

## Legislature Passes Hate Crimes Bill

The lesbian/gay community has once again won a victory in the Texas Legislature. On the evening of August 24th, one day before adjournment of the second special session, the legislature passed hate-crimes legislation. This legislation is the direct result of lobbying, letter writing and phone calls from our community in response to the brutal killing of Paul Broussard in Houston's Montrose district.

Now that it has passed both the House and Senate, this legislation awaits the Governor's signature, which is expected. It will go into effect on October 2, 1991.

The Texas hate-crimes law simply states that Texas must abide by the provisions of the Federal Hate Crimes Act. That act, which has been in effect for over a year, mandates that states keep statistics on the number of hate crimes committed. Unfortunately, the federal law contains no sanctions on states that fail to comply, and it contains no money for the implementation of a hate-crimes reporting system. Because of these lax provisions, Texas like most states has failed to comply with the federal law. The new state law changes this by requiring the Texas Department of Public Safety to comply with federal law.

Under the new law, local police departments must keep records of hate-related crimes and report them to the Department of Public Safety. D.P.S. will then act as a repository for hate-crimes committed across the state. However, the new state law will not be effective unless individuals report the crimes. If police refuse to report a hate-related incident as a hate crime, contact L.G.R.L. immediately. It may be necessary for city gay and lesbian political organizations to work with the L.G.R.L. to make certain that local police departments are aware of and abide by this new legislation.

The Texas hate-crimes statistics law is very important to our community because it helps

us prove that a pattern of gay bashing is occurring. This is useful when the police have a record of "unrelated assaults" that are, in fact, related incidents of gay bashing. Also, from a legislative stance, statistics help prove that gay bashing is occurring, and statistical proof convinces legislators. Although the gay and lesbian community lives under a constant threat of violence, many legislators, including liberal ones, do not see the extent of the problem. However, if activists can point to statistics that reveal the problem, then legislators will be more easily persuaded that greater protection is needed.

Our community must write letters to Department of Public Safety Crime Information to the attention of Ben Kyser, Manager. Tell Mr. Kyser that you are aware of a state legislative mandate requiring D.P.S. to keep statistics on the number of hate crimes committed against the lesbian/gay community and remind him of his duty to keep these statistics. The address for D.P.S. is P.O. Box 4143, Austin, Texas 78765.

Although this is a victory for our community, it is a bittersweet one. Hate-crimes legislation has been introduced in the Texas legislature during the past several sessions. However, it did not pass until the death of Broussard, a Houston Montrose gay man, forced legislators to act on the issue. Many of us are deeply saddened by Broussard's death, but in our grief we should also be proud of ourselves for acting, for coming together as a state-wide community and for changing the law to protect our own people. The passage of this law demonstrates the increasing political power of the gay/lesbian community.

The new hate crimes law also would not have been possible without the help of some key Democratic legislators-Houston Reps. Sylvester Turner, Paul Colbert, Debra Danberg and Dallas Sen. Eddie Bernice Johnson and Houston Sen. Rodney Ellis.

## First Amendment Rights Threatened

In the last days of the session, the State Preservation Board introduced a measure, backed by conservative Republicans, that dealt with the regulation of visitors at the state capitol. The State Preservation Board put forth this bill as a conservation bill, when in fact it was an attempt to abridge the first amendment rights of those who protest at the capitol.

In a section entitled "regulation of visitors", the State Board of Preservation sought to prohibit persons: 1. from attaching signs to the state capitol or on structures around the capitol; 2. setting up or placing camping equipment at the state capitol; 3. sleeping or lying down on paved or unpaved portions of the capitol; 4. protesting in certain areas of the capitol. The bill also sought to charge a fee for security at capitol demonstrations.

At first glance this bill seems fairly harmless, but consider the effect that such legislation would have on forms of protest that are commonly used by the gay and lesbian community. Under this legislation, an AIDS vigil would be prohibited by the

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regulation on camping equipment or related materials. This legislation would prohibit a "die-in" to protest the number of people killed in the AIDS epidemic due to government inaction. The security fee would have a disparate impact upon certain groups, such as the March on Austin for Lesbian/Gay Equal Rights, who have greater security needs than, for instance, the Texas State Teachers Association.

Under first amendment case law, all of these restrictions are clearly unconstitutional. In the past, activists may have been less concerned about a bill such as this because the US Supreme Court would have declared this legislation unconstitutional. However, over the past twelve years, conservative appointees to the Supreme Court, and the retirement of Justices William Brennan and Thurgood Marshall have left us with a Supreme Court that could easily rule against fundamental civil liberties. It is now very important for activists to stop legislation such as HB 55 at the state level.

On Friday August 9, the rules were suspended so that HB 55 could be expedited through the Senate. On Saturday morning August 10, the Lesbian/Gay Rights Lobby and the American Civil Liberties Union were ready to testify against HB 55. But before the committee could meet to hear testimony, Senator Carlos Truan (Democrat-Corpus Christi) tagged the bill so that it could not be heard. Under pressure from Senate Republicans the tag was removed on Saturday afternoon and Senator Gonzalo Barrientos (Democrat-Austin) worked with LGRL, the ACLU and the State Preservation Board to write a compromise. The Barrientos version of the bill passed.

Fortunately, most of the egregious language in this bill was removed in the compromise version. The portion of the bill prohibiting lying down on paved and unpaved portions of the capitol was removed. The section of the bill prohibiting protests in certain areas of the capitol was altered so that protests are permitted as long as there is a means of ingress and egress for all areas of the capitol. Camping at the capitol is still prohibited unless the board approves it. The security fee has been removed. Deposits for use of the grounds may be required (deposits were required before this legislation) however, these deposits must be assessed in a standardized and nondiscriminatory manner.

Lobbying against this bill presented some problems that are peculiar to the special session. Once this bill was introduced, it moved very quickly through the House and the Senate. There was little or no time for grass-roots organizing. At times like this, coalitions with organizations such as the ACLU are extremely valuable. Considering the problems associated with initiating a grass-roots effort during the special session, our community must continue to organize during the interim around issues such as high risk insurance funding for those living with HIV.

**The Lobby Report is a publication of  
The Lesbian/Gay Rights Lobby of Texas**

**P.O. Box 2579  
Austin, Texas 78768  
(512) 474-LGRL**

The Lesbian/Gay Rights Lobby of Texas, Inc. (LGRL) is a state-wide organization dedicated to the elimination of social, legal and economic discrimination based on sexual orientation through a public education program and a lobbying program directed toward the Texas Legislature, Executive Offices and other state agencies. LGRL is composed of individuals and organization members and cooperating groups. It is governed by a Board of Directors composed of organizational representatives and At-Large individual members.

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## LGRL Calls for Board Members

Because of bylaw changes and vacancies on the board the following board positions must be filled. The following board positions must be elected by the membership of the LGRL.

- Four at-large representatives representing lesbians and gays of color and reflecting gender parity.
- One woman as an at-large representative.

In addition to these at-large positions which are elected by the LGRL membership, we are also seeking a woman who will represent the Austin Lesbian/Gay Political Caucus and a man to represent the Houston Lesbian/Gay Political Caucus. These persons must be selected or elected by the city organizations and not by the membership of the LGRL.

In order to apply for at-large board positions, please submit a brief statement to the LGRL about why you wish to run for the board. These statements will be submitted along with a ballot to all LGRL members whose dues are current. If you are interested in the HGLPC or ALGPC positions please contact the LGRL and your city organization.

Please send all statements to LGRL PO Box 2579 Austin, Tx 78768. Call if you would like more info. 512-474-5475.

## Maxey Roast Set

On November 16 the LGRL is planning a roast of our former fearless leader Glen Maxey. Jim Hightower and Molly Ivins are among the celebrity roasters who will be present for this event.

The roast will be held in Austin at Saengerrunde Hall (next to Scholz' Garten) at 8:00pm. If you would like more information about this event please call 512-474-5475.

## New Guidelines for HIV Positive Health Care Workers

On Friday, July 12th, the Centers for Disease Control (CDC) released guidelines for HIV and HBV (hepatitis B) infected health care workers. By the next Thursday, July 18th, the U.S. Senate unanimously passed two amendments dealing with HIV positive health care workers. The worst of these amendments, sponsored by Senator Jesse Helms (R-North Carolina), would send HIV positive health care workers to jail for up to 10 years if they are infected with the AIDS virus and continue to treat patients without notifying them. The other amendment, seen as a compromise measure, conditions state funding upon the passage of laws incorporating CDC guidelines.

By Friday, July 19, the mood at the state capitol was decidedly in favor of mandatory testing and criminal sanctions against health care workers. Representative Ron Wilson (Democrat-Houston) had reintroduced HB 702, a mandatory testing bill that was killed last session, and Senator Sibley, a conservative Republican, was interested in carrying similar legislation in the Senate. Although LGRL blocked three bills last session dealing with health care workers and HIV, some of the premises that we were working with in the last legislative session were no longer true. For instance, during the regular session LGRL argued that any action on the state level was useless until the CDC passed their guidelines. Now the guidelines have passed.

Another popular argument was that the federal government had not yet acted on AIDS legislation, therefore, the state should not act. Again this is no longer true. Of course we employed arguments about the relatively small risk posed by HIV positive health care workers, but these arguments do not carry much sway in an AIDS-phobic institution such as the Texas Legislature.

Another problem exists with the nature of the special session itself. During the special session, only large legislative packages are addressed, such as the budget or government reorganization. During the regular session we can count on the governor and the lieutenant governor to block harmful legislation, but during a special session, vetoing any AIDS legislation would mean vetoing, for instance, the entire government reorganization bill. From a legislative standpoint, this is not practical and even our best friends in the legislature would not do it.

In view of these facts on Friday, July 19, it seemed that criminal sanctions and mandatory testing of health care workers were almost inevitable.

Fortunately, Senator Chet Brooks (D-Pasadena) took a stand against the more reactionary members of the senate and worked with the LGRL to strike up a compromise measure. Although LGRL does not support any unreasonable restrictions placed on health care workers, the Brooks amendment to the government reorganization bill was a good compromise measure that was infinitely more acceptable than criminal sanctions and mandatory testing.

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## Are You Expired??

- Look at the address label on your newsletter.
- If the date on it is prior to 9/1/91 your membership has expired.
- Fill out the enclosed membership form and drop it in the mail today.

## Maxey Resigns from LGRL Post; Eiserloh Named Executive Director

At the May Board meeting of the LGRL, long time community activist and former LGRL lobbyist Glen Maxey resigned his position as the Executive Director of the LGRL. Although Maxey will join the board of the LGRL, he no longer holds any paid position with this organization.

As the LGRL lobbyist, Maxey will be remembered for blocking the AIDS quarantine act, passage of the medical testing confidentiality statute and the omnibus AIDS bill. He also worked to pass the Texas Durable Power of Attorney Act and pressed for lesbian and gay people to be included in the non-discrimination policies of five major state agencies.

Maxey made history by becoming the first openly gay elected official in the history of the State. He will continue to work for the gay and lesbian community as an Austin-based activist and as a supporter of lesbian and gay rights at the state legislature.

Maxey will be replaced by Laurie Eiserloh who was named Executive Director of the LGRL at the July 13 meeting of the LGRL board. Eiserloh, a recent graduate of UT School of Law, has had great success in the last legislative session by blocking HB 702, which would have led to mandatory testing of health care workers and a shortage of doctors to treat PWAs in rural areas.

She was also one of the drafters of the HIV health care worker bill that prevented criminalization of HIV positive health care workers. This legislation has since become model legislation that may be implemented in other states. In addition, she helped rewrite a bill that, in its original form, would have prevented many forms of protest at the state capitol including the March on Austin for Lesbian/Gay Equal Rights.

Texas is one of only five states to have a paid full-time lobbyist at the state capitol and one of only several states to have an openly gay elected official in the state government.

**You're Invited to Roast and  
Toast  
State Representative Glen  
Maxey!**

November 16  
8:00pm in Austin at Saengerrunde Hall  
1607 San Jacinto  
(next to Scholz' Garten)

**Featuring MC's Former Texas  
Agriculture Commissioner  
Jim Hightower  
and  
Humorist Molly Ivins.**

Tickets are \$25 per person.  
For tickets write to LGRL PO Box 2579  
Austin, Tx. 78768 or Call 512-474-5475  
for more details.

**All proceeds benefit the  
Lesbian/Gay Rights Lobby of  
Texas**

*"Health Care" continued*

Here are some of the main issues in the HIV-health care worker state legislation:

1. Mandatory testing of Health Care Workers is not required. Instead the bill states that all health care workers should know their HIV and HBV status.
2. HIV and HBV positive health care workers should refrain from performing invasive-exposure prone procedures.
3. Universal precautions should always be used in a health care setting.
4. Health care workers who are HIV or HBV positive should receive re-training.
5. Health Care workers who are HIV positive may continue to perform: a. in emergency situations; b. on other HIV positive individuals as long as universal precautions are used; c. on any patient who consents to being treated by an HIV positive health care worker.
6. HIV positive health care workers may continue to perform non-invasive procedures.

Nothing in the bill requires the revocation of license, registration or certification of health care workers who are infected with HIV or hepatitis B. This bill does not set up any type of panel to review infractions of the law.

The Brooks bill is intentionally vague. The toughest measures in the bill concern the use of universal precautions. Basically this legislation is a codification of the CDC guidelines with some improvements, for instance, the CDC does not suggest that HIV positive doctors continue to practice on HIV positive patients. Although this section "ghettoizes" HIV positive doctors and patients, many of the AIDS practices in this state are run by doctors who are themselves HIV positive. Therefore, this provision seemed necessary.

Also, the provision allowing HIV positive doctors to receive the consent of patients is not in the CDC guidelines, but as one HIV positive doctor pointed out to us, there will be some patients who do not care if their doctor is HIV positive. This section of the bill covers that situation.

The governor is expected to sign this bill into law on September 1, 1991.

## **72nd Legislative Session Ends in Success**

On May 27 at midnight, the 72nd session of the Texas Legislature ended. This was a victorious session for the Lesbian and Gay community. We defeated house bill 2509, sponsored by Rep. Clemons (Democrat-Pollock), that would have criminalized persons living with HIV infection and undercut all of our past policy successes. We defeated house bill 2448, sponsored by Rep. Carona (Republican-Dallas), and House bill 1362, sponsored by Rep. Hartnett (Republican-Dallas). Both of these bills dealt with mandatory testing of health care workers. We defeated house bill 238, sponsored by Rep. Ovard (Republican-Dallas), which would have criminalized persons suspected of exposing fire fighters and police officers to the AIDS virus.

But most importantly, we defeated house bill 702, sponsored by Rep. Ron Wilson (Democrat-Houston). House bill 702 would have caused HIV positive doctors and dentists to lose their licenses. It would have made it possible for doctors and dentists to refuse to treat HIV positive patients, which in turn, would have led to a shortage of doctors to treat those living with HIV.

The defeat of HB 702 was a Herculean task, and we, as a community, must congratulate ourselves for our organization, political acumen and perseverance. Consider what we had against us. Some of the state's major lobbies supported this bill. Ron Wilson, the bill's sponsor, is one of the most powerful politicians at the capitol, and other politicians besides Wilson were pushing for the passage of this bill. Also, you may recall the press attention that mandatory testing of health care workers received during the session. Two Florida dentists and several hospitals were in the news because of health care related transmission of HIV. One of the networks did an opinion poll and stated that over 80% of all Americans support mandatory testing. The odds were definitely against us.

Fortunately, Lieutenant Governor Bob Bullock supported us in our battle against HB 702. Even when HB 702 was on the Saturday's intent calendar ready to be called, Lieutenant Governor Bullock stood steadfastly by, in the face of tremendous political pressure, and supported our community by refusing to call the bill for a hearing on the senate floor. Lieutenant Governor Bullock is a hero of our community.

Something else that we must understand as a community is that the support of someone like Bob Bullock does not exist in a political vacuum. All of you who worked in his campaign, donated money, and educated him on lesbian and gay issues, deserve thanks. On Friday afternoon, May 24th, when the passage of HB 702 seemed almost inevitable, the phone calls and telegrams of those who had worked so hard in the Bullock campaign really paid off.

**... Lieutenant Governor Bullock stood steadfastly by, in the face of tremendous political pressure, and supported our community by refusing to call the bill for a hearing on the senate floor.**

As for the good bills that the LGRL introduced, of course we are disappointed that none of them passed. It has always been difficult for the lesbian and gay community to pass positive legislation. This past session was particularly difficult because of a conservative backlash caused by the election of Ann Richards, Bob Bullock and Rep. Glen Maxey, the first openly gay person elected to the Texas Legislature. However, next session we may see some changes. Rep. Maxey's presence in the House is a constant educational experience for legislators. Because of the homophobic remarks against Maxey, legislators are witnessing first hand discrimination against a gay person who is also their peer. Those who care about other forms of discrimination, but perhaps never understood homophobia, are beginning to stand up for gay and lesbian issues. By next session, we will have several new supporters of gay and lesbian issues in the Texas House.

## LGRL Active in Lesbian/ Gay Pride Month

During the month of June, the LGRL was an active participant in Pride Month activities. The festivities began with the Austin Lesbian/Gay Pride Picnic at Fiesta Gardens. Board member Tony Pelligrino handed out information about the LGRL and collected donations.

On June 20th, the Houston Gay/Lesbian Political Caucus hosted a pride month reception for LGRL at Missouri Street Station. Lobby board member and President of the HGLPC Toni Knight and Lobby member Gene Harrington were the MC's at this reception. Representative Debra Danburg of Houston and Laurie Eiserloh spoke on the 72nd legislative session.

On June 21, members of San Antonio Lesbian/Gay Assembly hosted a women's reception for the Lobby. LGRL board member Jan Olsen and Lobby members Martha Prentice, Martha Fitzwater and Kay Ford hosted this very successful party.

On June 22, Lobby co-chair Kay Vinson and Lobby members Kay Christian, Maida Brooks and Michelle Jones organized a LGRL photo booth during Razzle Dazzle Dallas. Razzle Dazzle is a major fundraising event in Dallas held at Market Hall. Organizations from around the city, as well as the state, participate in this event.

For the LGRL, pride month did not end in June. In July, there were two great events that increased the visibility of the lobby and the community as a whole.

On July 20, San Antonio/Lesbian Gay Assembly hosted a networking party for the Lobby at the Magnolia Gardens. Gerald Aves and Jan Olsen hosted this party. The focus of this event was educating the community about SALGA and the Lobby as well as gaining new sustaining contributors for the Lobby.

On July 27 in Dallas, Kay Wilkinson and others hosted the annual garden party. Board members Peter Brooks and Kay Vinson helped organize this party that has become one of the Lobby's major fundraising events.

Thanks to everyone who helped with all of these successful gatherings!

## LGRL Calender of Events

- September 14 Black Tie Dinner-Dallas  
September 21 Coalition for Lesbian/Gay Students Conference - Dallas  
September 22 Texas Freedom Parade - Dallas  
September 24 Reception for the Austin legislative delegation (Reps. Maxey, Greenburg, & Naishtat) to celebrate the passage of the hate-crimes bill on the patio at East Side Cafe -Austin
- October 8-9 Texas A&M Students hosting LGRL - College Station  
October 11 National Coming Out Day. Also Coming Out Soiree at Chances-Austin featuring Kris McKay
- November 5 LGRL presentation at the Circle- San Antonio  
November 16 Jim Hightower, Molly Ivins and others Roast Glen Maxey in Austin - (8:00pm Saengerrunde Hall 1607 San Jacinto - next to Scholz' Garten)  
November 23 National Convention of Lesbian/Gay Elected officials Laurie Eiserloh to present on Gay/Lesbian Politics in Texas-Houston

If you would like more information about any of these events call 512-474-5475

## LGRL Seeks Sustaining Contributors

If you are currently a member of the LGRL, or if you wish to renew your membership, consider becoming a sustaining contributor. For as little as \$10 a month you can support an organization that fights for your rights every day on the state capitol. Contributions may be made on your credit card or by automatic bank draft.

At present, most LGRL funding comes from individual contributions collected at fundraising events. Fundraising events are an excellent opportunity for people to organize and network, and we will always rely upon these events for our funding.

However, excessive reliance upon these events takes up valuable time that should be spent at the legislature. LGRL is not eligible for grants because we are a 501(c) 4 organization.

If you would like more information on becoming a sustaining contributor, call the LGRL office in Austin at (512) 474-LGRL.