



Rudy Hastens Gay Rights Retreat

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Seeking to clarify Rudy Giuliani's criticism this past April of a New Hampshire law creating civil unions, an institution the former mayor spoke approvingly of in a 2004 Fox News interview, his presidential campaign told the Boston Globe this past week that he instead favors the approach used in the city domestic partnership law he signed in 1998.

Yet, at the time the Giuliani administration was completing work on the partnership law in late 1997, he wrote to the Empire State Pride Agenda (ESPA), the state's LGBT political lobby, pledging "to determine how the City of New York can extend to registered domestic partners all the rights that the city currently affords to married persons."

Even for those who follow these issues closely the distinction that Giuliani is purportedly drawing is so fine as to be indiscernible, yet in April he faulted the New Hampshire law, saying it "goes too far," creating an institution that is "the equivalent of marriage." Confused yet? You may not be alone.

On Monday, the Globe published an article headlined "Giuliani Continues His Conservative Shift." Meanwhile, last Thursday, drawing from only recently decaying conventional wisdom, Newsday wrote a story on the former mayor titled "Gung-Ho on Gay Rights."

But, wait, it gets better.

In the Globe story, Joe Tarver, ESPA's communications director, is quoted saying, "It's really disappointing he's stepped back from his position on civil unions. It's quite obvious he's playing to the people whose votes he needs to get the Republican nomination."

But Tarver's former boss at ESPA, one-time executive director Matt Foreman, who now holds the same title at the National Gay and Lesbian Task Force, told Newsday that even in comparison to leading Democratic presidential contenders, who to a person, strongly support civil unions, "Rudy Giuliani is near the top of the list." He explained that judged by both his "accomplishment while in office" and whether he "affirm[s] the humanity of gay people... Mayor Giuliani has a good record."

Direct comparison between the city domestic partnership ordinance and the civil union law in New Hampshire, or any of the four states that have passed such a statute since Vermont pioneered the concept in 2000, is difficult, both because the New York ordinance has been amended since 1998 and because the matters over which municipalities have governance pale in comparison to what state law can dictate.

Dick Dadey, who ran ESPA in 1998, told Gay City News' Andy Humm earlier this year that the measure passed then aimed "to go as far as he could go under the law." At the behest primarily of City Council Speaker Christine Quinn, an out lesbian who represents Chelsea and Hell's Kitchen, the domestic partnership law has more recently been amended to make it unambiguous that at every place in city law that spouses and spousal rights are recognized domestic partners and partnership rights will also be incorporated.

But Quinn, even as she touted the clarity and comprehensiveness that her amendment brought to domestic partnership law, never argued that there were glaring holes in the ordinance as it existed.

There are goals that can be pursued in state law but not by a municipality. In New Jersey, supporters of that state's new civil union law argue that it requires private sector employers who offer spousal benefits to give civil union partners parity. No city ordinance could be so construed and in fact after speaking with aides to Giuliani's presidential campaign, the Globe concluded that the primary achievement of the 1998 law was extending partner benefits to municipal employees.

In the end, understanding precisely what distinguishes a civil union law from what Giuliani is now saying he supports may be the booby prize. The clear import of recent statements by him and his campaign is that the candidate no longer wishes to be automatically defined as a pro-gay Republican, that rarest of political animals in recent years.

Giuliani has signaled it in myriad ways. Earlier this year, he also turned his back on a position against the Don't Ask, Don't Tell military policy that he adopted in 2000 as he contemplated a run, later abandoned, against Hillary Rodham Clinton for the US Senate. The former mayor told Humm that his change of heart was occasioned by the fact that "we are at war," despite repeated stories about skilled gay Arab linguists being thrown out of the military.

Like all his competitors for the GOP presidential nod, Giuliani declined an invitation to participate in last week's presidential forum sponsored by the Human Rights Campaign and the Logo cable channel. Giuliani's campaign also failed to respond earlier this year to Gay City News' queries about Don't Ask, Don't Tell and the military's sodomy ban. Every Democratic candidate and several Republicans, including Senator John McCain, did come back with answers.

Yet reputation and good will erode only slowly. Newsday pointed out that Giuliani, as a Reagan administration associate attorney general in 1982, hired an openly gay assistant U.S. attorney for Miami who had been fired by the Senate Intelligence Committee, whose chair said he posed a security risk. Never mind that Giuliani last week said he couldn't recall the hire, the mainstream media seems determined to keep him in its pro-gay, pro-abortion, pro-gun control slot.

And with longtime activists like **Foreman** continuing to speak up in praise of him, accolades from the Log Cabin Republicans (LCR), who struggled to reclaim their credibility after endorsing George W. Bush in 2000 by sitting out the 2004 presidential election, gain resonance.

Repeating a longstanding line of attack on Democrats for talking the talk but taking the gay community for granted, Patrick Sammon, LCR's national leader, told Newsday, "His record speaks for itself."