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NATIONAL news

NATIONAL

Lt. Col. Steve Loomis, a decorated Vietnam combat veteran and recipient of the Purple Heart, filed suit July 7 with the U.S. Court of Federal Claims challenging the constitutionality of "don't ask, don't tell" and the federal sodomy statute, among other claims.



Steve Loomis

The case is based on the recent U.S. Supreme Court opinion in Lawrence vs. Texas, which declared that sodomy statutes violate the U.S. Constitution's guarantee of a right to privacy. Loomis is seeking to reverse his 1997 discharge from the U.S. Army.

C. Dixon Osburn, Servicemembers Legal Defense Network executive director, said this is likely the first of several cases to be filed in the wake of Lawrence. "Under 'don't ask, don't tell,' the federal government regularly intrudes in the most personal aspects of our lives. That is wrong, and it is time for the government to change."

The Pentagon has discharged more than 9,000 servicemembers for being gay since "don't ask, don't tell" was implemented 10 years ago. The law requires gay, lesbian and bi people to keep their sexual orientation an absolute secret or face the risk of discharge.

The Army discharged Loomis, a former engineer war plans officer, for being gay eight days prior to his 20-year retirement date. As a result, he forfeited his retirement pension worth an estimated \$1 million.

Each of the Army officers sitting on the discharge board who determined his fate called homosexuality "a sickness" or said they had "no tolerance" for it. Efforts to remove these people from the panel for bias failed.

The Army based its discharge on a videotape seized during an investigation launched after an arsonist set fire to Loomis' home in 1996. Civilian authorities found the videotape, which depicts him in private adult consensual sexual conduct, and handed it over to military officials.

The Army used the videotape as the basis for discharge, ending the decorated veteran's distinguished career. It also provided him no assistance in responding to the tragedy of losing his home or possessions.

KANSAS

Citing serious First Amendment violations, the American Civil Liberties Union sent a letter July 16 to the Topeka and Shawnee County Public Library asking that it reconsider its actions in forbidding one of its staff members from talking at work about the recent historic U.S. Supreme Court decision banning sodomy laws.

The employee, Bonnie Cuevas, was ordered June 27 to stop discussing the ruling's effect on her family. No other staff members were placed under the same restriction.

"This was the biggest legal step forward in lesbian and gay rights in history," said Cuevas, a

longtime Topeka activist and member of Parents, Families and Friends of Lesbians and Gays. "A public library, of all places, should understand why I, as the mother of a gay son, took a few minutes of time to talk about it."

Cuevas was approached June 26, the day of the Lawrence vs. Texas decision, by one or two co-workers and received a few unsolicited calls from friends who wanted to share

their excitement about the decision with her. The next day, two library managers called her into a meeting where they said she was absolutely prohibited from ever speaking about the ruling at work again.

To justify the censorship, they said an employee had complained that Cuevas was creating a "hostile work environment." Since then she has complied with the restriction on her speech, although some of her co-workers continue to discuss the ruling without being reprimanded.

TEXAS

In court papers filed July 8, Lambda Legal is suing Lubbock Independent School District for barring students from forming a Gay Straight Alliance on campus and recognizing it as a legitimate school club.

"The...group is being discriminated against and held to standards that other school groups aren't, which is both wrong and unlawful," attorney Brian Chase said. "These students have a right to access the same resources as any other on-campus school group."

Ricky Waite, 18, who graduated from Lubbock High School in May, began to organize the GSA in the fall of 2002. The group's purpose is to provide support for gay and straight students and to promote equality.

Mirah Curzer, 16, a heterosexual member of the club and plaintiff in the case, joined to show other straight students that fairness is important to everyone. After constructing a number of procedural roadblocks to prevent the GSA from forming, school officials formally denied its application.

Attorneys argue that Lubbock High is not only in violation of the Equal Access Act and the First Amendment of the U.S. Constitution but also its own policy regarding the formation of on-campus groups, which states that the school "shall not prohibit student expression solely because other students, teachers, administrators or parents may disagree with its content."

Lambda Legal has successfully argued two other GSA lawsuits, one in California and another in Utah, which set legal precedent in the area. There are now 1,200 such groups at schools across the nation.

CONNECTICUT

A federal appeals court ruled July 9 that the state of Connecticut may exclude the Boy Scouts of America from the State Employee Charitable Campaign because of its anti-gay policy.

"This ruling confirms that as long as the Boy Scouts retain their anti-gay policy, they may not receive special privileges from the state," said Jennifer L. Levi, Gay & Lesbian Advocates & Defenders senior staff attorney. "We are proud of Connecticut for standing behind its non-discrimination law and, in so doing, protecting all its citizens, including and especially gay youth."

This case resulted when the Connecticut comptroller, who oversees the charitable campaign, took action to exclude the Boy Scouts after the U.S. Supreme Court ruled in the 2000 case of Dale vs. BSA that the organization has the right to discriminate against gay leaders. The motivation behind the comptroller's action was to ensure proper administration of Connecticut's Gay Rights Law, which prohibits use



A librarian in Topeka, Kan., has been ordered not to discuss the U.S. Supreme Court sodomy case brought by John Lawrence (left) and Tryon Garner

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