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Feds ordered to foot the bill

by Julia Adams
Special to Q-Notes

SEATTLE—In what is being called an “historic development,” the Ninth Circuit Court of Appeals ordered the federal government to pay \$420,000 in attorneys’ fees in a successful challenge of the military’s ban on openly gay servicemembers. Retired Navy Petty Officer Keith Meinhold challenged the policy in 1992 when the Navy moved to discharge him because he had acknowledged on ABC TV’s *Nightline* that he is gay and won the right to continue serving his country when the Ninth Circuit Court ruled that the military’s policy excluding gay men and lesbians from serving had no basis in fact or law.

“This nearly half million dollars gives just an inkling of the true monetary expense of the government’s attempt to prevent gay military personnel from serving,” said Kirk Childress, Staff Attorney of the Servicemembers Legal Defense Network (SLDN). “Since ‘Don’t Ask, Don’t Tell, Don’t Pursue’ was implemented, the government has litigated in a dozen cases to prevent dedicated personnel from serving and the taxpayers have been stuck with the bill for an estimated \$63 million in replacement costs for those discharged under the policy. More importantly, the government has not revealed the hundreds of thousands of dollars spent annually on actual gay investigations and administrative discharges.” ▼

Rights supporters file appeal to learn plaintiff’s identity

by David Stout
Q-Notes Staff

CHAPEL HILL, NC—The name of the plaintiff challenging Chapel Hill’s policy of extending health insurance benefits to gay city employees’ domestic partners is still not known—and supporters of the policy are still unhappy about it.

An appeal has been filed by Durham attorney Sharon Thompson, a member of NC GALA, a statewide organization for gay and gay-supportive attorneys, asking Judge Coy Brewer, Jr. to reverse his July ruling which allowed “Publius Heterodoxus” to continue as the anonymous complainant in the case.

In court documents, Heterodoxus states that he is suing the city because the Chapel Hill Town Council overstepped its authority by offering domestic partner benefits last year. He contends that Chapel Hill’s policy is at odds with state guidelines.

The city has a powerful ally in its latest legal attempt to unmask its accuser; the NC Press Association has joined in the appeal.

The Press Association is concerned that the

case sets a precarious precedent that may adversely affect the free distribution of information in other court cases. Hugh Stevens, the Association’s attorney, told the *Raleigh News and Observer*, “We’re concerned about any precedent that allows anybody to proceed anonymously.”

This case is probably being closely watched in neighboring Durham—which may find itself embroiled in the suit, or a similar one, in the near future. Reportedly, Durham County Commissioners are considering adopting their own domestic partner health insurance regulation in the coming weeks. The push for consideration appears to have come from County Manager David Thompson during a work session with Commissioners.

One potential stumbling block to implementation, the fact that the county’s current primary insurer, Healthsource, does not provide domestic partner benefits, will be removed next year when a secondary insurer, Doctors Health Plan, is added that does offer the plans.

Judge Brewer is expected to issue a ruling on the city’s appeal soon. ▼



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