

STATE & NATIONAL NEWS

Sergeant tests limits at Camp Lejeune

Justin Elzie says 'no more compromises'

by Doug Ferguson
JACKSONVILLE—Camp Lejeune Marine Sergeant Justin Elzie didn't blink as he faced the bright lights and cameras of ABC's "World News Tonight" Jan. 29. After all, he is a Marine.

And as he told the nation that there were already gays in the Marines and that he was one of them, Elzie did not even break a sweat. He was concerned that President Bill Clinton was giving up too much, that too many compromises were being made to accommodate the biases of military and Congressional

munity to fight it."

Elzie does not support proposals for separate housing or non-combat roles for lesbian and gay soldiers. Subservient status for openly gay troops would only foster the present hostile environment and keep many lesbians and gays from coming out, he said.

Elzie said his commanding officer told him that there would probably be no disciplinary action in response to the interview with ABC. However, he made it clear that he did not want any more unfavorable press coverage, Elzie said.

"He insinuated that if I kept my mouth shut, that would be the best way to go," Elzie said. But Elzie did not keep his mouth shut.

Since the interview with ABC, Elzie has also appeared on MTV and in news-

papers around the country, including a front-page story in *The News and Observer*. Elzie thinks it is that additional press coverage that has now prompted the military to take action against him.

With the present compromise, military leaders can place soldiers in inactive reserves

without pay if they are gay. Although Elzie had offered to leave under a voluntary cut-back program (before he came out) that would have bought out his contract, now that he's being pressured to leave without pay for the remaining time he was scheduled to serve, he is fighting to stay.

"They're really screwing up," Elzie said. "If they had wanted me out, they should have just given me the VSI (Voluntary Separation Incentive). But I'm kind of glad they didn't. Now, I can stay in and be a thorn in their side and make a bigger difference. I'm going to fight to stay in the Marine Corps."

Elzie said that an involuntary discharge would have to be approved by the Secretary of the Navy and the Attorney General and that he does not believe the Clinton administration would allow it to go through. But, in the meantime, he said military leaders are making it as difficult as possible for him to stay in the Marines. They recently denied his request for a 15-day leave.

"I think they're afraid that I'm going to appear on another news show," Elzie said. "They seem to forget the fact that I have a phone."

Elzie said he has contacted House Representative Gerry



Kathy Staley/Lambda

If Sgt. Elzie had his way, these N-ROTC doors would be open to gays and lesbians.

Studds (D-Mass) to help him get the leave. He said he needs it to arrange for legal counsel to assist in his fight to stay in the Marines.

Elzie added that he has not been treated the same since he went public about being gay. He said "evil looks" and discomfort have been evident from fellow soldiers.

"It has been interesting to see that people didn't know how to deal with me after I came out," Elzie said. "I've had some support offered to me, but that has been the exception."

Military leaders have not been honest in their dealings with the press, Elzie said. He said Camp Lejeune officials were denying that "witch

hunts" and investigations concerning soldiers' sexual orientation ever took place.

"I really think they are on the defensive right now," Elzie said. "I've been completely up front about everything, and they haven't. My commanding officer can't even look me in the eye."

Elzie said the next six months will be pivotal, not only for him, but for the entire movement to end the ban on lesbians and gays in the armed forces. He said Congressional hearings held during this time might result in unacceptable changes in Clinton's plans to end the ban and that the lesbian and gay community should be on guard against such moves.

"My commanding officer can't even look me in the eye."

— Sgt. Justin Elzie

leaders. He thought it was time for another push in the right direction. He decided it was time to come out.

"There shouldn't be any more compromises," Elzie said in a Feb. 10 interview with the *Lambda*. "If (the ban) is only partially lifted, there won't be any will left in the gay com-

Federal Court upholds lesbian's rights

DALLAS—An appellate court in Texas affirmed a ruling by a lower court striking down the Texas "sodomy" law, and barring the City of Dallas and the Dallas Police Department (DPD) from using the law as a basis for rejecting lesbian and gay applicants. The Feb. 10 ruling came in a lawsuit brought by Lambda Legal Defense on behalf of Mica England, a Dallas woman denied work as a police officer because of the DPD's declared anti-gay hiring policies.

The Texas Court of Appeals upheld the ruling of Judge Larry Fuller of the Travis

County District Court, who had declared unconstitutional Section 21.06 of the Texas State Penal Code, which criminalizes certain "homosexual conduct." Lambda challenged the law under the Texas state constitution, which guarantees the right to privacy and equal protection. The judge's order thus remains in effect, and means that neither the state nor the city may enforce the "sodomy" law in any way, whether in citizens' bedrooms or as a pretext for denial of employment.

"Dallas' use of the Texas sodomy statute to justify discrimination in hiring is a clas-

sic example of how these highly intrusive and stigmatizing laws harm lesbians and gay men, even when they themselves are not arrested or prosecuted for violating the law," said Evan Wolfson, the Lambda staff attorney who, along with Patrick Wiseman and Ed Tuddenham of the Austin firm of Richards, Wiseman & Durst, represents England. "Across the country, state courts are finding that state constitutions protect gay people like Mica England who wish to live their own lives, and serve and participate fully in the communities where they live."

In March 1989, a Dallas Police Force recruiter told Mica England that her being a lesbian would not be a bar to employment, and encouraged her to come to Dallas. Based on that assurance, England traveled to Dallas from her home town of Tulsa, OK to complete interviews. There, England was subjected to intrusive questioning about her personal life and private sexual activity, and was not permitted to complete the application process because of her statement that she is a lesbian. Police Chief Mack Vines told England that the DPD "don't hire gays."

Section 21.06, more commonly known as the Texas "sodomy" law, makes it a Class C Misdemeanor for adults to engage in consensual oral or anal intercourse with others of the same gender, even in the privacy of their own homes. Texas is one of 23 states that still criminalizes such private and personal conduct, and one of six that singles out lesbians and gay men. Wolfson noted that since 1990, courts in Michigan and Kentucky, as well as Texas, have struck down their sodomy laws as unconstitutional.

— From the *Lambda Legal Defense*