

national news

Thompson granted guardianship of Kowalski

Karen Thompson and Sharon Kowalski's eight-year nightmare is over. Now they will live together, thanks to a Dec. 17 ruling by the Minnesota Court of Appeals.

Kowalski was left brain-damaged and paralyzed in 1983 after a car crash. Thompson, her lover, wanted to care for her but Kowalski's parents opposed it, saying she had never told them she was a lesbian. They placed their daughter in a nursing home with no physical rehabilitation facilities, and forbade Thompson to visit.

Thompson kept fighting. In 1989, Kowalski was moved to an institution that offered physical therapy, and Thompson was allowed to visit her. Thompson continued her court challenges. By 1990, Kowalski's father, Donald, had grown weary of the battle and resigned as his daughter's guardian, citing his health and unwelcome press attention.

A district judge appointed a childhood friend of Sharon Kowalski's as her guardian. Thompson appealed. The Dec. 17 appeals court decision granted Thompson sole guardianship of Kowalski. "Karen and Sharon are a family of affinity, which ought to be accorded respect," the three-judge panel wrote in a unanimous decision. Lower courts had ignored the fact that Kowalski had repeatedly communicated that she wanted to live with Thompson, the court said. And Kowalski's doctors had testified that Thompson was the most qualified candidate for guardian. "It is undisputed that Thompson is the only person willing or able to care for Sharon outside an institution," the court said.

At a press conference Dec. 17, a tearful Thompson said, "There aren't words to express the hell the system has put us through." Kowalski was "visibly moved" when Thompson told her of the court decision, Thompson said. "Now we have the freedom to build our lives."

Gay and lesbian activists hailed the ruling. The case had become a cause celebre for both gay-rights campaigners and advocates for the disabled. "It's a landmark decision anytime a lesbian couple is recognized by law as a family," said Paula Ettelbrick, legal director of the Lambda Legal Defense and Education Fund in New York. "It's a significant decision that could be used as a guide by courts in other states where similar cases are being initiated."

Rex Wockner

Military ban upheld

The U.S. military's ban on gays is proper because gays get AIDS and because gay and lesbian soldiers would view straight soldiers as "sexual objects," a federal judge ruled Dec. 9. The odd ruling came in the widely publicized case of Midshipman Joseph Steffan, who was forced to resign from the U.S. Naval Academy in 1987 after he acknowledged that he is gay.

Judge Oliver Gasch of the U.S. District Court for the District of Columbia called the military gay ban "rational in that it is directed, in part, at preventing those who are at the greatest risk of dying of AIDS from serving."

Applicants for military service are tested for HIV and HIV-positive people are rejected. About 3,500 have been turned down since 1985. Persons who test positive after entering the military are allowed to serve until they become too ill to work.

Gasch's second major argument was also unusual. "The quite rational assumption in the Navy is that with no one present who has a homosexual

orientation, men and women alike can undress, sleep, bathe and use the bathroom without fear or embarrassment that they are being viewed as sexual objects," he wrote.

Experts on sexual behavior generally agree that the human population cannot be neatly divided into homosexuals and heterosexuals—especially at the age most young men and women enter military service. Tens of millions of American adults have had both types of sex, studies have shown.

Steffan's lawyers from the Lambda Legal Defense and Education Fund had sought to remove Gasch from the case after he called Steffan a "homo" three times during a hearing. But an appeals court sided with Gasch, who claimed he was not homophobic. Lambda will appeal Gasch's "absolutely outrageous" ruling, again arguing the gay ban violates Steffan's constitutional right to equal protection under the law.

U.S. Senator Brock Adams from Washington criticized the ruling saying, "Judge Gasch has used the AIDS epidemic as a crutch to prop up the military's outdated policy. His decision was not based on Midshipman Joe Steffan's conduct, which was exemplary. It was based on pure prejudice against gay men and lesbians."

Rex Wockner

Not funny

Derogatory "jokes" about lesbians, one of them sexually explicit, have landed the two national political figures who told them in hot water with gay and lesbian activists.

In the first incident, U.S. Sen. Bob Kerry (D-Neb.) told a sexually explicit joke about lesbians at a party function, not realizing that a live C-SPAN microphone was picking up his comments. In the second episode, David Beckwith, Vice President Dan Quayle's press secretary, told a lesbian joke at a Bush-Quayle fundraiser.

In response to statements of shock and disappointment from representatives of the gay and lesbian community, both Kerry and Beckwith have publicly apologized. Beckwith said he had actually told his joke purposefully in an attempt to deflect attention away from the joke told by his friend Kerry.

Duke's tired

Republican presidential candidate David Duke, the ex-Ku Klux Klansman and failed candidate for Louisiana governor, says "the gay lifestyle" is bad for America and he's tired of seeing it promoted in the media.

Duke answered gay-related questions Dec. 4 as he announced his presidential candidacy at the National Press Club in Washington, D.C.

"I think anybody who commits a violent act or an illegal act should be prosecuted to the fullest extent of the law. I don't care who those acts are committed against, whether they are straight people or gay people," Duke said in response to questions from Gregory King from the Human Rights Campaign Fund.

"But, frankly," Duke continued, "I don't endorse the gay lifestyle. I don't think that it's good for the country and I don't think it's good for my children. And I resent that being presented as a normal lifestyle to my people in the national media and to my children in the national media."

Duke also said he supports U.S. military policies barring gays and lesbians from service in the armed forces.

Not available

The seemingly liberal Union of American Hebrew Congregations (UAHC) is refusing to rent a rural Georgia retreat camp to the predominantly lesbian Southern Women's Music and Comedy Festival, after seven years of doing so.

Festival producers are charging that the UAHC

tried to shut the festival down a year ago by doubling the camp's rental fee, perhaps in response to complaints from nearby residents that lesbian couples were "openly affectionate." UAHC officials have called those claims "ridiculous," and have said their change in policy simply reflects a decision not to rent the camp to outside groups.

Hate crimes debated

Banning "hate crimes" such as cross-burning, as reprehensible as they may be, violates the right of free expression, the Supreme Court was told this month.

"Political discourse involves outrageousness," lawyer Edward J. Cleary said in urging the court to overturn a St. Paul, Minn., ordinance that bars displaying a burning cross, Nazi swastika or other offensive symbols.

Tom Foley, a Ramsey County, Minn., attorney, defended the ordinance, saying the government has a compelling interest in preserving public safety.

"The First Amendment was never intended to protect an individual who burns a cross in the middle of the night in a fenced yard of an African-American family's home," Foley said.

Cleary represents a youth who was arrested in June 1990 on charges that he burned two makeshift crosses in an African-American family's yard.

Gay graduates gather

Oberlin College in Ohio has become the first college ever to sponsor a reunion of gay, lesbian, and bisexual graduates.

The reunion, sponsored by the college's alumni office, drew 42 graduates from throughout the U.S. and from as far away as Amsterdam during the weekend of National Coming Out Day, Oct. 11-13. The oldest graduate in attendance was from the Class of 1937.

Musica Femina, a flute-guitar duo from Portland, was part of the official entertainment for the event. Kristan Aspen, the flutist, is a 1970 graduate of Oberlin.

The Oberlin College Lesbian, Gay and Bisexual Alumni Network hopes to publish a book of memories and feelings to analyze the "Oberlin lesbian and gay experience." The network also wants to serve as a resource for other colleges and institutions interested in tapping the skills, talent and expertise of lesbian, gay and bisexual persons within its organization.

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