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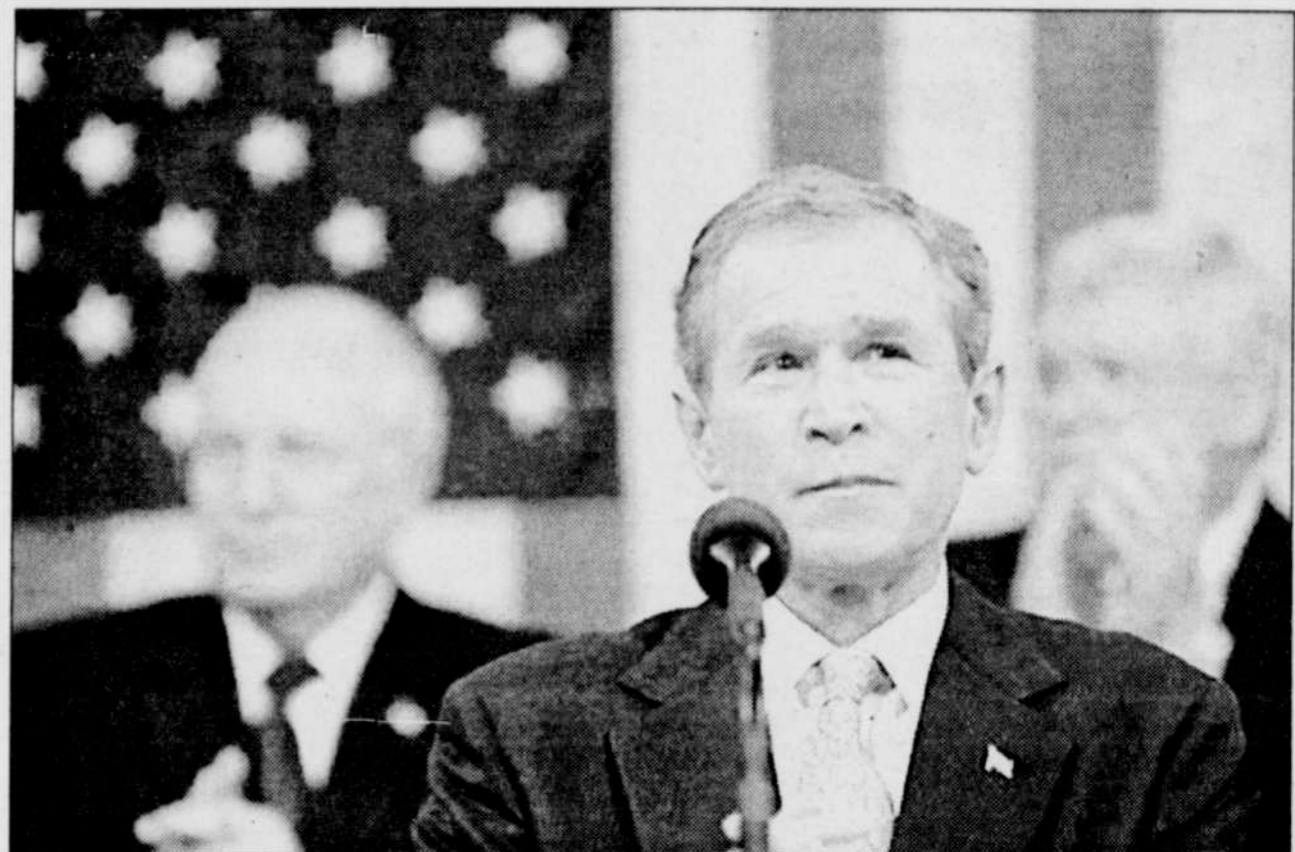
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NATIONAL news



President Bush slipped anti-gay language into an HIV/AIDS fund regulation

NATIONAL
Activists expressed disappointment Dec. 12 with an attempt by the White House to give special privileges to anti-gay groups. Failing to win approval by Congress for his faith-based initiative, President Bush issued a proposed rule, to take effect next month, allowing charities receiving federal funding to discriminate in hiring practices.

"The Bush administration is giving away special privileges to bigoted institutions," said Chad Johnson, National Stonewall Democrats executive director. "This rule opens the door for federally funded charities to cloak anti-gay prejudice in the form of religious discrimination."

The language of the rule, issued in response to Executive Order 13198, allows for employment discrimination on religious grounds, which historically has served as a back door for anti-gay bigotry. The directive would allow charities to fire or refuse to hire a person who does not hold to the strictest form of the employer's faith.

"Institutions can easily argue that employees' sexual orientation is incompatible with their faith," Johnson said. "Therefore, a gay Catholic can be fired from a Catholic charity if his or her employer happens to believe that homosexuality is inconsistent with Catholicism."

More alarming, the rule permits bias on the basis of sexual orientation among institutions competing for HIV/AIDS funding. The proposal specifically allows charitable groups receiving money from the Housing Opportunities for Persons with AIDS program to fire or refuse to hire queers.

CALIFORNIA
A federal lawsuit was filed Dec. 17 on behalf of Ashly Massey, an eighth-grader in Banning who was forced to sit in the principal's office during physical education class after the gym teacher learned she was a lesbian. Attorneys said the school's actions violated her rights under the U.S. Constitution and the Student Safety and Violence Prevention Act of 2000, a state law prohibiting discrimination on the basis of sexual orientation.

When the teacher told Massey's mother that there was a problem with her daughter being in the girl's locker room, the mother asked whether her daughter had misbehaved. The teacher reported that Massey had not acted improperly or made any inappropriate comments to other students.

The mother asked the teacher to contact her again if any future problems arose. She never received another call.

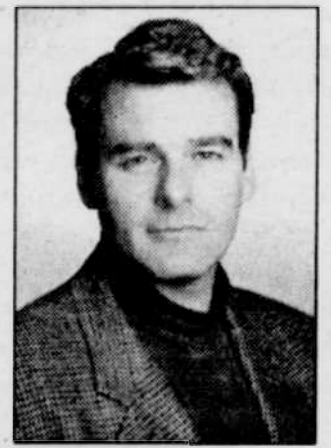
When Massey showed up for physical education the next day, she was told she no longer would be allowed in the class. For a week and a half, she sat in the principal's office during the time she was supposed to be in gym.

"It wasn't right for the school to discriminate against me because of my sexual orientation," Massey said. "I'm hoping this inspires other people to take a stand when they feel they haven't been treated right or when they see someone treated unfairly. It's not right for anybody to have to go through this."

Massey's complaint, filed in Riverside, asks for damages and for an injunction requiring the school to develop policies, teacher training and other measures to ensure that students do not suffer similar discrimination in the future.

MISSISSIPPI
The Mississippi Commission on Judicial Performance recommended Dec. 20 that the

Mississippi Supreme Court penalize a judge who publicly advocated that gay men and lesbians should be institutionalized. Officials said his comments clearly violated the state's Code of Judicial Conduct and indicated he would not decide cases involving queers fairly and impartially.



Greg Nevins

The decision marks only the second time a commission in the South has recommended penalizing a judge for anti-gay bias and is the first such ruling in Mississippi. A growing number of states explicitly include sexual orientation in their codes of conduct prohibiting judges from demeaning people based on gender, race, religion and other factors.

"This is a significant step forward for Mississippi and for the South," attorney Greg Nevins said. "Judges are duty-bound to give a fair hearing to everyone, and these kinds of extremely homophobic statements make gays and lesbians, who often face an uphill battle for equality, feel that the justice system is closed off to them."

In March, Mississippi Justice Court Judge Connie Wilkerson wrote in a letter to the editor of the *George County Times*, "In my opinion, gays and lesbians should be put in some type of mental institute instead of having a [domestic partnership] law like this passed for them." He was referring to an Associated Press article about the ability of same-sex survivors to sue for the wrongful death of their partners. "I got sick on my stomach as I read the news story," he wrote.

Wilkerson invoked a biblical passage suggesting those who break God's law "are worthy of death." The right-wing American Family Association's Center for Law and Policy is