Observing Tucson And The Greater Arizona Community

OBSERVER

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WEEKLY OBSERVER JANUARY 19, 2011 ISSUE1381

The Young Intern

DANIEL HERNANDEZ, JR.

TUCSON (Observer Update) - Over the past week, Tucson has added a group of folk heroes to the city's story. There are the two loving husbands who threw themselves in front of their wives in an attempt to shield them from Jared Lee Loughner's bullets, one of whom lost his life and one of whom still lost his spouse. There is the 61-year-old woman who ran into the fray to wrestle away Loughner's second magazine clip. There are the trio of men who wrestled the shooter down. And there is the young intern, Daniel Hernandez Jr., who was the first in a string of people credited with saving Representative Gabrielle Giffords' life.

Hernandez, a University of Arizona student who started his internship with Giffords the Monday before the shooting, is, at 20, a political veteran. He volunteered for Hillary Clinton's campaign, and as a volunteer helped Giffords get re-elected in 2008. After working for Clinton, Hernandez tells TIME, "I tried to find someone else who I could admire and help them get elected. Gabby immediately stood out." (While officially an intern fresh on the job in her office, Hernandez had been friendly with Giffords for years. The profile picture on his Facebook page shows him arm in arm with the Congresswoman on her birthday in 2008, standing in front of a cake his mother made.) He has also served as a campaign manager for a state representative and teaches young people how to run effective races. But the skill that may have counted most on Jan. 8 was the first aid he learned as part of a certified nurses' assisting program.

Hernandez arrived at the "Congress on Your Corner" event around 10 a.m. While signing people in to speak with the Congresswoman, he heard Loughner's first shots. "I immediately knew that if there was a target, she would likely be it," he says. "I tuned everything out and started going into critical-thinking mode, which was that you need to get whoever's still alive some help until EMTs arrive."

After checking two or three people for pulses on his way to Giffords, Hernandez, a large man, ran to the Congresswoman, who was slumped over and on her own. Immediately he thought that the head injury might cause her to choke on her own blood, so he held her up and stanched the bleeding with his hand until employees from inside the nearby grocery store brought him clean smocks. He stayed there until emergency services arrived. "I can't tell you how long it was," he says. "It felt like an infinity."

Hernandez stayed with Giffords and held her hand, telling her to squeeze if she was in pain, which she did. He rode with her in the ambulance and explained what was going on while trying to contact her husband Mark Kelly and her parents. "The only thing that really sticks out," Hernandez says, reflecting on the day, "is when I talked to Gabby and let her know that I was going to get ahold of Mark, when I mentioned Mark and her parents, she squeezed my hand extra tight."

Speaking to Hernandez at a hotel in Tucson, it's impossible not to be struck by his maturity and poise. As he retells the story in front of an artificial fire, sitting in a cream and gold armchair while subdued lobby music plays, the scene seems like an absurdly cozy place to discuss the chaos of Jan. 8 – but the setting is a perfect match for his calm and methodical explanation, his stoic way of conveying information without betraying emotion.

Wearing an all-black outfit with thick-rimmed, stylish glasses, he rarely pauses and never stumbles, exhibiting a talent for rhetoric that politicians four times his age would envy. He objects to the word hero, explaining that while he may have done something brave, dedicated public servants like Giffords are the ones who should be championed. But people who know him disagree. "He literally went in the line of fire to save Gabby," says Sami Hamed, a friend of both Hernandez and Giffords. "Not many people would do it. But also, not many people would be as calm as he was, during the shooting and after the shooting."

Hernandez's status in the town's collective memory was made clear on Wednesday, when his face flashed on the JumboTron at the McKale Memorial Center in Tucson, where President Obama arrived to make his memorial speech. The 14,000 people there erupted into a standing ovation at the sight of Hernandez. The intern, in his stunningly collected way, didn't smile as all those around him did. After the cheering continued for some time, he simply removed his glasses and somberly mouthed, Thank you. It was the first of many standing ovations he would receive throughout the night. His reception was only paralleled by that given to the President, who sat beside the intern throughout the evening.

Hernandez was one of the first speakers to say a few words, which he did with conviction and without looking down at any notes. "One thing that we have learned from this great tragedy is, we have come together," he said. "On Saturday, we all became Tucsonans. On Saturday, we all became Arizonans. And above all, we all became Americans." He again rejected his status as a hero and lauded the public servants and medical professionals in the story.

When Obama finally took the stage, he responded to Hernandez by articulating what the people were trying to convey with their cheers. "Our hearts are full of gratitude for those who saved others," Obama said, after announcing that Giffords had opened her eyes for the first time before the service started. "We are grateful to Daniel Hernandez, a volunteer in Gabby's office. And Daniel, I'm sorry. You may deny it, but we have decided you are a hero, because you ran through the chaos to minister to your boss and tended to her wounds and helped keep her alive." The crowd went wild with pride.

Hernandez, who is gay and Hispanic, has become a particular hero for those groups in recent days. "I think that what Daniel did has nothing to do with his sexuality, but being that he is openly gay, I think that it's really amazing and incredible to have someone within the gay community, particularly a young person, who can be seen as doing something heroic," says Danielle Flink, who serves with Hernandez on Tucson's lesbian, gay, bisexual and transgender commission. In a time when both of those minorities have been at the center of heated, emotional debates about immigration and bullying, he has served as a model of reason and strength.

"I think if there's a takeaway from this, the first is, public service needs to become a higher priority for everyone," Hernandez says. "But also making sure that as we move forward, we come together, regardless of race, gender, whatever, and come together as Americans. Because it's not just a Tucson tragedy. It's not just an Arizona tragedy. It's a national tragedy."

LGBT Groups Urge Court To Sustain 'Don't Ask' Case

SAN FRANCISCO (Observer Update) - A gay rights group is asking a federal appeals court in California to keep considering whether a trial judge properly struck down the U.S. military's ban on gays serving openly in the military.

Lawyers for Log Cabin Republicans filed a brief Monday arguing that because the ban has not been lifted, the 9th U.S. Circuit Court of Appeals needs to maintain its schedule in the government's challenge to the lower court's ruling. It came in response to a Justice Department motion seeking to suspend the case for at least three months. The department faces a Jan. 24 deadline for submitting opening arguments.

Government lawyers say putting the appeal on hold would allow the Pentagon to focus on training troops and other tasks necessary for completing the repeal of the ban. Congress has agreed to repeal the "don't ask, don't tell" policy.

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UPDATE

Desert Voices PresentsDV3D: The Fifties

TUCSON (Observer Update) - Start the new year with a lively look back to the 'Fabulous Fifties' as Desert Voices, under the artistic of Chris Tackett, transports you back to the early days of the baby boom generation, and the wonder styles, stories, and of course, the sensational sounds.

This concert will be presented Saturday, January 22 (7:30 pm) and Sunday, January 23, (3:00 pm) at the Proscenium Theatre, Center for the Arts, Pima West Campus, 2202 W. Anklam Road.

DV3D: The Fifties showcases classic standards like 'Sincerely', 'Secret Love', and a jukebox full of hits to help you remember the music, the news, and maybe even your first sweetheart.

The 1950s in America was a time of joy - the war was over, people were excited about new technology, flashy cars, and rockin' tunes. It was a decade marked by turmoil, too - the civil rights movement, the nuclear arms race, and the Cold War.

DV3D: The Fifties will explore the social climate of the post war years and the battle between the change and conformity. For lesbians and gays, after discovering like-minded people during the war, they found them themselves closeted once more. Forced to silently accept their return to invisibility, the subtle search for 'people like us' began anew.

For more information, call 520-791-9662 or E-mail: info@desertvoices.org.

What The Center For Arizona Policy Is Doing Next - Exodus International

PHOENIX (Observer Update) - Cathi Herrod, president of Center for Arizona Policy–you know, the people who led the charge to make sure marriage in Arizona was only legal between a man and woman, and the people who send out regular e-mails called "5 Minutes for Families." In the latest she asks folks to pray for the victiims in last Saturday's shooting, but follows with some tips to "Help You Engage The Culture."

One of the ways you can "engage the culture," is by going to the Exodus International Equipping Leaders Event, in Phoenix on Jan. 21, reports Mari Herreras on tucsonweekly.com.

"Exodus is hosting an equipping conference for pastors and ministry leaders. This event is a prelude to their February 19 Love Won Out Conference. I hope you can make it to both events. Exodus is the country's most significant Christian ministry reaching out to those struggling with the homosexual lifestyle," she wrote. If you really believe in prayer, take Herrod up on her advise and pray – pray for the souls of the members of the Center for Arizona Policy, for Exodus, and for others who believe in this crap–that they realize that if there is a god, he or she probably isn't too happy with Exodus, Herrod and her followers. Not happy at all.

From the Center for Arizona policy website: With over 30 years of experience in providing ministry support for those dealing with unwanted homosexuality, Exodus International will be sharing what they've learned and experienced with Leaders within the Body of Christ at a Ministry Leader Equipping Event at Church for the Nations in Phoenix. For many years, Ministry Leaders have approached Exodus desiring more information and education on how to effectively minister to individuals within the Church struggling with or affected by homosexuality. Through this equipping event, God is giving His Church a new opportunity to minister and respond to the issue of homosexuality with Biblical Truth and Compassion.

This event is open to all Pastors, Ministry Leaders, Lay Leaders, Small Group Leaders, Seminary Students, Educators, and Counselors. Friday, January 21, 201. The cost is $15 in advance and $20 at the door (includes a light lunch)!

Chuzapalooza 2011Held

TUCSON (Observer Update) - LGBT and straight supportive bowlers from around the country converged on the Old Pueblo for the fourth annual Chuzapalooza bowling tournament.

The fourth annual event was held at the eastside Tucson Bowl, which participants bowled nine games in singles, doubles and team (consisting of four persons).

Chuzapalooza is Tucson's stop on a circuit of bowling tournaments held through the auspices of the International Gay Bowling Organization or IGBO, which provides educational services, communication avenues, and social opportunities to promote the sport of bowling and to enrich lives of individuals through leagues and tournaments worldwide.

There are 170 leagues and 60 bowling tournaments who are members, including Chuzapalooza and Welcome to Oz, a Thursday night LGBT and straight supportive bowling league in Tucson.

Chuzapalooza was organized by local bowlers. This year's tournament board included, Tournament Director: Kevin Wheeler, Co-Director: Richard Foster, Secretary: Joseph Ware, Treasurer: David Laing, Optional Events Chair - Dan "BG" Diffie, Hospitality Chair - Paul Katona III, Fundraising - William Bornhoeft, Sponsorship - Leslie McIntyre and Co-Sponsorship - Shana Huber. There were also a host of individuals who gave their time to make Tucson's event fun for all.

In addition to the main events, there was an optional scratch tournament which bowlers participated in divisions based on their average. Many games were thrown, laughs abounded and fun was the theme of Chuzapalooza 2011.

Men's Singles:
1st: Michael Wright
2nd: Franc San Nicholas
3rd: John Streit

Women's Singles:
1st: Heather Harves
2nd: Tina Marie Mei
3rd: Monica Walker

Doubles:
1st: Michael Wright and Monica Walker
2nd: Dan Diffie and Evan Deaubl
3rd: Scott Chandler and Doug Griffore

Team:
1st: Men Behind the Curtain (R. Foster, R. Burch, G. Cook, J. Ware)
2nd: Yellow Brick Roadkill (A. Goldberg, R. Garland, R. Thatcher, J. Streit)
3rd: Tucson Palms (S. Avila, S. Muscato, E. Kessler, T. Mei)

All Events:
1st: John Streit
2nd: Michael Wright
3rd: Joe Ware

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Lawmakers Pass Bill To Block Protestors At Funerals

TUCSON (Observer Update) - Arizona Gov. Jan Brewer has signed into law emergency legislation to head off picketing by a Topeka, Kan., church near the funeral service for a 9-year-old girl who was killed during Saturday's shooting in Tucson.

Unanimous votes by the House and Senate on Tuesday sent the bill to Brewer. It took effect immediately with her signature. The new law prohibits protests within 300 feet of a funeral or burial service.

The ultra conservative and virulently homophobic, Westboro Baptist Church earlier announced plans to protest the funerals of the victims in the Tucson shooting. The Kansas church has caused outrage in the past when it protested military funerals in other states.

Arizona State Senator Kyrsten Sinema said when she heard of the plans, she got downright angry and decided to take action. Sinema sponsored Senate Bill 1101 and got some help from fellow legislators. "We patterned legislation after Ohio's law which is constitutional, it's been upheld in court, and I got permission from the speaker and the senate president to wave the rules," Sinema said.

That bill was passed just before 3 p.m. Tuesday January 11, and was signed by Governor Brewer Tuesday evening. "The bill requires them to be at least 300 feet away from the funeral from an hour before the funeral starts to an hour after it ends and that way people can grieve and love in peace," Sinema said.

The legislation is said to be similar to what 40 other states have currently adopted. House Speaker Kirk Adams said it was an important moment for Arizona to do what is right. "Protesting or picketing outside the funeral of an innocent victim is despicable. It's time to bring Arizona in line with the many other states that protect the sensitivities of victims against groups that use fear and hate to denigrate the lives of Americans."

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New Project PREP To Tutor, Empower GLBTQ Youth

TUCSON (Observer Update) - Wingspan's Eon Youth Program recently received a grant of more than $3,500 from the Alliance Fund to launch a new tutoring program for GLBTQ youth, Project PREP (Positive Respectful Educational Possibilities).

"Education is important, yet statistics show that nine out of 10 GLBTQ youth are harassed in school," says Youth Outreach Specialist Zami Hyemingway. "They suffer from higher dropout rates, lower GPAs and lower overall test scores because they're often exposed to a hostile environment based on their sexual orientation or gender identity." This unfortunate reality, coupled with his own witnessing of its effects on GLBTQ youth, drove Zami to make securing funding and developing a tutoring program for Eon a top priority. "I've seen youth who visit the Lounge who lack the basic reading, writing and math skills they need to succeed, but it goes deeper than that," he says. The basis of Eon is to help GLBTQ youth feel empowered, not just in the group but in the larger world. Education is an important part of that empowerment."

To further that objective, PREP and its volunteer tutors will help students not only with academics, but also with developing the skills that will help them cope with the difficulties they face back in school. "All youth have a right to an education taught in a safe environment. We'll teach PREP participants techniques for dealing with pressures from students and indifferent instructors so they can begin to advocate for themselves."

Tutoring will begin in February, and PREP is looking for volunteers. "We have a start with five great people who've already volunteered to tutor," says Zami, "but we're aiming to have at least 10 dedicated tutors, so there's still a need. You don't need a degree in a subject, just an aptitude or interest in it and a desire to help our GLBTQ youth."

Volunteer tutors will undergo a specialized orientation, separate from the regularly scheduled Eon volunteer orientation that takes place this month. In addition, volunteers will participate in a tutor training that will provide them with specific information and skills necessary to build safe, trusting relationships with GLBTQ youth.

Zami explains: "Tutoring can be intimidating for both the learner and the tutor, so we want to equip volunteers with relationship-building skills that will help them contribute to Eon's goal of building a safe environment for the youth who use the Lounge." The special volunteer orientation and tutor training are scheduled to begin in late January. If you would like to be a volunteer tutor or find out more information about PREP, e-mail Zami Hyemingway at zhyemingway@wingspan.org.

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U.K. Public Servants: Come Out!

LONDON (Observer Update) - Advocate.com reports that teachers, nurses, and police officers in the U.K. may be asked to disclose their sexual orientation, gender identity, and other personal details as part of an "equality drive" meant to promote diversity among public servants and the people they serve.

The Daily Mail reports on the plan from Liberal Democrat equalities minister Lynne Featherstone to comply with the Equality Act. Public sector organizations will be asked to consider sending "diversity monitoring forms" to staff members as part of the compliance procedures. "From April, public bodies will be subject to the Equality Act - passed by Labour but taken up enthusiastically by the Coalition - which will force them to consider the impact of everything they do on the diversity of the people they serve or employ," reports the Mail.

The proposed questionnaires from Featherstone would ask employees about their sexuality, whether they have had gender reassignment surgery, and their race and religion, the Mail reports. Critics charged the plan would result in excess bureaucracy.

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Justice Department Defends The Defense Of Marriage Act

WASHINGTON, DC (Observer Update) - The Justice Department has filed a motion justifying the Defense of Marriage Act in the U.S. Court of Appeals for the First Circuit, appealing a federal judge's decision that the part of DOMA which defines marriage as between a man and a woman is unconstitutional, reported Talking Points Memo.

But the appeal makes clear that the Obama administration doesn't support DOMA, and that the Justice Department was simply following tradition in defending even those laws the executive branch disagrees with.

"Indeed, the President supports repeal of DOMA and has taken the position that Congress should extend federal benefits to individuals in same-sex marriages," DOJ writes in the appeal. "But a consensus behind that approach has not yet developed, and Congress could properly take notice of the divergent views regarding same-sex marriage across the states."

"The Department of Justice has long followed the practice of defending federal statutes as long as reasonable arguments can be made in support of their constitutionality, even if the Administration disagrees with a particular statute as a policy matter, as it does here," government lawyers write. "This longstanding and bipartisan tradition accords the respect appropriately due to a coequal branch of government and helps ensure that the Executive Branch will faithfully defend laws with which an Administration may disagree on policy grounds."

DOJ lays out its defense of DOMA with these three arguments, as highlighted by Chris Geidner of Metro Weekly:

1. Congress Could Have Rationally Concluded That DOMA Promotes A Legitimate Interest in Preserving a National Status Quo at the Federal Level While States Engage in a Period of Evaluation of and Experience with Opening Marriage to Same-Sex Couples.

2. Congress Could Reasonably Conclude That DOMA Serves a Legitimate Federal Interest in Uniform Application of Federal Law Within and Across States During a Period When Important State Laws Differ.

3. Congress Could Reasonably Have Believed That by Maintaining the Status Quo, DOMA Serves the General Federal Interest of Respecting Policy Development among the States While Preserving the Authority of Each Sovereign to Choose its Own Course.

Without DOMA, the government argues, "classifications based on marriage for purposes of federal law would depend on the outcome of the same-sex marriage debate in each state, with the meanings of the term under federal law potentially changing with changes in the status of same-sex marriage in a given state."

"Furthermore, it does not matter whether Congress has legislated on an issue previously. Congressional inaction over time does not remove an area from Congress's authority. In other words, Congress can supersede historic police powers of the state when it acts with a clear and manifest purpose."

Justice Department Civil Division attorneys Michael Jay Singer, August E. Flentje and Benjamin S. Kingsley signed the filing, which also names Assistant Attorney General for the Civil Division Tony West and U.S. Attorney Carmen M. Ortiz.

Asked by TPM in November about the government's defense of DOMA and the recently repealed Don't Ask, Don't Tell which banned gay and lesbian men and women from serving in the military, West said the Obama administration was in a "difficult" position.

"The Department of Justice, notwithstanding the administration policy view which is strongly held by us, has an institutional responsibility to defend the constitutionality of congressional statutes, whether we agree with them or not," West said.

"I think that the best example – let me give you one – in the Defense of Marriage Act – you'll notice that we have not only discharged our responsibility to defend the constitutionality of a congressional statute, but we've done so in a way which reflects the policy values of this administration," West said.

Working with the Civil Rights Division's liaison to the gay, lesbian, bisexual and transgender community, the Civil Division worked to make sure briefings in the DOMA case did not advance arguments that the LGBT community would find particularly offensive.

"We disavowed some arguments that we believed had no basis in fact, and in fact we presented the court through our briefs with information which seemed to undermine some of the previous rationales that have been used defense of that statute," West added.

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Kramer Blasts Cooper For AIDS Special

NEW YORK (Observer Update) - Veteran writer-activist Larry Kramer takes CNN's Anderson Cooper to task for the 360 host's hour-long AIDS special which aired January 14. Read Kramer's comments below:

"Anderson Cooper did a special last night (January 14, 2011) about 30 years of AIDS. For the most part it was a pretty lackluster and bloodless affair, with the exception of a magnificent appearance by Elton John and a moving one by Mo'nique. the rest of it was pretty much pablum, recycled stuff from eons of too familiar footage, and appearances by people with nothing new or challenging to offer. While the producer spoke to me for hours to pick my brains, he made it plain from the beginning that I was not going to be asked to be on the show because of my outspokenness (and because I threatened jokingly–yeah right–to ask Anderson when he was going to come out and be seen with his boy friend publicly), which, when I heard the cast of who was going to appear, was fine with me. instead, I was invited to write this opinion piece to say what they would not welcome on the show.

"What troubled me most about the show was Anderson himself. it was a noble gesture for a reporter, closeted or not, to put on an aids special, but did he have to be such a wimp on it himself? Reporters are meant to ask questions, and good questions (Anderson once had a reputation for doing just that; what in the world has happened to him?); The questions Anderson asked were puerile beyond belief. he challenged no one with anything. Is that what good reporters do? He had America's leading AIDS doctor, Anthony Fauci, on: how could Anderson not challenge him with some of the points that i made below (in a piece Anderson's folks asked me to write for him)? or indeed to raise one single point anywhere else on the show that i write about below.

The most honest part of the program came at the very end when he asked Elton (whom Anderson kept fawningly deferring to as "Sir Elton;" even Elton gave him a look as if to say, enough of that already, boy), if he was positive about the future. Elton, after a long pause, a very long pause, where you could see this great man deciding whether to say what he really thought, which was "no I am not hopeful about the future," mumble some painful words along the lines of "after thirty years we are still here talking about the same things!" And then he too offering up a platitude of hope, disingenuous in the extreme.

One wonders why Anderson put on the show at all. At least he gave me the chance to write this piece. It appears to have had a goodly number of Facebook recommendations (evidently the be-all and end-all of today's pulse taking) along with some thousand of the nastiest, most hateful comments imaginable. I am told this is usually the case with posted comments: the nutcases are ready and waiting to pounce. Still it is always disheartening to see in black and white the visible manifestations of just the hate I speak of in my article.

Minneapolis Named Gayest City In America by National Magazine

MINNEAPOLIS (Observer Update) - Move over, San Francisco. Minneapolis is number one, at least in the eyes of a writer for The Advocate magazine, who has proclaimed that the Mini-Apple is now the gayest city in America.

Using what he calls a completely unscientific - but still strangely accurate - statistical equation, Advocate writer Mike Albo has delivered a list of where gay people are creating a sense of community.

Albo used a handful of criteria as a measuring stick, comparing major cities by the number of registered gay.com profiles, openly gay elected officials, number of gay and lesbian bars, and lastly, the number and frequency of Tegan and Sarah performances (that one feels tongue-in-cheek).

In describing why he handed the scepter to Minneapolis, Albo writes:

Over the past decade, Minneapolis has become the gay magnet city of the Midwest. It makes sense: People here are no-nonsense, practical, and don't deal well with hypocrites. This is where the Evangelical Lutheran Church in America took a historic leap forward and voted to accept gay and lesbian pastors, including the Reverend Mary Albing, the denomination's first openly lesbian pastor. And Minnesota senator Al Franken introduced the Student Non-Discrimination Act to protect LGBT youth from school bullies. But that's not all. Minneapolis also has the very hot Mayhem rugby team (MayhemRFC.com) and a thriving bear community with events like Bob's Bear Bash, every Wednesday night at the Saloon.

Albo's top 15 gayest cities in America lines up like this:

Minneapolis, MN
Santa Fe, NM
Las Vegas, NV
Orlando, FL
Pittsburgh, PA
Vancouver, WA
Atlanta, GA
Washington, D.C.
Seattle, WA
St Louis, MO

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BY JOHN CULHANE

COMMENTARY. . . .

Two Stories About Gay Families And Compromise

Once again, the question is asked: "How does the state balance the anti-discrimination imperative against the freedom of religion?" A Canadian appellate court (in Saskatchewan) just provided one very clear answer, in a very specific context. The case involved commissioners who didn't want to solemnize marriage between – no points for a correct guess – same-sex couples. So the provincial lieutenant governor raised this question before the court:

Would it be constitutionally permissible for commissioners to refuse to solemnize marriages based on their religious beliefs? In the alternative, could commissioners who had been appointed before marriage equality came to Canada be grandfathered out of this whole gay-solemnization thing. The court: "No, and…no."

This is surely the right decision. Those who work as government agents should be least able to seek any kind of religious accommodation. As a practical matter civil rights often depend for their enforcement on the actions of lower-level civil servants. To grant them a veto is to create a "choke point" beyond which the disfavored applicant is unable to proceed.

Could commissioners refuse to solemnize a marriage between people of different faiths? Between members of different races? To ask those questions is to answer them, and the court couldn't see why this case is any different. To its credit, though, the court clearly recognized that there's a real conflict here. For some people, solemnizing a marriage between same-sex couples is deeply troubling. As one commissioner testified:

"I fully understand and accept the right of individuals to obtain a same sex marriage as a legal right and I do not oppose those individuals exercising this legal right. However, I find that I am unable to participate in the exercise of this right due to my religious views. I have arrived at this position only after much reflection and consideration."

The court didn't try to minimize the conflict, but balanced it in favor of the same-sex couple who – after all – are legally entitled to have their union solemnized. In striking that balance, the court also recognized that a commissioner's refusal worked a real and substantial indignity on the couple seeking solemnization – another little reminder that, whatever the law seems to require, the days of second-class citizenship aren't quite over.

Can nothing be done to accommodate these divergent viewpoints? After all, the commissioner quoted above is probably telling the truth. It's not useful or productive to worry about whether this makes him a "bigot" (it depends on one's definition of the term).

The simplest course is to simply remind these commissioners that they have a job to do, and that if they can't do it, they should seek another line of work.

But maybe that's not the only course. I've argued that a behind-the-scenes approach to the problem might be best, but only if it can be done without offending the dignity and equality rights of the couple. The court agreed, suggesting that one approach might be to furnish applicants with different lists of available commissioners, depending on the identity of the marrying couple. (The court didn't bless this approach, but only intimated that it could possibly pass constitutional muster.)

In other words, if there's a way to protect the dignity of the couple while also respecting the religious beliefs of the commissioner, I'm OK with that. But if the conflict can't be avoided, I say: "Do your damn job."

Tucson Observer Archives

II. Who're Your Daddies?

As has been reported on this site, the State Department has been blundering about on the issue of identifying parents on passports. After the Family Equality Council announced that passports were soon to replace "Mother" and "Father" with "Parent 1" and "Parent 2", Secretary of State Hillary Clinton walked it halfway back.

Now they're going to present alternatives: "Mother or Parent 1" and "Father or Parent 2."

This is a brilliant way of accommodating two competing world views, and short-circuiting right-wing apoplexy. The first move had drawn this criticism from - yes! - the Family Research Council, to wit: "This is clearly designed to advance the causes of same-sex 'marriage' and homosexual parenting without statutory authority, and violates the spirit if not the letter of the Defense of Marriage Act."

tucsonobserverarchives.org

Well, "homosexual parenting" is a reality. And the administrative agencies under Obama are taking long- delayed steps to acknowledge that. Forms are a good place to start, as I learned when I went to the Social Security Administration Office to have our adopted daughters' birth certifi- cates amended. (The full story is here.) According to SSA, our kids have a "father" and a "mother." Except that, in law and reality, they don't. They have us - Daddy and Papa - and we're doing just fine. Supposedly a similar change is in the works in that agency.

But I'm not completely satis- fied. I'm not "Parent 1" (much less "Parent 2"!). I'm the father - and so is my spouse. This smells distressingly like the "civil union" to me.

(John Culhane is Professor of Law and Director of the Health Law Institute at Widener University School of Law in Wilmington, Del. He blogs about the role of law in everyday life, and about a bunch of other things and this is reprinted from 365Gay.com.)

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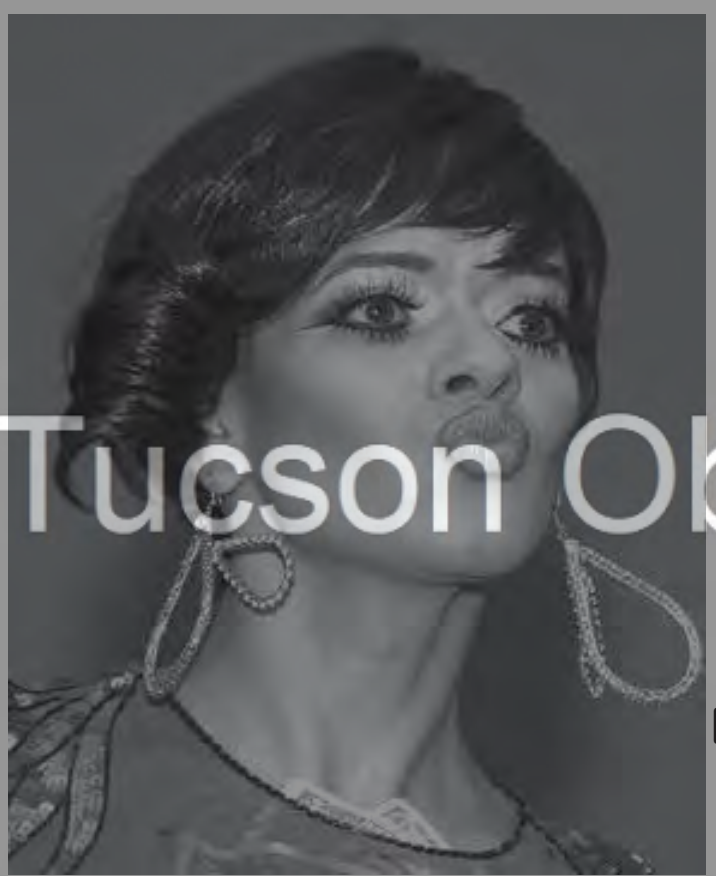
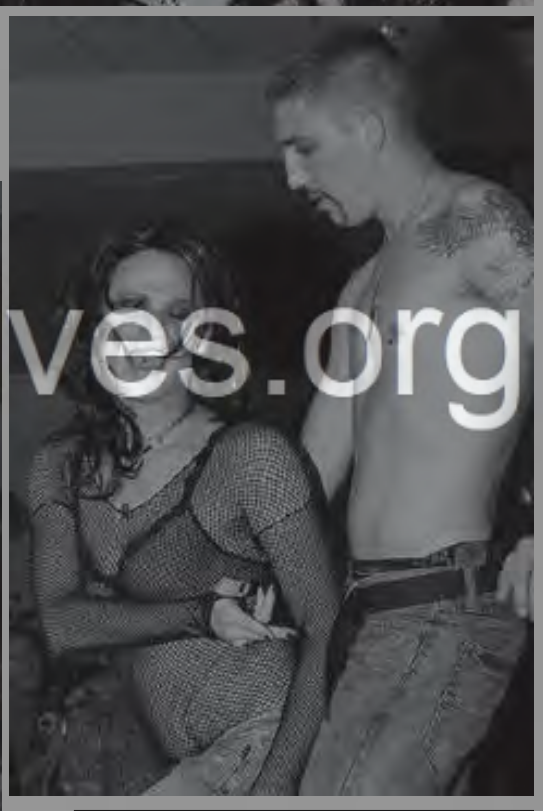
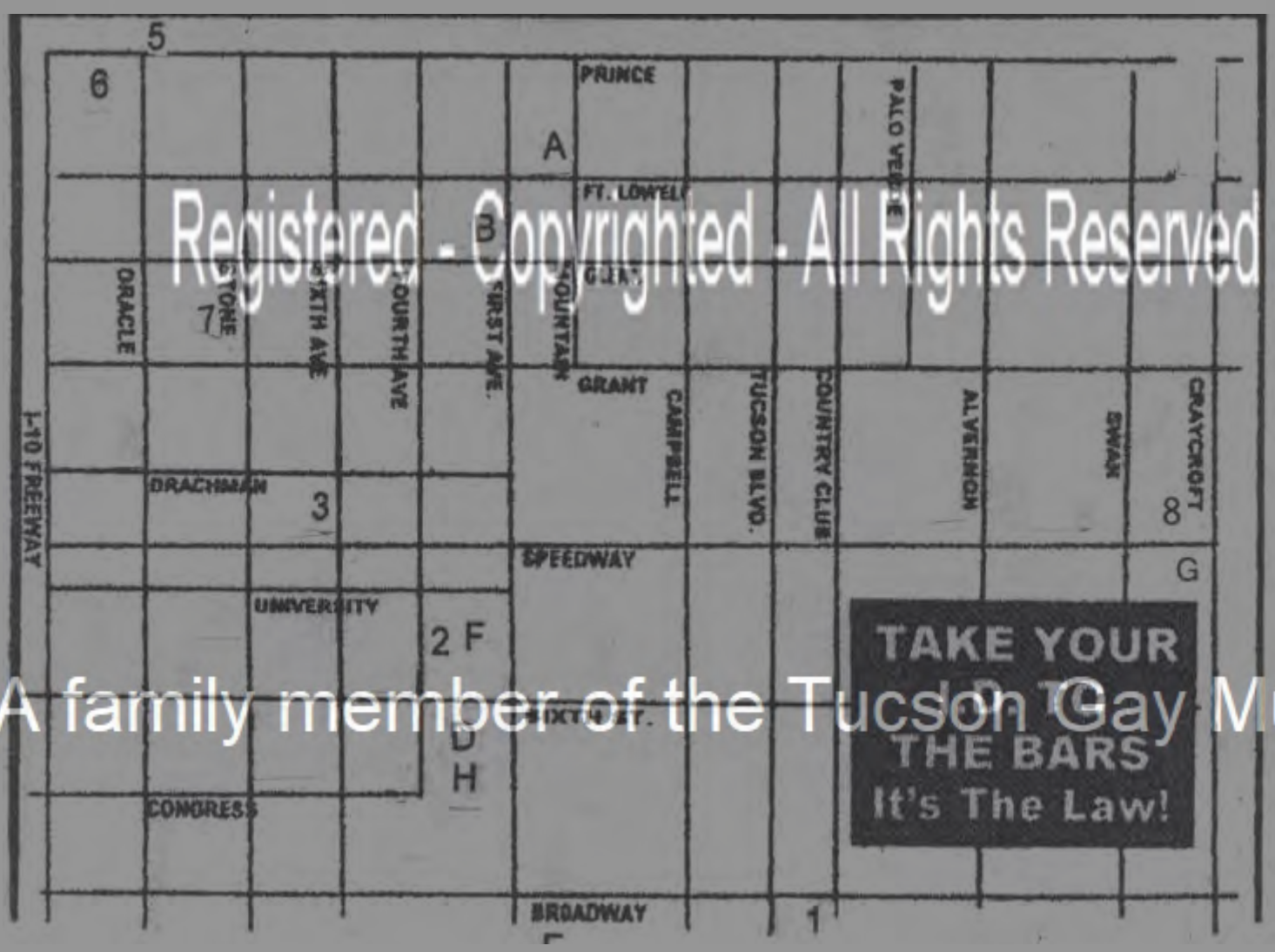


Readers have been asking for some photographs of people in our comunity.

Since we lost our Community Photographer we have been remiss in that department. We will, however, start out this brand new year 2011, and bring you new photos each week. We were fortunate to have found these "gems" in the bottom of a drawer. We feel sure that we can do better, but you asked for it - so HERE WE GO!!





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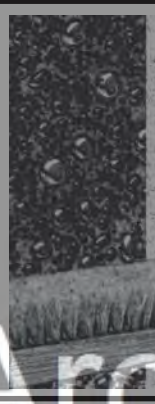

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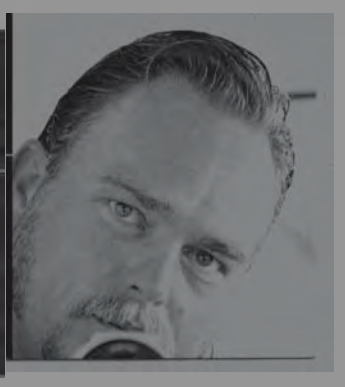

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Last Ditch Effort To Stall DADT Repeal

WASHINGTON, DC (Observer Update) - Rep. Duncan Hunter plans to introduce that would require all four military service chiefs to sign off on "don't ask, don't tell" repeal before gay service members could serve openly.

The Hill reports that the

California Rep. Duncan Hunter

California Republican may bring up the legislation as early as Tuesday. Under terms of repeal passed by Congress and signed into law last month, approval is required by President Barack Obama, Defense secretary Robert Gates, and Chairman of the Joint Chiefs of Staff Adm. Mike Mullen, but not of the service chiefs.

"The chairman technically speaks for the chiefs, but they should be included in the debate," said a congressional aide quoted in the story. "The chiefs are the ones carrying the burden of combat on their shoulders."

The legislation would likely not be brought up in the Senate, where repeal passed in December on a 65-31 vote.

Nation's First Gay Museum Opens in San Francisco

SAN FRANCISCO (Observer Update) - The nation's first gay museum opening in San Francisco's Castro district showcases a variety of items ranging from Harvey Milk's pink-framed sunglasses to manuscripts and sex toys.

The 1,600-square-foot museum, opening Wednesday, chronicles the evolution of what organizers call the liberation of the gay, bisexual and transgender community. Milk's sunglasses displayed in the GLBT History Museum are a tribute to the late San Francisco supervisor, who was the first elected openly gay politician in California.

GLBT Historical Society executive director Paul Boneberg told the San Francisco Chronicle the society has a five-year lease for a formerly empty storefront.

The society is relying on donations and volunteers to keep the museum open.

Transgender Vets Want Military Access For Own

WASHINGTON, DC (Observer Update) - Before handcuffing herself to the White House fence, former Petty Officer First Class Autumn Sandeen carefully pinned three rows of Navy ribbons to her chest. Her regulation dress blue skirt, fitted jacket, hat and black pumps were new - fitting for a woman who spent two decades serving her country as a man.

Sandeen was the only transgender person among the six veterans arrested in April while protesting the military's ban on openly gay troops. But when she watched President Barack Obama last month sign the hard-fought bill allowing for the ban's repeal, melancholy tinged her satisfaction. "This is another bridesmaid moment for the transgender community," the 51-year-old San Diego resident said.

The "don't ask, don't tell" policy now heading toward history does not apply to transgender recruits, who are automatically disqualified as unfit for service. But the military's long-standing posture on gender-identity has not prevented transgender citizens from signing up before they come out, or from obtaining psychological counseling, hormones and routine health care through the Department of Veterans Affairs once they return to civilian life.

So as the Pentagon prepares to welcome openly gay, lesbian and bisexual service members for the first time, Sandeen is not alone in hoping the United States will one day join the seven other nations - Canada, the United Kingdom, Spain, Israel, the Czech Republic, Thailand and Australia - that allow transgender troops.

"There is really no question, it's just a matter of when," said former Army Capt. Allyson Robinson, 40, a 1994 West Point graduate who has spoken to sociology classes at the alma mater she attended as a male cadet. "There are active-duty, as well as reserve and national guard transgender service members, serving today."

No one knows how many transgender people are serving or have served. Neither the Department of Defense nor the VA keep statistics on how many service members have been discharged or treated for transgender conditions or conduct.

Minnesota School Board Passes Strong Anti-Bullying Curriculum

MINNEAPOLIS (Observer Update) - Outgoing members of the Minneapolis school board voted unanimously to strengthen the LGBT curriculum and antibullying efforts, reported advocate.com.

According to The Minnesota Independent, the board passed a resolution that directs the Minneapolis school district to enhance its tracing of bullying incidents and inclusion of LGBT themes in the curriculum.

"The resolution directs the district to include educational materials about the safety of LGBT students and to offer yearly trainings for all district staff from administrators to bus drivers," reported the Independent. "It will mean that sexual health curriculum will include LGBT issues and an elective course will be created that centers on LGBT history.

"The resolution also provides for the funding of these programs with either outside fundraising or district funds, and requires that the costs and effectiveness of the new programs be tracked."

Carla Bates, the treasurer and first LGBT person elected to the school board, said the measure would not add to the budget, the Independent reported.

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Poet's Corner

A CHILD'S PRAYER

by Ron Rose - Tucson

Daddy doesn't live here any more.
Daddy left to fight another war.
I don't want to share him
So, please dear Lord, just spare him.
I wish he could come walking through the door.
It's such a lonely feeling
Just staring at the ceiling,
Why can't this world exist in peace?
So Lord, please just protect him,
Let Heaven not select him
And let the grownup wars just simply cease,

The Way I Saw It. . .by Gary Clark

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!

Retirement On Hold While Navy Probes Lewd Videos

WASHINGTON, DC (Observer Update) - The Navy is preventing a former commander of the USS Enterprise from retiring from the service until officials can finish an investigation into the showing of lewd videos on the ship.

It is the second known personnel action taken in the case in which videos with anti-gay slurs, profanity and suggestive shower scenes were shown to the crew in 2006 and 2007. Officials indefinitely deferred the planned Feb. 1 retirement of Rear Adm. Lawrence Rice, top officer on the ship during part of that time, and assigned him to Fleet Forces Command, which is handling the probe, Rear Adm. Dennis Moynihan, a Navy spokesman, said Thursday. Rice had been working at Joint Forces Command and had been scheduled to transition to retirement.

The move follows the decision to relieve Capt. Owen Honors of his command of the Enterprise and transfer him to an administrative job. Honors produced, starred in and showed the video on ship "movie nights" as a morale booster while he was second-in-command on the carrier. He later returned to the ship as commander.

The probe is looking into actions by Honors and also into who among his superiors knew of the videos and what they did about them at the time. Rice commanded the Enterprise from December 2004 to May 2007; Rear Adm. Ron Horton commanded the ship from mid-May 2007 to May 2010. Horton is still on active duty and so remains available to cooperate with the investigation.

It was unclear when the videos were aired. Officials said they were trying to determine who among the senior Navy leadership knew about the videos when they were shown repeatedly to thousands of crew members aboard the nation's oldest nuclear-powered aircraft carrier.

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Did It Take Federal Intervention For Duke To Address Justin Robinette's Harassment?

DURHAM (Observer Update) - Just days before the Department of Education's Office for Civil Rights was set to interview Duke University students to see if the school has been completely prickish about reports of discrimination (gay, racial, and otherwise) on campus, Duke is suddenly ready to settle the Title IX complaint filed by Justin Robinette and Cliff Satell, the former College Republicans who claim they were pushed out because of their gayness, reports queerty.com.

Back in November Robinette, who graduated early and moved to Philadelphia for work, filed a complaint with Education Department officials claiming the university did nothing to prevent the harassment he suffered during his tenure as College Republicans chairman and afterward, and did little to even investigate the matter. But rather than have the feds breathing down its throat, Duke wants it all to go away, relays the Duke Chronicle.

Interviews with witnesses to Robinette and Satell's harassment and others – "to get a sense of student perspective and observations about the climate on campus for students of color, [gay, lesbian, bisexual and transgender] students, racial differences, men and women and more," according to Chris Heltne, Duke's director of communications for Student Affairs, who insists the chats were "not specifically about any incidents" – were set to take place Jan. 12. But OCR officials have postponed them indefinitely now that Duke is willing to go to the bargaining table. Says OCR attorney Kay Bhagat in an email to Robinette and Satell: "We are postponing our on-site visit for next week to work with the University to resolve the allegations. If the resolution process is not successful with the University, then we will also notify you of any future plans to resume our interviews with your witnesses."

Now that Robinette has left campus, it's hard to tell how Duke will make amends to the recent graduate. An apology letter? A special declaration when he walks across the stage in May? A scholarship in his honor? Or, you know, how about you just handle his student loans or something blessed like that.

Oprah Buys Chaz Bono Documentary

LOS ANGELES (Observer Update) - Before the movie debuts at the Sundance Film Festival later this month, Oprah Winfrey's cable upstart OWN has snapped up the rights to Becoming Chaz, a documentary that follows Chaz Bono's gender reassignment journey.

Deadline reports that OWN is planning a major party at the festival and will announce the acquisition there, reports advocate.com.

The film is directed by Fenton Bailey and Randy Barbato, the duo behind The Eyes of Tammy Faye, Inside Deep Throat, and Party Monster.

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DAILY BAR CALENDAR

SUNDAY

THE BIZ - Closed Sunday , Monday, Tuesday

BRODIES - Open 10am - 2am. Happy Hour 4-7.

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. Beer specials and Trailer Trash Martini's All Day. Check our Ad for Special Events or Parties

MONDAY

THE BIZ - Closed Mondays

BRODIES - Open 10am-2am. Happy Hour 4-7.

COYOTE MOON PUB - Open 8pm.- 1am

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. Service Industry Night - Employee prices all day..

TUESDAY

THE BIZ - Closed Tuesdays

BRODIES - Open 10am - 2am.

COYOTE MOON PUB - Open 4pm - 1am. Happy Hour 4-8. $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. 2-4-1 Night

WEDNESDAY

THE BIZ - Open 5pm-2am. Happy Hour 5-9pm (2 for 1). College Night 18 & Over. Drink & Shot specials every half hour.

BRODIES - Open 10am - 2am.

COYOTE MOON PUB -Open 4pm - 1am. 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.. 11pm - -close "Reverse Happy Hour".

WOODY'S - Open 11am-2am;. Happy Hour Prices all day.

THURSDAY

THE BIZ - Open 5pm-2am. Happy Hour 5-9pm. 2 for 1 All Night Long.. Karaoke 9pm. Come out and play.

BRODIES - Open 10am - 2am.

COYOTE MOON PUB - Open 4pm.- 1am. Happy Hour 4 - 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; Free pool and Happy Hour prices all day.

FRIDAY

THE BIZ - Open 5pm-2am. Happy Hour 5-9 pm (2 for1) Latino Night. $2 Tequila, $1.50 Tecate. $5 Buckets of Beer.

. BRODIES - Open 10am - 2am. Karaoke 9pm.

COYOTE MOON PUB - Open 4pm. 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 vocals and piano stylings of Susan Artemis 6-9pm. Tori Steele Show 10pm

SATURDAY

THE BIZ - Open 5pm - 2am. $10 and drink for pennies. All night long.

BRODIES - Open 10am - 2am. Happy Hour 4-7.

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 OR two chicken tenders & fries. 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. .

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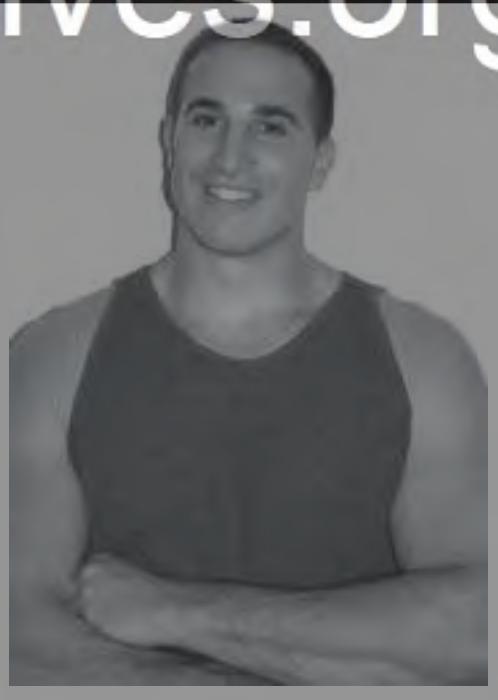

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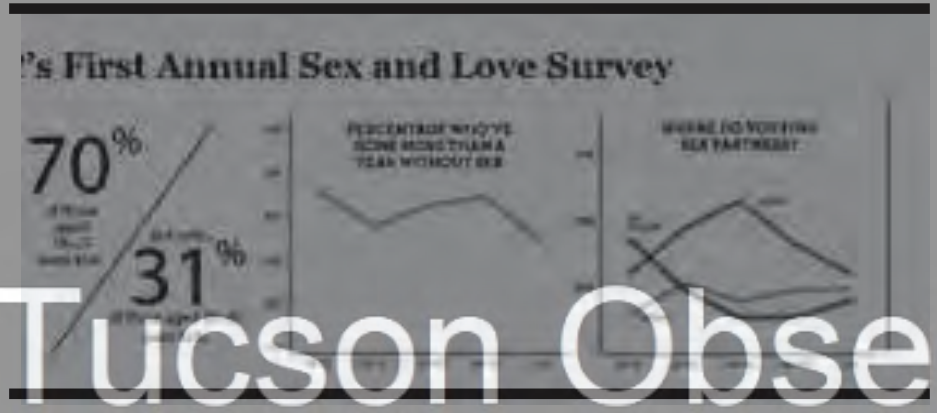
Eighty Percent Of Young Gay People Want To Marry



Tucson Observer Archives

NEW YORK (Observer Update) - On Top Magazine reports that marriage might be on the wane in general, but a large majority of young gay folks still believe in the institution. According to gay glossy Out's first annual sex and love survey, 80 percent of 18- to 25-year-olds want to tie the knot. Older gay folks, however, are less enthused. Fifty-one percent of 26- to 45-year-olds are eager to make it official.

Similarly, younger gay folks are looking to start a family.

According to the survey, a large majority (70%) of young people want kids, but only 31 percent of those surveyed between the ages of 26 and 45 are interested in parenthood.

Ten percent of those surveyed said they had never been in love, while 4 percent said they had been in love eight or more times.

Gay couples are also more likely to open up their relationship. Seventy-one percent of respondents said they were in an open relationship.

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And gay men mostly don't think size matters ... within reason (78%), 19 percent disagreed, and 3 percent were offended by the question.

The survey also turned up some unusual places people had had sex: Backyard at my parent's house, cemetery, wax museum, on top of a washing machine, in the bathroom of a deli during Pride, ocean in Maui, on my ship in the Navy, in a church, my high school locker room, in an elevator in an old folks' home, in the Amazon, in a tree, doctor's office, in the bank, and a boiler room.

Facebook Co-Founder Engaged To Boyfriend

FACEBOOK CO-FOUNDER CHRIS HUGHES AND BOYFRIEND SEAN ELDRIDGE

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NEW YORK (Observer Update) - Chris Hughes, cofounder of Facebook plans to marry longtime boyfriend Sean Eldridge, political director for Freedom To Marry.

According to reports, Eldridge announced his engagement to Hughes at the New York City reception in Support of Freedom To Marry at the couple's SoHo loft before guests that included City Council Speaker Christine Quinn and state Attorney General Eric Schneiderman.

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"This is very timely for Chris and I to have you here tonight to celebrate marriage and work on marriage," Eldridge said. "We got engaged two weeks ago, so there is a real sense of urgency." The two men haven't set a date, but Eldridge says they'll try to wait until gay marriage is legal in New York."As you know, we can't get married in New York, so there is more of an urgency to approve gay marriage, so we can get married here," Eldridge said. "We're going to get married in the next year or two for sure. We're hoping as soon as possible."

Hughes is now the founder and director of Jumo.com.

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