

Beyond the ruling PFAW, Equality Florida conduct community forum

By LOANN HALDEN Features Editor

n June 30, People for the American Way Foundation and Equality Florida gathered legal experts and gay leaders from around the state for a discussion on the impact of the Supreme Court's favorable decision in *Lawrence v. Texas*.

Leading the dialogue was a seven-person panel comprised of Tallahassee attorney Jeff Peters: Patrick Howell of Orlando Log Cabin Republicans; attorney Jaime Foreman of the Palm Beach County Human Rights Council; Dan Merkan, Triangle Jacksonville; Karen Doering with the National City for Lesbian Rights; Nova law professor Bill Adams; and Tampa attorney Keith Roberts. Local attorney/activist Elizabeth Schwartz served as moderator.

Even the list of attendees read like a who's who of local activism. PFAW's Florida Director Jorge Mursuli, Stratton Pollitzer of Equality Florida, openly gay judges Mark King Leban, David Young and Scott Bernstein, Heddy Peña of SAVE Dade,

Left to right, panel members Jaime Foreman, Palm Beach County Human Rights Council; Dan Merkan of Triangle Jacksonville; and Karen Doering of NCLR.

Miami-Dade County Commissioner Katy Sorenson, and attorneys Julia Dawson, Richard Milstein, and Rosemary Wilder were among the 50-plus participants gathered at Temple Israel in Miami.

There was plenty of rejoicing over the 6-3 decision that overturned sodomy laws in Texas and 12 other states. As Roberts said, the philosophy behind the ruling has shift-

ed dramatically since Bowers v. Hardwick, which upheld the sodomy laws in 1986.

"The Bowers court even phrased the question for the court at that time as, 'Is there a federal constitutional right to engage in homosexual sodomy?' You had this approach that looked at the question as an issue of sexual taste: Can the state regulate sexual behavior?" he said. "If you look at the issue strictly that way, it's a lot harder to come to the right conclusion. What I find really beautiful about Justice Kennedy's opinion in the Lawrence v. Texas case is that we now have a six-member majority of the court seeing that it's not a question of homosexual behavior. There's recognition of the phenomenon of homosexual orientation. These justices get that there's such a thing as gay people, as people who are oriented differently in terms of their sexual inclination, and that these folks represent a class of people who cannot be singled out for disadvantageous treatment."

The implications are far-reaching, particularly in Florida where the ban on gay adoption is currently under consideration in the 11th Circuit Court of Appeals. In fact, as Howell pointed out, the 11th Circuit paused its review pending the outcome of the Lawrence v. Texas case.

Perhaps Doering sum-med it up best: "This decision changes *everything*. The entire land-scape is different today than it was [the day before the ruling]."

But not all the conversation painted such a rosy picture. Despite the victory, the community needs to recognize that the appointment of one or two more ultra-conservative justices who echo Justice Scalia's dissent could block the gay community's march toward equal rights for decades.

"I'm also frightened because [President] Bush did say during his campaign that Scalia



Openly gay Miami-Dade County Judge Mark King Leban reviewed the decision and emphasized the need to be prepared for the next battle – gay

marriage



Nova law professor Bill Adams and Tampa attorney/ activist Keith Roberts participated in a PFAW/ Equality Floridahosted panel discussion June 30 on the Supreme Court's ruling in the Texas sodomy

was his type of justice," said Adams. "I recommend to you all that at some point you read his dissent both in this case and in the Evans v. Romer case. Even my conservative constitutional law students say that the Evans dissent is ugly and mean-spirited. ... This president has been very, very aggressive at appointing ultra-conservative justices and that does not bode well for us."

Up to three Supreme Court resignations may occur in the near future; that turnover could prove disastrous for civil rights, gay issues, and Roe v. Wade among others. PFAW has already launched a Web site, www.savethecourt.org, which provides tools for the community to help keep right-wing justices off the Supreme Court.

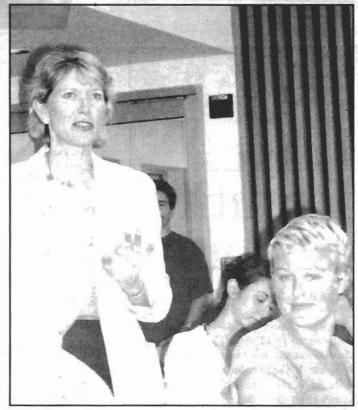
"It's clear people understand the connection to voting for a president. They're a little less clear as to what their direct link is to the Supreme Court justices," Mursuli said. "This ruling underscores the value of having a Supreme Court that is balanced and ideologically fair."

Discussions are also under way to organize a screening process for local judicial candidates. **twn**

For more information, visit www.pfaw.org/go/supreme_court_stakes or www.eqfl.org. People for the American Way also has a site dedicated to involving people in the Supreme Court nomination process: www.savethecourt.org.



Left to right, PFAW's Florida Director Jorge Mursuli; panel moderator, attorney Elizabeth Schwartz; Patrick Howell, Log Cabin Republicans of Orlando; Tallahassee attorney Jeff Peters; and Jaime Foreman of the Palm Beach County Human Rights Council.



Miami-Dade County Commissioner Katy Sorenson expressed her support for the Supreme Court ruling and said we need to keep moving ahead.

Staff photos by LoAnn Halden