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Judge lets gays march in parade

South Boston group won't appeal

By Don Aucoin
GLOBE STAFF

In a ruling that instantly reverberated from the courtroom to South Boston to the gay community citywide, a judge cleared the way yesterday for a gay Irish group to march in this Sunday's St. Patrick's Day parade.

Citing the group's constitutional right to freedom of expression and assembly, Judge Hiller B. Zobel of Suffolk Superior Court granted a temporary restraining

order against parade organizers who sought to prohibit the Irish-American Gay, Lesbian and Bisexual Pride Committee from marching in the parade. Zobel rejected assertions that the marchers would threaten the safety and enjoyment of parade spectators, but ordered that the marchers adhere to strict conditions governing their behavior.

"A peaceable march is not a threat to the organizers of the parade, nor to the city," said Zobel. "The constitutional right to peace-

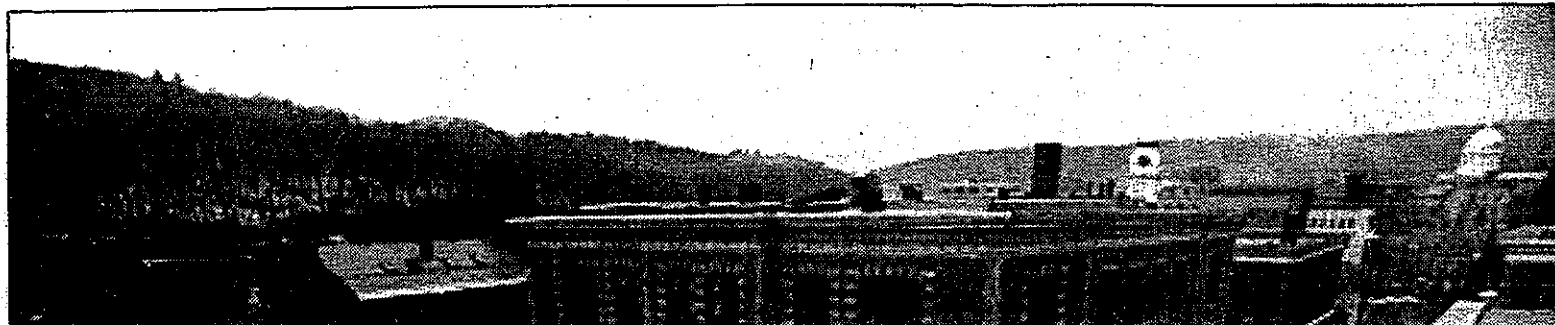


GLOBE STAFF PHOTOS / WENDY MAEDA

OPPOSING VIEWS — *The St. Patrick's parade dispute has thrust organizer John Hurley and gay rights advocate Barbra Kay into the limelight. Profiles, Page 26.*

ably assemble and express the views with which large majorities disagree is paramount to discourse in a free society."

After a brief hallway huddle with their attorneys, the South Boston parade organizers announced they would march in the parade. **PARADE, Page 25**



Iraq destroys of at

Official balks US and Br

By Trevor Rowe
SPECIAL TO THE GLOBE

UNITED NATIONS — Iraq's deputy prime minister, Tariq Aziz, resisted UN pressure yesterday to allow the destruction of a weapons complex near Baghdad. The disagreement set the stage for a confrontation that the United States and Britain indicated could lead to military action.

"I saw no scintilla of a hope for any kind of compromise," US Secretary of State James Baker said in a speech yesterday at the Security Council.

Pickering singled out the nuclear center, which is located south of the Iraqi capital of Baghdad.

Court allows gay group to march

PARADE

Continued from Page 1
nounced they would not appeal Zobel's decision, which means that this Sunday — for the first time in the 91-year history of the St. Patrick's Day parade in Boston — an openly gay group will be marching under its own banner.

Gay activists hailed the decision as a precedent-setting triumph over discrimination and said elected city officials, including Mayor Flynn, a South Boston native, should march with the gay group to help guarantee its safety. But it was the cultural implications of Zobel's decision, and the more immediate issue of easing tensions in time for a peaceful parade on Sunday, that preoccupied both sides of the dispute yesterday.

"I feel fabulous," declared Barbara Kay, leader of the gay Irish group, who flashed the thumbs-up sign as she emerged from the courtroom. "This is a victory for everyone, not just gays and lesbians and bisexuals. We're talking about the rights of all minorities."

"I've never been prouder to be a gay Irish-American, stressing the word American," said Patrick Ward, another member of the group. "This is an historic day. I think a new age is beginning, one of tolerance."

Considerably less enthusiastic, but generally resigned to their defeat, were members of the South Boston Allied War Veterans Council, the parade's organizers. Council members said they hope the focus will now return to the parade, a cherished annual event in South Boston that drew 750,000 spectators last year, and away from a dispute that in the past week has recast a celebration of Irish heritage as a civil rights dispute.

"They won," shrugged John Hurley, parade chief of staff. "It's not my job to worry anymore." Hurley cited as a partial victory the fact that the judge ordered stringent conditions on the participation of the marchers.

Parade adjutant Gene Villan-court, one of the defendants in the lawsuit, said after Zobel's ruling: "I hope the people in Southie will do like we're doing, and abide by his decision."

Thomas J. Lyons, parade marshal, said Zobel's ruling means it is his obligation now to make sure this parade gets back on track and the focus returns to the parade. "However, Lyons added: "I still don't see this social club as a legitimate organization. I feel they did, in essence, deceive me."

The statements by Lyons, Ward and Kay were reminders of the personal nature and symbolic weight the dispute acquired in the 10 days since the South Boston veterans denied the gay Irish group permission to march. Into the venerable vessel of the St. Patrick's Day parade was poured gay activism, ethnic pride, turf consciousness and political rivalry.

The Queer Nation Link

Members of the gay group contended they wanted only to express pride in their Irish heritage. The veterans' organization, citing the membership of the group's leaders in the gay activist group Queer Nation, maintained that Kay had misrepresented her group and that it was intent on disrupting a parade

'The constitutional right to peaceably assemble and express the views with which large majorities disagree is paramount to discourse in a free society.'

JUDGE HILLER B. ZOBEL
Suffolk Superior Court

the veterans, who have run the parade since 1948, have labored to make a family event after years when it was marred by public drinking.

The matter landed in Suffolk Superior Court Tuesday when the gay Irish group filed a lawsuit against the veterans, the City of Boston and Flynn.

That Flynn was named in the suit was ironic, given that he had supported the request of the gay marchers to participate after initially straddling the fence. But attorneys for the gay Irish group included the city in the suit because, they said, it is a cosponsor of the parade by dint of its \$8,000 annual contribution to the parade and the fact that parade organizers use the city seal on their stationery.

Last night, Flynn commended both sides and Zobel for "taking positive steps today to defuse the controversy so that families can enjoy the parade Sunday without unnecessary tensions."

Flynn is scheduled to be in Northern Ireland on the day of the parade and a spokesman said the mayor has no plans to cancel his trip to remain in Boston.

Flynn was drawn into the dispute between two constituencies: the generally conservative South Boston neighborhood where he has lived all his life, and a gay community that viewed the parade ban as discriminatory.

Flynn's attempts last week to mediate between the two camps proved fruitless, and pressure grew on him to take a public stand. He did so last Friday, urging that the gay group be allowed to march after Kay signed an agreement with police that the gay contingent would number no more than 25 marchers who would behave in "a peaceful and orderly manner."

One banner, no "objects"

Those conditions were reiterated in Zobel's ruling yesterday, along with a requirement that the marchers hold "a single cloth banner, carried at waist-level." The marchers cannot carry placards or posters, and cannot distribute pamphlets or "any objects whatsoever," Zobel said with heavy emphasis.

The specter of condom-tossing gay radicals has been raised by opponents of the gay marchers, and was raised again yesterday in court by Chester Darling, Hurley's attorney.

Darling contended that gay Irish group members misrepresented themselves as "a benign social club, and are in fact members of Queer Nation, which has a history of violence in this town." Three group leaders, including Kay, belong to Queer Nation.

Ellen Wade, attorney for the gay Irish group, told the judge that Kay

"did indeed inform these people of her membership in Queer Nation before she applied for the permit."

In the audience, Lyons shook his head and said quietly: "She didn't."

Kay later backed away from the statement and acknowledged in an interview after the hearing that she could not remember if she specifically told Lyons of her Queer Nation membership.

Darling cited the hurling of condoms by gay activists at newly ordained priests outside Holy Cross Cathedral in June 1990, a time when Queer Nation had not yet organized in the Boston area. Queer Nation staged a protest in January during a Boston appearance by New York Cardinal John O'Connor, an event that became an issue in the parade dispute when veterans council members were shown a newspaper article in which Kay was identified as a member of Queer Nation and quoted as calling O'Connor a "homophobe."

"It's lights out; there'll be violence if spectators recognize people who threw condoms or protested: Cardinal O'Connor," predicted Darling.

Inspired by New York group

Kay and Ward said the group's 25 marchers will be of Irish descent and represent a "cross-section of the gay community."

The Boston group has said it was inspired by a similar group, which is suing in federal court for the right to take part in New York's St. Patrick's Day parade next Tuesday. The New York parade is sponsored by a private Roman Catholic group.

Underscoring the political context in which the dispute has played out, City Councilor James Kelly (South Boston) and top mayoral aide Neil Sullivan attended yesterday's hearing.

Flynn, who was not present, was represented by his corporation counsel, Al Wallis, who sought to disengage the city's case from that of its codefendant, the South Boston Allied War Veterans Council. Wallis made clear in statements to Zobel that Flynn and the city believed the gay Irish group, having signed the agreement with the Police Department's Community Disorders Unit, had the right to march.

Observers differed yesterday on how South Boston residents will react to the gay marchers on Sunday. Some residents have vowed to boycott the parade or turn their backs if the gay marchers participate, while others have said South Boston is more open to diversity than its critics suppose and predicted they will be no trouble.

"Most of the people in South Boston are not homophobic," said Arline Isaacson of the Massachusetts Gay and Lesbian Political Caucus. "Most of them either support this contingent marching or they

couldn't care less."

But John Ciccone of the South Boston Information Center said tersely: "These marchers are marching at their own risk."

Added Kelly: "To many, they're going to be unwelcome guests."

Kelly, who originally revealed Kay's Queer Nation membership to the veterans council, angrily waved Kay off after the case was heard when she tried to speak to him while he was conferring with Hurley, Lyons and the attorneys.

Gov. Weld said he was not surprised by the decision and agreed that the group should be allowed to march. He said he is not marching in the parade, "but I never was. I didn't opt in or out. It just wasn't on my schedule."

"I did call on the mayor to do what was necessary so they could march, but I don't think I'm going to call on him to march with them," Weld added.

Globe writer Terest Hanafin contributed to this report.

Gay rights case

ATLANTA — A federal judge refused to dismiss a discrimination lawsuit filed by a lesbian whose boss, Georgia's attorney general, fired her when he found planned to have a marriage ceremony with a woman.

Attorney General Michael Sanders, who dismissed Robin L. Gandy last fall, said such a marriage is illegal under state law and

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