

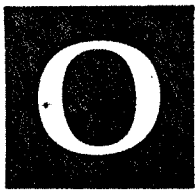
**FACT SHEET: THE STEVEN FARMER CASE**

16-34

**A Dangerous National Precedent:**

**Having AIDS  
is Now a Crime,  
Punishable with  
a Prison Term!**

*Only because he is HIV positive...  
~~they sentenced him to more than 7 years in prison~~*



On July 1, 1988 Steven Farmer, after being tested for the AIDS antibody against his will, was sentenced to seven and one-half years in prison for the crime of being HIV positive.

On February 27, 1990 an appeal was heard by the Washington State Supreme Court. A decision is anticipated between June and November, 1990.

Forced HIV testing and the criminalization of AIDS are an attack on every person's civil liberty and constitutional right to privacy. Forced testing also drives the disease underground, with disastrous public health consequences.

The case sets a dangerous national precedent. Essentially any persons, particularly those perceived to be "high risk," can be arrested, tried, and subjected to discriminatory sentencing if a judge decides they *might* be infected with HIV.

*If the Farmer Case is not overturned, it will not matter that an activity is legal, nor will it matter that the activ-*

*ity could not transmit AIDS at all. With this legal precedent, any judge in any case can indiscriminately order testing and multiply a sentence many times over if the person tests HIV positive.*

What we have here is first and foremost a simple case in which Steve Farmer, because he is gay, became a scapegoat in a political witchhunt. AIDS hysteria fueled an incredible and horrifying chain of events which led to Steve being forced-tested for AIDS and sentenced for a crime fabricated by the prosecutor's office.

The Farmer Case is actually two cases. Steve was originally in the legal system in a small misdemeanor plea-bargain case. After AIDS was raised as a possible issue, Steve suddenly found himself scapegoated, pilloried in the media, and slapped with new, contrived felony charges.

*Note, as you are reading this, that all of the players in this case had a political or personal stake in seeing Steve convicted.*

## The Overview

**T**he AIDS hysteria created around Steve's case was timed to facilitate the passage of the AIDS Omnibus Bill, which, for the first time, allowed forced testing and quarantine in Washington State.

- 2) What privacy protections do exist under the AIDS Omnibus Bill were violated in Steve's case, setting a dangerous precedent.
- 3) Steve's case became a campaign issue for the King County Prosecutor, Norm Maleng, who was then running on the Republican ticket for governor.
- 4) Rebecca Roe, the deputy prosecutor who tried the case, made herself a national reputation, appearing on the front cover of *Parade* magazine, as a result of the inflammatory media hype surrounding the case.
- 5) The media's sensationalist coverage of Steve's trial and sentencing created an atmosphere of AIDS hysteria in Seattle. This made it impossible for Farmer to get a fair trial. It also led to an epidemic of other anti-gay media coverage and anti-gay violence in Seattle in the summer of 1988.
- 6) According to court records, key prosecution witnesses were intimidated by the prosecutor's office and the Police Department into testifying against Steve.
- 7) After the prosecutor's office hit a dead end in the legal system, their new strategy was to regenerate a case by making it a media event. The media proved to be cooperative where the courts were not. Though the courts had disposed of the case, Julie Blacklow, reporter for a local television station (and ex-wife of a King County deputy prosecutor), retried the case on the air with the encouragement of the prosecutor's office. By using known prostitutes susceptible to pressure because of other legal cases, the prosecutor's office contrived a scenario which could make for sensational television and create desired public outcry.
- 8) Blacklow, having been reinstated only recently to her job as a TV news reporter, demonstrated she would go to any length to get a story, regardless of the facts involved. The prosecutor's office used her to create a case when their rules — the Constitution of the United States — failed to allow them to create the case they wanted.
- 9) Steve was arrested without a warrant, following the mass media coverage. He was searched, manacled, and verbally attacked with slanderous and vulgar epithets from several on-duty police officers wearing gloves. He was then transferred to the King County jail by ambulance unnecessarily, forced to wear a mask and lie down on his back on handcuffed hands during the ride. After arriving at the jail, authorities tried to coerce him into signing a statement saying he had AIDS.
- 10) Hunter Hansfield, Director of Seattle/King County Health Department and STD Clinic who helped draft the AIDS Omnibus Bill and whose agency stood to gain millions of dollars by its passage, was selected to read the results of Steve's forced HIV test in court before the media's rolling cameras.
- 11) Despite many attempts by Steve's defense attorneys to close the courtroom for privacy, all motions were denied by Judge Charles V. Johnson. □

## King County Prosecutor's Campaign to Criminalize AIDS: The Chronology of Events

**M**ay 31, 1987. Steve Farmer, a 31-year-old gay man, is arrested at his apartment. He had been with a prostitute the night before who claimed to have been raped. During the arrest, the police confiscate a shoe box containing photos of nude men, a Polaroid camera and sheets off Steve's bed. The photos show no faces or sexual activity, and there are no photos of the prostitute. Steve believes the arrest

was instigated by the prostitute's pimp because he had not been paid. The pimp had threatened Steve the previous night. The prostitute said said he was 18 years old.

Though AIDS would play an important role later in the case, the activity in which they engaged could not have spread the virus. All testimony and court evidence supports that truth, though Rebecca Roe continues to infer that Steve is an out-of-control sex offender because portraying him

as such serves her career ambitions. Later discoveries reveal that the young man, who acknowledged in a media interview that he indeed had not been harmed, was 17 years old.

June 1-4, 1987.

Steve appears four times for arraignment before charges are brought. Eventually he is charged with "exploitation of a minor" (photographing), a felony. The prosecutor's office finds no evidence of rape and, therefore, doesn't bring that charge. Steve is

told by his first attorney that the prosecutor's office has been looking for a gay sex offender with AIDS whom they could use to demonstrate to the public the fine job they are doing in protecting the community. Steve is released on his personal recognizance.

July 6, 1987

Unable to afford a private attorney, Steve requests a public defender during a fact-finding hearing.

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**July 7, 1987**

Steve is in court again for "fact-finding." This is another of what would become nearly 50 court appearances by Steve.

**August 7, 1987**

Confused and fearful his employer would discover his arrest, and desperately in need of the proceeds of his retirement fund in order to pay for his defense, Steve resigns from his job as a flight attendant at Alaska Airlines with highest recommendations.

**September 10, 1987**

Search and seizure of potentially incriminating materials at the time of arrest is illegal — a well-established and often upheld legal principle. A court hearing is granted at which the shoe box, sheets, and camera, illegally seized at the time of arrest, become disallowed materials.

**September 11, 1987**

In an attempt to forestall a protracted legal case, Steve agrees to plea bargain. He pleads guilty to the misdemeanor of "communicating with a minor for immoral purposes." Never mind that 17-year-olds are of the age of legal consent, which is 16 in the State of Washington. "I thought it was all over then," Steve says. Sentencing is set for December 18, 1987.

**October 18 & 19, 1987**

Deputy prosecutor Anne Bremner indicates that a woman had called anonymously to suggest that Steve had AIDS. This is an important development in the case. Later the story would change and Rebecca Roe would claim, instead, that the call came from a doctor, an obvious attempt to bring credibility to the allegation. Bremner asks Steve's attorney if he has AIDS, a question which baffles the attorney because it is irrelevant to the case. Still, the prosecutor's office is so desperately seeking a gay man with AIDS who could be shown to be putting the community's young citizens at risk, that they ignore the actual facts of Steve's case. At this time, a great deal of political discussion about quarantining Persons With AIDS is being conducted in relation to legislation which would be introduced in the State's legislature in January. They need to paint Steve as a dangerous gay man with AIDS, and as a child molester.

**October 22, 1987**

With six months passed since the case began, Steve discovers something is brewing. Julie Blacklow, the television news reporter, asks his friend, Mavis 'Tiny' Jones, to deliver to him a message that he talk to Blacklow "or I'll air only one side of this ugly story." Though Blacklow calls Steve a dozen times and Steve is curious as to what she is up to, his attorney advises him

not to talk to her. Blacklow calls various persons in Alcoholics Anonymous to inquire about Steve, even though such an inquisition is strictly opposed to the stated principles of that organization. She also talks with officials at Alaska Airlines. At this time, Steve is unaware of Blacklow's connections to the prosecutor's office. She is allowed to tour the evidence room and examine the photos which had already been suppressed because they were seized illegally. This violation of the evidence room is taped by KING Television's news cameras and shown on the air.

**October 23, 1987**

Steve's attorney warns him that his friend, Mavis Jones, and a former lover, Patrick Weller, have prepared affidavits "accusing" him of having AIDS. Jones had been to court visibly supporting Steve up to this point. Now her and Weller's affidavits are certainly a *coup* for the prosecutor's office, which did not have any evidence to support a case they wanted. They hope Blacklow's cooperation in staging a media event would enable them to attract young men to testify against Steve, in order to have "victims" — which is an important element they are missing. The affidavits are important for the prosecutor to convince Blacklow of the "importance" of the story. Now that the prosecutor's office has turned its otherwise deadened case over to the media to try, the pieces would soon be in place to score the big one they were after. The facts of the case heretofore are no longer relevant, except that they provide a basis for hysteria: a young gay man believed to be infected with AIDS convicted of having sex with a minor. Precisely the stuff for great headlines and career-boosting publicity.

**October 24, 1987**

Mavis Jones admits to Steve that she was afraid. Detective Springer of the Seattle Police Department had threatened her with a long jail term and a \$5,000 fine for "tampering with physical evidence." These threats were based on the fact that she and Weller, in a self-directed and overzealous effort to "clean up" Steve's apartment after his arrest, had removed and destroyed some pictures of nude men. Jones recoils in fear, apparently willing to do whatever was necessary to save her neck. Her fear is compounded when police detectives showed up at her workplace, seen by fellow employees. When the detectives ask if she knew anyone else who had discussed Steve's HIV status with him, she produces for the prosecution Weller, a young man she once considered adopting and a former lover of Steve's.

Now here is the former lover to compound matters in an increasingly suspenseful tale being manufactured by the prosecutor's office.

**November 17, 1987**

Steve is admitted to University Hospital for exhaustion and stress — for being suicidal. His doctor recommended he go there for help in coping with the duress brought on by increasing press inquisitions.

**November 18, 1987**

King TV's *Top Story* airs a full half-hour attack on Steve's character. Reporter Julie Blacklow, without any offering of proof, makes an accusation of AIDS, starting an avalanche of AIDS and anti-gay hysteria. That panics the public-at-large into believing that Steve is guilty, and that gay men throughout the country are purposely infecting other people with AIDS. Jones and Weller, who later become key prosecution witnesses, say on TV that Steve's HIV status is positive and say he is a murderer and "as dangerous as a loaded gun shooting people at random." These remarks are made prior to Steve being charged with felonies. The two later testify in court that Steve told them in 1982 and 1983 that he was HIV-positive, even though there was no test until 1985. Weeks would pass before Seattle's serious journalists would write on the story.

**November 19, 1987**

Following the airing of *Top Story*, Julie Blacklow informs Steve that he was charged with "tampering with physical evidence," a misdemeanor. neither he nor his attorney were told of the charges before Blacklow announced it to them.

**November 27, 1987**

Steve is arrested on the tampering charge while on a six-hour pass from hospital. This charge would soon be dropped for lack of evidence. Steve's friends post the \$5,000 bail for his release two days later.

**December 4, 1987**

Now the prosecutor's office regains the stage from Julie Blacklow. Rebecca Roe, head of the Sexual Assault Unit and rarely if ever trying cases in court, decides to try this case herself. Steve is arraigned on the tampering charge, and pleads not guilty. Members of the media are present in court for the first time, now that some official action provides them with their first shred of substance with which to write a story. Steve is under very strict monitoring conditions, because Roe alleges he is carrying the AIDS virus and is otherwise an "out of control sex offender." The plea-bargain misdemeanor conviction is her sole

basis for the slanderous description, though nothing pointed to even a possible risk of spreading AIDS.

**December 4 & 5**

Front page headlines in Seattle's dailies whip up AIDS hysteria around the Farmer Case.

**December 9, 1987**

The prosecutor's office produces two male prostitutes — borrowed from other cases — to testify against Steve. As a result, Steve is charged with two counts of patronizing a juvenile prostitute and two counts of exploitation of a minor, even though the young men were well past the age of consent when the alleged offenses were to have occurred nearly two years earlier. The prostitutes were never charged with a crime, nor their HIV status questioned or tested. Steve's arraignment is scheduled for January 1988.

**December 18, 1987**

Amid mass publicity resulting from the new charges, Steve is sentenced in the first case (communicating with a minor) to 60 days in jail, \$980 fine, and a one-year probation. His plea bargain is disregarded.

**December 1987**

Prosecutor Norm Maleng's intent to run for governor is well known.

**January 14, 1988**

The AIDS Omnibus Bill is introduced into the State legislature.

**February 1988**

The prostitute in the first case is the subject of a newspaper interview in which he admits that Steve didn't force him to do anything, that he wasn't raped, and that Blacklow's story was false.

**February 1988**

The November 27 tampering charge is dropped.

**March 15, 1988**

Norm Maleng officially announces his candidacy for the GOP nomination for Governor, and Steve's case keeps his office on the front pages.

**March 23, 1988**

AIDS Omnibus bill is signed into law.

**April & May 1988**

After a seven-day trial, Steve is found guilty on the four counts he was charged with. He is not allowed to question potential jurors about possible anti-gay biases. It is important to remember that the issue of AIDS was never raised in court until after Steve's conviction. Yet HIV status

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would be considered a mitigating factor, giving the judge an excuse to increase Steve's sentence.

**May 24, 1988**

With a flurry of sensationalist and inflammatory media coverage, King County Superior Court Judge Charles V. Johnson orders Steve tested for AIDS. He is the first person to be tested illegally against his will, despite vehement legal opposition from his attorneys, in Washington State. Deputy Prosecutor Rebecca Roe announces she plans to seek a ten-year

sentence if results are positive.

**May 31, 1988**

Blood is forcibly taken from Steve's arm and tested for HIV.

**June 21, 1988**

The Stonewall Committee for Lesbian/Gay Rights organizes a large demonstration at the courthouse to protest the prosecutor's campaign to criminalize AIDS in the Farmer Case.

**June 26, 1988**

The gay and lesbian Pride March is

held in Seattle marking the 19th anniversary of the Stonewall Rebellion.

**June 28, 1988**

The result of Steve's forced HIV test is announced to the world and plastered on the front page of the *Seattle Post-Intelligencer*, despite assurances from Judge C.V. Johnson that only he, defense attorneys and the prosecutor would be told the results.

**July 1, 1988**

Because the HIV tests are positive,

Steve is sentenced to seven and one half years in prison — instead of the standard 90 days for a first offense.

**Today**

Steve is currently out on a \$100,000 bond posted by friends and staunch supporters, pending the decision of the State Supreme Court. □

**This Could Have Been You!**

## Outraged? You can help:

Send a letter to the Washington State Supreme Court urging the justices to overturn the Steven Farmer Case.

## Being HIV-Positive Sould Not be a Crime!

*Send letters immediately to:*  
The Washington State Supreme Court,  
Temple of Justice, Olympia, WA 98054

*Please send badly needed donations to:*  
Steve Farmer Defense Fund  
1206 East Pike, #1007, Seattle, WA 98122

*Issued by: The Steve Farmer Defense Committee, 1206 East Pike, #1007, Seattle, WA 98122;  
and the Stonewall Committee for Lesbian/Gay Rights, 6727 Seward Park Avenue South,  
Seattle, WA 98118. (206) 722-0938.*

