

Religious challenge to gay rights law dismissed by federal court

by Eric Ferrero
Special to Q-Notes

LOUISVILLE, KY — In a resounding victory for civil rights laws in general — and gay rights laws in particular — a federal court late today dismissed a Kentucky doctor's lawsuit that sought to strike down a local ordinance which he claimed violated his religious liberties and free speech rights.

"This is a total victory for fairness," said Leslie Cooper, staff attorney at the American Civil Liberties Union's Lesbian & Gay Rights Project, which represented the local group that lobbied for passage of the civil rights law. "Today's decision says that everyone has to obey civil rights laws."

Dr. J. Barrett Hyman, a local gynecologist, sued the city of Louisville and Jefferson County two years ago. He claimed that by barring him from discriminating on the bases of sexual orientation and gender identity in his medical business, the ordinances would punish him for his Baptist religious beliefs.

Hyman was represented by the American Center for Law and Justice, a conservative legal group associated with the Reverend Pat Robertson, in a case that quickly became a national focal point in the debate over whether individual religious beliefs "trump" gay rights laws. Similar legal challenges were filed elsewhere, but courts dismissed them on technical grounds. Last summer, the US Department of Justice filed a friend-of-the-court brief in the Kentucky case, siding with the ACLU and citing concerns that if Hyman prevailed, the government's ability to enforce a broad range of civil rights laws would be jeopardized.

Like similar ordinances nationwide, the ones in Louisville and Jefferson County include exemptions for religious organizations, such as churches, that do not receive government funding. Today's decision will have no effect on these exemptions. "Comprehensive civil rights laws protect religious liberties by exempting privately-funded religious institutions and by forbidding discrimination against people of faith. This lawsuit tried to use religion as a weapon to tear down civil rights laws, which the court saw through," Cooper said.

The court's 34-page decision struck down every one of Hyman's claims under the US Constitution and the Kentucky Constitution, including freedom of speech, religion and association claims. Hyman has not indicated whether he will appeal the decision to the US Court of Appeals for the Sixth Circuit. ▼

[Additional information on the US Department of Justice's brief in this case is at www.aclu.org/news/2000/n081500b.html; a comprehensive list of city, county and state civil rights laws that include sexual orientation and/or gender identity may be found at www.actwin.com/eatonohio/gay/gayri.htm.]

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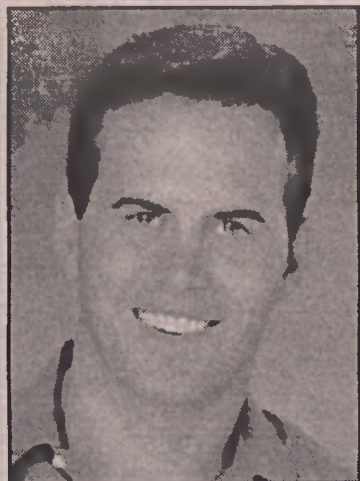
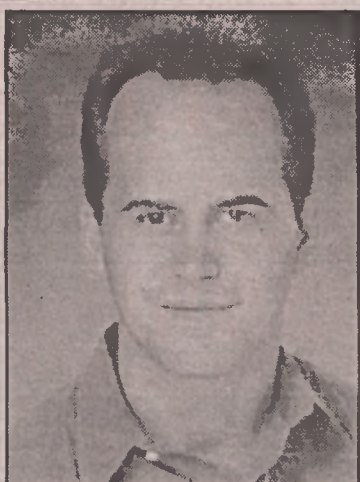
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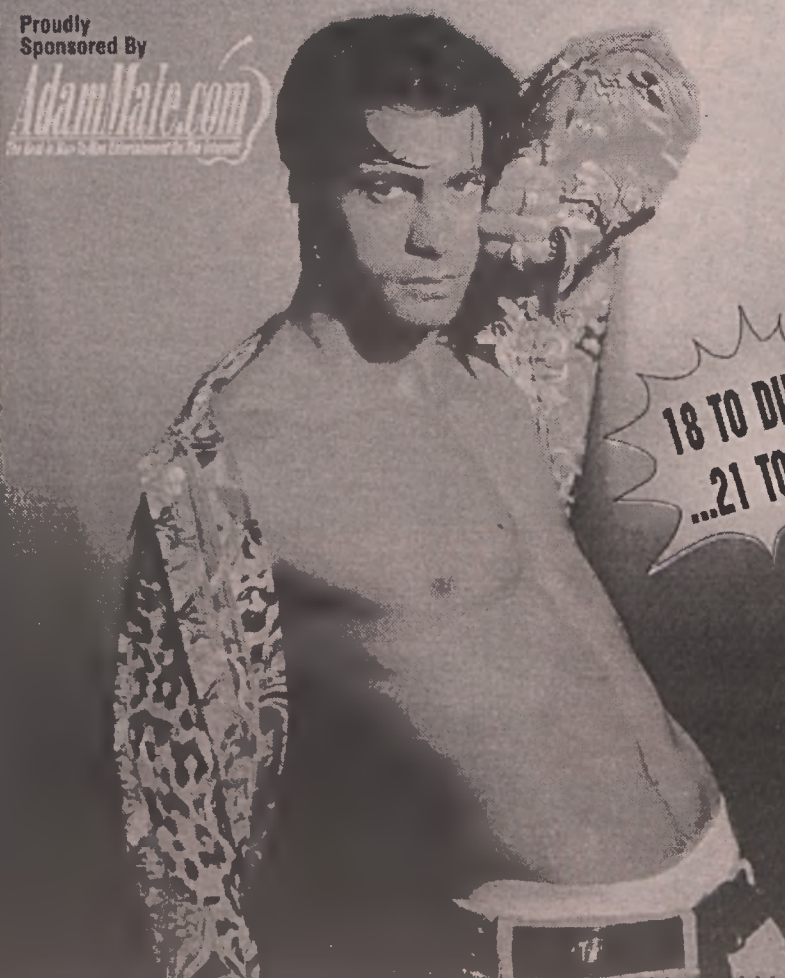
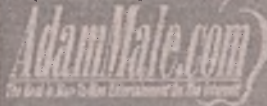
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