

Let's get a bite to eat
And let's make sure it's for a
good cause like AEF or WAR.
page 19

Somewhere between Castro St.
and Fidel Castro is Lupita Castro.
An interview with a Cuban lesbian.
page 14



Not much queer
At the 42nd San Francisco
International Film Festival.
see Arts section



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Serving the Gay & Lesbian Community for more than 28 years

Serbs demonize gays

by Ron Bell, News editor,
Melbourne Star Observer

Yugoslav television is demonizing Western leaders by accusing them of being gay, according to a leading gay rights advocate in Belgrade. Dusan Maljkovic, a 23-year-old openly gay student, journalist, and gay rights advocate living in the Yugoslav capital, said the Serbian media is now targeting gay people at unprecedented levels.

"The Serbian media accused the leaders of the West to be gay or lesbian, and presented it as a 'sexual perversion' and 'mental disorder,' so all our efforts to change the opinion of the Serbian population towards accepting homosexuality as a normal aspect of sexuality are now destroyed," Maljkovic said.

According to Maljkovic, the Serbian government often uses the 'gay card' to slur political opponents. "In the propaganda war among the republics of the former Yugoslavia, the Serbian side used homosexuality for the making of the Western republic of former Yugoslavia. For example, stories on the alleged homosexuality of Slovenian prime minister Janez Drnovsek were published very often," he said.

Maljkovic, who is on the executive committee of the Campaign Against Homophobia, worries that gays and lesbians are now in more danger than ever as a result of the war.

"Since the most radical national homogenization of Serbia is taking place, anyone that doesn't fit the standard model of the strong man defending his native land, determined to fight for it until the last drop of blood, is a possible victim of discrimination, ranging from verbal insults to physical violence and even murder," he said. He fears that things will only get worse. "We expect a greater discrimination after the war, and the banning of all gay activism."

While legislation outlawing homosexual acts was repealed in 1994, much of Serbia remains highly homophobic. According to Maljkovic, there are few openly gay Serbians because "gay people here are discriminated on all levels of society."

Employment discrimination is also a paramount concern: "People can be fired because it is found out that they are gay, usually with some other explanation. According to a report issued by the Campaign Against Homophobia, Serbian police stations 'hold files on gays and lesbians, with their photographs and fingerprints,' and often use 'illegal methods such as phone tapping, interception of mail, etc. to compile lists of suspected homosexuals.'" ▼



Victor: Victoria Schneider

SF TG wins \$755K in strip search suit

by Cynthia Laird

A federal jury in San Francisco awarded \$750,000 in damages Friday, April 16 to a post-operative transgender woman who sued the city, the San Francisco Sheriff's Department, and two deputies saying she was illegally strip searched following a prostitution arrest in

June 1996. The jury also found against sheriff's Deputy Fred Lew and awarded \$5,000 in punitive damages during the penalty phase of the trial Monday, April 19.

The jury did not find against the other deputy, Kirk Fowles.

The plaintiff, Victoria Schneider, "was completely vindicated," said her attorney Nanci Clarence, who filed the suit alleging Schneider's civil rights had been violated when she was strip searched on orders from Lew to confirm her gender.

"It's a great message," Clarence told the *Bay Area Reporter*. "It says to us the jury completely believed Victoria's account of that night."

Of the punitive damages against Lew, Clarence said, "It sends a message to him to deter him from reckless disregard of her rights."

The weeklong trial that started last Monday, April 12, was held in U.S. District Court before federal Judge Maxine M. Chesney. The jury of four women and three men deliberated approximately two hours following testimony, Clarence said.

Schneider was elated following the decision. "I'm grateful somebody believed me," she told the *B.A.R.*

Schneider and Clarence said they interviewed several jurors after the verdict and they were told the jurors immediately found Schneider was unlawfully strip searched. "Three women jurors wholeheartedly believed me," Schneider said.

"They [jurors] told us they found the deputies' conduct frightening," Clarence said, adding that jurors in federal cases are selected from throughout the northern part of the state and not just from San Francisco.

Clarence said she expects the city to appeal the decision. "I have no doubt they'll appeal. They just don't get it; the jury has spoken."

Pat Mahoney, chief trial deputy with the City Attorney's office, told the *B.A.R.* that the city plans to file post-trial motions "to address our concerns with the size of the verdict, which we believe was caused by errors in directions to the jurors." He also said under the government code, the city has the discretion to pay the \$5,000 judgment against Lew, page 20 ▶

Wheels of Fortune, part 1: AIDS Riders gear up for controversy

by Jim Provenzano

They are described as heroes, athletes making a difference, going the long haul, testing their endurance, and all for a cause.

The brochure displays a picture-perfect array of diversity - gay men, African-American grandmothers, straight Latinas, even a handicapped wheelchair rider.

It is, of course, the AIDS Ride, or to use the full trademark-filled moniker, Tanqueray™ California AIDS Ride™ 6.

Some who have lost family members to AIDS, like Liliana Peñeranada, are prominently featured in the AIDS Ride's brochure. Her brother, Nestor, died in 1996. She has participated in AIDS Rides in his memory.

Many like her see the AIDS Ride as a physical way of proving their active participation in an event "to undergo a physical challenge."

The brochure claims 25,000 people have participated in the nationwide events, rais-

ing \$55 million. On another page, though, 33,000 riders are credited with raising \$90 million.

But the net profits are much lower, and in almost half a dozen events over the past two years, while numbers are tossed around, one fact remains clear: most of the proceeds from these enormous bicycling events never go to AIDS charities.

Despite this, thousands of people regularly participate, and thousands more donate money and volunteer, some for years. These incredibly complex events have been produced in cities throughout America.

But not without a few snafus. On his website journal recounting his trek, Todd Davis, a Boston-New York rider, described how riders were treated in 1995 as they arrived in Manhattan.

"The first 200 riders in were supposed to cross the street, ride up the pier and wave," he wrote. "The person pointing us where to go got confused. She waved us out onto the wrong pier. It was lined with garbage trucks. page 23 ▶



LA mayor Richard Riordan (left) shakes Dan Pallotta's hand after the 1996 Aids Ride.

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Strip search suit

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but added that it's "premature for that to be considered."

Clarence said that as a taxpayer, she doesn't want the city to pay Lew's fine, adding that the city "would be ratifying his misconduct" if it pays the judgment for him. "Why should the taxpayers pay for that?"

Anguished testimony

Last Thursday, Schneider took the witness stand and was emotional as she told the jury about the events of June 13, 1996, when she was arrested by San Francisco Police Officer Robert Porter on a solicitation charge. Schneider was then transported to the county jail where deputies were confused about her gender. Porter had initially written "M" for male on Schneider's field arrest card even though Schneider insisted she was female. The card was later changed with the "M" crossed out and "F" for female written in.

Schneider said her pleas to deputies at the jail to check a computer database that would confirm she's a female were ignored and that she was strip searched by a female deputy after Lew booked her into jail as a male. Schneider told the jury that the female deputy, who she could not identify other than to say the deputy was wearing the distinctive green uniform of the sheriff's department, took her into a room off the hallway and told her to strip.

"The deputy asked me for my wig," Schneider testified, adding that she was ordered to spread her legs, spread her buttocks, and spread her vagina. She was forced to remove her dental plates, which she had to place on a dirty table. After the strip search, Schneider was told to dress and given her dental plates back, but the deputy kept Schneider's wig.

On direct examination, Schneider was asked by Clarence why she wanted her wig back. "I felt embarrassed, my hair is not very attractive, and I didn't want to go back [to the holding area] without it."

Clarence displayed an enlarged photo taken of Schneider without her wig to the jury as she asked more questions, and Schneider became more emotional, finally breaking into tears. "The women

who were there [in the booking area] before, they saw me coming and started laughing. They saw I was different. I didn't have any hair. All the deputies were looking over at me, laughing because I looked different than I looked before. I didn't have my hair on. I was so scared. I was crying.

"I felt my rights were violated and I felt humiliated," Schneider testified.

The sheriff department's policy on strip searches, according to Eileen Hirst, chief of staff to Sheriff Mike Hennessey, is that they are performed on arrestees if they are charged with a crime involving drugs, weapons, or violence; if detainees have a recent criminal history involving drugs or weapons; or where there's an appropriate custodial reason to do so.

In court documents, longtime jail medic Mike Fowler testified that in June 1996, his evaluation of Schneider showed "no symptoms" of drug addiction.

In court documents and during the trial, Schneider, whose last gender reassignment surgeries were performed in 1992, said she had previously taken copies of her birth certificate and other documents to sheriff's department personnel following a 1993 incident in which she was placed in a male holding cell and then strip searched. Schneider said she talked with Hirst to ask what she needed to do to avoid a similar incident. Following that conversation, Schneider took the documents to the Hall of Justice.

During the defense portion of the trial, a deposition from Hirst was read during which Hirst stated she had a "vague recollection" of receiving a phone call from Schneider, however, Hirst stated that she could not envision telling Schneider to take documents to the Hall of Justice. Asked if it was possible she received a call from Schneider, Hirst replied, "Anything is possible."

The jury also heard from Porter, the arresting officer, who admitted on cross examination that he repeatedly referred to Schneider as a male during his deposition, even after he was advised by his attorney to refer to her as a female.

Schneider is no longer working as a prostitute and has a job doing HIV outreach through the University of California, San Francisco. ▼