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Gay Military Members Have Tough Time Returning To Service

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SAN DIEGO (Observer Update) - Former Air Force officer Michael Almy's five-year battle to get back into the military after being discharged for being gay is still far from over despite the end of the policy that halted the decorated war veteran's 13-year career and left him curled up on his bathroom floor, crying, reported the AP on the Huffington Post.

The repeal of "don't ask, don't tell" coincides with the most competitive time in recent history to get into the military because of the sluggish economy, and the Defense Department says it has no plans to give priority to those discharged for being gay, even if they still meet the military's age limits, fitness standards and cutoffs for time out of service.

Many, like Almy, a 41-year-old former Air Force major, see the only way back to active-duty as being through the courts.

He and two other discharged officers – one from the Air Force officer and one from the Navy – are suing the Justice Department to demand they be reinstated, and they hope a federal appeals court will help their efforts by upholding a lower court ruling last year that declared the law unconstitutional.

Activists believe if the ruling stands it could open the legal doors for a class-action suit or settlement for many of the nearly 14,000 military members discharged under the nearly 18-year-old policy that prohibited the military from asking about the sexual orientation of service members but required discharge of those who acknowledged being gay or were discovered to be engaging in homosexual activity.

"The sad truth is repeal really does nothing for people thrown out of the military," Almy said. "There is no restitution, no reparations, no special personnel process to help those to get back in the military who were thrown out."

Almy said he never admitted to the military he was gay, but was discharged under the policy in 2006 after a service member snooped through his emails on a government-issued computer in Iraq when Almy's deployment there ended.

Almy testified for the Log Cabin Republicans at a trial last year. U.S. District Judge Virginia Phillips temporarily halted the policy after the trial, declaring the law violated the constitutional free speech and due process rights of gay military members.

Shortly before being honorably discharged, Almy was recognized as one of the top officers in the Air Force for his leadership skills in running an exemplary unit that helped maintain control over the vast majority of Iraq's air space during the war.

Even after his discharge, his wing commander formally recommended to the Air Force promotion board that he be promoted to lieutenant colonel, ahead of his peers, because of his outstanding performance, according to his testimony under oath.

Almy estimates his discharge cost him $1.5 million in retirement benefits, the amount he says he would have received if he had been allowed to complete his 20 years in the service.

Dan Woods, an attorney for the Log Cabin Republicans, said if the lower court ruling is upheld by the U.S. 9th Circuit Court of Appeals it could bolster the cases of thousands of former service members, like Almy, who "are still suffering the collateral consequences of being discharged under this unconstitutional law."

"A lot of people lost opportunities for promotion, a lot people might want to re-apply but can't because now they're too old," Woods said. "Those people ought to have the right to use our case to try to get their discharged status changed, or to try to get reinstated, or try to get back pay."

Woods said the Obama administration wants his case dismissed because it does not want "to deal with some 14,000 people making claims for back pay and reinstatement. That's really what it's about."

Justice Department officials declined to comment. DOJ attorneys have argued in their court filings that the lower court made its decision before the repeal process began and that repeal of a statute invalidates such constitutional challenges.

The 9th Circuit will hear arguments from both sides Sept. 1 at a hearing in Pasadena, Calif. The law is scheduled to be abolished Sept. 20. But if the policy's fallout is still having an impact on people's lives then the court could still rule on the constitutionality of the case, said Erwin Chemerinsky, University of California, Irvine's law school dean.

For Almy, the victory of repealing the policy has been bittersweet as he celebrates for today's gay service members while struggling to get back the life he feels was stolen from him. "To get back on active duty is really next to impossible without the lawsuit," he said.

The Defense Department has said that the negative re-entry codes on the discharge paperwork of those kicked out under the policy will be waived, and that applicants with honorable discharges will be treated like other prior service applicants and accepted based on need. But that need is dwindling.

Traditionally, the military services bring in prior-service recruits for certain specialties, but even those positions are far fewer today, said Defense Department spokeswoman Eileen Lainez. The percentage of prior-service members among the active-duty recruits has dropped from 5 percent to 3 percent.

All military branches are at full capacity as people flock to the military for jobs or choose to stay in longer. With budget tightening and the expectation the Afghanistan war is winding down, the branches plan to trim their numbers.

The Army is looking to cut 22,000 starting in October after getting a temporary surge in troops in 2009, while the Marine Corps plans to slim down from 202,000 down to 186,000 in the next few years.

The Navy will cut 3,000 officers in the next few months because the promotion lines are so clogged "there is no place for anybody to go," Navy Adm. Gary Roughead, the chief of naval operations, told The Associated Press. The Air Force at the same time is going to start letting go several hundred of its 9,000 officers.

Jenny L. Kopfstein said she applied in March to be a Navy attorney but was turned down.

The former decorated Navy officer from San Diego, who has testified three times about her 2002 discharge, said she doesn't know if she was rejected because "don't ask, don't tell" is still in place or because there

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UPDATE

G2H2 - Gay Guys Happy Hour Aug. 19

TUCSON (Observer Update) - Gay Guys Happy Hour is scheduled to take place Friday, August 19.

G2H2 takes place the third Friday of every month, 5 - 8pm, in a new location around town each time and provides Tucson's gay professionals a different venue to meet, network or just hang out.

No programs, no dues, no charge. For more information, call 520-403-9975.

Tucson Choruses Holding Rehearsals

TUCSON - Reveille Men's Chorus Open Rehearsal - When: Mon, August 22, 7 - 10pm. Where: Rincon Congregational Church, 122 N Craycroft.

Do you enjoy singing in the shower? When you belt-out karaoke, do people actually stay in the room? Then Reveille wants YOU! Auditions are a very simple process of checking each individual's voice placement within the chorus, as a Bass, Baritone, Tenor II or Tenor I. They are open throughout the year and can be taken at any regular rehearsal.

Contact: Shawn Cullen, Director. Phone: 520-304-1758.

Desert Voices - When: Mon, August 22, 7 - 9pm. Where: Water of Life MCC, 3269 N Mountain Ave, Tucson. A weekly rehearsal for all interested in singing with Tucson's GLBT/SATB chorus.

Contact: Rebecca Cohen, Office Manager. Phone: 520-791-9662.

City Primary Election - August 30, Vote By Mail

TUCSON (Observer Update) - The City of Tucson will conduct the 2011 Primary and General Elections by MAIL!!

The City of Tucson conducts partisan Primary Elections. The ballot, which will be mailed on August 10, 2011, will consist only of candidates for the Mayor, and Council Members for Wards 1, 2 and 4. The names of the candidates who are nominated in the Primary Election will be on the General Election ballot on November 8, 2011.

To vote in the City of Tucson 2011 Primary Election:

You must have resided in the City of Tucson since July 31, 2011 and

You must be registered to vote on or before August 1, 2011 and

You must be at least 18 years old on August 30, 2011

If you are registered as a member of the Democratic, Republican, Libertarian or Green Party, you may vote in your party's Primary Election (there are no candidates nominated in the Libertarian Party for this election).

If you are registered as an Independent, No Party Preference, or as a member of a political party other than Democratic, Republican, Libertarian or Green party, you may vote in the Primary Election of one of these political parties (except the Libertarian Party, which has a closed primary). By voting for one of these parties, it will not change your political party status, and it will not affect your ability to vote in the General Election on November 8th.

The 2011 City of Tucson Elections will be conducted as mail ballot elections. This means you will not see polling places in the traditional sense. Each voter will receive a ballot by mail and should return their voted ballot in the postage-paid return envelope that is included with the ballot.

On Election Day, there will be seven (7) voting locations open from 6 a.m. to 7 p.m. Registered Voters may visit any one of the voting locations. These sites will allow voters to do any of the following:

Drop off your 'voted' vote-by-mail ballot, or Bring your vote-by-mail ballot, cast the ballot in person and drop it in the ballot box, or Receive and vote a vote-by-mail replacement ballot.

For more information, call the Tucson City Clerk's office, 520-791-4213.

Bear Happy Hour At The Venture-N August 19

TUCSON (Observer Update) - Join the Bears of the Old Pueblo, Friday, August 18, 6 - 8 pm, and all our friends at our home bar the Venture-N, 1239 N. 6th Avenue, for our new weekly Bear Happy Hour!

Start off your weekend right with a tasty beverage and friendly bruins. We'll be there throwing darts, playing pool, or enjoying the spacious patio. Everyone is welcome so bring your friends!

Please contact Member at Large Bob McFall at: 520-269-1221, for more information.

Gay Military Members Have Rough Time

Continued from Page One

were no positions available for her.

She's going to try again in the fall but time is running short for the 36-year-old to meet the military's age limits. If she doesn't get in, Kopfstein said she might become a civilian lawyer who works with the military or another kind of government attorney.

Almy said he is not ready to let go of his dream.

"This is what I had dedicated all my life to doing," said Almy, who followed in the footsteps of his father and uncles, all former Air Force officers. "That's where my heart is. That's what my passion is - to be an officer, a leader in the Air Force. I miss the missions, the camaraderie, the esprit de corps."

"I never had a desire to do anything else when I was growing up, and I still don't to this day," he said.

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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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P.O. BOX 50733,
TUCSON, AZ 85703
(520) 622-7176 (Voice)

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Observer on the World Wide Web :
www.tucsonobserver.com
E-Mail: info@tucsonobserver.com

EDITOR/PUBLISHER:
Bob Ellis
MANAGING EDITOR:
Mark Kerr
Special Events Photos:
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Amanda Irvin
Contributing Columnists
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S.F. Gay Married Couple Loses Immigration Battle

SAN FRANCISCO (Observer Update) - Citing the Defense of Marriage Act, the Obama administration denied immigration benefits to a married gay couple from San Francisco and ordered the expulsion of a man who is the primary caregiver to his AIDS-afflicted spouse, reports sfgate.com.

John Makk and Bradford Wells

Bradford Wells, a U.S. citizen, and Anthony John Makk, a citizen of Australia, were married seven years ago in Massachusetts. They have lived together 19 years, mostly in an apartment in the Castro district. The U.S. Citizenship and Immigration Services denied Makk's application to be considered for permanent residency as a spouse of an American citizen, citing the 1996 law that denies all federal benefits to same-sex couples.

The decision was issued July 26. Immigration Equality, a gay-rights group that is working with the couple, received the notice Friday and made it public Monday. Makk was ordered to depart the United States by Aug. 25. Makk is the sole caregiver for Wells, who has severe health problems.

"I'm married just like any other married person in this country," Wells said. "At this point, the government can come in and take my husband and deport him. It's infuriating. It's upsetting. I have no power, no right to keep my husband in this country. I love this country, I live here, I pay taxes and I have no right to share my home with the person I married."

Wells pleaded with Homeland Security Secretary Janet Napolitano and President Obama to intervene.

"Anyone can identify with the horror of having the government come in and destroy your family when you've done nothing wrong, and you've done everything right, followed every law," Wells said.

The agency's decision cited the Defense of Marriage Act as the reason for the denial of an I-130 visa, or spousal petition that could allow Makk to apply for permanent U.S. residency. "The claimed relationship between the petitioner and the beneficiary is not a petitionable relationship," the decision said. "For a relationship to qualify as a marriage for purposes of federal law, one partner must be a man and the other a woman."

Obama and Attorney General Eric Holder decided earlier this year that the law, commonly known as DOMA, is unconstitutional on equal protection grounds and that the administration would no longer defend it in court. House Republicans hired an outside counsel to defend it instead. However, the administration said it would continue to enforce the law, while exercising discretion on a case-by-case basis.

Lawyer For Tyler Clements College Roommate Asks That Charges Be Dropped

TRENTON (Observer Update) - Lawyers for Dharun Ravi, the man accused of bullying late Rutgers University Tyler Clementi, have asked that the charges against their client be dropped, reports towleroad.com.

Ravi, they say, didn't use a webcam spy on Clementi, who killed himself after being harassed for being gay; rather, Ravi wanted to make sure that no one was stealing his belongings. And to prove their case, the defense team has submitted web transcripts and emails that they think will help paint a clearer picture of what happened before Clementi took his own life.

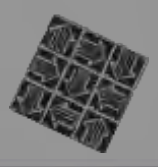
From the New York Times: The papers, hundreds of pages in all, include transcripts of some of each student's online chats and of interviews with witnesses. Mr. Ravi's lawyer attached them to a motion seeking a mistrial and a court order compelling the prosecution to identify the man whom Mr. Clementi took to his dorm room. ...

Mr. Ravi's co-defendant, Molly Wei, who has known Mr. Ravi since grade school and has agreed to testify against him, described him to investigators as a braggart and a habitual liar, who tried to mislead the police into thinking that the spying was unintentional.

Even before he met his future roommate, Mr. Ravi had learned from some Internet research about Mr. Clementi's sexual orientation, had written about it on Twitter and was discussing it with friends. On Sept. 19, three days before he killed himself, Mr. Clementi asked Mr. Ravi to leave their room for a few hours. Mr. Ravi figured out that his roommate intended to have another man visit.

"Dharun's in my room and he's kind of freaking out," Ms. Wei said of the episode in an interview with investigators, adding that he had said he was worried the visitor would steal his iPad. Mr. Ravi set up his webcam so that they could view his room on Ms. Wei's computer, and later turned it on and saw Mr. Clementi and his guest, their shirts off, kissing and touching. "We were both kind of just in shock," she said, "just freaking out."

According to the Times, the chat transcripts also show that Clementi was unconcerned about being outed, that the 18-year old's mother was unsupportive of her son and that he preferred to be alone, rather than socialize. "I would die if I was forced to always have people around me," the teen wrote in one chat. The detail that strikes me here is the fact that Ravi and Wei were "freaking out" about Clementi having sex with another man, yet continued to watch. If they were so disturbed, rather than having a cheap laugh, why didn't they find something else to do?



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U.S. Debt Downgrade Could Mean Rate Hikes For All

EW YORK (Observer Update) - Lawmakers weren't able to prevent the country from losing its coveted AAA debt rating, reports advocate.com.

Although the downgrade late Friday by Standard & Poor's was historic, it wasn't entirely unexpected. The three main credit agencies, which also include Moody's Investors Service and Fitch Ratings, had warned during the fight over the debt ceiling that if Congress did not cut spending far enough, the country faced a downgrade.

And just like a lower consumer credit score implies that a borrower is a less reliable, a lower credit rating for government bonds implies there is more risk involved in lending money to the government.

Prices for U.S. government debt rose in the first few hours of trading on Monday, a sign of increased demand despite the downgrade. But it is unclear what will happen in the long term, because of the unprecedented nature of the lower rating and the decisions by Moody's and Fitch to keep their highest ratings for now.

"If they all were saying exactly the same thing that would clearly have more impact than with a split rating," Alex Pollack, a fellow at the American Enterprise Institute in Washington.

If investors get skittish and Treasury prices reverse course, that could send the interest rate on Treasury bonds up. Essentially, the rate, or yield, would climb in order to make the bonds more attractive to investors. That could lead to higher borrowing rates for consumers, because the rates on mortgages and other loans are often pegged to the yield on Treasury bonds.

Not every type of consumer borrowing has a direct tie to the government's credit rating, but there are potential ripple effects for individuals.

- Mortgage and home equity loans

S&P's downgrade may have several implications for homeowners.

For starters, early Monday S&P downgraded the credit ratings of mortgage giants Fannie Mae and Freddie Mac, which are both backed by the U.S. government. That could mean higher mortgage rates for new borrowers. Freddie and Fannie together own or guarantee about half of all mortgages in the U.S.

Anyone hoping to buy a home in the near future likely has some time before they'll see rates climb. Still they should ask their bank or mortgage broker about the process for locking in a rate. Mortgage rates have been at historic lows in recent months, but fixed-rate mortgages are typically directly tied to the yield on 10-year Treasury bonds. Higher mortgage rates would follow any increase in the Treasury yield. But so far it appears that Treasury yields won't rise simply as a result of the downgrade.

Variable rate mortgages and home equity loans could become more expensive as well.

The high failure rate for adjustable rate mortgages during the housing meltdown means that today the number of new home loans with adjustable rates is minimal - less than 5 percent of the market, according to Stephen Malpezzi, an economics professor at the University of Wisconsin Business School who follows the housing market.

What's less clear is how many older loans with adjustable rates remain out there, he said. With interest rates low in recent years, many homeowners who held adjustable rate mortgages have refinanced to fixed-rates. For homeowners who still have ARMs, any potential change in their interest rates depends on whether their loan was linked to Treasury rates or some other benchmark, like the prime rate or federal funds rate.

Meanwhile, home equity loans, or HELOCs, are almost always variable rate loans and typically adjust more frequently than first mortgages, sometimes even monthly.

Homeowners with such loans could see shifts in their rates and payments while the markets absorb the downgrade.

One caveat is that many ARMs and most HELOCs are tied to the federal funds rate, which is set by the Federal Reserve, not to Treasuries. That should help insulate borrowers. The Fed has already said that it plans to keep rates low for "an extended period."

"The Fed is not likely to increase the federal funds rate anytime in the near future, especially if there's another problem with the economy as a result of the whole debt ceiling thing," said Gibran Nicholas, chairman of the Certified Mortgage Planning Specialist Institute.

- Credit cards

Consumers across the country, who carry an average $4,950 on their credit cards according to TransUnion, will be relieved to know that any changes as a result of the downgrade won't be dramatic. And to the extent there are changes, certain protections are in place.

Most accounts with fixed rates were converted to variable rates in 2009 in response to the economic downturn and new regulations.

Banks don't publicize the rates they're charging current customers, but nearly 96 percent of the offers sent out for new cards in the first six months of this year carried variable rates, according to Mintel Compermedia, a market research firm.

Right now, banks are offering an average annual interest rate of 14.4 percent, according to Bankrate.com.

However, like HELOCs, most card rates rise and fall with the prime rate, which is pegged to the rate set by the Fed. That will help protect credit card users from the market's gyrations in the short term.

The good news is that even if market forces start sending card rates higher, current account balances will be protected from rate hikes under the credit card reforms passed in 2009. That means only new charges would be subject to higher rates. If rates rise several times over a period of months, card users could end up with multiple rates on various balances.

John Ulzheimer, president of consumer education for SmartCredit.com, noted that the law now requires banks to apply any payments above the minimum required to the highest rate balance. That's so those new balances may get paid off faster. But any scenario involving volatility could make for some confusing statements.

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COMMENTARY. . . .

by John Culhane

What Legal Documents Can Do For Gay Couples - And What They Can't

Tucson Observer Archives

Let's talk about what legal documents can do for you - and what they can't.

A few days ago, 365gay editor in chief Jennifer Vanasco sent me a question from a reader asking me to "list all the legal documents same-sex couples should complete to ensure rights of beneficiary to property, benefits, etc., including provisions for children, pets, etc." The writer also wanted to know whether designated beneficiaries are "ever challenged by insurance companies to avoid paying death benefit?"

And this got me thinking about how hard we have to work, compared to our straight counterparts, to secure the basic peace of mind that comes with knowing that those we leave behind will be provided for. And how, even when we do all we can, the law operates to fence us out of certain financial benefits.

First, an important lawyer's disclaimer: Nothing that I'm about to write can or should be construed as binding legal advice. I'm a law professor, not a practicing lawyer, and in any case the law varies from state to state. That said…

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Let's start with the most basic legal document designed to protect your loved ones (not just your spouses) after you're gone: the will. If you are legally married or civilly united in your state, then your spouse will be to an extent protected in the event of your death. While state laws vary, all assign a substantial share of the decedent's estate to the surviving spouse in the absence of a will. But unless you're sure that the law of the state in which you're married will apply (did you move? where was the will drafted?), you might not even be protected in that case.

If your state doesn't recognize your union then run - do not walk - to an attorney's office and start working on a will now. Otherwise, your relationship will literally not exist as a legal matter, and the one left behind will get nada, rien, zippo, from your estate.

Of course, you should create a will in any case. The state default options are clumsy approximations of what most people would want to do. But only you know that. If you want to make provisions for everything from your pets (considered personal property) to your home to your collection of Mercury dimes, do it. Your lawyer will insist that everything be specific, and clear. (You should probably also enter into agreements about what will happen if your perfect union dissolves, too.)

While you're there, get busy on living wills and powers of attorney documents. There's nothing like a battle with your spouse's parents over end-of-life decision-making to add stress to an already impossible situation. These documents, properly executed, can greatly reduce the chance that someone else will get to interpret your spouse's wishes in this most difficult time.

A quick word on private, employer/employee plans: Typically, you get to name the beneficiary(ies). A smart employer (or the administrator of the plan) will make you do this. If you're sufficiently clear, you shouldn't have a problem. Remember to change the beneficiaries if your life circumstances change. For example, when we adopted kids, I eliminated my nieces as contingent beneficiaries (in case both David and I are simultaneously killed in a tragic boating accident) in favor of our kids.

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So, what can't you do? Unfortunately, lots.

At the state level, most laws still fence surviving members of same-sex couples out of wrongful death laws. There's no getting around them, either. So if one of you is killed by the negligence (or worse) of, say, a drunk driver or the manufacturer of a toxic substance, your spouse can't sue for that. Your parents or kids might be able to, if they can show that they lost a source of support by your death. But unless you're in a state that recognizes your marriage, then you're stuck. The same might also apply to any state-or local benefits, such as payments for the victims of crimes or terrorism.

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At the federal level, we've got a bunch of nothin'. Because of DOMA, which the Obama Administration continues to enforce - though not defend - it's still possible for the legally married spouse of a U.S. citizen to be deported. Indeed, it's likely to happen to Bradford Wells and Anthony Makk soon. Makk, the Australian husband (married in Massachusetts) of Wells, a U.S. citizen with AIDS, has been denied a green card, and is soon to be shipped home. For medical reasons, his spouse can't go with him.

And this is one of many, many federal benefits that DOMA denies the spouses of legally married same-sex couples. Social security death benefits and the right to file joint income taxes and petitions in bankruptcy are a few of the hundreds of others.

In case you're wondering whether to support Obama in the next election, keep in mind that all the serious Republican challengers not only support DOMA, but favor a federal constitutional amendment against marriage equality. Have a nice weekend!

A Glimpse Back In LGBT Time

Courtesy of the Tucson LGBT Museum

Sunday, August 13, 1995, Miss Gay Arizona America Pageant

In 1995 a near full house at the Leo Rich Theatre inside the Tucson Convention Center watched six (6) contestants, Electra Bleu, Candi Colee, Cammi De Vaine, Ms. Markus, Celia Putty and Felice Raynard compete for the crown.

Judges crowned Ms. Markus (Phoenix) (1st on the right) as Miss Gay Arizona America 1995-96 with Electra Bleu (Tucson) 3rd from left) as runner-up. The prior year's winner Lucinda Holiday (Tucson) ended her reign just before the crowning with over 100 of the audience lining up to congratulate her for all her hard work the year before.

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

(John Culhane is working on a book about civil unions and their place in the on-going national conversation about marriage. This article is reprinted from 365Gay.com)

Trial Of Gay Classmate Killing Draws To A Close

LOS ANGELES (Observer Update) - Closing arguments are likely this week in the trial of a California teenager accused of fatally shooting a gay classmate at school, reports the AP on 365Gay.com.

Lawyers for Brandon McInerney rested their case. The now-17-year-old is being tried as an adult in the death of Larry King. Arguments have focused on the motive for the shooting since there's no dispute at the trial that McInerney pulled the trigger.

A police detective who is an expert on racist groups testified Thursday that McInerney was driven by white supremacist ideology. Detective Dan Swanson says he found swastikas and other Nazi images in McInerney's books. McInerney's lawyers say he was the victim of a violent upbringing who was unable to articulate his rage and frustration at unwanted sexual advances from Larry.

Vatican Investigataes Mexican Bishop's Work With Gay Group

SATILLO (Observer Update) - The Roman Catholic bishop of Saltillo, Mexico, is under investigation by the Vatican for his work with gay organizations as well as groups that support the decriminalization of abortion.

Raúl Vera López (pictured) acknowledged to media outlets in the northern Mexican city that he has received inquiries from the Vatican about his diocese's affiliation with the Gay and Lesbian Community of Saint Aelred. The group works for gay rights and sponsors cultural activities, including film festivals.

Vera López told local newspaper Zócalo that a Spanish Catholic news service, ACI Prensa, has erroneously said that his work with the group means he condones gay sex. "And I, in my life, never have worked for that," he said. "In the Diocese of Saltillo we have very clear objectives. We work with them [the homosexual community] to help them to recover their human dignity, which is injured for many of them beginning in their homes, in the society, and they are treated as a scourge." In the wake of the Vatican inquiry, brought on by the ACI Prensa stories, he has announced a restructuring of the group's leadership.

The bishop has explained his work on the abortion issue by saying he is fighting to end criminal penalties for the procedure. He told the anti-abortion website Life Site News that he considers abortion "a crime, a murder, of a child in the womb of his mother," but added, "What might be subject to debate is the penalization or non-penalization, and do you know why? Because of the frightful failures we have in Mexico in the judicial process. And they have imprisoned indigenous women for miscarriages, they have imprisoned them, there, in the state of Guanajuato, indigenous women who have had miscarriages, and they are in jail."

Polls In New York And Vermont Show Support For Gay Marriage Laws

NEW YORK (Observer Update) - A majority of New Yorkers say they are OK with a gay marriage law that was approved in June and went into effect in July. The NY1/Marist poll found 55 percent of respondents support the law, 36 percent oppose it and 9 percent said they were uncertain.

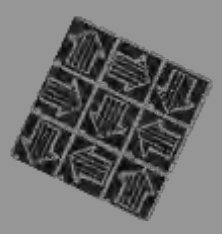
The bill won passage in the New York Senate with the help of four Republicans who joined all but one Democrat in voting for the Marriage Equality Act. Conservative groups have said they would work against the re-election campaigns of senators who supported the bill, in particular Republicans. The new survey, however, found more New Yorkers saying they would be more likely (44%) than not (30%) to support a state senator who voted for the bill, which made New York the sixth state to legalize gay marriage. The issue breaks down along political lines, with 55 percent of Democrats, and only 24 percent of Republicans, more likely to support state senators who voted for the bill. Among independents, 45 percent are more likely to vote for that state senator, and 35 percent are less likely.

"It doesn't look at this point that it's going to be a major liability for individual senators," said Marist College pollster Lee Miringoff.

Meanwhile, the majority of voters in Vermont support the state's 2-year-old gay marriage law. Vermont was the first state in the nation to legalize civil unions in 2000, and in 2009 lawmakers upgraded gay and lesbian couples to full marriage. Vermont was the first state to legalize gay marriage without being required to do so by a court order.

A Public Polling Policy survey released found a majority (58%) of Vermont voters say gay marriage should be legal, while 33 percent disagree, and 9 percent don't know. When pollsters added in civil unions, support for government recognition of gay unions increased to a 79 percent supermajority. Only 18 percent of respondents said there should be no legal recognition of a gay couple's relationship, and 3 percent said they didn't know.

The survey also found a supermajority of respondents (82%) said the legalization of gay marriage in Vermont has had either a positive impact (22%) or no impact (60%) on their lives. Eighteen percent said the law had impacted their lives negatively.



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Settlement Reached in Case of Gay Couple Told to Move to Back of Bus

NEW YORK (Observer Update) - The bus driver who told a gay couple they needed to move to the back of the bus has been disciplined, an apology has been issued, and new training classes are planned for the company's drivers – all of this announced today after Lambda Legal intervened with a threatening letter, reports advocate.com.

Musician Ari Gold and his boyfriend Timothy Nelson were riding a New York Shortline bus in early July when the driver pulled over and demanded they move to the back of the bus because they were holding hands and acting like a couple. "Your driver would not have challenged Mr. Gold and his boyfriend – much less summoned law enforcement – had they been a heterosexual couple," wrote Hayley Gorenberg, deputy legal director for Lambda Legal in a letter to Shortline later that month.

Gold and Nelson refused to move, so the bus driver called police. When officers arrived, they told the driver the couple was breaking no laws. Lambda Legal pointed out, though, that Shortline was breaking the law by discriminating. And now the group is announcing a settlement that avoids a court battle. "Lambda Legal is always prepared to go to the courts when members of the LGBT community face discrimination, but we're pleased when it doesn't have to come to that," said Gorenberg in a statement. "Short Line's swift and serious response shows this company knows that doing the right thing is also good business."

The driver has been "appropriately disciplined," policies and training on nondiscrimination laws are on the way for employees, and Gold got a refund for his tickets and an apology, according to Lambda Legal.

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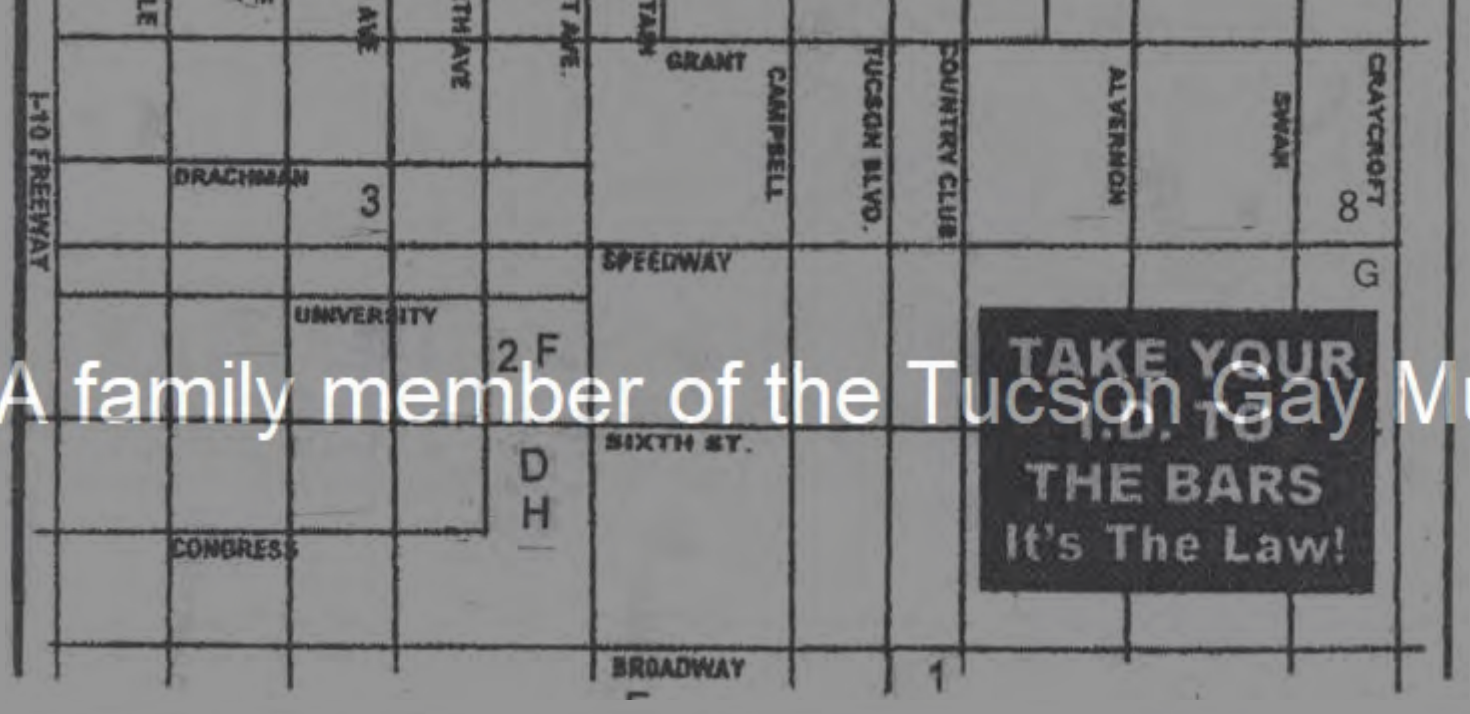

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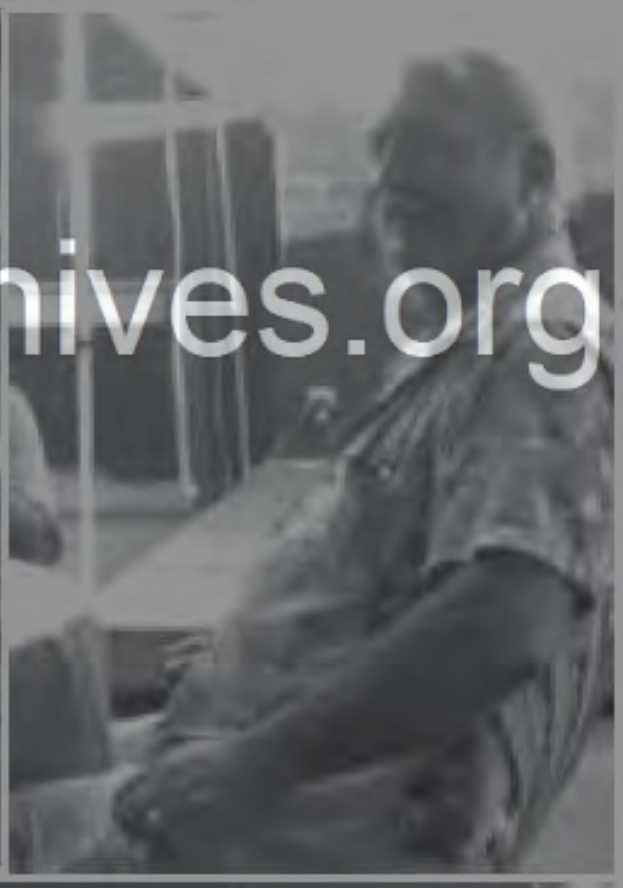
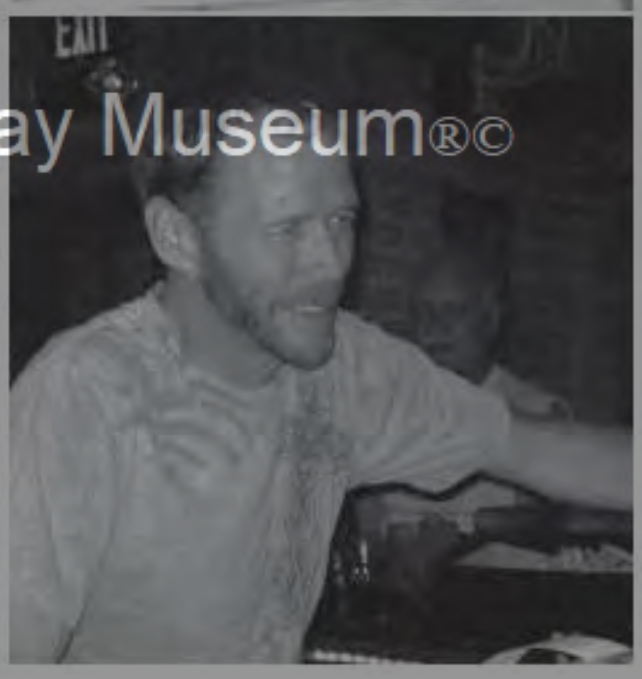
HAPPY 1ST ANNIVERSARY TO JON AND EDDIE AT BRODIES





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Poet's Corner

THE LEMMON DROP

BY Ron Rose - Tucson

Lazy clouds drift slowly on by
Majestic pine trees in the sky,
A single drop from outer space
Just couldn't find a better place.
Alighting on a blade of grass
Could that just be sassa frass?
Wondrous nature on the mount
Another miracle to count.

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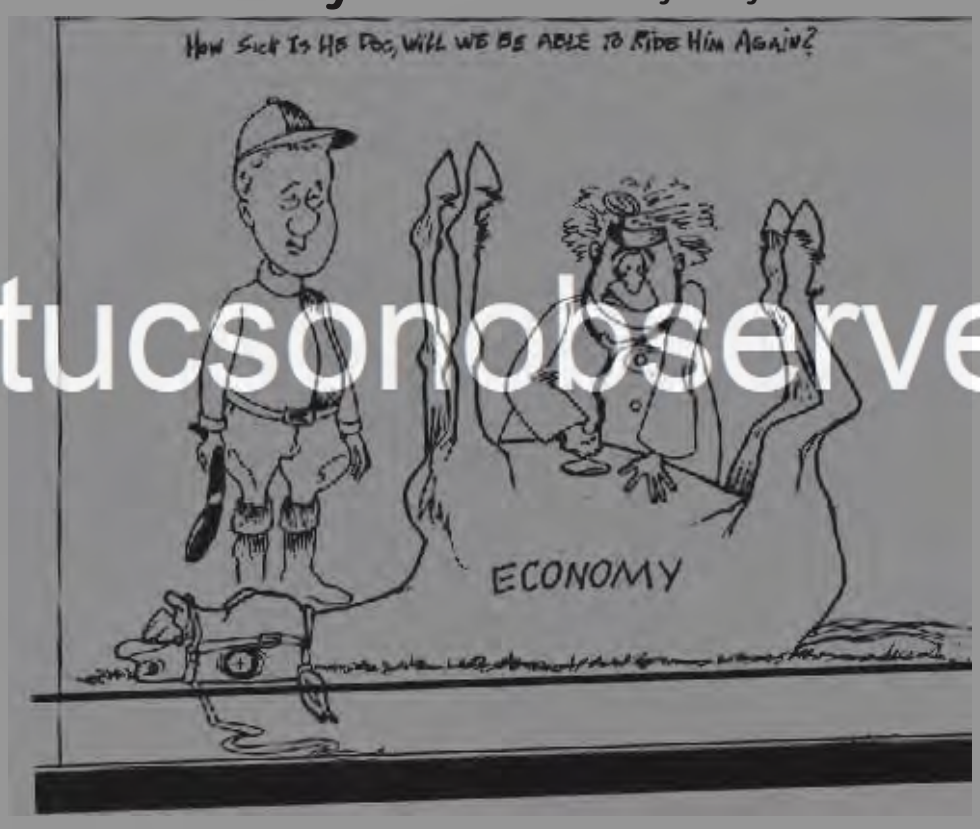
The Way I Saw It. . .by Gary Clark



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!

Marcus Bachmann Shoves Don Lemon At Campaign Event

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DES MOINES (Observer Update) - CNN anchor Don Lemon reports that members of the campaign team for Rep. Michele Bachmann including her husband Marcus Bachmann shoved him after an event for the candidate in Des Moines on Friday.

According to CNN, Lemon and another reporter from the network were among a ring of press and supporters that surrounded Bachmann after she spoke briefly at the Iowa State Fair and tried to make her way to a drive cart to exit.

"As both CNN staffers tried to question Bachmann, Lemon said he was pushed by two members of Bachmann's staff," reports CNN. "Lemon also said that Marcus Bachmann, the congresswoman's husband, pushed him."

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Email: Tucson LGBT Museum@live.com

Activists Attempt New Push For Gay Rights In Utah

SALT LAKE CITY (Observer Update) - Activists are attempting a new push for gay rights in one of the states where opposition to such rights is the highest: Utah.

The Human Rights Campaign (HRC), the nation's largest gay rights advocate, on Friday launched it's 17-city On the Road to Equality bus tour at an event in Salt Lake City attended by Mayor Ralph Becker. "I can't think of a more fitting place to kick off this journey," HRC President Joe Solmonese said in a blog post. "HRC has always had a strong presence here in Salt Lake City and the LGBT community here is among the most vibrant in the country."

But while Salt Lake City was the first to add sexual orientation and gender identity (transgender protections) to its anti-discrimination laws last year, anti-gay sentiment in Utah remains high. According to The New York Times, Utah is among the 15 states that would approve in 2012 an amendment that bans all forms of legal recognition – including marriage, civil unions and domestic partnerships – for gay and lesbian couples. An HRC report released in January, showed support for gay marriage in Utah had grown from 12 percent in 1996 to 22 percent in 2010, but the state ranked dead last in the survey.

A new poll released this week by HRC found acceptance is growing, especially in the area of discrimination. More than three-fourths of respondents (77%) support anti-discrimination laws such as the one enacted by Salt Lake City, and 70 percent of men and 77 percent of women said they could be friends with a gay person. The poll, however, also showed 63 percent of Utahns oppose gay marriage, and they are divided over allowing gay couples to adopt children (48 percent are opposed, while 44 percent are in favor).

"Utahns believe in fairness but the laws haven't yet caught up with that reality," Solmonese added. HRC will remain in Utah over the weekend and then head out to Omaha, Nebraska. The tour ends in Orlando, Florida on October 30.

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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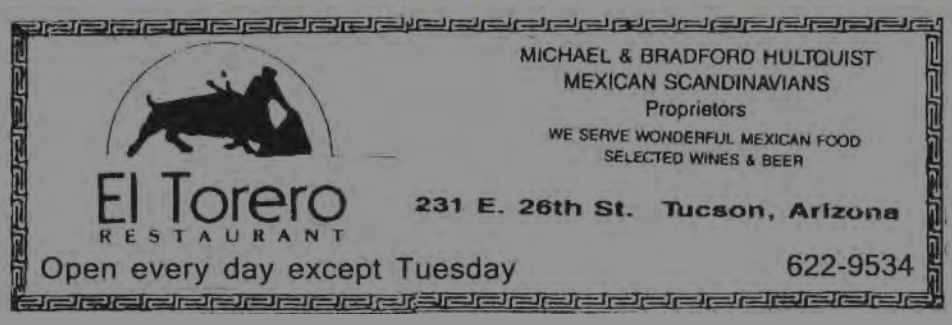

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Petition Seeks To Out Bert and Ernie

SESAME STREET (Observer Update) - An online petition launched Monday argues that for the sake of children, PBS and Sesame Street should acknowledge that long-term "roommates" Bert and Ernie are gay and allow the Muppets to marry, reports advocate.com.

According to the petition posted to Change.org and promoted on Facebook, if the beloved characters were to disclose the true nature of their relationship, it "would show children and their parents that not only is it acceptable but also teach children that homophobia is wrong, bullying is wrong and that Sesame Street should recognize that there are LGBT relationships, families, and include them in their show."

The petition, created by Lair Scott, Shane Cowart, Alex Maggs, and Mark Szabo, had more than 250 signatures by Wednesday morning.

Their proposal drew opposition from the New York Daily News, which said in an editorial that "some stages of life – for example, the years from 2 to 4 – must be walled off from the passions of adults. Already it's absurd that Cookie Monster denigrates cookies as 'a sometime snack' and pronounces his zeal also for eating eggplant."

"The only hands Henson ever intended to go up Ernie's horizontally striped shirt, or Bert's vertically striped one, were human puppeteers," argued the Daily News about the characters' late creator, Jim Henson.

Rumors that Bert and Ernie represent a gay couple have long circulated, with the Children's Television Workshop, now known as Sesame Workshop, issuing formal denials as early as 1993. "Bert and Ernie, who've been on Sesame Street for 25 years, do not portray a gay couple, and there are no plans for them to do so in the future," said the statement almost 20 years ago. "They are puppets, not humans. Like all the Muppets created for Sesame Street, they were designed to help educate preschoolers. Bert and Ernie are characters who help demonstrate to children that despite their differences, they can be good friends."

In 1994, Joseph Chambers, a North Carolina preacher, attempted to get the duo banned because of their close living arrangement and "blatantly effeminate characteristics," saying on a radio show, "If this isn't meant to represent a homosexual union, I can't imagine what it's supposed to represent."

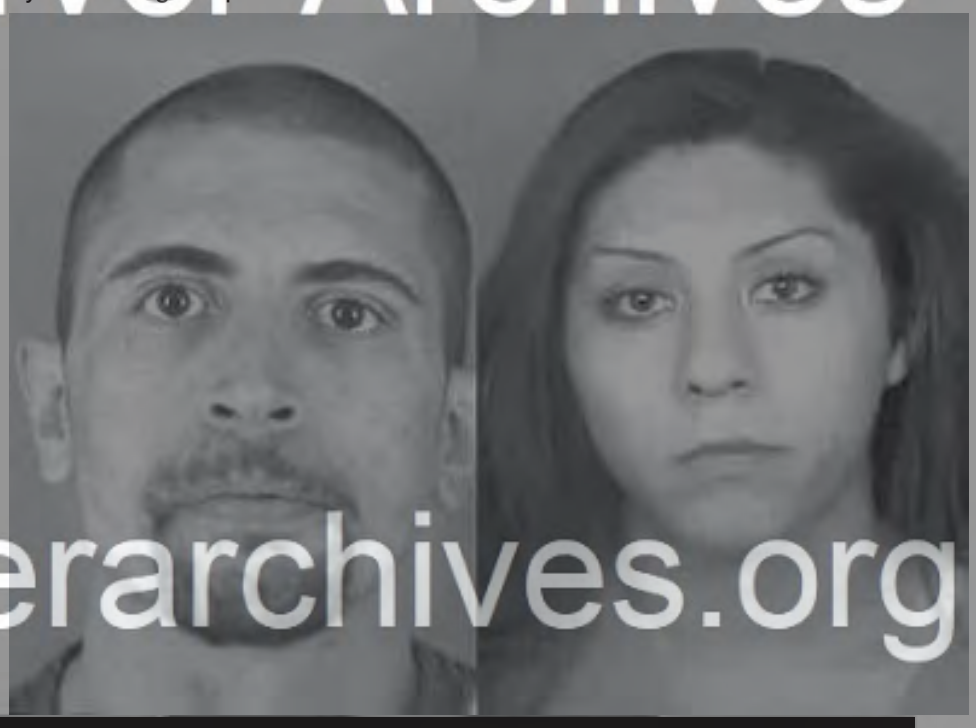
Whether or not the fictitious characters have a sexual orientation, Bert and Ernie live in a state with a marriage equality law, as Sesame Street takes place in an unidentified New York City neighborhood.

Convictions Upheld In Colorado Transgender Murder

DENVER (Observer Update) - In a ruling the Colorado Court of Appeals upheld the 2009 convictions of Allen Andrade for the hate-motivated murder of Angie Zapata, reports advocate.com.

In a case that drew national attention because it was believed to be the first to charge a suspect with murder as a hate crime based on gender identity, Andrade was convicted of first-degree murder and other counts for beating 18-year-old Angie Zapata to death with a fire extinguisher after learning she was transgender.

According to defense attorneys, Andrade had hooked up with Zapata for sex but then snapped after learning she was biologically male. In his appeal, a lawyer for Andrade argued that jurors should have been informed that the suspect was intoxicated during the murder and that a fire extinguisher found along a highway should not have been admitted into evidence.



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