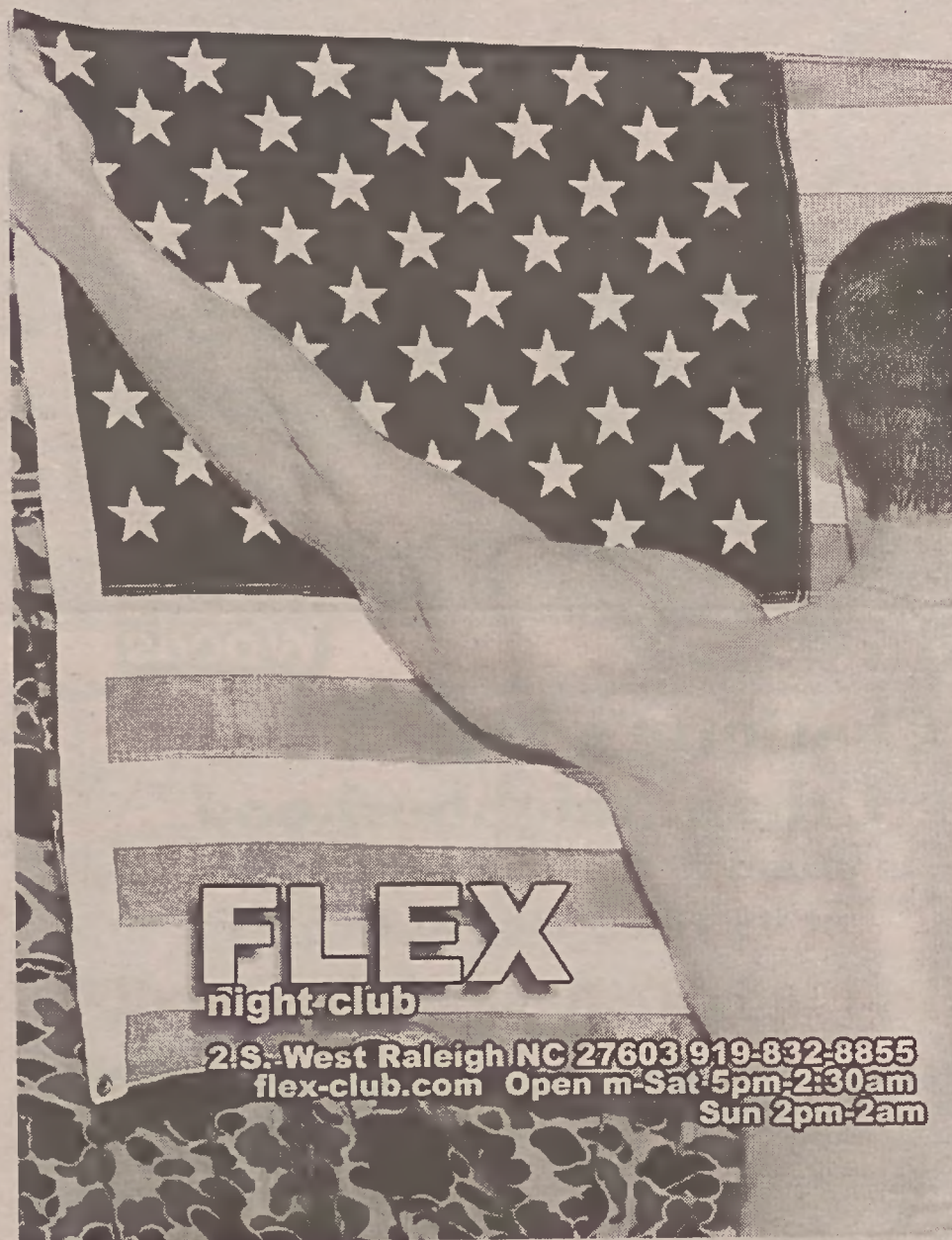


**Saturday, July 19
Summer Underwear Party**

**Friday, July 25 -
Sunday, July 27
BEAR TRAP IX
www.carolinabears.com**



FLEX
night-club

2 S. West Raleigh NC 27603 919-832-8855
flex-club.com Open m-Sat 5pm-2:30am
Sun 2pm-2am

Mon Dollar Night (\$1 Well Drinks)
Tues Karaoke 9pm-till
Wed Country Night 8-Mid lessson 8:30
Thurs .. Comedy Drag Show - Trailer Park Prize Night
Fri Queer As Folk 7pm - Pool Tournament 11pm
Sat Special Events - Country Music 8-10:30 (1st & 3rd Sat)
Sun FREE - No Cover - T-Dance with DJ Trouble -
More Karaoke 9:30pm-till <--(coming in JULY)

Vietnam vet files challenge to "Don't Ask, Don't Tell"

Case is first following Supreme Court sodomy decision

by Steve Ralls

WASHINGTON, D.C. — Lieutenant Colonel Steve Loomis, a decorated Vietnam combat veteran and recipient of the Purple Heart, filed suit July 8 with the U.S. Court of Federal Claims challenging the constitutionality of "Don't Ask, Don't Tell" and the federal sodomy statute, among other claims. The challenge is based on the recent U.S. Supreme Court opinion in *Lawrence v. Texas*, which declared that the Texas sodomy statute violated the United States Constitution's guarantee of a right to privacy. Loomis is seeking to reverse his 1997 discharge from the United States Army.

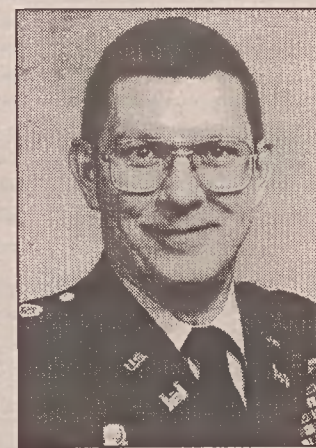
Service members Legal Defense Network (SLDN), which represented Loomis during his initial discharge proceedings, noted that his case is the first of several likely to be filed in the wake of *Lawrence*. "[This case] has a direct impact on the federal sodomy statute and the military's gay ban," said SLDN Executive Director C. Dixon Osburn. "Under 'Don't Ask, Don't Tell,' the federal government regularly intrudes in the most personal aspects of our lives. That is wrong and it is time for the government to change."

According to Pentagon statistics reported by SLDN, the Pentagon has discharged more than 9,000 service members for being gay since "Don't Ask, Don't Tell" was first implemented 10 years ago. Congress codified "Don't Ask, Don't Tell" into law in 1993 in response to President Clinton's efforts to end discrimination against gay, lesbian and bisexual service members. The law requires LGB service members to keep their sexual orientation an absolute secret or face the risk of discharge.

The Army discharged Loomis, a former engineer war plans officer, for being gay eight days prior to his 20 year retirement date. As a result, Loomis forfeited his retirement pension worth an estimated \$1 million. Each of the Army officers sitting on the discharge board that determined Loomis' fate called homosexuality "a sickness" or said they had "no tolerance" for homosexuality. Efforts to remove those officers from the discharge board for bias failed.

The Army based its discharge on a videotape seized during an arson investigation. An arsonist set fire to Loomis' home in 1996. Civilian authorities investigating the arson

found the videotape, which depicts Loomis in private adult consensual sexual conduct, and handed it over to Army officials. The Army used the videotape as the basis for discharge, ending the decorated



Lieutenant Colonel Steve Loomis is challenging the constitutionality of "Don't Ask, Don't Tell" in the U.S. Court of Federal Claims.

veteran's distinguished career. The Army provided Loomis no assistance in responding to the tragedy of losing his home or possessions.

Loomis appealed his discharge through the military's administrative process, petitioning the Army Board for the Correction of Military Records (BCMR). The Board declined to reinstate Loomis to the Army or award him his retirement benefits.

Loomis' suit challenges the constitutionality of both the federal sodomy statute and "Don't Ask, Don't Tell" based on the recent United States Supreme Court opinion in *Lawrence v. Texas* that struck down Texas' sodomy statute. Justice Anthony Kennedy, in writing the court's majority opinion, stated that the "right to liberty under the Due Process Clause gives...the full right to engage in private conduct without government intervention."

The United State Supreme Court has not ruled on the constitutionality of the military's sodomy statute or "Don't Ask, Don't Tell." Four appellate courts have upheld "Don't Ask, Don't Tell" to date. "The legal landscape has changed since the earlier courts' rulings," said Osburn. "Those decisions were based in part on a view that the state could regulate private consensual sexual conduct under *Bowers v. Hardwick*," an earlier Supreme Court opinion upholding Georgia's sodomy statute that the current court has now overruled.

see VET on 13

Andy Vernon, Realtor

Multi-Million Dollar Producer

Andrew.Vernon@atcmail.com

704.593.2247 vm / direct line

888.547.8901 tollfree x247

• Andy Vernon & Allen Tate Company — the #1 name to know for all of your real estate needs! Visit www.allentate.com for a preview of all available listings in the region.



• From North to South, Suburbs to Center City... I've got you covered!

• Thanks again for your continued support.

