



### A Raid At A Club In Texas Leaves A Man In The Hospital And LGBT Advocates Angry

### Judge Eyes Quick Action On Calif. G/L Marriage Ban



FORT WORTH, TX (Observer Update) - The Los Angeles Times reported that the grand opening sign still hangs above the door of the Rainbow Lounge, but the recently opened dance club has already become a rallying point for Gay men and Lesbians here, after a raid by law enforcement last week left one man hospitalized with a head injury and prompted complaints of brutality. The raid in the early hours of June 28 by Fort Worth police officers and agents from the Texas Alcoholic Beverage Commission has set off a political uproar and galvanized Gay advocates in Fort Worth, who have traditionally been less vocal than in Dallas and Houston. After years of keeping a low profile, Gay men and Lesbians in Fort Worth say they are furious, and their complaints have spread on the Internet, attracting support from Gay rights groups across the country.

They have organized protests and formed a new organization, Fairness Fort Worth, to keep track of various investigations into the incident that have begun or been requested. They also have taken up collections and organized a benefit concert to help the injured. "It has brought this community together so tight - it's almost impermeable now," said Randy Norman, the manager of the lounge. The incident has drawn even more attention because of its timing; it came on the 40th anniversary of the Stonewall riot in New York City, widely considered to be the start of the Gay rights movement. Law enforcement officials have begun an investigation into the accusations of brutality, and internal affairs officers from the state liquor authority were interviewing employees of the club, sifting through conflicting accounts of what had happened. Fort Worth's police chief, Jeffrey W. Halstead, initially stood behind his officers, saying that patrons had provoked the scuffle by making sexual gestures toward officers.

But as the week went on, Chief Halstead backed away from that stance. He ordered an inquiry, suspended operations with the state beverage commission and promised to give police officers "multicultural training." He declined a request for an interview. "Make no mistake, if our officers acted in

error, this department will address the problem," Chief Halstead said in an open letter to the community posted on the city's Web site on Thursday. Chief Halstead said the state agents, not his officers, had been the ones who had taken the hospitalized man into custody. Alan Steen, the administrator of the Texas Alcoholic Beverage Commission, has put two officers involved in the raid on desk duty and said an inquiry would be conducted. Several witnesses said six police officers and two liquor control agents used excessive force as they arrested people during the raid.

Chad Gibson, a 26-year-old computer technician from Euless, about 15 miles northeast of Fort Worth, suffered a concussion, a hairline fracture to his skull and internal bleeding after officers slammed his head into a wall and then into the floor, witnesses and family members said. Mr. Gibson was still hospitalized on Friday evening as doctors monitored a blood clot in his brain, his mother, Karen Carter, said. Another patron suffered broken ribs, and a third had a broken thumb, said Todd Camp, the founder and artistic director of Q. Cinema, a Gay film festival in Fort Worth. Mr. Camp, a former journalist, said he was celebrating his 43rd birthday in the bar when the police arrived at 1:05 a.m.

The officers entered the bar without announcing themselves, witnesses said. Earlier in the night, they had visited two other bars looking for violations of alcohol compliance laws. Those bars do not cater to Gay patrons, and the officers had made nine arrests at those establishments on public intoxication charges, officials said. "They were hyped up," Mr. Camp said of the officers in the Rainbow Lounge raid. "They came in charged and ready for a fight. They were just telling people they were drunk or asking them if they were drunk, and, if they mouthed off, arresting them." More than 20 people were taken out of the bar for questioning, handcuffed with plastic ties and, in some cases, were forced to lie face down in the parking lot, witnesses said. Five were eventually booked on charges of public drunkenness, the police said.

In a statement, the police said

that two of those arrested had made "sexually explicit movements" toward the officers. Another was arrested after he grabbed a state agent's groin, the statement said. Several witnesses dispute that account, saying they had not seen anyone harass the officers. So many questions have been raised about the police account that on Friday afternoon, Mayor Mike Moncrief asked the United States attorney for the Northern District of Texas, James T. Jacks, to review the Police Department's investigation.

Tom Anable, a 55-year-old accountant who said he was in the bar during the raid, said that for more than a half-hour the officers entered the bar repeatedly in groups of three and escorted people out. Then around 1:40 a.m., he said, the officers started to get rougher, throwing one young man down hard on a pool table. Minutes later, one of the state agents approached Mr. Gibson, who was standing on steps to a lounge at the back of the bar with a bottle of water in his hands, and tapped him on the shoulder, Mr. Anable said. Mr. Gibson turned and said, "Why?" Then the officer, who has not been identified, twisted Mr. Gibson's right arm behind his back, grabbed his neck, swung him off the steps and slammed his head into the wall of a hallway leading to the restrooms, Mr. Anable said. The agent then forced Mr. Gibson to the floor, Mr. Anable said. "Gibson didn't touch the officer," Mr. Anable said. "He didn't grope him."

Two police officers and a second state agent arrived and helped subdue Mr. Gibson, kneeling on his back. A lounge employee, Lindsey Thompson, 23, said she saw an officer slam Mr. Gibson's head into the floor while he was prone with his hands cuffed behind him. The raid prompted swift action. Hours later, more than 100 people were protesting on the steps of the Tarrant County Courthouse. As the week went on, calls for an independent investigation grew, with a state senator, a group of local business leaders and two churches joining the chorus. Yet some Gay residents said the outcry had been loud in part because what happened at Rainbow Lounge was uncharacteristic for this city of 750,000 people. "This has been unnerving, I know, to a lot of people in Fort Worth because it's not the Fort Worth we know," said Joel Burns, a Gay member of the City Council. "There is a lot of scratching of people's heads."

Kathleen Hicks, a council member who represents the neighborhood where the bar is located, said the accusations of police brutality have rattled the city government and warrant an independent investigation. She added that she had heard no complaints about the bar before the raid. "It has caused a lot of soul searching within City Hall and beyond," Ms. Hicks said. "Fort Worth has been able to move quietly along and avoid all the tension and strife that you have seen in other cities, but sometimes you need to have tension and strife. I hope that this will be a wake-up call."

SAN FRANCISCO, CA - A federal judge in San Francisco said a lawsuit seeking to overturn California's same-sex marriage ban will likely one day reach the U.S. Supreme Court, reported 365Gay.com.

U.S. District Chief Judge Vaughn Walker made the comment during his first hearing on the suit in explaining why he wants to conduct a full trial. It's a trial judge's job to settle any factual disputes surrounding the voter-approved ban and its effect on the civil rights of Gays and Lesbians before the case goes to a higher court, he said. "I am reasonably sure that, given the personalities in this courtroom, this case is only touching down in this court and it will have a life after this court," Walker said. "What happens here is in many ways a prelude to what happens later." The judge, who was named to the bench by President George H.W. Bush, has been asked to strike down Proposition 8 as a violation of the U.S. Constitution's guarantee of due process and equal protection.

The November ballot initiative supplanted a California Supreme Court ruling that had legalized same-sex marriages, but the state high court upheld the measure in late May as a valid exercise of the electorate's power to amend the California Constitution. The case has generated much attention because it was brought on behalf of two unmarried same-sex couples by former U.S. Solicitor General Theodore Olson and veteran trial lawyer David Boies, the attorneys who represented opposing sides in the disputed 2000 presidential election tally. Walker rejected a request from the Boies/Olson team that he suspend enforcement of the Gay marriage ban while the challenge to it proceeds. He said he agreed with California Attorney General Jerry Brown and Gov. Arnold Schwarzenegger that allowing Gay marriages to resume now would create unnecessary confusion for the state and same-sex newlyweds if Proposition 8 is upheld down the road.

But Walker added that he wants to put the case on an accelerated timetable because it involves serious civil rights issues. He directed lawyers for the two couples and the ballot measure's sponsors to report back to him in writing by Aug. 7 with the issues they agree on up front and those that would need to be resolved at trial. Olson said afterward that he was pleased by the judge's desire to explore in depth the issues raised by the case. He said he expected the two sides in the case to agree easily on some issues, such as Proposition 8's ballot history, and less easily on others, such as whether eliminating the right to wed for Gay people constitutes discrimination. "When it does get to the U.S. Supreme Court, we expect to win," he said.

Andy Pugno, one of the lawyers

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# UPDATE

## TIHAN Update

TUCSON (Observer Update) - On Wednesday, July 15, from 4:00-8:00 p.m., Tucsonans are invited to treat themselves to beauty, style, and relaxation at the Robert Markley Salon Spa and the programs of the Tucson Interfaith HIV/AIDS Network (TIHAN) will benefit, too! Pampering may include a massage, facial, waxing, or hair cut/style/treatment/color, and the salon will donate ALL proceeds (including tips) to support TIHAN's programs for people living with HIV/AIDS. The salon spa is located at the Plaza at Williams Centre, 5350 East Broadway Boulevard (just west of Craycroft) Suite 160. To make an appointment for this special July 15 event, call Robert Markley Salon Spa at 520-747-1388.

"We hope to have the salon filled with that night with men and women who are transforming themselves with great spa/salon services, while at the same time helping transform the lives of our clients through our programs," said Scott Blades, Executive Director of TIHAN. "Come get more beautiful, and help build a more beautiful and compassionate community." TIHAN is the largest privately-funded provider of support services for people living with HIV/AIDS in the state of Arizona. In 2008, TIHAN's education and awareness programs reached more than 5,000 people through presentations, sermons, spoken announcements, and information tables at community events and another 36,000 through faith community bulletins and newsletters. TIHAN's volunteer-based support programs served 267 people living with HIV/AIDS in 2008. Its Poz Café lunch program is the largest regular gathering place for people living with HIV/AIDS in Southern Arizona, having served over 10,000 meals to more than 500 people living with HIV/AIDS....

The Tucson Interfaith HIV/AIDS Network (TIHAN) seeks your assistance with our active search for qualified applicants for two current openings: Administrative Assistant (30 hours/week) - must have experience coordinating volunteers, managing office operations, and proficiency with Microsoft Office programs, especially Microsoft Access Kitchen/Menu Supervisor for Poz Café (15 hours/month) - must have experience coordinating volunteers as well as

planning and preparing nutritious meals for 125-150 people once a month, ensuring compliance with health department guidelines (must be available on the third Thursday of each month for our Poz Cafe monthly luncheon for people living with HIV/AIDS)

For complete job descriptions, minimum qualifications, and instructions for applying, visit [tihan.org](http://tihan.org) and click on "Job Openings." (Due to funding constraints, these positions have reduced hours.) For more information, visit [www.tihan.org](http://www.tihan.org) or contact Scott Blades, Executive Director, (520) 299-6647 or [scott@tihan.org](mailto:scott@tihan.org).

On Tuesday, July 14, 2009, the Tucson Interfaith HIV/AIDS Network (TIHAN) will hold Volunteer Orientation from 1:00-5:00 p.m. at TIHAN, 1011 N Craycroft #301 (just south of Speedway). TIHAN provides compassionate support to people living with HIV/AIDS, free of prejudice and proselytism.

Advance registration is required for Volunteer Orientation. All a person has to do is call TIHAN, 299-6647, to sign up. Training fee is \$17 and scholarships are available. Volunteer applications must be submitted prior to Volunteer Orientation. For more information, call TIHAN, (520) 299-6647.

## Around The Old Pueblo

TUCSON (Observer Update) - The July breakfast meeting for the Tucson Gay, Lesbian, Bisexual, Transgender Chamber of Commerce will take place on Thursday, July 16, 7:30 a.m., at the Hotel Tucson City Center Conference Suite Resort (formerly the Inn Suites), 475 N. Granada Ave.

Networking for Success: How to expand your networking reach in the Chamber and beyond. This presentation will help us all to better connect to one another and to use all available tools to expand our businesses and organizations. Bring your 30 second "elevator speech" and a description of your perfect customer!

RSVP by Monday July 13 by 12:00 noon, (520) 615-6436 or [info@tucsongbtchamber.org](mailto:info@tucsongbtchamber.org).

## Wingspan's 12th Annual Dinner And Celebration Tickets On Sale Now!

TUCSON (Observer Update) - Tickets are available online now for Wingspan's 12th Annual Dinner and Celebration, ¡Volamos!

Snail mail and phone calls to Development Associate Mike Herdegen are one way to go, but now you can also visit [WingspanDinner.com](http://WingspanDinner.com) and see menu and entertainment details, information about silent auction items (with more to come) and the awards, and purchase your tickets safely online!

This year the dinner features the acapella group, The Kinsey Sicks. You can reach Mike Herdegen at Wingspan, (520) 624-1779, ext 121.

It's time to gather nominations for the Godat Award to help Wingspan recognize those who have made outstanding contributions to Southern Arizona's LGBT community.

Please nominate someone for Wingspan's Godat award by completing a Nomination Form. Nominees do not need to be connected to Wingspan. The Godat Award, named after the first recipient, Ken Godat, was inaugurated in 1998 as a way to recognize annually one person who has made outstanding long-term contributions to Southern Arizona's LGBT community. It is the most prestigious award and highest honor granted each year at the Wingspan Annual Benefit Dinner. Past Godat Award winners include: Ken Godat (1998), Jean Baker (1999), Colette Barajas (2000), Ana "Bertie" Lozano (2001), Bob Ellis (2002), Alexander John Goodrum (2003), Alan Storm (2004), Mae Krueger (2005), Craig Snow (2006), Noel Matkin (2008). No award in 2007.

(Go to [www.WingspanDinner.com](http://www.WingspanDinner.com) for more information.)

Members of the Wingspan Board of Directors or Selection Committee are not eligible to be nominated. Wingspan Board of Directors - Paula Aboud, Kathy Altman, Carol Bradsen, David H. Braun, Leslie Carlson, Rebecca Corran, Roger Funk, Carol Galper, Cynthia Garcia, Yvette Jackson, Sean Kurysh, Brenda Limon, Kevin Maxey, Nicholas McIn, Scott Morris, Laura Penny, Karyn Prechtel, and Alan P. Taylor. Award Selection Committee - Elizabeth Burden, Carol Galper, Andrew Held, Laura Penny, Karyn Prechtel, and Alan Taylor.

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Continued from Page One

representing Proposition 8's proponents, said his clients, too, were eager to have the fate of Proposition 8 settled. "This is a very complex case. The judge and both sides are attempting to narrow down the factual issues that need to be addressed to avoid an unnecessary, full-blown trial," Pugno said. "I don't think that's in anyone's interest, and it would absolutely delay the outcome."



Calling for friendly and reliable people to join SAAF's Client Services Team as volunteer Peer Counselors.



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# Board: Discharge Gay New York National Guard Officer

SYRACUSE (Observer Update) - A military administrative board recommended that a National Guard officer who publicly announced he's gay should be discharged for violating the military's "don't ask, don't tell" policy, 365Gay.com reported.

Lt. Dan Choi would be the first New York National Guard member discharged for violating the policy against homosexual conduct, said Lt. Col. Paul Fanning, a spokesman for the New York Army National Guard. Choi, 28, appeared in Syracuse before a Federal Recognition Board, a panel of four military officers, which deliberated four hours before deciding to recommend the Army no longer recognize him as an officer. In essence, that amounts to a discharge, Fanning said. Choi, a combat veteran, said it amounted to firing him "for nothing more than telling the truth about who I am."

"I'm a leader. A setback is an opportunity to keep fighting, and I'm going to do that through my actions," said Choi, who was a celebrity grand marshal in San Francisco's Gay Pride Parade. The recommendation must be approved by the First Army commander and the chief of the National Guard Bureau before Choi is discharged, a process that could take anywhere from a few weeks to a year, said Maj. Roy Diehl, who represented Choi. Until then, Choi remains an active member of the National Guard, he said. "It's a recommendation, not a completed act," Diehl said, adding he hoped military commanders would reconsider Choi's value as a soldier. Choi likely will receive an honorable or a general discharge and could lose some of his veteran educational benefits, Diehl said. "They are taking effective troops ... and kicking them out, removing them from the force just as effectively as if al-Qaida was blowing them up," said Diehl, who

claimed the military is more tolerant of drug abusers, malcontents and adulterers.

Choi, a 2003 West Point graduate, outed himself in March in the Army Times newspaper and on a nationally broadcast MSNBC show to protest the military's policy, which he said forces soldiers to lie. "It's an immoral code that goes against every single thing we were ever taught at West Point with our honor code," Choi said at the time. His declaration was part of the launch of Knights Out, the first association representing gay and lesbian alumni of West Point. Already, Knights Out has at least 50 members who have publicly identified themselves on the group's Web site. Choi is the only one still active in the military. The "don't ask, don't tell" policy was put in place in 1993 by former President Bill Clinton and forbids military recruiters from asking someone about his or her sexual orientation, but it also prohibits a service member from revealing if he or she is gay. About 10,500 military personnel were discharged for violating the policy between 1997 and last year, the Department of Defense said.

President Barack Obama has pledged to work to end the policy, but he has made no specific move to do so since taking office in January. The White House has said it won't stop the military from dismissing gays who admit their sexuality. Earlier this month, the U.S. Supreme Court turned down a challenge to the Pentagon policy forbidding gays and lesbians from serving openly in the military. The court refused to hear an appeal from former Army Capt. James Pietrangolo II, who was dismissed under the military's policy while in the Vermont National Guard in 2004.

Fanning, the New York Army National Guard spokesman, said the

law is the law. "The military has no choice but to follow it," Fanning said. "We don't pick and choose what regulations to enforce." At West Point, Choi, a native of Tustin, Calif., majored in Arabic language and environmental engineering. He served in Iraq with the 10th Mountain Division for 15 months in 2006 and 2007, leading combat patrols through a region called the Triangle of Death and serving as a translator and language instructor. He also helped rebuild schools and hospitals. In 2008, he left the Army and joined the 1st Battalion, 69th Infantry of the New York National Guard, based in Manhattan. The closed hearing was held in Syracuse because it is the headquarters of the 27th Brigade Combat Team, which oversees Choi's National Guard unit, Fanning said.



Lieutenant Dan Choi

## Report Shows LGBT Health Disparities

ALBANY, NY (Observer Update) - A new report on the non-HIV health and human service needs of LGBT people in New York state shows significant disparities compared to non-LGBT people, reflecting national trends exacerbated by lack of adequate data and homophobia, reported 365Gay.com. The state-sponsored report, the first of its kind for New York, was prepared by researcher Somjen Frazer and published by the Empire State Pride Agenda. It is based on government data, interviews with 60 LGBT health and human services experts, and surveys of 3,500 LGBT New Yorkers.

Key findings of the report, according to Somjen, include the pervasiveness of homelessness, which poses a substantial barrier to service access. Fourteen percent of LGBT people,

including one-third of transgender respondents, reported being homeless currently or at one point in their lives. Lack of culturally competent care also creates hurdles, with 40% of LGBT respondents saying that too few health professionals were adequately trained to deliver services to LGBT patients. Moreover, 27% said they feared they would be treated differently if their health care provider learned they were LGBT.

Lastly, violence continues to present a challenge, with 13% of respondents saying that they had been physically or sexually assaulted because they were LGBT. Only 25% of those hit, punched or kicked in a homophobic assault said they had reported it to the police.

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# BUZZ -- BUZZ -- BUZZ

## Cher Respects And Supports Son Chaz

LOS ANGELES, CA (Observer Update) - Pop icon Cher respects the courage of Chaz's planned surgical transition from female to male, she told US magazine, reported advocate.com. In a statement to US, Cher wrote:

"Chaz is embarking on a difficult journey, but one that I will support. I respect the courage it takes to go through this transition in the glare of public scrutiny, and although I may not understand, I will strive to be

understanding. The one thing that will never change is my abiding love for my child."

Chaz Bono, born Chastity, recently announced he is transitioning, shortly after his 40th birthday. He grew up under the spotlight of parents Cher and the late Sonny Bono. In a statement last week, a publicist said that Chaz is "grateful for the support and respect that has already been shown by his loved ones."

## Ban On G/L Marriage Linked To Rise In HIV Rate

ATLANTA, GA (Observer Update) - Two Emory economists have found that a constitutional ban on Gay marriage increases the rate of HIV by four per 100,000 people. This the first study of the impact of social tolerance levels toward Gays in the United States on the HIV transmission rate, reported 365Gay.com from a Science Daily Magazine article.

The economists cite the passage of bans on Gay marriage, such as the recent passage and

upholding of Proposition 8 in California, as causing more underground sexual behavior due to an increase in intolerance to homosexuality. "We found the effects of tolerance for Gays on HIV to be statistically significant and robust - they hold up under a range of empirical models," says Hugo Mialon, an assistant professor of economics.

Andrew Francis, also an assistant professor of economics, said that policymakers will consider the two men's research when ruling on Gay marriage.

## Out Mtn. Bike Champ Facing Jail Time

NEW YORK, NY (Observer Update) - Missy Giove rose to fame in the '90s as one of the first female stars of mountain bike racing, known for her outlandish looks and for being open about her sexual orientation, reported 365Gay.com. But the 37-year-old former world champ is about to be known for something else - jail time. Giove is facing a significant amount of time behind bars for marijuana distribution.

According to the Associated Press, Drug Enforcement Administration officials seized more than 200

pounds of marijuana from a truck Giove was driving in upstate New York. Giove was allegedly delivering the marijuana to the home of Eric Canori, 30, where another 200 pounds of pot and more than \$1 million in cash were seized. Giove is being held on \$250,000 bail. Canori is being held on \$500,000.

Giove, nicknamed "The Missile," was the downhill world champion in 1994 and won World Cup season titles in '97 and '98. She then captured national titles from 1999 to 2001. She retired from downhill racing in 2003.

## Are You Covering Your Car With A TOGA?

By Dan Kalm

Today's economy continues to cause people to look for areas to save money. A person looking for ways to save money may make a decision to save a couple of dollars that later may cost them much more.

In auto insurance, the state of Arizona mandates that drivers carry minimum limits of 15/30/10. This means the most the insurance company will pay when you are at fault for a single injured person is \$15,000 and if multiple people are injured, \$30,000. The final \$10,000 indicates the maximum amount that an insurer will pay for damage to another person's property, for example, vehicle damage. When you consider emergency room bills and ongoing treatment or even funeral expenses, \$15,000 may not be enough. Also, according to the National Automobile Dealers Association, the average price of a new car sold in the United States is \$28,400. If a driver with minimum limits totals or severely damages another vehicle, \$10,000 limits could leave an at fault driver owing the difference between what the insurance coverage will pay and the total cost of repair or replacement.

A short insurance review and answering some basic questions will

help you choose the best auto coverage for your current situation. First, what assets (home, bank accounts, personal property or other belongings) do you need to protect? Secondly, many people do not realize that injured parties can sue for unpaid damages and wages in Arizona can be subject to garnishment for unpaid judgments. So, in addition to potentially losing your property and belongings, you may also have to give up a percentage of your wages to cover the amount that your available insurance did not pay. Not only could you lose all that you worked so hard to achieve, but your future earnings would also be affected.

As your life changes, your insurance coverage should change with you; an annual review of your policy with your insurance agent or company is a vital part of your financial future. So dust off your insurance paperwork today and make sure your coverage makes sense for your personal situation. As I tell my clients, "If a one size fits all approach to life made sense, we'd all be wearing togas."

(To reach Dan, call (520) 795-0231 or go online to dankalm.com.)

## Gates Mulls Changes To DADT

WASHINGTON, D.C. (Observer Update) - Defense secretary Robert Gates indicated that the Department of Defense is looking at alternative ways of implementing the department's regulations surrounding "don't ask, don't tell." "One of the things we're looking at is, is there flexibility in how we apply this law," Gates told reporters aboard a military plane, according to AFP, reported rawstory.com.

Gates reportedly discussed the policy with President Barack Obama last week, and the defense secretary's comments suggest that the changes the department is considering are in line with those called for in a letter sent to the president by 77 House members several weeks ago. "We ask that you direct the Armed Services not to initiate any investigation of service personnel to determine their sexual orientation," read the letter, authored by Rep. Alcee Hastings, "and that you instruct them to disregard third party accusations that do not allege violations of the Uniform Code of Military Justice. That is, we request that you impose that no one is asked and that you ignore, as the law requires, third parties who tell."

In the interview Gates said the department was looking at whether they could take into consideration the motive behind an outing. "If somebody is outed by a third party, does that force us to take action?" he explained. "That's the kind of thing we're looking at - seeing if there's a more humane way to apply the law until it gets changed." The comments are a far cry from those he made in April in which he questioned whether the policy would be overturned at all. "If we do it, it's important that we do it right, and very carefully," Gates said, according to The New York Times.

Policy analysts said the Defense secretary's remarks suggest that President Obama has tasked Gates with finding a short-term solution to the ongoing discharges. "Short of an executive order, it looks like this has been put onto Gates's plate to maybe informally modify the implementation of the rules,"

said Aaron Belkin of the Palm Center, a research institute that released an analysis last month concluding that the president had the legal authority to issue an executive order halting Gay discharges altogether. Belkin added that the move appeared to be a crafty way for the White House to shift the burden of responsibility away from the president. "This is no longer the civilians telling the military what to do - you're letting the Republican secretary of Defense decide how to implement the law within his own agency," he said.

While the secretary's interview is first concrete indication that the Pentagon is re-evaluating the military's Gay ban, Gates also noted some hurdles to altering the policy. "What I discovered when I got into it was it's a very restrictive law," he told reporters. "It doesn't leave much to the imagination, or a lot of flexibility." But that's not the way Nathaniel Frank, a legislative scholar at the Palm Center, reads the law. Frank, who recently authored the book Unfriendly Fire: How the Gay Ban Undermines the Military and Weakens America, said there's room within the law for assessing both whether evidence of someone's sexuality is "credible" and whether to make a "finding" related to someone's sexual conduct. "The law gives discretion to commanders to determine what's credible evidence," Frank said, "and we know that commanders do look the other way because in times of war, discharges plummet."

Frank noted that in accordance with historic patterns per-year discharges peaked at around 1,200 just before 9/11 and are now down to just over 600 a year. Frank added that just as what's credible is open to interpretation, so is whether to issue a determination of someone's sexual conduct. "The law says that a service member will be separated if a finding is made," he explained, "but nowhere does the law require that a finding actually be made."

## Lifetime Now Overcompensating By Planning Gayest TV Episode



Liza Minelli and Delta Burke

NEW YORK, NY (Observer Update) - If Lifetime is determined to prove in its new ad campaign that Project Runway is harmless mainstream programming enjoyed by the least hip heterosexuals in the country, at least the network is planning to throw LGBTs a glittery bone by planning what may be the gayest episode of series television since the NBC-scuttled episode of My Two Dads entitled "Merlot and Revelations."

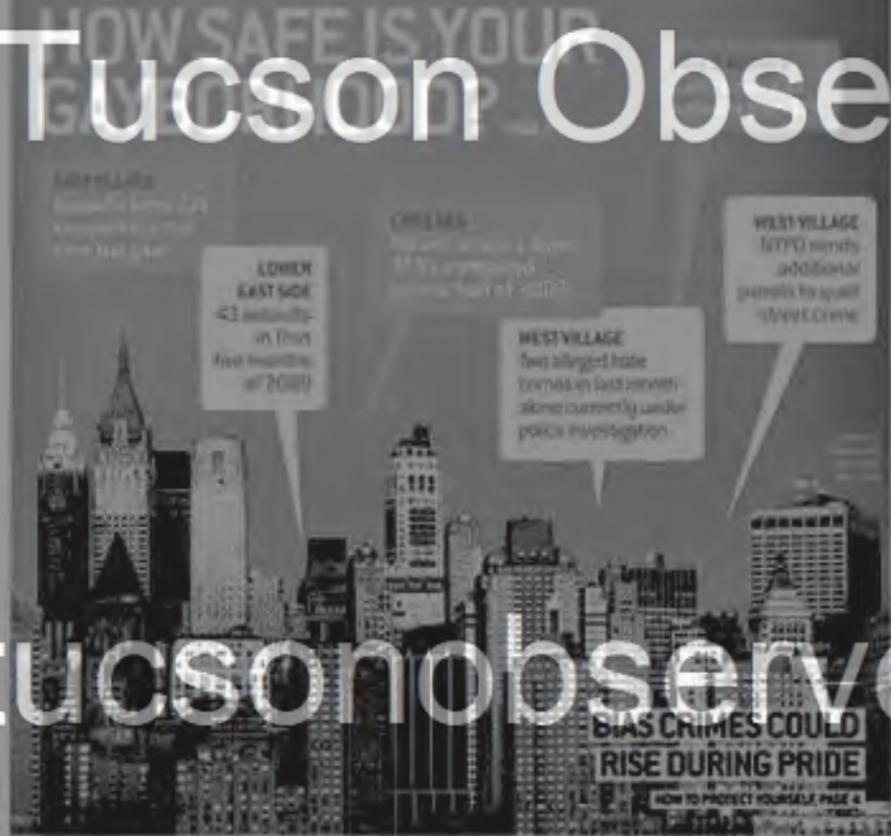
TV Guide's Michael Ausiello has the scoop: Liza Minelli and Delta Burke are set to play dueling sisters on

Lifetime's upcoming legal dramedy Drop Dead Diva, sources confirm to me exclusively. On Diva, which premieres July 12, Minelli plays a psychic who takes her sister (Burke) to court after she opens a competing psychic shop directly across the street from her store. Their episode airs Sept. 20 and also features an encore appearance by Rosie O'Donnell as a judge.

Oh, and also? This show stars Margaret Cho. Sorry Glee, but you've got your work cut out for you now.

# New York LGBT Newspaper Suspends Publication

NEW HOPE FROM N.H. SIXTH MARRIAGE STATE RALLIES NEW YORK, PAGE 6



NEW YORK, NY (Observer Update) - The New York Blade, one of the two major Gay and Lesbian newspapers in New York City, has laid off its editor in chief and suspended publication, the chief executive of its publishing company said, the New York Times reported.

"Everyone was let go, but the people on The Blade know that they may come back if The Blade is coming back," said the executive, Matthew Bank, of HX Media, which was formed in 2005 by the merger of The Blade and HX Magazine. The moves came on after HX was sold to undisclosed buyers. The Blade, a biweekly paper with a free circulation of 22,000, was left with an uncertain future. "It doesn't have an issue scheduled until a week from Friday," Mr. Bank said. "There are a lot of things that can happen between now and then."

The decision to suspend publication comes at a particularly active period for journalism concerned with Gay issues: the 40th anniversary of the Stonewall riots and the Gay pride

parade on Sunday, the proposed same-sex marriage bill in the State Senate and discontent over the Obama administration's performance on Gay-rights issues. "It is an incredibly exciting time for Gay journalism," said Kat Long, who had been editor in chief of The Blade since February. "It's important that Gay papers are around to document it." Paul Schindler, editor in chief of Gay City News, the rival New York City Gay newspaper, said The Blade had "made good contributions over the years."

While a minority owner in HX Media has gone into receivership, Mr. Bank said that had little to do with the decision to sell the magazine. Instead, he pointed to the advertising climate: "The economy and the future of print media being more difficult was definitely weighing on us." The Blade's recent Gay pride issue had been a relatively slim 28 pages. "Gay pride is to Gay publications what Christmas is to retail," Mr. Schindler said. "When I pick up The Blade and it's in 28 pages, then this is a business that is in serious problems."

## LGBT Titles Back On Summer Reading List

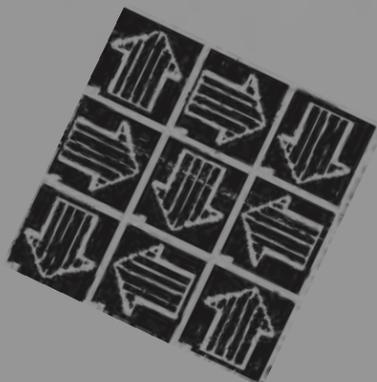
WASHINGTON, D.C. (Observer Update) - The Washington, D.C. public school district restored nine LGBT-themed titles to its summer reading list for students after initially publishing a reading list that omitted the books, reports the School Library Journal.

Local librarians and the city's gay and lesbian community objected when titles such as *And Tango Makes Three* (S & S, 2005) and *The Geography Club* (HarperCollins, 2003) failed to appear on the initial list, actually marked "final," that was posted to the district's summer reading web site before the school year ended on June 15, 365Gay.com reported.

However, the school district maintains that the LGBT titles were among those set to be reviewed on June 18, and that the initial list was just intended to give students and parents a framework to make preparations. The

final list, including the LGBT titles, was released for web and print distribution on June 26.

Some librarians, however, told the School Library Journal it was suspicious that the school district would announce its final selections for summer reading after the school year officially ended.



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**POLITICS 2009**  
by Mark R. Kerr

**'Do Ask, Tell, Speak And Act!'**

During a reception at the White House, June 29, President Barack Obama, marking the 40<sup>th</sup> anniversary of the Stonewall Riots in New York City and the beginning of the modern Lesbian, Gay, Bisexual and Transgender (LGBT) rights movement, said to those assembled for the event, "Welcome to your White House."

"And I know that many in this room don't believe that progress has come fast enough, and I understand that," the president said. "It's not for me to tell you to be patient, any more than it was for others to counsel patience to African Americans who were petitioning for equal rights a half century ago."

"I want you to know that I expect and hope to be judged not by words, not by promises I've made, but by the promises that my administration keeps," Obama stated to the crowd. "We've been in office six months now. I suspect that by the time this administration is over, I think you guys will have pretty good feelings about the Obama administration."

President Obama ran down the list of the calls he has made to encourage members of Congress to pass the Employee Non-Discrimination Act, the Domestic Partners Benefits and Obligations Act and an inclusive hate crimes bill.

Words of encouragement indeed but it will take actions for these words to become paramount and more important, the law and policy of this nation so it is time for the LGBT community to keep the pressure up on both the White House and Congress on

Capitol Hill, express encouraging words by telling those in power and act in every way possible as those brave individuals did that night at the Stonewall Inn in New York City.

Actions and words do have consequences since after the controversy over the Obama administration's "legal response" to the challenge in federal court over the 13-year-old Defense of Marriage Act law enacted by Congress and the president's "lack of response," regarding the 16-year-old law, "Don't Ask, Don't Tell," for which those out and open Gay and Lesbian individuals, who wish to serve this country in its armed services, can't do so, as witnessed with the cases of Iraq War Veteran, Arab Linguist and soon to be, former New York National Guard Lt., Dan Choi and Air Force Lt. Col Dan Fehrenbach, show that "yes it can," but the pressure must continue, now and for the foreseeable future.

Forty years have passed so far in this effort for equal treatment and LGBT citizens, in most states: still don't have the right to work without the fear of being fired because of whom they are, perceived or otherwise; don't have the governmental and judicial recognition of their relationships and families, using whatever word or convenient political phrase necessary and can't serve this nation, if they so choose, by becoming a part of this country's military.

Mr. President, the welcome was nice but it is not our White House or even government on Capitol Hill yet, until those words on the front of the U.S. Supreme Court apply to LGBT citizens of this nation, "Equal Justice Under the Law."

**Gay Israeli Couple Wins Adoption**

TEL AVIV, Israel (Observer Update) - Yossi finally has a legal family - even though he's 30 years old and it took nearly 14 years for a court to approve his adoption by a male same-sex couple, reported 365Gay.com.

The Tel Aviv family court for the first time has approved an adoption by a Gay couple. The court approved the adoption by former Knesset member Uzi Even and his husband Amit Kama. Yossi was disowned by his parents when he was 16 and came out to them. Even and Kama took him in. Eventually a court accepted the men as foster parents but it took two events for the couple to begin the fight to adopt Yossi.

The first came in 2004 when Even and Kama flew to Toronto and were married, shortly after Gay marriage became legal in Canada - even though the marriage is not recognized in Israel. The second came when Yossi applied to university. Even is a chemistry professor at Tel Aviv University and in 2007 Yossi sought the reduced tuition rate that the children of professors receive. He was turned down because Even was not his legal father. Even turned to Dori Spivak, the deputy director of the law clinic programs at the university and the legal process to adopt Yossi began.

The Welfare Ministry began a probe to determine whether the Even-Kama's and Yossi had a legitimate parent-child relationship. The report was submitted to the Family Court with the adoption application. In her ruling Family Court Judge Alissa Miller said "I was convinced that the necessary conditions as proscribed by the laws concern-

ing adoption of children had been fulfilled."

"The significance of this decision is that tomorrow homosexual couples can turn into a family and adopt a child," Kama told The Jerusalem Post. "After speaking with Dori Spivak we decided to shoot into the mist and we said that we don't have anything to lose. The Welfare Ministry was shocked by our demand to recognize the adoption. "The parent-child relationship has existed with us for 14 years. Its not that we adopted a child yesterday. We always were a loving, living family but were not recognized by the authorities. Personally, there is great excitement and great happiness. The authorities and the state know now officially that the life that we live is the life of a loving family. This is a great victory," he told The Post.

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# COMMENTARY....

by Deb Price

## Obama Tells LGBT Activists: Trust Me

President Barack Obama's unprecedented White House celebration of the four-decades-long struggle of Gay Americans for full equality hit all the right notes, including the host's acknowledgement that politicians' pretty words are no substitute for getting rid of discriminatory laws.

Standing beside a beaming first lady in the ornate East Room on Monday, Obama warmly welcomed more 250 Gay, Lesbian, Bisexual and Transgender Americans "to your White House."

The inspiring guest list ranged from two men who in 1969 resisted police harassment at the Stonewall bar – the rebellion that kicked off the modern-day Gay-rights movement – to such gutsy contemporary trailblazers as Episcopal Bishop Gene Robinson, former U.S. ambassadors Jim Hormel and Michael Guest, and Office of Personnel Management Director John Berry.

Hosts' welcoming remarks often leave guests a bit dizzy with narrative zigs and zags. That was certainly true of Obama's 18-minute greeting, which came in the wake of the huge outpouring of Gay anger and disappointment over his pace in addressing pressing Gay issues and the tone of his administration's filings in two court cases.

At times, the White House event sounded like the aftermath of a family intervention, with the president playing the loved one who feels compelled to issue reassurances that – despite frightening behavior – he really hadn't slipped off the equality wagon. It also offered fascinating peeks into the president's strategic thinking about how he can pull off change he clearly believes in and not be outmaneuvered like President Bill Clinton. That earlier Gay ally's wily foes checkmated him into signing the only two federal laws that mandate discrimination against a group of U.S. citizens – the Don't Ask, Don't Tell ban on serving openly in the military and the Defense of Marriage Act.

which denies federal recognition to Gay married couples.

On the military ban, the telling moments came when Obama declared that it "weakens our national security" and predicted, "Someday, I'm confident, we'll look back at this transition and ask why it generated such angst. But as commander-in-chief, in a time of war, I do have a responsibility to see that this change is administered in a practical way and a way that takes over the long term." He added, "That's why I've asked the secretary of Defense and the chairman of the Joint Chiefs of Staff to develop a plan for how to thoroughly implement a repeal."

Translation: Trust me – I'm on the problem, but I have to fix it right or we'll all be sorry.

Obama also offered a revealing glimpse at his attitude toward his Justice Department's disturbing brief embracing DOMA. Significantly, Obama used the phrase "so-called Defense of Marriage Act," distancing himself from its Orwellian title. Then he explained, "Now, I want to add we have a duty to uphold existing law. But I believe we must do so in a way that does not exacerbate old divides. And fulfilling this duty in upholding the law in no way lessens my commitment to reversing this law."

Translation: The next brief won't sound like a Pat Robertson fundraising letter. Host and guests clearly shared a shrewd, results-oriented vision. "I expect and hope to be judged not by words, not by promises I've made, but by the promises that my administration keeps," Obama said. "... I suspect that by the time this administration is over, I think you guys will have pretty good feelings about the Obama administration." That's certainly the message his guests had come to hear. Bottom line: The event bought Obama renewed faith – and some time.

(Deb Price is a columnist for the Detroit News, from which this is reprinted from.)

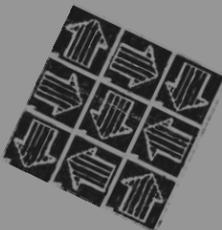
## Fundraiser Hosted By Lesbian Couple Disrupted By Arrests

ENCINITAS, CA (Observer Update) - A fundraiser for Democratic Congressional candidate Francine Busby in Encinitas, California, was disrupted after several guests were sprayed with pepper spray and the host was arrested, reported 365Gay.com.

The fundraiser was being held at the home of Lesbian couple Shari Barman and Jane Stratton when deputies showed up in response to a noise complaint. Barman, 60, was arrested and jailed on suspicion of battery on a peace officer, and resisting, delaying and obstructing a peace officer. The host was arrested by Deputy Marshall Abbott after she refused to give him her birth date so he could file a noise complaint. According to Sgt. Thomas Yancey of the Encinitas police station said that Barman tried to walk away from Abbott after he made the request, and he grabbed Abbott, then began using pepper spray on guests at the party after they pulled Barman away from him. "He was pepper-spraying the faces of anyone who tried to talk to him," Busby

said. "People were stunned. It was something that none of us has experienced."

Busby said she plans to meet with the Sheriff's Department to find out why the event occurred and find out who made what she claims was a false noise complaint. Police received a call at 9:33 PM from a man saying that a loud-speaker from the party was keeping him awake. Barman said that a man on the property behind her house had made "disparaging remarks" about Busby and Gay people during the party, but Busby says the reception was not loud like the noise complaint claimed. "It was a quiet home reception, disrupted by a vulgar person shouting obscenities from behind the bushes," Busby said.



## Inconsistencies Foiled Adams Case

PORTLAND, OR (Observer Update) - Mayor Sam Adams, accused of having had a sexual relationship with former legislative intern Beau Breedlove before he turned 18, gave \$750 to Breedlove just before their tryst was revealed. Both parties claim the money was a loan from Adams, intended to assist Breedlove with car payments and help fund his move. Breedlove has yet to pay back the money, advocate.com reported.

The money transfer was not part of Oregon attorney general John Kroger's report, which portrayed Breedlove as an untrustworthy opportunist, citing his 2006 conviction for shoplifting from a Macy's in Honolulu, as well as his recent paid photo shoot for Unzipped magazine, which, along with The Advocate, is owned by Regent Media. It was later revealed that the reason for the halt in Kroger's investigation of the relationship between Adams and Breedlove was a lack of credibility on the part of both Adams and Breedlove, as well as a lack of evidence.

Breedlove initially signed a statement saying that he and Adams did not kiss or engage in any sexual contact before he turned 18. He later contradicted this statement by claiming that he and Adams had kissed twice, once in Adams's car and once in a City Hall restroom, while Breedlove was still 17. Breedlove's changing story and Adams's ability to obtain a statement from him four weeks before he was questioned by a criminal investigator were both defining factors in Kroger's decision to end the investigation.

"The critical witness here was Mr. Breedlove," Kroger said. "Mr. Breedlove has said contradictory

things on different occasions about what took place. Given that fact, there's simply no basis to go forward with a criminal charge."

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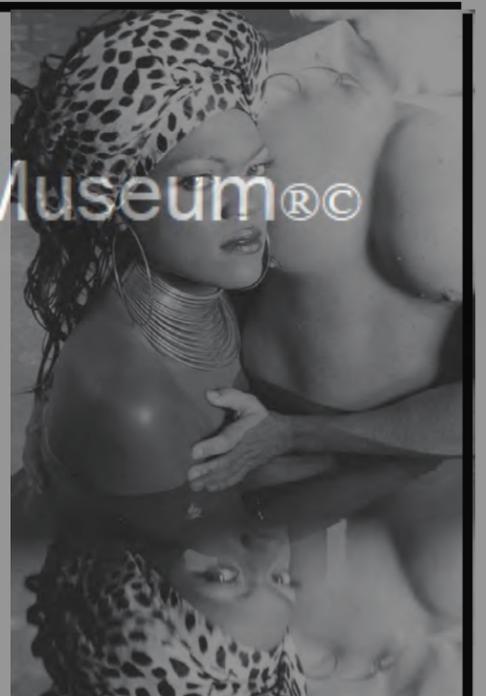
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# T-Shirt Retailers Using Homophobia To Make Money



CHICAGO, IL (Observer Update) - Thanks to Chicago Sun-Times columnist and film critic Richard Roeper, a very ugly practice has come to light. T-shirt companies trying to make a buck off of the cross town rivalry between the Chicago White Sox and the Chicago Cubs baseball teams have resorted to homophobia and racism to stimulate sales, afterelton.com reported.

homophobia to those who tell Roeper to lighten up to those who insist the word "Gay" has nothing to do with Gay people. It just means lame, dumb or stupid. If you don't understand that, you're just Gay. Given that the above shirt clearly shows two men together under a rainbow flag, I'm not sure how folks can honestly make the claim that the word Gay has nothing to do with actually being Gay, but they do. People are pretty great about rationalizing their behavior after all.

The Chicago White Sox won a World Series and a championship parade while the Chicago Cubs haven't and "only" had a Gay parade. Can you guess which is good and which is bad? Roeper recently attended a White Sox game where he frequently saw the above t-shirt (as well as a version sold as a bumper sticker) worn by White Sox fans. Said Roeper: The signs, T-shirts and bumper stickers are literally a sign of the times. ... but the explicit message in the parade "joke" is that it's a putdown to call someone Gay.

Perhaps they'd understand the issue better if we went around using their actual names as a putdown for a week. "I hate my boss. He's so Tony." That red, purple and mango dress is soooo Hank!" Of course, as GLSEN has so admirably made clear, the use of the word "Gay" to mean anything other than Gay people (or if you're English or over eighty "happy") is inexcusable and shouldn't be tolerated by anyone. At least one organization is urging folks to get in touch with the retailers to encourage them to stop selling the shirts. AfterElton.com has contacted both retailers requesting comment, but has yet to hear back. I suspect it's going to take more than just some angry Gay folks getting in touch to make a difference. Perhaps the Cubs and White Sox could team up to denounce sales of the shirts and fans who wear them to games.

I see this all the time in the chat boxes in the online poker tournaments. A player will lose a hand, and he'll call his opponent "Gay" or a "homo." It's never intended as a compliment. Nobody says, "Wow, you're a great player. You must be Gay!" It's always, "What a stupid bet, you Gay douchebag." The comments on the Sun-Times site run the gamut from those who get the blatant

# Indian Court Decriminalizes Homosexuality

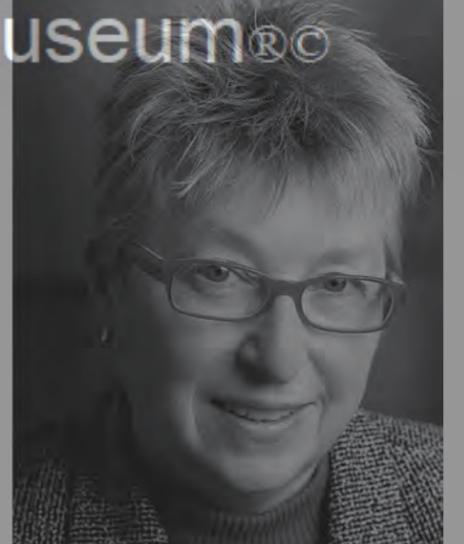
NEW DELHI, India (Observer Update) - In a groundbreaking step for India, a court ruled on to decriminalize homosexuality in the country's capital, New Delhi, reported 365Gay.com. The Delhi high court ruled that treating consensual Gay sex as a crime is a violation of fundamental rights guaranteed by India's constitution, reports the Associated Press. The ruling applies only in New Delhi, but it represents a major advancement in India, where a 148-year-old British colonial-era law makes Gay sex punishable by up to 10 years in prison.

dangerous Western import. The BBC published reactions to the ruling from Gay rights activists in India.

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Activists say that the law, section 377 of the Indian penal code, encourages harassment of the LGBT community and discourages safe sex, which complicates efforts to fight HIV/AIDS. Only the Indian parliament can amend the law, but the government has not committed to action. India's Naz Foundation filed the petition against section 377 in court eight years ago.

The verdict may be challenged in the supreme court. Religious leaders criticized the ruling as a



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