

Q Notes

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Hawaii judge approves same-sex marriage in historic case

Challenges to ruling already underway

by David Stout
Q-Notes Staff

HONOLULU—For the first time in US history, a state court has ruled that civil marriage law cannot discriminate against gay and lesbian couples. First Circuit Court Judge Kevin Chang handed down the historic decision December 3 in *Baehr v. Miike*, a case brought by three same-gender couples who sued for the right to marry. In his decision, Judge Chang rejected the claims made by the state that such marriages should remain illegal. Instead, he declared that the right of same-gender couples to marry is guaranteed by the Hawaii Constitution. Despite the victory, there won't be wedding leis for same-sex couples for a while yet. Judge Chang has blocked the issuance of licenses pending the outcome of an appeal.

The couples were represented by Honolulu civil rights attorney Dan Foley, working through the Hawaii Equal Rights Marriage Project, and Lambda Legal Defense and Education Fund's Marriage Project Director Evan Wolfson. Following the ruling, Foley said, "Judge Kevin Chang made the only decision that he could, given the evidence in this case. This decision is not only historic, but of vital personal consequence to the couples who want to get married."

Co-counsel Wolfson also recognized the

broad scope of Judge Chang's verdict. "This case made a major breakthrough toward ending second-class status for gay families. This decision marks the beginning of the end to sex discrimination in marriage."

The drive for same-sex marriage began in 1990 when Ninia Baehr and Genora Dancel, Patrick Lagon and Joseph Melillo and Antoinette Pregil and Tammy Rodrigues were denied marriage licenses by the state Department of Health. They jointly filed suit in 1991, alleging that the denial was unconstitutional and eventually the case was appealed to the Hawaii Supreme Court.

In 1993, the state Supreme Court ruled that, under Hawaii's Constitution, offering civil marriage licenses only to opposite-sex couples amounted to sex discrimination. They remanded the case to the lower court and ordered the state to show what "compelling" interest it had in pursuing such discrimination.

When the case was re-heard in the First Circuit Court this past September, the Attorney General's office marshaled witnesses to demonstrate the state's reasoning. They focused their argument on the needs of children, claiming that two-parent couples consisting of a man and a woman provide the best environment in which to raise children. The debate wasn't all that compelling, though, as Foley and Wolfson presented their own expert witnesses who unequivocally testified that well-adjusted children can be raised in all types of nontraditional families. *See MARRIAGE on page 14*



NALGCC Convening Committee (pictured from Left): Lorri Jean (Los Angeles), Richard Burns (New York City), Ann DeGroot (Minneapolis), Ralph Serpe (San Jose, CA), Dilia Loe (Ft. Lauderdale, FL).

Gay community center group forms national alliance

by Benjamin Stilp
Special to Q-Notes

ALEXANDRIA, VA—More than 60 people from across the United States attended a day-long organizing institute convened by the National Association of Lesbian & Gay Community Centers (NALGCC) on November 7, signaling the potential power and growth of grassroots organizing efforts for the gay and lesbian liberation movement. Participants in the NALGCC institute represented approximately 40 lesbian and gay centers and center organizing committees. Some participants represented towns and cities where a lesbian and gay center currently does not exist. The NALGCC institute gathered leaders from lesbian and gay community centers who discussed the need to provide services, promote greater visibility of lesbian and gay issues, and foster community-based organizing as vital components to securing equal rights and protection under the law for lesbian, gay, bisexual and transgender people.

Co-founded by the centers in Los Angeles, New York City, Minneapolis and Dallas, the NALGCC was formally launched in November 1995 to encourage and support the development of lesbian and gay community centers throughout America; as well as to facilitate communication and networking among the existing 75 centers. In support of these goals, the NALGCC provides technical assistance to new

and established centers, undertakes joint projects and campaigns administered at the grassroots level (such as lesbian and gay voter registration and mobilization) and acts as a national voice for local organizing efforts. During the past year since the NALGCC's founding, the combined annual budget of 75 existing centers has grown approximately \$7 million (from \$30 million to \$37.1 million). Nearly one in five lesbian and gay community centers in America today has opened in the past three years.

The institute provided the opportunity for participants to address common obstacles in developing newly founded centers and to share expertise through the exchange of technical assistance such as fundraising ideas, developing programs and services, and securing a permanent site. The NALGCC institute also included a progress report on the national efforts to register and mobilize gay voters through local community centers known as "Promote the Vote." Co-led by Carmen Vazquez, Director of Public Policy at the Lesbian & Gay Community Services Center in New York and Ralph Serpe, Executive Director of the Billy DeFrank Lesbian & Gay Community Center in San Jose, CA, Promote the Vote included 21 lesbian and gay community centers throughout the United States, which, combined, reached an estimated quarter million voters. The upcoming national *See ALLIANCE on page 23*

Computerized records law raises HIV privacy concerns

by David Jones
Q-Notes Staff

RALEIGH—It may be possible to get access to the list of people who have tested positive for HIV and been reported to the state of NC if a proposed law concerning computerized medical records is enacted in its current form.

Sponsors of the proposal say that its intent is to protect the privacy of individual medical records in a new age of computers and electronic communications. But it would allow the release of HIV information if a health care provider thought there was an "imminent danger"

whether someone has been reported to the state if they claim that a person with HIV poses a danger to themselves or others during some medical procedures or workplace settings.

The legislation puts the privacy of the medical records of gay patients at risk since violating the state's sodomy law is a felony. Those who violate laws against substance abuse would face the same threat.

The 33-page bill is being prepared by the North Carolina Health Care Information and Communications Alliance, a group of insurance companies, hospitals, health care providers, computer and telecommunications companies and state agencies. Holt Anderson, executive director of the Alliance, told *Q-Notes* that the proposed law is an effort to clarify and strengthen existing laws and regulations concerning the exchange of personal medical information. Confidentiality is often breached now, he pointed out, and new computer and communications technology will increase that danger if laws are not brought up-to-date.

A draft of the bill obtained by *Q-Notes* and dated September 5, 1996, would not only allow HIV-related information to be released without consent, but even require it. The bill says that medical information "shall" be disclosed by a health information custodian "when, in the reasonable opinion of a Health Care Provider, there is an imminent danger to the health or safety of the Patient or another individual, or there is a likelihood of the com- *See PRIVACY on page 25*

The bill could let health care providers who believe that HIV-infected patients pose an "imminent danger" demand to know whether individuals have tested positive.

to someone's health or suspected that a felony had been committed.

The bill could let health care providers who believe that HIV-infected patients pose an "imminent danger" demand to know whether individuals have tested positive and been reported to the state. Hospitals, HMO's and other institutional care providers, and even employers who provide health benefits for employees, could also argue that they have a right to know

Killer gets prison sentence in "Jenny Jones" murder

by David Stout
Q-Notes Staff

PONTIAC, MI—On December 4, Judge Francis O'Brien sentenced Jonathan Schmitz, 26, to 25 to 50 years in prison for murdering his gay "secret admirer" after appearing with him on television.

Schmitz shot Scott Amedure, 32, only days after the two had been guests on *The Jenny Jones Show* — on the program the victim admitted having a crush on Schmitz. The defense contended that Schmitz, who says he is heterosexual, was driven to kill because of the hu-

miliation he felt from the television appearance.

Judge O'Brien took Schmitz's history of emotional instability into account when he issued his sentence, but told the defendant, "You still have to be accountable to society." O'Brien added two additional years to the prison term for a weapons charge.

Before his sentence was read, Schmitz addressed the court. "I'd like to say the word sorry... It has a lot of meaning, and it is meant."

Including the time he has already served, Schmitz should remain incarcerated for approximately 20 years. ▼