

national briefs

CALIFORNIA

A lawyer for the Boy Scouts of America argued Jan. 5 that gay people and atheists do not belong in an organization that teaches conservative sexual morality and promotes a duty to God.

According to The Associated Press, the Boy Scouts went before the California Supreme Court to fight discrimination suits filed by a man who was expelled because he is gay and twin boys who were thrown out because they do not believe in God.



Scout lawyer George Davidson claimed the group was merely upholding its tenets.

Lawyers for the plaintiffs sought to portray the Boy Scouts as a business rather than a private club. Jon Davidson, an American Civil Liberties Union attorney, said the Scouts sells camping supplies, engages in public relations, pays full-time staff and charge fees to its 5 million members across the country.

"Those factors point to it not being a private club," Davidson said.

A decision is expected within 90 days.

FLORIDA

A committee of Florida's Constitution Revision Commission has balked at adding "sexual orientation" to the classes of people afforded rights under the state Constitution, the *Miami Herald* reports. At least two members of the commission admitted they personally supported the measure to protect the rights of sexual minorities but voted against it out of concern that it would have a negative impact on other proposals.

Article One of Florida's Constitution, which outlines the basic rights of state residents, currently reads: "No person shall be deprived of any right because of race, religion or physical handicap."

The commission, which convenes every 20 years, is continuing to debate the addition of age, gender, disability (as opposed to "handicap") and national origin.

GEORGIA

On Dec. 17, Lithia Springs City Council unanimously voted in favor of a nondiscrimination policy that includes sexual orientation, the *Southern Voice* reports. The measure prohibits anti-gay bias in city employment and forbids discrimination by private businesses that contract to perform work for the city.

Lithia Springs is the third Georgia city to pass such a measure.

NEW YORK

A mid-level appeals court has denied a marriage license to Phillip and Toshav Storrs, citing technical flaws in their argument. The decision came in a suit the gay couple filed against the Ithaca city clerk who told them state agency guidelines prohibited her from issuing them a license.

On Dec. 24, the court sided with the clerk and faulted the Storrs for not including in their claim the state Department of Health, which has jurisdiction over marriage licenses, the *Ithaca Journal* reports.

The Storrs launched their lawsuit following the passage of a resolution by the Ithaca Common Council urging the state to allow same-sex marriages. The court's decision did not, however, address whether state law—which doesn't specify gender in reference to marriage—prohibits same-sex marriages. The ruling focused instead on the Department of Health's authority to issue directives pertaining to marriage licenses.



Gay Men's Health Crisis dropped its group health plan in mid-December, forcing staff members to obtain insurance independently, the *Village Voice* reports.

The weekly newspaper quotes an internal GMHC

memo that largely blames increasing insurance costs for the move.

In 1989, GMHC's health plan began to be "experience rated"—meaning the price of coverage was based on its own group usage rather than general community rates—causing the agency's insurance costs to rise more than 200 percent.

According to Susan Dooha, a director in GMHC's public policy department, the practice of experience rating is inherently discriminatory since sicker populations—like the staff of GMHC, many of whom are HIV-positive—end up paying the most.

GMHC management has been quick to point out the agency's predicament is part of a larger problem looming in the health care industry.



U.S. Immigration officials in New York have deported an HIV-positive artist who arrived to work on an exhibit that will be part of the 1998 International Conference on AIDS in Geneva, Switzerland.

"We have a very silly problem," said David Haerry of the AIDS Documentation Center in Bern. "[The artist] traveled to the U.S. [with] his antiviral cocktail in his bag. Unfortunately, he has been controlled scrupulously by [immigration officials] in New York City. They found the drugs [and] he had to leave the U.S. on the next plane."

The U.S. ban on HIV-positive visitors is sometimes waived for individuals visiting family, attending a conference or receiving medical treatment.



NORTH CAROLINA

On Jan. 15, gay and lesbian partners of graduate students at Duke University became eligible to receive health insurance and other benefits. The new policy comes nearly three years after the school extended benefits to same-sex partners of faculty and staff, according to the *Durham Herald-Sun*.

Heterosexual live-in couples do not qualify under the policy and would have to marry to receive full campus benefits.

TEXAS

An infant caught in the middle of a legal battle over his placement in the foster care of a suburban Dallas lesbian couple has been temporarily handed over to his aunt and uncle in Chicago, United Press International reports.

The case garnered national attention last year after a Texas child welfare worker said she had been demoted for removing the boy from the custody of the lesbian couple.

Rebecca Bledsoe claimed that because sodomy is illegal in Texas, the state should not allow same-sex couples to provide foster care; she filed a grievance against the state, which is still pending.

The Liberty Legal Institute, meanwhile, has intervened on behalf of the family and is pushing for an investigation into the circumstances of the original placement. According to the state Department of Protective and Regulatory Services, a court will have to decide the permanent adoption of the child, which could take as long as six months.

UTAH

Despite frenzied efforts by Councilman Bryce Jolley, in December the Salt Lake City Council voted 5-2 to approve a nondiscrimination ordinance that protects the rights of lesbian and gay city employees.

According to the *Salt Lake Tribune*, Salt Lake City is the first Utah municipality to adopt such an ordinance; the University of Utah and Salt Lake County have similar policies.

Compiled by Christopher D. Cuttone

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