

LGLC

NEWSLETTER

NUMBER 27, WINTER 1993

LGLC Marches on Washington

By James L. Hudler

ON APRIL 25, 1993, LGLC will participate in the 1993 March on Washington for Lesbian, Gay and Bisexual Equal Rights and Liberation. And more, LGLC will have its own program of events concurrent with the March.

LGLC will again use the Washington, DC hotel facilities of the Channel Inn (650 Water Street SW, Washington DC 20024, 202-554-2400 and 800-368-5668), which was our base of operations for the October 1992 LGLC Meeting/AIDS quilt gathering and which provided excellent dining, meeting rooms and overnight accommodations. The Channel Inn's waterfront location on the DC yacht basin is very scenic. Through member Philip De Block (201-991-3395), LGLC has reserved a small number of hotel rooms for out-of-town attendees. Double rooms cost \$80 per night and we have reserved two types of accommodations, (1) Friday, Saturday, Sunday; and (2) Saturday, Sunday only. To reserve a room in LGLC's block, please telephone Philip De Block. LGLC members in good standing will have first choice. Rooms will be hard to find during this March weekend in DC so do call now.

Scheduled events of interest to LGLC members and guests include:

(1) Friday April 23. No formal LGLC functions, but you may want to join us at the Channel Inn to tour the many March-related events together. Contact James Hudler or Phil De Block at the Channel Inn.

(2) Saturday April 24. LGLC/GLIL brunch at the home of H. Beard (1747 S Street NW, Washington DC 20009, 202-483-1311). RSVP by mail or telephone. This brunch will be both a social affair and an organizing event to make plans for the Sunday march.

(3) Saturday, 4:30-5:30 pm, LGLC International Business Meeting at Channel Inn.

(4) Saturday, 6:00-7:00 pm, cocktail hour at the Channel Inn.

(5) Saturday, 7:00-9:00 pm, LGLC Fund Raising Dinner held at Channel Inn. David Boaz, Executive Vice President of the Cato Institute will speak on "One, Two, Three, Four, What Are We Marching For?" \$30/person.

(6) Saturday, beginning at 9:00 pm, bar tour guided by Rick Sincere.

(7) Sunday April 25, 9:00-11:00 am, breakfast and pre-march gathering at the Channel Inn.

(8) Sunday, beginning at noon, the March on Washington.

LGLC contact persons include James Hudler (313-475-9792) for general information; Philip De Block (201-991-3395) for hotel and dinner

LIBERTARIANS
FOR GAY AND
LESBIAN
CONCERNS



LGLC to Meet at National LP Convention

THE BIENNIAL National Libertarian Party Convention will be held in Salt Lake City's Marriott Hotel September 2-5, 1993. LGLC will hold its traditional meeting/social gathering concurrent with the Convention. At press time the meeting/party is tentatively scheduled for Friday evening, September 3 at the Marriott. Convention organizer Bob Waldrup reports that more than a dozen gay bars add to Salt Lake City's other attractions. For information about the National LP Convention write to Morning Glory Productions, PO Box 526175, Salt Lake City UT 84152.

information; and David Edmondson (703-519-0034) for March liaison.

Mailing address for the national March on Washington Committee is PO Box 34607, Washington DC 20043. □

From the International Coordinator

By James L. Hudler

LGLC's OCTOBER meeting, held at the Channel Inn in Washington, DC concurrently with the showing of the Names Project AIDS quilt, attracted thirty-five attendees from several different states. During our dinner address, LP Vice Presidential candidate Nancy Lord spoke about her campaign and of the favorable reception that she and her running mate Andre Marrou had received.

Prior to the dinner, Lord, accompanied by Richard Sincere, me, and other members of LGLC, went to see the quilt, a staggering sight that put in human terms the enormity of the epidemic that surrounds us.

The quilt exhibition, unfortunately, was cheapened by the Human Rights Campaign Fund's chattering endorsements of Clinton/Gore and by Mrs. Gore's neofacist ranting as she (foe of our First Amendment rights) read the names of the dead. When will the established gay community be freed from the liberal Democrat spell?

San Francisco LGLC

In early December I met with LGLC members in San Francisco while my significant other attended a medical meeting in that city. With George Meyer's impending departure for the Los Angeles area, activists Mark Fulwiler, Mark Valverde and Geoffrey Erikson will be assuming leadership of SF LGLC.

The base of operations for LGLC in San Francisco is the Free Forum Book Store, located in the Castro District. I visited Free Forum and recommend it to all LGLC members. The International Society for Individual Liberty (ISIL) is headquartered under the same roof. I also recommend that LGLCers support ISIL. Mailing address for ISIL is 1800 Market Street, San Francisco, CA 94102.

Mark Valverde, the Libertarian Party candidate for the 13th District seat in California's state Assembly, garnered 5,048 votes (3.6%). The race was of national interest, since Valverde was opposing powerful Democrat demagogue Willie Brown in a heavily gay district. Valverde and Geoffrey Erikson, who analyzed election results, thought that Mark's vote totals were lowered because the gay media blacked-out his campaign nearly completely.

ACT-UP and Me

LGLC will get some national video exposure with the airing of a talk show which featured your International Coordinator in opposition to two ACT-UP activists. The pilot of Peter Berman's "Point of View" was taped in January 1993 in the University of Michigan's Ann Arbor studios. The title of the show was



"ACT-UP: Do the Ends Justify the Means?" James Learned of New York City and Patrice Maurer of Ann Arbor defended the tactics of their organization.

I raised two points where LGLC and other libertarians oppose ACT-UP: (1) While we do not object to ACT-UP staging its guerrilla

theater on public property, it is morally and legally a different matter when they invade private property. When I stated that libertarians think it is wrong to violate private property rights, Maurer declared that property is based on force and is acquired in fact by theft. Although Marxism is dead or dying in the former Soviet Union, it is alive and well in the US. (2) When Mr. Learned advocated socialized medicine and said "Because the US is the only industrialized nation beside South Africa without national healthcare, this is disgraceful," I replied that "the only way the AIDS epidemic is going to be solved is with Free Minds and Free Markets."

My thanks for this opportunity to producer Peter Berman and to Emily Salvette, communications student and member of the Ann Arbor Libertarian League.

For The Record: END THE BAN ON GAYS AND LESBIANS IN THE MILITARY NOW!

The US military is financed with tax dollars stolen from citizens regardless of gender, race or sexual orientation. Therefore everyone should be allowed to serve. In fact, Senator Barry Goldwater, himself a retired Air Force colonel, on a January 27, 1993 National Public Radio broadcast, voiced a nearly identical opinion. I continue to be one of Barry's boys! □

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Subscribers are eligible for a free 30-word personal ad. Display ads are available at \$4.00 per column inch. The editor reserves the right to refuse any ad.

LGLC officers are James L. Hudler, International Coordinator; and Raymond Warner, Secretary. Our new world headquarters is Ann Arbor, Michigan.

The mailing address for LGLC and *LGLC Newsletter* is PO Box 447, Chelsea MI 48118.

Abortion as a Gay Issue, Again

By Paul Varnell

THE RECENT ELECTION of President Bill Clinton appears to assure for women the right to seek an abortion. Clinton has stated that he will place justices on the Supreme Court who favor abortion rights, are willing to uphold *Roe v. Wade* or-better yet-reformulate the essential holding on a better-grounded Constitutional argument. In addition, Clinton is likely to overturn the ban on the French abortion pill RU-486 and terminate the "gag-rule" on discussion of abortion at federally-subsidized family planning clinics.

All this is to be welcomed, certainly by those of us who reject the notion of full fetal personhood.

One of the advantages to us as gays in all this is that now we can begin to reclaim the fundamental single focus of our movement.

For years many people in gay leadership positions insisted that abortion was a gay-related issue, even to the extent of using scarce gay economic resources and personnel time on abortion issues, barring anti-abortion gays from leadership or important staff positions, or else intimidating them into hiding their real feelings about abortion. Not an edifying example of respect either for diversity in our movement or for freedom of choice in speech.

In Chicago recently, a legislator who had done enormous work on behalf of a countywide gay rights law was denied a favorable endorsement by a supposedly gay political action committee because, even though he favored abortion rights, he opposed using tax dollars to pay for abortions. So much for rewarding our friends.

But it seems off that abortion should ever have been thought of as a gay issue, let alone an issue with veto power over gay issues. Nothing seems more obvious than the fact that people who are interested in sex only with those of the same gender are just about the least likely to want an abortion, or be harmed by their unavailability.

Three arguments to the contrary are usually offered.

First, while gay men may not be interested in having abortions, lesbian women might be. Some lesbian women, maybe many, engage in sex with men and may by accident become pregnant. Or, of course, a lesbian might involuntarily become pregnant as the result of sexual assault. Or she might find that a fetus resulting from artificial insemination was deformed and would be better off not surviving. However unlikely these circumstances may be for them personally, lesbians may have an interest in preserving the right to an abortion in the event they might need one.

But each of these circumstances are ones that lesbian

women share equally with heterosexual women and scarcely at all with gay men. By that token, abortion rights seem to be a woman's issue, not a gay issue. Particularly for a lesbian who engages in sex with men, it seems downright bizarre to say that undoing a natural result of a heterosexual act is somehow a homosexual issue. What then, one asks, would be a *heterosexual* issue?

A second argument sometimes offered is that even though abortion is not intrinsically a gay issue, it is a gay-related issue in the current political context. That is, because of the way the arguments are constructed, the case for abortion rights draws on the same set of principles about a person's right to control his/her own body to which we as gays appeal for our own rights.

This is a far more plausible-looking argument, but it too runs into difficulties. It is at once too narrow and too broad.

It is too narrow because the choice/privacy arguments, while potent, largely apply to gays only insofar as they speak to the issue of sexual behavior in private-i.e., sodomy laws and the like. They have far less force in such matters as gay civil rights laws, gay access to the military, adoption by gay parent, gay marriage and partnership rights, etc. In those areas, the argument for gay rights likely will have to be formulated less along lines of privacy than those of equal treatment of persons, equal protection of the laws, and so forth, on such bases as the 14th Amendment.

But the privacy/choice argument also is too broad to link abortion rights very snugly to gay issues. If we take

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the principle seriously, then quite a number of other choices and personal autonomy issues become equally "gay related" issues. Decriminalization of drug use would be one such, as would decriminalized prostitution. So, to the discomfort of some feminists, would be consensual sadomasochism, and the production (and, if it follows, sale) of pornography-all gay-related issues.

If we are to defend people's right to do what they want with their own bodies, then we might discover that *laissez faire* capitalism is a gay issue. Minimum wage laws fall before the principle of personal autonomy, as do statutory limitations on working hours and conditions. In fact, any economic arrangement between consenting adults involving work with the body (and the mind too, presumably, as part of

(See ABORTION on page 6)

Whither Liberty?: ACT-UP, Queer Nation

By Geoffrey Erikson

IT IS OFTEN DIFFICULT for gay libertarians to find social outlets. Local LP groups are not usually geared toward socializing and tend not to deal with gay topics. (San Francisco is probably an exception, but then, you might expect that.)

There are of course, other gay groups that one can join, but in looking into some of them, I have found some disturbing political trends. I'm sure that most gay people in the US are familiar with ACT-UP and Queer Nation. Before I joined the Libertarian movement I considered joining one of those groups. In the case of ACT-UP (AIDS Coalition to Unleash Power) I liked their ostensible message but hated their tactics. I can certainly

If it is the purpose of ACT-UP to win support for gay causes from outside the gay community, they are not acting in their best interests.

see value in getting the mainstream press to cover gay issues; that seemed to be the goal of ACT-UP. Unfortunately, their methods of getting the press' attention left much to be desired.

One such attention getting ploy was a sit-in in the middle of the Golden Gate Bridge which blocked traffic for an hour. Other sit-ins have resulted in violent clashes with the police, such as the October 6 police sweep of the Castro in '89. The protesters in both cases got press coverage—lots of it. Unfortunately, the public reaction to both of these events was generally negative. Rather than attracting friends to the cause, ACT-UP did much more to turn potential friends against them.

The march on the San Francisco Civic Center in the wake of governor Pete Wilson's veto of AB-101 (which would have added sexual orientation to the list in California's anti-discrimination laws—more on that later) ended in broken windows, property damage, and even a sculpture in a public building being vandalized. The press was all over this event for days afterward. The letters-to-the-editor in all of San Francisco's major newspapers were overwhelmingly derisive of the gay community. In fact, many people who had formerly supported gay causes stated that they would no longer support "gay rights."

So if it is the purpose of ACT-UP to win support for gay causes from outside the gay community, they are not acting in their best interests. They are in fact, working squarely in opposition to their alleged goals.

Politically, ACT-UP says flat out that they want more government spending in AIDS research, support, treatment, and education. If for no other reason, Libertarians cannot support them on that point. As Libertarians we understand that it is not the role of government to provide medical treatment, education or research money.

It is clear that ACT-UP has an objective of welfare statism. While I cannot agree with this objective, I can understand how they arrived at it. No one in ACT-UP comes from libertarian circles, and of course none of them comes from before the New Deal. Like most Americans, the members of ACT-UP grew up with the idea of government as the great provider. It is only logical then that they would feel betrayed by a government that was not providing for their needs as well. The flaw in their thinking is their misunderstanding of the proper role of government, which I would attribute to government schools far sooner than to malice.

Queer Nation on the other hand is strictly a socialist organization. A little over a year ago, Queer Nation disbanded, only to show up again about six months later. At first, their tactics were similar to ACT-UP's: creating scenes (such as disrupting church services) in order to get media attention. It was never clear why they wanted this attention, although depending on the group (lots of factionalism here) their goals were sometimes simply education (going to suburban malls for instance and talking to people to help dismiss the many stereotypes about homosexual people.) In other cases they held very explicit demonstrations about what gay sex is all about. This was purely for shock value. One famous case was in a tiny California suburb called Alamo where the residents of a small street named Gay Court asked the county to change the name of their street. One Sunday morning

Queer Nation is strictly a socialist organization.

some 30-35 members of Queer Nation descended upon Gay Court and held a "kiss-in." Needless to say, the residents of Gay Court were not suddenly enlightened to their own homophobia and eager to embrace the gay community. On the contrary. Those residents who initially objected to the name change on the grounds that they had no problem living on "Gay Court" were suddenly on the side of those who wanted the name changed. Once again the tactics of shock worked against the ostensible goals of the gay rights activists, creating more animosity toward the gay community than empathy toward it.

Recently, Queer

(See QUEER on page 6)

Colorado: A Matter of Intent?

By Geoffrey Erikson

I WAS ASKED recently whether or not I thought that Colorado's Amendment 2 was "anti-gay" from a Libertarian perspective. My initial reaction was to say that I'd have to know all of the details of the measure to know exactly what I thought of it. At this point, I haven't been able to get a lot of information on the subject, but in principle, I think that the case can be made for a yes answer to that question.

Why Amendment 2 is *not* "Anti-gay"

In looking at the pros and cons of Amendment 2, it is easy to see how this could factionalize some otherwise solid constituencies. The proponents claimed that they were not anti-gay, merely anti-entitlement. If this were the case, then Libertarians would support the Amendment. For the benefit of those not familiar with the Libertarian platform on "anti-discrimination" laws, let's take a brief overview.

Libertarians do not support the idea of discrimination on such basis as race, color, sex, sexual orientation *per se*. One of the key elements of Libertarian philosophy is the concept of individualism. To a Libertarian, each person is unique and inviolable; to be judged by thought, actions, and words. Since there is no such thing as collective thoughts, from which all actions and words must come, it is impossible to judge collectives of people.

When one hears the venom and vitriol of racists and other bigots, one is tempted to think, "There ought to be a law." Unfortunately, that is often the conclusion at which well-intentioned people arrive. Passing laws against behavior which is regarded as immoral or irrational (and racism is both) has two major flaws: (1) legislating morality is itself immoral; and (2) it doesn't work.

One of the most fundamental freedoms guaranteed by the Constitution is freedom of association. This includes the freedom not to associate with others *regardless of the reason*. As is often said in Libertarian circles: if one does not have the right to be wrong, one has no rights at all.

It is the Libertarian belief that irrational ideas are best dealt with through education and example, not through legislation. So from this perspective, what can we say about Amendment 2?

According to most gay "rights" activists, Amendment 2 is clearly anti-gay because it allows individuals to discriminate against gay and men and lesbians in the areas of employment and housing. In this sense, I must disagree. Individuals have the right to discriminate in their private affairs (whom they hire, to whom they rent, etc.) and any law to the contrary violates the rights of the individual.

If it was the purpose of Amendment 2 to remove laws which violate the individual's right to free association, then Amendment 2 is not anti-gay. The advocates of Amendment 2 have not made a convincing case that this was their sole intention.

Why Amendment 2 *Is* Anti-gay

The real question here is one of intent. The first strike against the proponents of this measure is their association with the Religious Right. Major organization, fundraising, and other backing came from, in particular, a group called Colorado for Family Values. This group would have a hard time convincing anyone, least of all Libertarians, that their sole intention was to support individual liberty!

This is, of course, attributing guilt by association, but in this case, the evidence is damning enough.

The second point to be made is possibly the most obvious: if the proponents of Amendment 2 were merely interested in preserving freedom of association, why did their Amendment only name homosexual men and women?

Colorado, like most states, has many "anti-discrimination" laws in effect at both the state and municipal level. Amendment 2 sought only to remove "sexual-orientation" from the laundry list of persons against whom it is illegal to discriminate. If the goal of the proponents of Amendment 2 was to repeal entitlements, they should have scrapped the laundry list, not merely scratched gay men and lesbians from it. Proponent

(See AMENDMENT, page 7)



Geoffrey Erikson is a San Francisco-based LGLC activist.

(*QUEER*, from page 4)

Nation stickers, which used to say things like "Promote Homosexuality" or "Homophobia is a Social Disease," started saying things like "Support Radical Queer Labor." I found out recently that Queer Nation is now being run (at least in part) by the Wobblies, an old socialist labor group. They are now giving classes in how to destroy your place of employment (through goldbricking, creative sabotage, giving away the store, and so on). This sounds like comedy, but these people are serious. The Wobblies are in perpetual time-warp, they seem to think it's still 1910. Now they have managed to convince a large segment of gay activists that coercive organized labor unionism is in their best interest. Obviously, this is the very sort of thing that Libertarians are against. Those of us who have read any free-market economics know how destructive to an economy unions usually are. (If you don't, read *Economics in One Lesson* by Henry Hazlitt.)

Ultimately, these groups must collapse upon their invalid and mistaken premises. In the meantime, they work against the very thing that really does need to be accomplished, the recognition of the sovereign right of the individual regardless of sexual orientation. While we struggle for that, we must not lose sight of freedom of association and other rights which these statist, so-called "rights" groups have never recognized.

For gay Libertarians, there just isn't much out there for us to support or become involved in. For this reason it is important that we have international libertarian organizations like LGLC, and affiliated local groups, like GLIL in Washington DC and the Liberty Belles Philadelphia. If there is no local gay libertarian group in your area, start one. You would be doing yourself and your local gay community a big favor. □

ABORTION, from page 3.

the body) becomes not only defensible, but a gay issue just as much as abortion rights because it appeals to the same principle. It is surprising that pro-choice gay activists have not embraced these other issues as zealously as abortion.

But a third argument is sometimes made that links abortion rights to gay rights: After all, "none of us is free until all of us are free" and "all oppressions are one." But these are slogans, not arguments, and, in any case, they are both obviously false and far too broad. Some people are obviously "freer" than others and "oppressions" differ widely in range and intensity.

People as different as gays, women, Jews, atheists, Hispanics, polygamous Mormons, people with disabilities,

Colorado Initiative

By Josh Friedman

Friedman wrote this letter to the editor of The Wall Street Journal in December.

VINCENT CARROLL offered a good defense of his fellow Coloradans and why they voted for an apparently anti-gay initiative ["Coloradans on the Gay Amendment," December 15]. But I have a question for that vaguely libertarian 40 percent of his newspaper's readers who voted for the amendment because they opposed special rights: Would they have supported an amendment that barred any claims under the state's anti-discrimination law by Jews, say, or by blacks? Or is it only gays who shouldn't have "special rights"? A consistent libertarian would say that all anti-discrimination laws violate individual rights. Those who favor anti-discrimination laws, *except* for gays, would seem to be motivated by something other than libertarianism. □

African-Americans and men in divorce courts are all treated unequally (or denied equal freedom or regarded as unequal) in very different ways and for very different historical reasons. Gays and polygamous Mormons are treated unequally by marriage laws. Jews and atheists are treated unequally by Sunday closing laws. Women and people with disabilities have not always had the differences of their bodily capacities assessed accurately.

Gay activists urging support for abortion have given us no reason why we should not equally include activism for these other issues, yet it is called for by the principle(s) to which they appeal. Those issues are not as important? To whom?

On some issues, to be sure, some of us have the same enemies, so it may be prudent sometimes to form temporary tactical alliances with one or another group on such things as lobbying for remedial legislation, supporting or opposing Supreme Court justices, or diversity-awareness public relations campaigns.

The world is full of inequalities and limits to autonomous action. To work against any of them is honorable. As that old multi-culturalist Thomas Aquinas said, "Do good, avoid evil." But there is no way that one's being gay determines which of them to work for. Perhaps then, it is permissible to work for one's own liberation? Is that not what the original gay liberation movement was all about?

Chicago-based Paul Varnell writes for the Windy City Times and other publications. Subscribe to Windy City Times, 970 West Montana, 2nd Floor, Chicago IL 50514. □

AMENDMENT, from page 5

s and contributors to the measure said that they opposed "preferential treatment" based on sexual orientation, but never mentioned opposing preferential treatment based upon anything else.

The most disturbing element of this amendment is that, like the laws it repeals, no distinction is made between the public and private sectors. Apparently, Amendment 2 repeals anti-discrimination toward gay men and lesbians in "public accommodations." I haven't the slightest idea what they mean by that (an attempt to curb "tea room" activity?), but it does strike me that to deny "public accommodations" to certain segments of the public smacks of taxation without representation.

In every case, it is clear that the proponents of Amendment 2 were not in the least interested in preserving individual liberty and the right to free association—I wonder what the Colorado for Family Values people would do if a gay business owner fired an employee on the basis of an employee's being a Christian-

they are merely trying to deprive what they perceive as rights to gay men and lesbians. To use libertarian rhetoric to persuade some Conservative, Libertarian or New Center voters that they are not merely trying to impose Christian morality on the general populace is testimony to their duplicity.

Whither Now?

The real test will be to see where the proponents of Amendment 2 go from here. If their next target in Colorado is anti-discrimination laws in general, then their claims that they are "not anti-rights, just anti-privilege" will right true. However, I do not think that his is the course that they will take.

The most likely course of action for the Colorado for Family Values coalition—now that they have done away with anti-discrimination laws for gay men and lesbians—will be to remove what they perceive to be other privileges that gay men and lesbians currently have (but, of course, don't deserve). These privileges are likely to include eligibility to hold business licenses, to own real property, to hold government jobs or to vote. As Oregon proved, voters are not likely to accept this all in one package. The Colorado Christians are betting that they can succeed if they push it through piecemeal.

Unfortunately, it is difficult for Libertarians to take a position on this issue. We cannot support "anti-discrimination" laws without contradicting or philosophical platform. At the same time, it would certainly *not* be in our best interest to cheerlead for the Religious Right. On a PR basis it would be disastrous, but it would also go against our platform of tolerance for all lifestyles. Even if we agree with the Religious Right on the principal of "privileges," it is important that we first take in account their intentions. Ultimately, in these cases, the intentions of the activists will belie their claims and show their true agenda. In the case of Colorado, we must take the position that equality without special privilege will mean getting government out of the individual's right to free association.

Post Script: the Case Against the Boycott

To boycott the entire state Colorado over the passage of Amendment 2 is to punish the many for the actions of the few. History has shown that boycotts, unless very clearly specified and delineated, tend to do more harm than good. A clear example of this is the boycott against South Africa, which had a net result of causing massive unemployment among blacks there. In Colorado, the effect has been much the same.

With gay men and lesbians boycotting Colorado, many of the gay-owned businesses are suffering. Recent

LGLC CONTACTS

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(See AMENDMENT, page 9)

Hate Crime Laws

By Dave D. Doss

IN THE DEBATE about hate crimes laws, particularly penalty enhancement laws, many Libertarians will argue that hate crime legislation and penalty enhancement laws are unnecessary because current laws are adequate to deal with the problem. The main premise of these arguments is that hate has no special impact on the commission of a crime and that all assaults, vandalism, trespasses, murders should be treated alike.

One can argue as to the meaning of hate or bias, but for the purposes of this essay the meaning shall be limited to intimidation, actual or perceived, if based on race, color, religion, national origin or sexual orientation, which places a reasonable person in fear of life, personal safety or harm to property. Some states and localities may expand or limit the above definition but it should serve as a general launching ground for discussion.

Crimes motivated by hate and bias do add a new dimension of terror and harm to victims already brutalized by the effects of a crime and victims should have adequate recourse for restitution and justice. Unless one has been a victim of bigotry, acceptance of the harm of bias is very difficult to understand. It may be like the gun owner and advocate who has never had to look down a gun barrel pointed by someone else; his attitude about gun laws may change forever.

As Justice John Paul Stevens has noted in his concurrence on *R.A. V. vs. St. Paul*, "One need look no further than the recent unrest in the nation's cities to see that race-based threats may cause more harm to society and to individuals than other threats." He also noted in the same opinion:

"Conduct that creates special risks or causes special

Crimes motivated by hate and bias add a new dimension of terror and harm.

harms may be prohibited by special rules. Lighting a fire near an ammunition dump or gasoline storage tank is especially dangerous; such behavior may be punished more severely than burning trash in a vacant lot. Threatening someone because of her race or religious beliefs may cause particularly severe trauma or touch off a riot, and threatening a high public official may cause substantial social disruption; such threats may be punished more severely than threats against someone based on, say, his support of a particular athletic team. There are legitimate, reasonable, and neutral justifications for such special rules."

It is important to note in the above the last sentence that criteria for hate crime legislation should be based on

"legitimate, reasonable, and neutral justifications." Care must be taken that hate crime legislation does not infringe on constitutionally protected speech, such as speech codes which have no place in our society.

What is different in a bias-based crime is intent and motive, both of which are not new to jurisprudence and can be demonstrated by circumstantial evidence. For example, the impact of a cross-burning or a swastika daubing is far greater than the spray-painting of graffiti on a subway car.

One argument against hate crime legislation has been that someone is being punished not just for his deeds but for his perceived intentions and motivations against a victim. There is much precedent in law to consider the intent of the perpetrator in a crime and to assess punishment accordingly. Currently there are various

Restitution is very important, for it is the cornerstone of a libertarian legal system. Crimes are committed against individuals, not the state.

degrees of homicides, assaults, and burglaries which take into account perceived motives and intent of the perpetrator which must be proved by the prosecution to a judge or jury.

For example, in the case of homicide there are various degrees of nomenclature for basically the same consequence, namely that someone dies. The difference in the ultimate charge and punishment is predicated upon motivation and intent. No one would be punished the same for a homicide that is accidental or committed in the heat of passion as someone who spends time planning a murder. In the first instance no murder was intended; in the second a deliberate criminal act was contemplated.

Hate crimes should be viewed in the same light. Although perpetrators of hate crimes seldom know their victims by name, they often plan or intend to inflict harm on some member of a group. To these people anyone who fits a particular profile or stereotype is subject to victimization. Often members of these groups live with the thought in the back of their minds that at any moment they may become a victim of hate motivated crime based solely on some bigot's perceptions.

Another argument against hate crime legislation is that it infringes on constitutionally protected free speech. Would anyone agree that the right to free speech is boundless in that one may say or act in any manner and not be held accountable for his words or deeds?

Is speech which has only as its purpose to incite violence or a riot protected by the First (See *CRIMES*, page 9)

CRIMES, from page 8

Amendment? Can the perpetrator expect no reprisal and later claim he did nothing wrong because the First Amendment protects his speech?

Those against hate crime legislation believe that penalty enhancement statutes have no merit because they add a penalty to the thoughts of the perpetrator, which may be a violation of the First Amendment. The verdict is still out as to whether penalty enhancement statutes violate the Constitution, as there are several cases headed to the Supreme Court which may decide the issue.

When legislating we should remember the words of Frederic Bastiat: "the purpose of law is to prevent an injustice from reigning." Libertarians may wish to look carefully at the model legislation developed by the B'nai B'rith Anti-Defamation League (ADL) and the American Civil Liberties Union (ACLU). Current laws treat such things as murder, assault, trespass, vandalism as crimes in essence committed against the state. The victim has little or no recourse to restitution for the crimes committed against him. The ADL and ACLU models recommend civil restitution to the victim. Restitution is very important, for it is the cornerstone of a libertarian legal system. Crimes are committed against individuals, not the state. The individual should have recourse to restitution for all crimes in an attempt to restore his livelihood to the state prior to the crime. The amount of restitution should be left to a jury to decide based on testimony and evidence, with no arbitrary limits imposed by statute. The law should allow the jury to decide how much harm was done to a person who is the victim of a hate motivated crime, the law (or statute) itself can not adopt the instrumentality to determine the degree of harm. Penalty enhancement laws with civil restitution are on the right road to a libertarian system of justice, where a crime is committed against a person and not the state, where the victim has recourse for restitution.

Hate crime penalty enhancement laws that the ADL and ACLU propose are not intended to protect people from criminal acts, but rather to seek adequate justice and restitution for a crime. Society has a long held certain behavior not to be tolerated. Penalty enhancement laws do not punish one's beliefs but rather specific acts. If someone holds bigoted opinions, that is his right, but it is not his right to injure or terrorize others because of those beliefs.

Hate crime laws should not be equated with affirmative action and anti-discrimination laws. Some of the most disturbing aspects of affirmative action and anti-discrimination laws are attempts to correct one injustice by incurring other injustices. Penalty enhancement legislation, such as the ADL and ACLU models, seeks to only to remedy a wrong committed. Laws cannot prevent

a crime nor should laws attempt to prevent societal interaction, either beneficial or harmful, but laws should only attempt to correct an injury or injustice.

In the wake of the Supreme Court decision last year, nearly every law in the United States regarding hate crimes will be reevaluated. Including civil restitution and penalty enhancement in the new legislation could be a blessing in disguise. Currently most crimes are brought to prosecution by the state. Also the state decides whether or not to prosecute a crime and decides what the punishment will be. Would it not be better if hate crimes could be interpreted so that the victim has more say as to the charges and punishment? Would it not be better if the victim has access to restitution, than the perpetrator being sent to jail at taxpayer expense?

Libertarians should add their voices, not their dissension, left in the wake of the St. Paul decision, to advance justice. Hate crimes laws all across the country will be rewritten in order to comply, or attempt to comply, with the Supreme Court decision. Libertarians can add their voices to correct an injustice and advance the notion of libertarian justice. Current laws are insufficient to remedy the harm done by hate or any other crime because most laws do not allow restitution to the victim. The ADL and ACLU model legislation adds the just element of civil restitution based on the degree of harm done to the victim. The concept of restitution is a basic principle of libertarian justice and through this opportunity libertarians could and should advance the idea of restitution for crimes committed against people to other areas. □

In response to your requests, *LGLC Newsletter* is mailed in an envelope.

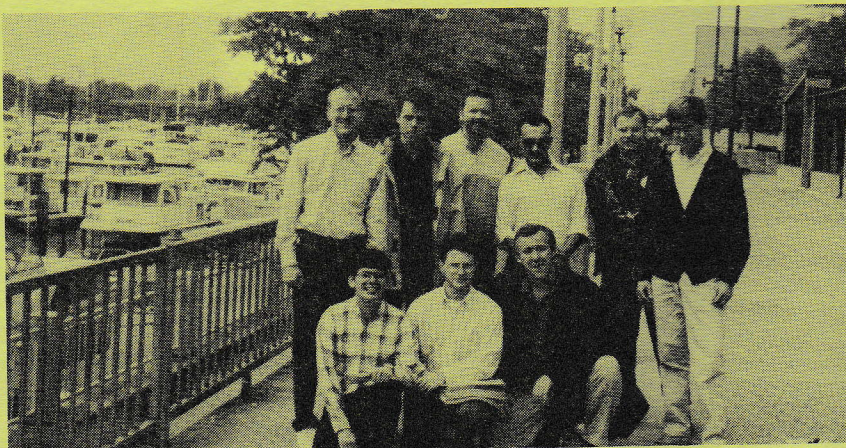
AMENDMENT, from page 7

reports from friends in the Denver area say that many gay bars there and also in Aspen and Boulder had closed due to lack of business. The Christian and Conservative establishment on the other hand have little to lose from such a boycott-their businesses have never depended upon "gay dollars" and likely never will.

Without a specific target, the boycott of Colorado is bound to hurt the very people it is intended to help. What would be far more helpful to the gay community in Colorado would be for gay men, lesbians, and sympathetic heterosexual people to go to Colorado and make a concerted effort to patronize gay establishments. This would be far more effective in empowering the gay community there than driving them out of business. □

GLIL News

GAYS AND LESBIANS for Individual Liberty held elections in November. New officers are: President Kelly Young, Treasurer David Edmondson, and Secretary Richard Sincere. GLIL continues to hold its monthly happy hour meeting at Trumpets Bar and Grill on Dupont Circle on the first Tuesday of each month. They also hold monthly program meetings. The current schedule is: February 17, "Our New Democratic President," discussion by David Boaz; March 17, "The Third Way-Political Alternatives," by Richard Sincere. For information call Kelly Young 703-204-0122, or write to GLIL, PO Box 65743, Washington Square Station, Washington DC 20035. □



LGLC members after their October 12, 1992 meeting at Washington, DC's Channel Inn. Pictured are: (standing, l to r) Mark Fulwiler, Chris Bogart, Jeffrey Corrick, Nelson Rosado, Philip De Block, Daryle Powers; (below) David Edmondson, Kelly Young, and Ray Birks. Photo by J. Hudler.

Mandatory AIDS Testing Proposed in Maryland

By Dave Edmondson

The following was a letter to the editor in the Washington Post. Edmondson is a DC-area attorney.

IN A CLOSE to Home piece [June 2], Maryland legislator Ulysses Currie (D-Prince George's) argues that Maryland's policy protecting the confidentiality of HIV-positive persons hampers the state's efforts to control the spread of AIDS. Nonetheless, Mr. Currie's proposal to abolish this policy arises from misguided paternalism, since his proposal is less effective than universal precautions.

Mr. Currie argues that Maryland should permit HIV testing without informed consent so that firefighters and other emergency-response personnel may know when they have been exposed to HIV. This line of reasoning has two flaws. First, if a person has come into contact with HIV within the past six months, that person's immune system may not yet have produced antibodies to the virus, in which case an HIV-antibody test will yield a false negative. Accordingly, even coerced testing will not always yield the information that Mr. Currie seeks to obtain. Second, Mr. Currie fails to explain why coerced testing provides more protection than simple presuming all persons to be HIV-positive and acting accordingly.

Mr. Currie criticizes Maryland for "leaving it up to AIDS victims to decide whether to tell their sexual partners or IV needle sharers that they may have been

exposed to the virus." Yet he does not explain why such people cannot practice safer sex or clean their needles. Certainly, preventing transmission is a more effective way of protecting oneself from AIDS than learning after the fact that one may have been exposed. Also, while Mr. Currie argues from analogy and conjecture that his proposal should work, the history of the AIDS epidemic in America shows that safer sex and other precautions do work.

Finally, Mr. Currie attempts to show the cost-effectiveness of his proposal by comparing the costs of partner notification and AIDS treatment these figures mean nothing until we know how many HIV transmissions each partner notification will prevent. □

LGLC Seattle

WASHINGTON STATE LGLC members Dave Doss and David Morton have been invited to give a seminar series on Libertarianism and the Gay Movement at Seattle Gay University, a private school where members of the gay community teach each other about subjects with which they are familiar. Doss and Morton plan to cover History and Philosophy of Libertarianism and the Gay Movement on March 13, 1993; Current Topics, including taxation, anti-discrimination laws, hate crimes, and AIDS on March 20; plus additional topics including same-sex marriages on March 27. The phone number for Seattle Gay University is 206-323-7483. □

Election Returns

By Raymond Warner

HERE'S THE GAY vote breakdown for Prez, per CNN: Clinton 71 percent; Bush 17 percent; and Perot 12 percent.

And here are the totals for "Gay Rights" votes: Oregon, the Yes voters won 56 to 44; Colorado, the No voters won 57 to 43; Portland, Maine, the Yes voters won 57 to 43; and Tampa, Florida, the No voters won 58 to 42.

I've got a suggestion to LGLC members, which occurred to me on election night when yours truly got a call from Overlooked Opinions about the election. I of course, told them I had voted for Marrou-who ended up in the Other Candidate category. So I suggest if you run across one of their ads or mailings, be sure to sign up, because they need all the libertarian-market input they can get. In Trotskyite terms I regard this as a matter of organizational discipline!

Why do I keep slipping up and saying "President Carter" when referring to our new Prez?

If, for the sake of argument, we say that Bush was the conservative candidate, Perot the populist, and Clinton the liberal, then where did the "soft" libertarian vote end up? We know Marrou didn't get it. The perception of Clinton as pro-business, pro-civil rights, and a military reductionist probably appealed to both moderate Republicans and soft-core libertarians. The margin of victory for Clinton was the same as the number of Republican defections.

Personally, I'm glad Clinton won. I've been a libertarian-democrat for some time now. I vote in the Democratic primaries and then vote libertarian in the

general election.

Saving the Supreme Court, preserving *Roe v. Wade*, and ending the military's gay ban are prime issues for me and for many gays, and Clinton looks good to me on these issues. As far as the economy is concerned, Greenspan will remain Fed Chair for another three years and besides, Clinton *couldn't* run deficits higher than Reagan/Bush.

Here's my cabinet suggestions: Gore Vidal for Secretary of State. He's kin to the Kennedys and the VP Gore, our royal family.

Secretary of Treasury: Merv Griffin. Super-rich.

Secretary of Defence: Pete Williams. Experienced.

Attorney General: Barney Frank. Best legal mind, fun in lockerrooms.

Secretary of Interior: Al Parker. In a Ranger uniform, of course!

Secretary of Agriculture: Del Martin. There goes my vow not to do jokes about lesbians.

Secretary of Commerce: Madonna. Who's more



commercial?

Secretary of Labor: John Rechy. Or perhaps Trade Representative.

Secretary of Health and Human Services: Larry Kramer. Will rid us of CDC and FDA.

Secretary of HUD: Ralph Lauren. Designer cities.

Secretary of Energy: Richard Simons. Who has more energy?

Secretary of Education: Camille Paglia. See her debate with William Bennett.

Veteran's Administration Director: Quentin Crisp. Noted for entertaining WWII GIs. □

REGISTRATION FORM

LGLC MARCH ON WASHINGTON, APRIL 1993

NAME _____

ADDRESS _____

- ☐ I will attend the LGLC March April 25. ☐ I will attend the LGLC brunch April 24.
☐ I will attend the LGLC fund-raising dinner April 24 (\$30.00/person, checks payable to LGLC, PO Box 447, Chelsea MI 48118). I prefer ☐ beef, ☐ chicken, ☐ fish.



San Francisco LGLC holiday party, December 5, 1992. Pictured are (in back, l to r): George Meyer, David Boaz, Vince Miller, Ron Dorsey, Mark Valverde, Ragnar Danneskjold; (in front) Stephen Bone, Bill Hamilton, James Hudler, Mark Fulwiler, David Lancaster, and Geoffrey Erikson.



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☐ I'd like to be part of LGLC. Here's \$15 for a year's membership (includes *LGLC Newsletter*).

I'd like to do more. Here's my ☐\$30 ☐\$50 for a Sustaining Membership.

☐ I don't want to join right now but please send me *LGLC Newsletter*.

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