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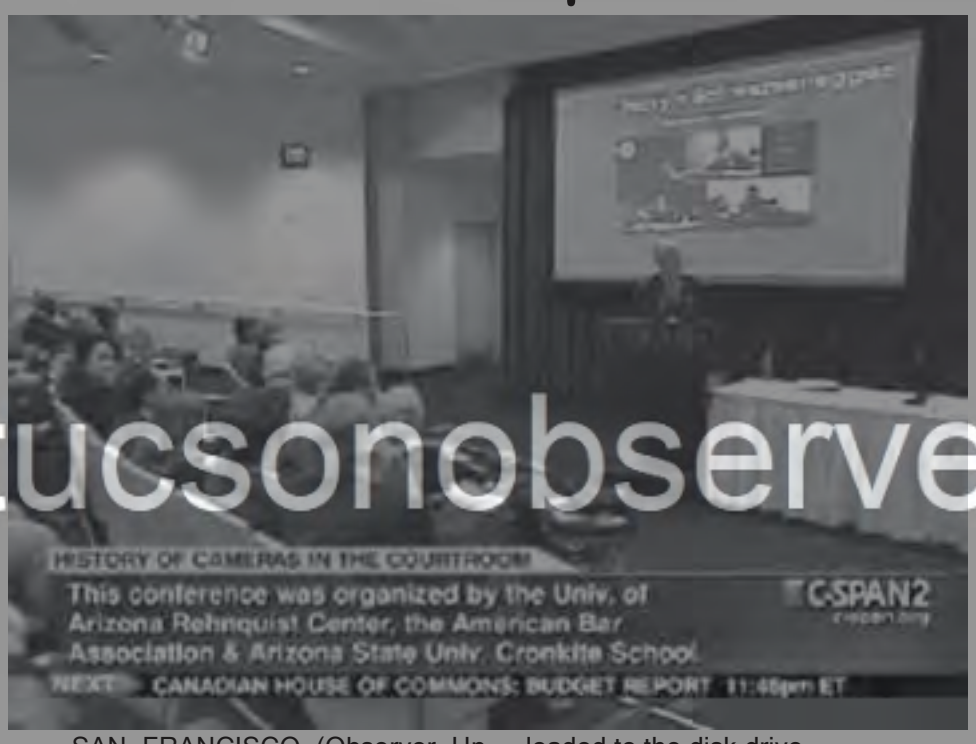
Prop. 8 Update: Walker Responds



SAN FRANCISCO (Observer Update) - Vaughn Walker has responded to marriage equality opponents who have demanded that he return videotapes of the Perry v. Schwarzenegger Prop 8 trial that he has in his possession. In a letter to Molly Dwyer, Clerk of the Ninth Circuit Appeals Court, Judge Walker explained how he used and intends to use those video clips during his lectures, reports towleroad.com.

Meanwhile, Prop 8 lawyers Theodore Olson and David Boies filed a motion to make all of the trial videotapes available to the public.

Walker's letter to Dwyer in its entirety:

This responds to a motion filed on April 13, 2011, by appellants-defendant-intervenors in Perry v Schwarzenegger, No 10-16696. It should be presented to the panel considering the motion.

Over the last several months, I have on about a half-dozen occasions given a lecture or talk on the subject of cameras in the courtroom. These presentations included slides and videos from actual trials and re-enactments of trials. These included the Scopes, Hauptmann, Estes, Simpson and Perry trials. The basic point of the presentations is that videos or films of actual trials are more interesting, informative, compelling and, of course, realistic than re-enactments or fictionalized accounts in portraying trial proceedings.

In preparing to leave the district court earlier this year, I began collecting judicial and personal papers. Most of these now are in digital format, so I asked the head of the court's automation unit to download these to an external disk drive. Because the videos of the Perry trial were used in connection with preparing the findings in that case, the videos were included in the judicial papers downloaded to the disk drive.

The rest of Walker's response, including a video clip of his presentation at the University of Arizona in February in which he plays clips from the Perry trial, is AFTER THE JUMP.

In the first several cameras in the courtroom lectures, I used a re-enactment of cross-examination from Perry. When given the disk containing the Perry videos as part of my judicial papers, I decided that in the presentation on February 18 at the University of Arizona it would be permissible and appropriate to use the actual cross-examination excerpt from Perry, instead of the re-enactment. I also used that same excerpt in a talk to a meeting of the Federal Bar Association in Riverside, California on March 8 and in a class I am teaching at the University of California Berkeley School of Law. I am scheduled to give a similar talk at Gonzaga University Law School next week. The Perry excerpt is three minutes in length.

I should also note that the video of the entire Perry trial was made available to the parties in that case and portions were used in the closing arguments in the district court and made part of the record before the case went to appeal. If the court believes that my possession of the videos as part of my judicial papers is inappropriate, I shall, of course, abide by that or any other directive the court makes.

The Perry case involved a public trial. As Chief Justice Berger observed some years ago, "People in an open society do not demand infallibilty in their instructions, but it is difficult for them to accept what they are prohibited from observing.

Kobe Bryant Fined $100,000 For Gay Slur, Bryant To Appeal

LOS ANGELES (Observer Update) - The NBA fined Kobe Bryant $100,000 for using a derogatory gay term in frustration over a referee's call.

NBA Commissioner David Stern issued a swift disciplinary ruling after the Los Angeles Lakers' five-time NBA champion guard cursed and used the homophobic slur when referee Bennie Adams called a technical foul on him during the third quarter of a victory over the San Antonio Spurs.

"Kobe Bryant's comment during last night's game was offensive and inexcusable," Stern said. "While I'm fully aware that basketball is an emotional game, such a distasteful term should never be tolerated. … Kobe and everyone associated with the NBA know that insensitive or derogatory comments are not acceptable and have no place in our game or society."

Stern's action drew praise from gay-rights organizations that had demanded a fuller apology from Bryant and condemnation of his words by the Lakers. Bryant, the leading scorer in NBA history, issued a statement earlier saying his words came strictly out of anger and shouldn't be taken literally.

"We applaud Commissioner Stern and the NBA for not only fining Bryant but for recognizing that slurs and derogatory comments have no place on the basketball court or in society at large," Human Rights Campaign President Joe Solmonese said. "We hope such swift and decisive action will send a strong and universal message that this kind of hateful outburst is simply inexcusable no matter what the context."

Los Angeles Lakers superstar Kobe Bryant will appeal the $100,000 fine the NBA levied for his expletive-filled homophobic slur directed toward referee Bennie Adams during Tuesday's victory against the San Antonio Spurs. Talking from Sacramento on the Mason & Ireland show on ESPN 710 Radio in Los Angeles, Bryant said the appeal is "standard protocol," but also took responsibility for his choice of words said "out of frustration during the heat of the game."

Los Angeles Lakers NBA Star Kobe Bryant

Brewer Backs Anti-Gay Adoption Bill

PHOENIX (Observer Update) - Arizona governor Jan Brewer signed a bill mandating that married heterosexual couples be given priority consideration when agencies are placing children for adoption or foster care.

Brewer signed the bill despite 500 postcards being sent to her office, from supporters of Equality Arizona asking her to veto the bill. Tom Mann, board chairman for Equality Arizona, criticized the governor in a statement.

"The governor's action today is harmful to children in foster care and group homes who are seeking a permanent home and the support of a loving, caring family," Mann said. "SB 1188 takes the focus off of what's in the best interest of a child when adoption decisions should be made on a case-by-case basis, according to what's in a child's best interest. Each case is unique. For example, adoption authorities may have the choice between placing a child with a beloved single aunt – or complete strangers. The only consideration should be determining what's in the best interest of the child."

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UPDATE

Aquarius: The 60s, Desert Voices Spring Concert April 20-May 1

TUCSON (Observer Update) - After the enforced conformity of the fifties, something had to give. People refused to live secretive, closeted lives anymore, and the music of the era reflected that.

From "Aquarius" to "Turn, Turn, Turn" the music of the 60s expressed the voices of diversity and many cultures around the world. Come hear Desert Voices bring back to life the Age of Aquarius! Saturday, April 30, 7:30 pm, Sunday, May 1, 3:00 pm

Both shows at the West Campus of Pima Community College Tickets are $15.00 each or two for $25.00. You can order online at www.desertvoices.org/events or call 520-791-9662.

24th Annual Reno Gannon Memorial Jell-O Wrestling Extravaganza, May 24

TUCSON (Observer Update) - The Jell-O Wrestling Extravaganza and Benefit Auction is a zany event and SAAF's longest running fundraising event, celebrating it's 24th year this 2011!

Save the Date: May 14, 2011. New Location: Kennedy Park - Mission & Ajo. Details to follow in upcoming editions.

For more information, call SAAF, 520-628-7223, or online at saaf.org/events.php.

Reveille Men's Chorus Spring Concert May 21-22

TUCSON (Observer Update) - "From Out of the West We Come", a BBQ flavored concert with all the fixins.

Reveille takes on western Americana and makes it our own. Load up the wagons and get ready to travel down the ol' Chisom trail for a Reveille style hoedown!

Tickets are $20 at the door, $15 for seniors and advance sales, $10 for students with I.D. Tickets can be purchased online at www.reveillemenschorus.org, by calling the Reveille line at 304-1758, at Antigone Books or from any Reveille member.

Wingspan Names New Youth And Family Programs Director

CASEY CONDIT

TUCSON (Observer Update) - Wingspan's new Youth and Family Programs Manager is Casey Chimneystar Condit. Casey is no newcomer to Wingspan; she's been with the program, as an Eon youth, since she was 14 years old. She began volunteering early on and was then hired as an Eon Outreach Specialist.

In 2003, she started with the Southern Arizona Aids Foundation (SAAF), where she held several positions while working with Wingspan as part of collaborative grants. Most recently, she served as the Health Education Specialist, and in that role she was assigned to work at Wingspan as part of the University of Arizona's multi-agency collaboration known as the i-TEAM project.

In 2006, she was inducted into the Wall of Tolerance by the Southern Poverty Law Center "in recognition of an important contribution to the ongoing fight against hatred and intolerance in America."

Casey's experience with Eon and Wingspan and her many years of social-justice work make her a perfect fit for her new position. She is eager to continue to grow the Eon Youth Program and also wants to begin to provide more support for LGBT families.

Volunteer Picnic To Be Rescheduled

TUCSON (Observer Update) - The rain and unseasonable cold April 9 forced cancellation of the recognition picnic for volunteers of Wingspan, SAAF and TIHAN.

It definitely will be rescheduled; stay tuned for the particulars.

Trent Frank Leads House Hearing On Obama's DOMA Decision

WASHINGTON, DC (Observer Update) - Arizona Republican Representative Trent Franks on Friday led a House subcommittee on President Barack Obama's decision to no longer defend in court the Defense of Marriage Act (DOMA), the Clinton-era law that bans federal recognition of the marriages of gay and lesbian couples, reported advocate.com.

Franks, the chairman of the House Judiciary subcommittee on the Constitution, who earlier said the president's gay marriage decision could be an impeachable offense, revealed in his opening statement the true nature of the ambiguously named Defending Marriage hearing.

Franks said the hearing was to discuss Obama's February 23 decision to no longer defend DOMA in court.

The 10-member panel includes some of Congress' most virulent opponents of gay rights, including Representatives Steve King of Iowa and Jim Jordan of Ohio. But when all 5 of his Republican colleagues failed to appear, Franks found himself in the minority.

Democrats on the panel came out in defense of the president and against the law.

"Let's be clear: DOMA isn't just an unconstitutional law, it's dumb public policy," Illinois Representative Mike Quigley said. "Every one of the stated rationales for DOMA has been refuted by our better judgment or our shared experiences. … There's nothing radical about being allowed to marry the person you hold closest in your heart. And there's nothing radical about expecting that union to receive the full protection of the law."

New York Representative Jerrold Nadler, the lead sponsor in the House of a bill that would repeal DOMA, reiterated his call for the law's end. "Rather than defending DOMA in court, Congress should be working to repeal it," Nadler said. "Far from demeaning, trivializing, or destroying the institution of marriage, lesbian and gay couples have embraced this time-honored tradition and the commitment and serious legal duties of marriage. The exclusion of any married couples from programs like Social Security defies logic. The fact that DOMA carves out an entire class of married citizens based on sexual orientation also violates constitutional equal protection guarantees."

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

If you are interested in offering peer support to clients, educating on HIV/AIDS and more, contact Volunteer Resources at 628-7223 or volcoord@saaf.org

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Southern Arizona AIDS Foundation

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Abuse Of LGBT Immigrants Alleged

WASHINGTON, DC (Observer Update) - LGBT immigrants are undergoing severe abuse when held in custody by the federal agency Immigration and Customs Enforcement, an immigrants' rights group charges in a complaint filed, the Associated Press reports on advocate.com.

The complaint, filed by the Chicago-based Heartland Alliance on behalf of 13 LGBT detainees, alleges mistreatment at jails and other detention centers in Arizona, California, Florida, Illinois, Louisiana, New Mexico, Pennsylvania, and Wisconsin. The facilities are either operated by ICE or under contract with the agency, which is part of the Department of Homeland Security.

For instance, according to the Heartland Alliance, a facility in Santa Ana, Calif., has a policy of keeping transgender detainees in 5-by-9-foot cells 22 hours a day, with only two hours in a common room, and denying them hormone treatments. After time in the common room for one transgender prisoner was cut to just 45 minutes and the prisoner asked why, a guard said, "Because you need to learn not to be a faggot."

At the McHenry County Jail in Illinois, an HIV-positive transgender inmate said she was physically assaulted and on two separate occasions sent for two days to a basement cell where she was not fed or clothed properly, according to the complaint. She also said that during her nine months in custody, she was allowed contact only with guards, not other prisoners, as "the officers say the detainees can only talk to members of the same gender and say that I am not any gender."

Officials with the Heartland Alliance, which filed the complaint with Homeland Security's Office of Civil Rights and Civil Liberties and Inspector General's Office, said the problem is a systemic one, not the actions of a few abusive guards. "It has become clear that the Department of Homeland Security is incapable of ensuring safe and nonpunitive conditions for sexual minorities," Heartland Alliance executive director Mary Meg McCarthy told the AP.

ICE and Homeland Security officials said they take all allegations of abuse seriously and pledged to investigate the matter thoroughly.

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'Treasures for TIHAN' Benefit Auction Saturday, April 30

The 14th Annual "TREASURES FOR TIHAN," the year's largest fundraising event to benefit the work of the Tucson Interfaith HIV/AIDS Network (TIHAN), is Saturday, April 30, at 6:00pm at the Doubletree Hotel at Reid Park, located at 445 South Alvernon Way.

This spectacular event will feature great hors d'oeuvres, no-host cocktails, a live and silent auction, and festive entertainment! A huge collection of items to be auctioned feature original art, trips and travel, sports memorabilia, home and garden, health and beauty, celebrity items, and gift certificates for fine dining and services.

"Hollywood Nights" is the theme of this year's event – be a star and dress to impress the paparazzi! Arrive in style, walk on the red carpet, and have your picture taken as you enter the grand ballroom and take in our fabulous live and silent auction items. Local celebrity Chuck George, Chief Meteorologist for KOLD-TV 13, will serve as emcee for the event.

Event tickets are available in advance for $65, or two for $120, (or will be available on the day of the event for $75 each) and can be purchased online at www.tihan.org or by calling 299-6647. Also, raffle tickets are now on sale for a chance to win $1,000 cash - 5 chances to win for only $20, or get 15 chances for $50!

"Treasures for TIHAN" supports the Tucson Interfaith HIV/AIDS Network, a non-profit organization that provides HIV education and support services for people affected by HIV/AIDS – including CareTeam support, lunch and breakfast programs, social and emotional support, information/referral and advocacy services, and other support services.

For more information about Treasures for TIHAN, contact Scott Blades, TIHAN Executive Director, at 299-6647 (office) or 603-7601 (cell phone) or visit www.tihan.org

[The Tucson Interfaith HIV/AIDS Network (TIHAN) is a coalition of individuals and 39 congregations from diverse faiths committed to an informed, compassionate response to HIV/AIDS: preventing the spread of HIV infection, providing compassionate care for those infected and affected, and catalyzing the religious community to provide an informed and compassionate response to the AIDS crisis.]

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COMMENTARY. . . .

BY JOHN CULHANE

Why Gay Adoption But No Gay Marriage?

Why adoption, but no marriage? Whenever I speak about LGBT rights audiences are hard-pressed to explain why almost all states allow gays and lesbians – single or partnered – to adopt or foster-parent children, but so few allow us to marry. Wouldn't it make more sense to recognize the couple's relationship first, and then move toward allowing same-sex couples to create families through foster care or adoption?

In fact, this is how several European countries have proceeded. In the Netherlands, for example, same-sex couples were afforded increasing levels of benefits and recognition over a period of many years, but the right to adopt was granted much more recently. Even today in France, same-sex couples can enter in a "pacte civile" (with many of the rights and benefits of marriage) but they can't adopt.

We seem to have gotten this backward. I feel the effects of this topsy-turvy approach in my own life: My partner and I adopted our daughters, but we can't give our kids the security that would come from their parents' marriage.

I can't justify this state of affairs, but maybe I can explain it. The starting point might be practicality: There are many kids in need of foster placement especially, and departments of child welfare are in no position to turn away parents who are otherwise qualified just because their partner happens to be of the same sex. Social workers in many places are overwhelmed and underfunded and are often concerned (unfortunately) about the physical safety of children and about the suitability of living arrangements. (These workers also tend to have a progressive attitude on social/political issues, in my experience.)

Of course, once kids are in foster placement the goal is often to get them into permanent, adoptive homes. If the foster parents are otherwise qualified and willing, then they often become the adoptive parents. By this route, many "forever families" headed by same-sex parents have been created. (It makes no sense then, to allow gays and lesbians to foster but not to adopt. That was the policy in Florida until a state appellate court declared it unconstitutional, as not in the best interest of the child.)

That same "best interest of the child" argument was used by the Arkansas Supreme Court last week in declaring unconstitutional a ballot measure that forbade unmarried, co-habitating couples (straight and gay alike) from adopting or fostering children. The opinion builds from the rights of individuals to make their own choices about their intimate relationships – a right the law burdens by disqualifying them from parenting if they co-habitate – to the irrationality of this burden under the best interest standard, which considers placements on a case-by-case basis.

Ultimately, of course, this adopt-but-don't-marry approach is unsustainable. And courts have begun to recognize this inconsistency. Indeed, state courts that have held in favor of marriage equality have routinely invoked the rights of same-sex couples to adopt. Here's the Massachusetts Supreme Judicial Court, from Goodridge v. Department of Public Health – the first case to rule in our favor on marriage equality:

"The Commonwealth affirmatively facilitates bringing children into a family regardless of whether the intended parent is married or unmarried, whether the child is adopted or born into a family, whether assistive technology was used to conceive the child, and whether the parent or her partner is heterosexual, homosexual, or bisexual."

Therefore, the court went on to state, the "procreation" and "optimal setting for raising children" rationales for excluding same-sex couples from marriage are defeated by the state's own policies.

This lack of consistency is a drum that needs to be beaten, over and over. It simply defies logic to allow us to adopt and raise children, but then require us to be legal strangers to each other as the heads of the families that are thereby created. We might worry that raising this issue will lead some opponents to argue: "OK, fine, gays and lesbians shouldn't be able to adopt, either." But attempts to change the law in this way have mostly gone nowhere.

Perhaps focus on this simple, common-sense issue will even accelerate the President's "evolution."

(John Culhane is a Professor of Law at Widener University School of Law and is, according to the National Jurist, one of "23 Law Profs to Take Before You Die." This is reprinted from 365Gay.com.)

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AROUND THE GAY GLOBE. . .

As the Netherlands marks 10 years of marriage equality this month, the initial sponsor of same-sex legislation in the country celebrates what the rational among us know to be true: The sky has not fallen. “A decade later, of the nearly 75,000 civil marriages that take place in the Netherlands each year, about 1,400 involve same-sex couples,” Boris O. Dittrich, advocacy director of the LGBT Rights Program at Human Rights Watch and the first openly gay member of parliament in the Netherlands, wrote in an op-ed for the Los Angeles Times. “Heterosexual couples did not turn away from the institution of marriage, nor did the world isolate my country. Civilization as we know it did not end. And, as far as I can tell, God did not punish the Netherlands.”

Dittrich wrote that marriage equality will eventually become a reality in the United States as well, but called for bolder leadership: “It takes political courage at the very top to push though the legal changes for same-sex marriage,” Dittrich wrote. “Wouldn’t it be wonderful if, during President Obama’s administration, this shameful era of discrimination were brought to an end, and gay marriage became as unremarkable as it deserves to be.”

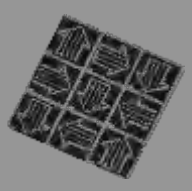
Hundreds of protesters converged for a “kiss-in” outside a London pub where two gay men were allegedly thrown out for displays of public affection. Pink News reports that while the kiss-in, which drew more than 800 attendees, was originally set to take place inside the venue, the event took place outside after bar management closed the pub early.

Jonathan Williams and James Bull said they were asked to leave the pub after the landlady called them “obscene” for kissing. A man in the pub had also complained about them. Longtime gay rights activist Peter Tatchell told Pink News of the incident, “Although much of London is gay-friendly, the apparent discrimination against Jonathan and James shows that pockets of prejudice remain, even in gay Soho.”

Activists are calling on Anglican leadership to condemn antigay violence in light of the murder of Ugandan gay rights activist David Kato in January. In an online petition, the group Speak Out 4 David Kato has urged Dr. John Sentamu, Archbishop of York, to “condemn threats, harassment and attacks on any individual due to their actual, or perceived, sexual orientation.”

Born in a village near Kampala, Uganda, Sentamu is the second highest-ranking cleric in the Church of England after Rowan Williams, Archbishop of Canterbury and leader of the worldwide Anglican Communion. In January, Williams called Kato’s murder “profoundly shocking” and urged the UK to secure asylum for LGBT individuals. Sentamu has yet to speak out on Kato’s death, however.

“John Sentamu has campaigned for other human rights causes,” petition organizers wrote. “For instance, campaigning against the ill-treatment of prisoners in Guantanamo Bay and most famously cutting up his clerical collar live on TV in protest against Robert Mugabe.”



Del. Civil Unions Law Heads To Gov’s Desk

DOVER (Observer Update) - Delaware lawmakers have approved a bill authorizing same-sex civil unions and Democratic Gov. Jack Markell says he looks forward to signing the measure into law, reported the AP on 365Gay.com.

With Markell’s signature, the bill will take effect Jan. 1. It would make Delaware the eighth state to establish civil unions or domestic partnerships for same-sex couples. Five other states and the District of Columbia allow gay marriage.

Lawmakers defeated nine amendments to the bill before approving it on a 26-to-15, with the Senate approving it prior. The legislation gives same-sex couples the same rights and obligations of married couples. But it limits marriage under Delaware law to opposite-sex couples.

HIV Drug Costs Rise Despite ADAP Cuts

NEW YORK (Observer Update) - Pharmaceutical giant Gilead Sciences has raised the prices of its life-saving and very expensive anti-retrioviral HIV meds, despite the fact that almost 8,000 people are on waiting lists for the AIDS Drug Assistance Program, reports POZ.

The cost of Atripla went up by 5.1 percent, while Truvada and Emtriva increased by 7.9 percent. Although Gilead is maintaining a price freeze for drugs going toward ADAP, the price increase can further stress the overburdened health care system including Medicare, Medicaid and private insurance companies, reports Rod 2.0 beta.

Change.org adds: “Just a few months ago, AIDS Healthcare Foundation called for the top pharmaceutical companies (including Gilead) to decrease the prices of their medications to assist with the ADAP crisis. The goal was to inspire Pharma to assist in the crisis by helping ease the financial burden off state and federal funds.”

Gilead’s Truvada, which recently made news in studies for post- and pre-exposure prophylaxis, can cost up to $14,000 per year.

The recession has forced a number of states to slash funding to the AIDS Drug Assistance Program, the federal/state program that helps low-income, people living with HIV/AIDS pay for their expensive, life-saving medications. Those in the program are disproportionately black, many of the men are gay or bisexual.

In 2010, at least a dozen states closed enrollment in ADAP. Three other states have narrowed eligibility and two of them–Arkansas and Utah–dropped scores from the program. HIV/AIDS service organizations say “an emergency appropriation of at least $126 million” is neede. Virginia recently closed enrollment in its ADAP program.

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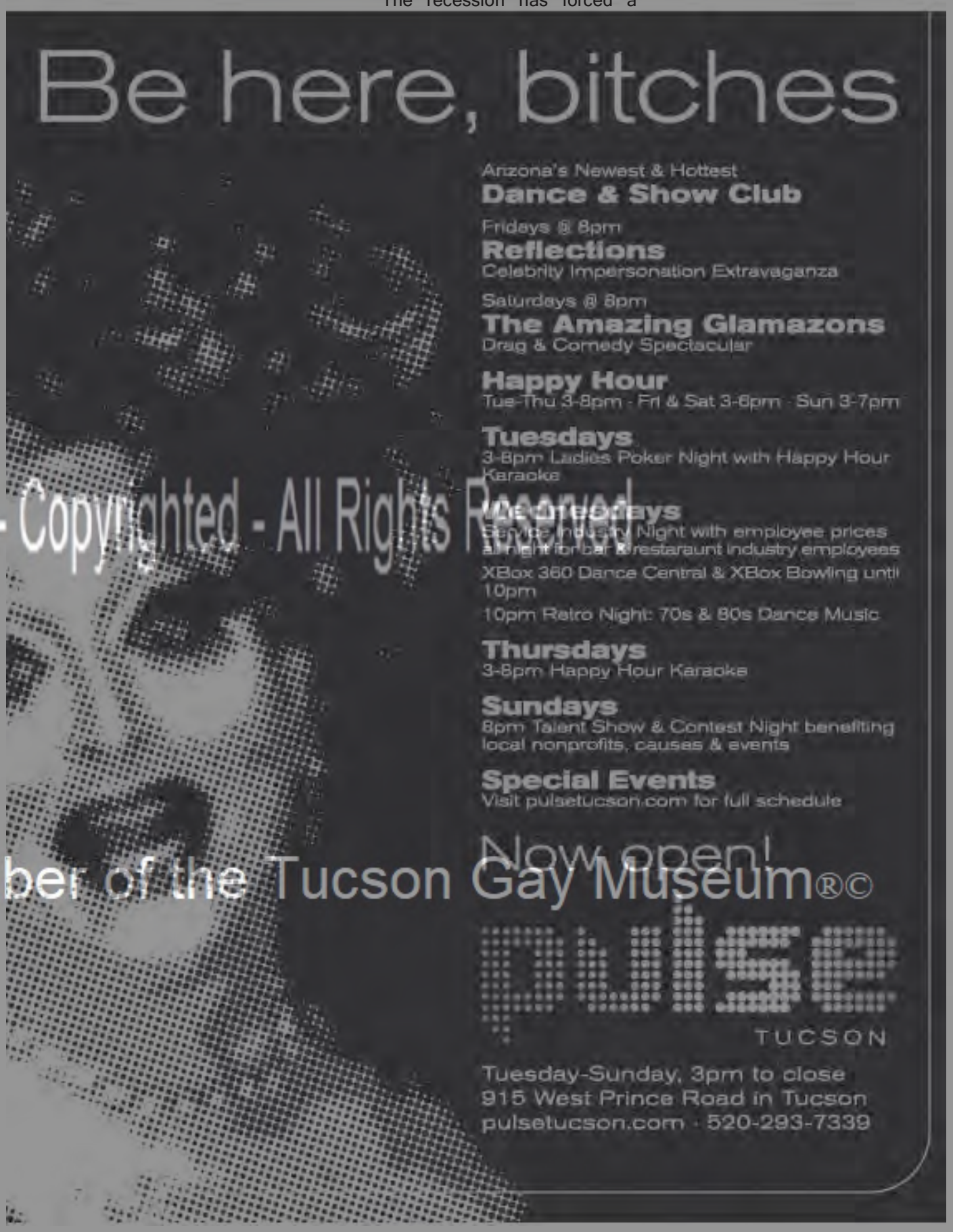

Gay Candidate With Defaced Signs Wins Florida Council Seat

MIAMI SHORES (Observer Update) - A politician whose campaign signs were defaced with anti-gay slurs won his bid for a seat on the local village council, reports 365Gay.com.

Jesse Walters beat incumbent Prospero G. Herrera II and will become only the fourth openly gay official in Miami-Dade County. Walters edged out Herrera by just 69 votes.

Some of Walters' yard signs were vandalized with anti-gay slurs. On one sign, the word "FAGGOT" was plastered over Walter's face. Walters responded to the incident on his site, jesse2011.com.

"Although a distraction from the positive and forward-thinking message of my campaign and my goals for our community, it is important for me to take a strong stand to ensure this type of community-dividing intolerance is shown the door in Miami Shores," Walters wrote.

Police haven't identified any suspects but they plan on dusting the defaced signs for fingerprints.

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Michigan DP Policy Survives Vote

LANSING (Observer Update) - Michigan lawmakers have failed to repeal a policy providing domestic-partner benefits to state employees, largely assuring the policy will go into effect, the Lansing State Journal reports.

A proposal to rescind the policy failed to receive the required two-thirds vote in the house of representatives. Sixty-six members voted in favor of repeal, eight short of the number needed. A repeal measure had passed the senate by the required margin, advocate.com reported.

The state Civil Service Commission had approved the policy in January, affirming an agreement Jennifer Granholm had negotiated with state employee unions while she was governor. It extends health care benefits to the same-sex partners of state employees as well as any other adult living in an employee's household, and it applies to both unionized and nonunion workers. The state employs about 35,700 people.

Rick Snyder, a Republican who succeeded term-limited Democrat Granholm as governor this year, and GOP legislators wanted to rescind the policy because of its cost, estimated at as much as $11 million a year. With Michigan running at a deficit, Snyder still may seek to cut the benefits during negotiations with state workers, according to the Journal.

For now, however, workers and their representatives were happy that repeal failed to pass the legislature. "We would not want the Civil Service Commission to be overturned," said Ray Holman, a spokesman for United Auto Workers Local 6000, which represents about 17,000 social service caseworkers and other state employees. "That hasn't happened before in recent memory. These types of things should be handled at the bargaining table. We negotiated it fair and square."

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Cuccinelli: Virginia Should Reject Anti-Bias Policy

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RICHMOND (Observer Update) - The antigay attorney general of Virginia says a state board doesn't have the authority to approve an antidiscrimination policy for adoptive and foster parents, but LGBT activists beg to differ, reports advocate.com.

The office of Atty. Gen. Ken Cuccinelli sent a memo to the State Board of Social Services saying a policy under consideration that would prohibit discrimination against prospective parents on the basis of sexual orientation "does not comport with applicable state law and public policy," The Washington Postreports.

"Therefore the State Board lacks the authority to adopt this proposed language," wrote Allen Wilson, senior assistant attorney general.

This is the opposite of advice given by Cuccinelli's predecessor, William C. Mims, who said in December 2009 that the board had the power to set this policy. His advice came a month after then-governor Tim Kaine, a Democrat, proposed the policy.

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COMMENTARY. . . .

BY JAMES WITHERS

Finding Allies In The Sports Community

Tucson Observer Archives

In some of the coverage of out soccer player Anton Hysen, the question has been what is required for gay athletes to come out of the closet. Hudson Taylor flips that the script a bit. He wants to create a sports culture where responsibility falls on the straight world to create a culture where coming out is possible.

tucsonobserverarchives.org

"In a lot of interviews people ask what it will take for big name athlete to come out," Taylor said in a phone conversation. "That places a burden on someone to make a personal decision. There's no need to pressure someone to make that type of decision. We can't expect change to occur without the majority being behind that change."

Taylor thinks straight allies, especially those who play sports, should be in the forefront when it comes to GLBT equality. Some here will remember Taylor as the University of Maryland wrestler who wore a Human Rights Campaign sticker on his headgear. Now he coaches at Columbia University and runs Athlete Ally, a non-profit geared to making teams more inclusive.

The idea of an organization for athletes looking to make a difference was not on Taylor's mind after college graduation, It grew after the response to his Outsports profile.

"This past summer I had all these people who reached out to me. My initial thought was to put a website together to make a difference in the athletic community, but as I started hearing from more and more people I decided this was going to be more than a site. It needed to grow into a non-profit."

Taylor takes a pragmatic view of homophobia in sports. Sure he knows the language of social justice, but understands the sports world responds to wins and losses. One way to sell the idea of a more tolerant athletic world is to focus on the bottom line.

"Homophobia reduces the number of talented athletes we can have, and is counterproductive to the goal of athletics. A team is going to be successful when people feel included and accepted. Homophobia and transphobia divides a team. It limits your opportunities for accomplishment."

Sports stars, whether we like it or not, have a hold on the collective imagination. I'm no betting man but if quarterback Tom Brady came out as gay (he's not), many New England Patriot fans would quickly stop using anti-gay epithets. This type of social capital cannot be ignored, and has a history of changing lives beyond the playing field. The country's long walk from Jim Crow had its start when Jackie Robinson was penciled in the Brooklyn Dodger lineup.

Taylor isn't looking for dramatic heroism. However, it's the small gestures, leading by example, that can spread the word about GLBT humanity.

"Athletes have been given a certain amount of social clout, and they can use that to make their communities more respectful."

(Withers is a contributing editor for the 365gay.com blog, from which this is reprinted.)

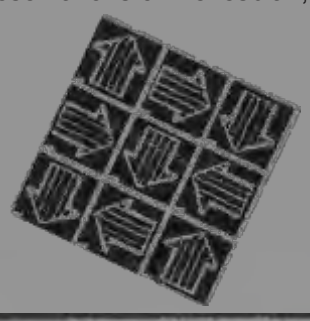
'Glee,' 'Modern Family' Among GLAAD Award Winners

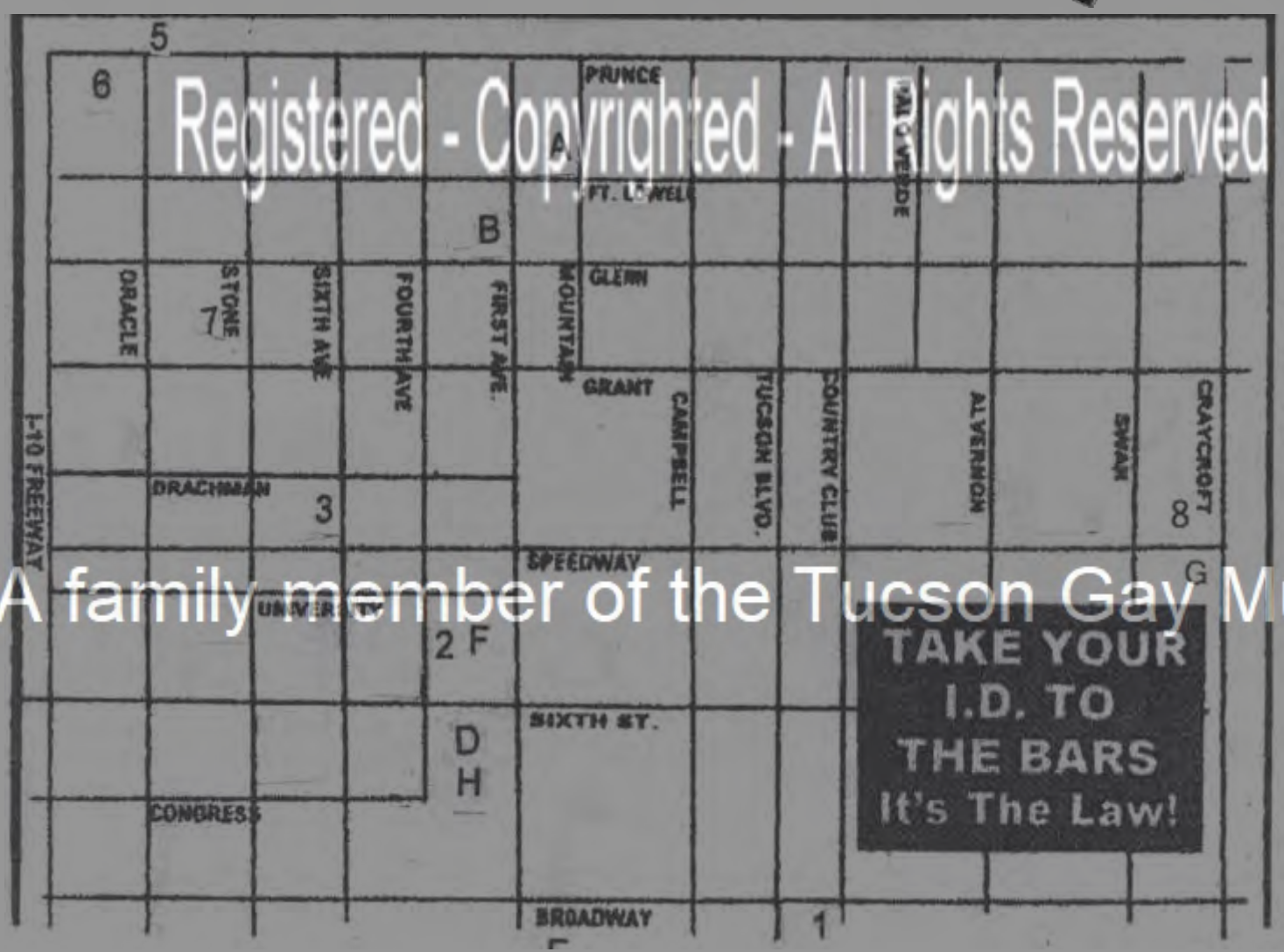
LOS ANGLES (Observer Update) - "Glee," "Modern Family" and "Project Runway" are winners of the Gay & Lesbian Alliance Against Defamation's 22nd annual Media Awards, reports the AP on 365Gay.com.

Prizes for outstanding comedy series and reality program were among those presented at the Westin Bonaventure Hotel in Los Angeles Sunday. Actor Sean Hayes presented entertainer Kristin Chenoweth with the Vanguard Award. Dolly Parton presented NBC Entertainment Chairman Robert Greenblatt with the Stephen F. Kolzak Award.

"Fort Worth Speech" on "The Last Word with Lawrence O'Donnell" was recognized as the year's outstanding TV journalism segment and "I Love You Phillip Morris" was honored as an outstanding film in limited release.

The GLAAD Media Awards honor media for accurate and inclusive representations of the lesbian, gay, bisexual and transgender community.





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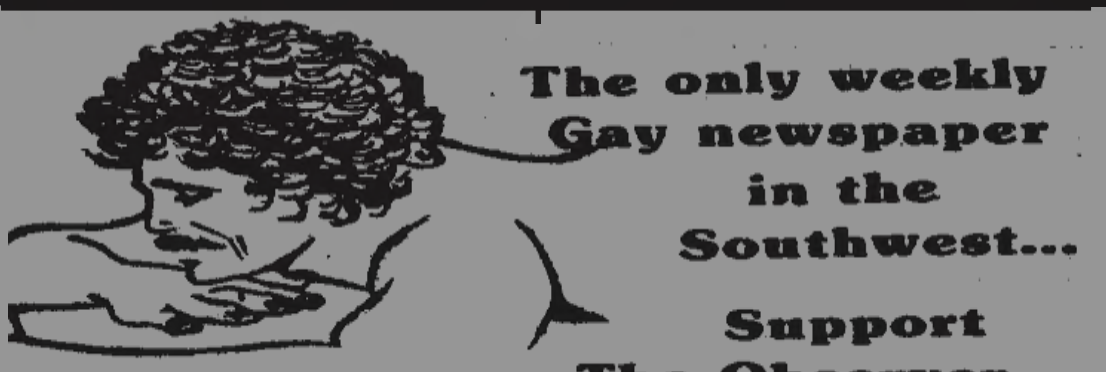

Aiken, Bass Attend Gay Prom

HOLLYWOOD (Observer Update) - Clay Aiken and Lance Bass are among the out performers who'll guest-star on a ripped-from-the-headlines episode of the hit series Drop Dead Diva, reports advocate.com.

The Lifetime series about a vapid model reincarnated into the plus-size body of a savvy attorney (Brooke Elliott) will feature an episode inspired by the true story of Constance McMillen, the teenager denied access to her high school prom due to her sexual orientation.

Drop Dead Diva was created by Josh Berman, who executive produces with Alex Taub, Craig Zadan and Neil Meron. The series costars Wanda Sykes and Margaret Cho. Aiken and Bass will make guest appearances in the prom episode, alongside the real-life McMillen.

The episode is scheduled to be broadcast July 10.

'Man On Dog' Santorum, Unaware Of Campaign Motto's Origin

WASHINGTON, D (Observer Update) - Rick "Man on Dog" Santorum's announcement that he will build his presidential campaign war chest under the slogan "Fighting to Make America America Again" hit a snag when ThinkProgress pointed out it bears more than a striking resemblance to a poem by Langston Hughes, reports advocate.com.

During a New Hampshire appearance, Santorum was asked by the site's Lee Fang whether he was aware that the slogan was lifted from the Harlem Renaissance poet's "Let America Be America Again." A gay rights advocate, Hughes' work includes "Café: 3 a.m.," which criticizes a police raid on a gay establishment.

The antigay pol replied that he had "nothing to do" with the slogan.

"I didn't know that. The folks who worked on that slogan for me didn't inform me that that's where it came from, if in fact it came from that," Santorum said.

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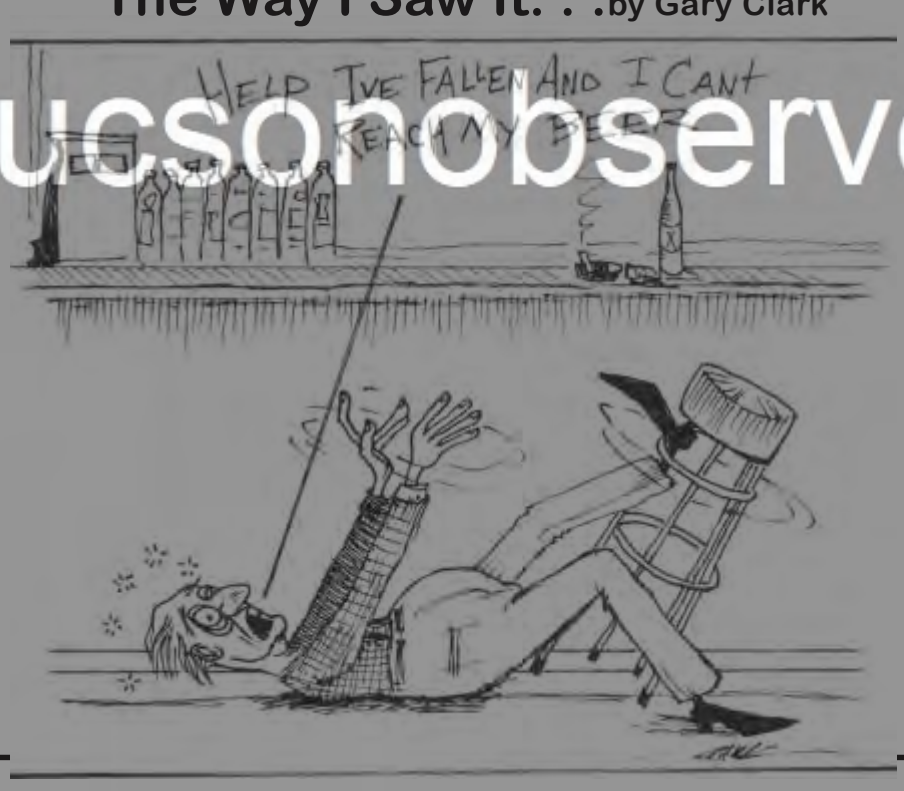
Poet's Corner

THE DONALD

by Ron Rose - Tucson

Blow hard, Mr. Trump
Blow hard, blow your horn.
Shooting off your famous mouth
That's become the norm.
Your presidential hopes
Now that's a great big laugh
Cause making you the head of state
Would be a tragic gaffe.
The job is just too big for you,
So take your horn and blow
Buy a great casino
And watch your money grow.
Glitz, show girls and glamour
That really is your style
Go train a new appearance
While I change my TV dial.

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!

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NAYA RIVERA'S CHARACTER ON THE FOX MUSICL-COMEDY GLEE

'Glee's' Naya Rivera Officially Playing A Lesbian

LOS ANGELES (Observer Update) - Naya Rivera's character on the Fox musical-comedy Glee is definitely a lesbian, reports On Top Magazine. Glee producer Brad Falchuk tells E! Online in response to a reader's question: "She's definitely a lesbian."

In the recent episode titled Sexy, Santana confessed to Brittany, played by Heather Morris, that she loves her. Brittany declared her love in return but added that she was taken.

Falchuk added that Santana won't be over Brittany any time soon. "[I]nstead of dealing with it, she kinds of runs from it. And she'll be running into the arms of … a dude."

In an earlier interview, Falchuk said that Santana was out "internally" and left open the possibility that Santana and Brittany could become an item. "Whether she's dating somebody or not, we don't know," he said. "But we think we've made a big step in giving the world that character. Whether she and Brittany will work out we don't know."

Rivera's character joins the show's leading gay men, Kurt, played by Chris Colfer, and Blaine, played by Darren Criss, whose recent romance sparked controversial comments by former Saturday Night Live alum Victoria Jackson. A third male character, bully Dave Karofsky, played by Max Adler, remains closeted.

Gender- Inclusive ENDA Re-Introduced In Senate

WASHINGTON, DC (Observer Update) - The gender-inclusive Employment Non-Discrimination Act is being re-introduced in the Senate, sponsored by Sens. Jeff Merkley (D-Ore.), Mark Kirk (R-Ill.), Olympia Snowe (R-Maine) and Susan Collins (R-Maine).

Says Tico Almeida in The Hill: It will not pass this session.

"That said . . . Sen. Tom Harkin (D-Iowa), Chairman of the Senate Labor Committee, can and should organize an ENDA hearing during this Congressional session. Making up for past mistakes by his staff, he can and should call one or more transgender Americans to testify.

ENDA's recent trajectory on Capitol Hill is somewhat turbulent. The bill was controversial in the 110th Congress for getting watered down, and it was frustrating in the 111th Congress for getting repeatedly and inexplicably delayed.

"Now, ENDA is back, and it's time to move it forward. Pressure is building for Chairman Harkin to schedule an ENDA hearing in the next year and to call transgender Americans to testify. Such a hearing would build momentum for ENDA's eventual passage."

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DAILY BAR CALENDAR

SUNDAY

THE BIZ - Closed Sunday , Monday, Tuesday

BRODIES - Open 10am - 2am. Happy Hour 10am - 8pm.

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 Hour10am - 8pm.

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.Happy Hour 10am-8pm

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. Happy Hour 10am-8pm

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. Happy Hour 10am - 8pm.

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. Happy Hour 10am-8pm. 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 10am - 8pm.

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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John Boehner: Justice Dept. Should Pay House GOP To Uphold Defense Of Marriage Act

WASHINGTON – House Speaker John Boehner (R-Ohio) said the Department of Justice should give the House money to defend the Defense of Marriage Act since the agency is not willing to defend the law itself, reported the Huffington Post.

"Obviously, DOJ's decision results in DOJ no longer needing the funds it would have otherwise expended defending the constitutionality of DOMA," wrote Boehner in a letter sent to House Minority Leader Nancy Pelosi (D-Calif.). "It is my intent that those funds be diverted to the House for reimbursement of any costs incurred by and associated with the House, and not DOJ, defending DOMA."

Boehner and House Republicans have retained former Bush Solicitor General Paul Clement to defend the constitutionality of DOMA.

House Minority Leader Nancy Pelosi (D-Calif.) immediately panned Boehner's demand, saying he still has not disclosed the cost to taxpayers of hiring outside legal counsel.

"According to reports, a contract engaging Paul D. Clement to serve as the outside counsel reportedly was forwarded to the Committee on House Administration, although not to the Democratic members or staff of the Committee," Pelosi wrote in a letter back to Boehner. "Mr. Clement, a former Solicitor General of the United States, is a partner in the Washington firm King & Spalding where he is in charge of the national appellate practice. I would like to know when the contract with Mr. Clement was signed, and why a copy was not provided to Democrats on the Committee."

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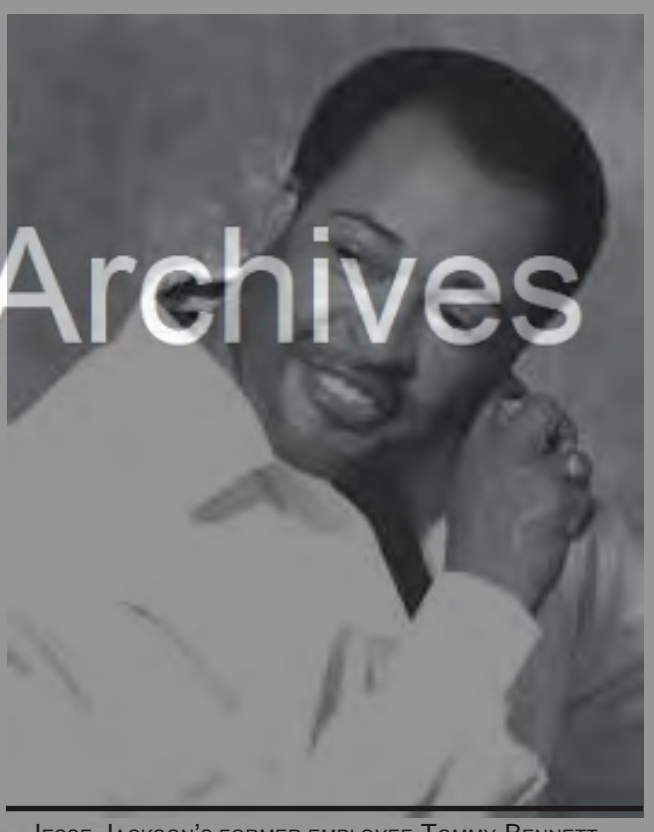
Jesse Jackson Denies Former Gay Employee's Harassment Claims

CHICAGO (Observer Update) - A spokesman for the Rev. Jesse Jackson has denied the claims of a former staffer who says he was fired from Rainbow PUSH Coalition because he is gay, reports the Chicago Sun Times.

Tommy R. Bennett filed a complaint with the Chicago Commission on Human Relations, alleging Jackson fired him without cause and that the civil rights leader humiliated him. Bennett claims Jackson forced him to perform "uncomfortable" tasks, including escorting women to hotel rooms to meet Jackson for sex and to "clean up his room after sexual intercourse with women."



JESSE JACKSON'S FORMER EMPLOYEE TOMMY BENNETT

"The Rainbow PUSH Coalition and Rev. Jesse Jackson Sr., unequivocally deny Tommy Bennett's false claims of harassment, retaliation and discrimination," PUSH spokeswoman Lauren Love said in a written statement. "We are fully cooperating with the Chicago Commission on Human Relations and expect to be fully exonerated."

The statement goes on to say that Bennett's "inflammatory allegations are an attempt to malign Rev. Jackson and the organization, and are hurtful and harmful to the progressive community." ...

Bennett could not be reached for comment Thursday, but his attorney, Thomas V. Leverso, said his client, for a time, "actually enjoyed the work in terms of his actual job duties, but it became increasingly bad and homophobic."

Under the right circumstances, Leverso said, Bennett would return to PUSH. "He believes that gay rights are civil rights," Leverso said. "He believes in that organization reaching the potential of its message, which is that everyone has equal civil rights."

Bennett also related an anecdote where he says the reverend demanded oral sex, and where he was instructed to apply ointment to Jackson's inner thigh, Rod 2.0 Beta reported.

Bennett is a member of President Obama's LGBT Leadership council. Bennett is seeking $98,300 for back pay, $350,000 for emotional distress and punitive damages "and an amendment of Rainbow PUSH's non-discrimination policy to include sexual orientation and gender identity."

Assuming these and the other claims are true, it's surprising Bennett would express a desire to return to PUSH.

Gay Dads Lose La. Birth Certificate Case

NEW ORLEANS (Observer Update)- A gay couple who wanted both their names to appear on the birth certificate of the Louisiana child they adopted in New York have lost their latest round in federal court, reported 365Gay.com.

The 5th U.S. Circuit Court of Appeals said Tuesday that a Louisiana registrar's insistence that only one father's name can go on the certificate does not violate the child's right to equal protection under the law; nor does it deny legal recognition of the New York adoption by both men.

An attorney for the gay rights group Lambda Legal said the complex 72-page decision would have to be analyzed before a decision would be made on whether to appeal. "These are certainly the types of claims that might interest the U.S. Supreme Court," said Ken Upton of Lambda Legal's Dallas office.

In Louisiana, adopted children get new birth certificates with their new parents' names on them. However, the state does not allow adoptions by unmarried couples. The state contends that putting both men's names on the birth certificate would violate state law.

Adoptive parents Oren Adar and Mickey Ray Smith, former California residents now living in the Orlando, Fla., area, sued to get both their names on the certificate. A federal district court judge ruled in the men's favor and a three-judge panel of the 5th Circuit upheld the ruling last year. The state sought, and won, a rehearing by the full court – 16 judges heard arguments in January. Chief Judge Edith Jones wrote for a nine-member majority, rejecting the men's argument that Louisiana illegally treats adoptive children of unmarried parents differently from adoptive children with married parents.

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