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NATIONAL news

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ROBERTS HELPED GAY LEGAL EFFORT

News that U.S. Supreme Court nominee John G. Roberts Jr. offered behind-the-scenes help to the first big gay rights victory in the court in 1996 sent both the left and right to spinning that it really didn't matter much. The story first appeared Aug. 3 in *The Los Angeles Times*.

The case was Romer vs. Evans, involving Colorado's infamous Amendment 2, pushed by social conservatives to make it substantially more difficult for gays and lesbians to advance their rights through the political process.

Lambda Legal handled the appeal to the court with pro bono assistance from the law firm of Hogan & Hartson. As a senior member of the firm at the time, Roberts offered suggestions on how to shape the appeal, and during preparations for oral arguments, he took on the role of Justice Antonin Scalia in questioning Jean Dubofsky, who would be arguing the case.

"John Roberts... was just terrifically helpful in meeting with me and spending some time on the issue," Dubofsky told the *Times*. "He seemed to be very fair-minded and very astute."



Supreme Court nominee John G. Roberts Jr. has demonstrated legal support for gays.

When the decision came down, the court voted 6-3 that Amendment 2 unfairly discriminated against gays and declared it unconstitutional.

Lambda Legal executive director Kevin Cathcart tried to downplay the significance of Roberts' contribution. "Lawyers in firms are often called on to play roles to support their firm's work; the work is routine and, as here, often goes without notice."

He preferred to focus on Roberts' "much more extensive advocacy positions that we oppose." For Cathcart, that was the fear that the nominee might oppose abortion rights and the underpinning of privacy. He added, "This is one more piece that will be added to the puzzle in the vetting of John Roberts' nomination."

Human Rights Campaign president Joe Solomonese raised similar concerns. "Judge Roberts' involvement in the case is noteworthy, but his participation adds little to our understanding of how he would vote on the court. The stakes are too high for guessing games over Judge Roberts' stance."

Far-right social conservatives were vexed that Roberts just might not be a raging homophobe. "It is clearly concerning because, according to the story, Judge Roberts did not hesitate to get involved to work on this case pro bono," Mat Staver told *Baptist Press News*. He is president of the conservative legal group Liberty Counsel.

"This is certainly not welcome news to those of us who advocate for traditional values," said Tony Perkins in a statement released by the Family Research Council. Later he tried to dismiss Roberts' role as "what lawyers do—represent their firm's clients, whether they agree with what those clients stand for or not."

Talking points put out by the Committee for Justice, a group formed earlier to support President Bush's judicial nominations, said the infor-

mation on Roberts' involvement with the Romer case was "a red herring meant to divide the right." Soon conservative talk radio hosts were repeating the spin, and their reservations.

Norman J. Ornstein, a more traditional conservative at the American Enterprise Institute, said it reinforces the view that Roberts is not an ideologue trying to impose his worldview but rather a judge who would be guided by the law.
—Bob Roehr

GAY SOLDIERS TARGETED FOR ONLINE BEHAVIOR

The military continues to discharge service members under "don't ask, don't tell" who are "outed" via online profiles, the Internet service provider Gay.com/PlanetOut.com reported Aug. 4. Since January, Servicemembers Legal Defense Network has assisted 10 service members facing discharge for online profiles. The online outing cases represent 25 percent of the organization's total outings so far in 2005.

SLDN first reported in May 2004 that service members were being targeted for online profiles. The 10 additional cases reported this month include a Farsi linguist, a doctor, an intelligence analyst and a communications officer. Three of the 10 have served in Iraq or Afghanistan, including Jeff Howe, an Army artillery man who served two tours of duty in Iraq before being outed by a profile posted at Connexion.org, an online queer community site.

SLDN has partnered with Gay.com/PlanetOut.com and Connexion.org to release precautions for service members using online sites. Service members should not, the organization warns, access such sites using a military computer, post photos in online profiles or use terminology or information that may reveal the poster is a service member.

"Being identified as lesbian, gay or bisexual in an online profile is 'telling,'" said SLDN executive director C. Dixon Osburn. "Many service members assume they are safe by using online sites, but that unfortunately is not true. Being out to anyone, at anytime, and anywhere, including online, can mean the end of a military career."

Howe said: "I thought I was fine [using online services]. I didn't realize my personal ad was a violation of the policy." He went on to say queer service members, and those considering a career in the military, should contact SLDN for legal counsel.

Guidelines for service members using online sites are posted at www.sldn.org. Service members with questions regarding online sites should also contact SLDN for free, confidential legal counseling at 202-328-FAIR or legal@sldn.org.

FBI ASKED TO INVESTIGATE ARSONS

After an unprecedented series of arsons targeting a queer-friendly church in Middlebrook, Va.; gay bars in Fayetteville, Ark., and Brownsville, Texas; and the home of two gay men outside Orlando, Fla., the National Coalition of Anti-Violence Programs has asked the FBI to investigate all of the arsons collectively.

In a letter sent Aug. 1 to FBI director Robert S. Mueller III, the coalition requested that the agency look into the arsons and investigate any connections to a possible heightened or coordinated activity by hate groups.

"We know that the FBI is looking into any

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