

Gays & The Police: Three Areas Report

Wilmington Murder Still Unsolved

Between 35 and 40 people were arrested in the first two months of a crackdown by Wilmington police against gay men and prostitutes.

Gay leaders call the crackdown a misguided response to the gay-bashing murder of Randy Hockabout last January.

According to police, the most recent undercover campaign is the result of complaints about public gay sex, as well as claims that children were being solicited. "Can you imagine the anger of a parent who has a 13- or 14-year-old who is approached or a kid who goes into a restroom at a guarded mall and sees two males having homosexual sex on the floor?" said Police Sgt. J.L. "Buster" York (*Wilmington Morning Star*, 7/14/86).

Undercover police officers have staked out several public areas of Wilmington, and arrested gay men who allegedly solicited them. The operation has centered in the downtown historic area, a restroom at Independence Mall and the nature trail at Greenfield Park.

While a few of those arrested have been women, most have been men.

Backgrounds, a newsletter published by the gay service organization GROW, says gay men in Wilmington are being approached by undercover officer G.A. Pulley, who generally initiates a conversation with the men, "and then lets it be known that he might be available for sexual activity." Two men told the newsletter that Pulley would "grope himself" while asking the suspect such questions as what he thought of it and what he would like to do with it. This line of questioning is pursued, insisting that the suspect tell him what specific activity he is interested in. When the individual does make a specific offer, an arrest results.

GROW's Leo J. Teachout notes that the police department's *modus operandi* does nothing to address the issues of public sex and child molestation. Officer Pulley is 32 years old — hardly a child, Teachout notes. And he is arresting people for participating in conversations — not for having public sex.

The undercover operation was encouraged strongly by the *Morning Star*, which said that "promiscuous whoopie on public streets and in shopping malls... offends other people and hurts the reputation of the city." The newspaper also claimed that the crackdown would help stop the spread of "a trendy little disease called AIDS."

But Teachout, who calls the relationship between the newspaper and the police "incestuous," says the crackdown can ruin lives.

"Generally, the people who are arrested are married, are not known in the gay community, and do not even identify themselves as gay. They are often super-closeted people acting on a rare and conceivably desperate impulse, and in an unrealistic and irresponsible manner," he wrote. "I dare say that the average gay person who is dealing with his life in an unrealistic fashion would look at the approach ascribed to Officer Pulley as being that of either a weirdo or a cop, and wouldn't linger in conversation.

"If this type of operation is used as a means to solve some official's 'gay problem,' it is targeted at the wrong people. Occasionally, such an arrest will prompt an individual to deal realistically with his life. Most often, it will destroy a family and quite possibly the individual," he added.

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Triad Gays Hold Meetings

Members of the Greensboro gay and lesbian community have established an on-going dialogue with the Greensboro Police Department. Approximately twenty members of the gay and lesbian community met with six Greensboro Police officers on Wednesday, July 30, in the second of a series of meetings, to discuss recent police activities in and around local cruise spots.

Present at the meeting — held at Busby's, a Greensboro bar — were: Chief of Police Conrad Wade; Vice Squad Commander Robert Talbott; Patrol Commander Capt. Luman; and three of the department's community relations department.

Members of the gay community included: the Rev. Christine Oscar, pastor St. Mary's Metropolitan Community Church; Kathryn Smith, co-chair, Gay Academic Union; Liz Hamilton, manager, XTC Bar; and Randall Busby, coordinator for The Triad Gay and Lesbian Network, who sponsored the meeting.

Topics included vice squad activity on Commerce Place, a downtown parking area frequently used for "cruising" by some gay men, arrests made at the Four Seasons Mall restrooms and in local adult bookstores. As in Wilmington, the surveillance seemed to follow after the local gay community put a great deal of pressure on the police to solve the brutal murders of local gay men. The undercover activity, some gay men in Greensboro remember being told, was an effort to "protect" gays.

In response to criticism, Capt. Talbott stated that most undercover activity is in response to citizen complaints about blatant homosexual activity, and "that as long as we get complaints, we have to respond." Chief Wade repeatedly stated that he would "prefer to use limited police resources in other, more pressing areas." Wade further stated

that "as long as the ["Crime Against Nature"] law is on the books, we have to enforce it. We don't make the law, but we [the Greensboro Police Department] are sworn to uphold it."

The question of sensitivity training for Police Officers was raised by Bill Coleman, of Greensboro. Chief Wade responded that the Department was open to anything offered by the gay and lesbian community, as long as the purpose of such training was for making officers more aware of how to deal with gays and lesbians in a professional manner, and not for advocacy.

Much conversation was centered upon tactics that are commonly used by undercover police officers. Those in attendance learned, for example, that undercover officers do not have to identify themselves as police, and may lie when directly asked. Greensboro Police officers rarely work alone, and are usually "wired" with a radio transmitter and recording device. An undercover officer can go to considerable lengths to get a suspect to solicit (i.e., proposition) him for a specific sexual act. An officer will rarely go to a person's home unless there is the possibility of making an arrest for drugs or other illegal matter.

Police representatives stressed that as long as individuals choose to "conduct private affairs in public places," they have no choice but to enforce the law.

Another meeting with police representatives has been scheduled for Tuesday, October 14, 1986. The meeting will begin promptly at 6:00 p.m., in Busby's, 330 Bellemeade Street, Greensboro, for details call (919) 274-0833.

The meeting will be open to members and friends of the Triad gay and lesbian community, and media will not be permitted.

Charlotte Police Won't Hire Gays

The Charlotte Police Department, citing the Supreme Court's recent *Hardwick* ruling, has caused quite a stir in the Queen City by defending its practice of routinely rejecting gay police applicants.

George Gardner, of the North Carolina Civil Liberties Union, said "We believe the police department should not discriminate against an employee or applicant because he's a homosexual." Police officials claim that discrimination against gays does not exist, but said they are merely barring applicants who "admit to a felony."

Police department attorney Bob Thomas said the city has "no written policy on hiring homosexuals. We do have written guidelines that explain that the commission of a felony would keep you from being hired here."

Oral and anal intercourse are felonies in North Carolina, punishable by up to ten years in prison, but the law does not distinguish between such acts committed by either heterosexuals or homosexuals.

Police officials said they could not recall if any heterosexuals have been refused employment because they have engaged in sodomy. Police department Major M. J. Boger offered, "If we have an applicant who says, 'Yes, I engage in sodomy all the time with my girlfriend,' we would have to deal with it. We would have to turn them down." Officials however, did not disclose whether such a question exists in the lie detector tests. Statements by police implied that homosexuals were automatically felons without due process of law, and that women are not viable candidates either.

Thomas cited the recent Supreme Court ruling, saying, "Homosexuals are not a protected class of people under the Constitution." N.C. Deputy Attorney John Simmons concurred. "There is no prohibition against asking the question of whether someone is homosexual as a screening device," he said. From our standpoint, it is not a denial of equal protection. So there is no prohibition to use the anti-sodomy law as a basic for denying employment."

The controversy began after the Associated Press carried a story about the City of Atlanta actively recruiting gay officers created a minor stir. Because of a city ordinance, applicants in Atlanta can't be disqualified because of sexual orientation. Also, Atlanta's public safety department has advertised and actively sought gays, according to department spokesperson, Myrna May. The constitutional question of Atlanta's ordinance has recently been turned over to the city attorney's office, but no decision has been forthcoming.

Reporters in North Carolina began questioning local police officials shortly after the Atlanta story appeared. The five major departments questions by the *Charlotte Observer* (8/16/86) — in Charlotte, Durham, Fayetteville, Greensboro and Raleigh — don't ask directly ask if applicants are homosexual; they believe the information will surface through a battery of interviews and a series of medical, psychological and background checks.

Charlotte and Fayetteville departments conduct polygraph tests on applicants, in addition to background checks that include interviews with an applicant's neighbors and former employers, including the military.

If homosexuality is discovered or suspected, an

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