

"Today's opinion has no foundation in American constitutional law, and barely pretends to," Scalia concluded. "Striking it down is an act not of judicial judgment, but of political will."

Reaction from the gay community was ecstatic. Suzanne Goldberg is an attorney with the Lambda Legal Defense and Education Fund who participated in the appeal. She called the decision "a breakthrough victory for lesbians and gay men throughout the United States."

It is "the single most positive Supreme Court ruling in the history of the gay rights movement... [It] should shape the course of civil rights in the United States for decades to come."

For Matt Coles, director of the American Civil Liberties Union's Lesbian and Gay Rights Project and another participating attorney, it "marks a sea change in the struggle of lesbians and gay men for equality."

"It establishes as a general principle that lesbians and gay men are entitled to the same constitutional protections granted to everyone else," Coles said. "This is a profound ruling, one based on long-standing principles that will bring our country closer to the vision of equality outlined in the Bill of Rights."

Both praised the court for rejecting the "special rights" rhetoric of those opposing equality for homosexuals.

Melinda Paras, executive director of the National Gay and Lesbian Task Force, called it a "stake through the heart" of anti-gay ballot initiatives.

Elizabeth Birch, executive director of the Human Rights Campaign, admonished Congress to look at the decision when they consider support for legislation "outlaw[ing] same-sex marriage."

"The highest court of the land has said that no state can make its gay and lesbian citizens unequal to everyone else," Birch said.

To ACT UP's Wayne Turner, the decision

"proves that Bill Clinton and his Justice Department are irrelevant to our progressive gay and AIDS agenda. Both President Clinton and Congress have been scapegoating our community the past few weeks [on the issue of same-gender marriage]. Today's ruling shows that we can get a fair shake in at least one of the three branches of government."

The Clinton administration had refused to file an amicus brief in support of the challenge to Amendment 2, despite intense lobbying efforts on the part of lesbian and gay leaders both within and outside of the government. Reaction from the White House was muted. Spokesman Mike McCurry said, "The president believes today's decision was appropriate."

The far right saw gloom and doom.

"It's a very dark day for the liberty rights of the American people," said Gary Bauer, president of the Family Research Council. "The judges seem to be saying that there are some matters so important that we will not allow the American people to decide them."

Jay Sekulow, head of Pat Robertson's American Center for Law and Justice, acknowledged, "This does send a signal to America that there's been a shift of momentum towards the homosexual community, there's no doubt about it."

It is important to note that the decision came from Kennedy, perhaps the most conservative justice in the majority, and not from one of his more liberal colleagues. *The New York Times* wrote in an editorial that this "ideologically mixed group of justices who combined in a stout defense of constitutional values may well have made it more difficult for politicians to use gay rights as a divisive issue this year."

The decision also seems to auger well for a favorable decision from the court on gay men and lesbians in the military, perhaps as early as next year, and same-gender marriage at some later point.

Six snaps up

For gay men and lesbians in the state that produced *Bowers vs. Hardwick*, the 6-to-3 Romer decision is especially sweet

by Richard Shumate

Ten years ago—the last time the U.S. Supreme Court visited the issue of gay and lesbian rights in a major way—queers in Georgia were in the direct vortex of the storm.

The case of *Bowers vs. Hardwick* was being fought over Georgia's sodomy law. And the repercussions of the high court's decision to allow states to criminalize consensual sexual conduct have continued to rumble through Georgia and across the country ever since.

So the ruling by the court striking down Colorado's Amendment 2 was viewed with particular sweetness here. Within hours of the decision—despite a 95-degree heat wave—a crowd of about 300 people gathered in front of a bar in Midtown, Atlanta's gayest neighborhood, for hugs and speeches.

"How does it feel to have a court say for a change that you are a human being?" said AIDS activist Jeff Graham, to roars from the crowd.

"The Supreme Court majority 'got it,'" said Harry Harkin, head of the city's Stonewall Bar Association, who read excerpts of the decision to the crowd. "We've won, and we've won big."

And the win came at a time when there has

been quite a bit for the state's gay men and lesbians to be discouraged about. Gov. Zell Miller recently signed an anti-gay marriage bill into law. The Georgia Supreme Court again shot down a fresh assault on the sodomy law. A Georgia congressman, Rep. Bob Barr, is the chief sponsor of federal anti-gay marriage legislation. And the county commission in the metro area's third-largest county, Cobb, has refused to repeal its anti-gay rights resolution despite international condemnation.

Shortly after the sodomy law decision, a communitywide emergency meeting was held to plot strategy. The first decision was to organize a gathering—be it protest or celebration—the day the Amendment 2 decision came down.

Mona Bennett of ACT UP-Atlanta led the crowd in chants of "victory, victory." But she tempered that with reminders that much remains to be done in a state where Attorney General Michael Bowers—who 10 years ago got the Supreme Court to go along with his views in *Bowers vs. Hardwick*—is considered the leading candidate for governor in 1998.

"People don't change because they see the light," Bennett said. "They change because they feel the heat."

Make our day

Court decision fizzles OCA initiative, bringing double cause for celebration

by Inga Sorensen

Several hundred people turned out for a celebratory rally at Pioneer Courthouse Square on May 26.

The event, orchestrated by Basic Rights Oregon, was one of many gatherings nationwide designed to celebrate the May 20 U.S. Supreme Court ruling on Amendment 2, the controversial anti-gay-rights initiative approved by Colorado voters in 1992. In a 6-3 decision being hailed by human rights advocates, the high court struck down the measure, maintaining the amendment was

aimed at making gay men and lesbians "unequal to everyone else."

"It's not often that the Supreme Court makes our day," said Julie Davis, executive director of Basic Rights Oregon, to the upbeat crowd which responded with laughter and scattered applause.

While the "ruling is music to our ears," Davis warned people against becoming complacent.

"We must capitalize upon the momentum of victory to pass statewide legislation barring

discrimination based on sexual orientation," she tells *Just Out*.

A bill calling for such a prohibition has surfaced in the Oregon Legislature for the past two decades, to no avail.

Ecumenical Ministries of Oregon's Ellen Lowe, who was a spokeswoman for the No on 9 campaign in 1992, also took to the podium to suggest that the public "change a few faces in the Legislature," in order for social justice causes to prevail. She called upon voters to support a "good initiative" such as one aimed at increasing the minimum wage in Oregon.

Lowe added that even though "Lon Mabon may be forced to get a real life," his message still resonates in the minds of some.

Amendment 2, which never took effect due to court challenges, would have dismantled existing laws prohibiting discrimination based on sexual orientation and barred future measures from taking effect. Oregon officials were among those who filed amicus briefs to the

U.S. Supreme Court opposing Amendment 2.

In 1992 and 1994, the Oregon Citizens Alliance unsuccessfully pushed two similar measures, and it has abandoned its drive to gather signatures for an initiative poised for the November ballot due to the Supreme Court's ruling.

"But that doesn't mean our work is done," stresses Davis.

Her group recently unveiled its "Fair Workplace" video, which strives to educate employers and the general public about a tough legal reality: People throughout Oregon can be fired from their jobs, with no legal recourse, based solely on their perceived sexual orientation.

Davis says a handful of companies have already expressed an interest in "Fair Workplace," including Bank of America, Nike and Nordstrom. She adds that those interested in having the video aired in their workplaces should contact Basic Rights Oregon at 222-6151.