

# More states may enact laws lacking gay rights

## Officials exhibit mixed feelings about Supreme Court's future decision on a Colorado amendment

By HAL D. COFFEY  
Collegian Staff Writer

Imagine applying for a loan at a bank to purchase a house, or trying to pick up spousal benefits for your significant other. One day, the bank refuses the loan and the boss refuses to pay those benefits — both coming without warning or explanation.

Making these decisions on the basis of race, creed, gender or national origin is against the rights outlined in the 14th Amendment of the U.S. Constitution. Homosexual residents of Colorado contend that is exactly what Amendment 2 to the state constitution will allow. Such egregious discrimination based on sexual preference would be permissible for actors of the state according to the language of the legislation.

Amendment 2 passed through a statewide referendum in November 1992 by a margin of 53-47 percent. Since then, the case of Romer vs. Evans, which challenged the vote, has been pushed to the U.S. Supreme Court where it was heard by the justices last Tuesday.

It appears the Court will find that amendment contradicts the Equal Protection Clause in the U.S. Constitution's 14th Amendment. But Catharine Buck, social and educational co-director of the Lesbian, Gay and Bisexual Student Alliance, said the decision would not hamper the religious right's campaign against rights for gays and lesbians.

"Even if the Supreme Court did say this (amendment) was inappropriate and un-American, the religious right would keep going," she said. "The folks who organized the amendment are extremely mobile. (This) shows how active anti-lesbian and gay groups are and how quick they are to garnering support."

Beatrice Dohrn, legal director of

the Lambda Legal Defense and Education Fund, said the Court's decision could put homosexuals on equal legal ground with others.

"Certainly the case, in the best way, would make it so you can't single out gay men and women for different treatment under the law," she said. "It is a matter of whether we can even seek equal protection."

Dohrn said measures such as Amendment 2 violate a basic principle of the Constitution.

"Voters in a majority group cannot change the rules of participation for members of a minority group because they are unpopular," she said. "It is the most fundamental principle of our constitution that you can't do that and still have a democracy."

The Supreme Court will do its best to deal with the legal technicalities and avoid such ethical or moral questions, Buck said.

"I don't expect them to come out and say homophobia is wrong," she said. "One thing is for sure, the Court is not taking this on as a civil rights issue, but the constitutionality."

Regardless of the Court's decision, Buck said she is concerned measures such as the one in Colorado could spread to Pennsylvania, and quite possibly, to this region.

"I think the measures could spread here," she said. "One of the motives of the religious right is to go in locally, such as to school boards."

Buck said that the enormous size and power of the religious right in Colorado is largely due to the unified moral convictions on social issues such as gay and lesbian rights.

"Because the gay, lesbian, bisexual and transgendered population is not based on ideology, it is very difficult to organize," Buck said. "The religious right has that ideol-

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logical connection which is very motivating."

The Court is ignoring the ideological issues involved in the emotional debate and has set its sights on the rational basis test of constitutionality which the amendment must pass.

Dohrn, whose organization is named in the Romer vs. Evans

case, said she was glad to hear the justices confront many of the amendment's legal issues when they questioned Colorado's Solicitor General.

"I was heartened to see a number of the justices saw a basic flaw in the amendment," she said.

"That is why it is a completely impermissible way of amending

the constitution," Dohrn said.

Suzanne Goldberg, a staff attorney with the Lambda Fund, said the inherent problem with the amendment is the way it hinders the political ability of homosexuals.

"Amendment 2 is an outrageous violation of the Constitution," she said. "By banning laws that would prohibit discrimination against lesbians, gay men and bisexuals, it changes the political playing field, but only for people who are gay."

The Romer case is being argued 10 years after the last time the Supreme Court heard a case involving state legislation restricting activities of homosexuals. In Bowers vs. Hardwick (1986), the Court upheld a Georgia statute declaring homosexual sodomy an activity punishable by the law.

Since the first anti-gay ballot initiative was proposed in Riverside, Calif., in 1991, there have been 36 ballot measures seeking to prevent lawmakers from amending state or local constitutions in a manner that prohibits discrimination against gay men, lesbians or bisexuals.

Of those initiatives, only five have failed, including two statewide measures in Oregon. However, 27 cities and counties in the state have passed these referendums, many being passed by wide margins.

Also in the West, Idaho failed a state-wide vote by only about a thousand-some votes.

Elsewhere in the country, Cincinnati and Alachua County, Fla., have passed both initiatives by better than six-percent margins.

## Maine may ban gay rights protections

By PETER JACKSON  
Associated Press Writer

AUGUSTA, Maine — The most divisive issue on Maine's Nov. 7 ballot is an anti-gay rights measure that doesn't even use the words "homosexual" or "sexual orientation."

Question 1 seeks to limit state and local rights guarantees to age, sex and eight other categories already in the Maine Human Rights Act — none of them being sexual orientation. If passed, the measure would repeal a gay rights ordinance that voters approved two years ago in Portland, Maine's largest city.

Backers warn that without a ban, homosexuals will get special rights such as gay affirmative action in hiring.

"They have acceptance. They have tolerance. . . . If they were smart, they would simply accept that and stop this push for minority-class status," said Carolyn Cosby.

Cosby, a Portland housewife, formed the group Concerned Maine Families to put the

measure for ordinance repeal on the ballot.

She said she omitted the word "homosexuality" in part to avoid the appearance of gay-bashing. But that's exactly what opponents see.

Opponents of the measure, who include Gov. Angus King, decry fears of "special rights" for gays as bogus.

"Maine hasn't, Maine doesn't and Maine won't discriminate," said King, the nation's only independent governor, at last month's campaign kickoff for Maine Won't Discriminate.

The group's allies include the Roman Catholic Diocese of Portland, the Maine Medical Association, the Maine Chamber of Commerce and Industry and the Maine Municipal Association, representing the state's cities and towns.

By mid-October, Maine Won't Discriminate raised \$655,289, compared with \$61,000 collected by Concerned Maine Families and its ally, the Coalition to End Special Rights.

Tennis star Martina Navratilova, a lesbian,

came to Maine to warn voters that the measure, like one approved in her home state of Colorado, sends the message that "it's OK to discriminate against gay men and lesbians."

Maine is the only state with gay rights on the ballot this year and the fourth state in three years to seek to ban such protections.

Voters rejected similar proposals once in Idaho and twice in Oregon. Colorado voters approved a ban on gay-rights laws in 1992, but it was thrown out by the state's high court and is now before the U.S. Supreme Court.

In 1993, the Maine Legislature approved a gay rights bill, but Gov. John R. McKernan, a Republican, vetoed it.

King has said he would sign such legislation.

Nine states and 158 cities and counties now afford homosexuals some form of bias protection, according to the Washington-based Human Rights Campaign. The states are California, Connecticut, Hawaii, Massachusetts, Minnesota, New Jersey, Rhode Island, Vermont and Wisconsin.

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