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The Battle For Gay Marriage

Gay marriage supported in Vermont

by Dan Van Mourik
Q-Notes Staff

MONTPELIER, VT—The Vermont Supreme Court has ruled that homosexual couples are entitled to the same marriage benefits and protections as heterosexual couples.

The court, however, stopped short of giving gays the right to marry, leaving it instead to the Vermont Legislature to decide whether to legalize same-sex marriages or create some kind of "domestic partnership" status to ensure gay couples' rights. The decision was suspended to give time for lawmakers to act.

Whatever measures are implemented, the result must offer benefits and protections to equal those currently afforded married heterosexual couples.

Gay organizations hailed the decision as the most far-reaching ruling of its kind in the US and said it represents our best chance for winning the right to marriage for the first time anywhere in this country.

"This is a glorious day," said Evan Wolfson of the Lambda Legal Defense and Education Fund. "Vermont's highest court has ordered an end to unequal treatment of lesbian and gay families."

The court's five justices ruled unanimously that the state must offer equal protection to same-sex couples, but was split on the remedy, with one arguing that marriage licenses should be issued immediately and another differing on the approach while supporting the overall conclusion of the court.

"We hold that the state is constitutionally required to extend to same-sex couples the common benefits and protections that flow from marriage under Vermont law," the Vermont's high court said. "Whether this ultimately takes the form of inclusion within the marriage laws themselves or a parallel 'domestic partnership' system or some equivalent statutory alternative rests with the Legislature."

The court said the benefits gay couples

should get include access to a spouse's medical, life and disability insurance; hospital visitation and other medical decision-making privileges; spousal support; certain rights of inheritance; and home-stead protections.

Both advocates and opponents of gay marriage agreed that the Vermont ruling was the strongest in support of gay rights by a state appeals court in the US.

While two other states — California and Hawaii — have limited domestic partnership systems, and several European countries and Canada have extended legal protections to gay couples, no other court anywhere had ever said gay and traditional couples were entitled to absolute equality under the law, legal experts said.

"It really represents a slap in the face for marriage between a man and a woman," said Jay Sekulow, chief counsel for the American Center for Law and Justice, which opposes gay marriage.

Mary Bonauto, a lawyer for the three gay couples who sued the state in 1997 for the right to be given marriage licenses, called the decision "a legal and cultural milestone."

"The train has left the station. We may need one stop [in the Legislature] to get there, but we're going to get there," crowed Stan Baker, one of the plaintiffs in the case. "There's no stopping us now."

Democratic Gov. Howard Dean, who had refused to take a position on same-sex marriages until the court ruled, predicted the Legislature would pass a domestic partnership law. Dean said that lawmakers were already drafting domestic partnership bills, which he hoped could be enacted by May.

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Gay marriage defeated in Hawaii

by Dan Van Mourik
Q-Notes Staff
HONOLULU,

HI—In mid-December, the Hawaii Supreme Court ruled that the eight-year effort to legalize gay marriage in Hawaii was "moot." The decision was

based on the 1998 state constitutional amendment, approved by voters by a 2-1 margin, that gave the state legislature the power to reserve marriage for opposite-sex couples.

The decision effectively terminates the recognition of gay marriages in Hawaii, that power now granted to the legislature. Hawaii was regarded as one of the more likely states to win legalization because a 1993 decision from the state Supreme Court said the state's failure to recognize gay marriages denied some citizens the rights that others have.

That ruling was the impetus for marriage legislation around the country. At least 30 states have since banned gay marriages and Congress passed the Defense of Marriage Act, which denies federal recognition of homosexual marriage and allowed states to ignore same-sex unions licensed elsewhere.

The ruling also led Hawaii lawmakers to pass a 1994 law banning gay marriage. They later drafted the constitutional amendment that gave them the authority to pass just such a law.

The Hawaii Supreme Court held that the amendment validated the 1994 law. Because that law denied marriage licenses to same-sex couples, the court said the relief sought by the plaintiffs no longer existed and their case was moot.

However, the ruling did not undermine the court's finding that the state has no legitimate reason for excluding same-sex couples from civil marriage. The 1993 decision was, in fact, not overruled and the court did not bar future cases that seek the benefits, protections and responsibilities that come with civil marriage.

Honolulu attorney Dan Foley, who represented the three same-sex couples in this case, however, said the decision leaves many questions unanswered.

"It is clear that the case for same-sex marriage in Hawaii is over," Foley said. "[But] My reading of the ruling is that except for a marriage license, it is still unconstitutional in Hawaii to deny a right or a benefit to a same-sex couple if mixed-sex couples receive those rights or benefits."

"Every time a same-sex couple is denied a right or benefit granted to a married couple there will be a lawsuit," Foley said.

He said he may file to ask the high court to clarify portions of its ruling, but has no plans to file an appeal in federal court.

The primary group opposing gay marriages was the Alliance for Traditional Marriage. Mike Gabbard, Alliance chairman said, "Thank you See HAWAII on page 10

Gay business claims embezzlement

by Curtis E. Johnson
Q-Notes Staff

GREENSBORO, NC—This was not one of the best holiday seasons for White Rabbit Books & Things, headquartered in Greensboro with stores in Raleigh and Charlotte. Instead of this being the season of giving, it was a season of recouping. More than \$10,000 has come up missing from the company. John Neal, White Rabbit owner, made the discovery over Labor Day weekend and suspects the money was taken over a three-month period this summer. Jamie Leon Baker, 25, of Greensboro, has been charged with one count of felony embezzlement.

Neal stated that it became very easy for Baker to embezzle the money from the company. "He was our bookkeeper, hired in February of 1999. I was away attending conferences this summer and was not able to attend to some of the managerial duties — like the end of the month closing reports." Neal said he found checks containing his forged signature. "Baker began not showing up for work and not returning my phone calls," said Neal.



At this point it was obvious that something was wrong.

Neal contacted the Greensboro Police Department and gave them the information he had discovered. Baker is currently incarcerated and faces a January 12 court date on one count of felony embezzlement. Also pending is one felony count of obtaining property under false pretense for writing a bad check to the University of North Carolina-Greensboro book store. He later returned the purchases for cash.

Neal stated that he has learned some very valuable lessons through this situation. He is considering new screening measures for all future employees. Neal has also changed banks as a result of the store's money trouble. He stated that Wachovia was "less than helpful" in resolving his financial problems. He now banks with BB&T, which is aware that he operates a gay business, and he stated that they have been understanding and very responsive.

Neal is extremely grateful for the patience shown by his vendors. "They have been very understanding and very helpful," said Neal. ▼

"Vision" leads congregation home

by David Stout
Q-Notes Staff

CHARLOTTE—When members, friends and visitors of the Metropolitan Community Church of Charlotte opened the Sunday, January 2 morning service with a hymn of praise, they belted out the words with a zeal that underscored their excitement at being in church. And especially of being in this particular church.

Marking the final leg of a campaign that began more than a year ago, attendees realized the church's greatest dream when they held their first worship service in their own space — on the brink of MCC Charlotte's 20th anniversary.

Although the sale of the building, situated on approximately three and a half acres at 1825 Eastway Drive, will not be final until February 15, church officials say that the terms have already been agreed upon and will be squared away without incident.

The 10,573 sq.ft. facility, which features a 250-person capacity sanctuary and nearly two dozen educational rooms, housed Eastway Christian Church, a Disciples of Christ congregation, from the early '60s until last fall when members moved into a temporary space to await completion of their new building in the University area of Mecklenburg County.

Rev. Mick Hinson says MCC Charlotte was able to acquire its own space due to the vigilance of its supporters. "There was a vision in the church that we could do this. Many people owned that vision. My part was to show that God also had the same vision for us."

The property's \$775,000 price tag was met through a two-part fundraising effort spearheaded by MCC Charlotte's Building Finance

Committee (chaired by Q-Notes publisher Jim Yarbrough). A public bond offering secured \$600,000; cash donations and pledges accounted for the remainder. (At press time, \$50,000 in bonds remained eligible for sale, paying an interest rate of between 7.5 and eight percent.)

The drive to buy the church is thought to be the largest financial undertaking ever by a GLBT organization in the Carolinas — and some were unsure it could be pulled off. "We knew this was a large undertaking, but it boils down to one simple fact: the church has had a vision for a number of years and while we were looking for some acreage to build on, this church fell into our laps, literally," Yarbrough comments. "We knew it was our new home — the Lord led us to it — one challenging step at a time. Now that we're in the building, we know our membership, currently at over 180, will grow tremendously and rapidly, and we'll be able to provide many more services for the Metrolina GLBT community."

There are preliminary plans for a community-wide open house at the church after the closing date, but Rev. Hinson invites everyone to "drop in for a tour of the place" prior to that. Once the title has been settled, a "hanging of the cross" service will be held to officially christen the new facility.

Reportedly, MCC Charlotte is the eighth church within the Gulf Lower Atlantic District (GLAD) of the Universal Fellowship of Metropolitan Community Churches (UFMCC) to own its worship facility.

For more information, contact the church at 1825 Eastway Drive, Charlotte, NC 28205 or call (704) 563-5810. ▼