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Are We on the Path to Liberation Now?: Same-Sex Marriage at Home and Abroad

Paula L. Ettelbrick & Julie Shapiro¹

Julie Shapiro: You've worked for years on lesbian and gay issues within the United States, and naturally you've thought about the same-sex marriage issue in the domestic context. How do you see it differently now as you work internationally?

Paula Ettelbrick: My group, the International Gay and Lesbian Human Rights Commission² (IGLHRC) works mostly in the Global South—basically meaning anywhere but Europe and North America, as there are plenty of resources in those locations but very few in other parts of the world. We are dedicated to a human rights advocacy model.

JS: Right.

PE: So, as between the North and the South, I would have to say that the issue of marriage has not exactly risen to the top of the agenda in most places outside of Europe, Canada and the United States. This due, in part to the fact that we're still working on making sure that gay men and lesbians are not tortured and imprisoned over just being who they are. Many from the Global South consider their central objective to be one of advocating for sexual rights, rather than "gay rights," which is a reflection of cultural differences around identity and politics that don't fit into westernized political frameworks. Yet, from a global perspective, the discussion about marriage is one that engages and captures the attention of a lot of people as a presence and a reality in the future for the LGBT rights movement.

JS: Do you have a sense that people are paying attention to this in other places, or is this really just our own story here in the United States?

PE: I think that what happens in each country has a ripple effect elsewhere. That's the natural force of social movements. What I've learned in my fairly short tenure at the IGLHRC is that in some ways the organized and vocal gay community is very similar no matter where you are. There are cultural differences, certainly, that govern people's approach to human rights advocacy, but the backlash takes the same basic form. There's the religious/morality response, the psychologically-depraved response, the criminal response. All of those things are pretty much standard issue, even though they have different cultural shifts in different places.

JS: So, do you think there's a natural progression where you move from issues of basic survival—not getting beaten to death—to marriage and complete acceptance into the social institutions? Is marriage then like a crowning achievement?

PE: Well, I personally don't see marriage as a crowning achievement, though I know that many do. Marriage is one of many family recognition and structure issues that society and civil law should accept. I still hold the belief that what's important from a public policy perspective or a government perspective is that we support all different kinds of families. From that perspective, we first need to fight the judgment that only certain families—i.e., marital units—are acceptable and moral, and second to challenge the religious views that define family. We've seen the debilitating effects in the United States of failing to do this, and we have a very skewed outlook compared to other Western countries.

JS: How so?

PE: We tend to have a much more moralistic approach to sexual and family relationships in this country than you'd find, for instance, in most of Europe. Much of Europe has long recognized some form of what we call domestic partnership. In social welfare states and countries in which basic health care and other things are provided, the push for recognition of the relationship isn't as strong as it has been in the United States because there are basic economic issues. Those economic motivations for recognition of different types of relationships just don't exist in the same way in many other countries.

JS: Because access to the economic benefits doesn't turn on marital status in most of Europe.

PE: Right, exactly. But additionally, the cultural context for family is just different. That's not to say that France and Italy don't have very strong feelings about the family or about marriage. But they're much less obsessed about making sure that everyone fits into a certain box. Here, the extreme right wing and our current administration seem obsessed with sexuality and restating any relationship that does not conform to the married man and woman model. Within the lesbian and gay rights community, this obsession has forced us to fight almost exclusively for marriage rather than the other forms of family recognition. It's also ironic that the extreme opposition of the Bush administration is largely responsible for unleashing the battle for marriage.

JS: So you think that attitude is different in Europe. Can you read any of this in the Global South or is this just not on the radar?

PE: Yes, formal recognition of same-sex relationships is an issue in some other places as well. In parts of Latin America there's a very clear push for domestic partnership-type policies. Buenos Aires, Sao Paulo, and a few

other places have adopted local city ordinances that recognize different families much in the model that we have here.³ IGLHRC recently played a role in working with a lesbian group in Costa Rica to expand the concept of family to include domestic partners. As a result of our documentation of the economic and social challenges faced by lesbians whose families are not recognized, the local group asked the Costa Rican National Insurance Institute to allow domestic partners to receive certain social security-type benefits. The Institute responded positively, which was a bit of a surprise since Costa Rica has not traditionally been very hospitable to lesbians.

Recently, the 81-year-old king of Cambodia publicly stated his support for same-sex marriage.⁴ Now, I don't know what weight he carries; he's not a policymaker, but he's revered and loved in Cambodia. Similarly, in Taiwan the government has supported same-sex marriage legislation, although I think that's run into some trouble.⁵

In other parts of the world, people are definitely aware of this issue. However, one of the effects of this acceptance of same-sex partnership and marriage is that, as here in the United States, it's helping to fuel some of the backlash as well.

JS: How do you see that?

PE: This movement is giving some truth to what the right wing has always said, that all these people want is marriage. Again, I don't think that marriage is the only thing everybody wants. But the general public does view it as a pinnacle of acceptance and moral integrity.

JS: Right, it's the ultimate symbol of mainstream acceptance.

PE: Exactly. Many people in the U.S. gay community have refashioned their views to think about marriage in those terms as well.

JS: One of the things that is stunning to me is that all of a sudden, things seem to be moving very quickly. I would say things have changed enormously in the last three months, largely triggered by Gavin Newsom and what happened in San Francisco.⁶ I wonder, is that a peculiarly American perspective to say things have changed dramatically in three months? Is that just our own little blip, or is the world changing?

PE: What we're seeing in the United States, first of all, is what all of us have predicted for twenty years, that at some point the generation will shift. At some point the people in power will be people who see the world differently with regard to gay men and lesbians than their predecessors did. Gavin Newsom's ability to do what he did came as a result of a 35-year gay liberation movement. I say this not to diminish his valiant resistance, but as a reminder that these situations come about only because people affected have organized and vocally demanded their rights.

Viewing his act as one of civil disobedience is a particularly American ideal. In other countries, like Canada, the general public is not as resistant, nor is it fired up by religious extremists. So the efforts for change in this area don't necessarily have to resort to such drastic measures as civil disobedience. Frankly, the discussion can happen on different levels in Germany or in the Netherlands than it can happen here in the United States. People are swayed in different ways, so you don't always need to have a renegade who will just make something like this happen. Social consensus can move along at a much quicker pace in some places than others.

JS: Right. It's interesting to me that the European countries are civil law countries, so they've had to address unmarried couples and same-sex couples legislatively, whereas we tend to have these issues go through the courts and get resolved by little bits here and there. But now this big, gold ring is all of a sudden within reach.

PE: Right, exactly. Also, right now the additional dynamic of amending the federal constitution has really spawned a lot of outraged reaction. In much of the Global South, the cultural context for fights such as this just doesn't exist for many reasons, not the least of which is simply a safety factor.

JS: Can you frame the recognition of diverse families as an international human rights issue? Is that what you would like to see happen in the Global South?

PE: Well, that's where cultural differences really make it difficult to mainstream one particular way of defining family rights as human rights. The issues are not all legalistic. There are so many different kinds of traditions and cultural approaches to how families are structured. On top of that, the identity-based terms "gay" and "lesbian" have no meaning in many cultures, so the idea of "gay marriage" does not resonate, though some variations of so-called same-sex marriage may be acceptable and exist in certain traditions. Additionally, the centrality and views of marriage and biology—with regard to children—differ greatly.

JS: I assume that the isolated, suburban nuclear family is not the norm.

PE: Right. What people who we would call gay expect from their relationships might be very different from what we expect. So, this is one issue—unlike basic human rights provisions or discrimination—that is culturally so distinct in terms of how we look at the issues.

In Latin America, for example, many of the structures are very similar to the North in some ways; there are lots of differences, of course, but there's enough similarity that it makes sense to consider domestic partnerships or other structures similar to what we established in the United States and Europe. But that's not necessarily the case elsewhere.

Also, if we were looking for some simple guidance, something like a fundamental statement of principles, it would be that having a family and choosing your spouse are basic and universal human rights. That statement is quite cognizant of women's roles in many cultures. It's not at all a statement about gay people.

JS: Right.

PE: At this very moment the United Nations Human Rights Commission (UNHRC) has just opened its session for the year. It will at some point in the next six weeks be considering a resolution on sexual orientation and human rights, which was introduced by the government of Brazil.⁷ We don't yet know what the new resolution will look like, but Brazil and other supporters of this resolution have fastidiously gone through the Universal Declaration of Human Rights and skipped over the family sections in terms of defining sexual orientation and human rights. They know that this begins to build a very different reaction than the basic torture, imprisonment, and physical security of sexual minorities. There is certainly more consensus to be built around the idea that people shouldn't be tortured because of their sexual orientation than there is around the idea that they should be able to marry their partners.

JS: And what about children? Part of the marriage debate is clearly about lesbian and gay people having children. I think that one of the root anxieties people have is that lesbian and gay people will have children, and who knows what kind of children they'll raise? Sometimes the argument is that marriage has to be restricted to heterosexuals because that's the right environment for raising children. Are issues around lesbian and gay people raising children significant in the rest of the world?

PE: The public visibility and identity of lesbian and gay parents seems to be still emerging. In July, I was in Mexico where I met with an amazing range of LGBT activists, including a couple of lesbian moms who have started a lesbian and gay parent support group, a gay man who is raising his deceased partner's son, and a lawyer who represented lesbians in custody disputes.

JS: I was thinking that with a wider variety of family forms, the world might begin to look very different from here, where I think the nuclear family really is the formula: two parents plus one kid equal one household.

PE: Well, so many of the early and continuing battles in the United States have focused on couples who divorce and then fight over custody of children. That whole construct just doesn't exist in many parts of the world. They don't have custody battles everywhere. There are different mechanisms by which kids are cared for, even when the parents are no longer together.

JS: Right.

PE: There is also a growing reaction from political leaders concerned about overwhelming western influence that is destroying their traditions and culture. They are particularly vehement about homosexuality, seeing it as a western export that would not otherwise exist in their country—which is obviously absurd. But it's where the battleground is.

JS: It may be that these are cultural types and cultural identities that we've constructed here in this country, and that they really simply don't translate, right? People don't necessarily think of themselves the same way. They don't belong to their communities in the same way. And so, in a sense, it's not just a simple exportation.

PE: Right.

JS: Okay. Do you find that the whole highly polarized debate around gay marriage happening now in the United States is useful to you in working in other countries?

PE: My initial thought is it's not very useful in a lot of other places. The prospect of marriage looks very threatening and plays into the resistance that many people want to build. I'm thinking particularly of national leaders like President Robert Mugabe from Zimbabwe, who's been very vocally hostile to gay people.⁸ I think he looks at it as one more indication that Western society has just gone crazy, and he doesn't want to have to accept this. It's one more example of debauchery in the West that might lead to an Islamic nation.

Although I don't think that anything happening here is necessarily going to change the views in some of these places, it may lend some support to their cause for fear. Whether they're consciously thinking that gay and lesbian marriage is their greatest fear or just simply that things have gone too far, they may feel that they just have to batten down the hatches to resist what's going on.

There are many places where the debate in the United States does help, though. In places where the gay community is more organized, like Thailand, Japan, Korea, or parts of Latin America, I think anything that goes on around the world helps propel our movement forward. Any victory is helpful to other places in the world, and our defeats are sort of shared, too. I think that's the reality of a global movement.

JS: Right. I suppose you can see something of the same thing here in the United States, as well. For example, the Canadian same-sex marriage decision⁹ was terribly important to people here.

PE: Oh, absolutely. That decision had an affect everywhere. But things still move fairly regionally or culturally, as you would expect. South Africa, for instance, has not made any effort to support Brazil's UNHRC resolution, and yet South Africa was the first country to include a constitutional provision protecting gay people. It seems that South African leaders are concerned about deviating from other African countries on the world stage.

JS: That's interesting.

PE: They're not going to vote against it, I don't think, but they're going to abstain and not support it. Global politics, when it comes right down to saving face or just ponying up, often has nothing to do with the issues on the table; it has to do with the unspoken interests of the neighboring states or the World Bank or somewhere else. When we talk about political leaders and their decisions, it becomes very complicated.

JS: The entire debate in this country right now is extremely polarized and, therefore, may be also extremely simplistic. There's very little nuance, very little critical analysis. If you could inject something into the debate here, is there something we should think about or a way we could broaden our view here to be less myopically focused on our own nation? There are at least some people in the United States who do think globally. Is there a way to expand how we talk about the issue of marriage in our own communities that is of some value in terms of realizing there's a whole world out there?

PE: I do think that adopting more of a framework around human rights is an interesting and helpful approach. It moves us from our own unique political and legal system to broader discussion and thought about what it means basically to be human. What is the essential piece that we're trying

to capture through our devotion to human rights in general? The United States is pretty alone in not adopting that kind of a framework.

JS: Right, we don't really systematically support human rights.

PE: Yet, because of the European Court and the European Commission in Europe and the similar structures, like the Inter-American Court and Commission in the Americas (it's supposed to be all of the Americas, but the United States seems to not participate), there's a definite framework of human rights that envelops it all. They all have their own individual systems, obviously, but in the end people simply talk about human rights. They pay attention to what's going on globally and are connected to the rest of the world through the effort to enforce human rights protocols. They pay attention to the structure of human rights that's been laid out. That is one of the big bases for the existence of the United Nations even. They speak that language and think in that way. I think here we are very limited. It's part of our isolation. It's also part of what we revere in our own system. Here we have the right-wing crazed over the fact that Justice Kennedy even mentioned some rulings from foreign jurisdictions.¹⁰

JS: It's absolutely nuts.

PE: We're going to be beholden to the Pope before you know it. I mean, it's an irrationality that keeps us back. Culturally, what's so damaging is that it keeps people in this country from making any connections as well.

JS: It might keep us from entering a broader discourse, because we don't speak in the same terms as the rest of the world?

PE: Right.

JS: So, for example, this might include conceptualizing the issue as a basic human right to define one's family and have one's definition respected?

PE: That is the way I would define it. The language of the Universal Declaration of Human Rights is general enough to allow interpretative space. If you're going to accept the fact that just being gay or identifying as gay or living whatever lives we do is acceptable, and that we should not be discriminated against based on that, then along with that acceptance and acknowledgment of the respect and integrity due every human being comes many other choices. One of those choices is to pursue whatever family life we choose.

JS: In a general way, it doesn't even seem that controversial to say it is a basic element of being human to be able to form a family.

PE: No, that's right. That's exactly right.

JS: It would be when we got to the details that controversy might arise.

PE: That's where you get back into the argument over whether it is natural, because this is all about people having children together physically and whatever else that suggests.

JS: But that's also really an interesting formulation because it actually does get you out of the we're-only-talking-about-marriage box.

PE: That's exactly right. The point of creating that formulation, of course, was to deal with women who had little choice—they still have little choice in who they marry or whether they can divorce—but like any good framework, it leaves a lot for interpretation over the course of time. Yet, at the same time, all of these efforts to promote or create recognition of basic

human rights are far from self-executing. They need people to take up the cause. It's a set of principles and goals more than anything else.

JS: And it's a different way of talking and thinking.

PE: Yes, that's right.

JS: Have you seen any of this happening around the United States in whatever popular press or legal arguments you're paying attention to?

PE: I haven't really, but I personally have received a flurry of invitations to speak lately. Part of it is because of my family law background, and part of it is just a matter of opportunity. People are beginning to understand the implications of Canada's treatment of same-sex marriage.¹¹ Undoubtedly, the brief reference in *Lawrence* to rulings outside the US on a central human rights issues has promoted a great deal of discussion. They're coming to understand that in the United States we need to stretch beyond our own views—that's hopeful.

JS: And suddenly wanting to take advantage of some other country's law which has never before been interesting, because we always thought we were out in front.

PE: Absolutely; now we're realizing that we're like the last guy in the door. We're not even in the door. We're not even approaching the door right now. In fact, to the extent that marriage is a goal for some people, we are so far outside the door right now that it's pathetic in a way. Some relief comes from realizing that the United States is so isolated. Almost every other Western country has some kind of bone they've thrown to same-sex couples, if not full marriage.

JS: Right.

PE: It's the immediacy of Canada, the easy access to Canada, that's helped open our eyes to the bigger picture outside of our own political boundaries.

JS: Yeah, and, of course, Canada allowed real marriage as opposed to the various unmarried couple relationships that are recognized throughout Europe.

PE: Right.

JS: Long ago you wrote an article titled "Since When is Marriage the Path to Liberation?"¹² You made an argument that same-sex marriage was not the path to liberation. Do you still think that, and how does it look now?

PE: Yes, I still think that. You know, that article was first published in 1989. And that was a publication that I never thought would see the light of day beyond a very limited group of gay people reading the now long defunct Out/Look Magazine.

JS: But it has been reprinted about a thousand times.

PE: I still personally—and this is a very personal thing, in addition to being political—have a hard time understanding why in the world we can't just simply take care of every family that exists? Why would we marginalize anyone based on whether they have entered or can enter into a legal marriage? Or whether they want to? To me it's always presented just another non-choice. People argue that we should at least have the choice to marry. I don't necessarily disagree with that. But to me it doesn't meaningfully improve the issue of available options because the only choice

for basic economic and legal protections for families will be between marriage and nothing.

JS: Right.

PE: I knew that if the gay community could just get in the door of this institution, anyone trying to recognize a family relationship other than marriage would be totally shut out. I think that's come to pass, now. For example, one of the first things that happened after Vermont passed its civil union law was that the University of Vermont, which until then had given domestic partner benefits,¹³ changed its policy to say that now to get the benefits you had to be either married or in a civil union.¹⁴ They said that they weren't going to recognize relationships without official status anymore. That gave proof to what I had been saying for many years.

At the same time I will admit I have been moved by what I've seen, just as an individual. What moves me the most is that there are more people out there that are in our corner than there have been. What moves me, too, is the deep desire of gay men and lesbians to be recognized, to be accepted, to be a part of society, and to have their families embraced in the way that marriage sometimes can.

Having done lesbian and gay family law for almost twenty years, God knows, I can't be impervious to that desire for acceptance. Our kids shouldn't have to be tortured on the playground and shouldn't have to be looked askance at. I would like our culture to change such that no matter what the choices of their parents, our kids won't have to suffer, and if they have a single parent, they won't have to be taunted. That's a big order.

So the short answer is yes, I still firmly believe that same-sex marriage is not necessarily the path to liberation, and yet I'm amazed at how pushing this envelope has really unleashed a lot more support than we otherwise knew we had.

JS: Yes. I think there's a language and imagery around it now, where previously there was no way I could tell what was out there, especially the imagery. The pictures you see in Newsweek and things like that are really powerful and stunning.

PE: That's right. I have a good friend who's had a tortured relationship with her mother because she's a lesbian. Her mother has done a complete 180 degree turn in the last month because what she saw people in the news, waiting to marry in San Francisco, to whom she could relate. Lately I've been getting a little scared because people have proposed that we should move away from the "gay pride image"—meaning a display of the full diversity of our community—and just promote the "same-sex marriage image" to advance the movement. This, to me, sacrifices diversity and acceptance of the range of people who identify with the LGBT community and paves the way only for those who adhere to heterosexual norms, like marriage.

I think that's indicative of where a lot of people have moved. In the end, when push come to shove, most people don't like overt discrimination. They don't like that Bush has supported this amendment.¹⁵ Also, it relates to something deep that they've been able to see and to say, well, gee, if people care about each other, why not?

And yet, there's also the backlash.

JS: Right. It's polarization. People have really had to choose sides much more quickly than I would have advised or would have imagined.

PE: My colleague, Nan Hunter,¹⁶ is fond these days of arguing that this is now the precise moment to strike out and define things like domestic partnership and other alternative family relationships, now that the gay community has a foot in the door, or it will in two months with

Massachusetts. Maybe this is where as insiders we can think about and argue about how we still have a lot of work to do to recognize families.

JS: We don't have to worry about whether the political will to do it will be there.

PE: A part of me has felt quite despairing over the last couple of months about that exact idea. Will there be any political will to move forward with recognizing more than just same-sex marriages? What's going to be proven in the long run is that just allowing people to marry will not solve the problem of how families are structured. We need to exhibit fairness and compassion towards families based on factors other than how they're labeled. That's got to happen.

One thing about the marriage issue that has been important, though, is that it's pushed non-marriage relationships like civil unions and domestic partnership into the forefront. Now these structures look more reasonable, more politically possible.

JS: There's actually popular support for them. A majority of the country supports them.

PE: In fact, the polling for the past five to seven years has shown that people are in favor of recognizing such structures.¹⁷ When people are asked the basic question, do you think that people in civil unions should get social security benefits, health care benefits, or whatever, most people say that they should. When you attach the marriage label, they back off. But everyone would breathe a great big sigh of relief if half the country just ended up with laws authorizing civil unions. Frankly, recognizing civil unions on a state level would accomplish what we needed to do policy-wise. Except, of course, for federal policy.

JS: Actually, it is interesting to think what it would take to push the federal government to the same recognition. A lot of the most critical benefits are things like social security, which are federal.

PE: And immigration and other things, that's right. It's hard not to respond to the proposal of a federal constitutional amendment. But the real sadness and the real destruction is going to come when many states amend their constitutions. We're going to have a real divide in this country, and we probably won't have a Supreme Court with the will to overturn those amendments. That's where the real threat is right now.

JS: Well, I actually think that once states' constitutions are amended, it will take a long time to undo that.

PE: That's absolutely right. If the political energy or focus is to go anywhere right now, I would use it to strengthen the political response in some of the states because that's what's really going to hurt people in the end.

¹ The following is a transcription of a conversation that took place on March 17, 2004.

² See International Gay and Lesbian Human Rights Commission, at <http://www.iglhrc.org/site/iglhrc/> (last visited Apr. 26, 2004).

³ Argentina: Civil union proposals passed in Rio Negro province and Buenos Aires city, Action Alert, (Dec. 30, 2002), at <http://www.hrea.org/lists/hr-headlines/markup/msg00769.html>.

⁴ See BBC News Online—World: Asia-Pacific, *Cambodian king backs gay marriage*, (Feb. 20, 2004), at <http://news.bbc.co.uk/go/pr/ft/-/2/hi/asia-pacific/3505915.stm>.

⁵ See Channel NewsAsia International: Asia Pacific News, *Taiwan moves to abolish death penalty, legalise gay marriages*, (Oct. 27, 2003), at http://www.channelnewsasia.com/stories/afp_asiapacific/view/54248/1.html (last visited Apr. 27, 2004).

⁶ Gavin Newsom is the mayor of San Francisco who directed city officials to issue marriage licenses shortly before Valentine's Day 2004. See Simone Sebastian and Tanya Schevitz, *Marriage mania grips S.F. as gays line up for licenses; Scores of couples camping out in the name of love*, SAN FRANCISCO CHRON., Feb. 16, 2004, at A1.

⁷ The Commission on Human Rights has twice postponed consideration for the resolution. See Press Release, Action Canada for Population and Development (ACPD),

NGOs Worldwide Support Historic UN Sexual Orientation Resolution, (Mar. 25, 2004), available at <http://www.acpd.ca/acpd.cfm/en/section/PR/prID/20> (last visited Apr. 27, 2004) and Women's Human Rights net, *Brazilian Resolution on "human rights and sexual orientation" postponed again*, at http://www.whrnet.org/docs/misc/un_brazilian_apr15_2004.html (last visited Apr. 27, 2004).

⁸ See BBC News Online—World: Africa, *Zimbabwe gay rights face dim future*, (Nov. 17, 1999), at <http://news.bbc.co.uk/1/hi/world/africa/523162.stm>.

⁹ *Halpern v. Attorney General of Canada*, 60 O.R.3d 321 (2003).

¹⁰ See *Lawrence v. Texas*, 539 U.S. 558 (2003).

¹¹ See *Halpern*, 60 O.R.3d 321.

¹² See Paula L. Ettelbrick, *Since When is Marriage a Path to Liberation?*, OUT/LOOK, Autumn 1989, at 8–12.

¹³ Richard Higgins, *UVM Revises Domestic-Partner Policy Legal Unions Now Required*, BOSTON GLOBE, Sept. 28, 2000. For more information regarding domestic partner benefits, see Domestic Partner Benefits—Overview, at <http://www.nlgja.org/pubs/DP/DPovrvw.html> (last visited Apr. 1, 2004).

¹⁴ See Barbara Dazetos, *UVM Employees Need Civil Unions for Partner Benefits*, Out in the Mountains, available at http://www.mountainpridemedia.org/nov2000/news01_uvm.htm (last visited Apr. 26, 2004).

¹⁵ See Remarks from the President—the Roosevelt Room, *President Calls for Constitutional Amendment Protecting Marriage*, (Feb. 24, 2004), available at <http://www.whitehouse.gov/news/releases/2004/02/20040224-2.html> (last visited Apr. 26, 2004).

¹⁶ Nan Hunter is Professor of Law at Brooklyn Law School and an authority on health law and gender law.

¹⁷ See Richard Morin and Claudia Deane, *Poll Finds Growing Support For Gay Civil Unions*, WASH. POST, Mar. 10, 2004, available at National Constitution Center: Constitution Newswire, at <http://www.constitutioncenter.org/explore/ConstitutionNewswire/4321.shtml> (last visited Apr. 27, 2004).