Observing Tucson And The Greater Arizona Community

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Lesbian Soldier Snagged In DOMA Red Tape

Jessica Lohmeier and partner Laren Russell with son James

DETROIT (Observer Update) - A Michigan woman raising her child with her partner said the Army won't let her reenlist due to the military's own policies on child custody butting up against laws barring the federal government from recognizing same-sex couples, advocate.com reports.

Jessica Lohmeier, who served in the Army Reserves for two years, had a boy in 2009. She told WILX News that after raising James with her partner Lauren Russell for two years, she is ready to reenlist. However, the military requires that all parents with full custody of their children, like Lohmeier, show a marriage license as proof that a spouse will be able to take care of the child if the enlisted parent is assigned overseas. The policy states that the military may not "enlist an unmarried individual with a child under 18," according to the report.

But because of the federal Defense of Marriage Act, there is no form of recognition for their relationship, even if they were to wed or enter a domestic partnership or civil union in another state.

"Of course I am going to take care of him," Russell said. "That's my job as a second parent. We are a three-person family. I love her like my wife, and James as my son." Lohmeier said she would go as far to legally marry a man just to be able to rejoin the Army.

HIV Rates Up Significantly For Young, Black Gay, Bi-Men

ATLANTA (Observer Update) - The Centers for Disease Control and Prevention released new statistics on HIV infections from 2006 to 2009, and while the rate remained relatively stable, alarming trends emerged among men who have sex with men, especially African-American MSM, reports advocate.com.

For that time period, new infections remained at approximately 50,000 per year. Men who have sex with men still constitute the greatest number of new infections – the CDC estimates that MSM represent 2% of the U.S. population, yet they accounted for 61% of new infections in 2009, or 29,300 infections.

Young MSM, those aged 13-29, are getting HIV at very high rates – they represent more than one quarter of all new HIV infections, specifically 27% of all new infections, or 12,900 people in 2009.

Breaking down MSM by race shows that African-Americans are disproportionately affected by HIV. While the general rate of infection among all Americans has stabilized, infections among young black MSM increased 48% from 2006 to 2009, from 4,400 to 6,500.

Hispanics are also getting HIV at high rates. The CDC estimates Hispanics represent 16% of the American population but accounted for 20% of new HIV infections in 2009. That rate is three times as high as that of whites, while the rate of infection among African-Americans is almost eight times that of whites. Black women are contracting HIV at rates 15 times that of white women.

On a conference call, CDC officials expressed some confusion over the high rates among young black MSM. That population generally does not exhibit especially high-risk behavior (e.g. numerous sex partners, drug use, unprotected sex) compared to young white MSM.

The difference may be that there is significant stigma among many African-Americans concerning HIV and homosexuality, and young black MSM report higher rates of other STDs, which facilitate transmission of HIV.

The CDC hopes to take this new data and use it to bring infections down, especially among the hardest-hit populations.

"With better ways to measure the epidemic, more data about affected populations, and a growing number of prevention tools, CDC has been working to target the best mix of interventions to the hardest hit areas and populations," the CDC reported in a press release. "New biomedical tools such as pre-exposure prophylaxis (PrEP) for MSM and heterosexual men and women, along with expanded testing, treatment, and linkage to care, could have an important impact on infection rates, if used strategically and in combination with other proven prevention strategies."

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Obama Bars U.S. Entry For Violators Of LGBT Human Rights Abroad

ASHINGTON, DC (Observer Update) - President Obama issued a proclamation that could prohibit those engaging in LGBT persecution overseas from entering the United States, reported the Washington Blade.

The proclamation bars entry of immigrant and non-immigrant aliens who organize or participate in war crimes or serious violations of human rights – which could include those seeking to pass legislation in Uganda that would institute the death penalty for homosexual acts.

"The United States' enduring commitment to respect for human rights and humanitarian law requires that its Government be able to ensure that the United States does not become a safe haven for serious violators of human rights and humanitarian law and those who engage in other related abuses," Obama states.

Specific language in the proclamation explicitly states that those who persecute people based on their "sexual orientation and gender identity" are among the categories of those who won't be able to enter the United States.

Additionally, the proclamation prevents not only those who perpetuated human rights abuses overseas from entering the United States, but also those who have "attempted or conspired to do so."

"The proclamation also bans admission to the United States for those who are complicit in organizing these abuses – not just those who carry them out," a White House fact sheet states. "As such, it allows the United States to act before planned abuses and atrocities metastasize into actual ones."

The proclamation gives the secretary of state, or the secretary's designee, the authority to identify people who won't be able to enter the United States based on this new guidance. However, other language in the proclamation states that such an individual could enter the country if the secretary of state determines that the "entry of such person would be in the interests of the United States."

Mark Bromley, chair of the Council for Global Equality, said the order gives the Obama administration "an important tool to use in dissuading extremist actions that are prejudicial to basic human rights, and in encouraging the development of inclusive laws and societies."

"The Council praises this move, which could in principle be used to justify the exclusion of hate-promoting politicians like Ugandan parliamentarian David Bahati, who introduced a 'kill the gays bill' in a previous legislative session in Uganda

and may do so again," Bromley said. "That bill, of course, would have carried dire consequences for LGBT individuals in Uganda."

Bahati was previously invited to attend the National Prayer Breakfast in February 2010, but was later disinvited by organizers and didn't make an appearance after he introduced his draconian anti-gay bill.

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UPDATE

Five Years Ago - Family of Gay Man Slain In 1976, Finds City Still Remembers

Tucson Observer Archives

TUCSON (Observer Update) - Editor's note, the following story ran in the Tucson Citizen, when it was a daily newspaper, five year's ago. This is being reprinted to remind people of Tucson's LGBT history and how our community comes together.

Heather Ryan typed into an Internet search engine the name of an uncle four teens beat to death in Tucson and discovered a world unknown to the family.

The June 6, 1976, attack on 21-year-old Richard J. Heakin, a gay man visiting from Nebraska, had spawned a revolution.

Outraged that the 15- to 17-year-old killers received only probation for what was termed a hate crime, Tucson pressed for change and introduced anti-discrimination laws, new organizations and pride events celebrating the gay, lesbian, bisexual and transgendered community.

Then a Tucson committee decided on a memorial and tried to reach the Heakin family. But a dishonest friend supposedly said they wanted nothing to do with it, the family later learned.

Tucson pressed on with a bench and plaque in 2002 without knowing the family didn't judge Heakin and would have wanted to be part of the memorial.

The pivotal connection came earlier this year.

While Lori Ryan, Heakin's sister, was at bingo, her daughter spent the night at their Missouri home tracking down e-mail addresses that resulted in a phone number exchange, which led to a talk with Rowan Frost, one among the group that tried to reach the family years ago.

"We probably still would not have known if she hadn't . . . gone on the Net," Ryan, 49, said in a telephone interview. "Making that phone call made all the difference."

So came the tender and thrilling moment when Ryan received a mass of newspaper clippings about various events commemorating her brother. She booked a flight to Tucson so she could get to know the city that has spent decades keeping his name alive.

Ryan was to fly in today, the day before her brother's birthday.

It's the first Heakin family visit and it coincides with the Tucson Pride rally and parade.

When the community found out Ryan was coming, several groups made impromptu event changes.

The Royal Elizabeth Bed and Breakfast Inn is lodging Ryan at no cost. The Reveille Tucson Gay Men's Chorus will honor Heakin Friday night. And Pride on Parade!, which had already selected a grand marshal, decided to give Ryan the honor instead.

"We really felt like we owed Richard a debt of gratitude, and this is one of the ways we can pay our respects," said Gary Rhine, president of Tucson Pride, whose organization will present the parade.

In June 1976, Heakin was wrapping up a vacation and went with friends to the former Stonewall Tavern on North First Avenue just south of East Fort Lowell Road.

As the group was leaving, Heakin was attacked in the parking lot.

Within months, Tucson passed an ordinance protecting gays and lesbians. Later, the city also introduced protections for transgendered people.

Tucson's gay-oriented newspaper, the Pride festival and Pride picnic were created. Heakin's death was also one of the events that led to the creation of Wingspan, a community center.

"I hope the community can once again take some healing from this," said Frost, a University of Arizona graduate student in public health.

While Heakin died in a hate crime, Ryan said she wants Tucsonans to realize he was loved by his family.

"They know Richard was a young, gay man, but they don't know who Dickie was."

She recalls that Heakin got hit by a car, cut his finger on a running lawn mower and once fell out of a moving vehicle. Yet it was a savage hate-driven assault that took "Dickie."

Ryan said he entertained and cared for his family, once taking his young cousin to the dentist and paying the bill. He was active with gay organizations and was working toward buying his mother a "big, beautiful home."

Nearly 120 cars followed a procession to his funeral, Ryan said.

"I'm glad this is falling on gay pride weekend because I want to thank the entire gay community for all everyone did - all their donations, hard work and prayers," she said. "We want to let people know we're so sorry that they felt he wasn't loved because he was, very much so."

Call To Artists: Tucson Latino@ Gay Pride 2011

UCSON (Observer Update) - Wingspan will again present the 4th annual Tucson Latin@ Gay Pride schedule for September 15-22.

Tucson Latin@ Gay Pride strives to create visibility of the LGBT Latin@ community, to raise awareness of the challenges faced by LGBT Latin@ people, and to celebrate the culture that occurs at these two intersections.

Always a highlight event, the Tucson Latin@ Gay Pride Art and Culture Fair facilitates the mission to create visibility by showcasing art produced by LGBT Latin@ artists and performers. The art and culture event is scheduled for Saturday, September 17, 2011 from 8:00 pm to 10:00 pm at the beautiful Dinnerware Artspace.

The Tucson Latin@ Gay Pride planning committee is recruiting: painters, photographers, sculptors, textile artists, poets, musicians, performers and moving image artists.

Artists who would like to show their artwork at this event are encouraged to send an electronic image/video of their art, a bio, and contact information to Oscar Jimenez at ojimenez@wingspan.org. Please send information by September 2. There is no fee to show work. This is a non-competitive event. Artists are encouraged to distribute contact information with potential collaborators at the Fair. A booklet with artist information will be distributed the night of the event.

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Informing the Community
The Observer

EDITORIAL. . .

City Of Tucson Elections - 2011
Romero Warrants Another Term In Ward 1

Councilmember Regiina Romero

On Wednesday, August 10, ballots will be mailed to all registered voters in the City of Tucson for the Tuesday, August 30, primary election.

Tucson has changed their election process to an all vote by mail system. Ballots can be mailed back, at no cost to the voter or turned in and the ballot centers. The instructions and options are included with the ballot.

Despite the change in election process, done to encourage more people to vote, more people didn't not decide to seek public office for the City of Tucson elections.

For this election, there are only two contested elections on the primary ballot. There are write in candidates, for one Council seat, and two for one party's contest for Mayor but they don't warrant consideration due to anti-Gay views in the Mayoral contest and lack of qualifications for the Council seat.

In the contest for the Green Party Mayoral nomination, both candidates, Mary DeCamp and Dave Croteau, have similar views and in fact, are friends. Either one would represent the views of their party well in the general election contest, so no recommendation is needed.

On the other hand, the Democratic contest in Tucson's Westside Ward 1, for the Council seat offers a stark contrast between Joe Flores and Councilmember Regina Romero.

When asked numerous times about his positions and views, Flores has given non-responses or has been evasive. He has said that the City should spend more on Parks and Recreation programs but doesn't state where the funding would come from. Mr. Flores was the former owner of several payday loan businesses prior to the Arizona vote to repeal them. He now operates several check cashing businesses.

Mr. Flores has made few appearances at events, raising questions of his candidacy and whether he was put up to run as part of a plan to have the Councilmember challenged in the primary and to face a general election opponent from the Republicans. All that was moot when no Republican filed to run. Frankly, Flores' campaign is moot.

Regina Romero has served the constituents of Ward 1 for the past four years. She has been a staunch supporter of LGBT rights, fighting Proposition 102 in 2008, and supporting the work of the City of Tucson Commission on GLBT Issues. In fact, she has let the Commission use her Council office to hold their meetings.

Romero created an Economic Recovery Plan to create high-wage long term jobs, focusing on innovation and research. She developed a model small business forum to improve doing business with and in the City. She helped bring investments to Ward 1 in an economic crisis - Meridian Engineering new HQ on the Southside, FBI building, the Mercado and Senior Housing Group on West Congress, and new affordable housing. She's maintained funding for economic partners including Tucson Regional Economic Opportunities, Tourism and the Arts.

She's keeping our community safe by protecting the public safety department from receiving the huge cuts that every other department received. She also supported federal grants to hire 54 more police officers.

Romero is working to save taxpayer dollars. Since 2007 she has worked to reduce general fund expenditures by more than $90 million, by merging departments and eliminating expensive director positions. She reduced her own office budget by 20 percent and fought against a pay raise for city council.

Regina Romero has done the job and the LGBT voters in Ward 1 can cast their vote proudly for her.

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GLAAD Gives ABC Family An 'Excellent' Rating

NEW YORK (Observer Update) - The advocacy group GLAAD rated ABC Family as "excellent" in its portrayal of gay and lesbian characters, only the second television network to get such a designation in the five years the group has monitored television content, reported the AP on 365Gay.com.

ABC Family, the top-rated cable network among viewers ages 12 to 34 and particularly strong among girls and young women, was cited for both a large number of gay and lesbian characters and the way those characters fit naturally into the shows. The only other network judged "excellent" by the Gay & Lesbian Alliance Against Defamation was MTV last year.

"We're incredibly proud to be honored and acknowledged by GLAAD," said Michael Riley, ABC Family's chief executive. "It's very important for us." The network's young audience expects the nation's diversity to be reflected in the programming, he said.

ABC Family's popular "Pretty Little Liars" features Emily, one of four teenage girls, as an athlete who came out as a lesbian. "The Secret Life of the American Teenager" also had several gay and lesbian characters in the past year, including a mother who told her son that she was a lesbian. "Make It or Break It" has a recurring character who is a bisexual. The just-concluded series "Greek" has had four GLAAD Media Award nominations, and included the love story of a gay fraternity brother.

Viewers can relate to many of ABC Family's characters because they are multidimensional people who happen to be gay and lesbian – it's not the sole part of their on-air identity, said Herndon Graddick, GLAAD's senior director of programs. "It gives the audience an opportunity to learn in a way they might not have," Graddick said.

The young audience that ABC Family seeks expects diversity in the characters presented, Riley said. The network has been particularly successful lately: July represented the first time it was No. 1 among all cable networks in viewers ages 12 to 34 and among women of the same age group, according to the Nielsen Co.

ABC Family started in 1977 as an extension of Pat Robertson's Christian Broadcasting Network. Even though it was sold to the Walt Disney Co. in 2001, ABC Family is contractually required to air Robertson's "The 700 Club." A network revamp in 2006 brought its current focus on teenagers and young adults.

GLAAD saw little change among the broadcast networks that it studied over the past year. The youth-oriented CW network has the highest percentage of prime-time hours where lesbian and gay characters are featured, while CBS has the least, the group said.

GLAAD said lesbians and transgender people are particularly poorly represented on TV. Its study showed that 73 percent of the time when a gay or lesbian character was part of the mix, it was a gay male.

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NPR Admits Some Mistakes, Stops Short Of Apology

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WASHINGTON, DC (Observer Update) - The NPR journalists whose report portrayed the merits of conversion therapy as up for debate are now admitting they made mistakes, reports advocate.com.

Morning Edition aired a report that featured an interview with Rich Wyler, founder of an organization promoting "ex-gay" therapy, and Peterson Toscano, who says the therapy was mentally damaging. NPR health reporter Alix Spiegel and her editor, Anne Gudenkauf, claim that even if they wrongfully gave equal weight to both men's arguments at the start of the piece, the facts were made clear eventually.

"We did not label Mr. Wyler as the minority experience and Mr. Toscano as the majority until late in the piece," they conceded to the NPR ombudsman, who wrote a column posted today on the ensuing outrage.

But what the journalists are referring to is a single sentence of fuzzy math that concluded the nine-minute story. Spiegel had summed up the piece by proclaiming, "For every Wyler, there are dozens of gay men and women who will struggle through a process that asks them to annihilate a part of themselves."

They did not explain to the ombudsman where the estimate comes from that one in "dozens" will benefit from so-called reparative therapy. Instead, they said their mistake was assuming that listeners "would not need to have this spelled out" from the outset.

"We believed that our listeners are well informed about [lesbian, gay, bisexual and transgender] issues and thus would not need to have this spelled out at the start of the story," they said. "But after hearing some of the reaction we got, we feel like placing this information in the beginning of the piece rather than the end, would have better served our listeners."

No one in the ombudsman's piece apologizes for the presentation, as they were called on to do by Wayne Besen, founder of Truth Wins Out, in a guest op-ed posted by The Advocate earlier this week.

NPR's acting senior vice president for news, Margaret Low Smith, comes the closest.

"The story needed much more context," she is quoted as saying in the ombudsman's column. "We should have put the whole idea of conversion therapy into perspective. Not doing so meant the listener had no data to understand how common this practice is and how many people seek it out. The absence of context undercut the value of our reporting."

In a separate statement, Smith added that the story miscommunicated a central point.

"We also unintentionally left the impression with some listeners that the establishment psychological community only began to discount conversion therapy in the last few years," Smith said. "Though some therapists disagree with that mainstream view, it has been widely held for many years."

The fact that Wyler profits as the founder of People Can Change by offering reparative therapy was also not added for context in the original story. The NPR journalists say they should have mentioned it but that the information wouldn't have mattered.

The ombudsman said, "Spiegel and Gudenkauf acknowledge that they should have reported on air that Wyler founded an organization that claims to help men who have same-sex attraction to change. But they said that Toscano, too, profits from his experience, writing a play and giving speeches about it."

The journalists said that, in their judgment, both men are sincere. "We don't think that they believe what they do about their experiences because they are now active on these topics," Spiegel and Gudenkauf told the ombudsman. "Rather they are active because of what they experienced and believe."

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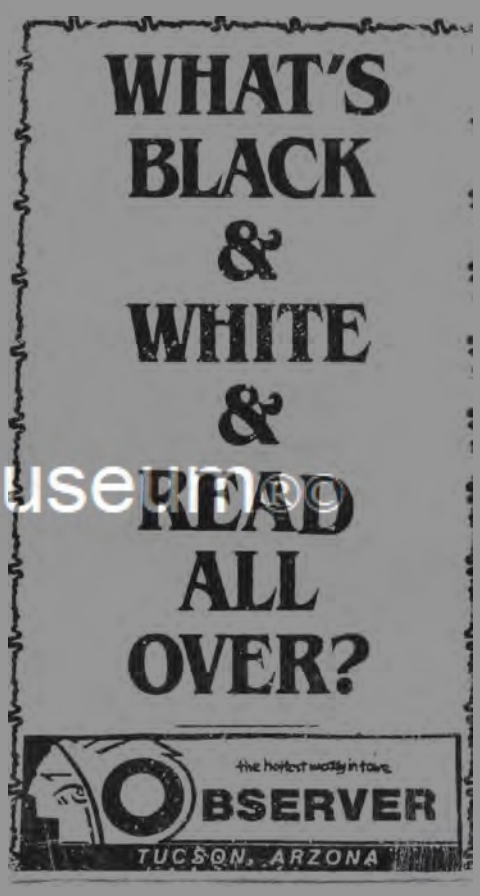

COMMENTARY. . . .

by John Culhane

Death And Documents

A story about a law firm based here in Philadelphia has inspired me to come down from the theoretical and rhetorical levels of debate about marriage equality. The complicated mess is a reminder about the practical, problem-solving capacity of relationship recognition. I hope it also serves as a reminder to readers to take every single legal step they can to protect themselves, their partners, and their assets.

The linked story contains the reporter's best understanding of what's happened to date, so I won't go over it in much detail. At its core, though, the depressing tale involves a battle over the proceeds of a deceased lawyer's profit-sharing plan. The combatants are the woman's parents, on the one side, and her spouse/life partner, on the other. It seems clear that the deceased woman, Sarah Ellyn Farley, did not name her spouse, Jennifer J. Tobits, as a beneficiary on the form. It's less clear whether Farley validly named her parents as beneficiaries. The firm, Cozen O'Connor, has wisely asked a judge to rule on the issue. (Although Cozen is Philly-based, Farley worked in the Chicago office. It's unclear whether Illinois law or Pennsylvania law would apply, but it probably doesn't matter; read on.

Farley and Tobits were married in Canada, but of course their marriages carry no legal weight in Pennsylvania; or even in Illinois, where the civil union law that might have helped Tobits didn't go into effect until after the events that created this controversy.

Whatever the legal status of same-sex couples, though, it should have been possible for the firm to have defined the two women as spouses for purposes of this profit-sharing plan. The firm can define "spouse" as broadly as it wishes. Tobits alleges that the couple believed that they were, in fact, married for purposes of the plan, and that Farley presented the couple's Canadian marriage certificate to the firm in connection with a notice of her intent to claim under it. But that may not have been enough: According to the story, Tobits now concedes that "provisions in the…plan 'might create uncertainty' about whether [she] would be recognized as the surviving spouse." She argues that the firm should have told Farley so.

Without more information, I can't predict how this will turn out. But it's safe to say that if Tobits's main argument is based on a breach of duty to inform Farley rather than on the provisions of the plan itself, she's going to have a tough go of it. Once the couple "disappears" from the plan, then the parents would, generally speaking, have priority over a "legal stranger" – like Tobits.

The sad part is that, from a legal perspective, these priorities make sense. We generally value people's decisions about what to do with their assets. When we don't have that information, then status – as a spouse, as a parent, as a child, and so on – fills in the blanks, making an assumption about what someone would have done had they done anything at all. Under the law of intestacy, for example, the deceased's estate is distributed among named family members according to a formula that reflects a general average – how most people would have wanted their money to be doled out, if they'd taken the time to make a will.

That's one of the many reasons marriage is so important. Without it, the Jennifer Tobitses of the world are, potentially, no one – especially if they haven't protected themselves.

I know, I know…if Farley – who after all was a lawyer – wanted to be sure that her intent would be honored, she should have designated Tobits as a beneficiary. Then we wouldn't be in Legal Presumption Land, "from whose bourn no traveler returns". (Can you identify that quote without plugging it in to Google? Hint: it's from one of the most famous speeches in all of literature.)

But the fact that this common sense step wasn't taken here – where the document was staring these two women in the face – should tell us that it often doesn't happen, for whatever reason. How many reading this column have the full set of documents needed to make sure your relationship will be recognized in every context: will, living will, power of attorney, retirement plan beneficiary designation, and so on? Not many, I'll bet, even though we should.

Please, take care of this stuff. It's not as expensive or time-consuming as you might think.

A coda: Without more facts, I don't feel comfortable taking a potshot at these parents. More generally, though, I hope there's a special, especially tight circle of Hell reserved for parents who try to satisfy their own greed while adding to the misery of those left behind. After all, these people are their children's spouses – whatever the law says.

(John Culhane directs the Health Law Institute at Widener University School of Law, and writes about LGBT rights, public health law, and torts and compensation. This is reprinted from 365Gay.com)

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A Glimpse Back In LGBT Time

Courtesy of the Tucson LGBT Museum

January 22, 1968 Andy Warhol At Old Tucson Studios

Andy Warhol, who wore high heeled boots, on the Old Tucson Studios set of his Underground Sex-Western, "Lonesome Cowboys," (1968) a comic spoof & Gay Western which is often considered the precursor to "Brokeback Mountain." (2005)

As a publicity stunt Andy Warhol first sent a look-alike actor who passed himself off around Tucson as being Andy Warhol for a day. When not filming Warhol's "Family of Gay Men" recharged at Jim's, a gay bar at 23 W. University Boulevard. On August 1, 1969, both reels of the movie "Lonesome Cowboys" were seized [illegible] all the projectors by authorities during its third week playing at Cinema in Atlanta, Georgia, along with the manager of the movie theatre who was arrested.

See this and other historical exhibits coming soon at the Tucson LGBT Museum

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Parton Apologizes For Lesbian Couple's Dollywood Incident

NASHVILLE (Observer Update) - Country music superstar Dolly Parton says she's "truly sorry" that a lesbian couple felt discriminated against at her theme park, reports advocate.com.

When Olivier Odom and her wife Jennifer Tiptin tried to enter Dollywood, Odom was asked to turn her shirt inside out because it said "Marriage is so gay." When Olivier asked why, a park employee said that Dollywood is a "family park." Odom wrote a letter to Dollywood asking the park to "implement policies that are inclusive of lesbian, gay, bisexual and transgender people" and "inclusive of all families."

Parton herself issued a statement to ABC News apologizing for the treatment of Odom and her wife. "I am truly sorry for the hurt or embarrassment regarding the gay and lesbian T-shirt incident at Dollywood's Splash Country recently," Parton wrote. "Everyone knows of my personal support of the gay and lesbian community. Dollywood is a family park and all families are welcome."

In the statement, Parton explained her policies regarding clothing or signs with "profanity" are in place to protect those wearing the clothing and to prevent disturbances at the park. Parton ended her statement by saying: "I am looking further into the incident and hope and believe it was more policy than insensitivity. I am very sorry it happened at all."

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ACLU Appeals Montana Suit Seeking Equal Rights For Gay Couples

tucsonobserverarchives.org

ELENA (Observer Update) -The ACLU has appealed a lawsuit brought on behalf of six gay and lesbian couples which was dismissed by a Montana District Judge in April, reports towleroad.com.

Wrote the AP, at the time: District Judge Jeffrey Sherlock ruled Tuesday that an amendment to the Montana Constitution that defines marriage as being between a man and a woman, has already settled the question. He says the question of granting gay couples the benefits, without allowing them to get married, is best left to the legislative process. The gay couples weren't asking for the right to marry in the lawsuit against the state. Rather they wanted be able to make burial, health care and other decisions, while enjoying such benefits as jointly filing taxes.

Said the ACLU in a statement: The Montana Constitution guarantees that all people, including gay and lesbian couples, should be treated equally and fairly, the ACLU said. This case presents fundamental issues of privacy and equal protection that need to be resolved by Montana's highest court.

"The couples we represent knew there might be some bumps along the way, but they are committed to seeing this case through so that they and all same-sex couples and their families can get the protections they need but are currently denied to them in Montana," said ACLU of Montana legal director Betsy Griffing. "Our constitution requires that the state treat couples in committed relationships fairly and equally regardless of whether they are same-sex or different-sex couples."

Killer's Parole Canceled

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AUSTIN (Observer Update) - The Texas parole board revoked its decision to free Jon Buice, who killed a gay banker walking home from a Houston nightclub, reported advocate.com.

Jon Buice was expected to be released in October, but the board says it has new information it won't reveal that caused it to overturn the decision, the Houston Chronicle reports. Buice is about 18 years into a 45-year sentence for the 1991 murder, which he once described as part of a joy ride to "beat up some queers." Buice and a group of high school-age boys followed Broussard from a gay nightclub called Heaven and then unloaded from a car and began beating him.

Houston officials ranging from the district attorney to state lawmakers fought the 2-0 July vote by the state parole board, sending letters that recounted the horrid details of the crime. Buice had been granted parole because he was 17 when he committed the crime and because of good behavior while in prison.

Broussard's mother, Nancy Rodriguez, also fought the parole because she worried that Buice would "hurt somebody else," she told Chronicle in July.

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Tucson's LGBT Museum

TUCSON (Observer Update) - The Tucson LGBT Museum®© welcomes your memories.

Photo's - videos of your Tucson show performances, old family LGBT related photo's and memorabilia, Bar related or Pride related Events photo's, memories of events, and anything LGBT related from the 1700's to 2011!

For more information, Email to: tucsonlgbtmuseum@live.com.

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Calif. Court Hears Appeal On Gay Juror Dismissals

PASADENA (Observer Update) - A federal appeals case pending in California could determine if trial lawyers should be barred from dismissing potential jurors because they are gay, reports 365Gay.com.

The U.S. 9th Circuit Court of Appeals heard arguments Thursday in Pasadena that challenge a Los Angeles prosecutor's decision to strike a lesbian from the jury in an assault case against a gay federal inmate. The Los Angeles Times reports a favorable ruling could extend constitutional discrimination protections to homosexuality, along with race, creed and gender.

Inmate Daniel Osazuwa says he hugged a guard who was homophobic and he overreacted. The guard fell and Osazuwa landed on him. A public defender argues the trial judge erred in dismissing a lesbian from the jury, but a prosecutor says she was let go for another legitimate reason.

After Lesbians Get Assaulted, Police Refuse To Make Report

WASHINGTON (Observer Update) - DC police refused to make a report after a group of five lesbians were physically and verbally assaulted, letting the offenders go at the scene of the crime, reported the AP on 365Gay.com.

The incident took place July 30 at a DC train station, where two men shouted "dyke" and other expletives to the women, the Washington Blade reported. The altercation began when the men flirted with two of the lesbians. After one of the women rebuked the flirting and said she was with her girlfriend, the men began harassing them with anti-gay slurs and threats. The men then punched two of the women in the face and head.

A 911 call was placed, supposedly by a bystander, but when police arrived they refused to complete a report and allowed the offenders to leave the scene. "The police grabbed one of the attackers and restrained him," Yazzmen Morse, one of the victims, said to the Blade. "Then they let him go. And then they said they didn't want to hear our stories."

Three days later, after Morse's mother called and complained, the D.C. police's Gay & Lesbian Liaison Unit made a report on Aug. 2. The report lists the altercation as an anti-gay hate crime. The liaison unit is working with officers from the Third District, who were the original unit to respond to the crime scene and refuse to make a report.

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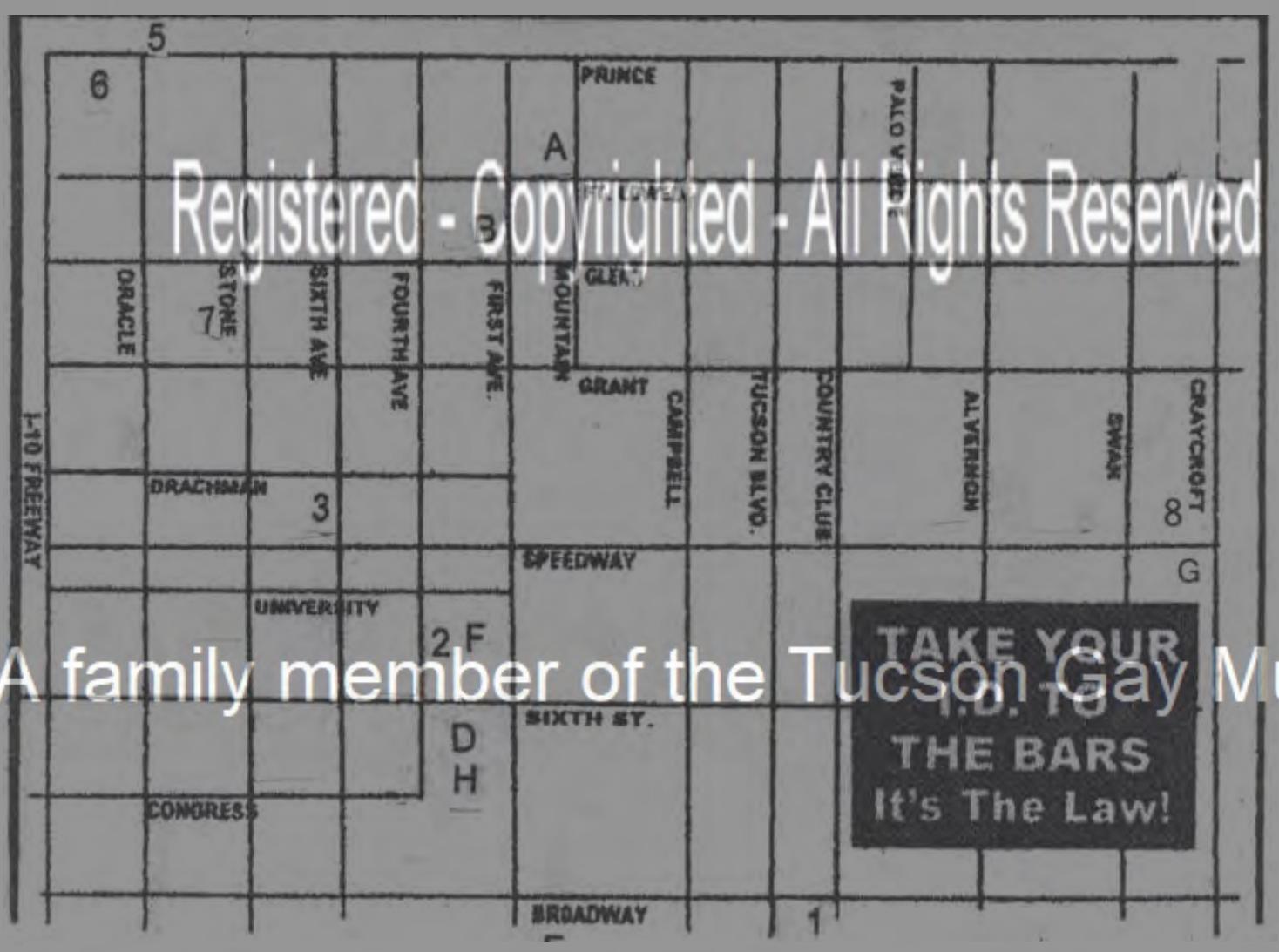

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ACROSS THE GLOBE. . . . . .

Roughly one thousand people took to the streets of Santiago, Chile on Saturday in support of the nation's ban on gay marriage, the Spanish news agency EFE reported. The march, organized by the Christian conservative groups Transforma Chile and Muevete Chile, stepped off at Plaza Italia and ended at the Palacio de la Moneda.

"Today the Chilean constitution and the law defines marriage as a union between a man and woman, but this is daily threatened by the influence of the homosexual lobby that day by day take more force to lobby Parliament," the coalition said on its website.

Chile President Sebastian Pinera campaigned on a promise to back a civil unions bill for gay couples. The country's largest gay rights group, MOVILH, has called out the president for his unkept promise. Earlier this month, however, Pinera announced he was prepared to back a bill that would allow gay and straight couples who have lived together for more than one year to enter a legal contract called the Non-Marital Cohabitation Agreement.

Argentina welcomed its first openly gay and married senator, Osvaldo Lopez, Spanish news agency EFE reported. Lopez replaced Senator Jose Martinez, who recently died in a traffic accident. Lopez married his boyfriend of many years, Javier Calisaya, in a ceremony on October 10 in the Argentine municipality of Tierra del Fuego (south). While several Latin American countries – Brazil for example – recognize the unions of gay and lesbian couples, Argentina remains the only country to offer full marriage to gay couples. The predominantly Roman Catholic nation approved the law last July.

"We were a couple since 2005 and the dynamic of our relationship hasn't changed much since the wedding," Lopez told reporters, then added that being married made the couple feel safer. He said he's also considered starting a family with his husband. The 39-year-old Lopez said he would make passage of a bill that would ease the process for transgender people to alter their identity on government documents a priority while serving in Congress. "Every person should be able to choose the identity he or she feels … the identity with whom you feel most comfortable," he said.

Colombia's Constitutional Court has mandated the legal recognition of gay couples.
A majority of the 9-judge panel agreed that gay and lesbian couples have the right to form a family and gave Congress two years to legislate on gay unions, Bogota-based El Tiempo reported. "If by the 20th of July, 2013 Congress has not acted, gay couples can go to a notary and with the same solemnity of a heterosexual marriage enter a union similar to one between a heterosexual couple," said Judge Juan Carlos Henao, the court's president.

Whether the ruling means full marriage for gay couples remains to be seen. "The name of the institution, be it civil marriage or otherwise, will be up to Congress," the court said.

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LGBTLatinaSurvey Reveals Domestic Abuse, Discrimination

CHICAGO (Observer Update) - The results of a 2007 survey of LGBT Latinas in Chicago has revealed disturbing statistics regarding violence and discrimination.

Conducted by Mujeres Latinas en Accion, "Latina Portrait: Latina Queer Women in Chicago" queried 305 subjects on a variety of topics, such as inequity and health. Among the findings were higher than expected rates of domestic abuse, which were shockingly reported by both victims and perpetrators.

"What was alarming was that the women admitted they were participating in the violent behavior," said Lourdes Torres, a DePaul University professor who coauthored the report.

Of those surveyed, 43% said they had been physically assaulted by a partner, while 45% admitted to having hit or punched a partner. Twenty-three percent reported that they had at some point threatened to kill a partner.

Also disturbing were the statistics on discrimination. Almost 69% said they had heard racist remarks directed at them, while nearly 85% said they had been present when racist remarks were directed at others. In addition, many women said they had experienced discrimination in the general LGBT population because they were Latina.

tucsonobserverarchives.org

Rosie Aims To Save Oprah

CHICAGO (Observer Update) - Rosie O'Donnell told journalists Friday that she thinks her daily evening talk show will give a boost to the floundering Oprah Winfrey Network, reports advocate.com.

The Rosie Show, which is slated to air weeknights at 7 p.m., was changed from its original daytime slot. The network and O'Donnell herself seem to be banking on the show's success, the Los Angeles Times reports. Her own network talk show had a solid core audience, and when the lesbian comedian joined The View on ABC in 2006, ratings rose by double digits.

Either way, O'Donnell said at the Television Critics Association press tour that she was done with broadcast networks for good after seeing NBC's treatment of talk show host Conan O'Brien, who now has a nightly show on TBS.

Cleveland Caps Gay Partner Benefits At $100,000

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CLEVELAND (Observer Update) - The City of Cleveland has capped its new domestic partner benefits at $100,000 or 15 workers, gay bi-weekly The Gay People's Chronicle reported.

The city's 19-member council overwhelmingly approved domestic partner benefits for its employees on July 20, recognizing for the first time its own domestic partner registry, which came online in 2009, reports ontopmag.com. A last-minute compromise cut off city workers who had not entered into a domestic partnership before May 1. Couples added after the deadline will pay roughly $8,000 a year.

Ward 3 Councilman Joe Cimperman sponsored the legislation. Rob Rivera, president of the Cleveland Stonewall Democrats, said cost weighed heavily in the compromise. "My understanding is that the concerns of the administration and some on the council were financial in the face of budget cuts from Governor [John] Kasich's administration," Rivera told the paper. "The most important thing for now to focus on, is they got it through with only one 'no' vote, and we and others plans to continue to meet with council members and the administration to get this expanded at the earliest possibility to all employees." "I am confident we can do that," he asserted.

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TELL OUR ADVERTISERS
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Poet's Corner

DON'T YOU GET IT?

By Ron Rose - Tucson

Don't you get it, fellow citizens, the enemy is us.
We belly-ache, we argue, all we do is fuss.
The jobs, they ship to China, right before our eyes,
We handicap our President, surely no surprise.
Republicans won't support any fair and rising tax
While we demand entitlements that strain us to the max.
No discipline to spending, don't we know we have to pay,
The words of the Tea Party continue to make hay.
The growing disadvantaged, watch our country go to hell
While fighting the wrong enemies, dead soldiers never tell.
Greedy Wall Street companies, they rape us every day
While our bought and paid for Congress, looks the other way.
Yes, our system needs corrections, and lots and lots of cash,
Are the folks we send to Washington just worthless piles of trash?
So, give tax breaks to the companies, the ones who hire us
Then shove the ones who won't comply, underneath the bus.

The Way I Saw It. . .by Gary Clark

It's football time again. This is how to tell lwhen your favorite bar is too sports oriented!

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!

Man Interned For Homosexuality by Nazis Dies At 98

BERLIN (Observer Update) - Rudolf Brazda, believed to be the last surviving person who was sent to a Nazi concentration camp because of his homosexuality, has died, a German gay rights group said. He was 98, the AP reported on 365Gay.com,

The Berlin branch of the Lesbian and Gay Association, or LSVD, said that Brazda died but it didn't give details of the location or cause of death. Brazda was sent to the Nazis' Buchenwald concentration camp in August 1942 and held there until its liberation by U.S. forces in 1945.

Nazi Germany declared homosexuality an aberration that threatened the German race, and convicted some 50,000 homosexuals as criminals. An estimated 10,000 to 15,000 gay men were deported to concentration camps, where few survived.

When a memorial to the Nazis' gay victims was unveiled in Berlin in 2008, the LSVD said the last ex-prisoner that it knew of had died three years earlier. But the group said it was then contacted by Brazda, who visited the memorial at its invitation and became an honorary member.

Brazda was born in 1913. He grew up in the eastern German town of Meuselwitz and repeatedly ran into trouble with Nazi authorities over his homosexuality before being sent to Buchenwald.

Brazda lived in the Alsace region of eastern France after World War II. Earlier this year, he was named a knight in the country's Legion of Honor.

Berlin's openly gay mayor, Klaus Wowereit, who met Brazda in 2008, said he learned with regret of his death.

"He is an example of how important the work of remembrance is for our future," Wowereit said. "Fewer and fewer people can give information about repression under the Nazi dictatorship authentically and from their own experience."

Scandal Drives Gay Candidate Out Of Race To Become Irish President

DUBLIN (Observer Update) - Saturday, July 30 marked the end of a campaign by the gay man who had led public opinion polls to become Ireland's president.

Sen. David Norris was discovered this weekend to have long ago sent a letter to Israeli authorities asking for clemency for his former partner, Ezra Nawi, who was accused of statutory rape involving a 15-year-old boy. Norris failed to disclose that his ongoing relationship with Nawi, who was later convicted.

The Irish public, which has been upset by the molestation scandal in the Catholic Church, quickly seemed to withdraw its support for their once favored son. A string of high-profile resignations from Norris's campaign staff preceded wary statements from other prominent backers.

Norris acknowledged his mistake when announcing the end of his campaign today in a news conference held in front of his Dublin home.

"I deeply regret the most recent of all the controversies concerning my former partner of 25 years ago, Ezra Nawi," Norris said. "The fallout from his disgraceful behavior has now spread to me and is in danger of contaminating others close to me both in my political and personal life. It is essential that I act decisively now to halt this negative process."

Norris explained why he sent the letter.

"I do not regret supporting and seeking clemency for a friend, but I do regret giving the impression that I did not have sufficient compassion for the victim of Ezra's crime," Norris said. "I accept that more than a decade and a half later when I have now reviewed the issue and am not emotionally involved, when I am not afraid that Ezra might take his own life, I see that I was wrong."

The demise of his campaign brings with it an end to the hope of electing an openly gay man as a head of state. (There is one lesbian in such a position, Iceland's prime minister, Johanna Sigurdardottir.) But Norris said he'd proved something with his candidacy despite how it ended.

"It is now possible for a gay person to be seen as a viable candidate for the highest office in the land," he said. "I would have loved to have had the opportunity as president of Ireland to extend that to the service of the entire people but that is no longer possible."

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Daily Bar Calendar

SUNDAY

THE BIZ - Closed Sunday , Monday, Tuesday
BRODIES - Open 10am - 2am. Happy Hour 10am-8pm
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.
NEW MOON - Open 4pm. Happy Hour 4-8 = $2 well, dom longnecks, dom pints, or New Moon shots. Kitchen open 5-9pm. Check our calendar for special events.
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
BRODIES - Open 10am-2am. Happy Hour 10am-8
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".
NEW MOON - Closed Mondays
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.
IBT's - Open Noon. Happy Hour Noon-8pm, $2 Well or Domestic Beer.
8pm-close "2'sDay" - $2 Well or Domestic Beer. DJ 9pm-close.
NEW MOON - Open 4pm. $2 well, dom. Long necks, pints New Moon Shots. Kitchen open 5-9. Women's Texas Hold 'em poker 6pm. Karaoke 8pm.
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.
IBT's - Open Noon. Happy Hour Noon-8pm, $2 Well or Domestics..11pm - -close "Reverse Happy Hour".
NEW MOON - Open 4pm. $2 well, dom. Long necks, pints New Moon Shots. Kitchen open 5-9. $2 off appetizer menu items* with drink purchase (priced $4 or higher).
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.
IBT's -Open Noon. Happy Hour Noon-8pm, $2 Well or Do mestics. 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.
NEW MOON - Open 4pm. $2 well, dom. Long necks, pints New Moon Shots. Kitchen open 5-9. Free Nachos 5-7. New Babies Drag Show 8pm. Check ouit the new talent!
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.
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.
NEW MOON - Open 4pm. $2 well, dom. Long necks, pints New Moon Shots. Kitchen open 5-9. Women's Texas Hold 'em poker 6pm. Karaoke 8pm. First and Third Fridays are country, with dance lessons at 7pm and country DJ 8:30.
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 styling 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.
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 Spinning inside & 10pm-close, DJ Mike Lopez with the "Party on the Patio".
NEW MOON - Open 4pm. $2 well, dom. Long necks, pints New Moon Shots. Kitchen open 5-9. Cheeseburger & Fries $5.
WOODY'S - Open 11am-2am; Happy Hour 10am-8pm (excl spec events); Full Menu Kitchen open11am-11pm. .

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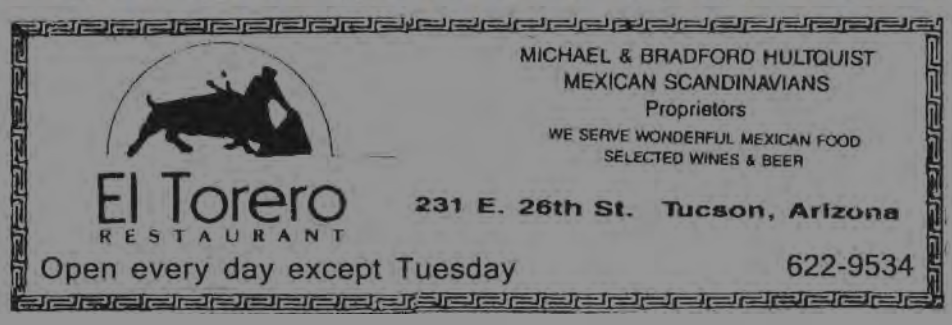

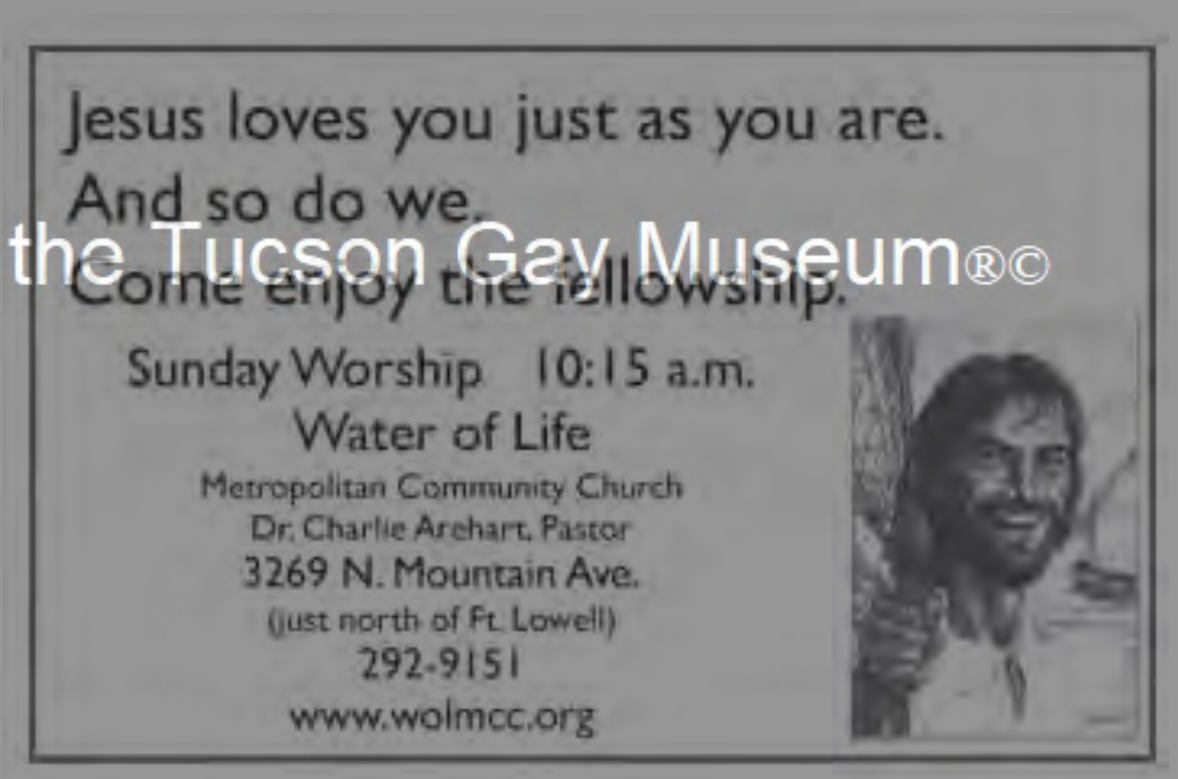

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Debt Deal Could Jeopardize HIV/AIDS Funds

WASHINGTON, DC (Observer Update) - The resolution of the debt ceiling negotiations between the White House and congressional leaders has HIV/AIDS advocates concerned that federal funds for prevention and drug initiatives could be on the chopping block as a result of the agreement, the Washington Blade reported.

The agreement – which enables President Obama to raise the debt ceiling by $2.1 trillion and eliminates the need for another increase until 2013 – also requires a total of nearly $2.5 trillion in spending cuts to reduce the federal deficit, which could affect federally funded HIV/AIDS programs.

Carl Schmid, deputy executive director of the AIDS Institute, said any cuts to federal spending as a result of the deal will likely "impact HIV programs in a negative way."

"There will be less money to go around and it will be more competition over that smaller amount of funding," Schmid said. "And there can be direct cuts to our programs particularly if they are taken across the board. Not going in the right direction if we are going to end AIDS let alone prevent new infections and provide care and treatment to people with HIV/AIDS."

All federal funding of discretionary HIV/AIDS programs could see an impact as a result of the decision, Schmid said, including the Centers for Disease Control & Prevention, the Ryan White HIV/AIDS Program and AIDS research programs. Additionally, Schmid said AIDS Drug Assistance Programs could be cut and already lengthy wait lists to receive medication through this program could be extended.

"It's going to be harder and harder to make the case for our programs, but, hopefully, Congress will be receptive to our voices and concerns about the importance of preventing HIV in our country and to provide care and treatment for people who are HIV positive," Schmid said.

The concerns come as the CDC unveiled new numbers showing that HIV incidence in the United States continues to be a problem affecting young gay and bisexual men, although as a whole infection rates have been relatively stable in recent years.

New infections among among young men who have sex with men increased 34 percent between 2006 and 2009, while infections among young, black men who have sex with men increased 48 percent from 4,400 in 2006 to 6,500 in 2009.

Fred Sainz, vice president of the Human Rights Campaign, said any concerns HRC would have over the debt deal depends on what cuts to federal programs are eventually made. However, he noted for time being, those cuts have yet to be identified and maintained it's too early to cry foul.

"We are consulting with our coalition partners to better assess the situation," Sainz said. "We would be concerned, for instance, if programs that fund critical HIV/AIDS were cut. There is no knowledge yet so we're not in a position to know."

Obama signed the deal into law after both chambers of Congress approved the measure. The Democratic-controlled Senate approved the measure on Tuesday by a vote of 74-26 while the Republican-controlled House passed the measure by a vote of 269-161.

Prior to the signing, Obama delivered a statement in the White House Rose Garden in which he said the federal government will have to make tough choices to reduce spending, and no programs will be excluded from cuts.

"This compromise requires that both parties work together on a larger plan to cut the deficit, which is important for the long-term health of our economy," Obama said. "And since you can't close the deficit with just spending cuts, we'll need a balanced approach where everything is on the table."

The agreement calls for a first tranche of spending cuts that total nearly $1 trillion over 10 years. Those cuts include $350 billion from the defense budget, but the remaining cuts could impact discretionary HIV/AIDS initiatives. However, Medicare and Medicaid – as well as the services they provide to people with living with HIV/AIDS – are protected under this first round of cuts.

To institute more cuts, the deal creates a bipartisan panel that has become known as a "Super Congress" made up of congressional leaders and will be required to identify an additional $1.5 trillion in deficit reduction that could include cuts to entitlement programs and tax reform. Both Medicare and Medicaid as well as discretionary HIV/AIDS initiatives could be on the chopping block for this round of cuts. The committee must report out legislation by Nov. 23 and Congress is required to vote on committee recommendations by Dec. 23.

Should Congress fail to act on the committee's recommendations, a trigger mechanism will be enacted for mandatory spending cuts. Those cuts – which would begin in January 2013 – will be split 50/50 between domestic and defense spending, although Social Security, Medicare beneficiaries and "low-income programs" would be exempt from those cuts. Additionally, Obama has pledged to veto any extension of the Bush-era high-income tax cuts as a means to increase government revenue should Congress fail to come up with a balanced deal.

In a joint statement, Kathleen Squires, chair of the HIV Medicine Association, and Jim Raper, c0-chair of the Ryan White Medical Providers Coalition, urged Congress not to target HIV/AIDS programs in its search for funding cuts in federal programs.

"Congress has outlined a framework for enacting major cuts to the federal budget over the next decade that could have far reaching consequences for people living with, and at risk for, HIV infection here and abroad," Squires and Raper said. "We urge members of Congress to seriously consider the human impact of the funding and policy decisions that they will be making in the coming months."

Squires and Raper maintained that continued federal funding for HIV/AIDS initiatives is important because they extend the lives of those living with the disease and stop new infections. Access to HIV care, Squires and Raper said, reduces transmission by 96 percent, but only 50 percent of people with HIV in the United States have reliable access to treatment. Further, Squires and Raper said as many as 15 million people in developing countries await access to lifesaving therapy.

"A retreat in the battle against HIV disease will be costly whether measured in lives lost or federal dollars," Squires and Raper conclude. "As the deficit reduction process moves forward, we urge members of Congress to consider the impact of their decisions on people with HIV disease and other medically vulnerable populations."

Shin Inouye, a White House spokesperson, said the debt agreement is "a down payment on deficit reduction so that we begin to live within our means," but maintained the details of which programs will be cut have yet to be decided.

"The nearly $1 trillion in discretionary spending cuts are achieved through spending caps both on security and non-security spending," Inouye said. "Specifics about how these levels will be met will be determined through discussions between the administration and appropriators in Congress over the coming months."

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