

Tucson Observer Archives

Proposition 8 Overturned

EDITORIAL.....

Capsule Comments

With the recent ruling by U.S. District Judge Vaughn Walker overturning the ban on same-sex marriage in California through the passage of Proposition 8, this landmark case now goes to the U.S. Ninth District Circuit Court of Appeals for review.

It is expected that this case will head to the U.S. Supreme Court but to do so, the organization, the American Foundation for Equal Rights, which is sponsoring the legal challenge in Perry V. Schwarzenegger, will need help in this legal battle.

To donate, go online to equalrightsfoundation.org and click on the donate button. ...

For the two seats up on the Arizona Corporation Commission, there are contests in the Republican and Democratic primary elections.

As previously written, the Observer will not make a recommendation for Republican contests because the GOP has used the LGBT community as a political wedge issue.

On the other hand, there are three Democratic candidates running for the two nominations available: State Senator Jorge Luis Garcia, State Representative David Bradley and former Arizona Corporation Commissioner, Renz Jennings.

All three of these candidates have a solid, progressive record in their public service and for which all Arizonans would benefit by their election to the Arizona Corporation Commission.

Unfortunately though, only two can be the nominees, for which there is no clear choice to recommend. Garcia, Bradley and Jennings are just too good. ...

Friday, August 13 is the last day to request a ballot for the August 24 primary election.

In Pima County, to request your ballot, go online to recorder.pima.gov/earlyreq.aspx. In the rest of the state, go online to azsos.gov/election/county.htm to get the information of your County Recorder. ...

A person who helped to diffuse tensions between the Tucson LGBT community and the local police by organizing a community meeting with the new police chief at a Gay bar and singing Copacabana in a karaoke number.

A person who voted to expand health benefits to the opposite sex domestic partners (those who may not be able to get married) and their families, in the spirit of Tucson's anti-discrimination ordinance, adopted in 1977, covering all citizens, regardless.

A person who worked to change the policy of the Boy Scouts regarding young Gay men being able to be a member.

A person who built relationships with the LGBT community through cultivating friendships and working relationships with the City of Tucson Commission on GLBT Issues.

A person who supported the LGBT community and their organizations, such as Wingspan and the Southern Arizona AIDS Foundation while serving on the Tucson City Council. This individual also expressed his support for other such groups and helped to put the Tucson City Council on record on issues of concern.

A person who publicly opposed and fought Arizona Proposition 102 in 2008, the Republican attempt to demonize Gays and Lesbians at the ballot box by banning same-sex marriage, which was already the situation from the court case Standhardt V. Superior Court in 2003 and 2004.

A person who opposed Proposition 107 in 2006, which would have banned legal and governmental recognition of committed, same-sex relationships and ended benefits for the domestic partners (and families) of same-sex employees for Tucson and Pima County employees, as well as those with other entities recognizing their committed relationships.

A person who has grown up, spoke out and has learned a lot from his triumphs to his mistakes.

A person the Observer recommended, Rodney Glassman.

This is nothing more or nothing less. No investigative reporting, blogging vitriol, tweets or vendettas. Whoever wins the primary election, this publication will support the effort to bring some sense to one of Arizona's seats in the U.S. Senate. What is the important point of all this, focusing on the issues and casting a vote at the ballot box.



SAN FRANCISCO (Observer Update) - Federal judge Vaughn Walker rules California's gay marriage ban unconstitutional, stating that "California has no interest in differentiating between same-sex and opposite-sex couples."

In a highly anticipated decision with potentially far-reaching implications in the national battle over marriage equality, a federal judge has struck down California's Proposition 8, reported advocate.com.

U.S. district judge Vaughn R. Walker ruled that the ballot measure violated both equal protection and due process clauses of the U.S. Constitution in a 136-page opinion released, nearly seven months after an unprecedented trial over marriage rights began in his San Francisco courtroom.

"Proposition 8 fails to advance any rational basis in singling out gay men and lesbians for denial of a marriage license," Walker wrote in a decision deemed by many legal observers to be both straightforward and breathtaking in its scope.

"Indeed, the evidence shows Proposition 8 does nothing more than enshrine in the California Constitution the notion that opposite-sex couples are superior to same-sex couples. Because California has no interest in discriminating against gay men and lesbians, and because Proposition 8 prevents California from fulfilling its constitutional obligation to provide marriages on an equal basis, the court concludes that Proposition 8 is unconstitutional," Walker wrote.

Walker issued a temporary stay of the judgment, however, pending a motion by Prop. 8 proponents, who appealed the decision to the U.S. Court of Appeals for the Ninth Circuit. In a letter to Walker prior to the decision, attorney Charles J. Cooper wrote that another "window of same-

sex marriage in California would cause irreparable harm."

Walker has asked for arguments from both sides regarding a stay of the decision to be submitted to the court but has not indicated whether there will be a hearing on the matter. Should the district judge deny a stay, it's likely that Prop. 8 proponents will seek one from the Ninth Circuit.

Lead attorneys Theodore B. Olson and David Boies, who brought the case last year on behalf of a gay male couple in Burbank and a lesbian couple in Berkeley who were denied marriage licenses, spoke shortly afterward outside the federal courthouse in San Francisco with Chad Griffin, founder and copresident of the American Foundation for Equal Rights, which organized and helped finance of the suit.

Walker's decision "increases the stability and value of marriage to our society," Olson said outside the courthouse after the ruling was released. The state has no legitimate interest "in contributing to discriminate against any of its citizens," he said. "This is a victory for the American people - it's a victory for our justice system."

Whether or not the decision is stayed, attorney Ted Butrous, who argued the case for marriage equality alongside Olson and Boies, told The Advocate, "we're going to push for expedited treatment of this appeal, because every day that goes by, the rights of thousands of people are being injured—especially now that we have this powerful, powerful ruling."

The decision was released on the court website shortly after 2 p.m., though a leaked version went viral on the Internet shortly after 1 p.m. Pacific time.

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UPDATE

Gay Las Vegas Hotel Goes Bankrupt

LAS VEGAS (Observer Update) - A small Las Vegas hotel for gay men filed for bankruptcy, the Las Vegas Sun reported.

The Blue Moon Resort is the city's only hotel exclusive to gay men, reports 365Gay.com. According to manager John Hessling, the hotel stalled payments on its loan from Community Bank of Nevada. After rival hotels began to offer increased discounts in the onset of the recession, Blue Moon was forced to slash its prices to compete. Average room rates declined from \$100 to approximately \$90.

Community Bank of Nevada eventually failed and Blue Moon's loan was sold to an allied investment company Colony Capital, LLC. Talks to negotiate the hotel's finances with Colony Capital were unsuccessful, prompting Blue Moon to file for bankruptcy.

The Blue Moon Resort remains open for business and Hessling is confident that its fate will improve once the economy recovers. "It's business as usual," Hessling said.

John McCain Disagrees With Prop 8 Ruling

WASHINGTON, D.C. (Observer Update) - In an interview with the Washington Blade and to the surprise of no-one, Arizona Senator and potential tea party victim, John McCain, came out opposed to the ruling in the Proposition 8 case.

"Obviously, I didn't agree with it. My position has always been that marriage is an institution of - between one man and one woman," said McCain. The Blade asked the Arizona senator if he would back an amendment to the U.S. Constitution that would ban same-sex marriage.

"I haven't looked at the impact of the decision yet as far as what, if any, action needs to be taken," he said. "I've been on the immigration issue, the defense authorization bill and this START treaty, so I really have not had an opportunity to talk to my people about it."

In 2004, CNN reported that McCain opposed the Federal Marriage Amendment-a constitutional ban on gay marriage.

"The constitutional amendment we're debating today strikes me as antithetical in every way to the core philosophy of Republicans," he said. "It usurps from the states a fundamental authority they have always possessed and imposes a federal remedy for a problem that most states do not believe confronts them."

McCain's ambiguity and avoidance of a stance on a U.S. constitutional amendment now is being seen as a direct contradiction with his 2004 statements.

Both McCain's wife and daughter have announced their support for same-sex marriage and they both posed for the NoH8 celebrity photo campaign against Proposition 8.

Ray Gregg 'Celebration of Life' Aug. 15

Tucson lost one of its favorite chefs Monday, July 26. Ray was born in North Carolina in 1934. Growing up found him becoming a licensed preacher, and practicing his favorite hobby - cooking.

There will be a 'Celebration of Ray Gregg's Life' at the Venture-N on Sunday, August 15 from 2:00 to 6:00 p.m.



Pink Triangle A.A. Weekend

TUCSON (Observer Update) - Regular meeting of Pink Triangle Alcoholics Anonymous, every Mon, Tue, Wed, Thu, Fri, 12:00pm - 1:00pm at Wingspan, 430 E 7th St.

Event Sponsor: Alcoholics Anonymous

For more information, call 520-624-4183 or go online to aatucson.org/.

Wingspan Reaction To Prop 8 Ruling

TUCSON (Observer Update) - The Tucson Weekly had a statement from Linda Thomas, Wingspan's director of programs on the ruling on the Proposition 8 case.

"The ruling to overturn Proposition 8 by a federal judge in California is encouraging for same sex marriage supporters.

"This decision gives the LGBT community a welcomed and renewed optimism in our quest for equality.

"Although the immediate effects of the ruling remain unknown and experts agree that this will be a case that will eventually be taken to the Supreme Court, we rejoice in knowing that justice and liberty prevail at this moment in history."

Ann Coulter To Headline Gay GOP Fest 'Homocon 2010'

NEW YORK (Observer Update) - On Top Magazine reports that Republican talking head Ann Coulter will headline Homocon 2010, the first annual convention of gay conservatives. The convention is sponsored by gay GOP group GOProud and takes place Saturday, September 25 in New York City.

"We wanted to have a fun party, and we couldn't think of anyone more fun than Ann," Jimmy LaSalvia, president of GOProud, told NBC New York. LaSalvia added that they asked Coulter to headline the \$250 ticket event because she's "hilarious and provocative."

Coulter has previously been chided by the Gay and Lesbian Alliance Against Defamation (GLAAD) for using gay epithets to slur prominent Democrats, including 2008 presidential candidate John Edwards.

"I was going to have a few comments on the other Democratic presidential candidate, John Edwards, but it turns out that you have to go into rehab if you use the word 'faggot,'" she said while taking questions at the Conservative Political Action Conference.

LaSalvia said that his group doesn't agree with everything Coulter has said, but added, "I think that by virtue of her doing this event it speaks to what she thinks about gay people."

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Coulter is a syndicated columnist and author of numerous anti-liberal books, including How to Talk to a Liberal (If You Must): The World According to Ann Coulter.



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Obama On The Proposition 8 And Gay Rights



Analysts have argued that the Justice Department is obligated to defend any Congressional law, even if the current administration disagrees with it, but others say this precedent is unfounded.

Don't Tell.

The President said in January "[We must] repeal the law that denies gay and lesbian Americans the right to serve the country they love because of who they are. It's the right thing to do."

Presidential spokespeople have attempted to clarify the President's position.

A White House aide told Politico, "He supports civil unions, doesn't personally support gay marriage though he supports repealing the Defense of Marriage Act, and has opposed divisive and discriminatory initiatives like Prop. 8 in other states."

Many gay rights advocates have expressed disappointment in the President. Others say he's just getting started.

Obama has made several changes throughout his time as president that guarantee more rights to LGBT Americans. Under his administration, hospital visitation rights have been extended to same-sex couples as has the right to take leave to care for a sick child.

He signed the Matthew Shepard Act into law, adding sexual orientation, gender and gender identity to the classes protected by hate crime laws.

Obama is also working with the Pentagon to repeal Don't Ask,

WASHINGTON, D.C. (Observer Update) - President Obama called himself a "fierce advocate for gay and lesbian Americans" in December 2008. A month earlier he said, "I believe that marriage is between a man and woman and I am not in favor of gay marriage."

equality for gay and lesbian couples."

Obama continues to release nearly-contradicting statements on gay rights in America.

While he has made public his opposition for the Defense of Marriage Act, the Justice Department under his administration is likely going to appeal the case in Massachusetts that last month found DOMA to be unconstitutional.

Obama wrote in 2004 to a gay Chicago newspaper. "When Members of Congress passed DOMA, they were not interested in strengthening family values or protecting civil liberties. They were only interested in perpetuating division and affirming a wedge issue."

After the court decision, 365Gay.com reported, that found California's Proposition 8 unconstitutional, White House spokesperson Ben LaBolt said, "The President has spoken out in opposition to Proposition 8 because it is divisive and discriminatory. He will continue to promote equality for LGBT Americans."

Senior advisor to the president David Axelrod said on MSNBC, "The president does oppose same-sex marriage but he supports

Tim Brown

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Proposition 8 Overturned - - - Continued from Page One

The legal team and plaintiffs Kristin Perry, Sandy Stier, Paul Katami, and Jeff Zarrillo spoke to a large crowd at a West Hollywood park attended by Los Angeles mayor Antonio Villaraigosa, Academy Award-winning screenwriter Dustin Lance Black, and country singer Chely Wright. "With this decision, our system worked," Perry told the crowd. "Our courts are supposed to protect our constitutional rights. Today, they did."

Legal observers had widely expected Walker to rule Prop. 8 unconstitutional, though an ultimate favorable decision by the U.S. Supreme Court remains uncertain, should the court eventually take the case.

National Center for Lesbian Rights legal director Shannon Minter called the ruling "the most comprehensive, detailed decision addressing the constitutional rights of same-sex couples to affirmative recognition and support ever to be issued by a federal court."

Walker's decision addressed only the legal situation in California, where same-sex couples no longer have the right to marry and are instead offered domestic partnerships, which "do not provide the same social meaning as marriage," Walker wrote.

However, Minter said aspects of Walker's decision could apply to other state laws that bar same-sex couples from marrying or otherwise discriminate against LGBT people.

Tobias Wolff, a constitutional law professor who also advised the Obama '08 campaign on LGBT issues, called the decision "thrilling to read."

Wolff noted that Walker said from the very beginning of the trial that his main charge as a district court judge was to adjudicate the facts.

"The most important thing about this ruling is the extensive analysis that the judge offers of the facts that were put on trial," he said of the 80 findings of fact Walker made in his decision. "The judge concluded in a rather prosaic evidentiary ruling that the other side had not offered any legitimate testimony in support of their case."

In his decision, Walker systematically dismantled arguments made by Prop. 8 proponents during the 2008 campaign and in court. Among his findings based on trial evidence:

-Prop. 8 perpetuates the stereotype that gays and lesbians are incapable of forming long-term loving relationships

-Children do not need to be raised by a male parent and a female parent to be well-adjusted

-No evidence supports stereotypes that gay men and lesbians are disease vectors ... or child molesters who recruit young children into homosexuality

-Stereotypes and misinformation have resulted in social and legal disadvantages for gays and lesbians

"The purported reasons for denying same-sex couples the right to marry today echo the same ugly myths

deployed against us for generations," said Lambda Legal marriage project director Jennifer Pizer.

"By refuting each of them and naming antigay bias for the rank prejudice it is, today's decision is an important legal step forward, confirming yet again that constitutional guarantees of liberty and equality must require equal treatment under a state's marriage laws," Pizer said.

The court win against Prop. 8 was a stunning and emotional victory for the marriage equality movement, in stark contrast to staggering losses in multiple states over the past year. Last month Hawaii governor Linda Lingle vetoed a civil unions bill, following legislative defeats for gay marriage in both New York and New Jersey last winter. Attorneys with Lambda Legal and the American Civil Liberties Union filed suit last week in Hawaii, challenging the state's inadequate patchwork of protections for same-sex couples.

But the July loss in Hawaii was followed two days later by a major court victory in Boston, where a federal judge ruled in two separate cases that the Defense of Marriage Act is unconstitutional. Largely overshadowed by the Prop. 8 suit, the two DOMA suits are considered narrower in scope yet also highly significant, targeting one portion of the 1996 law that limits the definition of marriage to a union of one man and one woman for all federal purposes.

Attorneys challenging Prop. 8 have made broader claims regarding the fundamental right to marriage and the unconstitutional nature of laws and ballot measures that deny marriage rights to same-sex couples. In court they argued that Prop. 8 violates both the due process and equal protection clauses of the U.S. Constitution, and they frequently referred to *Loving v. Virginia*, the 1967 Supreme Court ruling that struck down state laws banning interracial marriage.

The Perry lawsuit was met with initial concern from many LGBT legal groups that had advocated an incremental, state-by-state approach as vital to ultimate victory before the Supreme Court. Brought by Olson and Boies, two former adversaries in the 2000 Supreme Court case *Bush v. Gore* with no prior experience litigating gay rights cases, the case continues to be seen by some as a risky and premature move for marriage equality on the federal level.

California governor Arnold Schwarzenegger declined to defend Prop. 8 in court; antigay groups led by ProtectMarriage.com and the Alliance Defense Fund subsequently intervened to fight the legal challenge.

During the three-week bench trial in January, Olson and Boies sought to refute assertions regarding the potential negative consequences of marriage equality by putting on the stand some of the nation's preeminent experts on gay culture, history, and politics. Expert

testimony included evidence that same-sex couples marrying has no detrimental effect on heterosexuals marrying and raising children, and that the children of gay and lesbian couples fare better when their parents are able to marry.

Attorneys defending the ballot measure argued that limiting marriage to opposite-sex couples was vital to maintaining "responsible procreation" in society. The state, lead attorney Cooper said, had a vested interest in "channeling" natural human impulses into the formation of enduring relationships suitable for raising children.

"At trial we built a solid record to show that marriage ... has been defined in both law and language as a union between a man and a woman and acts as the predominate relationship in which to create and support children," ProtectMarriage.com general counsel Andy Pugno said in a Wednesday statement.

But in his decision Walker

slammed Prop. 8 proponents' argument that children were better off when raised by opposite-sex parents.

"Children raised by gay or lesbian parents are as likely as children raised by heterosexual parents to be healthy, successful and well-adjusted," Walker wrote. "The research supporting this conclusion is accepted beyond serious debate in the field of developmental psychology."

Richard Socarides, a New York lawyer and former LGBT adviser to President Bill Clinton, marveled at the irrefutable nature of the win for equality advocates.

"I was struck that it was such a total victory - that they won on every point. And I was struck by how sweeping the ruling was and how complete in every respect."

To donate, go online to equalrightsfoundation.org.

Elena Kagan Sworn In



WASHINGTON, D.C. Elena Kagan was sworn in Saturday morning as the 112th justice to serve on the Supreme Court, advocate.com reported.

The former dean of Harvard Law School took two required oaths from Chief Justice John Roberts, promising in her second oath to "do equal right to the poor and to the rich." She succeeds Justice John Paul Stevens.

Kagan was confirmed to the Supreme Court on Thursday with the backing of nearly all Democrats, two independents, and a few Republicans in the Senate.

She is the fourth woman ever to serve on the Supreme Court and joins justices Ginsburg and Sotomayor to mark the first time three women have served at the same time.

During her confirmation hearings, some Republican senators criticized Kagan, a former dean of Harvard Law School, for her decision to limit assistance to military recruiters on campus because of the "don't ask, don't tell" policy, which she has denounced. They also questioned why, as solicitor general, she did not pursue a legal challenge to the policy.

One of the cases the high court may hear in the coming years is the one involving California's Proposition 8. Proponents of the anti-marriage equality measure are seeking to appeal federal judge Vaughn Walker's Wednesday ruling striking it down.

A formal investiture will take place on Oct. 1, three days before the justices begin their next term.

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Gay Marriage Before Nation's Largest Appeals Court

SAN FRANCISCO (Observer Update) - The judge who overturned California's gay marriage ban was unrelenting in his repudiation of the measure, saying such laws are mean-spirited and unconstitutional to the core, the AP reported on 365Gay.com.

It was a harsh yet carefully worded ruling that some experts said would be tough to overturn as the landmark legal debate goes to the appeals court and then possibly to the U.S. Supreme Court. Others say the power of conservative judges on those courts could be enough to thwart gay marriage and stop the movement in its tracks.

Sure to be at the center of the debate is whether California's Proposition 8 violates the 14th Amendment, which guarantees equal protections for all and declares that government won't take away "life, liberty or property" without due process.

U.S. District Judge Vaughn Walker said on several occasions in his ruling that he believes gay marriage bans clearly deprive people of those rights.

"The evidence at trial regarding the campaign to pass Proposition 8 uncloaks the most likely explanation for its passage: a desire to advance the belief that opposite-sex couples are morally superior to same-sex couples," he said.

Walker's ruling offers a preview of some of the arguments that will play out on the 9th U.S. Circuit Court of Appeals - the nation's largest and most unpredictable federal appeals court.

Experts say the court will play a huge role in determining the future of the case.

A randomly selected three-judge panel of the court will consider the case next. The 9th Circuit is viewed as a liberal court, but its sheer size of 27 active judges and the many cutting-edge legal issues it receives from western states leaves it with an inconsistent track record.

And there's no disputing that the court has some hot-button social issues in front of it right now. Just last week, the controversial Arizona immigration law landed at the court.

The court is routinely rebuffed by the Supreme Court and federal lawmakers for striking down the Pledge of Allegiance, upholding California's medical marijuana law and other decisions viewed as resting outside the mainstream.

Legal experts such as Stanford University law professor Michael Wald said that Walker's opinion was strongly worded, well-reasoned and could be difficult to overturn.

Wald said it's significant that Walker made a voluminous "findings of fact" that showed Proposition 8 was unconstitutional. The "findings of fact" phrasing is important because appeals courts have to pay deference to those conclusions, essentially they have to assume that the findings are

true. "Walker held that there is one fundamental right to marry and excluding gays from enjoying that right is unconstitutional," Wald said.

Still, others weren't so sanguine about the fate of gay marriage before the 9th Circuit.

They said the political makeup of the three-judge panel will make all the difference, playing even a bigger role than Walker's opinion in shaping the future of gay marriage.

Legal experts said the case could easily end with a politically conservative panel of the 9th Circuit reinstating the marriage ban and the U.S. Supreme Court refusing to get involved.

Even though the court is known as a liberal one, the 27 active judges sitting on the court represent every conceivable point along the political spectrum. Its judges are drawn from the nine western states where its decisions are law.

"Everything depends on which 9th circuit judges get picked randomly to sit on the case," said University of California, Davis law professor Vikram Amar.

Amar said that the nationwide debate over gay marriage shows just how unsettled the issue is and that conservative judges hew closer to keeping the status quo than taking large legal leaps to rule in favor of significant social change. He noted that 44 states don't allow gay marriages.

"It's easy to imagine the court wanting to make sure we're not rushing ahead with an experiment that may have unintended consequences," Amar said. "They could be content to let the issue percolate longer."

Walker has agreed to block gay marriages until he can consider arguments on whether to keep the ban in effect while the case is appealed.

The 9th Circuit also has the power to authorize marriages while it considers the appeal, though most experts believe the court will keep California's gay marriage ban in place until it decides the issue.

More than half the active judges were appointed by Democrats, but the court still consists of several reliable conservative jurists such as Oregon's Diarmuid O'Scannlain and California's Carlos Bea.

Chief Judge Alex Kozinski was first appointed a federal judge at age 32 by President Ronald Reagan and elevated three years later to the 9th Circuit. He is widely regarded as one of the bench's best writers and is viewed as a Libertarian who is tough on criminals but protective of individual rights and privacy.

Kozinski has no control over which three judges get assigned the case. Such decisions are randomly made by a computer program.

But Kozinski, as chief judge, would sit on the so-called "en banc" panel of 11 judges that are convened in rare cases to reconsider a three-judge decision. That happens when a majority of active judges vote to toss-out the three-judge ruling and rehear the case with the en banc court.

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BUZZ - BUZZ - BUZZ - BUZZ -- Anti-Gay Baseball Manager Booted



FULLERTON (Observer Update) - Baseball manager Brent Bowers was ejected from a game and subsequently resigned when he objected to an umpire's call by shouting antigay slurs, advocate.com reports.

A former Major League Baseball player, Edmonton Capitals manager Bowers objected to a call by openly gay umpire Billy Van Raaphorst by calling him a "faggot." He was ejected from the game and suspended

for the rest of the season. Bowers subsequently resigned.

In a report of the altercation, Bowers allegedly said: "You know what I heard? I heard you are a fucking faggot. I ought to kick your ass, you faggot." Team president Patrick LaForge said Bowers's comments went "beyond what's acceptable." He says Bowers resigned before the Golden Baseball League has a chance to fire him.

Isiah Thomas And Son Come Out Against Prop 8



MIAMI (Observer Update) - Isiah Thomas, men's basketball coach of the Florida International University Golden Panthers, and his son, Joshua Zeke Thomas, a DJ, have come out against Prop 8, ontopmag.com reported.

The men were featured in the NOH8 Campaign that opposes California's gay marriage ban. Father and son were photographed with their mouths duct taped and "NOH8" written on one cheek. In individual photos, Isiah is seen holding a basketball and Joshua a record above his head.

"We posed for the NOH8

Campaign because we believe that all hate and discrimination is wrong," the men said. "It is time for full equality and equal rights for everyone, regardless of race, sexual orientation, religion or gender."

Isiah Thomas played in the NBA for nearly a decade before turning to coaching. He was named one of the 50 Greatest Players in NBA History in 1996. The campaign struck gold last year when Cindy McCain, the wife of Arizona Senator John McCain, and their daughter Meghan, a pro-gay Republican, approached the group to offer their endorsement.



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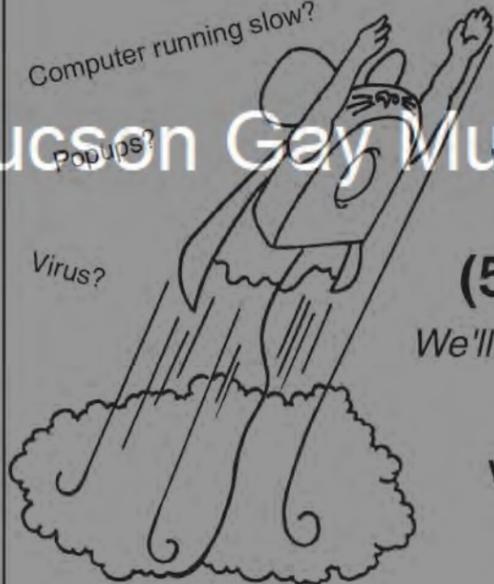
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COMMENTARY . . .

by John Culhane

The Law And Life Of The Closet

I'm sitting in a coffee shop as I type this column. The barista and I have become well-acquainted enough to exchange more than the perfunctory pleasantries. He knows that I have twin daughters who just swam their first full length of the pool. We've talked about where we live, what we do, what we enjoy, and so on. Yet as I sit here, I can't say with confidence that I've ever disclosed to him that I'm gay - as I could quite easily do by mentioning my "partner," which has become code for "my other half in my same-sex relationship." (Now that I've realized this, I'm going to go up and tell him. I'll be right back.)

OK. (It was the non-event I assumed it would be, and I used David's name, instead of the clinical title.)

Even though I'm about as "out" as one can be, I know that the story described above is typical of so many of us. We choose, many times a day, how "out" to be. Social creatures, we crave some level of connection and don't want to risk rejection - even by people we little know- by doing a gay cannonball into the pool. Not everyone enjoys being splashed, and some become outright hostile (even violent). So we test the water first.

Is this toe-dipping affected by the law? How do social norms and law interact? A good clue comes from Justice Scalia's thinly veiled screed against "homosexuals" in his *Lawrence v. Texas* dissent. In taking angry offense to the Court's view that morality, without more, can't be used to defend a law's constitutionality, he wrote:

"One of the most revealing statements in today's opinion is the

Court's grim warning that the criminalization of homosexual conduct is 'an invitation to subject homosexual persons to discrimination both in the public and in the private spheres.' It is clear from this that the Court has taken sides in the culture war... Many Americans do not want persons who openly engage in homosexual conduct as partners in their business, as scoutmasters for their children, as teachers in their children's schools, or as boarders in their home. They view this as protecting themselves and their families from a lifestyle that they believe to be immoral and destructive."

Note Scalia's sly blurring of the facts - Lawrence involved private, intimate activity, not "open" "homosexual conduct." But his reminder of how the law and social norms reflect and reinforce each other is accurate, and forms the underlying cause of his concern. As the law unravels ancient proscriptions against our behavior, and then moves - however glacially - to recognize us as full citizens worthy of equal legal treatment, the basis for social discrimination also starts to erode.

Scalia furnishes a veneer - but only that - of intellectual respectability to his more primal longing for a vanishing society that

socially forced all but the bravest into the closet. Few dared be "openly gay" - in part because of the laws he defends, but also because the very presence of those laws enables those who don't want us as business partners, teachers, and so on. If you live in one of the majority of states where you can still be fired just for being gay, for example, you might worry that your boss or colleague is one of those who doesn't "want you" as partner.

There's not a simple correspondence between the law and social convention, of course. No one can (legally) fire me for being gay, and I'm out enough to be a columnist for a publication called "365gay.com", for crying out loud! Yet, I still and sometimes unconsciously withhold this essential truth about myself until I've sussed out a new situation. Why?

I still live in a nation where my marriage isn't recognized, and where a (shrinking) majority of folks still support relegating me, and my family, to second-class citizenship. These legal facts tell me that my reality makes some people uncomfortable, and sometimes I don't want to deal with that - and, probably more to the point these days - my own angry reaction to it. I almost never run into problems when I disclose, but I'm still working on getting over the years I spent elaborately dancing around the issue.

Things are changing, and quickly. As more people come out sooner, this whole "gay thing" is becoming less of an issue, and the law has started to catch up with a new social reality. But as minorities, we'll never completely assimilate. Our cannonballs are changing into cleaner dives, but we'll always be plunging into deep water, with a high degree of difficulty.

(John Culhane is a Professor of Law at Widener University and is a writer for 365Gay.com, which from this is reprinted.)

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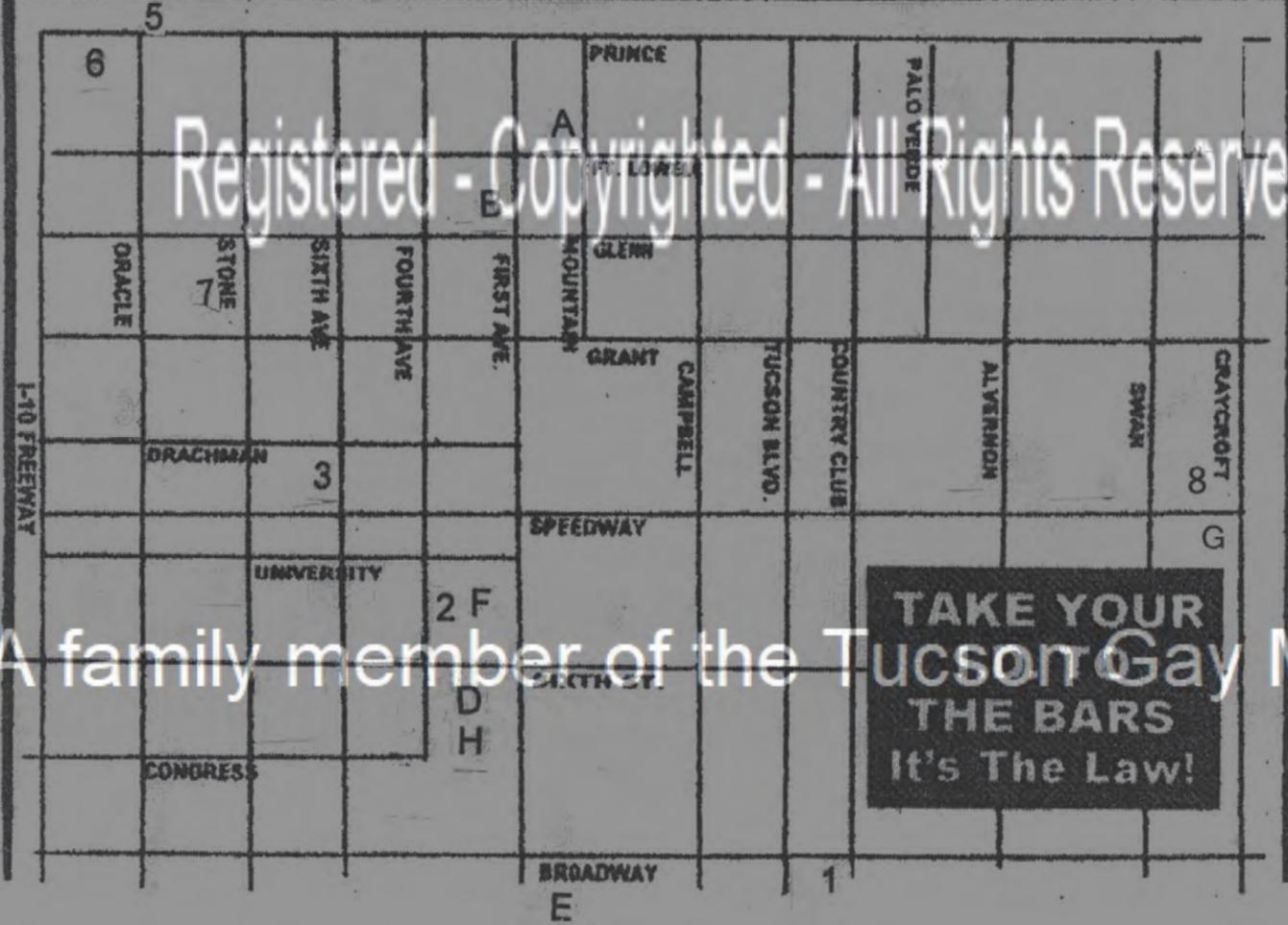
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Poet's Corner

THE PROPOSITION
by Ron Rose - Tucson

Eight down, two to go
Courts are moving
Much too slow.
Judgement Day
Drawing near
Churchy folks
Don't like to hear.
Equality now
We've won the fight.
God, they finally
Got it right.

the people who run

by Thorn - Tucson

the people who run
our government
make big money
on our wars
win
lose
or draw

BUZZ - BUZZ - BUZZ - BUZZ - Gay Games Ousts Organizer, But Event Stays In Cleveland

CLEVELAND (Observer Update) - The Washington Blade reports that the international LGBT sports organization that picked Cleveland over D.C. to host the 2014 Gay Games announced that it has revoked its contract with the Cleveland foundation it chose to organize the games.

And in an action questioned by D.C. sports groups, the Federation of Gay Games also said it "remains committed" to keeping the quadrennial event in Cleveland, even though some people believe its rules call for awarding the games to the organization and city whose bid it selected as the runner up.

The FGG selected the Metropolitan Washington Gaymes, Inc., a

coalition of D.C.-area LGBT sports groups, as the runner up for the games last year, when it announced it had picked the Cleveland Synergy Foundation as the host for the 2014 event in Cleveland.

"As the runner up city, we expressed our hope that they would follow what we've interpreted as the accepted procedure, which is if the contract could not be executed [in Cleveland] they would go to the runner up," said Brent Minor, president of Team D.C., one of the LGBT sports organizations that's part of Metropolitan Washington Gaymes.

"So this is news to us," Minor said. "It's very disappointing."

UCLA, Princeton Top Gay-Friendly College List

LOS ANGELES (Observer Update) - Farmington's University of Maine campus, Ithaca College, and the University of California, Los Angeles, are three of the most gay-friendly post-secondary institutions in the United States, advocate.com reported.

The list, spearheaded by Campus Pride, an advocacy organization for LGBT college students, is topped by 19 universities and colleges with a five-star ranking, the highest since the first list was organized in 2007.

The schools with the top rankings are Carleton College; Humboldt State University; Ithaca College; Oberlin College; Oregon

State University; Princeton University; San Diego State University; Syracuse University; Ohio State University; Pennsylvania State University; University of California, Berkeley; University of California, Los Angeles; University of California, Riverside; University of Maine, Farmington; University of Oregon; University of Pennsylvania; University of Southern California; University of Vermont; and Washington University in St. Louis.

"Although not all schools earn a five-star ranking, their voluntary presence and participation in the index shows they are committed to 'coming out' for their students and creating truly equal and impactful communities of higher learning," said Shane Windmeyer, Campus Pride executive director.



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Mexican Supreme Court Upholds Gay Marriage In Mexico

MEXICO CITY (Observer Update) - The Mexican Supreme Court ruled that Mexico City's law permitting same-sex marriage is legal, reported 365Gay.com.

The city legalized gay marriage in March 2010, and since then, hundreds of same-sex couples have married. Mexico City has been presenting itself as a gay friendly city, even awarding the first gay couple to marry in Argentina this summer a free honeymoon in Mexico City.

Gay marriage opponents argued the case on the basis that the Mexican constitution suggests that a family structure requires a man and a woman. The provision says, "Men and women are equal before the law. This

protects the organization and development of the family."

Justice Jose Gudino said, "It does not appear to me to be unconstitutional. The concept of the family established in the constitution ... is an open concept."

The court's 8-2 ruling found the law to fall within Mexico's constitution. The justices have not yet determined the scope of the ruling-whether it will impact regions of Mexico outside of the capital.

The court has yet to make a decision on the constitutionality of the part of the law that permits same-sex couples to adopt children.

Ugandan Anti-Gay Bill On Hold

KAMPALA (Observer Update) - Uganda's "Anti-Homosexuality Bill" is stalled in a parliamentary committee, the Global Post reported.

The bill is being reviewed by the Ugandan Parliament's Committee on Legal and Parliamentary Affairs. Submitted to parliament in Oct. 2009, the bill has yet to receive a vote from legislators. The "Anti-Homosexuality Bill" renders gay sex to be punishable by death. In particular, the bill endorses capital punishment for HIV positive citizens who engage in same-sex relations. It also extends the death penalty to those who have "gay sex" with a minor.

Since its introduction, the anti-gay bill has caused an international uproar. Lobbyists from around the world have called on Ugandan

lawmakers to amend its harsh penalties. Among them, the Swedish government has threatened to pull financial aid to the African country if parliament passes the bill into law.

In January, Ugandan President Yoweri Museveni developed a commission to re-examine the "Anti-Homosexuality Bill." Since then, the commission has advised Parliament to withdraw the legislation.

According to the Global Post, Ugandan gay activists believe the law will not be passed this parliamentary session.



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DAILY BAR CALENDAR

SUNDAY

THE BIZ - Open 5pm - 2am It's Latin Sunday like the good ol' days. Catch DJ Dmenace spinning the best Cumbias. Get your Bucket of Beer ... 5 Bud Bottles for \$5!

COYOTE MOON PUB - Open 11am. Beer Bust Sunday - \$1 draft beers (12 oz), domestic only; \$2.25 domestic long necks. Hair of dog special \$1.50 well bloody mary, screwdriver, Cape Cod, salty dog or margarita.

IBT's - Open Noon. Happy Hour Noon-8pm \$2 Well or Domestic Beer. Karaoke on the Patio 4-8:30pm. Burger BBQ 5-8pm + \$1 pint draft. 9pm-close Karaoke inside with Troy & \$1.50 Well or Domestic Beer, \$2.50 Call or Premium Beer. DJ Hurricane on the Patio.

WOODY'S - Open 11am-2am. Peter's Build Your Own Bloody Mary Bar 11am-2pm. Happy Hour 11am-8pm (excluding special events). Full Menu Kitchen open 11am-8pm. Back Pocket Patio Bar 2pm-2am. Beer Bust 2pm-7pm. Karaoke with Michael D 9pm-Close. Drag Bingo every other Sunday 8-9pm. Check our Ad for Special Events or Parties

MONDAY

THE BIZ - Closed for employee training.

COYOTE MOON PUB - Open 3pm. Happy Hour 3 - 8 p.m. \$2.50 well, domestic longnecks & pints. \$3.50 sm. Pitcher/\$5.50 lg. Pitcher. "Bucket o" Beer - \$10 Domestic, \$12 Imports and microbrews (4 beers to a bucket, for 2 or more people, some brands excluded).

IBT's - Open Noon. Happy Hour Noon-8pm \$2 Well or Domestic Beer. 8pm-close \$5 Scratch Long Island Varieties. 9pm-close DJ Hurricane with "All Request Music".

WOODY'S - Open 11am-2am. Happy Hour 11am-8pm (excl spec events) Full Menu Kitchen open 11am-10pm Back Pocket Patio Bar 8pm-close. Karaoke with Michael D. 9pm-close.

TUESDAY

THE BIZ - Open 5pm-2am. Happy Hour 5-8 and Game Night all night long. Play Wii, beer pong and pool with the staff.

COYOTE MOON PUB - Open 3pm. Happy Hour 3-8. \$2.50 well, domestic longnecks & pints. Girlz Nite .75 for your favorite well drink or domestic drafts 6-8pm. Ladies only Texas Hold 'Em Poker 6 p.m. Y-Not Karaoke with Anna at 8pm. - Drink specials during karaoke \$1 Michelob Ultra or Bud Light.

IBT's - Open Noon. Happy Hour Noon-8pm, \$2 Well or Domestic Beer. 8pm-close "2'sDay" - \$2 Well or Domestic Beer. DJ Q 9pm-close.

WOODY'S - Open 11am- 2am. Happy Hour 11am-8pm (excl spec events). Full Menu Kitchen open 11am-10pm. Back Pocket Patio Bar open 8pm-close, Caribbean Party Night with Woody's own Specialty Mojitos, Caprioskas and Martinis with Tucson's Hottest Bartenders.

WEDNESDAY

THE BIZ - Open 5pm-2am. Happy Hour 5-8pm. Wild Wednesday 18+ Party with DJ White Shadow spinning the hottest Hip Hop, R&B and top 40 remix dance of today. 21+ NO COVER. 18+ \$8 Cover.

COLORS - Open 4-10pm. Happy Hour 4-7pm, \$3.75 Skyy cocktails, \$3.00 Domestic and Well. 1/2 price appetizers 4-6. Full menu served until 10pm. Nightly dinner specials.

COYOTE MOON PUB - Open 3pm. Happy Hour All Day \$2.50 well, domestic longnecks & pints. \$3.50 sm. Pitcher/\$5.50 lg. Pitchers. Boyz Night - .75 for your favorite well drink or domestic draft beer for men 6-8pm. Karaoke with Anna at 8pm drink specials during karaoke \$1 Michelob Ultra or Bud Light..

IBT's - Open Noon. Happy Hour Noon-8pm, \$2 Well or Domestic. "Diva-Licious" show w/Bunny FuFu. 11pm - -close "Reverse Happy Hour". DJ Q Inside & DJ Mike Lopez playing 80s music on the Patio.

WOODY'S - Open 11am-2am; Happy Hour 11am-8pm excl. special events). Full Kitchen open 11am-10pm. Back Pocket Bar open 8pm-close. Service Industry Employee Special All Day Long - \$1 off all drinks except schnapps and draft. Different Themed Underwear Party 9pm-close with \$1.00 off for those who participate (excl. Schnapps and Draft). Retro 80s & 90s Dance with DJ Clint 9 til close..

THURSDAY

THE BIZ - Open 5pm-2am. Happy Hour 5-8pm. Y-NOT Karaoke 9pm-2am with Meco pouring the best drinks in town. Come out and play.

COYOTE MOON PUB - Open 3pm. Happy Hour 3 - 8 pm, \$2.50 well, domestic longnecks & pints, \$3.50 sm. Pitcher/\$5.50 lg. Pitcher. Latin Thursday: Latin music 8pm to close. \$2,50 well margaritas. \$3 Mexican beers, \$3.50 Jose Cuervo.

IBT's -Open Noon. Happy Hour Noon-8pm, \$2 Well or Domestic. 10pm-close "Boyz Nite Out" w/ Bartenders in their underwear. DJ Hurricane spinning Top 40 & DJ Mike Lopez on the patio. \$1.75 Long Island, \$1.50 Tequila Shots, \$3 Skyy Cape Cods and \$4 Skyy Cosmos.

WOODY'S - Open 11am-2am; Happy Hour 11am-8pm (excl Spec Events); Full Menu Kitchen open 11am-10pm. Back Pocket Patio Bar open 8pm-close. Cheap Party Day **FREE POOL**, \$1.00 PBR Longnecks, \$2.00 Tecate Longnecks. Techno and Top 40 Dance with DJ Jeff 9pm - close..

FRIDAY

THE BIZ - Open 5pm-2am. Happy Hour 5-8 pm. GoGo Fridays with 2-4-1 drinks for the ladies til midnight. Catch Shorty spinning the hottest Hip Hop, R&B and Top 40 remix dance of today.

COYOTE MOON PUB - Open 3pm. Happy Hour 3 - 8 pm, \$2.50 well, domestic longnecks & pints. \$3.50 Sm. Pitcher/\$5.50 lg. Pitcher. Shots shot specials 8-close.. Dance lessons with Lawrence at 7pm \$5 per person, Country Dancing 8:30 p.m. to close with DJ Pat.

IBT's - Open Noon. Happy Hour Noon-8pm, \$2 Well or Domestic. 9pm -close DJ Hurricane inside. 10pm-close DJ Mike Lopez with "I'm a Sexy Bitch Night" on the patio.

WOODY'S - Open 11am-2am; Happy Hour 11am-8pm (excl spec events). Full Menu Kitchen open 11am-11pm Back Pocket Patio Bar open 5pm-close. Enjoy the Live Blues/Motown/Soul sounds of Simon Crown 6-9 p.m.; Request your favorite Music Dance Night with DJ Clint 9pm-close. Monthly Birthday Party every 2nd Friday Night of the month.

SATURDAY

THE BIZ - Open 5pm - 2am. Latin night with Latin Drag Show the 1st, 3rd and 4th Saturdays of the month. DJ Dmenace spinnin' the best Cumbias, Salsa & Merengue. \$3 pitchers and \$2 Tequila shotz all night long!

COYOTE MOON PUB - Open at 2pm. Happy Hour 2-8pm, \$2.50 well, domestic longnecks & pints. \$3.50 sm. Pitcher/\$5.50 lg. Plus check out the bartenders choice of shot specials. \$5.00 cheeseburger & fries. \$3.00 Cuervo and \$4.75 Jager Bombs. Check our calendar for the Saturday Night Special Entertainment.

IBT's - Open Noon. Happy Hour Noon-8pm, \$2 Well or Domestic. 5-8pm Karaoke on the patio \$1Draft Pints. 9pm "Saturday Starrlett's" w/Bunny FuFu & Jane Starr. After the show, DJ Q spinning inside & 10pm-close, DJ Mike Lopez with the "Party on the Patio".

WOODY'S - Open 11am-2am; Happy Hour 10am-8pm (excl spec events); Full Menu Kitchen open 11am-11pm. Back Pocket Patio Bar open 5pm-close. Techno and Top 40 Dance with DJ Jeff 9pm til close. Check our ad for Twice-A-Month Special Events or Themed Parties.

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Two Men Get Decades In Prison In Hate Crime Death

NEW YORK (Observer Update) - Two men will spend decades in prison for beating an Ecuadorean immigrant to death after mistaking him and his brother for a gay couple, reported the AP on 365Gay.com.

Keith Phoenix was convicted of murder as a hate crime in the December 2008 death of Jose Sucuzhanay. He was sentenced Thursday to 37 years to life in prison.

Judge Patricia DiMango told Phoenix it was "beyond the comprehension of any civilized person" that someone motivated "by the sport of it could take another human being's life in such a cruel and violent manner."

"I want to offer my deepest, humblest apology for the outcome of that night," Phoenix said. "I swear to God that is not what I intended to happen." Hakim Scott was convicted of manslaughter but acquitted of a more serious murder charge. He was sentenced to 37 years in prison.

The judge called Scott the first physical catalyst because he got out of a car and broke a bottle over Sucuzhanay's head. Said Scott: "Not a day goes by when my heart does not

hurt." The brothers were walking home, arm in arm, from a bar after a party at a Brooklyn church. Romel Sucuzhanay had put his coat around his brother to keep him warm and was helping him walk because he was drunk. The defendants, also leaving a party, pulled up in a SUV and began yelling anti-gay and anti-Hispanic slurs.

Jose Sucuzhanay became upset and tried to kick the wheel of the SUV, and Scott got out and smashed the beer bottle on his head, then chased Romel Sucuzhanay down the block with it, according to trial testimony. Phoenix grabbed a bat from the back of the SUV and attacked Jose Sucuzhanay, cracking his skull, according to testimony. The two drove away and were captured about 20 minutes later on surveillance footage crossing into the Bronx. Prosecutors ended their closing arguments by showing footage of Phoenix on a bridge, smiling.

The defense said the case was about a fight that escalated, not a premeditated attack.

New Jersey Libraries Ban Gay Book

TRENTON (Observer Update) - Two New Jersey libraries have banned a gay-themed book from circulation, the Courier Post reports.

The book entitled "Revolutionary Voices" is an anthology of written testimonies by gay youths, reported 365Gay.com. It has been pulled from the shelves at Rancocas Valley Regional High School and the Burlington County library system for, what Burlington library director Gail Sweet described as, "child pornography."

A series of emails between library staff planning to remove the book were released by the American Civil Liberties Union of New Jersey. "How can we grab the books so that they never, ever get back into circulation," Sweet wrote to an employee. "Copies need to totally disappear."

Deputy legal director of the ACLU-NJ Jeanne LoCicero expressed concern that the book was pulled unfairly since library commissioners had yet to vote on its removal. "We're still assessing the situation," LoCicero told the Courier Post.

In May, "Revolutionary Voices" was pulled from Rancocas Valley

Regional High School library following opposition Beverly Marinelli, a member of the local conservative group the 9/12 Project. Marinelli has described the book as "pervasively vulgar and obscene."

According to the Courier Post, she could not be reached for further comment. The bans have sparked one New Jersey native to host a series of readings from the gay-themed anthology. "I did it so people could actually hear the words in the book," said Brandon Monokian, an actor who graduated from Rancocas Valley in 2005. "I just think they (the writers) are speaking from the heart."

New Jersey Library Association President, Patricia Tumulty declined to comment on the most recent removal, but did mention a statement she released after the Rancocas Valley removal. "Libraries do not discriminate against unpopular or controversial ideas," the statement said. "To the contrary, they select resources so that the library collection meets the needs of everyone in the community it serves."

Mayor Says Gay Rights Help Economic Growth

SHANGHAI (Observer Update) - Houston's openly gay mayor applauded Shanghai's inclusion of the gay community, reported advocate.com.

On Houston Day in the USA Pavilion at the Shanghai World Expo, Mayor Annise Parker said, "Shanghainese and Houstonians are similar. They care about what you do, not who you are."

She said that the gay community is good for economic growth: "To boost development, a city needs to be open to a full range of people, especially the innovative ones who break barriers, like people of the gay community."

Xinhua news agency said that gays and lesbians are highly stigmatized in China, but Shanghai is the country's most accepting city. It hosted China's first gay pride parade in 2009.

Parker said she values Houston's ties to Shanghai. She said, "What Houston and Shanghai have in common is the growth-oriented entrepreneurial altitude."



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