

Lesbians and gay men in Colorado hope a recent state Supreme Court ruling will help them begin a long overdue healing process.

"There was so much pain and divisiveness after Amendment 2 passed," explains Cheryl Schwartz, acting executive director of the Denver-based Gay, Lesbian and Bisexual Community Center of Colorado. "There was a great deal of disagreement in the community about how to respond, like whether to support a boycott of our state. Hopefully now we can begin to get past some of the pain."

On Oct. 10 the Colorado Supreme Court overturned Amendment 2, a controversial discriminatory amendment approved by voters in 1992. Passage of the initiative stunned civil rights activists and spawned a nationwide boycott costing Colorado at least \$20 million in canceled conventions and conferences.

In upholding a permanent injunction against the amendment, the court rejected an argument that Amendment 2 was a constitutionally valid exercise of state power. Amendment 2, which was passed by a 53 percent majority, would have prohibited state and local governments from enacting sexual minority rights ordinances. In a 34-page majority decision, the court said: "The state has failed to establish that Amendment 2 is necessary to serve any compelling governmental interest in a narrowly tailored way." It was a 6-1 decision.

According to the Oct. 4 issue of the national

Amendment 2 shot down

Activists in Colorado want the healing to begin

by Inga Sorensen

newsmagazine *The Advocate*, several lesbian and gay rights activists who were involved in the campaign against Amendment 2 have since moved out of state.

"I'll never be able to work in Colorado," said Terry Schleder, former head of Boycott Colorado. According to the article, Schleder's group "angered Colorado public officials by advocating a nationwide boycott of the state's tourism industry and left gays and lesbians divided over its confrontational tactics."

She says, "The gay establishment wouldn't employ me, and the straight world sees me as public enemy number one." Schleder now lives in New York City.

Schwartz admits, "Colorado's gay community has had a very difficult two years. In the wake of Amendment 2, we experienced a wave of violence never before seen in such a short time.... Our victory is a terrific step in the healing process for our community."

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Colorado state officials say they will appeal the ruling to the U.S. Supreme Court. Portland attorney Charlie Hinkle, however, says he doubts if the court will choose to review the case.

"The U.S. Supreme Court is accepting fewer and fewer cases for review," he says. "Also, this is a moderate-to-centrist court that works hard to avoid controversy. I doubt they will review the case for those reasons,

plus the fact that they may wait to see how other lower courts handle these cases. They won't want to jump into this issue too soon."

If the court does choose to review the case, Hinkle says there is ample legal precedent bolstering the belief that segments of the population cannot be "fenced out of the political process."

Writing for the majority, Colorado Supreme Court Chief Justice Luis Rovira said, "The right to participate equally in the political process is clearly affected by Amendment 2 [and, it would effectively bar gay men and lesbians] from having an effective voice in government affairs."

"There is solid legal precedent that says people cannot be fenced out of the political process," says Hinkle. "We're not talking only on the basis of race or sex, but whether one is homeless, on welfare, or mentally disabled. The courts have been very sympathetic toward ensuring that people have access to the political process."

Colorado officials say defending the case has already cost taxpayers more than \$300,000. Julie Davis, campaign manager for Oregon's No on 13 Committee, says she hopes the Colorado ruling will persuade voters here to vote against Ballot Measure 13.

"Measure 13 will permanently legalize discrimination in Oregon," she says. "I certainly think that is reason enough to vote against it, but if voters need another reason, they may want to think about how much it's going to cost in litigation if this measure passes."

City ordinance becomes inclusive

The West Palm Beach, Fla., City Commission has passed an ordinance which prohibits discrimination based on sexual orientation in housing, employment and public accommodations. According to *The Washington Blade*, the Palm Beach County Human Rights Council worked closely over the past year with Mayor Nancy Graham to pass the ordinance.

The ordinance also prohibits discrimination based on race, color, national origin, religion, sex, disability, marital status, familial status or age.

Safer-sex ads instruct and challenge

A series of bold, small-format posters have been produced by the San Francisco AIDS Foundation that target gay and bisexual men with frank, responsible condom-use messages. They are intended for posting in restroom stalls, where captive

audiences will get a small dose of practical information for reducing their risk for HIV infection.

The posters show attractive men enjoying three-ways, water sports and fellatio. The messages are "Safe Sucks," and "Use Us." The ads offer suggestions for staying safe in a variety of situations and supply referrals to participating HIV/AIDS agencies.

CDC initiative discriminates against gay men of color

Incidents of discrimination have been reported in the Centers for Disease Control and Prevention's Community Prevention Planning Initiative. The initiative was instituted to provide a way to involve disenfranchised communities in developing HIV prevention strategies.

At a Campaign for Fairness meeting held in conjunction with the annual Gay Men of Color AIDS Institute, these incidents gave rise to concern and anger. "We received several reports of exclusion and marginalization of our participation in this process," stated Richard La Fortune, an

AIDS activist and one of the CFF co-chairs. "Everything from outright exclusion to nonvoting membership is being used to dilute the impact of our advocacy for gay men of color."

"We are putting the CDC and individual community planning groups on notice," said CFF co-chair Mario Solis-Marich. "Across the country alarming numbers of gay men of color are contracting HIV, progressing to AIDS, and dying faster than our white counterparts. We will not sit by idly and watch our communities be destroyed by apathy and prejudice."

National phone company to help fight 13

The long distance company Working Assets included an insert in its October billing that mentions Oregon's homophobic right wing and Ballot Measure 13. It says, "If Initiative 13 passes, the government could be required to fire gays and lesbians, censor them from speaking freely, and deny them basic services."

The bill states that "every time you call long

distance, a percentage of your charge goes to nonprofit action groups that are working for a better world." According to this bill, Oregon's fight against Ballot Measure 13 will be aided by a donation from Working Assets.

Justice department praised

The Human Rights Campaign Fund praised the U.S. Justice Department for its action leading to a \$100,000 settlement against a Houston, Texas, dental office that refused to treat an HIV-positive patient. The Justice Department sued the office under the Americans with Disabilities Act, which prohibits discrimination against people living with HIV or AIDS. The office must also institute a policy to this effect and train its staff about the policy.

"This settlement is a welcome example of effective action against discrimination," said HRCF spokesman Daniel Zingale. "Our community is realizing the benefits of all the hard work we did to help pass the ADA."

Compiled by Jann Gilbert

cathartic comics I featuring The Brown Bomber and Diva Touché Flambé by Prof. I.B. Gittendowne

