Observing Tucson And
The Greater Arizona Community

OBSERVER

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Federal Judge Issues Order To Stop 'Don't Ask, Don't Tell' Policy

LOS ANGELES (Observer Update) - A federal judge has issued an order to halt the military's "don't ask, don't tell" policy, after she declared the ban on openly gay service members unconstitutional, reported advocate.com.

U.S. District Judge Virginia Phillips ruled Thursday that the prohibition on openly gay military service members was unconstitutional because it violates the First and Fifth Amendment rights of gays and lesbians.

The policy doesn't help military readiness and instead has a "direct and deleterious effect" on the armed services by hurting recruitment efforts during wartime and requiring the discharge of service members who have critical skills and training, she said.

The Log Cabin Republicans sued the federal government in 2004 to stop the policy. Phillips will draft the injunction with input from the group within a week, and the federal government will have a week to respond.

Government lawyers said the judge lacked the authority to issue a nationwide injunction.

The U.S. Department of Justice can appeal the ruling but the government has not announced what it intends to do. After-hours e-mails and calls requesting comment from government attorney Paul G. Freeborne and from the Pentagon were not immediately returned Thursday evening.

The case was the biggest legal test of the law in recent years and came amid promises by President Barack Obama that he will work to repeal the policy.

"This decision will change the lives of many individuals who only wanted to serve their country bravely," said the group's attorney, Dan Woods.

The Log Cabin Republicans said more than 13,500 service members have been fired since 1994.

Woods had argued during the nonjury trial that the policy violates gay military members' rights to free speech, open association and right to due process as guaranteed by the Fifth Amendment.

He said the ban damages the military by forcing it to reject talented people as the country struggles to find recruits in the midst of a war. He also used Obama's remarks and those of top military commanders as evidence that the policy should be overturned.

The case is unique because it wasn't based on one individual's complaint about a discharge. Instead it made a broad, sweeping attack on the policy.

Government attorneys presented only the policy's legislative history in their defense and no witnesses or other evidence.

Freeborne had argued the policy debate was political and that the issue should be decided by Congress rather than in court.

In his closing arguments he said the plaintiffs were trying to force a federal court to overstep its bounds and halt the policy as it is being debated by federal lawmakers.

The U.S. House voted in May to repeal the policy, and the Senate is expected to address the issue this year.

The case moved forward slowly at first because it was assigned to a judge who had health problems and later retired, Woods said. In late 2008, it was reassigned to Phillips and went to trial in July.

The ruling is the second major court ruling this summer in which a California judge handed a major victory to gay rights advocates.

In August, U.S. District Court Judge Vaughn Walker overturned Proposition 8, the ballot proposition that banned gay marriage in California. His ruling is on hold pending appeal.

Continued on Page Two

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EDITORIAL. . . . . .

Keep Tucson First By Saying Yes To Propositioin 400

On the November 2 Arizona general election ballot are many initiatives that voters will be considering. Tucsonans have a ballot measure for their consideration, Proposition 400, asking voters to give the Mayor and Council a temporary option to raise the limit on the city sales tax up to one half cent, from 2.0 cents to 2.5 cents to continue to maintain the City's core services of police, fire, courts, parks and recreation and street repair.

How did the City get into this financial situation? Through the reduction of state shared revenue and local revenue ($69 million combined in the past four fiscal years), the City of Tucson cannot sustain existing service levels for core services – police, fire, court services, parks and street maintenance.

What has the City done to deal with this? Cut a total of 479 positions since Fiscal Year 2007 and 187 in the past two fiscal years alone (Fiscal Year 2010 and 2011). Wage freezes, furlough days, increased public safety contribution and increased medical premium costs for employees. Suspension of street paving and reduced roadway maintenance. Funding cuts to youth programs. Elimination of neighborhood improvement programs. Reduced hours of neighborhood centers. Delayed infrastructure replacement and maintenance of streets, facilities, vehicles and equipment and technology.

The question for Tucson voters on November 2. Cuts made to the City of Tucson budget have been deep, additional service reductions will be necessary in order for the City to remain solvent if nothing changes. However, the recession has been long and deep, and now the City is at a critical point – a crisis situation – that without additional revenues, city residents will be receiving reduced levels of basic core services.

Citizens will be asked to decide on November 2 what kind of community and level of services they want in the future. This publication has never been a proponent of simply raising taxes but we care about this City and its future and are am asking you to roll up your sleeves and ask your family members and friends to Vote Yes on Prop 400 and make a contribution to the campaign. You can donate online at http://keeptucsonfirst.com/donate.php or with the remittance form to Yes on Proposition 400 and Keep Tucson First.

Turnabout Tally Nears $17,000

TUCSON - The Turnabout for TIHAN grand tally is.... $16, 898.48!!!! This amount far exceeds last year's event income, and is the 3rd highest total in 14 years of doing the benefit show! (And there's still money trickling in, so there's still time to help set a record!) Over the last 14 years, Turnabout for TIHAN drag shows have now raised over $168,000 for AIDS awareness and support.

TIHAN's Executive Director Scott Blades was ecstatic after the show. "Thanks to all our participating bars (Woody's, IBT's, Coyote Moon, and Colors) and their staff/performers, and to David Zinke and Cathy Ernst and Dean R. Taylor and all the volunteers who helped make it happen, and to the 400+ people in attendance who showed their appreciation so generously," he said. "Tucson really showed your generosity tonight. And a special thanks also to Mike and Alan who donated $2,500 which was matched by the crowd, and to LA Studio of Dental Technology who donated $1,000 which was also matched by the crowd. Your support of our programs for people living with HIV is amazing!"

The show too was absolutely amazing, and one of very best in 14 years of great shows where women dress as men and men dress as women, having a great time and raising funds. It was clear that the performers put in a lot of talent, money, and effort to make their numbers fun and entertaining. And emcees Janee Starr and Tempest DuJour worked hard to keep the crowd laughing and the dollars rolling in.

The evening started on a powerful note, as Scott Blades asked the crowd to raise a toast to all those who have gone before us, including Ray Gregg of the Yard Dog Saloon, and Gary Clark of the Tucson Observer, both of whom recently passed on. It was a special night, with a variety of twists and turns, ranging from Conga lines through the crowd, singing "Happy Birthday" to Bob Elllis, a Lady Gaga finale, and incredible talent and creativity by all the performers. The crowd showed their appreciation for all the performers, bars, volunteers, and event sponsors, including the Tucson Shopper, Tucson Observer, and N'Touch Magazine.

Commented TIHAN's Scott Blades: "To Colors, Coyote Moon, IBT's, and Woody's-TIHAN and our LGBT and HIV communities are blessed by your involvement and support. Thank you for putting on such an entertaining show, and for raising almost $17,000 for TIHAN's programs and services to prevent HIV and to support those living with HIV/AIDS."

A Family member of the Tucson City Museum

UPDATE

'Pride On The Rocks' Sept. 25

SEDONA (Observer Update) - Come celebrate diversity and community on the banks of beautiful Oak Creek. Sedona Pride is hosting their 2nd Annual "Pride on the Rocks," Saturday, September 25, creek side under the sycamore trees in Tlaquepaque located at 336 State Route 179 in Sedona Arizona.

The event runs from 11 am to 7pm and tickets are $10.00 for a Pride Pass, $10.00 for the post-event evening dance, $15.00 for a Pride Pass/Evening Dance Combo, and the VIP Ticket at $50.00 allows entry to all events. Last year's Pride Event kicked off with an opening welcome from the President of the Sedona Chamber of Commerce, Jennifer Wesselhoff and Mayor Rob Adams also addressed the crowd of almost 1,000 participants.

This year's Pride on the Rocks event promises to be even more entertaining, with various fundraising and social events scheduled all throughout August and early September that will lead up to the Pride on the Rocks date on September 25th. Sedona Pride encourages people to get involved in all aspects of our community including the 1st Friday of each month for the Gallery Walk. In addition, there will be a pre-Pride party on Friday, September 24th at Reds and a Night at the Movies. Additional details will be added to the Sedona Pride website at www.sedonapride.org closer to the actual event.

For more information about "Pride on the Rocks" or Sedona Pride, you can visit their website at

Desert Voices Yard Sale Sept. 25

TUCSON (Observer Update) - Desert Voices will be holding a yard sale on Saturday, September 25, at 4412 E. Holmes Street (between Columbus and Swan and 5th Street and Broadway).

Time will be 6 am to early afternoon. If you have items you wish to donate, please let me know and I will try and arrange for pickup. We will also have our concert tickets for sale, water and sweets. So come out and join us and shop a bit! See you on the 25th, if not before!

For more information, call Desert Voices (520) 791-9662.

Tucson Latino/a Gay Pride 2010

TUCSON (Observer Update) - It's time for Wingspans 3rd annual Tucson Latino/a Gay Pride!

A week-long series of events celebrates the intersecting Latin@ and LGBTQ2 identities. In collaboration with the University of Arizona Chicano/Hispano Student Affairs office, Odyssey Storytelling, Revolutionary Grounds and Coyote Moon Pub, Wingspan has organized social, cultural and educational events that highlight the struggles and celebrations that being LGBT and ...Latin@ bring. The events are designed to build community and bridge the Latin@ mainstream LGBT movements. The events will include storytelling, visual art, film, dancing and music.

WEDNESDAY, SEPT. 15
Dinner and a Movie Youth Night @ Eon Youth Center, 430 E. 7th St.. 4:30 pm - 8 pm (Ages 13-23 only)

THURSDAY, SEPT. 16Latino LGBT Intersections Forum @ University of Arizona, Cesar Chavez Building, Room 205. 5:30 pm - 7 pm

FRIDAY, SEPT. 17
"Arte Sin Fronteras" Art and Culture Event @ Wingspan Community Center, 430 E. 7th St.. 7 pm - 9 pm

For more information, contact Oscar Jimenez at Wingspan, (520) 624-1779.

Anti-LGBT Bullying Awareness Event Sept. 23

TUCSON (Observer Update) - A recent increase in Anti-LGBTQ bullying and harassment reports to the AVP motivated Wingspan advocates and staff to organize an event to be held Thursday, September 23, 5:30 p.m. at 525 N. Bonita.

The event is designed for affected youth and their guardians, educators, school administrators and staff, as well as concerned community members.

The goal for the event is to raise awareness of this specific type of violence and to gain a commitment from attendees to address this type of violence in their respective schools and campuses. This event is free and open to all.

For more information, contact Oscar Jimenez, 624-1779.

Welcome To OZ Entering 2nd Season

TUCSON (Observer Update) - Welcome to OZ, Tucson's newest gay/gay-friendly mixed bowling league is rolling right into our Second Season.

We have been averaging 14 teams (42 people) since our inaugural Summer 09 season. Welcome to OZ is always welcoming new members, of all skill levels, who wish to bowl in a fun, relaxing setting. Welcome to OZ is housed at Tucson Bowl, 7020 E 21st Street (22nd & Kolb Rd). We bowl on Thursday nights, practice at 6:45 pm and bowling at 7:00 pm. Winter league began this past Thursday, September 2nd and is a 35 week league ending on Thursday, May 19, 2011.

Teams consist of three bowlers each. Come as a team of three, a double or a single, we will assist in making teams. It's never too late to have a ball! - We are looking forward to a wonderful season of new and returning friends. Remember, Thursdays, 7:00 pm (6:45 for warm-ups) @ Tucson Bowl 7020 E 21st St. (22nd & Kolb Rd). Let's continue the FUN! For more information contact us at: welcometoOZ09@gmail.com.

Federal Judge

Continued from Page One

Six military officers who were discharged under the policy testified during the trial. A decorated Air Force officer testified that he was let go after his peers snooped through his personal e-mail in Iraq.

The officers who participated in the trial were "reacting emotionally because they're so proud that they were able to play a part in making this happen," Woods said after the ruling.

"It'll be an interesting decision for our president to decide whether to appeal this case. He's said that 'don't ask, don't tell' weakens national security, and now it's been declared unconstitutional," he said. "If he does appeal, we're going to fight like heck."

The "don't ask, don't tell" policy prohibits the military from asking about the sexual orientation of service members. Under the 1993 policy, service men and women who acknowledge being gay or are discovered engaging in homosexual activity, even in the privacy of their own homes off base, are subject to discharge.

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The Observer

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Antigone Books Event Sept. 24

TUCSON (Observer Update) - Please join us for an upcoming event at Antigone Books on Friday, September 24 at 7 PM: Join us for a fabulous event for teens, aspiring writers, teachers and librarians with three local authors: Jillian Cantor, Adam Rex and Janni Lee Simner.

Janni Lee Simner will read from Thief Eyes (Random House, $16.99). In this intense new fantasy, 16-year-old Haley accompanies her geologist father to Iceland, where she's determined to discover exactly what happened the previous year when her mother disappeared. Adam Rex will read from Fat Vampire (Harper, $16.99).

In this delightfully macabre spoof on the current vampire craze, Doug Lee is a 15 year-old overweight vampire and will be for eternity. Jillian Cantor will read from The Life of Glass (Harper, $16.99). High-school freshman Melissa's beloved father has recently died of cancer, leaving her struggling to find her way and learning how to come to terms with her grief without giving up her memories of him.

Out In The Silence, September 25

TUCSON (Observer Update) - When Joseph Wilson and Dean Hamer married in Washington, D.C., Joe placed a wedding announcement in his hometown newspaper of Oil Town, in rural Pennsylvania.

The negative, ugly responses were numerous. However, Kathy Springer, the desperate mother of C.J. Bills, a sixteen-year-old prefessed gay, also wrote, imploring Joe to help her son, who was being tormented at school and ostracized by the community.

This documentary is the story of what transpired when Joe and Dean filmed the challenges of those deemed different by the majority, and the transformation that can occur when conservative, traditional people accustomed to keeping silent, break their silence in an attempt to create understanding, acceptance, good will, and peace for themselves and their town.

As Joe and Dean have written, "Let's go where the silence is and say something."

This documentary, to be shown Saturday, September 25, 2:00 pm, at Himmel Park Library, 1035 N. Treat, is free and open to the public.

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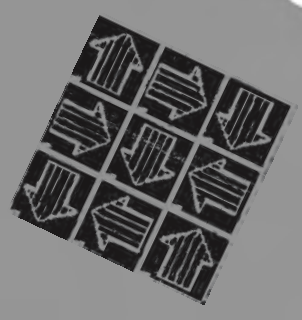
Nate Berkus Ready For Daytime

NEW YORK (Observer Update) - Advocate.com asks is America ready for an openly gay male daytime talk-show host? Nate Berkus thinks so.

It's a good thing, since The Nate Berkus Show, an hour-long syndicated program, will hit the tube next week. A protégé of daytime queen Oprah Winfrey, Berkus described his own show to New York as a high-quality art gallery, yet accessible to everyday people, specifically his target audience of women.

When asked whether the female audience that tuned into The Oprah Winfrey Show specifically to watch him knew he was "unavailable to women in a certain way," Berkus said he interpreted it to be more than just a simple factor of attraction.

"I think it's, actually, how available I am to women," he said in an interview Thursday. "My whole life really has been a conversation with women. When the guys were in the family room watching football I was in the kitchen getting in the way, finding out what was really going on. I've always related to women. There's always been a strong woman who has helped me get to the next level."



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HOSTED BY JANEE STAR
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SATURDAY
"SATURDAY NIGHT STARLETTS"
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Much Ado About Nothing

by Jack Melichar

That time has arrived again, boys and girls. The theatre season has commenced. However, before I tell you about the first offering of Arizona Theatre Company, let me give you a brief critique of a show that I saw at Woody's on Sunday – Ajia's *Sunday Gospel Brunch*. It reminded me very much of Flip Wilson's *The Church of What's Happening Now* – one of my favorite TV programs.

I must admit that the *Sunday Gospel Brunch* is a bit (oh stop! Quite a bit more risque than Wilson's show!) However, the idea is the same. The *Sunday Gospel Brunch* also features performances by Tempest Dujour and Miss Leading. I hasten to point out that these "ladies" are not shy about poking fun at anyone within range. Great comedy and good food. What more could you ask for? The next performance will be at Woody's on October 3 – more about that later.

Arizona Theatre Company's first presentation this season is *BACKWARDS IN HIGH HEELS* – the true life story of Ginger Rogers. She danced her way into our hearts in the arms of Fred Astaire, setting the gold standard for grace and elegance on the silver screen.

In *BACKWARDS IN HIGH HEELS,* we follow her from the vaudeville stage at the age of 15 through her ascension to Hollywood goddess. The play tells the story of this legendary dancer, singer and actress through the music of some of the 20th century's greatest composers and with plenty of dance nu

mbers worthy of the Hollywood icon.

BACKWARDS IN HIGH HEELS plays in Tucson at the Temple of Music and Art from September 17 through October 2. A review will follow in next week's OBSERVER

For more information, call 520-622-2823.

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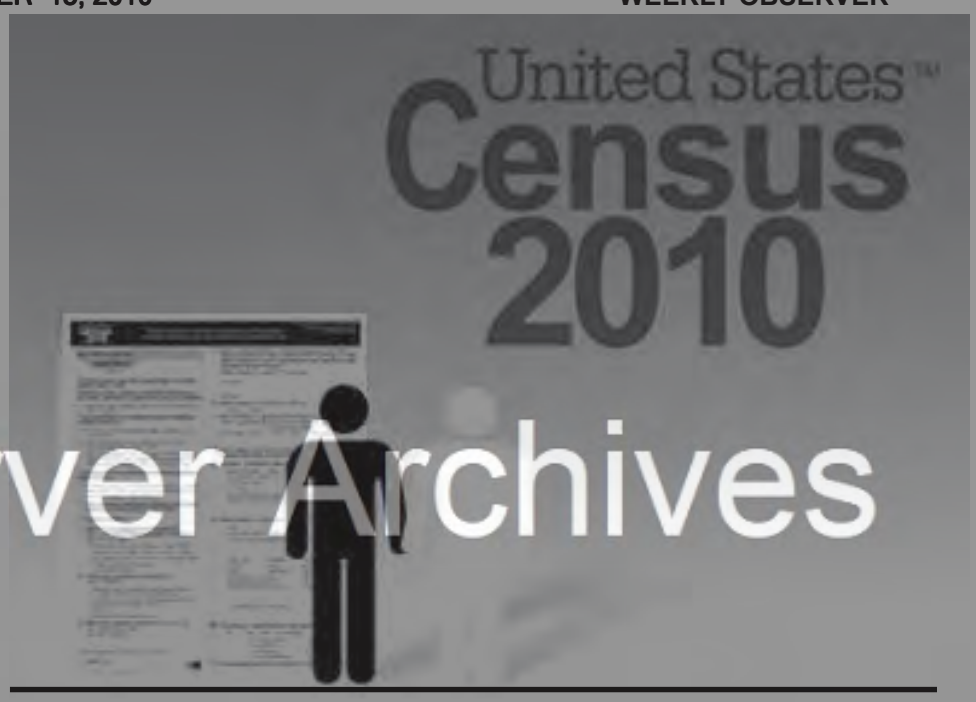

Census Will Miss Some G/L Couples

WASHINGTON, D.C. (Observer Update) - A new survey finds that while 99% of U.S. same-sex couples participated in this year's Census, one in seven won't be identified as such in its findings, reported advocate.com.

The results come from the Williams Institute for Sexual Orientation Law and Public Policy at the University of California, Los Angeles, School of Law. Not all gay couples will be counted in the survey because some chose to identify as roommates, others felt their relationship couldn't be defined, and some found their living situation made it impossible for them to identify as couples.

"Same-sex couples are identified in Census data when one partner is 'Person 1' in a household and designates the other as a husband, wife, or an unmarried partner," according to a press release from the Williams Institute. "The survey found that one in 10 individuals in same-sex couples opted to identify as roommates on their Census forms. An additional 5% of couples are not identified because they live in a household where neither partner is Person 1."

Some respondents told the Williams Institute that they didn't identify as part of a gay couple because of confidentiality concerns, and some opted out because they protested the fact that the Census did not allow people to specifically identify as LGBT.

Other findings of the survey included that 14% of couples identified as married and 15% identified as part of a civil union or domestic partnership. "More than 4 in 10 of those couples in legal relationships do not live in states that recognize their marriage, civil union, or domestic partnership," the institute noted.

Maryland Governor Would Sign Gay Marriage Bill

ANNAPOLIS (Observer Update) - Maryland Gov. Martin O'Malley, a Democrat, told a radio caller Thursday he would sign a gay marriage bill – if he's re-elected and the state legislature were to pass one, reports advocate.com.

Malley had previously only been in favor of civil unions. The comment came after a radio show caller asked about the future of gay marriage in Maryland, according to the Washington Post: "I don't have a crystal ball to predict how this goes," O'Malley said, "but I do know this: I know the people of our state well enough that for all of the differences and diversities of backgrounds and opinions, that all of us want to find a way to craft our laws in such a way that it treats people equally under the law."

O'Malley said he personally believes that allowing for civil unions would be the best way to reach a compromise in the legislature. But he added that "should the legislature find a way to reach that compromise in another way, I would sign a bill like that … we need to find a way to support equal rights, and that is true when it comes to committed gay and lesbian couples and the unions in which they choose to enter and raise children and all the issues that go with that."

The legislature has been reluctant to bring a gay marriage bill up for a vote, though recent polling suggests Maryland residents are moving toward acceptance of gay marriage. Maryland recognizes gay marriages performed in other states and countries where they are legal.

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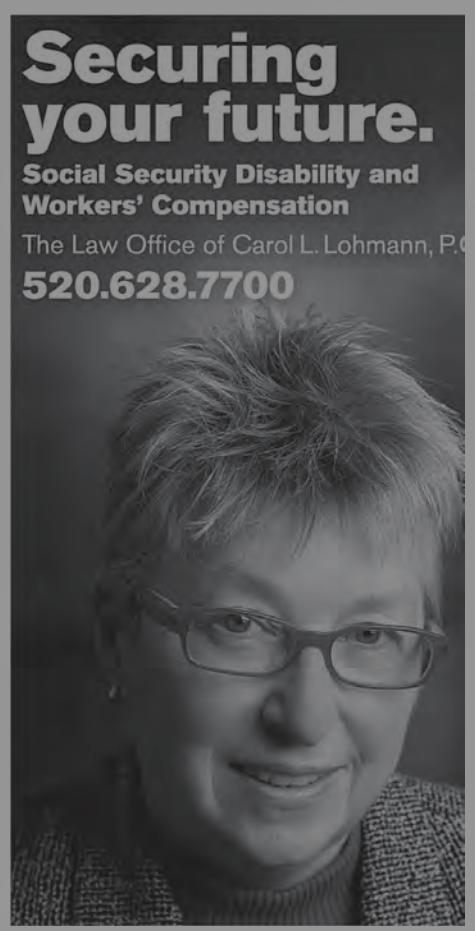

Colorado Governor OKs Lesbian Latina Supreme Court Judge

Monica Marquez

DENVER (Observer Update) - Monica Marquez will be the first out lesbian and the first Latina to sit on the Colorado supreme court, Gov. Bill Ritter announced, advocate.com reported.

"It is not because Monica is a Latina or because she is gay," Ritter said, according to The Denver Post. "I chose her because of her analytical ability and her keen intellect." Marquez, 41, is currently the deputy Colorado attorney general. She is not the first legal pioneer in her family. Her father was the first Latino judge appointed to the Colorado court of appeals.

While some conservatives, like Matt Arnold of the group Clear the Bench Colorado, believe Marquez is an activist judge, Colorado attorney general John Suthers, a Republican, wrote a letter of recommendation on her behalf.

Marquez will take her seat on the court December 1, filling a vacancy created by the retirement of chief justice Mary Mullarkey. The new chief justice will be picked from among the members of the court.

DADT Judge A "No-Nonsense" Jurist

LOS ANGELES (Osberver Update) - Virginia A. Phillips, the federal judge in Riverside, Calif., who ruled "don't ask, don't tell" unconstitutional, "did not expect [the decision] to get as much attention as it did," she tells The New York Times.

"During the course of the case, there wasn't a lot of attention paid to it," Phillips said of the trial, which was covered by only a few media outlets, including The Advocate, the Associated Press, and the Los Angeles Times.

Advocate.com reported that Phillips, a 53-year-old Clinton appointee who became a federal district judge in 1999, was described in the short profile as a no-nonsense jurist with little patience for unprepared attorneys in her courtroom. "If she gets anything less, you will know it," said attorney William J. Genego.

Evidence of that impatience was on display during the Log Cabin Republicans DADT trial in her courtroom in July, when Justice Department attorneys objected continuously to evidence and witness testimony offered by the gay Republican group.

"If this were a jury trial ... I would only once give a limiting instruction to the jury," Phillips told one DOJ attorney. "So frankly, to stand up and make that objection every time when it's a court trial, I'm really puzzled that you're doing that, because it's not my first trial."

Censorship On Google Instant

NEW YORK (Observer Update) - Advocate.com reports that the Web is buzzing about Google's latest advancement, Google Instant, which doesn't even wait for the user to click the search button after typing a query. It simply goes straight to the page by predicting what you will type, as you type it.

However, it's been discovered that the "autocomplete excludes certain terms related to pornography, violence and hate speech," according to Google. The feature also happens to exclude the words "bisexual" and "lesbian" while allowing "homosexual," "gay," "queer," "dyke," "transvestite," and "transgender" to be searchable instantly.

A petition at Change.org urges the search engine giant to reverse the censorship, as the terms are not exclusive to pornography.

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MORE FACES SEEN AT THE TURNABOUT SHOW

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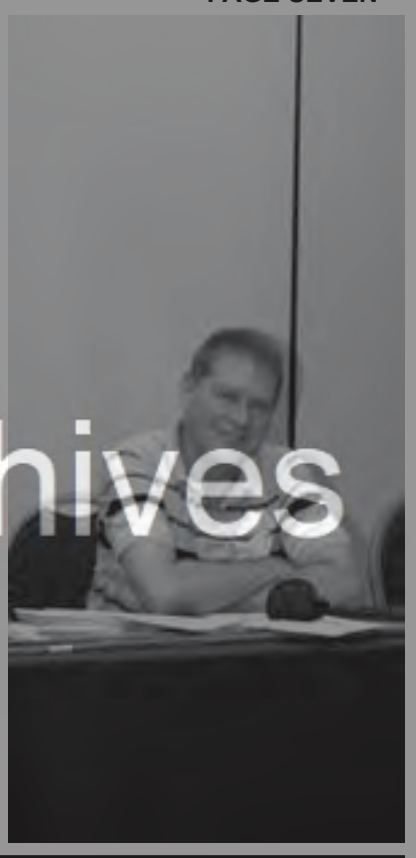

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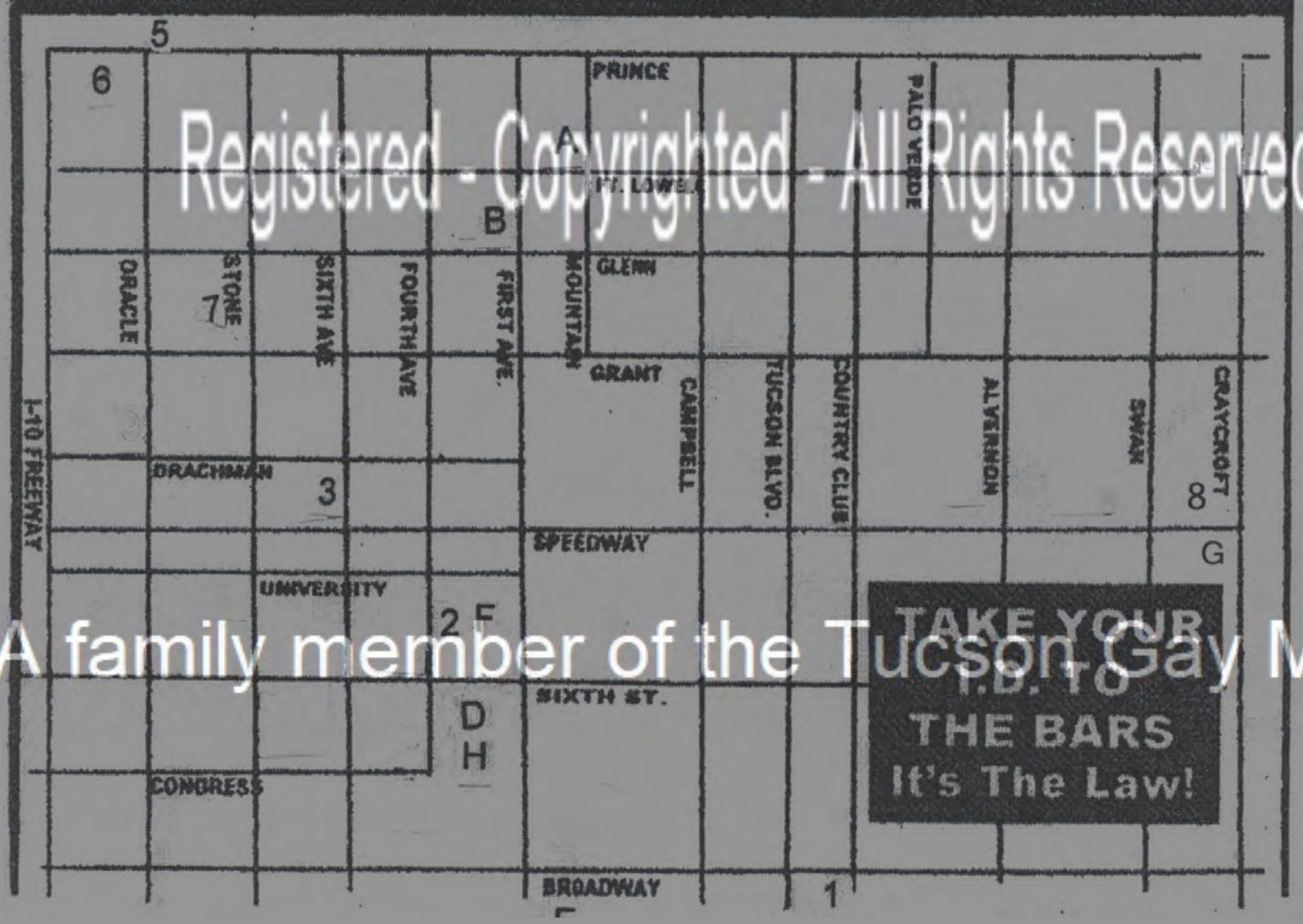

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6. **COYOTE MOON PUB**
   915 W. Prince Rd. 293-7339
7. **BRODY'S. 2449 N. Stone**
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   5305 E. Speedway 323-1840

Organizations

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B. CORNERSTONE FELLOWSHIP
2902 N. Geronimo - 622-4626

D. WINGSPAN
430 E. 7th Street -624-1779

E. S.A.A.F. - 375 S. Euclid 628-7223

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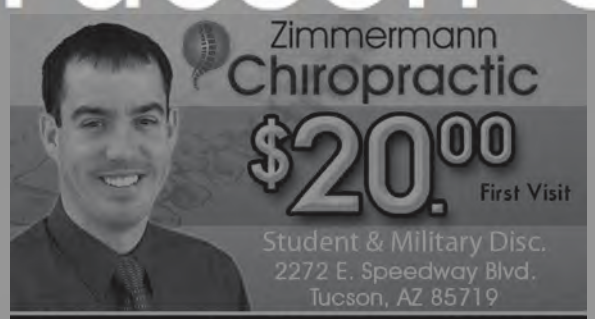

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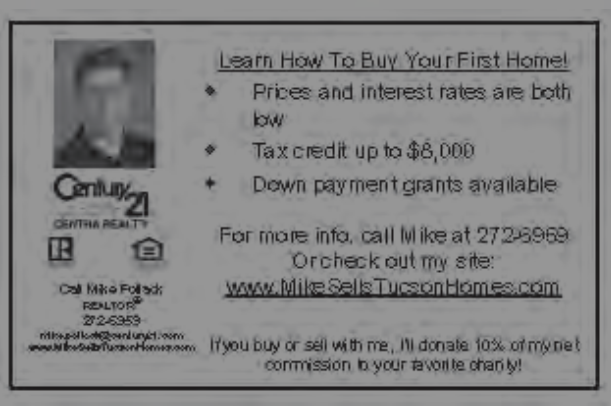

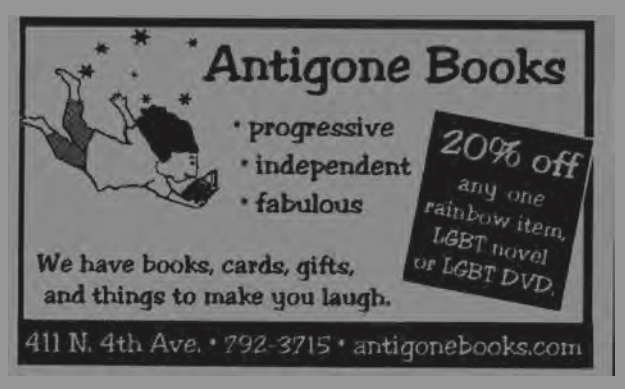

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HRC Counters Target Money

A Democratic-backed political fund, a Minnesota gay rights organization and Democratic candidates will split a $150,000 donation as part of a push to elect gay marriage supporters in the state, after Target Corp. donated the same amount to a Republican-friendly group.

Human Rights Campaign president Joe Solmonese told The Associated Press in an interview that the donation is partly a response to Target's donation to a group helping Republican Tom Emmer in the governor's race. Emmer opposes gay marriage, and the Target contribution set off a national backlash among liberals and the retailer's gay employees and customers.

The Washington-based gay rights organization may spend more in Minnesota, which Solmonese said he views as one of the next states that could legalize gay marriage. Solmonese will deliver the keynote speech at the Human Rights Campaign's annual Twin Cities dinner in Minneapolis on Saturday.

"We've understood long before the Target situation that Minnesota was poised, as is New York, to be the next state to win marriage equality," Solmonese said.

He added: "The scope of our work here is certainly going to move beyond the $150,000."

The Human Rights Campaign will give $100,000 to WIN Minnesota, a political fund backing Democrat Mark Dayton; $20,000 to the gay rights group OutFront Minnesota to mobilize voters; and $30,000 to state candidates, including Dayton. The group announced its plans to give the money last month after Target declined to match its initial donation with another donation to help candidates who support gay rights.

Solmonese said the Minnesota donation excludes funds given separately to Democratic congressional candidates from the state, including Rep. Tim Walz and Tarryl Clark, who is challenging GOP Rep. Michele Bachmann.

SLDN To Active Duty Military: Do Not Come Out

WASHINGTON, D.C. (Observer Update) - Servicemembers Legal Defense Network (SLDN), a national, legal services and policy organization dedicated to ending "Don't Ask, Don't Tell" (DADT), reissued a national warning to active duty, guard, and reserve service members today after a federal court ruled DADT unconstitutional, 365Gay.com reported.

The ruling also comes as advocates are urging Senate Majority Leader Harry Reid (D-NV) and Senate Minority Leader Mitch McConnell (R-KY) to schedule a floor vote on repeal the week of September 20.

"With 'Don't Ask, Don't Tell' repeal sitting before the Senate and a federal district court ruling the law unconstitutional, it is critical that service members do not come out," said Aubrey Sarvis, Army veteran and executive director for Servicemembers Legal Defense Network.

"DADT remains the law and service members are still being discharged. SLDN is working with clients right now who are in the discharge process. The Pentagon will continue discharging gay and lesbian service members until the law ends. We're very close to a vote in the senate and we need all hands on deck: call your senators now and tell them we need a vote on the floor the week of September 20."

Gay, lesbian, bisexual, and transgender service members with questions are urged to contact the SLDN hotline: 202-328-3244 x100 or email legal@sldn.org. Any service member with questions about DADT can schedule an appointment for free, confidential legal advice with an SLDN attorney.

Pentagon Reviewing Don't Ask, Don't Tell Ruling

WASHINGTON, (Observer Update) - Pentagon lawyers are reviewing the federal court decision that Don't Ask, Don't Tell is unconstitutional, said the Washington Post.

Military leaders aren't sure that their preparations for the repeal of the gays in the military ban would be relevant should the ruling stand. It is not clear yet whether the government will appeal, 365Gay.com reported.

Said the Post: President Obama has said that he supports a repeal of the law. But it is likely that the government will appeal the decision to allow the Pentagon the opportunity to complete its study.

The senior defense official said, among other issues, the Pentagon is concerned that the ruling might allow troops who were discharged under "don't ask, don't tell" to sue the federal government for back pay and retirement benefits.

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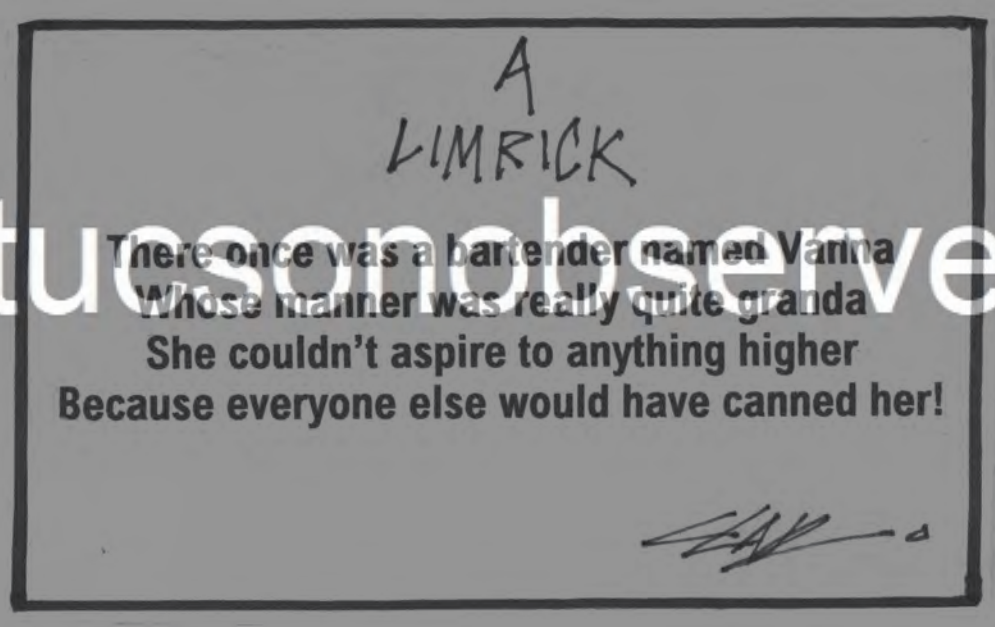
Poet's Corner

CLEAN JEANS

by Ron Rose

Fire up the iron, and heat it right away
There's something 'bout these creased old jeans
Says please wear me today.
Go ropin' at the mall at five
Nope, a heffer waits for me
Lord, I hope that she is purdy
And cute as she can be.
These cowgirls down in Texas,
They love their good ole boys
Got my rope a' ready
I'm a clean and fresh pressed boy.

The Way I Saw It. . .by Gary Clark



EDITOR'S NOTE: Before his untimely death, Gary Clark had worked on this newspaper for nearly 40 years as graphic artist and Entertainment Editor. Part of his heritage was producing a weekly humorous drawing of life 'as he saw it'. It is amazing that most of these drawings are as funny and entertaining today as they were in past years. We have decided to open the 'vaults' on these faultless viewpoints. Enjoy!

AROUND THE GAY GLOBE. . .

A gay Saudi diplomat in Los Angeles is reportedly seeking political asylum in the United States because he believes his life is in danger if he returns to Saudi Arabia, the Associated Press reports. NBC has identified the diplomat as Ali Ahmad Asseri, the first secretary of the Saudi consulate in Los Angeles. He reportedly told U.S. officials that the Saudi government refused to renew his diplomatic passport and terminated his job after they learned he was gay and was close friends with a Jewish woman. "My life is in great danger here and if I go back to Saudi Arabia, they will kill me openly in broad daylight," he wrote NBC in an email message.

A judge in Victoria, Australia's second most populous state, has allowed a gay man to adopt a child, despite a state law prohibiting gay couples from adopting. The unidentified man is in a relationship but adopted the child by himself to circumvent the law. The court ruling may be a first of its kind in Victoria. The 11-year-old boy at the center of the case told the The Sunday Age, "I'm really glad that I'm adopted. They always play with me and they do fun activities with me like going to the park and watching me play footy. It's a really good thing.''

A mass in London offers pastoral care for gay Roman Catholics, but under an agreement between church officials and parishioners, it does not challenge church teaching that homosexual acts are wrong. According to BBC Radio 4, as Pope Benedict XVI prepares to visit the United Kingdom next week, the "gay mass" at Our Lady of the Assumption and St. Gregory in London's West End is the only one of its kind in the U.K. It takes place with the blessing of senior clergy and an agreement from parishioners not to challenge church doctrine. "The Church hierarchy wanted assurances that the services would not become a platform for challenging Catholic teaching," reports BBC Radio 4. "So one of the 'underlying principles' of staging the service is: 'Information about the Mass will be sensitive to the reality that the celebration of Mass is not to be used for campaigning for any change to, or ambiguity about, the Church's teaching.'" Archbishop Vincent Nichols, head of the Catholic Church in England and Wales, suggested the church would be open to similar services in other parts of the country upon request. Some traditionalists have protested the mass and asked the archdiocese of Westminster to stop it.

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Oakland Pride Celebrates LGBT Community For First Time In Six Years

OAKLAND (Observer Update) - After a six-year lull, LGBT pride made a comeback in Oakland on Sunday, September 5, the Oakland Tribune reported. Oakland Pride, a daylong music, food and culture event drew at least 50,000 people, organizers said, to celebrate the lesbian, gay, bisexual and transgender community. The last such Oakland event was held in 2004.

Gary Roof, 58, and Douglas Light, 45, a couple living in the city's Montclair District, attended the festival to support their new hometown and said they were impressed, even after living for years in San Francisco, where the world-famous pride parade often draws more than a million people. "They called it a pride festival, and it looks like there's a lot of proud people here," Roof said. "We're also seeing a lot of families, a lot of kids. It's a big phenomenon recently, a lot of adoption in the gay community."

Among those adopted parents were Craig Persiko, 37, and Geoff Benjamin, 38, a couple who got their marriage on the books before Proposition 8 began prohibiting the practice. The couple lives in San Francisco with two adopted children, ages 7 and 5. "We adopted African-American kids, and Gay Pride in San Francisco tends to be very caucasian," Benjamin said. "So we thought it might be fun to get them out here so they could see a mix of African-American and gay culture. "Also," Benjamin added, "we're really excited about the music. I want to see Martha Wash." Wash and Chaka Khan were the headlining performers at the festival, drawing numerous fans to the crowd.

Amber Todd works as an executive assistant at City Hall and was, on her own time, a volunteer co-chair and organizer of the Oakland Pride event, spending about a year-and-a-half putting everything together, she said. "Our goal was just to show an awesome presence," Todd said. "Oakland is one of the most diverse communities in the country. In the 2000 Census, it was the third highest concentration of lesbians, and had the highest rate of LGBT families raising kids." So the aim, Todd added, was to get this rich, diverse community of people all in one place so they could both spark and reinforce neighborly connections among each other.

The final product boasted more than 60 musical acts performing on stages spanning several city blocks between Broadway and Webster Street. Also set up was a lounge run by Get Screened Oakland, a project in the mayor's office encouraging Oaklanders to learn their HIV status and find out more about the illness, its "new epidemic" and a brighter picture for treatment options. Free HIV screenings took a simple mouth swab – no needles – and preliminary results came through in about 20 minutes per person, project director Marsha Martin said. In Alameda County, about two-thirds of people living with HIV are in Oakland, Martin said, and of those, about two-thirds are black and Latino men who have sex with other men.

Also working the testing lounge with Martin was Stephan Chase, a Walgreens employee who was diagnosed with full-blown AIDS in 1995 and wants to get word out about getting tested. "Look, I'm probably not going to die from HIV, but it's a bitch," Chase said. He walks with a cane now after being weakened by now out-of-date HIV medication, but now, "treatment's not as bad as it was," he said.

"For some, as well, HIV is connected to being gay, so they're afraid if it turns out they're HIV-positive, it's like saying they're gay," Chase said. In a town with as much cultural diversity as Oakland, he said, that can be a challenge, but it's an important one. "We have the 'old epidemic,' which people think of as Gay AIDS, and there's the 'new epidemic,'" Martin said. Two phenomena has surfaced in recent infection numbers, Martin said: a dual increase in young men between 21 and 35 and those over 50 being freshly diagnosed, and an increasing number of heterosexual couples being diagnosed with the virus despite neither being drug users nor involving man-to-man sex. "There's an undefined risk out there," Martin said. "So we're doing surveys and trying to get the word out: it's OK. If you get educated, you can live with HIV, you can party with HIV.."

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. 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 Domestics and Well. ½ 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 Domestics. "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). Ful 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 Domestics. 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 Domestics. 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 Domestics. 5-8pm Karaoke on the patio $1Draft Pints. 9pm "Saturday Starrlett's" w/Bunny FuFu & Janee 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 open11am-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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Closing The Hospital Loopholes For G/L Families

WASHINGTON, D.C. (Observer Update) - The Keen News Service on 365Gay.com reports that equality in hospital visitation policies is not a controversial issue. That's what seems apparent from the 427 comments received during the just ended public comment period on the proposed regulation to implement President Obama's hospital visitation memorandum.

The April 15 memorandum called for an end to discrimination against gay couples in the visitation policies of hospitals receiving federal Medicaid and Medicare funding. While the U.S. Department of Health and Human Services can provide no breakdown of how many comments were for or against the proposed change, a random search of more than 10 percent of the comments found complete support for the requirement - and considerable incredulity that it is even necessary to establish such a rule.

But it is necessary, as illustrated by one commenter who told of being in a serious automobile accident just last October. He said his partner was barred from being with him, even though the partner had a health power of attorney. It was only after the partner, following a shift change in the nursing staff, identified himself as the unconscious man's brother that he was allowed in.

Lambda Legal Defense and Education Fund and two other groups have made known they believe some changes are warranted in the proposed language, published in June, particularly with respect to instances where the patient is incapacitated. But there's no guarantee HHS will adopt Lambda's suggestions, and actual enforcement of the president's directive is still months -and another public comment period– away.

HHS's Office of Clinical Standards and Quality will make the decision on final language of the hospital visitation rule, said Donald McLeod, an HHS spokesperson. It will do so based on the comments made by the public, he said, "but that is only a part of the process."

"We look at all available evidence," said McLeod, noting that it can include things such as journal articles.

In its August 27 letter, submitted for the hospital visitation policy comment period, Lambda, the Gay and Lesbian Medical Association (GLMA), and the National Health Law Program (NHeLP), a public interest law firm, directed HHS to a monograph produced this year by the Joint Commission. The Joint Commission is a private, not-for-profit organization that operates an accreditation service for thousands of hospitals nationwide.

The Joint Commission publication suggests hospitals define "family" to "explicitly include any individual that plays a significant role in the patient's life such as spouses, domestic partners, significant others (of both different-sex and same-sex), and other individuals not legally related to the patient."

The Commission advises hospitals to "Use this expanded definition in all hospital policies, including those addressing visitation, access to chosen support person, identification of surrogate decision-makers and advance directives."

The proposed rule that HHS published in the Federal Register with little fanfare June 28 does not currently make explicit this definition of family. Its language distinguishes between "immediate family members" and "visitors designated by the patient." But it does make clear that the visitation privileges available to the "visitors designated by the patient" should be "no more restrictive than those that immediate family members would enjoy."

Interestingly, although the clear purpose of the president's memorandum was to end discrimination against LGBT families in regards to hospital visitation rights, the 6,200-word proposed rule never mentions the word "gay," mentions "same-sex domestic partner" only three times, and mentions "sexual orientation" only four times.

In fact, while LGBT activists hailed the president's directive as a dramatic step toward equal protection of the law, to the uninitiated reader, the proposed rule might very well read like an unremarkable clarification "to ensure the visitation rights of all patients," as the summary states.

One concern Lambda, GLMA, and NHeLP express is that the proposed rule allows that there may be "rare cases" in which hospitals should have the right to require a visitor to produce "written documentation," such as durable powers of attorney and healthcare proxies, from some visitors, such as LGBT partners.

"We believe that, at a minimum," reads the proposed rule, "a hospital …may not require documentation where the patient has the capacity to speak or otherwise communicate for himself or herself; where patient representation automatically follows from a legal relationship recognized under State law (for example, a marriage, a civil union, a domestic partnership, or a parent-child relationship); or where requiring documentation would discriminate on an impermissible basis."

But Lambda and the other groups say the proposed rule needs to go further and ensure that "only in the very rarest of cases" is written documentation required. As an example, said the Lambda letter, written documentation might be warranted when more than one person claims to be a patient's spouse.

"In all other cases," said Lambda, "verbal representation of a family relationship recognized under the law of any state should suffice– as it does currently for all incapacitated heterosexual patients whose husband, wife, parent or adult child seeks access to the hospital bedside."

The proposed rule acknowledges that it is important for patients who are incapacitated to have a representative "who is likely to be especially familiar with the patient." But the Lambda coalition says the rules do not adequately "address this common scenario" as it relates to LGBT patients and that they "definitely should."

"The Proposed Rules are silent regarding the circumstance in which LGBT patients and their families are perhaps most vulnerable–when a patient is incapacitated and has not previously designated in writing a health care agent or representative," said the groups. "LGBT patients far too often experience discriminatory visitation denials even when they have designated an agent in writing, and patients who have not done so–a common circumstance–are even more vulnerable."

It was this scenario that President Obama referred to when he issued his memorandum last April. He cited the experience of a Washington State couple on vacation with their children in Florida in 2007. While there, one of the women, Lisa Pond, collapsed with an aneurysm and was taken by ambulance to Jackson Memorial Hospital in Miami.

When her partner, Janice Langbehn, arrived at the hospital with their children, the hospital refused to let them see Pond. The hospital continued to refuse visitation even after Langbehn had a friend fax Pond's health proxy to the hospital.

The Lambda coalition says the rules should be revised to ensure written documentation of a relationship is not required when a visitor "identifies herself or himself as the patient's adult partner, parent, child, or as playing a significant role in the patient's life." And the coalition says written documentation should not be required when "patient representation automatically follows from a legal relationship recognized under the laws of any state."

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