Mississippi Burning

Unprecedented judge's ruling sparks widespread outrage

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Mississippi: A Mississippi youth has been convicted of murdering two gay men and despite the verdict AIDS advocates and gay rights activists are in an uproar. Sixteen-year-old Marvin McClendon was convicted of killing Robert Walters, 34, and Joseph Shoemake, 24, near an abandoned railroad track last October. McClendon's lawyer, J. Ronald Parrish, claimed that the teenager acted in self-defense, fending off sexual advances by the older men, and that he feared being exposed to HIV. He requested that the dead men's blood be tested for HIV. Judge Billy Landrum of Jones County Circuit Court ordered the tests and admitted the results—Walter was positive—into evidence. The jury apparently did not accept the self-defense argument, but posthumous HIV testing sets a dangerous precedent. David Ingebreston, head of the Mississippi chapter of the American Civil Liberties Union, told *The New York Times* that the judge's decision "sends the message that it's OK to kill gay men" who approach you "because you might be frightened of what happens to you."
–Fred Bimbler

Washington, DC: Under its 1993 interim guidelines, the U.S. Equal Employment Opportunity Commission finds disability based distinctions in health care to be a violation of the Americans with Disabilities Act (ADA). Employers subject to the ADA cannot provide fewer benefits for AIDS and HIV than other catastrophic illnesses. This has been a heated subject in recent years because several employers had successfully defended against suits brought by employees with AIDS and HIV by invoking the Employee Retirement Income Security Act (ERISA). The EEOC's guidelines and opinions have resulted in several settlements and consent decrees, but the settlement amounts have been relatively small and the EEOC rulings have no judicial precedential weight. It is likely, therefore, that judicial determination will be required before employers at large are persuaded not to engage in these caps.
–FB

Massachusetts: After attending a 1992 high school assembly on AIDS, two Chelmsford, Massachusetts students (and their parents) filed suit against the educator who ran the assembly, school officials and members of a parent-teacher organization. The suit claimed that the students' rights to the free exercise of religion had been violated. U.S. District Court Judge Robert E. Keeton recently dismissed the case, *The Boston Globe* reports, finding that a "one time exposure to a speech or set of ideas deemed offensive" does not equal a violation of their First Amendment

rights.
–Jana Eisenberg

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