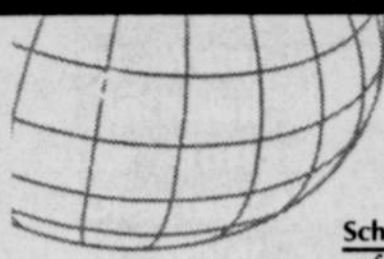


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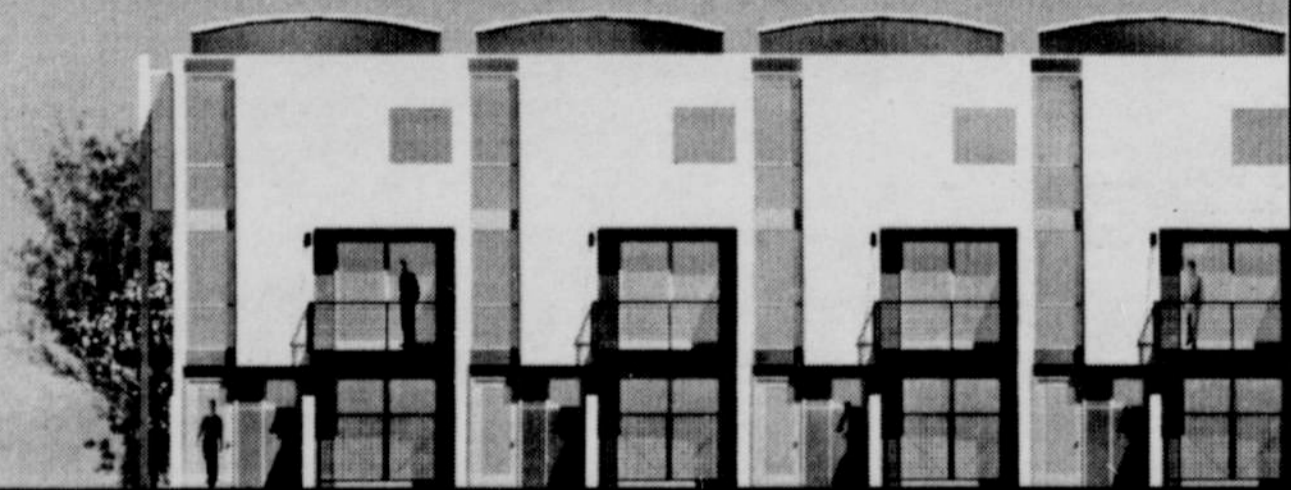
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## NATIONAL news

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### MASSACHUSETTS

In a case in which a lesbian brought a claim of harassment against her same-sex supervisor, the Supreme Judicial Court cautioned trial courts June 27 against using "prejudicial or inflammatory" references in jury instructions. Susan Muzzy sued her former employer, Cahillane Motors, charging that her boss had sexually harassed her.

Juries are required to determine whether "a reasonable person in the plain-

tiff's position, considering all the circumstances," would have found the alleged conduct to be hostile or abusive. Taking into account this objective standard, some courts have asked juries to consider whether a reasonable person of the employee's race or sex would have found certain conduct to be hostile or abusive.

In this case, the judge asked whether a lesbian in Muzzy's position would have found the supervisor's conduct offensive. On appeal, she argued that the jury verdict against her should be overturned because the reference to a "reasonable lesbian" could have prejudiced the jury against her.

Gay and Lesbian Advocates and Defenders, which did not side with either party, advised that some context relating to plaintiffs might be appropriate or even necessary because of juries' historical tendency to overlook the experiences of minorities in the workplace. On the other hand, some references to personal characteristics might be prejudicial because of negative stereotypes associated with certain groups.

The court agreed. The decision, which upheld the jury verdict for technical reasons, admonished that judges should not allow irrelevant personal characteristics to be considered and that particular attention should be paid to objections by plaintiffs to instructions referencing particulars of an employee's race, gender, sex, ethnicity or sexual orientation.

### NATIONAL

Surgeon General David Satcher released a comprehensive report on sex education June 28 and urged U.S. leaders to let science guide the country's public policy.

The Surgeon General's Call to Action to Promote Sexual Health and Responsible Behavior calls on the United States to respect the "diversity of sexual values within any community" and recommends a "mature and thoughtful discussion about sexuality." It advises that sex education begin early, be wide ranging and be available throughout one's life.

No evidence indicates "abstinence-only" programs are effective, according to the report. It also says sex education programs should explain how to prevent unwanted pregnancies and sexually transmitted diseases.

Improving access to reproductive health care services for all people is recommended. Addition-



David Satcher

ally, it discusses the consequences of harassment on the mental health of gay men and lesbians and says no scientific evidence indicates one's sexual orientation can be changed.

"In their extreme form, anti-homosexual attitudes lead to anti-gay violence," the report says. "Averaged over two dozen studies, 80 percent of gay men and lesbians had experienced verbal or physical harassment on the basis of sexual orientation, 45 percent had been threat-

### NEW YORK

Several organizations issued a joint statement June 28 condemning the decision to yank advertisements from New York City bus shelters because of alleged community complaints. Infinity Outdoor approved the series created by the Bronx Lesbian and Gay Consortium to help educate men who have sex with men, and women who have sex with women, about sympathetic health care providers in the community.

The ads were displayed for less than two days of an expected four-week stint before one was replaced. Although Infinity Outdoor will not disclose the specific nature of the complaints, they also will not deny that homophobia played a part in its decision.

Furthermore, the only ad removed featured two fully clothed men standing side by side, one with his arm around the other. The two other ads had a single man or a single woman.

"Infinity Outdoor's decision to remove these ads is both rash and irresponsible and will weaken efforts to combat the spread of infectious diseases like HIV, hepatitis and gonorrhea and the management of chronic health problems like depression, drug use and suicide in the Bronx," the joint statement said. "Allowing random complaints about the ad to cause its removal makes access to quality health education and HIV prevention education in New York City subject to the 'heckler's veto.' This cannot be permitted."

According to the Gay and Lesbian Alliance Against Defamation, the city unabashedly supported Infinity Outdoor's decision. Transportation Commissioner Iris Weinshall said, "We feel that good taste can supersede the First Amendment."

The leading Latino HIV/AIDS agency in New York effectively was forced out of Jackson Heights, Queens—an epicenter of the AIDS epidemic in U.S. Latino communities—because of prejudice against the agency's trans clients, the American Civil Liberties Union said in a lawsuit filed June 26.

The Hispanic AIDS Forum was forced to leave Jackson Heights after the landlord at the office building that housed the agency for 10 years acquiesced to complaints from another tenant that trans clients were using the "wrong" restrooms. (For example, people who identified and expressed themselves as women—but who were not born anatomically female—used the women's restroom.) The landlord was unwilling to discuss ways to accommodate the trans clients, refused to renew the agency's lease and began eviction proceedings.

"This is unlawful discrimination—and prejudice with the highest of prices," said Tamara Lange, ACLU AIDS Project staff attorney. "This landlord has made it much harder for the Hispanic AIDS Forum to reach the people who need HIV/AIDS services most, and this organization has been forced to pay higher rent and moving costs. That money could have been used to help more Latinos affected by HIV/AIDS."