

13 states," according to *The New York Times*. Some of them were in tears, weeping with relief and joy.

In Fort Lauderdale, Florida, the publisher of *The Harris Guide* to gay and lesbian publications worldwide, declared, "This is the most important day in gay rights history since the Stonewall bar raid in 1969. Even if the laws were rarely enforced," Paul Harris continued, "they still affected the whole tenor of debate and the climate of opinion." Florida was one of the 13 states with a sodomy law on its books, reported *The Express*, Fort Lauderdale's gay and lesbian weekly newspaper.

Comparisons to the landmark Supreme Court segregation ruling *Brown v. Board of Education* were frequent. *The New York Times* quoted Kate Kendall, executive director of the National Center for Lesbian Rights: "I feel like I have been walking six inches off the ground. The arsenal used against us, with sodomy laws being the foremost weapon, has been neutralized."

Fallout Begins with Free Speech Challenge

In Topeka, Kansas, Topeka and Shawnee County Public Library managers ordered an employee to stop talking about the historic ruling at work. Bonnie Cuevas is the mother of a gay son and an activist member of PFLAG. The ACLU has sent a letter requesting that the Library reconsider its order.

Following brief congratulatory conversations and phone calls for Cuevas, two library managers told her she was prohibited from ever speaking about *Lawrence v. Texas* at work again. The managers told Cuevas that a co-worker had complained that Cuevas was creating a "hostile work environment."

Since that meeting, Cuevas has complied with the restriction on her speech. Although some of her co-workers continue to discuss the *Lawrence* decision, they have not been reprimanded.

"It's against the law for a public employer to prevent employees from talking about pressing social issues at work if it's not keeping them or their coworkers from doing their jobs," said Ken Choe, a staff attorney with the ACLU's Lesbian and Gay Rights Project.

Romeo & Juliet Law Holds No Romance

Perhaps the most dramatic immediate impact of the ruling was the intervention of the Supreme Court in the case of Matthew Limon, an 18-year-old Kansas man sentenced to 17 years in prison for having sex with a 14-year-old boy. Both were residents at a program for developmentally disabled youth. If Limon had been convicted of having sex with a girl of the same age, his maximum sentence would have been 15 months.

The Supreme Court vacated the sentence and ordered the case to be reviewed by the Kansas appeals court. The case fell under Kansas's so-called "Romeo and Juliet" law, which makes sexual relations with a minor a lesser crime if both people are teens, but only if they are of opposite genders.

In addition to the Kansas law, sexual conduct laws that treat young gay people differently from heterosexuals remain on the books in Texas, Alabama, California, Virginia, and Georgia, said James Esseks, Litigation Director of the ACLU's Lesbian and Gay Rights Project. The *Lawrence* decision calls all such laws into question.

Florida Adoption Ban Relies on Overturned Ruling

Meanwhile, the American Civil Liberties Union has urged the appeals court considering the fate of Florida's ban on adoption by gay parents to heed the Supreme Court's ruling in *Lawrence v. Texas*.

"The Supreme Court has now made it crystal clear that laws that discriminate against gay people will no longer fly," said Matt Coles, Director of the ACLU's Lesbian and Gay Rights Project. "By placing foster children with gay parents, the state already acknowledges that gay people make good parents. The anti-gay adoption law is discrimination pure and simple. The state has no legitimate basis for excluding such a large number of potential parents from adopting and has lost its only remaining argument for doing so."

In *Lawrence* the court explicitly overturned its 1986 decision in *Bowers v. Hardwick*, which Florida relied on to justify the ban on gay adoptions.

The ACLU case involves three families, including Steven Lofton and his partner Roger Croteau, whose case was highlighted nationally by Rosie O'Donnell. The law that excludes gay people from adopting was passed by the state legislature in 1977, in the midst of Anita Bryant's anti-gay crusade.

Don't Ask, Don't Tell Challenged

Another case with the potential to have a major impact involves Lieutenant Colonel Steve Loomis — a decorated Vietnam combat veteran and recipient of the Purple Heart — and the military's so-called "Don't Ask, Don't Tell" policy. Loomis has filed suit to reverse his 1997 discharge from the US Army, based in part on the *Lawrence v. Texas* ruling.

The Army discharged Loomis for being gay just eight days prior to his 20-year retirement date, according to a report from US Newswire (Loomis served part of his time in the reserves, which accrues toward retirement at a different rate than active duty). As a result, Loomis was deprived of his retirement pen-

sion, worth an estimated one million dollars.

The Army based its discharge on a videotape seized during an arson investigation. Following a fire at Loomis' home in 1996, civilian investigators found the videotape, which recorded Loomis in private adult consensual sexual conduct with another male, and handed it over to Army officials.

The Supreme Court has not ruled on the constitutionality of the military's sodomy statute or "Don't Ask, Don't Tell." Four appellate courts have upheld "Don't Ask, Don't Tell" to date.

Opposition in Gear

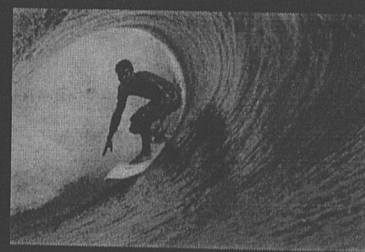
Conservatives, of course, wasted no time in criticizing the Supreme Court's ruling, led by the 21-page dissent of Justice Antonin Scalia (joined by Justice Clarence Thomas and Chief Justice William Rehnquist), who accused his majority-opinion colleagues of having "taken sides in the culture war" and "signed on to the so-called homosexual agenda." Scalia further indicated that the ruling could pave the way for gay marriage. Justice Thomas clarified that he thought the law was wrong based on equal protection, but that it should be up to the state legislature to change the law.

Senate Majority Leader Bill Frist, R-Tenn., followed soon after, declaring on ABC's *This Week*, that the ruling could lead to increased prostitution and drug dealing. He endorsed an amendment to the U.S. Constitution to ban legal marriage for gay and lesbian couples in long-term, committed relationships. The amendment has in fact been introduced, although it has seen no action.

The National Stonewall Democrats announced that it will not "endorse, support, or contribute to Democratic Members of Congress who co-sponsor" the anti-gay marriage amendment. As of mid-July, five Democrats and 39 Republicans have signed on.

And televangelist Pat Robertson called for prayers from his flock to ask God to replace three of the majority-opinion justices. In a letter on his Christian Broadcasting Network website and an op-ed piece published last month in the *Los Angeles Times*, he identified which three justices should be replaced by naming supposed health problems (cancer and a 'heart condition') and because of advanced age. Robertson said his call for prayers was for God to place in the three justices' minds that they should retire, though the inference that perhaps God would 'call them home' was not lost on observers. ▼

To read the opinion and the dissent, go to: www.supremecourtus.gov/opinions. Click on Latest Slip Opinions, look for *Lawrence v. Texas*.



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