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national news

Twenty-seven down, 24 to go

The Kentucky Supreme Court struck down the state anti-sodomy law Sept. 23, in a 4-3 ruling.

That leaves 23 states and the District of Columbia where gay sex is illegal. In 16 of those states and D.C., oral and anal sex between heterosexuals is also prohibited. The laws are rarely enforced.

The court's 65-page ruling, written by Justice Charles Leibson, said Kentuckians need not "sympathize, agree with or even understand" gay sexuality in order to recognize their right to equal treatment under the law.

Just because a majority of citizens "finds one type of extramarital intercourse more offensive than another does not provide a rational basis for criminalizing the sexual preference of homosexuals," Leibson wrote.

The sodomy law also violated gays' right to privacy under the state constitution, the court said.

The case stemmed from a 1986 scheme in Lexington in which undercover police solicited sex at a male cruising area. Jeffrey Watson, then 23, was arrested after inviting a cop home and mentioning sex.

Attempts to repeal sodomy laws shifted to state courts in 1986 after the U.S. Supreme Court upheld Georgia's sodomy statute, in effect ruling that gays have no right to sexual privacy under the federal Constitution. In that case, an Atlanta man, Michael Hardwick, and a male friend were arrested in Hardwick's own bedroom.

In the past two years, lower courts in Texas and Michigan have struck down sodomy laws with reasoning similar to that of the Kentucky Supreme Court. The Texas case has been appealed to the state Supreme Court, where it is expected to be heard this year.

Rex Wockner

Rainbow flag still flying

The great San Francisco flag debate is finally over...maybe.

In its third and final hearing on the subject of the rainbow flag that waves above the Eureka Valley/Harvey Milk Memorial Branch, San Francisco's Library Commission voted Oct. 6 to keep it flying.

The flag was flown over the branch, which was dedicated to the memory of Harvey Milk in 1980 and houses a gay and lesbian collection, ever since it was donated by the Alexander Hamilton Post of the American Legion in 1989.

Gilbert Baker, the creator of the rainbow flag, testified that Harvey Milk, who was a friend of Baker's, was part of his inspiration for designing the symbol in 1978. And since then, "the rainbow flag has caught on in a way I never could have dreamed. It's been embraced," he said. Baker added that now the rainbow flag is the symbol of the lesbian and gay community worldwide.

"The strength and greatness of a library is how many materials it has in its purview that reflect the diversity of its city," argued Roberto Esteves, the assistant chief of the Main Library. Esteves submitted a letter supporting the flag that was signed by more than 50 staff members of the library system.

The commission was originally pressured to take down the flag by the Christian Coalition, Pat Robertson's national network. The group packed two previous commission hearings on the subject and were out in force once again on Oct. 6.

"A flag is a thing that flaunts. This flag flaunts a sexual lifestyle that is offensive to God. It discriminates against all those who believe sodomy is wrong," said coalition member Will Holt.

"The good news is that homosexuality is a mental illness and life-style that can be corrected and treated."

This is "one more reason to the contention that gays have more special rights than any other group in this city," said coalition leader Joseph Youmtoub.

So far, Mayor Frank Jordan has received 51 letters on the issue, all negative and all but two from out of state. According to Jordan's aide Jean Harris, the Mayor remained staunchly in favor of flying the flag despite the flood of mail.

"The mayor supports the non-discrimination laws of San Francisco and hopes that the flag will continue to fly freely above the library. The real crime is that the issue got this far. In a time when we had to spend the last eight months cutting \$300 million from the city budget without affecting health services, the mayor, the city attorney, the commission and the citizens of San Francisco have to spend time and energy discussing this issue over and over again. It's time to get back to work."

The city attorney's office ruled that the flag is consistent with San Francisco law and policy, but the Christian Coalition has threatened a lawsuit against the city for flying the symbol of queer liberation above a government-owned building.

Commissioner Dale Carlson, the sponsor of the resolution supporting the flag, warned, "I think there's a strong likelihood that we're going to be sued over this issue. And that's why it's important for the commission to make a formal statement in favor of the flag."

Commission members voted 6-1 to keep the flag flying, and now they await word from State Attorney General Dan Lundgren about whether they're going to court.

"I think it was the right thing to do, and I was pleased that a majority of the commission felt that way. Now that we've strengthened the issue by having gone through this, the flag will fly even more proudly," concluded Commission President Steven Coulter, who is gay.

Rachel Timoner

Whoopi takes on Colorado fundies

Movie and TV star Whoopi Goldberg has issued a national mailing targeting the referendum that would amend the Colorado Constitution to mandate discrimination against gays and lesbians.

Coloradans will vote Nov. 3 on the question, "Shall there be an amendment to Article II of the Colorado Constitution to prohibit the state of Colorado and any of its political subdivisions from adopting or enforcing any law or policy which provides that homosexual, lesbian or bisexual orientation, conduct, or relationships constitutes or entitles a person to claim any minority or protected status, quota preferences, or claim of discrimination?"

The amendment would void anti-discrimination laws in Aspen, Boulder and Denver and forbid passage of any new ones.

"I've never heard of such a thing!" Goldberg wrote from her Los Angeles office. "Trying to constitutionally deny rights rather than protect rights. Trying to dehumanize people. And in beautiful Colorado."

Goldberg blamed Amendment 2 on "shrewd, southern California businessmen who know how to make a buck for their cause. They go on television," she said, "and sound the financial alarm: 'The homosexuals are coming, the homosexuals are coming! Send money to Rev. Lou Sheldon and he'll make them go away.' What is America coming to?" Goldberg asks.

Rex Wockner

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