

Gay-rights law covers all of county

Court: Louisville must enforce broader measure

By SHELDON S. SHAFER
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With one court ruling yesterday, Louisville inherited Jefferson County's broad gay-rights law, which protects against bias in the workplace, housing and public accommodations.

The Louisville Board of Aldermen, which adopted employment-only protections in January 1999, has been deadlocked 6-6 on whether to adopt the broader measure that Jefferson Fiscal Court approved in October 1999.

But the Kentucky Court of Appeals put the question to rest, ruling yesterday that the county's ordinance must be enforced in the city, as well as in the county's suburban cities.

Mayor Dave Armstrong said the city will abide by the appellate ruling.

City law director Bill Stone said he will direct the city-county Human Relations Commission, which handles discrimination complaints, to immediately begin processing cases of alleged bias related to housing or public accommodations, in Louisville and Jefferson's suburban cities.

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"There probably is no longer a need for additional city legislation," said Alderwoman Tina Ward-Pugh, a leading gay-rights proponent, who termed the court ruling "a victory for the entire community."

Alderman Barbara Gregg, who voted consistently against gay-rights proposals, said yesterday that she's not surprised by the appellate decision, but her opposition remains.

She said she believes civil-rights laws were not designed to protect what she considers a lifestyle choice.

Gregg added that more than 90 percent of her 2nd Ward constituents oppose gay-rights protections.

And the community discussion of gay rights is far from over.

Opponents have promised to lobby the incoming Greater Louisville council in 2003 to rescind the law protecting gays and lesbians, while advocates have vowed to pressure the council to keep the protections. Under the city-county merger law, all local ordinances will lapse in 2008 if not readopted.

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Gay-rights law must be enforced in all of Jefferson, court says

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by the metro council.

A federal challenge also remains. Dr. J. Barrett Hyman, a Louisville gynecologist, challenged both the city and county ordinances, contending the measures violated his freedom of religion and were overly broad. U.S. District Judge Charles Simpson III consolidated the cases and ruled early this year that both ordinances are constitutional and enforceable.

BUT HYMAN has appealed to the 6th Circuit U.S. Court of Appeals. His attorney, Frank Manion, said that though only one local law is now really at issue, the Kentucky appellate ruling probably won't affect the federal case, which Manion said may not be decided until next year.

Both the city and county, with different gay-rights laws in place, wanted Kentucky courts to clarify whether the broader county measure should be in force in Louisville.

In the 3-0 decision, Court of Appeals Judges David Buckingham, Thomas Emberton and Julia Tackett agreed with Maze's argument that county ordinances usually apply in incorporated areas unless the municipality has a law that is stricter.

The appellate judges also cited a state law that they said gives counties the right to pass countywide regulations.

The county and city have separate laws in numerous areas, including zoning, alcoholic-beverage control and adult entertainment. But Stone said the decision yesterday won't affect those other areas because they were not at issue in the litigation.

Board of Alderman President Steve Magre, who supported city adoption of the broader gay-rights protections, said he's relieved the aldermen won't have to expend considerable energy arguing the issue further.

He noted that the aldermen took the lead on the gay-rights debate and that "a lot of the doomsday predictions haven't come true" about the impact of the legislation.

JEFF RODGERS, of the Fairness Campaign's leadership council and one of two gay-rights advocates who intervened in the city-county litigation as a plaintiff, said, "we're greatly pleased" with the ruling.

Nance Goodman, of the Fairness Campaign's coordinating committee, said protection is badly needed in Louisville and that it's important to have one countywide regulation. "Discrimination won't go away sim-

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ply because of merger," she said.

The Rev. Peter Hayes, president of the American Family Coalition of Kentucky, said the opposition forces will focus on getting the metro council in 2003 to rescind all gay-rights protections.

"Morally perverse lifestyles should be dissuaded and not promoted and given special protected status," he said.

County Commissioners Darryl Owens and Russ Maple, both of whom supported the county ordinance, said they were pleased that the protections will apply countywide. Judge-Executive Rebecca Jackson said she still opposes the county provisions but, regardless, believes the measure should apply in incorporated areas.

Maze predicted that, with one countywide law in force, the metro council in 2003 will be less apt "to resurrect the acrimony" that gay-rights discussions tend to produce.

Carolyn Miller-Cooper, assistant director of the Human Relations Commission, said the commission has received 11 cases in Louisville under the city's employment regulation; in the county, there have been 14 complaints related to employment, three related to housing and three related to public accommodations.

She said the court ruling will make enforcement easier because the commission won't have to consider geography. After an investigation and hearing, the commission, if it finds discrimination, can fine the violator up to \$10,000.

Jeffersontown Mayor Clay Foreman noted that his city will have no role in the enforcement. He said he has never received a complaint about someone in his city being discriminated against based on sexual orientation. But he said he has no problem with the law applying to Jefferson-town.