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Senate Approves Anti-Discrimination Bill

Report by Janelle Lavelle

In a rare victory for state AIDS activists, the North Carolina senate approved a bill prohibiting discrimination against AIDS affected people by a 26-21 margin on Thursday, May 11. It was the last opportunity to pass anti-discrimination in this session of the General Assembly, and was approved only hours before the deadline for non-financial bills to be accepted by at least one house of the Assembly.

The bill that passed the Senate was the result of a late compromise between allies of the AIDS Service Coalition and supporters of Dr. James Fulghum, a Wake County surgeon who had enlisted Lt. Gov. Jim Gardner, chairman Ollie Harris of the senate Human Resources committee, and other powerful opponents of legal protection for those who test HIV-positive.

The bill, a change in the state's Communicable Disease laws, was sponsored by Helen Rhyne Marvin (D-Gastonia), whom AIDS activists said deserves most of the credit for successfully shepherding the bill through two senate committee and a successful battle on the Senate floor.

"This is your last chance to do what is necessary for you to help prevent the spread of AIDS in North Carolina," Marvin told her colleagues. She read a letter from Fulghum expressing general agreement with the compromise bill, which exchanges protection from most forms of discrimination for making HIV testing reportable to the state health authorities. AIDS Coalition lobbyist David Jones admitted that this was a high price, but was essential to the proposal's passage.

"There are about 22 states that have passed anti-discrimination laws, and they have all made HIV reportable," he said. The President's Commission on AIDS recommends those two linked actions, and the AIDS Coalition relied heavily on that commission's report in its educational efforts in the Senate. Marvin emphasized the anti-discrimination and reporting link during the debate.

"This bill is designed to get people tested who need to be tested," she said.

Limits On Protection

There were at least six limitations inserted into the anti-discrimination bill by the opposition which survived the final vote:

- The bill will expire in two years unless the General Assembly chooses to extend it;
- Language protecting people "perceived to be" HIV positive or AIDS-affected was deleted during the committee process;
- "Employer-required pre-employment physicals" can include an HIV test for prospective employees;
- The restaurant industry is exempted from the bill's anti-discrimination measures for the entire two-year period of its enforcement. The N.C. Restaurant Association, one of the most powerful lobbies in the General Assembly, maintained that their businesses would suffer unfairly from an anti-discrimination law because a majority of the general public believes that AIDS can be transmitted by waiters and food preparers. While they realize this is untrue, Restaurant Association spokesmen said, they fear that restaurants would be subject to heavy financial losses because of public misconceptions about AIDS infection. They also said that they support further education efforts during the next two years to better inform the public about the spread of the disease;
- Dentists can refuse to treat HIV-positive patients if they believe they are incapable of providing appropriate care;
- Funeral directors are required to inform their employees if they are handling a body of an HIV or AIDS-affected person.

Consent For Test Still Required

The AIDS Service Coalition and the bill's senate supporters successfully fought against abolishing "informed consent" as a requirement for HIV testing, a position especially important to Fulghum and his allies. An amendment was added to the bill, during its second reading in the Senate that would have allowed medical personnel to test unconscious or incapacitated people who could not agree to the procedure. Marvin led the attack in the Senate against attempts to include language allowing such testing in the final senate bill.

"I have a hunch that every member of this body would want to be informed before he or she was tested for AIDS," Marvin said. When Fulghum's senate supporters cited his arguments that requiring informed consent placed health care workers at unnecessary risk, Marvin said that Fulghum had first lost a battle on informed consent

at his own hospital, lost subsequent arguments with the N.C. Medical Society, and the Legislative Study Commission, then "orchestrated a public hearing" for the Human Resources committee and lost there, too.

"Doesn't that tell you something?" she asked her colleagues.

In the absence of informed consent, which Jones said would have overturned "150 years of common law precedents" which require the patient's permission for any life-endangering procedure, the prevailing legal opinion that HIV testing requires agreement will remain in place, Jones said.

At one point between the second and final readings, the bill consisted of nothing but the funeral directors provision; everything else had been deleted from the bill during the floor debate. A successful attempt at that point to take

protection from discrimination out of the bill was supported by about 10 more senators than opposed the final bill.

Senators Have Change of Heart

Jones attributes the senate's change of heart in part to a massive influx of letters and telephone calls supporting anti-discrimination, particularly from the metropolitan areas of the state. The N.C. Human Rights Fund did an eleventh hour mailing to state legislators, including positive recommendations from several state organizations, including the governor's own task force on AIDS.

Sen. Joseph Johnson (D-Wake), an articulate supporter of the final bill during the debate, received heavy contact from constituents in the Raleigh, Jones said. His support, once he realized that informed consent was not going to be deleted,

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Marines Bargain

A Camp Lejeune, N.C. Marine and government prosecutors have accepted a plea-bargain which will grant Sgt. John Roantes an honorable discharge after he pleaded guilty to two charges connected to allegations that he deliberately exposed a dental technician to the AIDS virus.

Roantes, 29, was reduced in rank to corporal, fined \$600, and will be discharged in 4-6 weeks.

The government side-stepped the issue of whether a Jacksonville gay bar, Friends Lounge, was unconstitutionally off-limits to the Marine Corps by dropping charges against Roantes that involved his visits there. But the American Civil Liberties Union (ACLU) is still planning to challenge the prohibition against the bar, based on First Amendment guarantee of freedom of assembly.

Roantes, an 11-year Marine Corps veteran, was charged with lying about his HIV status during a routine dental examination on April 11, 1988. The technician has not tested positive for the AIDS virus, the government acknowledged on March 30,

and Roantes had been cleared earlier by military investigators of concealing a positive HIV test. The Portsmouth Naval hospital tested Roantes six times for the antibody within an 18-month period, with three positive and three negative test readings. The more-definitive Western Blot test was never administered to him during that period.

The government also accused Roantes of patronizing the off-limits premises of Friends Lounge. The Marine said he had gone to the bar, run by popular female impersonator Danny Leonard, to obtain information on AIDS and other assistance crucial to his court-martial defense.

Leonard said testimony during the trial cast serious doubts on whether Roantes was indeed HIV-positive at the time of the dental-technician incident.

Roantes' case was helped greatly when a Dr. Rosenberg of the Lambda Dental Clinic in New York testified that the dental technician, who was nursing an infant at the time of the alleged HIV exposure was at no time in any danger of contracting AIDS from Roantes.

The off-limits designation of Friends Lounge dates back before Leonard owned the bar. The military has stated in writing that the reason the bar is so designated is because it caters to a homosexual clientele.

"But I'm the only gay bar in the United States that is off-limits," Leonard said. "They proved in court [during the Roantes court-martial] that there were no illegal drug activity in my bar; they couldn't find any sex going on in my bar at all, and those were the original reasons the bar was put off-limits."

The ACLU plans to prove that the bar actually performs a variety of community services, Leonard said, and that the off-limits designation is arbitrarily limiting Marines' rights to free assembly. "Friends Lounge has held benefits for the Red Cross, Hospice, the Beirut Memorial and the local AIDS Task Force; we do HIV testing and voter registration, and hold HIV support group meetings here," Leonard said.

The bar has labored under the off-limits stigma too long, Leonard said, and he welcomes the ACLU's assistance in his ongoing attempt to change the designation.

"I'm glad they've taken it on," he said.

'Creating Change' Conference

A one-day conference aimed at helping community organizers develop, discover and polish their skills will be sponsored on Saturday, June 3 by the N.C. Coalition for Lesbian and Gay Equality, a group of individuals and organizations from across the state working to repeal North Carolina's Crime Against Nature laws.

The conference will be held at the Presbyterian House at UNC-Greensboro from 9 a.m. to 5 p.m., and is designed to benefit "both people who are already organizers and people who are just starting to get involved," according to Coalition member and workshop organizers Maura Fallon.

This will be the first attempt at a statewide conference since the last N.C. Conference fizzled out in High Point in 1985.

"The emphasis for newer people is to discover what skills they already have," since people often

bring abilities to their involvement that they are not aware will be useful, she said. Basic skills such as fundraising, working with the media and discrimination of documentation will be taught by experts from throughout the state.

Seasoned activists will be targeted with special workshops on finding a comfortable leadership style, taking care of oneself, avoiding burnout and sharpening budgeting, accounting and legal skills.

A sampling of workshops includes:

- How to Pass a Gay Rights Bill, with Willie Pilkington (SE Conference) and Gayle Wulk (Guilford Alliance for Gay and Lesbian Equality);
- Organizational Development 101, with Mandy Carter (Triangle Coalition of Black Lesbians and Gays) and Marnie Thompson (Guilford Alliance for Gay and Lesbian Equality);
- Fundraising, with Meredith Emmett (Institute

for Southern Studies);

- Working with the Media, with David Jones (AIDS Service Coalition);

- Finding Your Leadership Style, with Betsy Barton (Triangle Lesbian and Gay Alliance);

- Discrimination Documentation Projects, with Leo Teachout (N.C. Human Rights Fund);

- Enjoy Leadership and Taking Care of Ourselves, with Maura Fallon (N.C. Coalition).

Registration will be \$10-\$20 on a sliding scale. A potluck lunch will be served and participants should bring food to share. Beverages and a light snack will be provided. Limited accommodations are available for people outside the Triad area, if requested before May 26. The conference space is wheelchair accessible.

For further information, contact Fallon at 303 Aberdeen Terrace, Greensboro, N.C. 27403 or call (919) 379-7661.