

Q Notes

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Reyes withdraws from campaign

by David Stout
Q-Notes Staff

CHARLOTTE—On Friday afternoon, July 24 a short and conspicuously vague three-paragraph fax was sent to media outlets announcing Andrew Reyes' withdrawal from the Mecklenburg County Commission race. The opening paragraph simply stated, "Andrew Reyes, the Democratic candidate for Mecklenburg County Commission in District 5, has announced he will withdraw from the race, effective immediately."

One of two gay men seeking a seat on the commission, Reyes was considered a viable candidate prior to his startling exit.

The fax indicated that Reyes was pulling out of the contest due to family obligations, but provided no specific details. It merely noted, "At this time, my family comes first and my place is with them."

Q-Notes attempted to contact Reyes to learn what prompted his decision, but he was out of town past the deadline for this issue. His campaign manager, Jerry Fox, was also away. However, a source told Q-Notes that the health of Reyes' mother sparked his withdrawal.

Reyes, a self-employed businessman who owns an accounting firm and a statewide Spanish-language magazine, threw his hat into the campaign ring following the county commission's infamous arts-funding battle last

year. He had the support of a number of Charlotte's most influential business and civic leaders and had been referred to as "the golden boy" in press reports.

Reyes had garnered attention beyond the region as well. The Gay and Lesbian Victory Fund, a national PAC that gives money to selected candidates, had endorsed his election bid and the Democratic National Committee had named him to their site selection committee for the party's Convention 2000.

Chris Cole, the other openly-gay commission candidate and the lone Libertarian, said that Reyes should be applauded for revitalizing Mecklenburg's political climate. "I believe that the gay community in Charlotte has suffered from a lot of political apathy and ignorance. Andrew broke out of that and stirred up a lot of interest and excitement. We owe him a great deal of gratitude for that."

Cole also stated that he would contact Reyes for his backing. "I hope that we see him running again in 2000. Until then, I invite Andrew and his people to become involved in my own campaign at-large. We certainly had different approaches to the issues, but I think that we share a desire for the gay and lesbian citizens of Mecklenburg County to achieve our rightful place in our hometown."

In his media release, Reyes seemed to confirm his political intentions, including other



Andrew Reyes

election bids. "I would like to thank all of the volunteers for their hard work and look forward to their support in my future campaigns."

Had Reyes remained in the race, he would have faced Republican Tom Cox in the November 3 general election. Mecklenburg Democratic Party Executive Council members who reside in District 5 now have the option of selecting a replacement. As of this writing, no candidate had been tapped for the slot.

Reportedly, Reyes' camp will be contacting supporters over the next few weeks to arrange for the return of all campaign contributions. ▼

Challenge to DP law thrown out

by Dan Van Mourik
Q-Notes Staff

CHAPEL HILL, NC—Because "Publius Heterodoxus" won't come out, the domestic partners of town employees in Chapel Hill will continue to receive health benefits. The anonymous Chapel Hill resident's lawsuit challenging the policy ended on July 21 when a judge ruled the public's right to open courts required the disclosure of the plaintiff's legal name.

"Publius Heterodoxus" was the name the plaintiff was dubbed in court documents. He sought anonymity because he feared retaliation from "gay activists," according to his lawyer, Nate Pendley.

Moments after Superior Court Judge Catherine Eagles ruled that the real name must be disclosed, Pendley moved to dismiss the case.

Eagles found that the public's right to open courts overrode the plaintiff's concerns, noting, "We don't know, from the standpoint of the public, whether this person even exists or is someone who is made up." Eagles also cited an appellate ruling that the plaintiff "cannot obtain vindication in our courts without acceding to the public character of the process."

Six couples are currently receiving domestic partner benefits; two of them same-gender. ▼

NC court takes custody from openly-gay father

by Peg Byron
Special to Q-Notes

RALEIGH—The North Carolina Supreme Court decided July 30 to overturn an appeals court ruling and reinstate a verdict that revoked a gay father's custody of his two sons solely because of his relationship with his male partner.

The ruling means that Fred Smith, a Henderson County, NC resident, will not regain primary custody of the boys he raised from birth until his ex-wife uprooted them with a change of custody in 1995. She argued that, despite all evidence that the children were thriving in their father's care, Smith's sexual orientation and her recent remarriage warranted a change in custody.

Lambda Legal Defense and Education Fund (Lambda) and North Carolina Gay and Lesbian Attorneys (NC GALA) represent Smith.

"The court went to extraordinary lengths to rule against this gay father," said Lambda Legal Director Beatrice Dohrn, expressing shock at the decision. "This ruling undermines non-gay as well as gay parents in unmarried relationships, no matter how proven their parenting ability. The court has opened the door to relitigating current custody arrangements for many families in North Carolina."

Co-counsel Sharon Thompson of NC GALA said, "North Carolina has a past history of determining custody not on societal prejudices, but on the health and happiness of children. It is a terrible misfortune to Fred, his family, and all North Carolina parents that anti-gay prejudice overruled the children's experiences in this case."

Justice John Webb also disagreed with the court, stating in his dissent, "The difficulty with the majority opinion for me is that it recites actions by the defendant which the majority considers to be distasteful, immoral, or even illegal and says this evidence supports findings in fact which allow a change in custody. There is virtually no showing that these acts by the defendant have adversely affected the two children. The test should be how the action affects

the children and not whether we approve of it.... I do not believe we should allow a change in custody on evidence which shows only that the defendant is a practicing homosexual."

The 5-1 ruling, with a seventh justice concurring only with the result, pointed to Smith's long-term relationship with his domestic partner, Tim Tipton, who also helps care for the boys, as the reason for reversing an appellate ruling and supporting a trial court's order for a change of custody.

In an apparently contradictory statement, the court said, "We do not agree with the conclusion of Justice Webb's dissent that the only basis upon which the trial court changed custody was that the defendant is a 'practicing homosexual.' Instead, we conclude that the trial court could and did order a change in custody based in part on proper findings of fact to the effect that defendant-father was regularly engaging in sexual acts with Mr. Tipton in the home while the children were present and upon other improper conduct by these two men."

The court also disapproved of the fact that Smith and Tipton kissed each other in the presence of the children and that, although always keeping their bedroom door closed and locked if they were having sex, the couple allowed the children into the bedroom when simply in bed together. It cited these facts in support of the decision to remove custody from Smith.

"Sadly, this decision means that two kids have been torn away from a great father only because that father is gay," said Stephen Scarborough, staff attorney in Lambda's Southern Regional Office in Atlanta. "That's not the 'best interest standard,' at work. That's prejudice, pure and simple," he said.

Dohrn added, "Although professing not to, the court applied a double standard to the gay See CUSTODY on page 4.



Activists seize office of AIDS Czar

by Wanda Pico
Special to Q-Notes

WASHINGTON, DC—Demanding that President Clinton fund needle exchange programs to prevent the spread of HIV, on July 20 a group of 10 activists seized control of the office of Presidential AIDS Policy Coordinator Sandra Thurman.

The activists chained themselves inside the office immediately after Thurman refused to publicly condemn Clinton's April 20 decision to uphold the ban on federal funding for needle exchange. "I understand and support the president's policy," Thurman told the activists.

All 10 protesters were arrested by the Secret Service and released shortly thereafter.

"President Clinton's April 20 act of cowardice spells death for tens of thousands of men, women and children in this country," said Chris Lanier, coordinator of the National Coalition to Save Lives Now! and one of those arrested. "We've taken drastic action today to insist that human lives not be sacrificed to political expediency."

The protesters had demanded that Thurman call on President Clinton to reverse his decision, as well as to oppose and promise to veto any bill or amendment to make the current funding ban permanent. Participating in the occupation were members of the National Coalition to Save Lives Now!, ACT UP/New York and needle exchange leaders from three cities.

During the takeover, activists chained and barricaded themselves inside Thurman's office; draped a banner proclaiming "Clinton: Clean Needles Save Lives" out Thurman's window; covered walls, windows and photos of Bill and Hillary Clinton with posters denouncing administration policy; and shouted their demands through a bullhorn to outside passersby. The protesters held the building for 20 minutes until Secret Service agents swept in and dragged them out in handcuffs. All were charged with disor-

derly conduct and released after two hours with fines of \$50 each.

The activists had also insisted that Thurman join the call by 18 members of the Congressional Black Caucus for Clinton to dismiss Drug Czar Barry McCaffrey. The General has bitterly fought against funding needle exchange and was widely criticized for misrepresenting the relevant scientific evidence. Shortly after police released the Thurman protesters, one of them, ACT UP member Bob Lederer, confronted McCaffrey during a press conference at the National Press Club. McCaffrey tried to stop Lederer's question, offered to debate him

at a future date and then called Clinton's move "absolutely inspired" for affirming the science on needle exchange while shifting funding responsibility to state and local officials. When Lederer challenged the contradiction in that logic, he was ejected by McCaffrey's security guards. "We will vigorously pursue McCaffrey's promise to debate this issue," Lanier assured.

Experts estimate that 33 Americans are infected with HIV every day due to sharing contaminated needles, with

10,000 infected directly or indirectly by that route in the five years since Clinton took office. While local funding allows 134 needle exchange programs to operate nationwide, they reach only a fraction of the injection drug users at risk. On April 20, Health and Human Services Secretary Donna Shalala announced Clinton's decision (made at the last minute in the face of McCaffrey's threat of resignation and denunciation) to continue the funding ban, even while finally acknowledging the numerous studies affirming that needle exchange lowers HIV transmission while not increasing drug use. The chair of the Presidential AIDS Advisory Council, Dr. Scott Hitt, called the decision "immoral" and the chair of the Congressional Black Caucus, Rep. Maxine Waters, la- See ACTIVISTS on page 4

"Either she is the community advocate that she claims to be or she is an apologist for Clinton's cowardice."