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# 10%

Maine's monthly newspaper for lesbians & gay men

VOLUME 1 NUMBER 6  
JULY 1994

In this issue...

Portland Pride  
Stonewall 25  
Gubernatorial success

## Bottoms wins custody appeal

by Rebecca Foster  
Editor

ALEXANDRIA - A Virginia Appeals Court has overturned a lower court custody suit that took away Sharon Bottoms' son Tyler, because she is a lesbian.

The suit brought by Kay Bottoms, Sharon's mother, who alleged that the child would be "mentally and physically harmed" if he were allowed to remain with Sharon and her partner, April Wade. The couple lived together with Tyler prior to the suit.

Under the previous court ruling, Bottoms was allowed to see her son, only twice a week and the visit had to be away from her home and without her partner.

The Appeals Court found that consideration of the mother's sexual orientation was improper and threw out the settlement.

The case attracted national attention including appearances by Bottoms and Wade on CNN's "The Larry King Show" and CBS' "Eye to Eye" with Connie Chung.

Kay Bottoms, who had custody of Tyler under the previous ruling, has vowed to appeal the decision.

## Biggest ever Portland Pride; Cosby a no-show

by Terri Jones  
Editor

PORTLAND - Record crowds braved scorching heat to attend Portland's celebration of gay, lesbian, bisexual and transgender life on Saturday, June 18. The event featured a parade down Congress St. and into the Old Port with music and vendors at Tommy's Park. An estimated 1500 people, including Frannie Peabody, Miss Maine 1993 Josette Huntress, State Senator Anne Rand, Parents, Friends and Family of Lesbians and Gays, the Maine AIDS Alliance and several other organizations marched along with floats from area bars.

A Friday night rally set the stage for the weekend. Rally participants spoke about the need to remember the lessons of Stonewall, particularly in the face of the referendum effort by Concerned Maine Families. Speakers reminded listeners that both Susan and Paul Madore, leaders of the human rights ordinance recall effort in Lewiston, will be running for the Maine Legislature after surviving their respective primaries (Paul Madore was



PHOTO: REBECCA FOSTER

1500 people marched from Longfellow Square, down Congress St. to Tommy's Park in the Old Port to celebrate gay, lesbian, bisexual and transgender pride. The parade was uneventful despite earlier threats of counter protesters.

unopposed) and that fighting Carolyn Cosby's efforts will require hard work and money.

The rally also featured music by the Maine Gay Men's Chorus and appearances by Rita Kissen of Parents Friends

and Families of Lesbians and Gays, Bee Bell of Act-Up, Alan Stearns of Maine Lesbian and Gay Political Alliance and Miss Maine 1993 Josette Huntress.

Saturday's festivities included vendors  
**continued on page 4**

## 1 million remember Stonewall 25

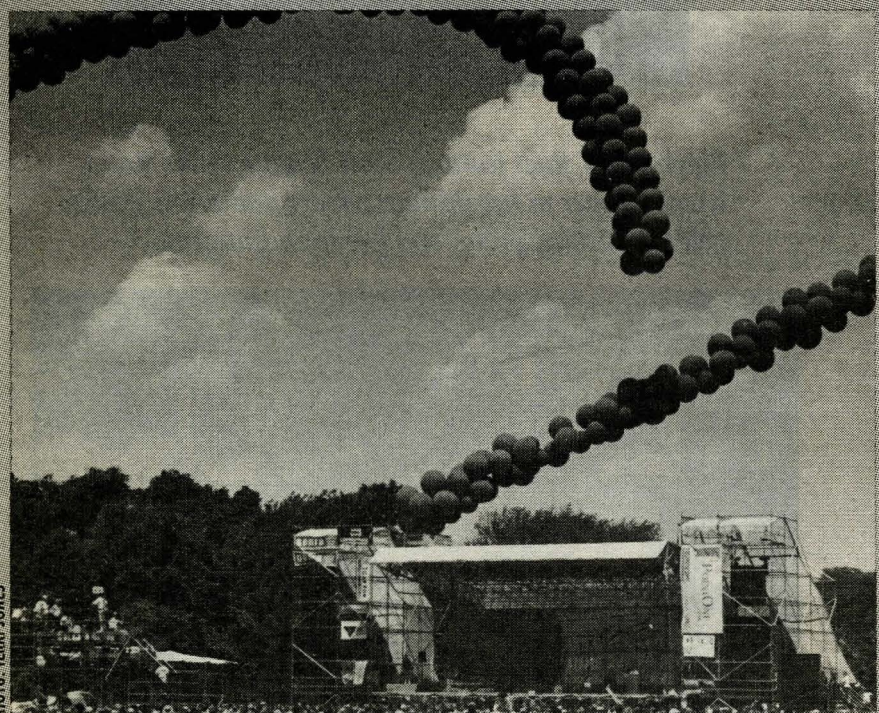


PHOTO: TERRI JONES

Organizers estimated attendance at the June 26th event to be 1.1 million people. For more scenes from the day, turn to page 10.

## FDA considers at-home HIV test kits

by Rebecca Foster  
Editor

WASHINGTON - The U.S. Food and Drug Administration (FDA) has scheduled June 23rd public hearings to explore the advantages and disadvantages of at-home HIV tests. Three companies, Johnson & Johnson, Anonymous Testing Services and Coonan Clinical Laboratories, have requested approval to market test kits selling for approximately \$30.

Supporters of the test kits say that the availability of the kits will result in increased opportunities for testing and prevention. And, say supporters, at-home testing may

appeal to minority groups who may be reluctant to go to a clinic to be tested. The National Association for the Advancement of Colored People and the National Council of La Raza, an umbrella group of approximately 160 Hispanic organizations have expressed support for the kits. Others have warned that people receiving positive results need counseling and information to prevent depression and denial. Supporters counter that clinics, doctors and other testing sites do not necessarily provide adequate counseling or comfort for individuals who use their services.

The test would require users to prick their finger and place drops of blood onto a special sample

**continued on page 11, col. 1**



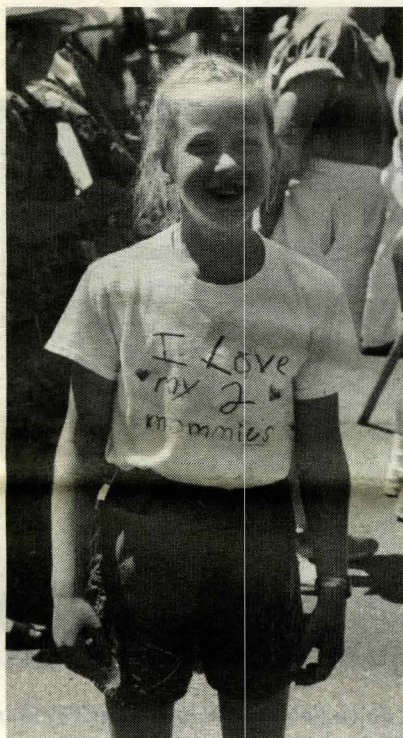
# Portland's 8th Annual Lesbian, Gay, Bisexual and Transgender Pride Celebration



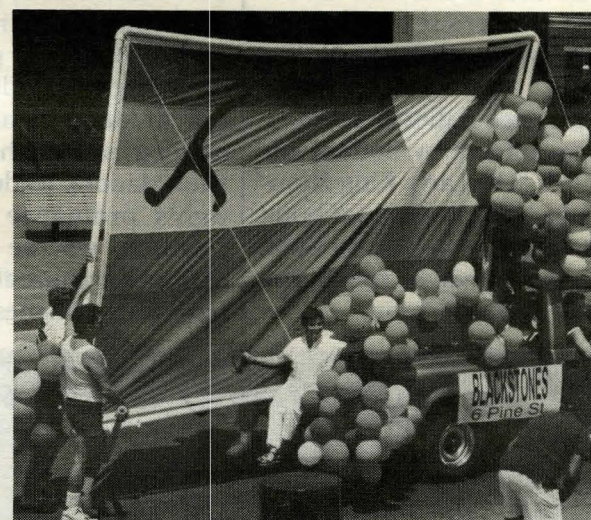
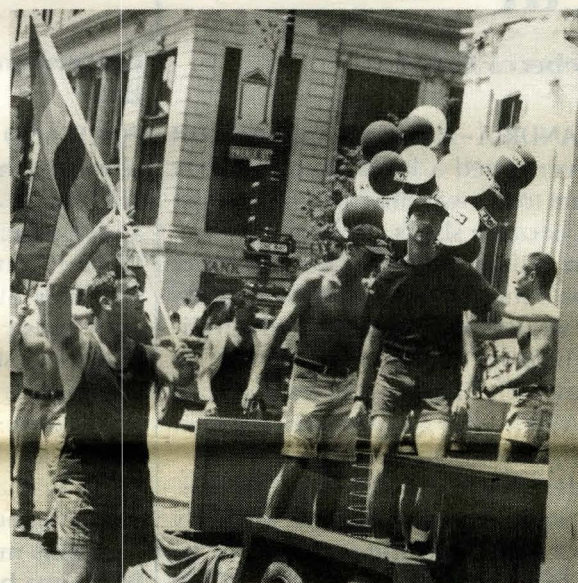
Portland's celebration featured a strong contingent of families including, pictured above, P-FLAG, below, Emily Ciechomski Fournier.



Area bars provided floats and marchers. Above, the Underground, below, KaOs.



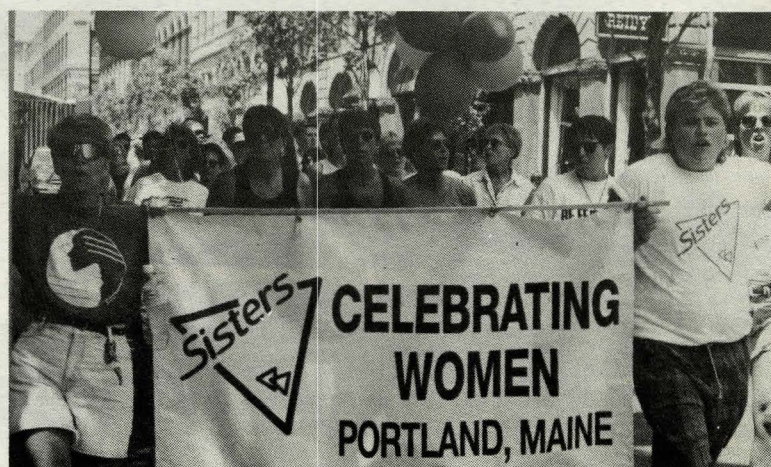
Portland's gay, lesbian, bisexual and questioning youth support and social group, OUTRIGHT, above.



Blackstones' float featured State Senator Anne Rand, recent winner in her primary, above and below, Sisters fielded a strong, proud and jubilant contingent.



Colby College student and Miss Maine 1993, Jossette Huntress made one of her last public appearances in Portland's parade to show her support for the community.





!?!?

## Editorial... Comment...

## A defining moment

It was impossible to watch the events in New York this past week without thinking of defining moments. From the simple profoundness of Del Martin and Phyllis Lyons walking the route at the beginning of the march, together for 41 years, to the 40,000 people who attended the closing of the 11,000-athlete-strong Gay Games to the Stonewall veterans who stood their ground, each participant faced a point in his/her life when they recognized a "definition" of themselves that was proud and worthy of civil rights and societal respect. Even the scorching heat of New York could not dull the sense of pride in the faces of marchers.

Those of us too young to remember Stonewall face our own defining moment in the 1990s. For every domestic partnership law, for every court battle won, for every neutral or faintly positive media report there is a Fred Phelps, a Carolyn Cosby or a Rush Limbaugh spreading hate. What we do, or don't do, will determine whether we defend or squander the tradition given to us by Stonewall.

As we watched the Stonewall veterans lead the celebration, we should feel a sense of responsibility to carry the community to its next level. While we can marvel at the ease with which 1 million people can march, we need and should demand the legal protections that validate and protect ourselves, our partners and our families.

Unlike Stonewall, mere physical resistance will not distinguish our generation. To take our community to the next level, we must work harder, raise more money, think and strategize harder and stay together. We have no choice. We have inherited the Stonewall tradition, and if we think today's battles are hard, imagine the courage it took to find the Stonewall Inn in 1969 or to define one's self when the word "lesbian" or "gay" was never spoken. Their hard work made our lives possible, what will we do for the next generation?

As the procession of groups and people that marched on Sunday, begins to recede from the mainstream's consciousness, we need to hold on to our sense of responsibility for the next great period of gay rights progress and to hold on to the proud tradition that grew to such heights in the commotion of Stonewall. That tradition, and its remembrance on Sunday, will lead to our movement's next defining moment.

As Maine's gay and lesbian community faces Carolyn Cosby, day-to-day struggles and a national far right backlash, we need to remember that a small group of individuals standing their ground 25 years ago gave 1 million people a gift of pride, resistance and community in 1994.

10%

Maine's monthly newspaper for lesbians &amp; gay men

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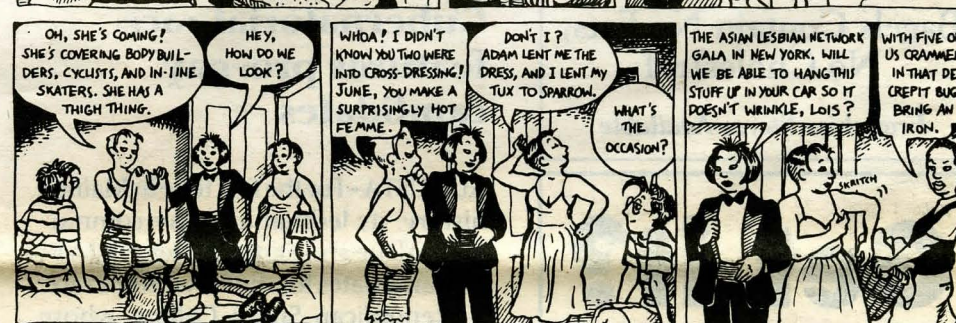
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## Editors

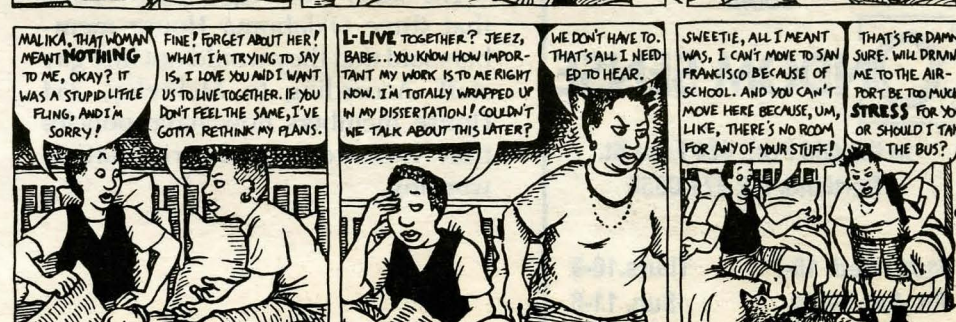
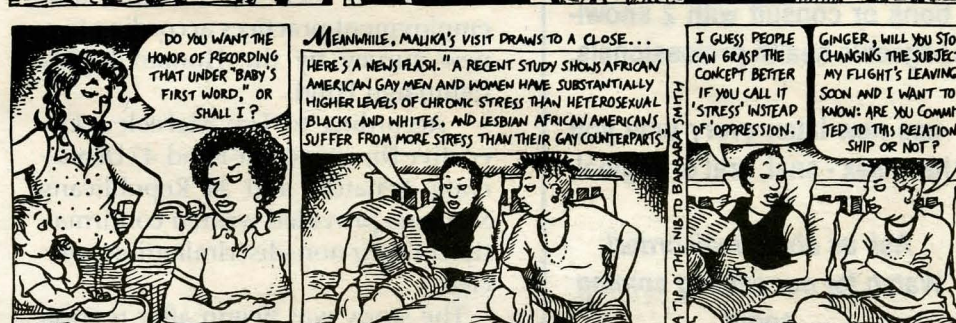
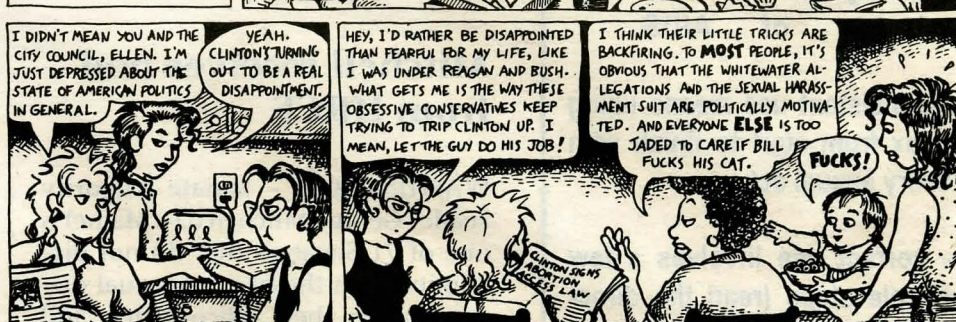
Terri Jones • Rebecca Foster

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Tara K. Luce • Will Sandstead



## Dykes To Watch Out For







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- correct use involves a few simple steps (read the directions or consult with 2 knowledgeable health professionals.

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Mon.-Wed. 10-7      Thurs. 10-9  
 Fri.-Sat. 10-10      Sun. 11-6

# Maine News

## **Pride** continued from page 1

dors and performances by Women in Harmony, female illusionists, Rare Form, Martin Swinger.

Organizers of the rally and weekend invited Carolyn Cosby to set up a table to collect petition signatures for her effort to limit the Maine Human Rights Ordinance to its current wording. Cosby declined the offer citing "harassment" (see the June 1994 10%) by gay activists and an unwillingness to have her petition-gatherers subject to event organizers' supervision. According to Rossetti, Cosby was invited to show that the gay and lesbian community is open to debate and dialogue and because Cosby had claimed harassment by "gay activists".

The weekend events incurred greater than expected costs because reports of a planned counter-demonstration required larger security and insurance expenditures.

## **Maine's fall Gubernatorial race features pro-gay candidates**

AUGUSTA - For the first time in Maine's history, its lesbian and gay community will be choosing among supportive candidates for the Governor's race.

Republican Susan Collins, whose support for gay rights emerged late in the campaign and Democrat Joseph Brennan survived their party's primaries and will join Independent Angus King and Green Party choice Jonathan Carter on November's ballot.

Collins and Sumner Lipman were criticized by fellow Republican Judy Foss for their support of gay rights legislation just days before the primary.

## **Mitchell receives nod from HRCF**

WASHINGTON - Senate Majority Leader George Mitchell (D - Maine) is one of 71 Senators that do not discriminate on the basis of sexual orientation in their office hiring and employment practices according to a new survey by the Human Rights Campaign Fund.

According to Tim McFeeley, Executive Director of the Fund, 47 Democratic Senators and 24 Republicans Senators provided written confirmation of their non-discrimination policies.

The study was begun after reports that three Oklahoma House members said that they would not hire gay staff. According to McFeeley, 234 House members now have policies that include non-discrimination wording.

## **Portland man's estate wins partial victory in Ohio**

DAYTON - An Ohio jury has agreed with the estate of a Portland man and the American Civil Liberties Union that a Fremont, Ohio hospital refused medical services to a man when they discovered he had AIDS. The jury awarded \$512,000 in damages for the violation of a federal law prohibits the "dumping", of patients.

In April 1992, Portland resident Fred Charon was traveling through Ohio when he had an allergic reaction to medication. on the advice of his doctor, he went to the nearest hospital for treatment. After telling hospital staff that he had AIDS, the staff refused to treat him. Court documents asserted that one doctor was heard to say, "Once you get an AIDS patient in the hospital you never get him out." Charon was sent to a Toledo hospital 40 miles away.

Still undecided is a claim brought under the Americans with Disabilities Act. Under the Act, individuals with disabilities, which includes individuals who have HIV or AIDS, are protected from discrimination based on their disability. A judge will rule on that claim on a future date.

Fred Charon died in March 1993.

## **USM President responds to letter requesting action on campus gay issues**

PORTLAND - University of Southern Maine President Richard Pattenaudd has met with gay members of the faculty in response to a letter expressing concern over claims of homophobic employment practices. The letter, written by Lawrence Bliss, Director of Career Services and Julien Murphy, Associate Dean of Arts and Sciences, expressed concern over recent reports of discrimination in the case of two gay male professors, Chris Reed and Chris Castiglia who believe that their teaching contracts were not renewed because they are gay. (See the June 1994 issue of 10%)

Bliss termed the meeting, "the beginning of a discussion". "He [Pattenaudd] understood that we were talking about the need to act even if there was no homophobia with regard to [Chris Reed and Chris Castiglia]," says Bliss. "The situation was a good opportunity to step in with some education."

The meeting included discussion about the stream of identifiable gay and lesbian role models leaving the USM faculty at the same time. In addition to Castiglia, Reed and Leigh Gilmore, an English and

Women's Studies professor, three other professors have announced that they will be taking time off next year - Julien Murphy, professor and Associate Dean of the College of Arts and Sciences, Rose Marasco, Professor and Chair of the Art Department, and Artis Cameron, professor in the American and New England Studies Program. This exodus will be a continuing issue for examination during this summer.

Currently, there is no scheduled date for a follow-up meeting with the President, but Bliss and Murphy have been charged with the task of putting together specific proposals for Pattenaudd to take action on when the fall semester begins. To this end, they will be speaking with a number of faculty, staff and students over the course of the next couple of months.

## **HRCF rates Maine's Congressional delegation**

WASHINGTON - The Human Rights Campaign Fund, a Washington-based gay rights lobbying group has rated Maine's representatives - Senate Majority Leader George Mitchell (D) Senator William Cohen (R) and Representatives Thomas Andrews (D) and Olympia Snowe (R) - for their support of issues of concern to lesbians and gay men.

Tom Andrews received the highest rating with a perfect score of 100, followed by George Mitchell score of 89. William and Cohen and Olympia Snowe did considerably worse with scores of 69 and 29, respectively.

Andrews and Snowe will face each other in this year's race for the seat currently held by Senate Majority Leader George Mitchell.

## **Performance activist Judith Sloan to appear in Maine**

PORTLAND - Comedienne, actress and activist Judith Sloan will make several appearances in Maine as part of her summer 1994 tour.

Sloan is noted for her one-woman show that features several characters and combines social commentary with outrageous humor.

She has performed on college campuses, the Smithsonian Institution, the Michigan Womyn's Music Festival, The Bottom Line and La MaM.

She will appear on July 8 and 9 at the Left Bank Cafe in Blue Hill, July 15 at Calderwood Hall in North Haven, July 16 at Second Read in Rockland, August 4 at Belfast Library, August 6 at the Grand Auditorium in Ellsworth, August 12 at Railroad Square Cafe in Waterville, and August 13 at Jonathan's in Ogunquit. She will appear July 28-31 at the Oak Theatre in Portland.





# National News

## Navy grants civilians discrimination protection

WASHINGTON - A May 23rd policy statement from Navy Secretary John Dalton explicitly bans discrimination against civilian Navy employees based on sexual orientation. The policy will apply to the approximately 252,000 civilian employees on the Navy payroll.

The 482,000 Naval military personnel remain subject to the "don't ask, don't tell" rules issued last year.

## NIH rules clinical trial deaths "unavoidable accident"

WASHINGTON - The National Institutes of Health (NIH) has completed its investigation into the deaths of five volunteers who participated in a clinical trial for fialuridine (FIAU) last year. In a June 2 report, the NIH panel concluded that the deaths were the result of drug side effects that could not have been foreseen by the scientists.

NIH recruited 15 people with chronic hepatitis B for last year's trial of the drug but suspended the tests after some patients developed serious liver damage.

The conclusions in the NIH report contradict last month's U.S. Food and Drug Administration (FDA) which found that the NIH scientists conducting the tests "committed serious violations" of federal regulations including providing misleading information to the volunteers and failing to report "serious, unexpected, or alarming side effects."

An Institute of Medicine of the National Academy of Sciences is expected to conduct an independent investigation.

## Openly gay candidates prevail in California

SACRAMENTO - Acting California Secretary of State Tony Miller and State Assembly candidate Sheila Kuehl became the first openly gay candidates to win their respective California primary races.

Miller is seeking a full term as Secretary of State and will face Republican Assemblymember Bill Jones in November. The office has been held by Democrats for over 20 years. Miller won his primary without the endorsement of the state Democratic Party and despite polls that placed him in last place.

Former law professor Kuehl is running for the 41st District seat in the State Assembly and beat her closest primary opponent by over 11,000 votes.

## AT & T begins gay-targeted ad campaign

NEW YORK - AT & T has unveiled its newest direct-mail marketing scheme complete with lavender envelopes and rainbow-colored telephone cords. The mailing, to be distributed to 70,000 people features photos of same-sex couples along with information about the company's non-discrimination policy and its lesbian, gay and bisexual employees' organization, AT & T LEAGUE.

AT & T's ad campaign is the product of "niche marketing" specialists and New York ad agency, Prime Access.

## Sweden recognizes gay marriages

STOCKHOLM - With a vote of 171-141, the Swedish Riksdag passed the Registered Partnership Law. The law gives lesbian and gay couples inheritance, tax and other benefits enjoyed by heterosexual couples but not the right to adopt or to have children through artificial insemination. It also allows civil marriages but not church weddings.

## Kennedy health care proposal retains anti-discrimination language

WASHINGTON - A U.S. Senate committee chaired by Senator Edward Kennedy (D - Mass.) voted down an effort by Kansas Senator Nancy Kassenbaum (R - Kan.) to remove anti-discrimination language from a health care reform proposal under consideration. The amendment would have removed sexual orientation, ability to speak English, income, prior health conditions and anticipated need for health services from the anti-discrimination provision of the proposal. The 11 - 6 vote split down party lines except for Sen. James Jeffords (R - Vt.).

Heavy pressure to defeat the amendment was exerted by several activists groups including the American Civil Liberties Union, the Leadership Council on Civil Rights, the National Association for the Advancement of Colored People, the Human Rights Campaign Fund, People for the American Way and the Disability Rights Education and Defense Fund.

Kassenbaum said that her amendment was intended to prevent the anti-discrimination clause from becoming too long and that [Kennedy's proposal] was adding additional language that I didn't believe was necessary..." She said her amendment was not intended as anti-gay and called that interpretation "unfortunate".

## Cobb Cty. Commissioner's daughter comes out

ATLANTA - The Southern Voice, an Atlanta lesbian and gay newspaper is reporting that a Cobb County Commissioner responsible for a last year's resolution that the homosexual lifestyle violates community standards has a daughter who is a lesbian. In an interview published in the paper's Wednesday, June 22 issue, Shannon Byrne, daughter of Cobb County Commissioner Bill Byrne expressed regret over her father's actions and support of the resolution.

Bill Byrne, County Commission Chair, helped to pass the resolution in response to an effort to extend domestic partnership benefits to Atlanta's municipal employee despite his daughter's sexuality. Shannon Byrne, now 24, has been open about her sexuality since she was 17.

For his part, Byrne has said that his daughter's sexual orientation is irrelevant and that he cannot condone the gay lifestyle.

In response to the Cobb County vote, gay activists have been pressuring organizers of the 1996 Atlanta Olympic Games to move its scheduled volleyball competition out of Cobb County.

The Kennedy health care reform package is one of four currently before Congress that include sexual orientation in anti-discrimination provisions.

## Middle Ages church liturgies joined male couples

NEW HAVEN - A new book slated to appear at the end of June asserts that the early Catholic Church commonly performed ceremonies similar to weddings for male couples. "Same-Sex Unions in Premodern Europe", written by Yale historian John Boswell, is the result of 12 years of research in Europe and the Vatican libraries.

Boswell's research has unearthed liturgies that joined male couples in ceremonies that included kissing and the clasping of right hands accompanied by invocations to God. Boswell was unable to discover if the relationships were sexual but believes that the ceremonies indicate stronger than friendship relationships.

Other scholars disagree with Boswell's conclusions and have said that the ceremonies he describes were sealing ceremonies that recognized brotherhood between men.

Boswell's book picked up additional publicity when it was mentioned in a recent "Doonesbury" cartoon strip in which a gay character discusses the church's earlier recognition of gay relationships.

## Court rules Cammermeyer dismissal unconstitutional

WASHINGTON - In a case affecting prior military procedures regarding lesbians and gays in the military, Col. Margarethe Cammermeyer has been ordered reinstated at her previous

rank and position by a federal judge in Seattle. Col. Cammermeyer had been dismissed under military procedures that preceded the "don't ask, don't tell" policy instituted by the Clinton Administration.

The ruling, by Judge Thomas Zilly, concluded that there was no "rational basis for the Government's underlying contention that homosexual orientation equals desire or propensity to engage in homosexual conduct." The court also found that the policy violated the equal protection clause of the Constitution because it was based solely on prejudice.

The Cammermeyer case attracted a great deal of interest because of her exemplary record. She joined the Army in 1961 and received a Bronze Star for her service in Vietnam. In 1985, she was chosen from among 34,000 candidates as the Veterans' Administration's Nurse of the Year.

Her sexual orientation was discovered during a high level security clearance interview required for her admission to the Army War College. The interview included a question about sexual orientation which Col. Cammermeyer answered honestly. For the next three years, the Army debated about her fate finally dismissing her on June 11, 1992. She had reached widespread support from her superiors in ignoring the ban who told her to stay on duty until the Army pressed the issue.

Gay activists are happy about the outcome of the case and its potential effect on the interpretation of the "don't ask, don't tell" policy currently in force. The Administration has been vigorously defending the old policy in an effort to protect the new policy by setting legal precedents supporting the old, but more restrictive policy.

The Cammermeyer decision is the latest of seven losses for the federal government on gays in the military. The government has prevailed in only one case since August 1993.

A book recounting Cammermeyer's experiences is due out in October.



# July/August

Sunday

Monday

Tuesday

Wednesday

Thursday

Friday

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8

Mothers and Kids Group

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Coming Out

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MLGPA Mtg.

Partners of Parents

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Northampton Lesbian

Northampton Lesbian Festival

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AIDS in Maine

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AUGUST

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6

## Miss Gay Maine 1994



PHOTO: REBECCA FOSTER

The Miss Gay Maine Pageant was held on June 19th at the Underground. Pictured above (l. to r.) is Miss Gay Maine 1994 winner, Augusta Grey, with fellow contestants, Miss Kitty and Shivon. The Pageant was a benefit for Equal Protection Maine.

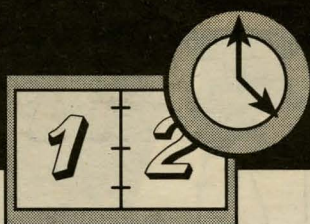
## Val and Dusty live at Sisters



PHOTO: REBECCA FOSTER

Val and Dusty entertain with the help of the Sisters' Backup Singers at a June 10 performance.





# Listing of Events

Friday

1

8

15

22  
Northampton  
Lesbian Festival

29

6

Saturday

2

Bangor Pride  
March

16

Northampton  
Lesbian Festival

30

7

**Androscoggin Valley AIDS Coalition** meets every Tuesday from 7:30-9pm at Lafayette St., Lewiston. Drop in any Tuesday or call 786-4697 for more information.

**"Coming Out of the Closet: How I Did It"**, Hear how community members experienced the coming-out process. Thursday, July 14, 7:30-9:00pm at the Holiday Inn-by-the-Bay, Accessible and free hotel parking. Sponsored by the Matlovich Society.

**Freedom Fest Maine-Bangor** Bangor's 2nd Pride March scheduled for July 9.

**HIV Update: AIDS in Maine**, A discussion of two recent statewide needs assessments, done by the Maine Community AIDS Partnership and by the Maine AIDS development Project. July 28, 7:30-9:00pm, Holiday-Inn-by-the-Bay, 88 Spring St., Accessible and free hotel parking. Sponsored by the Matlovich Society.

**Lesbian ACOA meeting**, Tuesdays, 7-8:30pm at 7 Middle St., Brunswick (behind the Unitarian-Universalist Church by the public library). For more information, contact Jo at 725-5103.

**Maine Lesbian/Gay Political Alliance** meets on the third Saturday of the month in Augusta, call 1-800-55-MLGPA for meeting time and place.

**Mothers and Kids Group** meets the second Sunday of the month. On July 10 meet from 12:30-3pm at the Maze Craze at the Lunt School, Middle and Lunt Rd., Falmouth. Bring a bag lunch, drinks and cake will be provided. For information, contact Linda Parker, P.O. Box 2235, So. Portland, ME 04116.

**Northampton Lesbian Festival, July 22, 23 and 24** featuring the Urban Bush Women, Toshi Reagon, Lesbian Lounge Lizards, Mrs. Fun, Edwina Lee Tyler, Jaime Morton, Ruth Pelham and others. For information, contact W.O.W. Productions, 160 Main St., Northampton, MA 01060.

**Partners of Parents** meets every 3rd Monday, 7-9pm at Woodfords' Congregational Church, Woodfords St., Portland. Support to lesbian and gay men whose partners have children. The group is self-led and meets for discussion. For more information, call 774-5032.

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Sat., July 9  
11:00am

(note time change)  
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## Mothers & Child

### The first trimester

by **Maggie Fournier**  
Contributor

Feeling exhausted? Grouchy? Period late? Chances are that you're pregnant. Buy a pregnancy testing kit or call your doctor for a blood test and check it out. If you are, it's cause for celebration, indeed. Toast to the health of your baby with skim milk. See, you really need the protein during the first three months of pregnancy.

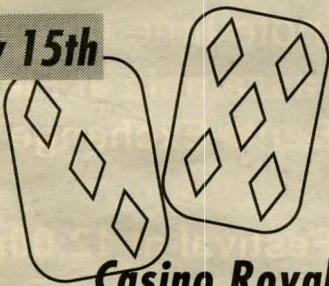
Protein (50 grams per day) is needed for brain development of the fetus, in particular. That's a lot of protein and you may not be in the mood for heavy meat meals or any large meals if you are experiencing nausea and vomiting. (This usually subsides by week twelve, so hang in there.) Best advice is lots of small meals throughout the day. Forget the three meals a day routine for awhile. Concentrate on cold milk shakes made with frozen strawberries or other fruits, non-fat yogurt and powdered soy or skim milk. Now that's a protein power-packed shake! Keep it in the refrigerator or a thermos and work on it all morning. Eat whole wheat crackers if your nauseous. Sipping on ice water help, too. Try to keep something on your stomach at all times. Frequent, light meals without too much fat are a good idea now. And remember, this is not the time to embark on a reducing diet.

Consult your care provider about pre-natal vitamins. Iron intake is also very important now. Get lots of exercise and lots of sleep. Cat naps are great refreshers. While you may be feeling a little under the weather, remember that you'll soon be on an even keel. Your partner can be a wonderful support to you. And let's face it, a little pampering is great!

Share your news on your terms. Most people will be surprised because they have never considered that you would ever be having a baby. It might take some time for them to get adjusted. It's likely that these will be the same folks throwing you a baby shower in your ninth month. Others might be hostile and cruel. It happens sometimes and there is not much you can do except seek support and always remember that you're going to be really good parents. It's your decision, so stand by it with courage.

*Maggie Fournier is an associate professor of nursing at the University of Southern Maine. She is currently conducting research on the topic of co-mothering and is writing a book on lesbian parenting with her partner, Cheryl Ciechomski. Maggie and Cheryl live in Portland, Maine, with their eight year-old daughter, Emily.*

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# Maine Lesbian and Gay Law Association

## National legal trends

by Will Sandstead, Esq.  
Contributor

### Military recruitment at schools

The New York High Court held that Section 2 of the New York Education Law does not require state-chartered schools to grant military recruiters unqualified access to educational institutions. Section 2 provides that military recruiters are to be given access to educational institutions "on the same basis" as all other employment recruiters. In December 1991, the Rochester City School District adopted a policy forbidding access to the city's schools to recruiters from any "organization" which discriminates on the basis of sexual orientation (or race, religion, sex, handicap, etc.). The School District recognized that this policy would exclude military recruiters.

The Court found that Section 2 did not "divest local school boards of their traditional discretionary powers to adopt protocols barring stated discriminatory policies and practices..." Further, the Court found the phrase "on the same basis" to be synonymous with "equal access" and not "unqualified access," and it found that the policy applied to all employment recruiters, not just the military. Therefore, the policy was in conflict with Section 2. *Lloyd v. Grella*, 1994 WL 161326 (May 3).

### AIDS-phobia claims

A New York Appellate Judge ruled that a trial was necessary to determine the merits of the "AIDS-phobia" claim of Paul Mason against the estate of his deceased ex-lover, Lawrence Jacobs. An "AIDS-phobia" claim is a suit brought because of harm caused by the emotional trauma resulting from being exposed to the HIV virus.

In this case, Mason and Jacobs first met in 1988. Each told the other he had tested negative for the HIV virus. Jacobs was lying and had never been tested. They became lovers and had unprotected anal sex. Jacobs later tested HIV-positive and told Mason. He also admitted that he had lied about testing negative. The relationship ended, and Jacobs died in 1991.

Mason later sued Jacobs' estate for fraud, breach of fiduciary duty and intentional infliction of emotional distress. Mason alleged that as a result of his ordeal, he is unable to hold down a job, feels depressed, anxious and physically ill. In addition, although the results of all his subsequent HIV tests have been negative, he has become symptomatic of someone with HIV. His weight has dropped from 185 lbs. to 162 lbs., his T-cell count is 586, and he suffers other medical difficulties.

The estate sought to have the suit dismissed. It claimed that Mason should have known of the risk of HIV infection and, thus, assumed the risk. The Court ruled, however, that a trial was necessary on that issue. The Court also made the distinction between "AIDS-hysteria" cases and "AIDS-phobia" cases. An AIDS-hysteria case involves "irrational fear of contact with individuals who potentially may be HIV-positive." An AIDS-phobia case involves

"actual exposure to the disease, usually involving sexual contact." Mason's case was the later and precluded many of the estate's arguments for dismissal. In addition, the Court held that the fact that Mason was possibly still HIV-negative was not enough to dismiss his claim. *Mason v. Calhoun*, NYLJ, 5/17, p. 22 (N.Y. County).

### Domestic Partnerships

State Farm Insurance Company has recognized a domestic partnership based on a filing under the Laguna Beach, CA, domestic partnership ordinance. Robert Gentry, an openly gay city council member, who is registered with his domestic partner, filed a claim with State Farm for possessions lost by he and his partner in a fire. Originally, State Farm denied the claim for the partner's possessions. However, when Gentry presented the insurer with a copy of the partnership registration, State Farm changed its decision and granted the benefits. A spokesman for State Farm said the insurer will follow the law as it changes, recognizing domestic partnerships when the law does.

### Gay bashing

In Jefferson County, MO, Tony Jones was sentenced to 533 years in prison for the murder of Jack Gilman, a 33-year-old gay man who was shot in the head in a park bathroom two years ago. During the trial, four teenagers testified that they had encountered Jones a few hours before the murder. He was carrying a gun and said he was "hunting humans - queers."

In Maricopa County, AZ, two defendants were sentenced to prison for gay bashing. The defendants robbed, assaulted and terrorized a gay man in a park where gays were known to hang out. The Superior Court judge rejected the defendants' plea for mercy, stating that those who commit hate crimes against those who they believe are "subhuman" are not entitled to mercy. *People v. Ramirez and Enriquez*, (Anderson, J., Apr. 29).

An Ohio Court of Appeals, upheld the murder conviction of Darryl Snead for the shooting of Larry Reese, a gay man who was apparently infatuated with Snead. Snead appealed his conviction to the Court asserting that there was not enough evidence to convict him. He claimed that he killed Reese in self defense when Reese attacked him for repayment of money lent to him by Reese. The Court held that there was enough evidence for a jury to disbelieve Snead's self-defense story, since Reese was shot 5 times at close range and there were several character witnesses who testified that Reese was a non-violent person. *Ohio v. Snead*, 1994 WL 189389 (May 12).

Source: *Lesbian/Gay Law Notes*, June 1994.

Will Sandstead is a board member of the Maine Lesbian and Gay Law Association (MeLeGal) and is an associate at Farnsworth & Associates in Hallowell.

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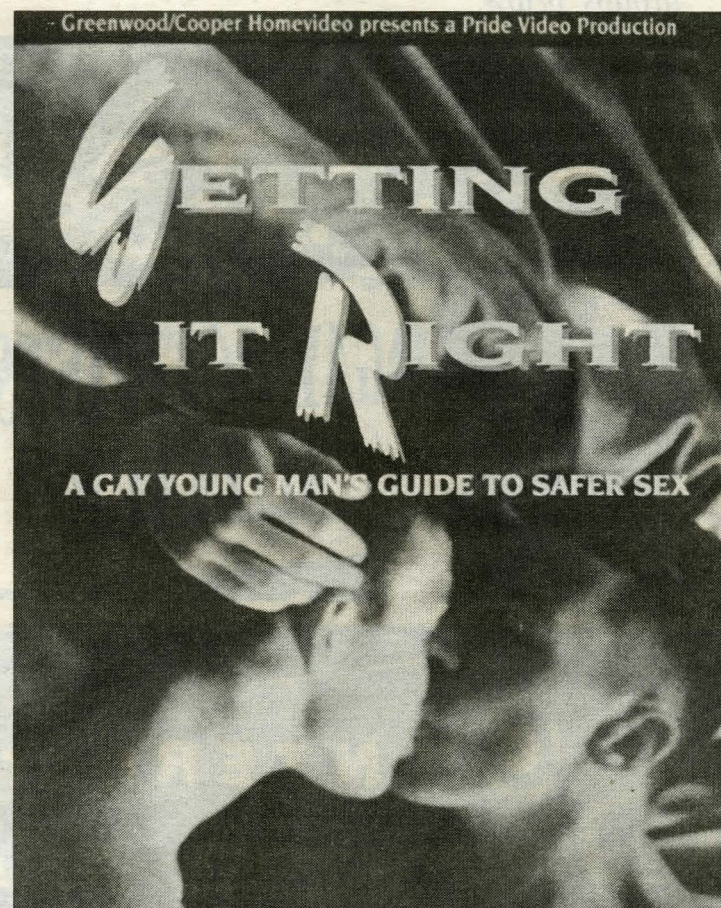
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### Sisters' Softball 1994



July 6 Sisters vs. Ecology House / SAC Field  
July 12 ME Employers Mutual vs. Sisters / Fraser Field  
July 13 Forest Gardens vs. Sisters / SAC Field  
July 18 Sisters vs. In Laws/Out Laws / Fraser Field  
July 20 Sisters vs. Fleet Bank / Fraser Field  
July 25 Sisters vs. Drifters / SAC Field  
July 26 Ecology House vs. Sisters / Fraser Field



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# Stonewall 25

On Sunday, June 26th, over 1 million lesbians, gays, bisexuals and transgender people turned out to celebrate the 25th anniversary of the Stonewall Riots. Marchers from 64 countries joined representatives from 70 organizations and states to fill the streets on the way to Central Park's Great Lawn. The parade was the largest event New York has seen and was joined by an unauthorized march to recognize the AIDS crisis and preceded by an International Dykes' March down on Saturday, June 25.



Stonewall veterans led off the march, including Lesbian/Woman authors and Daughters of Bilitis founders, Del Martin and Phyllis Lyons, above, and original gay rights groups, below.



ACT-UP led organized an "unauthorized march" to call attention to the continuing AIDS crisis. The march was led by the Stonewall Veterans.



The International Dykes' March drew thousands of women in a Saturday march down Fifth Ave. organized by the Lesbian Avengers.





# Refuge

fiction by Tara K. Luce

The heat is already becoming an entity of its own. Moving with a slow and deliberate vastness. Frank looks up from where he had flopped on the chair, arms dangling and legs sprawled. The sweat and the grime standing out on his face. I sit in the little rocker the fan pointed in my direction. Mama comes in off the porch, the screen door bangs behind her. Jack and I both give a start. With her large stride, she crosses the room dusting her palms on her hips. And then having just crossed the threshold of the kitchen she hollers.

"Well... I poured the juice, you two can come get breakfast for yourselves."

Frank stands and goes into the mud room turning on the spigot before he even comes to a stop in front of the sink. I wait behind him as he rinses his face, hands and arms. I swat him on the hip avoiding his glistening skin. "Hurry up Frank." He reaches up lazily to grab a towel and begins to dry himself off without budging. I shove him out of the way throwing a shirt after him. Mama will want him clothed at the table. I stick my hands under the water and then cupping them together bring them full of water to my face and then back through my hair. 'Farmer's hands.' That's what Heather had called them Fall term around Halloween. She'd said 'C'mere and lay those farmer's hands on me.' I had hands like Frank's and Daddy's and Jimmy's. Some day Davy'd have hands just like 'em. Davy was off at his first day of third grade. And in three days I'd be headed back to college.

Then Mama's voice interrupting my thoughts. "Girl, stop running that water down the drain."

In the kitchen I slide my chair up under the table and reach for the cereal. It's cold because Frank and I are late. Mama sets breakfast down on the table at quarter to seven every morning. In this heat I didn't want it hot anyway. Frank and I race to finish putting spoonful after spoonful into our mouths. Frank goes over to the cupboard and comes back with some dry cereal. Mama says something about me eating as much as Frank and true to form he pipes up about us working the same amount. We stack the dishes into the sink and then go out through the screen door. Bang. Dad's cussing as we walk up to the tractor.

"Damn things busted and how." He tosses his hat in under the hood leaving his damp hair standing at all angles from his head. "Well, I want you two to pull a hundred bails of hay out of this barn and put it in the old house on the top of the hill. If this thing refuses to fix I'll need it up there for the steers." He pulls his hat back out of the engine and slides it back onto his head. "Especially with just me and Frank here." He looks at me like he wants to say more but instead he ducks his head back down near the motor. Frank gives my sleeve a tug and we both

walk in the direction of the barn.

"Why don't you go up into the loft and kick some hay down while I pull the truck around and get a wagon hooked to it."

"Frank I can't stay here. I just can't." I stand still in the yard and he has to stop to stay within ear shot. This is not something I want Dad to hear.

"You don't have to explain, Liz. To me you don't have to explain." His eyes say even more clearly that he doesn't want an explanation. He leaves me standing for a minute under the sun before I go into the barn.

The old house on the hill was the first house on the property from way back. It's six miles northwest of the farm house. It has one main room and two small front rooms. As children Frank and I had claimed it for our own, practically moving in during the summers. To get there we took the upper ridge road. From the front porch you can see all the land that we own, except the acres across route 14 that Dad bought when Jimmy was born. It was the land for Jimmy's house. Jimmy, the first son. Jimmy, who was presently laying stroke after stroke of expensive paint onto a canvass.

Frank brings a hammer from the bed of the truck and quickly busts the old pad lock. We'd lost the key the year I turned thirteen and he turned twelve. We'd gone in and out through the window for a while after that. I motion for him to go in first, then quietly call his name as he steps across the threshold so that I can see his profile. "Never mind." I say and he turns and steps into the house, dust swirling into the sunlight on either side of him. The air smells warm and dusty but it is cooler inside then out. We'd painted one of the walls green, the color Dad had painted the chicken house in '78. Our names are painted on the doors of the smaller rooms in that same color. Mine is to the right. I walk in pushing the door all the way open. There is an old mattress on the floor and a large piece of broken mirror mounted on the wall. The plastic in the window is slapping loosely against the wall. On the wall is a tanned Playboy center fold. Her name is Donna. Frank and I had argued over, and finally fought over who's room she would be hung up in. I'd been a little bit bigger at the time.

Frank steps in and catches me looking at the poster. He turns away like he's caught someone dressing. "Hey let's get to work before it gets really hot." I hear his steps falling heavily. One, two, three, four and then he's off the porch and coming back in with the first bail. I hurry to catch up with him.

Just before lunch we have a small load of ten bails left. I tell Frank to go ahead and jump into the shower. That way he'll be out before I get back and I won't have to wait around the kitchen with Mama. It takes about twenty minutes to drive up there and unload the hay. After I finish I glance around Frank's room, a similar mattress and

more small pictures from that Playboy magazine. We'd swiped it from a stack in Don's Garage and Auto Shop one afternoon when we'd road in on the back of the truck with Dad.

Before heading back to the house, I go into my room and carefully pull the poster down off the wall, fold it and stuff it in my pocket. I imagine Sheila or Lisa seeing this up on the wall in our college dorm. They wouldn't understand how I'd felt pounding the nails with a rock to keep it against the wall. My knee and elbow stinging still from when Frank and I had tumbled off the porch. Feeling the silence of the house because Frank had gone off somewhere after finally muttering, 'uncle, all right. Its yours.' Wouldn't see it as I'd seen it lit only by the light of a flashlight. Lisa would frown and Sheila would remove it and leave it on my bed with a note. She would make her point clearly. I stop on the porch and look down both sides of the ridge. I take a breath and hop down off the porch.

In the truck on the way back to the house it occurs to me that Frank, on any one of the many mornings that he will be hauling hay out across the porch for the steers, might step into my room and notice that I'd taken it. I ground the truck to a halt and actually slide it into reverse before I make myself admit that it won't tell him anything he doesn't already know. I ease the truck back into drive and watch the house in the rearview mirror until I can't see it anymore through the dust.

## Personal & Classified

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## FDA

continued from page 1

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