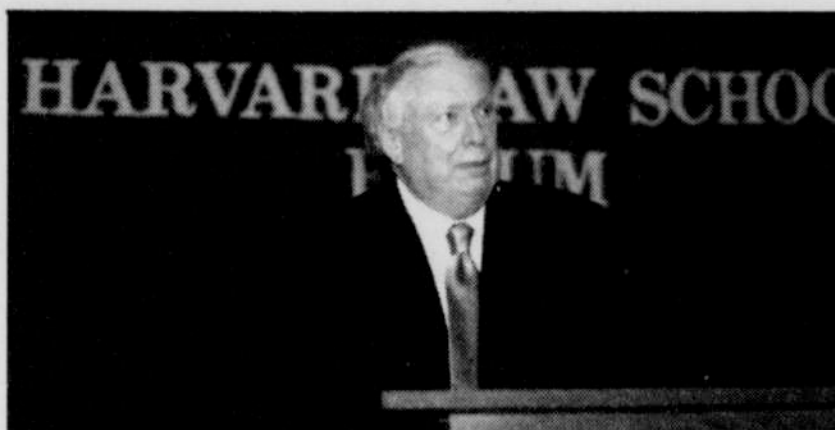




Ninth Circuit Court of Appeals Judge Steven Reinhardt ruled that a homophobic slogan on a T-shirt worn in school is not protected as free speech.

"We go from a backwater state trying to attract business to a backwater, bigoted state trying to attract business," Hawse said.

A spokesman for Fletcher downplayed the impact of the moves, saying that, notwithstanding the questionable wording of the discrimination order, Kentucky would not discriminate against gay and lesbian job seekers.

"We don't ask people if they're gay, and how would we know?" spokesman Brett Hall told the AP. "I can't imagine it would be an issue at all."

CALIFORNIA

Defamatory T-shirt Not Protected Speech

In a 2-1 decision, the U.S. Ninth Circuit Court of Appeals ruled April 20 that schools are within their rights to bar students from wearing T-shirts disparaging to gay and lesbian students.

At issue in the case was a shirt worn in 2004 by a Poway High School sophomore. The shirt bore the legend "Be Ashamed, Our School Embraced What God Has Condemned" on the front and "Homosexuality Is Shameful" on the back.

"We conclude that Poway High School student Tyler Harper's wearing of his T-shirt 'collides with the rights of other students' in the most fundamental way," Judge Stephen Reinhardt wrote in the decision. The quotation is from *Tinker vs. Des Moines Independent Community School District*, an important U.S. Supreme Court precedent dealing with students' free speech rights.

"Public school students who may be injured by verbal assaults on the basis of a core identifying characteristic such as race, religion or sexual orientation have a right to be free from such attacks while on school campuses. As *Tinker* clearly states, students have the right to 'be secure and to be let alone,' " the decision added.

MAINE

Conservative Group Takes Aim at Senators' Pro-Marriage Vote

In hearings held April 24, federal judges responded coolly to a conservative group's plan to air ads attacking Maine's senators for their "no" votes on the Marriage Protection Amendment in 2004. The amendment sought to define marriage as between one man and one woman.

The Christian Civil League, a tax-exempt Maine corporation with ties to James Dobson's influential fundamentalist group Focus on the Family, is seeking to overturn the Federal Elections Commission's ruling that the ad violates a provision of the McCain-Feingold campaign finance reform law. The law states that corporations and interest groups may not air ads naming candidates within 30 days of a primary or within 60 days of a general election.

Sen. Olympia Snowe is running unopposed in the 2006 Republican primary. Sen. Susan Collins, also a Republican, does not face re-election until 2008.

The ad says, in part: "Unfortunately, your senators voted against the Marriage Protection Amendment two years ago. Please call Sens. Snowe and Collins immediately and urge them to support the Marriage Protection Amendment when it comes to a vote in early June." The judges expressed doubts that the ad could be broadcast as-is under current law.

MINNESOTA

Blockbuster Video Settles in Gay Harassment Suit

Blockbuster has agreed to pay \$78,750 to settle the case of a former employee who alleged that Blockbuster video managers harassed him because he is gay, the Minnesota Department of Human Rights announced April 15. The settlement is believed to be the largest the department has ever obtained in a case involving an allegation of discrimination based on sexual orientation.

"This settlement sends a strong message that sexual orientation, like sex, race, religion and other characteristics, is protected under the Minnesota Human Rights Act," said Velma Korbel, commissioner of human rights. "Companies that fail to act in a timely manner to deal with harassment of gay employees do so at their own peril."

In two charges of discrimination filed in November 2002, former Blockbuster employee Jeffrey Davis alleged that he was subjected to ongoing harassment while working at two St. Paul Blockbuster video stores. He alleged that he was called "the fag with the rainbow on his car"; subjected to numerous other derogatory references to his sexuality; physically assaulted by a Blockbuster co-worker; and faced retaliation when he complained to Blockbuster's management.

In addition to paying \$78,750 to Davis and his attorneys, Blockbuster has agreed to provide at least four hours of training for store managers on preventing discrimination and harassment. Blockbuster denies any wrongdoing.

RHODE ISLAND

Community Mourns Activist Julia Pell

Julia Pell, a longtime advocate for the sexual minorities community, died April 15 at age 52. The daughter of former U.S. Sen. Claiborne Pell, D-R.I., she served as president of the Rhode Island Alliance for Lesbian and Gay Civil Rights.

In a statement, Joe Solmonese, president of the Human Rights Campaign, said: "America is closer to her promise of equality because of Julie Pell. She embodied the quintessential American spirit of striving to create a better world for us and the generations that will follow. As the president of Rhode Island's sexual minority organization, she was the driving force behind the state becoming among the first to institute a sexual orientation nondiscrimination law."

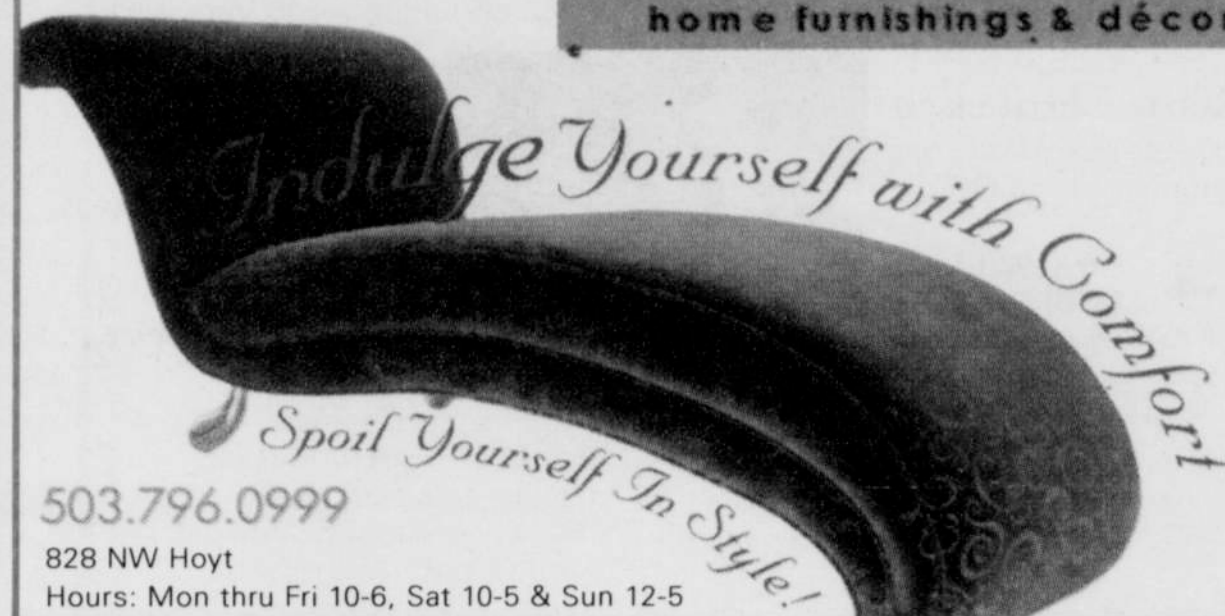
"Julie showed us all how powerful one's personal testimony can be in a political realm. By speaking out, she not only encouraged thousands of Americans to publicly support fairness, but also her own father, who stood up for equality on the floor of the U.S. Senate. Julie's legacy carries on in Rhode Island and around the country." 10

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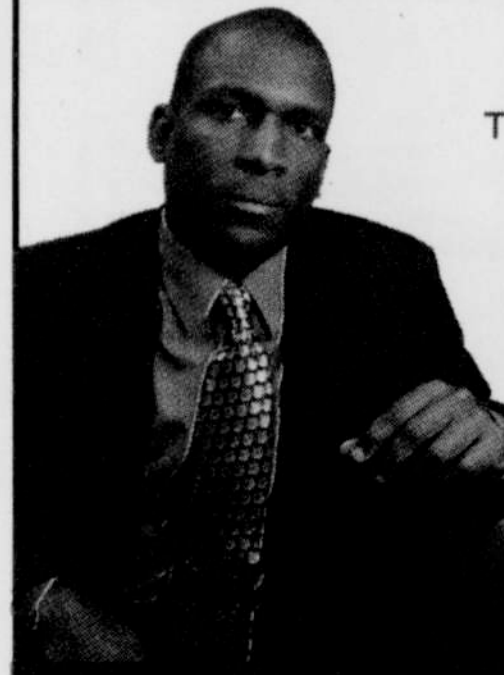
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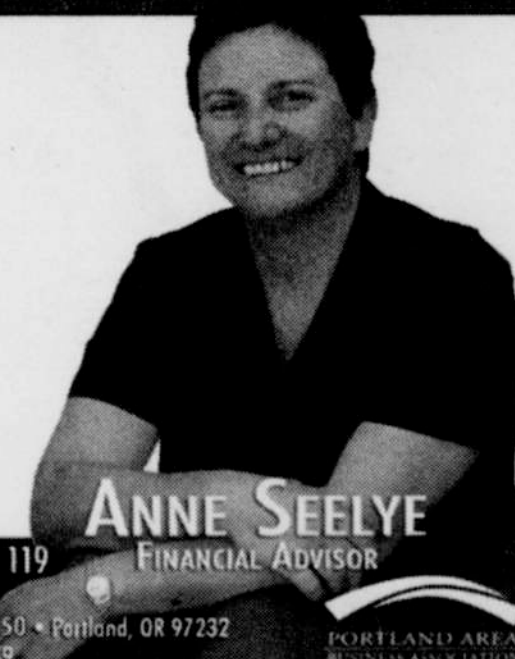
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