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**NATIONAL news**

**CALIFORNIA**  
Thanks to a unanimous ruling by the Fourth District Court of Appeal, prospective Golden State jurors no longer can be excluded because of their sexual orientation. In addition, lawyers may not ask prospective jurors about their sexual orientation.

The Feb. 1 ruling extends to gay men and lesbians the same protections from discrimination already in effect for race and gender, PlanetOut reported Feb. 2.

The case concerned the 1997 conviction of Cano Garcia for burglary. During that trial the prosecution rejected two women who were known to be members of a lesbian organization. The prosecution used pre-emptory dismissals, for which no explanation is required.

At the time, defense attorneys questioned whether the rejections were based on sexual orientation.

Orange County Superior Court Judge Corey Cramin rejected the defense challenge and stated that gay men and lesbians do not share a common "social or psychological outlook" that could qualify them as a "cognizable" group.

The California attorney general's office argued in favor of excluding lesbians and gay men from jury service because of their sexual orientation.

Writing the appeals court decision, Justice William Bedsworth stated: "The purpose of a jury is to guard against the exercise of arbitrary power—to make available the common-sense judgment of the community as a hedge against the overzealous or mistaken prosecutor [according to a U.S. Supreme Court opinion]. This...vehicle is not provided if the jury pool is made up of only special segments of the populace or if large, distinctive groups are excluded."

The ruling continues: "It cannot seriously be argued in the era of 'don't ask, don't tell' that homosexuals do not have a common perspective—a common social or psychological outlook on human events—based upon their membership in that community. They share a history of persecution comparable to that blacks and women share...having spent their lives in a sexual minority either exposed to or fearful of persecution. That perspective deserves representation...[and gay men and lesbians] deserve to bear their share of the burdens and benefits of citizenship, including jury service."

The state has not yet decided whether to appeal the ruling to the California Supreme Court.

The San Francisco Board of Supervisors passed an ordinance in January that would provide identification cards to qualified medical marijuana users. The vote was 10-1.



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attorney general's  
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The measure now goes to Mayor Willie Brown for his consideration, according to a Jan. 31 Associated Press story.

If approved by Brown, the plan would allow cardholders to obtain high-grade marijuana from dispensaries without fear of arrest.

Deputy City Attorney Marc Slavin said the card would display a serial number but, for purposes of confidentiality, would not include a name or photo.

"What the card does is to certify that the holder fits the requirements of the California medical marijuana statute," said Slavin.

Voters passed that statute in 1996. It allows possession, cultivation and use of marijuana for medicinal purposes.

If the ordinance becomes law, San Francisco will become the third municipality in the state to use such a program, after Arcata and Mendocino County.

The Gay-Straight Alliance at El Modena High School will be allowed to meet on school grounds while its case proceeds to trial.

On Feb. 4, U.S. District Judge David O. Carter issued a preliminary injunction ordering the Orange Unified School District to permit the meetings.

Lambda Legal Defense and Education Fund and People for the American Way are providing legal representation for the club. According to those organizations, Carter's ruling cited the high incidence of anti-gay crimes and the disproportionate rate of suicide among lesbian and gay teen-agers.

In his ruling, Carter wrote: "This injunction therefore is not just about the student pursuit of ideas and tolerance for diverse viewpoints. As any concerned parent would understand, this case may involve the protection of life itself."

Currently, 38 other student clubs meet on school grounds.

More than 50 students have expressed an interest in joining the Gay-Straight Alliance.



The Orange Unified School Board applied for a stay of the ruling pending an appeal. It is thought the board might consider banning all noncurricular clubs in order to prevent the Gay-Straight Alliance from meeting. The case is scheduled to go to trial this summer.

**CONNECTICUT**

Despite opposition from Gov. John Rowland's administration, an arbitrator ruled Feb. 1 that the state must offer health and pension benefits to the partners and children of gay and lesbian state employees.

The ruling excludes unmarried heterosexual couples because they have the option of marrying.

The governor's office opposed the move as too pricey and vulnerable to fraud, reports PlanetOut. The arbitrator termed the estimated cost "miniscule" in comparison to both the state's personnel budget and the overall budget.



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