

# Q Notes

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## Gay marriage, jobs bills shot down in Congress Federal suit settled in favor of AIDS home

by Susan Tedder  
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WASHINGTON, DC—The gay and lesbian community suffered two major legislative losses on September 10 with the passage of the Defense of Marriage Act (DOMA) and the narrow defeat of the Employment Non-Discrimination Act (ENDA).

By a vote of 50-49, with one Arkansas Democrat out of town to tend to his son during cancer surgery, and Vice President Al Gore ready to fly to Washington to break a potential tie, the extension of equal protection in employment was denied to gay and lesbian citizens. Originally intended to be an amendment to the DOMA bill in a strategy to get gay issues discussed on the Senate floor, last minute posturing by Republican members of the Senate led to the separate vote compromise. Though the measure would have faced an uphill battle in the House, activists nationwide felt that ENDA, with its support of 85 percent of Americans, would at least pass the Senate. President Clinton had promised to sign the bill into law when it was presented to him.

Debate on the Senate floor had its intense moments. Utah Republican Orrin Hatch said, "Many employers have honest, moral, religious-based objections to hiring homosexuals." In contrast, Sen. Edward Kennedy (D-MA), a co-sponsor of the bill, gave a lengthy, intellectual discourse on the true meaning of the bill, the nature of discrimination and its history in our country, as well as a discussion of basic fairness issues brought up by the proposal. "African-Americans, Latinos, Asian-Americans, native Americans, women, the elderly, the disabled, Jews, Catholics, and many other Americans know what we are talking about here. I remember a time when it was said that a Catholic could not be President. I remember 'Help Wanted' signs in stores when I was growing up saying 'No Irish Need Apply.' Thankfully, we have made a great deal of progress in ending that kind of racial, religious, and ethnic bigotry. The Employment Nondiscrimination Act is the next great step on the American journey to fulfill opportunity and freedom from discrimination for all our citizens, and I urge the Senate to enact it," Senator Kennedy said in the Congressional Record. "Although we know the problem [discrimination based on sexual orientation] exists, there are no rules, regulations, or laws to protect people. That is the sad fact. There are limited laws in limited states to protect people, but it is not enough that as an American you are free from discrimination in

one jurisdiction, but are going to be subject to discrimination in another. We should free our country from that type of travesty," he continued.

For many months activists worked to secure passage of this necessary legislation. The National Gay and Lesbian Task Force (NGLTF) sent out legislative alerts to its nationwide network of activists and members urging them to weigh in on the debate. NGLTF also took out



Photo © Wendy Jill York

a full-page advertisement in *Roll Call*, the "newspaper of Capitol Hill," that urged senators to vote no on DOMA and yes on ENDA.

The ad stated "No to Discrimination and Yes to Fairness," and "Fairness, Equality and Justice, Simple concepts with profound meaning for Americans." It was endorsed by 10 major, national gay and civil rights groups, including NGLTF; the Human Rights Campaign; People for the American Way; American Civil Liberties Union; Parents, Families and Friends of Lesbians and Gays; the National Black Gay and Lesbian Leadership Forum; Gay and Lesbian Victory Fund; Gay and Lesbian Alliance Against Defamation; National Advocacy Coalition on Youth and Sexual Orientation; and National Organization for Women.

In addition, NGLTF set up a toll-free hotline for people to send both their senators a telegram urging them to vote no on DOMA and yes on ENDA and urging President Clinton to

veto DOMA and sign ENDA. Various media blitzes and urgent action memos were generated nationwide in an attempt to win undecided votes and show Congress that there was support for ENDA. The Human Rights Campaign (HRC) also ran a commercial entitled "Fairness" in the Washington, DC market to emphasize the need for the bill (see article on page 18).

Though a disappointment, supporters recognized the significance of the closeness of the vote. Elizabeth Birch, executive director of HRC, said of the defeat, "We came within a breath of victory today. We'll hit the ground running in the 105th Congress." Sen. Edward Kennedy echoed her sentiment, "I'm hopeful this will be one of the first orders of business in the next Congress, and I believe we can pass it."

Elliot Minberg, People for the American Way Action Fund Legal Director said, "Unfortunately, too many Senators were swayed by the distortions of the Religious Right political movement. But getting a floor vote on ENDA in this conservative-controlled Congress is a victory for the civil rights community. And it sets the stage for the ultimate victory in the next Congress."

The Senate passed DOMA by a vote of 85-14 as expected, with the only question being the size of the margin. DOMA allows states to ignore their constitutional obligation to recognize marriages of same-sex partners legalized in other states. At the heart of the DOMA legislation is the pending case in Hawaii that is not expected to be resolved for some time.

The two women at the heart of the Hawaii marriage case spent the day of the vote outside the Senate building in Washington explaining why DOMA should be defeated. "We are no threat to anyone. We just want to get married and live in peace," said Ninia Baehr with her partner Genora Dancel. Both are plaintiffs in the landmark trial to end anti-gay discrimination in Hawaii's marriage law. "This federal bill amounts to bigoted, anti-marriage hysteria against lesbians and gay men," she said before the Senate began debate on DOMA. Dancel said, "This bill does not make child-care easier or secure health insurance, jobs, or decent incomes for people — now those things might defend marriages."

"Ninia and Genora obviously are not a threat to Western civilization or to anyone's marriage," said Kevin Cathcart, Lambda Legal Defense and Education Fund's executive director. "The  
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## Federal suit settled in favor of AIDS home

by David Stout  
Q-Notes Staff

CHARLOTTE—After three years of conflict, the city of Charlotte has finally acquiesced to the US Justice Department's demands that its regulations governing the allowance of group homes be modified and brought in line with federal mandates. Specifically, this means that construction of a group home for indigent people with AIDS (PWAs) will finally be able to go forward. Lou Lesesne, the attorney who represented the AIDS patients, told *The Charlotte Observer*, "There will be at least a few more places where people who are seriously ill with AIDS will be able to go. That's something we're seriously lacking right now. It's very important that those facilities be made available."

**"There will be a few more places where people who are ill with AIDS can go."**

In 1993, The Brothers Foundation, an organization established to provide housing for PWAs, successfully applied for a US Department of Housing and Urban Development grant to build a multi-tenant residence dubbed Taylor Home. The proposal called for the construction of a seven-bedroom group home, which would provide housing for six PWAs and a supervisor, on Lansing Drive in the Lansdowne community. After securing the financing, Foundation officials applied for the proper building permits from the Charlotte Zoning Board of Adjustments.

When neighborhood residents learned about the proposal, they lobbied stridently against the facility, labelling it a "nursing" home rather than a "group" home. This distinction was critical because zoning regulations allow for the construction of group homes in single-family residential areas, but not nursing homes. City officials sided with Lansdowne residents and denied the requested permits.

Representatives of The Brothers Foundation challenged the zoning decision, emphasizing that Taylor Home would not be equipped to house individuals in need of nursing care, but the prohibition was upheld.

In 1994 the Clinton Administration sued the city for violating the federal Fair Housing Act and possibly the Americans With Disabilities Act, seeking \$355,000 in damages. Charlotte's city council voted to oppose the federal government and a protracted court fight ensued.

In an effort to finally end their long and costly stand-off, City Council members voted to settle with the federal government at a closed session meeting in August. One member who voted against the settlement was conservative Republican Don Reid. He told *The Charlotte Observer*, "It's outrageous for us to have to pay \$200,000 of taxpayer money to pay off the Justice Department." Under the agreement, the fine will be used to cover legal fees and the costs of construction delays.

In addition to the money, the city also pledged to approve the permits for Taylor Home and another facility for the elderly. Lesesne expects that Taylor Home will receive its permits by the end of September. ▼

## Gay Christians fast for justice on Capitol Hill

WASHINGTON, DC—On Sunday, September 1, in churches across America, 250,000 lesbian and gay Christians and their allies in other faith communities were being called to fast and pray for the defeat of the Defense of Marriage Act (DOMA) and of the Employment Non-Discrimination Act (ENDA). The Senate debate on DOMA began September 5.

DOMA denies lesbians and gays more than 175 legal rights associated with heterosexual marriage and ENDA forbids discrimination in the workplace on the basis of sexual orientation.

On Tuesday, Sept. 10, gay Christians wearing black arm bands with pink triangles climbed the east Capitol steps, formed a human triangle, knelt and prayed for the defeat of DOMA.

"If DOMA is approved by the Senate and sent to the president, we will shift our fast to the White House and continue there, praying



Rev. White leads the faithful in prayer vigil

that God will give President Clinton the wisdom and the courage to veto this tragic bill," said Rev. Dr. Mel White, Justice Minister of the Universal Fellowship of Metropolitan Community Churches (UFMCC).

White said, "The Defense of Marriage Act would result in a great injustice. For the first

time, federal law is being used to make second-class-citizens out of every lesbian and gay in America. We are fasting and praying that God will change the minds and hearts of the Senators who have been taken in by the false and inflammatory anti-gay rhetoric of religious extremists like Pat Robertson and James Dobson." He compared DOMA to Paragraph 175 of the Prussian Penal Code, the law used by Hitler in his attempts to eliminate German homosexuals.

Once an evangelical pastor, seminary professor, filmmaker and ghost writer for leading conservative Christians (including Pat Robertson), Mel White battled his own homosexuality for 30 years with various "ex-gay" therapies, exorcism and even electric shock. After attempting suicide, White decided to accept his sexual orientation "as a gift from God."

For the past four years, White, and his part-  
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