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NATIONAL news

NATIONAL

Lawyers on behalf of Log Cabin Republicans filed suit Oct. 12 against the U.S. government seeking to overturn the military's "don't ask, don't tell" policy, which requires the discharge of gay and lesbian servicemembers. Log Cabin filed the lawsuit in the U.S. Federal District Court for the Central District of California on behalf of its gay and lesbian members serving in the U.S. armed forces.

"Public opinion, the experience of our allies and the national security interests of our nation all lead to the inescapable conclusion that gays and lesbians should be allowed to serve openly and honestly in our military," said Patrick Guerriero, Log Cabin executive director. "A lawsuit should not be necessary, when public opinion overwhelmingly favors gays and lesbians serving openly and honestly. A lawsuit should not be necessary when the experience of our allies in the war on terror, including Great Britain, Israel and Australia, all allow gays and lesbians to serve openly and honestly. A lawsuit should not be necessary when our military has lost thousands of needed military personnel under this policy. However, under these circumstances, where we are a nation at war fighting a global war against terrorism, we can no longer sit by and wait for our elected officials to find the political courage to do the right thing."

The suit asserts that "don't ask, don't tell" imposes a discriminatory set of rules on gay and lesbian members of the armed forces in violation of their constitutional rights of due process, freedom of speech and equal protection. The challenge requests a declaration that the policy is unconstitutional and a preliminary and permanent injunction enjoining the government from enforcing the policy.



Patrick Guerriero of Log Cabin Republicans notes that several allies in the war on terror, including Great Britain, Israel and Australia, have integrated gays in the military

Saying that the Bush administration is focused on protecting the Boy Scouts' access to public schools while ignoring the rights of gay student groups whose equal rights are often violated, Lambda Legal urged the federal government Oct. 20 to add inclusive language to policy regulations that were made public last month and will go into effect within the next couple of months.

The proposed regulations, which now enter a 45-day period of public comment before going into effect, guide schools on making sure Boy Scout groups have access to campuses for meetings, recruitment and other activities. Lambda, which just launched a long-term national campaign on students' rights in public schools, said Gay Straight Alliances should be specified in

the new regulations as one kind of youth group that also has a right to meet on campus.

"The Bush administration wants to add thousands of words about the Boy Scouts to federal rules that don't say one word about gay student groups—even though they're both protected by federal law and Gay Straight Alliances are unlawfully denied school access on a regular basis," said Kevin Cathcart, Lambda executive director. "The Boy Scouts need no help getting access to schools, but they're the focus of the federal government's attention, while gay youth are routinely ignored and left to fend for themselves when their rights aren't respected."

In several places, the new regulations say the Boy Scouts should receive the same access to school facilities as "other groups." Cathcart said Lambda is urging the U.S. Department of Education to specify the kinds of "other groups" that have legal access to schools and to include GSAs among the specific examples.

OHIO

An Ohio appeals court unanimously ruled that gay and lesbian couples must be allowed to protect their relationships with children they are raising together, in a decision that affirms state law and overturns a lower-court ruling that barred two

women from creating a shared custody agreement, Lambda Legal said Oct. 12. The ruling from the 12th District of Ohio Appeals Court says a child "benefits from having two caregivers, legally responsible for his welfare. Both will have the ability to make medical decision on his behalf and be able to interact with teachers and school administrators without executing additional documents."

The decision follows an Ohio Supreme Court ruling in 2002 that recognized the harm caused to children when they're prevented from having legal relationships with the people who parent them. In that earlier ruling, which Lambda urged as a friend of the court, the court ordered that the best interest of the child should be the guide in establishing shared custody agreements.

"Today's decision is in line with Ohio law on protecting children," attorney Heather Sawyer said. "Same-sex couples need to be able to protect their families, which too often requires a patchwork of legal documents that provide a

fraction of the security they need. These shared custody agreements provide security to children about their parent-child relationships."

Lambda represents Cheryl and Jennifer McKettrick, who were denied a shared custody agreement for "Baby J" last year by a Warren County judge, who said it offered no present benefit to the child. Breaking from legal precedent, the lower court found that



President Bush has proposed policy regulations that focus on the Boy Scouts' access to schools while ignoring gay student groups