NATIONAL news

High Court Rules Bias Law Covers HIV

People with HIV are protected by a federal ban on discrimination against the disabled even if they suffer no symptoms of AIDS, the U.S. Supreme Court ruled June 25.

The 5-4 ruling ordered a lower court to reconsider whether a Maine dentist violated the Americans With Disabilities Act when he refused to fill an HIV-infected woman's tooth in his office.

"HIV infection satisfies the statutory and regulatory definition of a physical impairment during every stage of the disease," Justice Anthony M. Kennedy wrote for the court.

According to The Associated Press, the justices said the dentist "had the duty to assess the risk of infection based on the objective, scientific information available to him and others in his profession."

The high court did not, however, determine whether dentist Randon Bragdon violated the anti-discrimination law when he refused to fill Sidney Abbott's tooth in his office. The justices instructed the lower court to reconsider it's ruling that Bragdon did violate the ADA in light of their June 25 analysis of the law.

Kennedy added, "We do not foreclose the possibility that the Court of Appeals may reach the same conclusion it did earlier."

Daniel Zingale of. AIDS Action, a network of organizations that provide health care and services to AIDS patients, said, "The Supreme Court today handed people with HIV their greatest legal victory since the beginning of the epidemic."

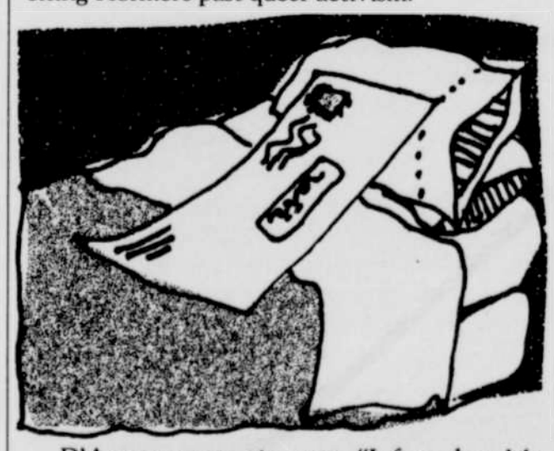
David Smith of the Human Rights Campaign called the ruling a great victory.

The ADA protects the disabled against discrimination in jobs, housing and public accommodations such as dentists' offices. The law says people are disabled if they have a physical or mental impairment that "substantially limits one or more major life activities."

Lott Gets His Lumps

Following his comments likening homosexuality to alcoholism and kleptomania, the bed Senate Majority Leader Trent Lott has made for himself is becoming apparent.

Fellow Republican Sen. Alfonse D'Amato of New York sent a letter urging Lott to schedule a vote on the ambassadorial nomination of James Hormel, an out gay man. Lott, who has the power to stall the vote, has been doing just that, citing Hormel's past queer activism.



D'Amato wrote, in part, "I fear that Mr. Hormel's nomination is being obstructed for one reason, and one reason only: the fact that he is gay. In this day and age, when people ably serve our country in so many capacities without regard to sexual orientation, for the United States Senate to deny an appointment on that basis is simply wrong."

From another corner, Lott has heard from the Rev. Troy D. Perry, moderator of the Universal Fellowship of Metropolitan Community Churches.

In a June 17 press release, Perry insisted Lott "owes an apology to the millions of American citizens who are gay or lesbian."

The business sector had words for Lott as well. Walter Schubert, founder of the Gay Financial Network and the first openly gay member of the New York Stock Exchange, issued a June 23 press release demanding an apology from Lott.

"As a self-respecting taxpayer, and a responsibly voting American, it is my belief that as gay American citizens, we will no longer allow this sort of bullying to go unchallenged," said Schubert. "I will not be satisfied until Sen. Lott issues a full apology and complete retraction."

New York Says 'No' to Two Mommies

In a unanimous decision, the Appellate Division of the New York State Supreme Court found that a lesbian who planned to adopt her ex-partner's child before they split has no custody rights.

A June 16 Associated Press report explained the plaintiff had no rights in the matter and that, according to the court's three-page ruling, she also failed to prove the biological mother had relinquished her custody rights via "surrender, abandonment, persisting neglect, unfitness or other like extraordinary circumstances."

"The appellate court agreed with us that this case should never have been in family court and dismissed it for lack of standing," says Marsha Hunt, the biological mother's lawyer. "It said as a nonparent she basically has absolutely no rights under New York law."

Had the court found for plaintiff, it would have broken new legal ground on the adoption rights of unmarried partners.

The couple had been together for 17 years and decided to have a child through alternative insemination. Richard Alderman, lawyer for the plaintiff, says his client had a partial hysterectomy after it was agreed that her partner would carry the child, who is now four years old. The relationship ended before adoption proceedings were finalized.

National Guard Can't Ask Either

On June 19, a San Francisco judge struck down as unconstitutional a state regulation that bars gay men and lesbians who would be ineligible for the U.S. military under its "don't ask, don't tell, don't pursue" policy from serving in the California National Guard.

According to the *San Francisco Chronicle*, the action appears to be the first state ruling to address a state National Guard's implementation of the Clinton administration's "don't ask" policy toward gay men and lesbians in the military, lawyers for the plaintiff in the case said.

The ruling by San Francisco Superior Court Judge David Garcia was issued as part of an anti-discrimination lawsuit filed last year by a former lieutenant in the California National Guard who was discharged after he told his supervisor that he is gay.

The judge ruled the lawsuit will proceed as a class action whose members will include all gay, lesbian and bisexual members of the California National Guard who face discharge if their sexual orientation becomes known.