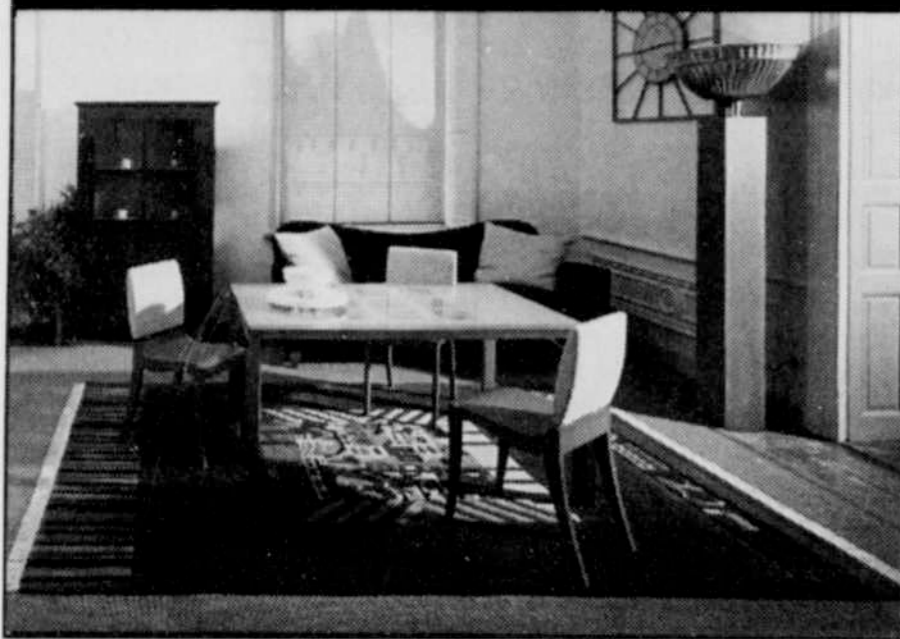


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national news

Bowers gets another victory (and a little egg on his face)

The 11th U.S. Circuit Court of Appeals recently struck a major blow to equal rights advocates in a case involving lesbian attorney Robin Shahar.

Shahar had interned in the offices of Georgia state Attorney General Michael Bowers and been offered a regular job there. That offer, however,



was withdrawn in 1991 after Bowers learned of Shahar's plans to hold a private religious wedding ceremony with her longtime partner, Fran Greenfield.

Bowers—who successfully defended Georgia's sodomy law before the U.S. Supreme Court in 1986—felt that Shahar's "open defiance" of the law would create public confusion were she to be employed in the state's Law Department.

On May 30 the full appeals court ruled 8-4 that the withdrawal of the job offer was not an illegal act.

It also affirmed Bowers' authority to reject any employee whose actions he reasonably believed "were likely to cause the public to be confused and to question the Law Department's credibility."

The American Civil Liberties Union will soon decide whether to appeal to the Supreme Court.

In an ironic twist, Bowers, who resigned his post effective May 31 in order to seek the Republican nomination for governor, admitted in a June 5 Associated Press interview that he had had a decade-long adulterous affair while serving as attorney general. Adultery is considered a misdemeanor under Georgia law.

Straight ex-Marine sues museum for anti-gay bias

Mark Markell, 62, a retired Marine Corps officer, filed a lawsuit June 6 against the Smithsonian Institution claiming that guards there discriminated against him when they arrested him last year in connection with a case of alleged child molestation.

According to the lawsuit, Markell entered the museum about an hour after the alleged sexual abuse was reported and was almost immediately apprehended by guards, who he says physically restrained him and called him a "fucking queer" in front of thousands of bystanders.

The suit contends Markell had been targeted not because of a physical description of him by the alleged victims, but because he fit the officers' profile of a gay man—and therefore of a child molester.

"The Smithsonian resorted to two discriminatory stereotypes of gay men in arresting my client," says attorney Mickey Wheatley. "First, they believed they could tell if a man is gay solely by his appearance. Second, they believed that a gay man will be a child molester. These assumptions demonstrate that the Smithsonian treats perceived gay patrons in a discriminatory manner."

A Vietnam veteran and father of three children, Markell resides in Hawaii with his wife of 45 years.

High court to address same-sex harassment

The U.S. Supreme Court said June 9 it would decide whether a federal civil rights law covers sexual harassment in the workplace by supervisors and co-workers of the same sex, according to a Reuter report.

The high court is responding to a Justice Department recommendation that conflicting appeals court rulings warrant a review, and that the law should be interpreted as providing protection for all employees, regardless of their gender or sexual orientation.

A decision is expected during the court's 1997-98 term, which begins in October.

The Supreme Court has never ruled on whether the 1964 law prohibiting racial and sexual discrimination applies to same-sex harassment cases.

Frank moves against military 'hypocrisy'

Human rights activists are applauding a bill proposed by U.S. Rep. Barney Frank (D-Mass.) that would decriminalize consensual sexual activity between adults in the military.

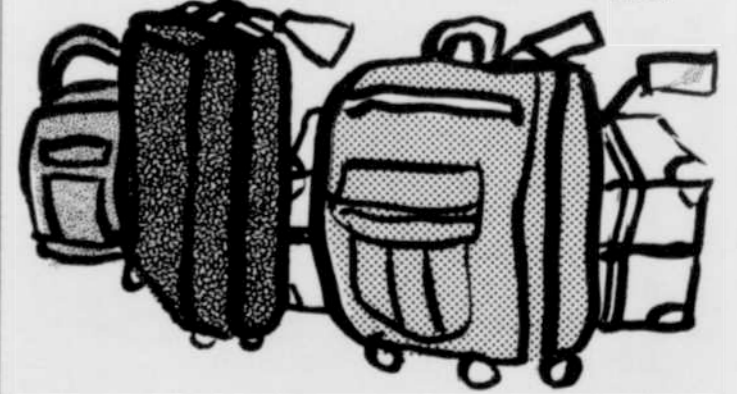
The bill, known as the Anti-Hypocrisy Act of 1997, was crafted in response to a series of recent highly publicized adultery cases involving military figures.

The measure seeks to alter the Uniform Code of Military Justice so that no one would be prosecuted for adult consensual sexual behavior that does not impact military order and discipline.

"This bill would treat all such private behavior equally," says Human Rights Campaign legislative director Winnie Stachelberg, who points out that under current military law, any private sexual behavior by a lesbian or gay service member is illegal.

United Airlines vs. San Francisco: the saga continues

Responding to United Airlines' apparent about-face regarding the city's domestic partner benefits law, the San Francisco Board of Supervisors unanimously supported a policy change June 2 that would bar city employees from flying on the airline—unless no alternative carrier is available.



According to the *Bay Area Reporter*, the entire board cosponsored the legislation, which was introduced by Tom Ammiano and Leslie Katz.

The proposal would apply only to city funds spent on air travel by city employees or agents.

While negotiating a multi-million dollar lease at San Francisco International Airport in February, United secured a two-year exemption from the domestic partner benefits law, a statute that took effect June 1 and requires all businesses contracting with the city to provide equal benefits for married and registered unmarried partners.

United and a conglomerate of other airlines, under the aegis of the Air Transportation Association, filed suit in federal court on May 13 claiming the law should not affect them because the national air transportation system is governed exclusively by federal law.

"United is in a unique position, because when