

# ACLU Committed to Gay Rights

by Dorothy Senghas.

Ms. Senghas has been a Board member of the American Civil Liberties Union of Vermont for the past six years. At a recent UULGC service she explained the work of ACLU. One of its highest priorities both nationally and in Vermont is the advocacy of lesbian and gay civil rights.

The history and background of the American Civil Liberties Union will help to explain the Union's commitment to lesbian and gay rights. Alan Reitman, an Associate Director, says of ACLU, "It is an organization whose purpose is the protection and expansion of constitutional rights and civil liberties as set forth in the U.S. Constitution and its Amendments." It is in a special sense a single-issue organization. Charles Markmann in *The Noblest Cry*, his history of ACLU, said that the ACLU is not concerned "with the merits or fallacies of a political, social, or religious philosophy; ...its sole interest is in the enforcement of the rights guaranteed by state and federal constitutions." ACLU members can get quite passionate about the Constitution and the Bill of Rights and about the issues arising from violations to them.

The American Civil Liberties Union, organized in 1920, played an active role in the Sacco-Vanzetti murder trial and the Scopes trial in 1921. It was involved in the loyalty oath struggles of the fifties and the civil rights battles of the sixties.

The ACLU enunciated its opposition to discrimination based on sexual orientation in 1975. In 1986 the Union extended its policy to include legal recognition of lesbian and gay relationships and marriage as "imperative for complete legal equality." In the 1970's the Union established the Lesbian and Gay Rights Project. The Project has published the first National Docket listing which includes all pending legal cases relating to discrimination against lesbians and gays. A very large number of these cases relate to discrimination against AIDS patients and the ACLU is committed to a goal of raising one-half million dollars next year to defend these cases.

Historically the ACLU's chief function has been legal. Increasingly it has involved itself in taking the initiative in setting the legislative agenda, rather than being simply legally reactive. This has certainly been the approach of the ACLU in

Vermont, its active legislative support for H.247, H.239, H.460 being recent examples, all bills concerning lesbians and gay men in Vermont.

The ACLU in Vermont was founded in 1967. It has approximately 1300 members, the largest number in its 20 year history. Its Montpelier office is staffed by Executive Director Scott Skinner and Associate Director Andrea Warneke. There are several part-time staffers, including Tim Mazur, our legislative director. We have over 100 cooperating attorneys throughout the state. ACLU-Vt. handles a wide range of cases.

Among ACLU-Vt.'s priorities for 1988 is the passage of H.239, the HIV Blood Testing and non-discrimination bill, and H.460, the HIV Blood Testing and privacy bill. Both bills have already passed the House and have a strong chance of becoming law. Another high priority is support of House Bill 247, the sexual orientation anti-discrimination bill. The bill was introduced last February in the Vermont House by Micque Glitman, a Board member of the Vermont ACLU. The bill seeks to prohibit discrimination based on "affectional or sexual orientation" over a wide range of activities: bank loans, insurance policies, in employment, in parental custody. It received a public hearing before the House Judiciary Committee. The committee voted the bill out favorably by a vote of 7-4. It was withdrawn and sent to the House General and Military Affairs Committee when it appeared to lack the necessary support to pass. Work will continue on the bill this year and a Senate bill will be introduced. The bill's progress and impact last year were greater than originally expected. The process of changing public perception and acceptance was advanced.

At the annual meeting of the Vermont ACLU on October 24th the major speakers, which included Morton Halperin, Director of the ACLU Washington, D.C., office, Richard Axelrod, a prominent civil rights attorney from St. Johnsbury, and Senator Philip Hoff of Chittenden County, all spoke vigorously of the necessity of taking all the necessary steps to end this last vestige of discrimination toward lesbians and gay men. It is a civil rights battle that can, and must, and will be won.

# Kowalski-Thompson May Win Legal Battle

by Heather R. Wishik, Esq.

During a national legal roundtable about gay and lesbian civil rights issues sponsored by Lambda Legal Defense and Education Fund, the current attorney for Karen Thompson, Sue Wilson, explained the history of and recent developments in the legal battle involving Sharon Kowalski. Kowalski, Karen Thompson's lover, was seriously injured in an auto accident in Minnesota caused by a drunk driver. After a period in a coma she began the rehabilitative process, but remains a paraplegic. Karen Thompson, who is trained in physical education and physical therapy, was assisting Sharon's rehabilitation when, feeling it necessary to explain her involvement to Sharon's parents, she wrote a letter to Sharon's Polish Catholic parents explaining that Sharon and she were long term lovers.

Sharon's parents freaked. The father, in legal battles that have now lasted almost four years, succeeded first in himself being named guardian and, in August of 1985, in barring Karen from all contact with Sharon. He has moved Sharon to a small nursing home without facilities for rehabilitation, and Karen has had no contact with her for more than two years. In the course of the legal battles, courts in Minnesota have violated their own rules of procedure: holding the rules of evidence ordinarily used do not apply in this case, and have blinking at serious problems of conflict of interest involving the attorney, who represents the father in the guardianship case at the same time he represents Sharon in her personal injury suit against the drunk driver and the bar where the liquor was served.

Sue Wilson was retained after much of the legal damage was done. She has done a hero's job of brilliant legal representation, all to no avail until now. Last week, however the guardianship case moved from one county to another, and the new judge handling the matter appointed a new independent attorney for Sharon. The judge did this after himself going to see Sharon at the nursing home. Wilson has petitioned the court to have Sharon re-evaluated to see if she can be restored to competency and her guardian dismissed. The new attorney for Sharon is familiar with disability rights issues because his own daughter has cerebral palsy. Sue Wilson is hopeful that after re-evaluation, Sharon will be moved to Minneapolis to a special rehabilitation institute where she can get adequate care, where specialists will properly evaluate her, and provide proof that her father has

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