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Women who warned us
about women like us

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VERMONT'S FORUM FOR LESBIAN, GAY, BISEXUAL, AND TRANSGENDER ISSUES

OUT IN THE MOUNTAINS

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Court Extends Privacy Rights to Transsexual Prisoners

WITH FILES FROM
LAURA MILLER

A federal court has ruled that transsexual inmates have a constitutional right not to have their transsexuality casually disclosed.

The US Court of Appeals for the Second Circuit — whose law is binding on Vermont, Connecticut, and New York — held that prison officials were wrong to reveal the gender identity and HIV status of Dana Kimberly Devilla, a post-op MTF transsexual.

Devilla had sued prison officials for harassment she allegedly suffered at Albion Correctional Facility in New York. Following her death in 1995, her executor was substituted as plaintiff.

In the court's opinion in *Powell v. Schriver*, Judge Dennis Jacobs wrote that "the gratuitous disclosure of an inmate's confidential medical information as humor or gossip — the apparent circumstance of the disclosure in this case — is not reasonably related to a legitimate penological interest, and it therefore violates the inmate's constitutional right to privacy."

Devilla, who underwent sex-change operations in 1974, was convicted in 1991 of cashing bad checks. Shortly after she was incarcerated, a corrections officer at Albion told other inmates and staff members that she was both transsexual and HIV-positive. This disclosure, Devilla claimed, made her a target of constant harassment by guards and prisoners.

Judge Jacobs was joined in the groundbreaking opinion by the other members of the panel that heard the case, Judges Ralph K. Winter and James L. Oakes. Oakes, who has long been lauded as a champion of individual rights, has been involved in Vermont law and politics since 1950. After having served as both a state senator and Attorney General for the state of Vermont, he was appointed to the Second Circuit in 1971 by President Nixon. He currently resides in Brattleboro. ▼

Mass Mailing from Outside Vermont Causes Outcry

■ Obuchowski and Racine Speak Out in Support of Same-Gender Marriage

BY BARBARA DOZETOS

Two high-ranking elected Vermont officials came out in public support of same-gender marriage last month.

The pronouncements from Lieutenant Governor Doug Racine and Michael Obuchowski, Speaker of the Vermont House of Representatives, came on the heels of a bulk-mail campaign from Citizens for Community Values.

The Ohio organization paid for a flyer to be sent from Hawaii

to every household in Vermont at an estimated cost of \$40,000.

The message, which outlines supposed dangers inherent in allowing same-gender marriage, was signed by Mike Gabbard, a high-profile Hawaii anti-gay activist.

In addition to Gabbard's, the names of 10 Hawaiian state legislators appear on the flyer, giving the impression that it was endorsed by a broad spectrum of people.

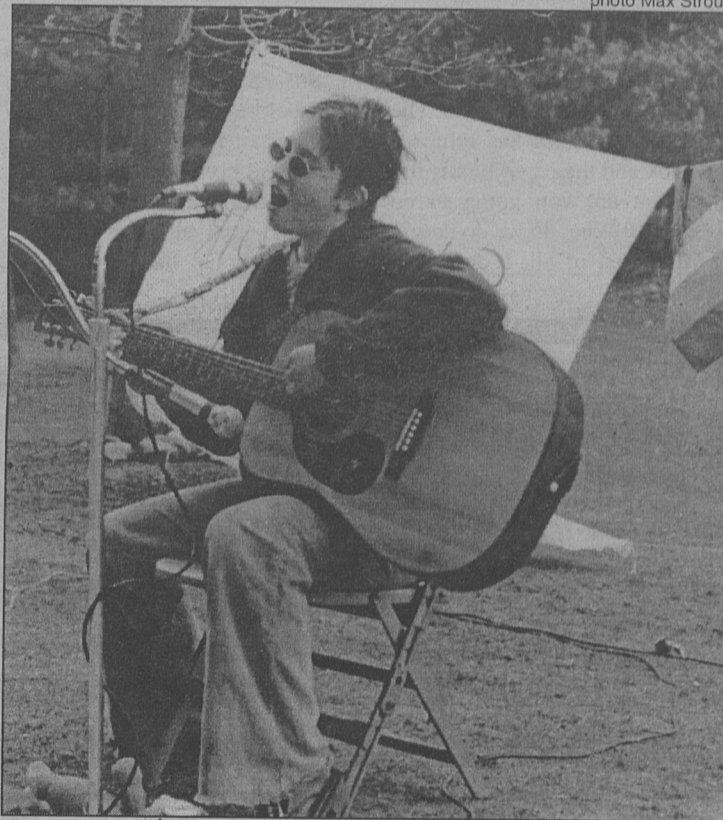
But sources in Hawaii say that at least one of those senators was misled into having his name added to the missive. Senator Jonathon Chun thought he was adding his name to a letter being sent to Vermont legislators urging them "not to use hate and hyperbole when discussing gay-related issues."

Among other things, the letter warns about large amounts of out-of-state money gay rights activists might drop on Vermont in order to support the freedom-to-marry movement. He told reporters that the letter "will make people more aware of this issue, and hopefully spark some interest with a grassroots effort. That's how we won in Hawaii."

The letter neglects to mention the seven-figure sum of contributions from national religious and fundamentalist groups that figured significantly in the Hawaii decision. ▼

For more reactions and information about Gabbard and his activities, see pages 6 and 7 of this issue.

photo Max Stroud



UVM first-year student, Sierra Sumpf performed at the Speak Out on the steps of Bailey Howe Library during Visibility Week

UVM Pride Celebration Turns into 'Invisibility Week'

BY MAXWELL STROUD

The University of Vermont GLBTA student group's recent public awareness campaign was marred by acts of

theft and vandalism.

During the week of April 11-17, a rainbow flag, officially sanctioned chalking, and posters advertising events of the group Free to Be: GLBTA were all removed from various locations around campus.

Although GLBTA students have interpreted these actions as bias incidents, the university police cannot classify them as such until they can be certain of the intentions of the vandals.

To mark the beginning of visibility week at UVM, the student group hung a rainbow flag outside the Billings Student Center on campus. The flag was stolen, and the fiberglass poles supporting it were found, as one student put it, "hacked to the ground."

Gary Margolis, Director of Police Services at the University of Vermont, issued a statement to the GLBTA community

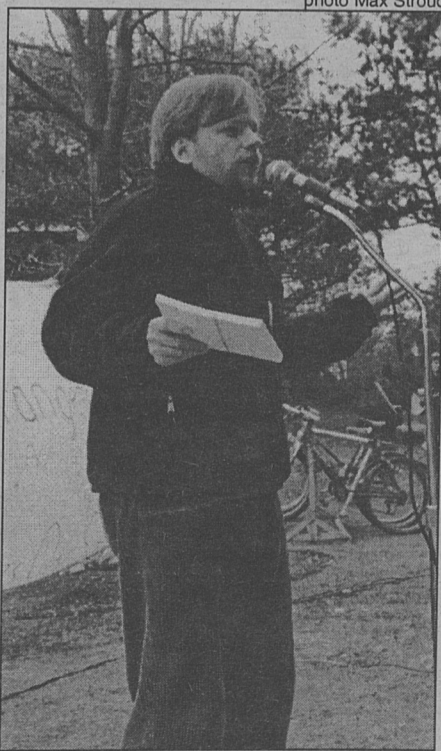
about viewing removal of the flag as a bias incident. It said that "we are bound by the laws of the State of Vermont and as such, with the information we currently have, this theft cannot be called a bias crime no matter how 'clear' to us the suspects motives may be — while one can make an emotional argument for or against the knowledge/motivation of the thief, there is nothing to support a legal argument either way."

Students viewed removal of the flag and vandalism of the flagpoles as an effort to silence them, an example of the lack of safety they feel on the UVM campus and a call to action to continued activism on the campus. Jackie Weinstock, faculty advisor for Free to Be: GLBTA, asserted that "there is no discounting the damage done by

this act of vandalism; it has clearly been experienced by the GLBT students on campus, whether proven or not, as a bias incident."

For the second year in a row, Free to Be: GLBTA also found their "chalking" of the campus with visibility and pride statements removed — even though they correctly had filled out all necessary paperwork for permission. At a meeting with the students, members of the facilities department characterized the erasure as accidental.

As a final frustration, students found that every poster advertising queer visibility week on the redstone campus was torn down almost immediately after going up. One UVM student stated that "the queer posters were the only ones ever to come down." ▼



Tage Lilja of Outright Vermont addressed the crowd at Speak Out during UVM's Visibility Week.