

# Sign Vandalized

## SALGA's Attorney Accuses State of Giving Green Light to Hate Groups

by Cynthia Janes

Within a month of being put in place by the North Carolina Department of Transportation (NCDOT), the Southern Appalachian Lesbian and Gay Alliance's (SALGA) Adopt-A-Highway signs have been stolen, spray-painted (twice) and shot at.

The signs were put up August 22, according to officials at the NCDOT. Six days later, the lower sign on both the eastbound and westbound sides, the part identifying the group, was removed. They remained missing over the Labor Day weekend, but were back in place on Wednesday morning, September 4, according to witnesses. NCDOT had replaced them. Almost immediately, the eastbound sign only was spray-painted with green paint, a color that matched the sign, so that the words "lesbian" and "gay" could not be read.

On September 11, the paint had been cleaned off by the NCDOT. Two days later, buckshot damage on the westbound sign was observed, and two days after that, on September 15, the words "lesbian" and "gay" were observed to have been spray-painted over on the westbound sign, this time with gray paint. As we go to press more than a week later, the paint and buckshot damage on the westbound sign remains; NCDOT has apparently made no attempt to clean the sign and has not replaced it.

According to *Asheville Citizen-Times'* reporter Paul Johnson, Betsy Harrison,

spokesperson for the NCDOT, has said that the state will replace the signs only once. However, Robert Elliot, attorney for SALGA, told *Community Connections* in an August interview that SALGA had refused to sign a proposed agreement with NCDOT which stipulated a limitation on the number of signs NCDOT would replace if signs were damaged or stolen. The agreement finally reached between SALGA and NCDOT does not specify the number of signs NCDOT will replace.

SALGA has never agreed to be responsible for replacement of missing or damaged signs. SALGA's understanding is that maintenance of Adopt-A-Highway signs is the responsibility of the State of North Carolina.

It remains to be seen what action will be taken by NCDOT toward continuing to maintain vandalized signs.

The NCDOT's verbal and written action since the agreement with SALGA was reached has been limited to attempts to dissuade SALGA from using identifying signs, and an "I told you so" attitude when vandalism and theft have occurred. NCDOT officials have done nothing to encourage citizens to respect the right of SALGA to clean the highway, and nothing to indicate that the State will protect those rights.

SALGA's disappointment with the NCDOT is reflected in a letter written by attorney Robert Elliot to Special Deputy Attorney General Jim Smith, after Elliot



Photo by Cynthia Janes

Westbound Sign

read Secretary of Transportation Thomas Harrelson's comments about the issue in the *Winston-Salem Journal*.

In the article, Harrelson was quoted as stating: "It lasted a week. We predicted that. Our policy is that we'll replace a sign one time...but after that, they're on their own."

Referring to Harrelson's comments, Elliot wrote: "Whatever Secretary Harrelson's intentions in his statement, the clear effect is to signal hate groups and individuals that one more act of vandalism or theft may eliminate SALGA as a visible participant in the program, thereby effectively denying their rights to live and act as other citizens of the state."

Elliot found it interesting that, "while the Secretary expressed concern about public knowledge of SALGA's participation, he chose to send his letter through the newspapers, insuring statewide coverage of his admonishment to the group."

Elliot criticizes the State for failing in its obligation to protect SALGA's rights, which he believes were implicitly agreed upon when SALGA and the NCDOT reached the agreement that SALGA would be allowed to participate fully in the Adopt-A-Highway program. Rather than warn vandals that their behavior will not be tolerated, State officials have attempted to turn their backs on their responsibilities to uphold state law, according to Elliot's letter.

The letter concludes, "In our opinion, the State has an obligation to make a reasonable effort to protect the constitutional rights of our clients. Perhaps homophobic activity is predictable, as the Secretary has chosen to emphasize repeatedly. However, the proper response to such activity is to get the word out, through enforcement of the laws and through public education, that the State does not condone or approve of such action by any group of individuals; and that the State is determined, by whatever means reasonably necessary, to ensure that people in North Carolina are able to exercise their constitutional rights without interference. There may be ways in which the State can take precautions against theft and vandalism, either with special hardware, a special type of finish to resist paint, or both. Regardless, we do not feel that the relatively insignificant cost of replacing the signs in question is too high a price to pay to get that message across, and to protect the rights of innocent citizens."

Elliot then asks that a state official "make a public statement unequivocally supporting SALGA's right to participate in the program, and emphatically admonishing would-be violators that the State will not tolerate theft, vandalism, or harassment of its citizens."▼

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