

CALIFORNIA

Imagine coming to work one Monday to discover that over the weekend a conservative Christian group held a prayer meeting and said special prayers over the desks of the lesbians.

According to the Feb. 9 *San Francisco Examiner*, that's what happened to Assemblywomen Sheila Kuehl of Santa Monica and Carole Migden of San Francisco, both Democrats and out lesbians.

Approximately 200 people attended a prayer meeting held in the California Assembly chamber. The meeting was conducted by a group called the California State Solemn Assembly. Reportedly, at least one member of the prayer group draped a shawl over Kuehl's and Migden's desks and prayed for the two legislators.

The minister of the California State Solemn Assembly, Joe Walsh, personally delivered a written apology to the two lawmakers from the woman who said the prayers.

"There was nothing negative about this, nobody was singled out. We just want to offer a deep, sincere apology on our part.... I understand from their viewpoint that it was improper, and we would agree."

Walsh added that the woman who said the prayers did not know whose desks she was praying over.

Said Kuehl: "It made me feel like someone had scrawled *fag* on my desk. It felt like a violation to have any action targeted toward us. It's an honor to have a seat in the chamber, and I really felt like this was a violation.... They knew whose desks these were."

Migden reacted to the incident with disgust. "It's an insult to the people and to us, and we just want an end to these persistent attacks," she said.

INDIANA

Notre Dame University, that hotbed of football fanaticism and probably the best-known Roman Catholic college in the country, will not include sexual orientation in its anti-discrimination policy.

The vote by the university's board of fellows, the highest authority at the school, was unanimous. It was based, according to a Feb. 6 *Associated Press* story, on fear that such a move would allow the courts to interpret Roman Catholic doctrine. (Current doctrine states that gay men

and lesbians are to be loved like all of God's creatures, but that homosexual sex is a sin.)

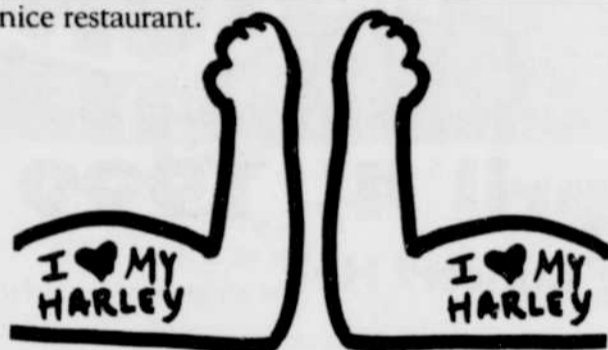
The struggle by gay and lesbian students for equal rights and protections has been waged at Notre Dame since 1995. That was the year a gay and lesbian student group was banned from meeting on campus.

The school administration threw the students a bone in 1997 by issuing a spirit of inclusion statement that condemns harassment of gay and lesbian students and faculty. The administration has held firm, however, in its refusal to include gay men and lesbians in the anti-discrimination clause.

School spokesman Dennis Brown said: "This issue has been studied very closely by the administration, and we've made what we think is the best choice institutionally. At the same time, we have the spirit of inclusion on record to indicate that discrimination will not be tolerated here."

MAINE

It isn't easy being a biker. People are put off by the tattoos. They object to all the leather. And then there's that rough and tough reputation. It makes it hard to get a table in a really nice restaurant.



Or so claims the United Bikers of Maine, a group that is asking the state Legislature to add motorcyclists to the state Human Rights Act, the law that bans discrimination based on gender, race and religion.

According to a Feb. 8 *Associated Press* story, the proposal is opposed by Gov. Angus King, a Harley-Davidson rider, and restaurant and hotel operators, who insist they have the right to be "discerning" about their clientele.

"Some would say that we want special rights," said Michael Behr, president of the Maine Hells Angels. "It has nothing to do with special rights. We want the same rights as everyone else."

Behr went on to say that members of United Bikers don't like being turned away from bars, restaurants and hotels because they wear black leather jackets or patches representing their clubs.

Robert Howe, a Maine Innkeepers Association member who opposes the proposal, replied, "People cannot change their skin color or their religion, but a biker can change his clothes."

The proposal is modeled after a bill that was

passed last year in Minnesota. It would prohibit discrimination against motorcyclists or people who wear clothing that displays the name of a motorcycle association or organization. Arizona rejected a similar law earlier this year.

A spokesman for the governor said the proposal disparages arguments for gay and lesbian rights, civil rights and equality.

"It's a different argument when you argue I was born this way versus I was discriminated against because I'm wearing a leather jacket," said governor's aide Dennis Bailey.

NATIONAL

In a case heard Feb. 24, the U.S. Supreme Court addressed a question that may define the availability of workplace protections under the Americans with Disabilities Act.

Officials of Lambda Legal Defense and Education Fund—which represents 48 major medical, public health, disability and civil rights organizations as amicus in the case—say the results are likely to mean the difference between work and unemployment for many people with HIV, AIDS and other disabling conditions.

The U.S. Supreme Court heard arguments in *Carolyn Cleveland vs. Policy Management Systems*. At issue in the case is whether a person who loses her job because of disability-based discrimination that would be actionable under the ADA forfeits the right to try to regain that job or obtain damages if she later files a claim for Social Security disability benefits.

"The ADA and federal disability programs are meant to be complementary, not exclusionary, to help people remain employed when possible, regardless of having a disabling condition," says Catherine Hanssens, who wrote the Lambda friend-of-the-court brief.

Hanssens adds: "It is cruel, twisted logic for employers to use one vital government program as an excuse to permanently lock out people with disabilities from the workplace security that Congress sought to guarantee when it passed the ADA."

Cleveland suffered a stroke in 1994 that left her with residual medical problems and a speech impediment. According to Lambda, management at Cleveland's employer, Policy Management Systems, mocked her disability, refused to consider her request for reasonable workplace accommodations, then fired her. The company insisted that she forfeited her right to protection against discrimination under the ADA when she filed for Social Security disability benefits.

In its brief, Lambda highlighted the fact that both the ADA and Social Security benefits have the same goal of encouraging the employment of people with disabilities. The ADA protects people with disabilities while on the job, requiring reasonable accommodations to help

them keep working. Social Security provides some income for those unable to work because of their disabling conditions.

"With the accommodations the ADA requires, many people with HIV, AIDS and other disabling conditions can continue to work," says Beatrice Dohrn, Lambda's legal director. "When illegally refused such accommodations and forced out of their jobs, disabled workers have the right to use the ADA to fight discrimination, whether or not they have turned to Social Security for financial help."

She adds: "As people with HIV live longer, they increasingly need to rely on both the ADA and Social Security. Their desire to retain jobs or return to work should be encouraged, not penalized."

Lambda is the nation's oldest and largest legal organization serving lesbians, gay men, and people with HIV and AIDS.

UTAH

What's a state to do? In 1995, the Utah Legislature passed a bill declaring that same-sex marriages performed anywhere in the world would not be recognized in Utah. It seemed clear enough at the time.

Unfortunately for those lawmakers, they did not know about Nicole Cline, formerly Neal Cline, a male-to-female transsexual who is currently midway through operations to complete the transition to female.

In January, when Cline and Marlene S. Smith applied for a marriage license in Salt Lake County, Cline was named as the groom on the marriage license, reports the Feb. 5 issue of *The Salt Lake Tribune*.

Said Salt Lake County Chief Deputy Clerk Nick Flores, who granted the license: "We had him sign an affidavit that he swore under oath that he was the person he represented himself to be on the application form. There were no court papers that said he changed his sex, only that he changed his name."

Flores went on to say there was no legal reason to deny Cline the license.

The couple was wed at the Sacred Light of Christ Metropolitan Community Church in Salt Lake City.

No one, it seems, has any idea what will happen when Cline completes the surgery, which is expected to happen within the next year. Utah marriage laws do not address the issue of gender transition.



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