

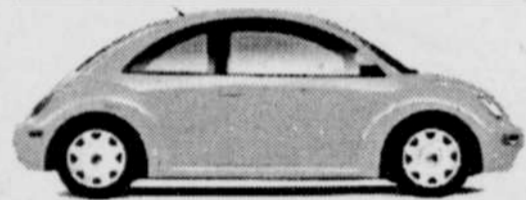


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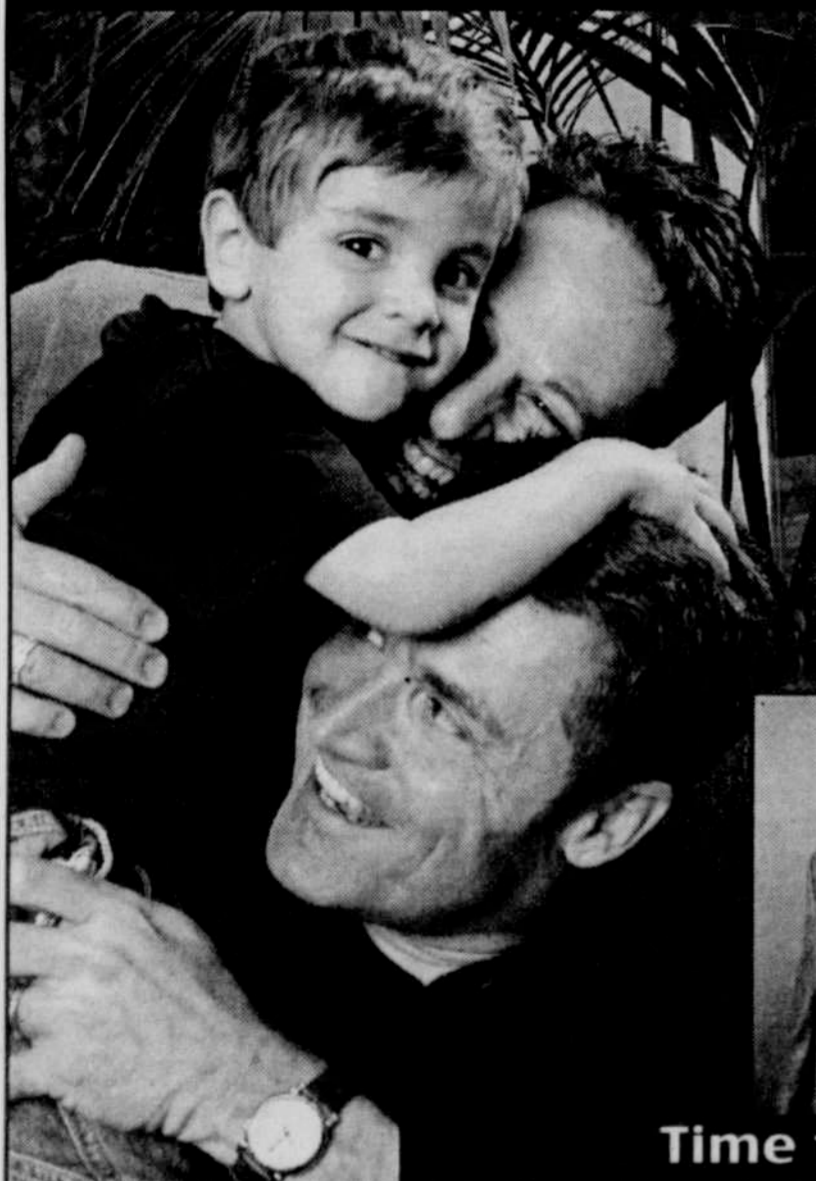
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## NATIONAL news

### IDAHO

Former state Attorney General David Leroy accused the Idaho Housing and Finance Association of violating the security of public health records and developing an illegal database containing the personal information of HIV/AIDS clients. A formal complaint was announced March 25 requesting an official investigation by the U.S. Department of Housing and Urban Development and the office of Gov. Dirk Kempthorne.

The charges allege that both federal and state laws were violated and that the security of the Idaho State HIV Surveillance Database was compromised. Leroy accused the association of accessing confidential records without observing client informed consent.

"We believe that executives and managers of IHFA conspired under the color of law to deprive low-income and HIV-positive individuals and their families of rights to privacy and equal protection under the law," he said. "We also believe that IHFA has accessed personal records from project sponsors with full knowledge that informed consent was absent but necessary."

The complaint alleges that the association has compiled detailed information and exported it into an independently developed database to track and monitor HIV-positive people. It converted funding intended to develop community-based information and referral services into an illegal system of records paralleling the state of Idaho HIV-positive database.

"The HIV database tracks and monitors HIV-positive people, it contains far more than statistical information, and it was illegally built and maintained," said Mark Welch, Idaho AIDS Foundation executive director. "In addition, we have records indicating that the information was illegally released to third parties."

### NORTH CAROLINA

Fort Bragg acknowledged March 22 it had underreported the number of gay discharges from the Army base for fiscal year 2001 to the Pentagon and public.

Officials admitted the mistake, which they blamed on a misunderstanding of the "don't ask, don't tell" policy, after a report by Servicemembers Legal Defense Network revealed soldiers received improper paperwork. The base discharged 24 people, rather than the four originally reported to the U.S. Defense Department, because of sexual orientation.

Two SLDN clients received paperwork indicating "completion of required service" as the basis for discharge, even though they actually were removed on the basis of sexual orientation. The watchdog group revealed the discrepancy in *Conduct Unbecoming*, its annual report on "don't ask, don't tell," released March 15. As a result of the document, which called for an investigation into the apparent misrepresentation of discharges from Fort Bragg, the base conducted a review.

The Army's statement regarding the discrepancy stated that the supervisor in charge of processing the discharges thought he was required to "protect the soldiers' privacy" and therefore mislabeled the paperwork. "We are encouraged that



AIDS activists are urging Idaho Gov. Dirk Kempthorne (center, proclaiming April "Couch Potato Month") to protect public health records

Fort Bragg heeded SLDN's calls for a thorough investigation and has revealed the true number of discharges from the base," executive director C. Dixon Osburn said.

The revision brings the total number of gay discharges from the military during fiscal year 2001 to 1,273. That is the highest figure since 1987, seven years prior to the implementation of "don't ask, don't tell."

### CALIFORNIA

A Los Angeles jury returned guilty verdicts March 21 on all five counts against dog owners Marjorie Knoller and Robert Noel, including a count of second-degree murder against Knoller. The couple's two presa canarios fatally mauled Diane Whipple in the hallway of her San Francisco apartment Jan. 26, 2001.

"It's been a long 14 months, and this is a very emotional moment for me," said Sharon Smith, the victim's partner of seven years. "I always felt this should be the outcome, and I'm incredibly grateful that it was."

Last spring, the National Center for Lesbian Rights filed a wrongful death action on Smith's behalf against the dog owners. In August 2001, San Francisco Superior Court Judge A. James Robertson II issued a groundbreaking ruling in the case, saying it is unconstitutional to preclude a surviving same-sex partner



Shannon Minter

from being able to sue for wrongful death.

Smith was also instrumental in the enactment of Assembly Bill 25 in California last year. Among other new rights, the legislation allows surviving same-sex partners to bring wrongful death suits.

Knoller faces a sentence of 15 years to life, and Noel could spend up to four years behind bars. "This verdict is a tremendous vindication of our belief that Diane's death was a direct result of the criminal irresponsibility of these dog owners," said attorney Shannon Minter, who is representing Smith in her civil suit.

### NATIONAL

The final rules released by the U.S. Justice Department concerning federal compensation for survivors of the Sept. 11 terrorist attacks do not explicitly extend compensation to the partners of gay and lesbian victims. Instead, Ken Feinberg, the special master assigned to the fund, will make decisions on a case-by-case basis.

"The final rules cruelly place gay families in an unresolved state," said Chad Johnson, National Stonewall Democrats executive director. "While we are hopeful that Ken Feinberg will treat same-sex survivors equally, the Bush administration has missed a powerful opportunity to recognize gay families and to treat them with equal compassion and dignity."

The rules offer protections to anyone named