

NATIONAL news



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PAUL MITCHELL



Wendy Chandler (left, with partner Rachael Smith) smiles April 4 after learning the Utah Supreme Court rejected a suit against her

UTAH

The Utah Supreme Court issued a unanimous ruling April 4 that brings to an end a five-year legal battle concerning whether gay men and lesbians can be fit role models and otherwise participate as full citizens in society.

The plaintiffs in the case, a group of Utah County citizens, had sought declarations that because Wendy Weaver is a lesbian, she is unfit to continue her successful 20-year career as a teacher and coach at Spanish Fork High School. The court rejected their claims as "improper...at the most fundamental level."

Attorney Stephen Clark argued that what is at stake in this case is whether plaintiffs and others who share their views about homosexuality should be able to use the heavy hand of the law, with its criminal and civil sanctions, to punish what they maintain is a moral and spiritual failure. "Questions about the proper role of the courts often arise at the intersection of ideological or cultural struggle and law. In this case, the Utah Supreme Court concluded that the courts couldn't properly address and resolve what is essentially an ideological and cultural debate."

The court noted that any method for remedying teacher violations already exists through professional boards, the local school board or the state Board of Education, which in this instance had taken no action against Weaver.

The court also ruled that no private right of action exists for students and parents of students to enforce requirements for public school employees, that the court is not a forum for mere advisory opinions and that it had no authority to fire Weaver or order the school board to do so. Weaver, who now goes by her original name, Wendy Chandler, still teaches at Spanish Fork High and was given the good news at school by her partner, Rachel Smith.

"All along, I felt that some people were vindictive toward me but were also trying to set a precedent for taking action against any teacher they didn't like," she said. "I'm glad that the Utah courts ruled that this was not proper. It is important for all teachers."

FLORIDA

The National Center for Lesbian Rights has filed charges against Westminster Oaks Retirement Community on behalf of Tallahassee residents Joy Lewis and her partner, Sheila Ortiz-Taylor, whose applications for residence were denied because they are lesbians.



Sheila Ortiz-Taylor

The couple have been in a commit-

ted relationship for 13 years. They have done everything they can to protect their relationship, including traveling to Vermont in February 2002 to enter into a civil union. Between them, Lewis and Ortiz-Taylor have five children and are the grandmothers to three boys and two girls.

They first applied for residency at Westminster Oaks in June 1999. It denied their applica-

tion, claiming it violated a policy that unmarried, nonrelated couples may not live together in the facility. After reapplying in 2003, Lewis and Ortiz-Taylor again were denied.

"Although we're both in good health right now, we applied to Westminster Oaks because we did not want our children to have to worry about us in our old age," Lewis said. "I guess we were naive. We were surprised that we were not readily accepted."

After exhausting all other avenues, the couple finally decided to file discrimination charges against the retirement community.

"Lesbian and gay elders have the same need to plan for our senior years as nongay people do," said Ortiz-Taylor, a noted author and English professor at Florida State University. "This is about basic fairness and our desire to protect our children from having to be responsible for us as we age, a desire shared by countless heterosexual seniors. We are shocked and distressed that after the significant contributions we both have made, we would now suffer the indignity of having our relationship and in fact our very lives disrespected and dismissed."

Westminster Oaks' policy of excluding all same-sex couples, regardless of their qualifications, violates a local law protecting gay and lesbian people against housing discrimination. The statute also prohibits discrimination in housing on the basis of marital status and gender.

Devon Angus pleaded guilty in state court April 1 to three counts of aggravated battery evidencing prejudice, a hate crime, stemming from the July 7, 2002, beating of three men who were leaving the Wet Party, a Gay Pride event held at the Florida Aquarium in Tampa.

According to the sheriff's report, he yelled obscenities and anti-gay slurs as he punched the victims, causing two to be hospitalized. Tampa residents were so offended by the blatant display of violence that within days of the beatings an anti-hate rally was put together and attended by hundreds.

Angus will be sentenced April 21. In exchange for a maximum six-year sentence, he agreed to plead guilty to the charges and provide the name of the other assailant in the attack as well as two witnesses who can identify the other assailant.

"It was really hard seeing Angus in court, but I wanted him to understand the impact of what he did to us," said Sonny Gonzales, who suffered a fractured skull during the unprovoked attack. "I hope others will think twice before they do something like this. Most of all, I hope this gives other victims the courage to stand up for themselves when hate crimes occur."

Gonzales' boyfriend, Stephen Hair, suffered two fractures in his face, a broken tooth and two black eyes. "This sends a message that this kind of hate and the violence it produces are not acceptable in this community," said Nadine Smith, Equality Florida executive director.

HAWAII

With a vote of 39-8, the House sent Senate Bill 616, which adds "gender identity or expression" to the state's hate crimes law, to Gov. Linda Lingle's desk April 1. The measure sailed through the Legislature this session with a series of lopsided votes: The Senate passed it March 4 with a vote of 22-3, the Senate Judiciary Committee voted 6-0, and the House Judiciary Committee voted 10-0.

Hawaii's existing hate crimes law covers race, religion, disability, ethnicity, national origin and sexual orientation, providing authority to give longer sentences if a crime is committed because of hostility based on any of the covered characteristics. Sexual orientation was part of the original hate crimes law that passed in 2001.

"Today from the mainland, we celebrate another victory for transgender people this legislative session," said Lisa Mottet, National Gay and Lesbian Task Force Transgender Civil Rights Project legislative lawyer. "This year may be the best year yet of passing transgender-specific and transgender-inclusive laws at the state level."

Earlier this session, the New Mexico Legislature passed a trans-inclusive nondiscrimination bill and a trans-inclusive hate crimes bill, both of which Gov. Bill Richardson signed April 9. Other trans-inclusive bills are making favorable progress in California, Illinois and Washington.

Last year, Pennsylvania passed a trans-inclusive hate crimes law and New Jersey passed a trans-inclusive safe schools law. Also last year, 14 local jurisdictions, with a total population of 18.4 million people, enacted anti-discrimination laws with trans protections or added trans protections to existing anti-discrimination laws.

TEXAS

The El Paso City Council voted April 8 to add sexual orientation and gender identity to the Municipal Code concerning discrimination.

"Today's vote is a major victory for gay, lesbian,



Scott Boswell was one of three men who were beaten after a Gay Pride event last July in Tampa, Fla.

bisexual and transgendered El Pasoans and an important sign of progress for the entire city," said Rob Knight, Lambda GLBT Community Services president. "El Paso has affirmed its commitment to ending all forms of discrimination, and for the first time in this city's history, gay men and women and transgendered persons

are no longer second-class citizens."

Knight praised the efforts of Mayor Raymond Caballero and District 1 representative Jan Sumrall in passing the legislation. "Let this ordinance serve as a reminder to everyone," he added, "that we should focus not on differences but instead emphasize our common humanity."