

ANTI-GAY BASHING

The First Amendment protects freedom of speech, expression, along with freedom of the press. Since the advent of electronic media, radio, television and the like have been given by and large the same protections and freedoms.

In a venue where one would expect that there would be First Amendment protection for mass media television and other video communications, that being in Federal courthouse, and more specifically federal courtrooms, there actually is not.

Last month, in San Francisco U.S. District Court Judge Vaughn Walker ruled that video cameras would be allowed in his courtroom during the trial of the Proposition 8 matter in his courtroom. The Proposition 8 matter is a trial involving an attempt by gays and lesbians and their supporters to show

“Anti-gay bashing is a phenomenon that has yet to rear its head!”

Although almost all the States have made allowance for television cameras to be in the courtroom, the Federal Courts have not made the same provision. Until recently no cameras were allowed in United States District Courts, (the trial court level). The appellate court level, that being the United States Circuit Courts of Appeals had the vast majority opposed to allowing cameras in their courtrooms and only two of the United States Circuit of Appeals allow cameras. The Supreme Court of the United States have blanketly rejected cameras in their courtroom.

There are many philosophies as why cameras should not be allowed in the Federal system. Some Supreme Court Justices, enunciated that it was their belief that putting cameras in the courtroom makes the courtroom into a show and therefore distracts from justice. Others have argued that cameras in the courtroom affects the accused's right to get a fair trial and his right to get a fair paramount. As has been said, most of the States allowed cameras in the courtrooms for a number of years without justice breaking down.

Recently, the Ninth Circuit which encompasses most of our western States including the State of California has chosen to implement on the trial basis a procedure where non-jury trials involving civil matters would be videoed.

The procedure requires the head of the particular District within the Ninth Circuit along with the trial judge to decide on a case by case basis whether or not this is a trial that should be videoed.

that they and other minorities suffer from prejudice and bigotry that requires a remedy from the Courts. Proposition 8 a law voted on in California outlawed same sex marriages along with curtailment of the other liberties of gays and lesbians.

Before the case could get started, Judge Walker's decision to allow cameras in his courtroom and a live internet feed was struck down by United States Supreme Court. The Court ruled 5 to 4 that they worried opponents of gay marriage and their paid witnesses would be subject to "harassment as a result of public disclosure of their support" for Proposition 8. They further went on in support of the injunction against cameras in courtroom to say that Proposition 8 defenders had shown "irreparable harm" will likely result "if the trial had been broadcasted".

This ruling may be sending a signal that obviously the Supreme Court of the United States most likely is not in favor of gay marriages or at a minimum believes that each State has the right to decide this on their own. Their decision remarkably points out fears of one side and possible subject to ridicule because of their support on the ban of gay marriages and does not point out the same fear of those who support gay marriages. Yet gay bashing has been going on for centuries.

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Whether one supports gay marriages or not, one must concede gays have been subject to harass-

ment, ridicule and unequal treatment in this country from its inception. Openly gay and lesbian soldiers are not permitted to serve in the military.

It seems somewhat hypocritical and almost laughable at the Supreme Court's lack of sensitivity towards gays and lesbians and yet it is worried about the possible harassment of those who keep gays down and if attempts to keep gays from having equal rights are exposed. In essence, they feel that they must protect the oppressor in their desire to oppress rather than shedding light on those who are oppressed.

If Supreme Court's logic holds true, nothing can be discussed in the open. There always will be two sides to the argument. There will be some who may believe that they should harass or intimidate somebody for their views. Somehow, the Supreme Court believes those who have views against the equality of gays and lesbians need to be protected more than those who have views on the other side.

The Supreme Court's opinion also fails to take in account of the fact that those who will testify in this matter will have their names revealed, at least in the print media. Those who will testify in this Proposition 8 trial more than likely have already espoused their views in public. The Supreme Court's opinion takes away First Amendment rights from all of us because it believes a select few might be harmed. Although the minority always needs to be protected, it can not come at the expense of the First Amendment. The only time there is even an argument that the First Amendment must take a back seat is when it effects an accused right to a fair trial. In this matter there was no accused and the issue of a fair trial was not the basis of the Supreme Court's ruling.

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