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Nation

St. Patrick's dispute moves to Supreme Court

By Ana Puga
GLOBE STAFF

WASHINGTON — Gretchen Van Ness still gets indignant when she recalls the warm gob of spit that landed on her neck as she marched in the 1993 St. Patrick's Day parade in South Boston.

"I had never been spat upon in my life," she said. "And I was spat on."

Van Ness, a 36-year-old lawyer and a lesbian, said she is looking for justice, not revenge, when the battle over Boston's St. Patrick's Day parade reaches the Supreme Court. Tomorrow, the court will hear arguments in *Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston* — the group represented by Van Ness and a team of lawyers — to consider whether the court-ordered participation of gays in the 1993 parade violated the free speech rights of the South Boston veterans who sponsored the event.

Though the case focuses on the 1993 St. Patrick's march, the ruling may affect future parades of all kinds, in Boston and around the country. The ruling should help settle the question of whether the kind of St. Patrick's Day parade that Boston had celebrated since the turn of the century — big, boisterous and open to almost all — must include some groups that the organizers would prefer to keep out.

Gay and lesbian groups view attempts to keep them out of the parade as discrimination. The Massachusetts Supreme Judicial Court agreed that the parade, as it was structured until 1993, was a "public accommodation," like a bus or a street, and thus must not exclude anyone on the basis of race, national origin, disability or sexual orientation. Van Ness would like the US Supreme Court to uphold that decision, "recognize that discrimination is discrimination, and offer us the same kind of protection that blacks have won in the civil rights struggle."



Gays and lesbians march down East Broadway in South Boston at the 1993 St. Patrick's Day parade.

The South Boston Allied War Veterans Council will ask the Supreme Court to overturn the state court's decision, and find that a parade is more like a private party — open only to those the organizers choose to invite. Moreover, the veterans argue that the state court violated their First Amendment right to free speech by forcing them to include a group with a message they say clashes with the traditional family values they were trying to celebrate. In essence, the veterans say, the lower court dictated the content of their expression.

"The court compelled my clients to include messages and viewpoints that they did not want to include

in their parade," said Chester Darling, the attorney for the veterans. "Having a group making proclamations of sexuality represented a sexual theme that my clients objected to."

Darling said the veterans want to discriminate against "the message — not the individuals." The spitting, name-calling and rock throwing that marred the 1993 parade were not condoned by the parade organizers, he said. "There was not one hateful word from my client."

In 1994, rather than open the parade to gays, the veterans canceled the celebration and led a short protest motorcade down the traditional parade route.

This year, the veterans structured the event in such a way that a US District Court approved it as a protest. They slashed the number of groups that could participate and displayed black flags to symbolize what they said were their parade themes: family values and a protest against the court rulings allowing gays to march in the 1992 and 1993 parades.

Cambridge residents then held a separate parade in which gay groups were welcomed. The traditional celebration thus splintered into two smaller, competing demonstrations.

Ironically, both the veterans and the gay group share a nostalgia for the St. Patrick's Day parade as it was, drawing dozens of bands and floats, tens of thousands of participants from around the country and hundreds of thousands of onlookers.

"We don't want to destroy the parade. It was a community event and it was fun," Van Ness said. "We just want to be a part of it."

John J. (Wacko) Hurley, the spokesman for the veterans, agreed it was fun, but said it would not be if gay men and lesbians were included. During the two years that gays participated, he said, "The parade was uptight. The happiness was gone."

Only if he wins in the Supreme Court, Hurley said, can he and other South Boston residents recapture the quality of past St. Patrick's Day parades.

"Then it'll be bigger and better," he said. "Then it'll go back to where it was."

But Van Ness' response indicates that those days may be gone forever. In a new case separate from the Supreme Court dispute, the gay group appealed a federal court decision that permitted their exclusion from this year's St. Patrick's Day event. The protest theme, the group said, was merely a pretext to exclude them from the celebration. Though the march is long over, the appeals court has yet to rule.

"This may end up being litigated every year," Van Ness said.