



# BGLAD Newsletter

December, 1999

Bisexuals, Gays, Lesbians and Allies At DuPont

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## Partner Benefits – Competitive Advantage!

WASHINGTON: One of the most stunning gains for gay, lesbian, bisexual and transgendered workers in the 1990s has been the rapid spread of domestic partner benefits, according to a report released today by the Human Rights Campaign. At the beginning of the decade, fewer than two dozen employers offered these benefits. Currently, more than 2,800 private companies, colleges and universities and state and local governments offer domestic partner health coverage.

The report, "The State of the Workplace for Lesbian, Gay, Bisexual and Transgendered Workers," found that much of the rapid spread of this benefit in the last two years can be attributed to San Francisco's Equal Benefits Ordinance. That law, which went into effect in 1997, is directly responsible for 2,168 of the 2,855 employers offering these benefits that have been tracked by HRC.

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## Genetics and Biochemistry of Homosexuality

Curiosity about and research into the determinants of sexual orientation are ageless, and the debate has generally split along nature versus nurture lines. Proponents of biological explanations got a big boost in 1993 when Dean Hamer of the NIH announced the discovery of a "gay gene." More specifically, he identified a region of the X-chromosome that was more prevalent in homosexual men than in heterosexual men. What follows is a brief and somewhat cursory survey of recent published research on the genetics and biochemistry of homosexuality.

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## **Partner Benefits** – (Continued)

"A steadily increasing number of American workplaces had been adding domestic partner insurance coverage to their benefits packages through the second half of the decade," according to Kim I. Mills, HRC's education director and principal author of the report. "Even without the San Francisco law, we were seeing an average of two employers a week instituting domestic partner coverage, up from one a week in the first half of the 1990s. The San Francisco law has led to a rapid acceleration of this trend, and a domino effect across market sectors and industries."

The San Francisco law mandates that any company doing business with the city or county of San Francisco must offer the same benefits to the domestic partners of its employees that it offers to employees' legal spouses.

For example, the report found that the San Francisco law was directly responsible for the spread of DP benefits in the oil industry. First, Chevron, which is based in San Francisco, instituted the benefits. It was quickly followed by Shell, BP Amoco and Mobil, according to the report. Likewise, the recent announcement of DP benefits by United Airlines was a direct result of the San Francisco law, and within a week, American Airlines and U.S. Airways had revealed they would be instituting domestic partner coverage as well.

In addition, the report found municipal governments across the country beginning to offer DP benefits to their workers. Six states, seven local government entities (such as libraries and utility commissions) and 60 city and county governments offer domestic partner health benefits. In 1998, at least eight state or local governments instituted domestic partner benefits for public employees: Eugene, Ore.; Key West, Fla.; New York City; Philadelphia; Santa Barbara, Calif.; Vancouver, Wash.; Westchester County, N.Y. ; and the state of Oregon.

To date in 1999, at least eight additional governments instituted DP benefits for their employees: Gresham, Ore.; Petaluma, Calif.; Pittsburgh; Tempe, Ariz.; Broward County, Fla.; Cook County, Ill.; Dane County, Wisc.; state of California (legislative employees only).

However, the report noted, there have been some significant losses in many of the same arenas where GLBT workers have won gains. "Most notably, legislative bodies continue to consider almost as many anti-gay measures as legislation aimed at creating parity for GLBT workers. Likewise, many courts continue to find that discrimination based on sexual orientation is perfectly legal in many jurisdictions," the report states.

In 1999, for example, religious political extremists succeeded in rolling back a comprehensive Maine law that had barred sexual orientation discrimination in employment, housing and public accommodations. And at least two well-known anti-gay organizations have mounted court challenges to municipal domestic partner benefits plans, with mixed results. Among the report's other findings: A total of 1,558 private corporations, colleges and universities, state and local governments and federal government agencies and departments that include the term "sexual orientation" in their non-discrimination policies.

**Of those, 261 were in the Fortune 500, up slightly from 251 in 1996 when HRC completed the first survey of Fortune 500 companies and non discrimination policies.** At least 279 colleges and universities have implemented non-discrimination policies that include sexual orientation. These colleges include 44 of the top 50 national universities and 26 of the top 40 national liberal arts colleges according to the 1999 U.S. News and World Report college rankings. Contrary to the claims of the religious right, domestic partner benefits are not some "special right" given to gays and lesbians. Based on HRC's data, more than two-thirds of employers that have implemented this coverage are also providing it to unmarried opposite-sex couples.

The Human Rights Campaign is the nation's largest national lesbian and gay political organization with members throughout the country. HRC effectively lobbies Congress, provides campaign support and educates the public to ensure that lesbian and gay Americans can be open, honest and safe at home, at work and in the community.

EDITORS NOTE: For a full copy of the report, please contact HRC WorkNet, HRC's workplace project, at 202/216-1552 or hrc@hrc.org. A full list of employers with non-discrimination policies and domestic partner benefits is available on the web at [www.hrc.org/worknet](http://www.hrc.org/worknet).

## **Genetics and Biochemistry of Homosexuality (Continued from Page 1)**

The nature versus nurture debate was rekindled in the pages of *Science* earlier this year when a genetic study failed to find the "gay gene" previously identified by Hamer. The significance and the quality of both this study and Hamer's original work were debated by the authors in the pages of *Science*. Unfortunately, much of the debate revolves around how one properly constructs and tests genetic hypotheses, a subject specialized enough that it is difficult to evaluate the merits of the competing arguments without being an expert in the field. A 1995 review claimed that all of the genetic studies to date (which would have included Hamer's study but not the recent *Science* paper) were flawed according to one or more of five criteria.

Regardless of whether a specific gene has been identified, it is generally acknowledged that homosexuality clusters in families for both men and women, with claims for a genetic contribution as high as 75%. One study found that lesbians had more lesbians among sisters, daughters, nieces, and female cousins (through paternal uncles) than did heterosexual women. Hamer's original work found higher rates of homosexuality among brothers,

maternal male cousins, and maternal uncles of homosexual men than among relatives of heterosexual men. A 1999 study by a different group of researchers confirmed Hamer's observations regarding siblings, but did not see increased homosexuality among maternal uncles or maternal first cousins. Another paper reports that familial clustering and the number of older brothers (in families with multiple sons, the probability of homosexuality increases with birth order) were separate, additive influences on male sexual orientation.

Biochemistry, especially exposure to sex hormones *in utero*, confounds the neat division between nature and nurture. There's no direct genetic effect, but there is clearly a role of the *in utero* environment on development. Some of the evidence cited for this is unusual, to say the least. For example, the fingerprints of male homosexuals show more "leftward asymmetry" than do the fingerprints of male heterosexuals. Further, this leftward asymmetry was associated with an increased incidence of adextrality (lack of preference for right-handedness or left-handedness) in gay men but not in heterosexuals. A second example is the report that gay men have larger penises by all five of five different measures than do heterosexual men. (Funny – I don't remember seeing this widely reported in the "mainstream" press. ed) For both of these examples, the suggestion is that these physiological changes may derive from the same prenatal environmental factors that influence sexual orientation. The only other example I found is the suggestion that the early exposure of females to masculinizing hormones was more likely to lead to bisexuality than to homosexuality.

As you might guess, a literature search on this topic turns up a few reports that are difficult to categorize.

- Adult male albino rats, when "given a treatment that produced hypothermia after the induction of limbic seizures," exhibited "marked hypersexuality" toward other males for at least two months. These observations may be relevant to Kluver-Bucy syndrome (a rare cerebral neurological

disorder characterized by, among other things, indiscriminate sexual behavior) and bisexuality and homosexuality in males who report “elevated complex partial epileptic-like signs.”

- Observation of sexual identity problems in only one of two identical-twin, 13-year-old girls suggests transsexualism is not due to simple genetic determinants.
- The genetics of sexual orientation has been extensively studied and manipulated in *Drosophila* (fruit flies).

The debate will no doubt continue. There are many reasons – scientific, social, and political – that research on sexual orientation is difficult to do. As long as that’s the case, we should expect the accumulating data to continue to be less than conclusive. Whether it is even appropriate to inquire into the origins of sexual orientation is still much debated, given the possibility that the research could be used to further the ends of discrimination. In the final analysis, though, knowledge is power, and it’s up to us to see that that power is used for good.

I first became interested in this topic when I heard Dean Hamer talk at DuPont Merck several years ago. The information above is taken mainly from abstracts retrieved in the literature search and a few of the primary sources. I’d be happy to supply the full literature search results to anyone who is interested, and I’d also like to hear if you know of scientific literature on this topic that I’ve missed.

p.s. For a very good previous publication on this subject, please see "Gay, Straight, and In-Between" by John Money, which is available via the BGLAD Library (contact Maria Marchegiano)

Dean H. Hamer, Stella Hu, Victoria L. Magnuson, Nan Hu, and Angela M. L. Pattatucci (1993) “A Linkage Between DNA Markers on the X Chromosome and Male Sexual Orientation.” *Science* **261** 321-327.

“Debate: Is Homosexuality Biologically Influenced?” *Scientific American* May 1994.

- Simon LeVay and Dean H. Hamer “Evidence for a Biological Influence in Male Homosexuality” pp. 44-49.
- William Byne “The Biological Evidence Challenged” pp. 50-55.

G. Rice, C. Anderson, N. Risch, and G. Ebers (1999) “Male Homosexuality: Absence of Linkage to Microsatellite Markers at Xq28” *Science* **284** 665-667.

## National Gay and Lesbian Task Force (NGLTF) News

<http://www.nglhf.org>

### IOWA GOVERNOR SIGNS EXECUTIVE ORDER BANNING DISCRIMINATION IN STATE EMPLOYMENT

Historic move covers gay, lesbian, bisexual and transgendered Iowans

Oct. 7, 1999 – Iowa Governor Tom Vilsack has signed an Executive Order banning discrimination in state employment based on “race, creed, color, religion, national origin, gender, gender identity, sexual orientation, age, marital status, or physical or mental disability.” The move is thought to be the first executive order of its type because it is inclusive of transgendered people. “This is a great first step toward equality for all gay, lesbian, bisexual and transgendered Iowans,” said Peg Sandeen, spokeswoman for the Iowa Coalition for Human Rights. The Iowa Coalition for Human Rights and the Gay and Lesbian Caucus of the Iowa Democratic Party worked with Governor Vilsack in making the executive order a reality. Kerry Lobel, executive director of the National Gay and Lesbian Task Force, joined Sandeen in praising the governor's actions. “The true test of democracy is how it embraces those who look, act and think differently, not just those who are the same,” Lobel said. “Governor Vilsack’s visionary move demonstrates what political leadership is all about. Political leadership is about moving all of us

forward and making communities safer, better places for us to live and work." For more information, please call Randy Palmer of the Gay and Lesbian Caucus of the Iowa Democratic Party, 515-244-9202.

### **VERDICT IN BRANDON TEENA CASE SHOWS NEED FOR GLBT-INCLUSIVE CIVIL RIGHTS LAWS AND SENSITIVITY TRAINING FOR POLICE OFFICERS**

Dec. 9, 1999 - Earlier this week, a Nebraska District Judge found Richardson County, Nebraska, negligent in the death of Brandon Teena, whose murder sparked national outrage over discrimination against transgendered people.

District Court Judge Orville Coady ruled that the county was negligent in failing to provide protection after Brandon Teena reported being raped by two men on Christmas Day 1993. The same two men murdered Brandon Teena six days later and were convicted of the crime. Judge Coady also awarded damages of \$17,360 to the Brandon Teena estate - a small sum, given the county's failure to do its job, Brandon Teena's pain and suffering as well as youth and loss of earning potential.

Kerry Lobel, executive director of the National Gay and Lesbian Task Force, said the Brandon Teena tragedy demonstrates the need for strong civil rights laws that include gay, lesbian, bisexual and transgendered people. She also said the case poignantly points out the need to teach law enforcement officials how to recognize and respond to hate crimes.

"Had Richardson County done its job, Brandon Teena would in all probability be alive today. But Richardson County sent the message that transgendered people don't matter," Lobel said. "Transgendered people do matter, and we are going to remember this tragedy as we fight for sensitivity training, civil rights laws and the recognition that all

of us, regardless of gender identity or sexual orientation, are cut from the same human cloth."

Brandon Teena's story, documented by the award-winning film "Boys Don't Cry," helped create awareness in the gay, lesbian and bisexual communities and their allies about the oppression of transgendered people. Today, transgendered people increasingly are seen as an integral part of the GLBT movement for social justice.

"We are pleased that Richardson County finally will be held accountable for its failure to protect Brandon Teena," Lobel said. "However, to assess the value of Brandon Teena's life at \$17,360 is a chilling judgment. To find the county negligent and then to set such a small judgment sends a sorry signal about the worth of a human life."

### **VOTERS DEFEAT DISCRIMINATION IN FALMOUTH, MAINE AND SPOKANE, WASHINGTON**

But measure to extend civil rights law fails in Greeley, CO

Nov. 3, 1999 - Voters in two communities turned back efforts to undo civil rights ordinances based on sexual orientation, while a ballot measure to expand non-discrimination laws to include sexual orientation, race, ethnicity, religious belief and other factors failed in a third community.

In Falmouth, Maine, voters overwhelmingly defeated a proposed city charter amendment that would have prevented the Town Council from banning discrimination based on sexual orientation in the areas of employment, housing, credit, education and public accommodations.

In Spokane, Washington, voters defeated a similar proposal. It would have repealed a civil rights ordinance based on sexual orientation. The repeal effort failed, with 52.1 percent of the voters rejecting it.

Finally, in Greeley, Colorado, voters defeated an attempt to prohibit discrimination in employment, housing and public accommodations based on

sexual orientation, age, disability, race, religion, sex and organizational affiliation.

“These ballot measures profoundly affect the vitality of our communities because right-wing extremists use them to demonize us,” said Kerry Lobel, executive director of the National Gay and Lesbian Task Force. “NGLTF is committed to supporting local leaders who educate voters about the truth about who we are. Greeley reminds us that voter education is a long process. Across the nation, gay, lesbian, bisexual and transgendered people are organizing for their rights and educating voters, and more communities are passing nondiscrimination measures.”

The Policy Institute of the NGLTF operates the Training Initiative, which is aimed at helping state and local gay, lesbian, bisexual and transgendered groups defeat legislative and ballot-based attacks from the right wing. The Training Initiative is led by Dave Fleischer, Senior Fellow with the Policy Institute, who travels the country year-round, to train local activists in voter identification and get-out-the-vote efforts. Last spring, Fleischer visited Spokane, where he conducted a three-day intensive training to help local leaders prepare for the election. “These campaigns teach us that a broad base of voters will support us when we educate them about the reality of our lives,” said Fleischer. “In Spokane, the local leadership turned around the election results from just two years ago when we lost on a similar issue 60 percent to 40 percent. The keys are persistence and learning from past experience.”

At the upcoming annual Creating Change conference convened by the National Gay and Lesbian Task Force, Fleischer will conduct several electoral trainings, entitled “How to Win an Election,” “Defeat the Anti-Gay Knight Initiative,” and “Door-to-Door Campaigning Against the Knight Initiative.” The Knight Initiative is an anti-gay ballot measure that would prohibit the state of California from recognizing same-sex marriages performed in other states. “I’m excited that we are offering at Creating Change the most ambitious series ever of new trainings to help people make

sense of and learn from these very difficult challenges,” Fleischer said.

**SUPPORT FOR GAY AND LESBIAN  
EQUALITY ON THE RISE,  
NGLTF POLICY INSTITUTE STUDY SHOWS**

70 percent support right to serve in the military:  
Half of Republicans, 74 percent of Democrats back  
anti-discrimination laws

Dec. 9, 1999 - The U.S. public overwhelmingly supports equal rights and anti-discrimination protections for lesbians and gay men, and this support has increased markedly during the 1990s, according to a new report on trends in public opinion released by the Policy Institute of the National Gay and Lesbian Task Force. The Policy Institute of the NGLTF is a think-tank dedicated to research, policy analysis, strategy development and coalition building to advance the equality and understanding of GLBT people.

According to polling data from 1999, 70 percent of Americans support the right of gays and lesbians to serve in the military, up from 55 percent in 1992. Surprisingly, while all the Republican presidential candidates oppose anti-discrimination laws, half of Republican voters support such laws, as do 65 percent of Independents and 74 percent of Democrats.

"From Wrongs to Rights: Public Opinion on Gay and Lesbian Americans Moves Toward Equality 1973-1999," authored by Columbia University political scientist Alan Yang, reveals that American public opinion is more supportive of gays and lesbians than are most lawmakers and politicians. The report further reveals that this support for equal rights has grown despite a context of heightened anti-gay activism as well as increased organizing by gay, lesbian, bisexual and transgender (GLBT) activists to pass pro-GLBT civil rights and hate crime laws. The report tracks trends in public opinion as measured by questions and polls that ask the same question over time to national, random samples of the U.S. public.

"Presidential candidates opposing anti-discrimination protections are out of touch not only

with the American electorate, but with the rank and file of their own party," said Urvashi Vaid, Director of the Policy Institute of the National Gay and Lesbian Task Force. "The overwhelming trend in American public opinion reveals that we have more allies than foes in our struggle for basic equal rights."

Over the past two decades the GLBT community has evolved into a valued and measurable political constituency, with 5 percent of the national electorate identifying as gay, lesbian, or bisexual (GLB) in national exit polls taken during the 1996 presidential election, and 4.2 percent identifying as GLB in the national exit polls taken during the mid-term election of 1998. Public opinion polls do not yet provide data on public attitudes towards bisexuals and transgender people, and national exit polls have asked voters to self-identify as "gay, lesbian or bisexual."

To date, 235 cities and counties and 28 states have enacted either civil rights laws or hate crimes laws that include GLBT people. Yet there are no federal laws outlawing discrimination based upon sexual orientation in employment or other categories.

"From Wrongs to Rights 1973-1999" documents increased support for gay and lesbian equality in several areas:

- Today, 83 percent support equal rights in employment and 75 percent support equal rights in housing.
- In 1996, 68 percent of women and 72 percent of African-Americans supported anti-discrimination laws for gay men and lesbians.

Data reveal that women are consistently more supportive of anti-discrimination laws than men (an average of 65 percent of women supported anti-discrimination laws in four surveys from 1988 to 1996, versus 55 percent of men), and

African-Americans are consistently more supportive of equal employment rights than white Americans (an average of 68 percent of blacks vs. 60 percent of whites in four surveys from 1988 to 1996).

- In 1998, 55 percent of those surveyed reported having a gay friend or acquaintance, up from 43 percent in 1994 and 24 percent in 1983. Such data correlates with increasing support for GLBT rights, supporting the conclusion that greater knowledge of openly gay or lesbian people fosters greater tolerance and support for equal rights laws.
- As familiarity with openly gay and lesbian people has increased, disapproval of same-sex relations has consistently declined since the early 1990s. Gallup reports a drop in disapproval from 57 percent in 1992 to 46 percent in 1999. The National Opinion Research Center tracks a decline in disapproval from 73 percent in 1990 to 58 percent in 1998.
- 61 percent of Americans supported the hiring of gay and lesbian high school teachers in 1999, up from 27 percent in 1977. In 1997, 63 percent said school boards shouldn't be able to fire a teacher because he or she is gay.
- 75 percent support the hiring of gay and lesbian doctors in 1999, up from 53 percent in 1992 and 44 percent in 1977.
- 57 percent of self-described conservatives supported the right of gays and lesbians to serve in the military, as did 70 percent of moderates and 91 percent of liberals, according to a 1996 National Election Study. In 1999 70 percent of all respondents told Gallup that they supported gays and lesbians serving in the armed forces, up from 55 percent in a National Election Study poll in 1992. This sharp increase in support occurred against the backdrop of increased purges of homosexual service members since the "Don't Ask, Don't Tell" policy was adopted in 1993. Discharges for homosexuality

increased 86 percent from 1993 to 1998, according to the Servicemembers Legal Defense Network.

- Solid majorities support Social Security benefits for the same-sex partners of gay and lesbian people, as well as inheritance rights for same-sex spouses.

The Yang study also documents lower levels of support for the rights of gay and lesbian couples to marry and adopt children. Less than one-third of respondents support the right to civil marriage for same-sex couples, according to two 1998 polls (29 percent and 33 percent). And only 36 percent support the right of same-sex couples to adopt children. Put into context, Vaid noted, these results are not that surprising. "Same-sex marriage and same-sex couples adopting children are issues new to the public's consciousness, just as openly gay people teaching or being doctors were new concepts 20 years ago. Over time, there is every reason to believe that this trend will change and that support for gay adoptive parents and for the rights of same-sex couples will continue to increase."

Vaid cited the fact that same-sex unions are allowed by several European countries as a sign that governments internationally are changing their policies. "The marriage issue is one that will be with us into the next century and one that is of critical importance to many GLBT people," Vaid said. "We believe that public opinion will change as the debate continues."

### **DOMESTIC PARTNERSHIP BENEFITS FOR PENNSYLVANIA UNIVERSITY EMPLOYEES**

On Tuesday, November 16, the Pennsylvania legislature passed HB 115, which would block municipal GLBT anti-discrimination ordinances from requiring state-related universities to provide benefits to the domestic partners of their employees. The measure is a response to a lawsuit filed by the University of Pittsburgh seeking domestic partner benefits for a faculty member under Pittsburgh's

GLBT civil rights ordinance. If signed by Governor Tom Ridge, the legislation would allow all state-owned and state-related universities to opt out of providing domestic partnership benefits for their employees.

Talking points against HB 115:

- While other states and universities are moving forward to create same and opposite sex domestic partnership benefits, some Pennsylvania legislators want to turn back the clock for the state's higher educational system.
- Over 140 universities, many of them in the Northeast, have established domestic partner benefits to stay competitive for attracting top caliber educators and staff.
- Instead of creating a world-class and highly competitive higher educational system, HB 115 will encourage talented faculty and staff to seek better opportunities elsewhere.
- HB 115 is divisive, discriminatory, and unfair.

For more information about HB 115, please e-mail Sue Rankin, co-chair of the Statewide Pennsylvania Rights Coalition (SPARC) at [sxr2@psu.edu](mailto:sxr2@psu.edu). SPARC, in cooperation with individuals and organizations across the state of Pennsylvania, initiates, negotiates, and endorses supportive statewide civil rights legislation on behalf of lesbian, gay, bisexual, and transgendered (LGBT) individuals throughout Pennsylvania.

[Editor's note: HB115 was signed into law by Governor Ridge on November 24, 1999.]

### **HAWAII COURT PUTS CIVIL RIGHTS FOR SAME-SEX COUPLES ON HOLD - AT LEAST FOR NOW**

Dec. 10, 1999 - The Hawaii Supreme Court ruled late Thursday that the state's recently enacted constitutional amendment allowing the Legislature to limit marriage to opposite-sex couples renders "moot" the long-running litigation seeking to grant state recognition of same-sex marriages.

"The Hawaii Supreme Court's decision is disappointing," said Rebecca Isaacs, an attorney and political director of the National Gay and Lesbian Task Force. "The freedom to have our loving, committed relationships recognized by the state is a basic right that should not be denied."

Nonetheless, Isaacs saw a silver lining behind the court's decision. "The court's ruling offers us hope on several fronts," Isaacs said. "First, the court left open the door for same-sex couples to receive every benefit of marriage except marriage itself. That does not constitute equality, but it is an incremental step. Second, and most importantly, the court continues to acknowledge that the Hawaii Constitution not only prohibits sex discrimination, but also prohibits sexual orientation discrimination. Thus, Hawaii today finds itself in the peculiar position of admitting that discrimination based on sexual orientation is wrong, but for the moment lacking a legal basis to do anything about it in the context of marriage."

Supporters of civil rights for gay, lesbian, bisexual and transgendered people will now look to the Vermont Supreme Court for a possible breakthrough. A decision by the Vermont Supreme Court on whether the state must grant marriage licenses to same-sex couples could come at any time.

The issue of same-sex marriage captured national attention after the Hawaii Supreme Court in 1993 ruled that the state's failure to recognize same-sex marriages constitutes gender discrimination. That ruling prompted a frenzy of religious right activity around the issue, which led to passage of the anti-GLBT Defense of Marriage Act in Congress and to passage of DOMA-like bills in some 30 states across the country.

The religious right political movement's momentum over the same-sex marriage issue stalled out in 1999, when bills banning same-sex marriage died in 15 of the 16 states in which they were introduced. "It is clear that the battle over this civil right and

other civil rights will be fought state by state," Isaacs said. "Over the course of the next generation, we can expect some losses, but we will achieve many successes too. Today is a sad day for Hawaii. The day will come, however, when same-sex marriage is legal in all 50 states in the United States. It is fair. And it is inevitable."

## **MEMBERSHIP UPDATE**

Our membership is now 247, up from 237 in October, with the addition of 5 BGLs and 5 Allies. There are 124 BGLs and 123 Allies.