



K-Mart Probe
... page 5

Blood Money, Part 1
... page 4

Vol. 7, No. 4
April 1992

The Carolinas' Most Comprehensive Gay & Lesbian Newspaper ◀ Printed on Recycled Paper ▶ FREE

Health officials' credibility at stake in ACT UP lawsuit

by David Jones
Q-Notes Staff

DURHAM—The judge who heard ACT UP/Triangle's lawsuit to restore anonymous HIV testing to County Health Departments has delayed a decision for several weeks. Judge Brenda Beckton ordered that a written transcript of the three days of testimony be produced, probably in order to study conflicting testimony presented by State health officials and ACT UP witnesses.

Observers speculate that the order for a transcript is related to assertions by ACT UP's lawyer, Stuart Fisher, in his closing arguments. He said that State Health Director Ron Levine and Communicable Disease Chief R. A. Meriwether had presented testimony that was not credible during the trial. Crimi-

nal charges could be filed against them if the court believes they have perjured themselves.

The challenge to the State's credibility relates to questions asked repeatedly by Fisher about political pressure to eliminate anonymous HIV testing. As reported earlier by *Q-Notes*, Levine and Meriwether both testified under oath that there was no political pressure to end anonymous HIV testing.

Several ACT UP witnesses contradicted Levine and Meriwether, pointing out instances either where political instructions were delivered to the State Health Department publicly or where staff members were told that the elimination of anonymous testing was a political decision.

Fisher reminded the court of a number of inconsistencies between Levine or

Meriwether's testimony and that of others. For example, Irving Hoffman of the Durham County Health Department testified that he called the State to find out why Durham was not one of the 16 sites selected to retain anonymous testing (Durham has the highest number of AIDS cases per capita in the State). He reported being told by Meriwether, "Because you do too many anonymous tests." Meriwether denied making the remark.

Levine testified that he did not even know the Governor's position. However, one memo introduced into evidence, obtained under the State's Public Records Law, shows Sec. of Environment, Health and Natural Resources William Cobey asking Governor James Martin for instructions on the issue. Among the choices Cobey outlined were to eliminate all

anonymous HIV testing immediately or defer to the judgment of the Health Services Commission.

At the Commission's November 9, 1989 meeting, the Governor's decision was announced. The Commission was considering a proposal from Levine to phase back anonymous testing to regional centers but not end it.

Levine's boss, Deputy Secretary for Health George Rudy, told the Commission he had spoken with Gov. Martin about the issue and the administration's decision was that anonymous testing should be eliminated immediately, reversing the State's earlier support for regional anonymous testing centers. He and Karen Morrison, representing Lt. Gov. James Gardner, also told the Commission that if it

Continued on page 19



Activists Protest Zeidman's withdrawal from NOVA

by Gordon Rankin
Q-Notes Staff

Arthur Zeidman, Director of the North Carolina Division of Victim and Justice Services, decided in January to withdraw his agency from participation in the National organization for Victim Assistance (NOVA) on the basis that NOVA provides assistance and advocacy for gay and lesbian hate-crime victims. The decision met with statewide anger and opposition by lesbian and gay rights activists and resulted in a March 6 demonstration in Raleigh.

The January severance letter by Zeidman to William Schenck, NOVA president, explained, "I can no longer commit the resources of my agency to support an organization which has corrupted that goal into a liberal political entity which will advocate for those who voluntarily break the laws or engage in immoral behavior." Zeidman's apparent reference was to the State's "Crime Against Nature" (or "sodomy") statutes, which forbid oral or anal sex between partners of any sexual orientation.

Mab Segrest, spokesperson for the North Carolina Coalition for Gay and Lesbian Equality (NCCGLE), said, "The man doesn't understand North Carolina law or the US Constitution and he's out of step with the FBI." Segrest spoke in reference to the Fourteenth Amendment which provides for equal protec-

tion to all citizens under the law, and to the Federal Bureau of Investigation reporting guidelines under the 1990 Hate Crimes Statistics Act which provides for victims of crime based on race, religion, ethnic/national heritage and sexual orientation.

Both Segrest and Jimmy Creech, Program Associate for the North Carolina Council of Churches, speculate that the severance letter may have been written in response to political motives and an interest in appealing to the State's right-wing voters. Joe Dean, Zeidman's direct supervisor and Secretary of the State Department of Crime Control and Public Safety, is running this year for North Carolina Attorney General.

"Mr. Zeidman is using innocent victims of anti-gay crimes as political footballs in an election season," Segrest said.

The March 6 protest was organized by NCCGLE, the North Carolina Council of Churches, and the North Carolina Lesbian and Gay Political Action Agendas. Approximately 35 demonstrators assembled outside the Archdale Building which houses the offices of Dean and Zeidman. The protest lasted some 20 minutes and a press conference, attended by the *Associated Press*, *The Charlotte Observer*, *WUNC-FM*, *Q-Notes*, *The Front Page*, and other media, followed.

At the conference, Creech said that he and

Continued on page 5

Murder suspects arrested for beating gay man

by Dan Van Mourik
Q-Notes Staff

GASTONIA—According to a report in *The Gaston Gazette*, five men have been arrested in connection with the beating and robbery of a gay man. Four of the men charged were already in jail on charges of armed robbery and murder in the shooting death of Gastonia bondsman Eddie Dow. They are Jamie Doyle Bivens, 20; Anthony Maurice Cathcart, 21; Dennis James Eason, 19; and George Cale Buckner, 23. The fifth man, Gary Lee Johnson, 19, has been charged with strong-armed robbery and has not been charged in the Dow case.

Gaston County Police stated the robbery occurred three days before Dow was robbed and killed on February 19.

Investigators charged the men with luring the victim from Charlotte's Scorpio Lounge to a secluded place called the "hot spot" on South Point Road in Gaston County where the robbery and beating occurred. One of the suspects referred to this practice as "ganking," according to Gaston County Police Detective James Buie.

A Gaston County Police Officer found the victim badly beaten and walking down South Point Road. The man said he had been picked up at Scorpio by a young man who asked him if he wanted to go for a drive.

According to police, the pair drove out to South Point Road at the young man's suggestion. A car which had followed the pair pulled up and four men got out.

One of the suspects referred to this practice as "ganking" according to Gaston County Police.

"They pulled him out of the truck and started kicking him and beating him with their fists," Buie stated.

During the assault, the men ridiculed the victim for being gay, police said. They took

Continued on page 22

Nominations sought for First Annual Q-Notes Awards

CHARLOTTE—This year at the annual *Q-Notes Summer Breeze Gay and Lesbian Pride Picnic*, Sunday, June 7 at Charlotte's Bryant Park, we will inaugurate a pair of very special awards for two individuals from the Carolinas.

The first, known as the Mark Drum Memorial Award, will recognize an individual who has done outstanding and exceptional work in the HIV/AIDS-affected community.

Mark Drum was a *Q-Notes* staff writer who chronicled his battle with the disease until his passing last May. We are honored to pay tribute to Mark and feel this award will be our appreciation in action.

The second citation is the *Q-Notes OUT!Bound Award* whose recipient will be someone who has made a significant impact on the lesbian and gay community in North and/or South Carolina.

This person will have made a viable change through activism, lobbying, and community service.

If you or your community service organization know a person who should be

considered for either prize, please write to us. Include in your letter a brief personal profile of the individual; a description of their work and performance; and the reasons why their contribution has been exceptional.

We are aware that hundreds of people in the gay and lesbian community are committed everyday to extinguishing disease; suffering; bigotry; bashing; and discrimination, so choosing these recipients will be a difficult process.

The deadline for your submission is Friday, May 1.

All applications will be given serious consideration by a nominating committee; award finalists will be voted on by the entire staff.

We look forward to hearing from you, and learning more about our fine community members and volunteers.

Please make sure that you include your contact information, as we will be making further inquiry regarding finalists.

Send your submissions to *Q-Notes P.O. Box 221841, Charlotte, NC 28222*