

# the rest of our world

## Cato Files Amicus Brief in Sodomy Case

Washington – Constitutional law scholars at the Cato Institute are today filing an Amicus Curiae (“Friend of the Court”) brief for the United States Supreme Court’s consideration in *Lawrence v. The State of Texas*, to be argued later this term.

The *Lawrence* case raises the question whether Texas’s Homosexual Conduct Law – which criminalizes consensual same-sex sodomy, even when conducted in the privacy of one’s home – violates the 14th Amendment of the U.S. Constitution.

“By singling out only homosexual sodomy,” said Roger Pilon, Cato’s vice president for legal affairs, “the Texas law is in clear violation of the Equal Protection Clause. But our brief goes further in asking the Court to overturn *Bowers v. Hardwick*, the 1986 decision that upheld, under the Due Process Clause, a Georgia statute that criminalized homosexual conduct. That decision is flatly inconsistent with the Court’s due process decision a decade later in *Romer v. Evans*.”

As an alternative, Cato’s brief also asks the Court to revisit the long-ignored Privileges or Immunities Clause, which was meant by the framers of the 14th Amendment to be the principal safeguard for liberty against state actions. “The time has come,” said Pilon, “to revive the first principles of the 14th Amendment.”

## Gay & Lesbian Soldiers Deployed

Washington – Servicemembers Legal Defense Network (SLDN) issued a fact sheet last month for lesbian, gay and bisexual military personnel who may be affected by recent deployments to the Middle East. The memo is available as a pdf file online at <http://www.sldn.org>.

“A conflict with Iraq would mean the largest deployment of military personnel since the implementation of Don’t Ask, Don’t Tell,” said Sharra E. Greer, SLDN’s Legal Director. The memo provides “guidance to lesbian, gay, bisexual and transgender military personnel, including reservists, who may be unfamiliar with the how the law is implemented during times of deployment.”

The memo covers topics such as stop-loss orders (suspending discharges), power of attorney, making a will, and notifying domestic partners in case of an accident or death while a service member is deployed abroad. The memo also includes information on relaying messages from domestic partners through the American Red Cross.

“It is important to remember that Don’t Ask, Don’t Tell remains in full effect, even during a deployment,” Greer said.

## VA Legislator Says Gays Can’t Be Judges

New York – A Virginia state legislator who oversees a committee responsible for reappointing judges across the state says he opposes reappointing a local judge to a second term if she is a lesbian and is violating the state’s sodomy law.

“There is certain homosexual conduct that is in violation of the law,” said Robert F. McDonnell, a Republican member of Virginia’s House of Delegates and chairman of the legislature’s House Courts of Justice Committee. “It certainly raises some questions about the qualifications to serve as a judge.”

Virginia’s sodomy law crimi-

nalizes oral and anal sex between straight and gay couples – including private, consensual intimacy between adults – but is almost exclusively used to discriminate against lesbians and gay men. McDonnell was referring to Newport News Circuit Judge Verbena Askew, who was facing a reappointment hearing.

Askew is one of 60 judges statewide up for reappointment this year, but she is the only one facing a challenge in the legislature. Askew is the first female African-American circuit judge in Virginia history.

## Gill Awards a Million

Denver – The Gill Foundation, a \$260 million-endowed organization committed to securing equal opportunity for all people, regardless of sexual orientation or gender identity, recently granted \$1,012,500 to 62 organizations or programs supporting lesbian, gay, bisexual and transgender (LGBT) initiatives and HIV/AIDS programming.

“This most recent group of grant recipients represents a range of perspectives on the Gill Foundation’s mission to eliminate discrimination based on sexual orientation,” said Rick Jung, senior program officer for the Gill Foundation, in a press release. “These organizations do wonderful work to strengthen the LGBT community, and we applaud their successes.”

Among the grantees in the “non-urban” category is the New England Network for Child, Youth and Family Services of Charlotte, VT, awarded \$15,000. Another fortunate recipient of a \$15,000 grant is Outright of Portland, Maine.

## GA Supreme Court Strikes Down Fornication Law

Atlanta – The Georgia Supreme Court today unanimously struck down the state’s fornication law, saying that the government may not “reach into the bedroom of a private residence and criminalize the private, noncommercial, consensual acts of two persons legally capable of consenting” to sexual activity.

“Georgia’s seldom and selectively enforced fornication law, that once landed citizens on the chain gang, is essentially a dead letter,” said Gerry Weber, Legal Director of the ACLU of Georgia, who argued the case before the Court.

The Court found that Georgia’s constitutional right to privacy protects a 16-year-old who was prosecuted for engaging in sexual intercourse with his girlfriend in her bedroom. The ACLU of Georgia served as counsel for the 16-year-old.

In 1998, the Court overturned the state’s sodomy statute. “This decision signals how far we’ve come since the state convinced the U.S. Supreme Court in *Bowers v. Hardwick* to let it prosecute lesbian and gay men for being intimate in their own homes,” said Matt Coles, Director of the ACLU’s Lesbian and Gay Rights Project.

## May the Breast Charity Win

Kansas City, Mo. – GayCoffees, a product of cjk inc., is accepting nominations in search of a national breast cancer organization to be the recipient of proceeds from Pink Ribbon Coffee for the Cause. Pink Ribbon Roast will benefit a breast cancer organization, once GayCoffees can find an organization that will accept their donation of 40 percent from each sale. “The only thing we ask of

any charity is that they allow us to put their logo on a bag of coffee, so people can see which charity gets their money,” said Kevin Powell, vice president of cjk inc. and co-founder of GayCoffees

GayCoffees will have an online vote from February 1 - 28th. The company will then create a special Pink Ribbon-themed label with the winning charity’s logo on it. The new label will raise funds for the designated national charity for a minimum of one year.

The Mautner Project is the only national organization that has been nominated. If you would like to nominate an organization to receive proceeds from the sale of Pink Ribbon Roast, email your nomination to GayCoffees ([getjoejava@gaycoffees.com](mailto:getjoejava@gaycoffees.com)) or send your nomination to May the Breast Charity Win, 207 Westport Rd., Ste 212C, Kansas City, MO, 64111. The cut off for nominations is February 28th.

## Smoke Gets in Our Eyes

Rochester, NY – When asked in a recent survey whether or not they would prefer smoke-free bars and clubs, 59 percent of adults nationwide, including those who are gay, lesbian, bisexual and transgender (GLBT), said they preferred a smoke-free environment.

According to the survey results released by Witeck-Combs Communications and Harris Interactive®, seven of ten of GLBT respondents who indicated that they prefer smoke-free bars and clubs said they would be willing to pay more for that environment. In contrast, only 52% of heterosexual respondents who indicated the same preference said they would be willing to pay more.

“Lesbians and gays seem willing to put their money where their mouths are when it comes to eliminating smoke in bars and clubs not yet covered by smoke-free laws,” said Colleen Dermody, vice president of Witeck-Combs Communications. “The bad news is that 34 percent of gays are still smoking cigarettes.” Only 24 percent of heterosexual adults still smoke cigarettes.

## We Must Be There Now!

Funniest press release received last month: “G&L Ceremony Announces the Event of the Year: 1st Annual Las Vegas Gay Wedding Expo 2003, Las Vegas, NV, March 23rd, 2003.

“G&L Ceremony Consultants is hosting the 1st Annual Las Vegas Gay Wedding Expo at Alexis Park Resort & Spa. Come join us in the excitement of this spectacular event while visiting the many different vendors and see what great services they have to offer you.

“● A portion of the proceeds will be donated to the Lambda Defense Legal Fund

“● Over 30 vendors available to answer you questions.

“● Fabulous Door Prizes will be given out from various vendors.

“For more information, please visit our website at [www.idowithpride.com](http://www.idowithpride.com) or call Chris Penland at 702-655-8180. Don’t miss out on the fun and excitement here in fabulous Las Vegas!”

## Ted & Howard at HRC

Los Angeles – Veteran journalist Ted Koppel will be honored by the Human Rights Campaign (HRC) at its annual Los Angeles Gala Dinner at the Century Plaza Hotel on Saturday, February 22, 2002. Former Vermont Governor and 2004 presidential candi-

date Howard Dean will give the keynote speech, according to an HRC press release.

The host of ABC’s “Nightline,” Koppel will be honored by HRC with its “Humanitarian Award” for his fair and balanced news coverage. Last year, Koppel hosted a landmark series focusing on the lives of gay, lesbian, bisexual and transgender people and their families – “A Matter of Choice?”

“The more normal aspect of gay life does not get covered,” Koppel said. “Most Americans have a rather distorted view of who their homosexual fellow citizens are.” The press release quoted Koppel as continuing, “They tend to be much more like all of us.”

Former Gov. Howard Dean was characterized as “a proven ally” of HRC and the GLBT community. Dean, the release read, “is well known for his support of Vermont’s civil unions and support of other GLBT civil rights issues.”

## GLMA Releases New Guidelines

San Francisco – The Gay and Lesbian Medical Association (GLMA) released a set of guidelines for physicians and others who provide health care to the public. “Creating a Safe Clinical Environment for Lesbian, Gay, Bisexual, Transgender, and Intersex Patients,” is the first comprehensive look at the specific steps providers should take to gain competency in health care delivery to LGBTI people.

“Serious health disparities exist for the LGBTI population,” said GLMA President Kenneth A. Haller, Jr., MD. “Many of us delay care, or we receive inappropriate or inferior care because of real or perceived discrimination based sexual orientation or gender identity.” LGBTI people are not getting informed, nonjudgmental treatment, he concluded.

The eight-page GLMA document covers a broad range of issues, including how to create a welcoming office environment, educate staff, conduct culturally sensitive interviews, and develop knowledge about the specific health issues that face members of the LGBTI community. Free copies of the Guidelines are available online at <http://www.glma.org> and by calling 415-255-4547.

## Gay Rights Pioneer Dies

Los Angeles – Morris Kight, 83, a founding father of the modern gay rights movement on the West Coast, died January 19. He was best known for helping to organize the West Coast’s first gay pride parade in 1970. At the time, Kight was leading a campaign against Dow Chemical and the napalm it manufactured for use during the Vietnam War.

Despite death threats, the parade went on. “The first entry was a lesbian on horseback,” Kight told a *LA Times* reporter not long ago. “Where they got that horse I have no idea – then a man with a big ‘Homosexuals for Reagan’ banner.”

Kight helped launch the non-profit Christopher Street West, which sponsors the Pride parade and festival in LA. He also founded the Stonewall Democratic Club, a gay and lesbian political party, in October 1975. “In the gay and lesbian community,” a former West Hollywood mayor once observed, only half joking, “Morris has started so many organizations, we sometimes joke that he probably invented sex, chocolate, disco music and almost everything

else.”

Kight helped to found the Gay and Lesbian Community Service Center of Los Angeles, now known as the L.A. Gay & Lesbian Center, which helped to galvanize California’s GLBT community. His work over the years also included protesting a variety of social issues affecting the GLBT community and crusading in the fight against HIV/AIDS.

## Two Cities Protect Trans Rights

Washington – Key West last month became the first jurisdiction in Florida to enact legislation protecting the human rights of transgender and intersexed people. By a unanimous vote, the Key West City Council amended the city’s Human Rights to include ‘gender identity or expression.’

At about the same time, the Springfield, IL city council passed a similar ordinance covering both sexual orientation and gender identity. The Springfield vote was 8-1 in favor of the ordinance, with one abstention.

The ordinance in Key West protects people from discrimination in employment, housing, public accommodations, and lending. It is the most inclusive civil rights legislation in the state.

The measure in Springfield includes gender identity under the definition of sexual orientation as “having or being perceived as having a self-image or identity not traditionally associated with one’s biological maleness or femaleness.”

National Transgender Advocacy Coalition Chair Vanessa Edwards Foster, who also worked on the first transgender-inclusive legislation in Texas, crowed, “Enactment of the first trans-inclusive nondiscrimination ordinance in another conservative southern state – another of those initial footholds – is indescribably gratifying. Especially in Bush country!”

Key West and Springfield become the 55th and 56th jurisdictions in the United States to enact transgender-inclusive nondiscrimination laws.

## First US Baby of 2003 Has Two Mommies

Fairfax County, VA – In its “News Quirks” section, local weekly *Seven Days* published an item reporting on the official first baby born in the US for this year. The baby girl (5 lbs., 2 oz.) was born at 12:01 a.m. January 1, 2003 in Virginia to Helen Rubin (33) and Joanna Bates (35). The father was identified only as a family friend.

## Gay College Student Runs for Mayor in FL

Tallahassee, FL – Richard Junnier, 22, an honors student at Florida State University, will have his name appear on the ballot to be Tallahassee’s next mayor.

Considered by many local leaders, including Tallahassee NOW President Linda Miklowitz, to be the progressive community’s candidate, Junnier is running on a platform to revitalize neglected neighborhoods, lower the violent crime rate, and support environmentally sensitive businesses.

At age 22, Junnier is believed to be the youngest openly gay politician in the United States, and is the first openly gay candidate in the north Florida region. ▼