state Capitol in Oklahoma City. AP photos

and thereby creating motherless or fatherless families by design," said Robert H. Knight, director of cultural studies for the Family Research Council. "That is not good for kids."

Opponents of the Mr. Pope's bill, however, say it is part of a national effort to demonize homosexuals.

"I think there is a lot of political pandering to the religious right," said Keith Smith, a lobbyist for the Oklahoma ACLU and other groups that worked against the bill.

"It's a Jerry Falwell agenda transferred to the back country, to the heartland," said Rep. Don Ross, Tulsa Democrat, one of the two House members to vote against the bill, joining Oklahoma City Democrat Opio Toure. "Republicans have found an issue to play against the Democrats, play it to the max."

Caught in the middle of the fight, adoption advocates say, are children themselves.

Conservative adoption activist Maureen Hogan criticizes both sides, saying they are spending time and money on a campaign that ignores more pressing concerns, such as the failure of most

states to require criminal-background checks for prospective adoptive parents.

"These children are being taken hostage by both sides ... to both sides I say, 'Shame on you,'" she said.

Mrs. Hogan does not support homosexual adoption, yet she said efforts to ban it are "poorly thought out."

There are nearly 100,000 children eligible for adoption in foster care in the United States, yet only about one-third are adopted every year.

"If you don't want someone else to [adopt], are you going to do it yourself?" Mrs. Hogan said. "If not, I don't want to hear from you."

Homosexual-rights groups say adoptions should be judged case by case by local officials who are expert in the needs of adoptable children.

"The important piece here is the children, what is in the best interest of the child," said Winnie Stachelberg, political director of Washington-based Human Rights Campaign, a pro-homosexual group. "It's very clear that these kinds of family decisions should be

made in the interest of the child, not by politicians, not by state legislatures, not by members of Congress."

Adoption is usually a state issue, with little action on Capitol Hill. Last year, however, the U.S. House of Representatives passed a measure, part of the fiscal 1999 budget, that overturned a law permitting adoption by homosexuals in the District of Columbia — the only place in the country that specifically allows such adoptions. In the face of a presidential veto, the House quietly backed down.

Courts in many states have recognized "second-parent adoptions," where an unrelated person can gain joint custody of a child. Usually, this allows a grandparent or other relative to gain joint custody with a single parent, but the procedure can also allow homosexual couples to gain joint custody.

In most states, however, individual judges have the final decision and they apply inconsistent standards for granting second-parent adoptions. Homosexual-rights groups, therefore, say it is an unsatisfactory substitute for clearly defined adoption laws that allow same-sex couples to adopt.

For the moment, the Oklahoma Legislature will not take a side in the adoption debate. Oklahoma Senate Judiciary Committee Chairman Brad Henry, Shawnee Democrat, has refused to schedule a hearing on Mr. Pope's bill, in effect dooming the legislation for this year.

The ban on homosexuals "is singling out a specific group of people to be treated differently," Mr. Henry said. "I think that's unconstitutional."

He is also worried about the effect on unmarried heterosexual couples.

Oklahoma recognizes "common-law marriage," in which couples who have lived together for many years are considered spouses even if they have never taken a formal vow. Yet Mr. Pope's bill would restrict adoption to married couples who have taken a formal vow, ruling out adoption by common-law spouses, who enjoy other legal benefits of marriage.

That contradiction, Mr. Henry said, would invite complications and legal challenges if the bill were to become law.

Members of the state House of Representatives are critical of Mr. Henry and the Senate leadership for suppressing the bill, saying they are out of touch with the conservative and religious people of Oklahoma. Democrats still outnumber Republicans in both chambers.

"You're in the heart of the Bible

RESTRICTING GAY ADOPTIONS

States considering bills that would regulate adoptions by homosexuals:

Indiana: S.B. 560 would ban adoption by unwed couples. Likely to die in committee.

New Hampshire: H.B. 90 would remove a long-standing ban on homosexual adoption. Hearing set for late April.

Oklahoma: H.B. 1224 would ban adoption by unwed and homosexual couples. Passed House, likely to die in Senate committee.

Texas: H.B. 415 would remove children from homosexual foster care homes, ban homosexual adoption and foster care. Stalled in committee.

H.B. 382 would ban adoption by couples engaged in "deviate sexual intercourse." Stalled in committee.

H.B. 1181 would permit adoption by homosexual couples. Stalled in committee.

States that have addressed adoptions by homosexuals through regulations, court rulings or laws:

Permits homosexual adoption by law: District of Columbia

Ban homosexual adoption by law: Florida, New Hampshire

Ban homosexual adoption by regulation: Arkansas, Utah

States where courts have allowed homosexual adoption, including "second parent" adoption:

Alaska, Arizona, California, Illinois, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Vermont, Washington.

States where courts have rejected homosexual adoption:

Connecticut, Wisconsin

Source: The Washington Times, the Human Rights Campaign, Gay & Lesbian Alliance Against Defamation

The Washington Times



Oklahoma state Sen. Bernest Cain addresses supporters of homosexual rights.

Belt," said House Minority Leader Fred S. Morgan, Oklahoma City Republican. "I think the traditional family unit and traditional family values are still very important in this state."

Although the state Democratic Party has seen a steady erosion of power in the 1990s to conservative Republicans — losing the governorship and its former hold on six of eight seats in Congress — Mr. Henry appears unafraid of a conservative backlash from his opposition to the bill.

"There are plenty of things for my opponents to attack me on next year," he said, shrugging as he flipped a copy of the bill onto his



Part One: Oklahoma's bid to ban homosexual and unmarried couples from adopting children.

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Part Four: Arizona's attempt to reform bilingual education.

Part Five: The Ohio legislature considers a health-care bill that would allow patients to sue their health-maintenance organizations.

The Washington Times

desk. "This is just one more."

Mr. Pope vows to launch a "frontal assault" to get Mr. Henry to change his mind and schedule a hearing next year. If that effort fails, he promises to introduce the legislation again after next year's election.

"It's God's will" that homosexuality be considered unacceptable, Mr. Pope said. "If it's good enough for God, it's good enough for me."