

## NH Supreme Court rules homosexual sex is not adultery

**Taleisha Bowen**

Associate Editor

New Hampshire, neighbor to now the only two states that permit civil unions between gay couples, has decreed that gay sex doesn't count.

David Blanchflower attempted to divorce his wife Sian on the grounds that she had cheated on him - with another woman, Robin Mayer.

A New Hampshire Family Court Justice, John Peter Cyr, ruled that the legal definition of adultery should encompass same-gender sexual relations and granted the divorce to Mr. Blanchflower earlier this year. The ruling was appealed, and the case made it to the state's Supreme Court. On Nov 7, the judges ruled that this is not a case of adultery.

*Bay Windows*, a northeast newspaper dedicated to gay

and lesbian issues, reports that N.H. divorce laws do not define adultery. Instead, the five Supreme Court judges turned to the Webster's Third New International Dictionary, which defines adultery as "sexual intercourse between a married man and someone other than his wife or between a married woman and someone other than her husband."

The high court also cited case law from the 1800s in which criminal adultery was defined as "intercourse from which spurious issue may arise."

"As 'spurious issues' - meaning illegitimate birth - can only arise from intercourse between a man and a woman, criminal adultery could only be committed with a person of the opposite gender," the court concluded, states *Bay Windows*.

"The modern definition of

adultery needs to be redefined," said senior Phillip Wright, who is from New Hampshire.

Sex, apparently, is not just vaginal intercourse these days.

States including New Jersey, Georgia, South Carolina, and Florida have all redefined adultery to include homosexual sex. A N.J. court said that adultery occurs when a spouse engages in a "personal, intimate sexual relationship with any other person, irrespective of the specific sexual acts performed, the marital status, or the gender of the third party," Foxnews.com reports.

The Associated Press relates that the court's rationale behind the decision was that they "did not want the New Hampshire courts to step onto the slippery slope of defining which sex acts out-

side of intercourse might amount to adultery," the court said.

"This standard would permit a hundred different judges ... to decide just what individual acts are so sexually intimate as to meet the definition."

In New Hampshire, adultery is one of a handful of reasons that a court can use to grant an at-fault divorce. This affects the settlement between the parties, and with Ms. Blanchflower not at fault, Mr. Blanchflower will be forced to file for divorce on the grounds of irreconcilable differences - with neither party at fault.

The case has been in the news off and on since the petition was filed. Foxnews.com carries a story in its archives from April 23 explaining that Mayer pointed out the oversight in N.H. law,

believing them to be biased against homosexuals. Mayer is taking advantage of the loophole to withdraw from the bitter divorce case. She is named as a third party in the suit.

"There is law, and then there is justice," said Wright. "Just because [Blanchflower] didn't break the law doesn't mean that her husband is receiving justice."

Sophomore Jenna Neason from Georgia, who is Vice-President of Guilford PRIDE, agrees. "In light of the recent law abolishing sodomy laws across the nation, it seems like courts are finding new ways to discriminate against homosexuals," she said.

"They're saying that it's okay for [gays] to have sex, but now they're saying it doesn't count."

## World news in brief

**Katie Elliott**

Features Editor

### Massachusetts' Supreme Court Rules Gay Marriage Ban Unconstitutional

Massachusetts' highest court ruled Tuesday that the state cannot deny gay and lesbian couples the right to marry, though the court stopped short of allowing marriage licenses to be issued. The Supreme Judicial Court's 4-3 ruling ordered the state Legislature to come up with a solution within 180 days. This landmark ruling closely resembles the Vermont Supreme Court's decision in 1999, which led to its Legislature's 2000 approval of civil unions, which allow same-sex couples many of the rights and benefits of mar-

riage. The decision has drawn both celebration and fury, and some state officials, including Gov. Mitt Romney, have called for an amendment to the Mass. Constitution defining marriage as a union between a man and a woman.

### At Least 17 Killed in Helicopter Crash

Two U.S. Blackhawk helicopters collided in mid-air Saturday night and crashed in a residential area of Mosul, Iraq, killing at least 17 American soldiers and wounding five. According to American officials, the collision occurred when one of the helicopters swerved to avoid hostile fire from the ground. The crash is the largest single loss of American life since major combat ended in May and came only hours after the death of a soldier in Baghdad

brought the number of U.S. troops killed to 400. The helicopters are the fourth and fifth that have gone down in the last month.

### Alabama's Chief Justice Removed from Office

On Nov. 13, a special court ordered the removal of Alabama's suspended Chief Justice, Roy S. Moore. The nine-member court unanimously found that he had committed ethical breaches in a nationally publicized dispute over church and state. Moore was suspended from office in August and charged with six separate ethical breaches. He flouted a federal court order to remove a 5,280-pound granite monument of the Ten Commandments that he had installed in the lobby of the State Supreme Court.

**25 Killed in Istanbul**

### Synagogue Bombings

A pair of nearly simultaneous truck bombs exploded last Saturday morning outside two synagogues in Istanbul, killing at least 25 people, including the two bombers, and wounding over 300. One detonated outside the city's largest synagogue, the Neve Shalom, during a bar mitzvah celebration; the second hit the new Beth Israel, two miles away. The blasts cut off electricity for blocks around the two synagogues and heavily damaged both neighborhoods. Though the government initially blamed "international terrorists" for the attack, Turkey said Tuesday that two suicide bombers were Turkish citizens with links to al Qaeda.

**D.C. Sniper Convicted** On Nov. 17, a jury in Virginia

Beach, VA convicted John Allen Muhammad of murder in last year's serial sniper slayings in the Wash, D.C. area. Muhammad was convicted on two counts of capital murder, one for committing multiple murders in a three-year period, and the other for the killing of Dean H. Meyers. He was also found guilty of charges of conspiracy to commit murder and the illegal use of a firearm. The jury deliberated less than seven hours and immediately reconvened to decide whether Muhammad will be executed or given life in prison. Lee Malvo, 18, who was arrested with Mr.

Muhammad on Oct. 24, 2002, is on trial in nearby Chesapeake on charges that he participated in the killings.