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WEEKLY OBSERVER SEPTEMBER 28, 2011 ISSUE 1417

Don't Ask, Don't Tell Is History!

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WASHINGTON (Observer Update) - After years of debate and months of final preparations, the military can no longer prevent gays from serving openly in its ranks, reports the AP on huffingtonpost.com. Repeal of a 1993 law that allowed gays to serve only so long as they kept their sexual orientation private took effect Tuesday (9/20) at 12:01 a.m. EDT.

Some in Congress still oppose the change, but top Pentagon leaders have certified that it will not undermine the military's ability to recruit or to fight wars. The Army was distributing a business-as-usual statement Tuesday saying simply, "The law is repealed," and reminding soldiers to treat each other fairly.

At a San Diego bar, current and former troops danced and counted down to midnight. "You are all heroes," Sean Sala, a former Navy operations specialist, said. "The days of your faces being blacked out on the news - no more."

In Iraq, a spokesman for U.S forces put out a statement Tuesday morning noting that all troops there had been trained for the change.

Pentagon press secretary George Little said Monday that the military is adequately prepared for the end of the current policy, commonly known as "don't ask, don't tell," under which gays can serve as long as they don't openly acknowledge their sexual orientation and commanders are not allowed to ask.

"No one should be left with the impression that we are unprepared. We are prepared for repeal," Little said.

Last week, the Pentagon said 97 percent of the military has undergone training in the new law.

For weeks the military services have accepted applications from openly gay recruits, while waiting for repeal to take effect before processing the applications.

With the lifting of the ban, the Defense Department will publish revised regulations to reflect the new law allowing gays to serve openly. The revisions, such as eliminating references to banned homosexual service, are in line with policy guidance that was issued by top Pentagon officials in January, after Obama signed the legislation that did away with the "don't ask, don't tell" policy.

The lifting of the 18-year-old ban also brings a halt to all pending investigations, discharges and other administrative proceedings that were begun under the Clinton-era law. Existing standards of personal conduct, such as those pertaining to public displays of affection, will continue regardless of sexual orientation.

There also will be no immediate changes to eligibility standards for military benefits. All service members already are entitled to certain benefits and entitlements, such as designating a partner as one's life insurance beneficiary or as designated caregiver in the Wounded Warrior program.

Gay marriage is one of the thornier issues. An initial move by the Navy earlier this year to train chaplains about same-sex civil unions in states where they are legal was halted after more than five dozen lawmakers objected. The Pentagon is reviewing the issue.

Service members who were discharged under the "don't ask, don't tell" law will be allowed to re-enlist, but their applications will not be given priority over those of any others with prior military experience who are seeking to re-enlist.

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President's Statement On End Of Gay Military Ban

WASHINGTON, DC (Observer Update) - Statement by the President on the Repeal of Don't Ask, Don't Tell:

Today, the discriminatory law known as 'Don't Ask, Don't Tell' is finally and formally repealed. As of today, patriotic Americans in uniform will no longer have to lie about who they are in order to serve the country they love. As of today, our armed forces will no longer lose the extraordinary skills and combat experience of so many gay and lesbian service members. And today, as Commander in Chief, I want those who were discharged under this law to know that your country deeply values your service.

I was proud to sign the Repeal Act into law last December because I knew that it would enhance our national security, increase our military readiness, and bring us closer to the principles of equality and fairness that define us as Americans. Today's achievement is a tribute to all the patriots who fought and marched for change; to Members of Congress, from both parties, who voted for repeal; to our civilian and military leaders who ensured a smooth transition; and to the professionalism of our men and women in uniform who showed that they were ready to move forward together, as one team, to meet the missions we ask of them.

For more than two centuries, we have worked to extend America's promise to all our citizens. Our armed forces have been both a mirror and a catalyst of that progress, and our troops, including gays and lesbians, have given their lives to defend the freedoms and liberties that we cherish as Americans. Today, every American can be proud that we have taken another great step toward keeping our military the finest in the world and toward fulfilling our nation's founding ideals.

Gay Soldiers Demand Missing Pay

WASHINGTON, DC (Observer Update) - The Department of Justice wants a federal court to dismiss a class action lawsuit involving 142 people who were discharged from the military under "don't ask, don't tell" and are now in a lower pay grade because of their discharge status, reports advocate.com.

The American Civil Liberties Union announced the lawsuit, looking for a total of $2.1 million. The organization said the policy dictating the service members' separation pay was not part of the "don't ask, don't tell" repeal, so there was no change once the ban on openly gay military personnel was lifted. However, the Department of Defense can change the policy on its own, without congressional approval, according to the ACLU.

Justice Department attorney L. Misha Preheim did not argue the merits of the policy but said the Department of Defense should determine separation pay, as opposed to a court. "The government is too embarrassed to defend the constitutionality of its policy in open court, so it is inventing new reasons to deny these service members justice," ACLU staff attorney Joshua Block said Thursday. "These veterans served their country honorably and deserve the full recognition and benefits that are afforded to other service members. The sums they seek are small to the military, but make a huge difference when readjusting to civilian life."

Separation pay is given to service members who were involuntarily discharged after at least six years of service, according to CBS News. However certain discharges, like those based on alcohol or drug abuse and previously, "don't ask, don't tell," can cause that pay to be slashed in half.

The case was brought forward by Air Force sergeant Richard Collis, who was honorably discharged in 2006 after coworkers reported that he had been spotted giving a kiss to his partner in a car 10 miles off base. At the time of the kiss, Collins was off duty and was not in uniform.

He told CBS News that he and his partner had always been cautious in public. "That one time I just happened to lean over and kiss him on the cheek," he said. "He said something sweet."

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Gay Soldier Who Came Out On You Tube Now A Hero To Many

NEW YORK (Observer Update) Randy Phillips, a 21-year-old from Alabama, who recorded himself coming out to his dad on when the Don't Ask, Don't Tell ban was lifted, has now become a hero to hundreds of thousands as his video makes it around the globe.

Phillips first chronicled his trials as a closeted soldier stationed at Ramstein Air Base Germany anonymously, shooting videos that didn't reveal his face. But in his heartbreaking video, below, he comes out to his dad on speakerphone, first asking if his father

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UPDATE

Chuzapalooza 2nd Annual Yard Sale Fundraiser Oct. 15

TUCSON (Observer Update) - Check your closets, drawers and around the house because Chuzapalooza 2012 is in need of your unused or no longer needed good that are cluttering your life.

Chuzapalooza would like those items to sell to help make Tucson's only LGBTQ tournament, bigger and better than ever! The second annual yard sale will happen Saturday, October 15, at 410 S. Harvard, starting at 7 am.

For more information, call 495-0143.

Tucson Gay Pride Parade October 8

The Tucson Pride Board announces Grand Marshals for their annual Pride on Parade. This year's parade is scheduled for October 8, 2011 at 8:00 in the evening. The parade is being held in conjunction with Second Saturday's monthly downtown event. In honor of the 30th anniversary of the discovery of the AIDS virus, Tucson Pride has chosen Wendell Hicks (Executive Director Southern Arizona AIDS Foundation), Dr. Heather Moroso (Founder of Positively Beautiful), Scott Blades (Executive Director Tucson Interfaith HIV Awareness Network), and Jeffrey Scott Brown (AIDS Ribbon). The parade will start at 6th Street and Pennington going south to Congress then west on Congress and north on Stone Avenue where it will end. It is a night time parade so come see all the bright and colorful entrants. If interested in being a part of the parade please visit our website at www.tucsonpride.org.

Wendell Hicks, Dr. Heather Moroso, Scott Blades and Jeffrey Scott Brown, will be the 2011 Pride on Parade Grand Marshalls.

Come Join them on October 8th on Congress Street at 8pm!

Navy Officer, Partner Wed In Vt. As Ban Ends

(Duxbury, Vt.) Just as the formal repeal of the military's "don't ask, don't tell" policy took effect, Navy Lt. Gary Ross and his partner were married before a small group of family and friends.

The two men, who'd been together 11 years, decided to marry in Vermont in part because the state is in the Eastern time zone. That way, they were able to recite their vows at the stroke of midnight – at the first possible moment after the ban ended.

"I think it was a beautiful ceremony. The emotions really hit me…but it's finally official," Ross said early Tuesday. Hours before the change, the American military was also making final preparations for the historic policy shift. The Pentagon announced that it was already accepting applications from openly gay candidates, although officials said they would wait a day before reviewing them.

Ross, 33, and Dan Swezy, a 49-year-old civilian, traveled from their home in Tucson, Ariz., so they could get married in Vermont, the first state to allow gays to enter into civil unions and one of six that have legalized same-sex marriage.

Ross wore his dress uniform for the double-ring ceremony that began at 11:45 p.m. Monday at Duxbury's Moose Meadow Lodge, a log cabin bed-and-breakfast perched on a hillside about 15 miles northwest of Montpelier. The lodge says it hosted the state's first gay wedding in 2009. Justice of the Peace Greg Trulson proclaimed the marriage at exactly midnight.

"This is Gary's official coming out," Trulson said. Ross and Swezy were joined by close friends and some family members who shared champagne and congratulations with them after the ceremony. Ross said he plans on having a full career in the military.

"We're thrilled the policy is gone," he said of his and Swezy's reaction to the end of "don't ask, don't tell."

Gay marriage is an even thornier issue. A Navy proposal to train chaplains to conduct same-sex civil unions in states where they are legal was shelved earlier this year after more than five dozen lawmakers objected. The Pentagon is reviewing the issue.

Ross, a 2002 graduate of the Naval Academy, is a surface warfare officer at the Army's Fort Huachuca. He expects to return to sea next spring. He met Swezy in early 2000 while Ross was still an academy student. At the time, he didn't think through the personal implications of the military's ban on gay and lesbian service members serving openly. But as his relationship with Swezy grew, it became important.

Their Tucson home is about a two-hour commute from Fort Huachuca, which is near the Mexican border. Under "don't ask, don't tell," Ross could not talk about his relationship with Swezy, but he said some of his co-workers must have known.

"Anyone with any moderate perception could have figured it out," he said.

When he goes back to work Thursday, Ross isn't planning to advertise that he's married to a man. "Even though the law goes away, it will still be the white elephant in the room until everyone comes to terms with it," he said.

Ross said the end of "don't ask, don't tell" will simplify many aspects of his life. "It requires you to lie several times a day," Ross said of the old system. "Being in the military is extremely invasive. It becomes a web of excuses you make when you try to be as honest as possible but you can't be honest."

He hopes being able to talk about his relationship will make his work easier, too.

"If you're standing watch at midnight on a surface ship there's not much to talk about," he said. "It becomes very difficult to trust someone you can't be honest with."

On You Tube

Continued from Page One

will always love him, no matter what. Then he tells him that he's gay.

There's a long pause. But finally, his dad says, "OK." And also "I love you" and "I'm proud of you." Phillips has become a sensation, his story covered on all the major networks and his video on the front page of the It Gets Better project. The video now has almost 2.5 million views.

Randy Phillips

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

SAAF

Southern Arizona AIDS Foundation

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The Observer

saturday 10/1
Shimmer Show 9:30pm
hosted by Jade Envy, Anya Foxx, & Desiraye DiMarco
Guest performances by
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Hundreds Attend Funeral Of Bullied Teen

Jamey Rodemeyer

BUFFALO (Observer Update) - The 14-year-old committed suicide one week ago under intense anti-gay bullying. At least 500 people came to his funeral to pay their respects. It's hard to imagine how difficult his life must have been for him to end it. Or to imagine what's going through the minds of the kids who bullied him.

It's so important that he's remembered. Nearing the end, he quoted from Lady Gaga's "The Queen" on his Facebook: "Don't forget me when I come crying to heaven's door."

Police in Buffalo, New York are considering whether to bring criminal charges against students who harassed Jamey Rodemeyer, the 14-year-old junior high school student who committed suicide after being bullied for coming out gay.

In May, Rodemeyer posted a heartbreaking YouTube video for the It Gets Project, which reaches out to struggling gay teens considering suicide. "Lady Gaga, she makes me so happy, and she lets me know that I was born this way. And that's my advice to you from her. People are born this way. All you have to do is hold your head up and you'll go far," he said in the clip. "Just love yourself and you're set … It gets better."

The video was a relief for his parents who saw it as a sign that their son's struggle might be coming to an end. But Rodemeyer, who had just started his freshman year at Williamsville North High School outside Buffalo, was found dead outside his home. (Police have not released details of how he killed himself.)

Police Chief John C. Askey told the Buffalo News that the department was looking into the case. "We've heard that there were some specific students, an unidentifiable group of students, that had specifically targeted Jamey, or had been picking on him for a period of time," he said. Officials said the actions of three students in particular are being investigated. The students could be charged with aggravated harassment.

As Gay Military Ban Ends, Outserve Officer Reveals His Identity

SAN FRANCISCO (Observer Update) - J.D. Smith came into being when a gay student group in upstate New York needed a speaker to talk about the U.S. military's ban on openly gay troops. In the 16 months since then, he advised the Pentagon on the policy, became an oft-quoted media commentator on the topic and was a White House guest when President Barack Obama signed the bill paving the way for the ban's appeal.

When the 17-year-old "don't ask, don't tell" policy went away, so did J.D. Smith, the name a 25-year-old Air Force officer assumed to shield his identity as he engaged in high-wire activism that could have crashed down on his career. Even if no one asks, Air Force First Lt. Joshua David Seefried is telling.

"It's all about leading now," Seefried told The Associated Press as he prepared to come out to his superiors, put a picture of his Air Force pilot boyfriend on his office desk and update his personal Facebook profile to reflect his sexual orientation. "Those are things I feel like I should do because I guess that is what a leader would do. If we all stay in the closet and don't act brave, then the next generation won't have any progress."

At Joint Base McGuire-Dix-Lakehurst in New Jersey, Seefried works in finance, oversees a staff of 20 and is attached to the 87th Air Base Wing. Twice this year, he was set to deploy to the Middle East, and felt conflicted when his orders were canceled only because going overseas would have put J.D. Smith out of commission. A handful of friends at work know he is gay. Only one knows about OutServe, the underground network for gay military personnel he co-founded last year.

Although he expects only a fraction of the 65,000 gay men and lesbians estimated to be serving in the armed forces to reveal themselves at first, Seefried will not be alone. His organization's magazine published an issue featuring photographs and biographies of him and 100 other gay service members. It will be available online and at Army and Air Force commissaries.

OutServe, which has grown to 4,300 members in more than 40 chapters from Alaska to Iraq, has had an exceptionally aggressive rise since February 2010 launch. From the start, Seefried and a tech-savvy civilian friend, Ty Walrod, saw its mission as two-fold: to ease the isolation of gay service members and to educate the public about the price of requiring them to serve in silence.

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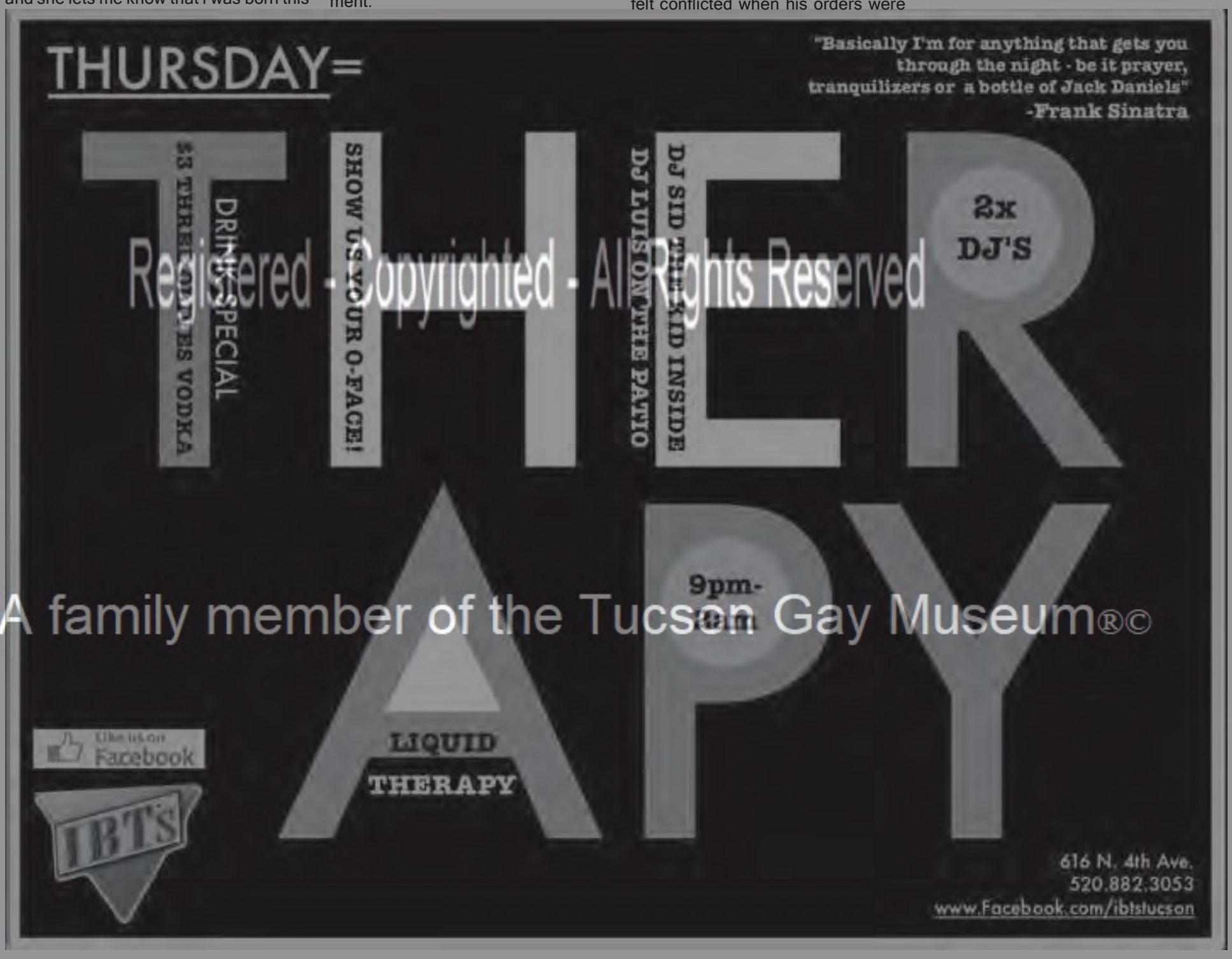

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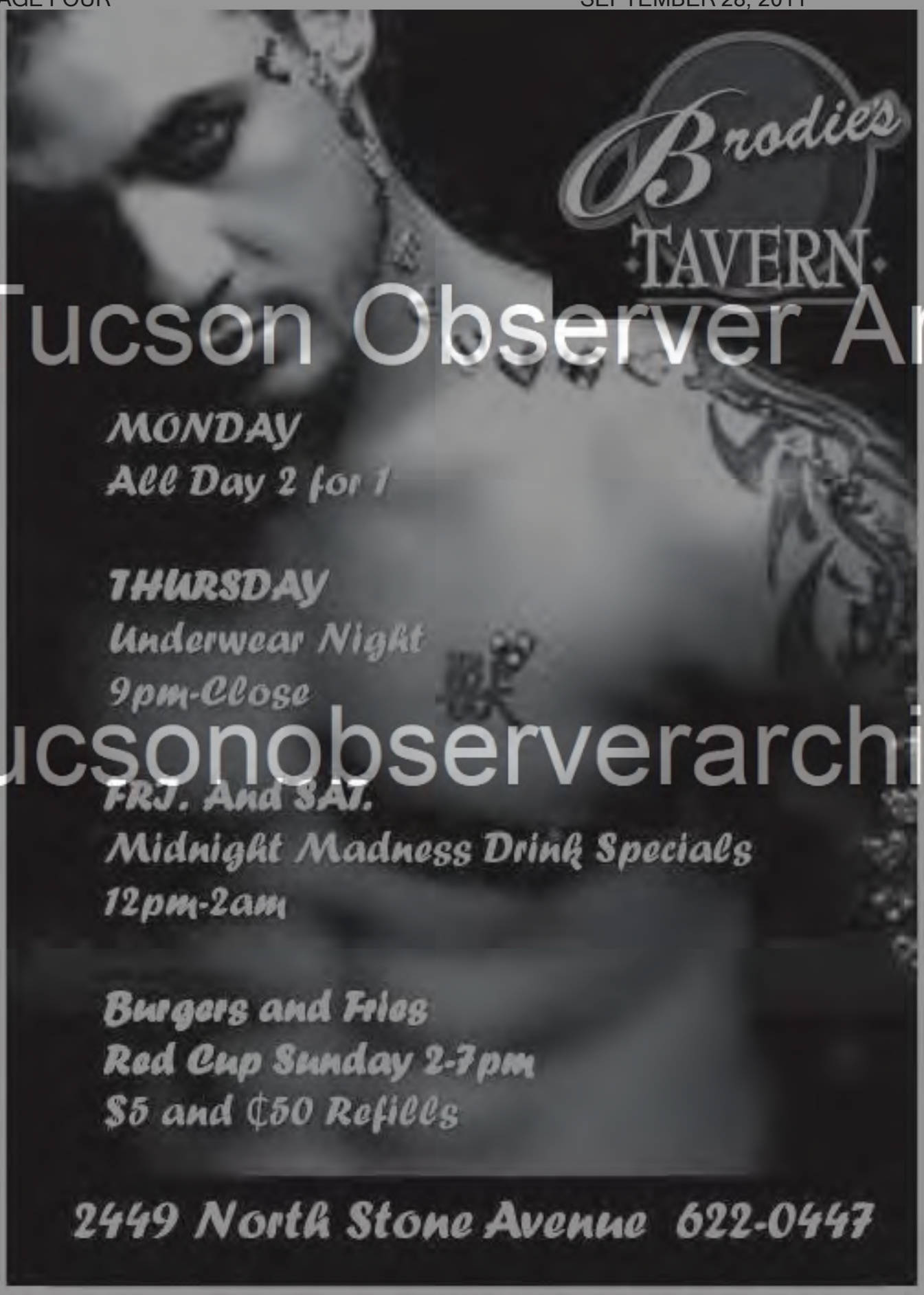

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COMMENTARY. . . .

by John Culhane

The Tidal Shift In The LGBT Movement

Who's hiding now? A couple of recent developments – one seismic, the other not so much – point to a tidal shift in the battle for LGBT equality and dignity.

The biggie, of course, is the long-overdue interment of Don't Ask, Don't Tell. You'd have to be made of a certain kind of dense mineral not to be moved by the stories that we're hearing of soldiers who can now go about their jobs without fear of being outed, then ousted. And the squawking of those on the hard-right who'd threatened to get repeal undone are dying away like the gasps of an almost-extinct species.

Yet the repeal creates problems more complex than the one it solved. Once these gay and lesbian (but not transgendered) soldiers stand revealed in the fullness of their identity, it's also going to become almost immediately apparent that they're still not equal. While they now are allowed to exist, their relationships are not, because these soldier are not considered legally married for federal purposes.

So all the benefits that straight servicemembers take for granted – including housing for their families and spousal death benefits – aren't available to same-sex couples. Because of the Defense of Marriage Act ("DOMA") that's true even if the couple is considered legally married in their state of residence.

This glaring inequality has the potential to do some serious damage to the anti-equality forces. Soldiers not only enjoy tremendous respect, but they live in such stifling proximity to each other that these inequities can't be missed. In short order, this new set of stories – told now not by ex-soldiers, or by soldiers concealing their identities, but by open and proud service members – will create a compelling narrative that should accelerate the momentum toward the repeal of DOMA.

Equality and openness beget more of the same. This could finish even better than you'd think it might. Because members of the military are constantly on the move, and often overseas, it won't do to have their marriages recognized some of the time (when they're in states that allow same-sex marriages) but not always (when they're anywhere else). So the move to pass something like the Respect for Marriage Act ("RMA") will also gain steam. Under that proposed bill, once you're legally married in any state that allows it, you'd be forever deemed married for federal purposes. While the RMA still won't force states to recognize marriages from other states, the pressure on them to do so will increase dramatically.

No other approach makes sense for the military – it would be a logistical nightmare for the government (and the same-sex couples) to move in and out of legal marriage as they changed location. This is already a problem with same-sex marriages under state law: try dissolving your Massachusetts marriage in Texas, for example. But the military setting brings the problem into sharp relief. So the reality of our lives, as we push further and more boldly into the open, has created irresistible pressure for equality. Look no further than recent polling data on marriage equality for evidence that the message is getting through.

And that brings me to the second development, which is a sort of flip side. As our openness and equality become an increasingly tight and strong braid, our opponents find themselves on the defensive. That's not a good place to be when you have no good arguments for your position. So, once again, we had the Prop 8 opponents trying – but failing – to keep the videotape of the trial from being made public. (An appeal has been filed, of course.) And a couple of weeks ago, the lawyers working for the House of Representative on the DOMA case politely refused to consent to the videotaping of oral arguments before the federal appellate court. They gave no reason for their refusal, but let me suggest one: They know their arguments are neither sympathetic nor compelling.

The more they say, the worse – the meaner, frankly – they seem. David Boies, one of the attorneys on the Prop 8 challenge, said it succinctly: "The witness stand is a lonely place to lie." (Watch the video, especially around the 3:00 mark. Boies is devastating.) Indeed, the Prop 8 defenders' witnesses were such a disaster that the release of the videotapes would be a huge boon for our side. Better to keep it – and all opposition arguments – under wraps. I'd be begging for the same result were I the lawyer representing them.

Who's hiding now?

(John Culhane is stepping up the pace of his own blogging at wordinedgewise.org as his work on this site rockets toward its conclusion next week. This article is reprinted from 365Gay.com)

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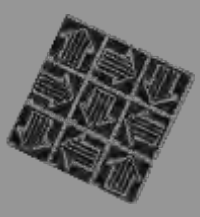

David Bromstad Unveils Mural For HIV Testing Initiative

David Bromstad Unveils His HIV Testing Mural

NEW YORK (Observer Update) - In recognition of National Gay Men's HIV/AIDS Awareness Day, designer and artist David Bromstad unveiled a mural he created to bring to life the importance of HIV testing.

The "Know Yourself: Get HIV Tested" event, held in New York, was sponsored by Janssen Therapeutics. Speaking about the project to The Advocate in July, Bromstad said, "I want people to be encouraged and know that getting tested is just something they need to do to maintain their health. It's like brushing your teeth – not doing it shouldn't be an option."

Bromstad said the initiative was a great opportunity to communicate the importance of getting tested in the way he knows best – through creative means.

Judge: Prop 8 Trial Videos To Be Released To Public

SAN FRANCISCO (Observer Update) - U.S. District Judge James Ware directed that the Prop 8 trial videos be released to the public after Sept. 30. The stay allows the anti-marriage side to make an appeal, reports advocate.com.

But Ware said he found "no compelling reason" to deny the public access to the video record of California's historic gay marriage trial.

Coincidentally, tonight is also the star-studded, one-night-only premiere of Dustin Lance Black's "8," a play about the Prop 8 trial.

Man Charged With Hate Crime In Seattle Over Mistaken Identity

SEATTLE (Observer Update) - A man arrested over the weekend for an attack in Seattle's Capitol Hill neighborhood has been charged with a hate crime, reported advocate.com.

According to KOMOnews.com, Raven Lang Brealan, 34, admitted to arresting officers that he had engaged the victim, who he assumed to be a woman, in a flirtatious conversation. He also admitted that the conversation had caused him to become aroused.

However, when he discovered that his object of interest was actually a man, the article continues, he "grew enraged and began spitting and yelling homophobic slurs at the victim and a nearby witness."

Charging documents say that a friend of the victim told Brealan "that he is on Capitol Hill and [needed] to stop with the anti-homosexual sentiment."

The attack, which occurred near the corner of 10th Avenue and East Pike, also allegedly included punches, threats with a knife, and the throwing of a metal sign post.

Brealan – who reportedly has a long rap sheet that includes convictions for assault, theft, DUI, and others – was charged with a hate crime and one count of fourth-degree assault. His bail was set at $50,000.

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Much Ado About Nothing

Jack Melichar

I would like to begin with an observation on the current political circus – the Republican "I wanna be President of the United States" club. If I were from another planet and happened to drop into this country four years ago and then again today, I would be convinced that the only Republican women who are willing to seek high office are patently stupid (or is this a trait of all Republican women?). I will only mention the name of Palin the pathetic and be done with her.

Next, of course, there is Michele Bachmann. Ay, god! I feel sorry – at some level – for that one. But then, some of what she spits out is not only stupid, it is dangerous. Bachmann recently attacked Rick Perry of Texas (not one of my favorites, but I digress) for an executive order requiring girls in that state to be vaccinated for HPV or as Bachmann put it, to receive "a government injection." I am tempted to make a comment here, but some might think it in poor taste.

Never mind what was Perry's real motive for the executive order – he did in fact receive a contribution from the pharmaceutical company that manufactured the drug. But keep focused on the reality that HPV causes certain cervical cancer. If some child now dies because her parents were made paranoid of "government injections," much of the blame will lie on Bachmann's shoulders, not that she would admit it or even realize it – rather like Arizona's contribution to the intelligentsia, John Kyle, who claimed that a statement he made about Planned Parenthood "was not intended to be a factual statement". In other words, it was meant to be BS or a lie! Boys and girls, do you think stupidity in the Republican ranks is gender blind?

But there is more from this marvel of intelligence, or lack thereof. She claimed that the Founding Fathers worked "tirelessly" to end slavery. Tell that to Thomas Jefferson who was being more than affectionate with his slave, Sally Hemmings! But Bachmann was never one to let facts stand in her way (case in point, she believed the Battle of Bunker Hill was fought in New Hampshire. Ay god! Glad she wasn't leading the minute men. We might never got around to having a Revolution!) She also claimed that John Quincy Adams worked to abolish slavery. Indeed he did. But while his father, John Adams, was a Founding Father, John Quincy was all of eight years old when the war broke out.

I understand that factual errors occasionally occur. But please, if you want to lead the nation, at least take the time required to find out the truth and something of the history of the country.

No wonder Bachmann is always smiling. She has no clue of what is going on around her. Remember, ignorance is bliss, and she must be blissful in deed.

Lest you think I have it out for her, not so! I will have commets about the other candidates in future articles. And by the way, I'm not all that happy with Obama either.

Enough politics.

Normally in this issue I would give a review of a play, in this case, SHERLOCK HOLMES AND THE ADVENTURE OF THE SUICIDE CLUB. Unfortunately, my hearing has deteriorated so badly that there was much of the dialogue I missed. My friend who accompanied me assured me it was very well acted. I cannot vouch for that, so will say nothing. I will, however, say that anything ATC puts on is a safe bet.

I was so frustrated by my inability to hear, that I ordered new devices on Monday. Ay god, they are expensive. What I don't do for you, boys and girls.

You will need to watch your back. The miscreant has been popping up all over. It seems everyone is chasing the buck and will allow him to frequent their establishments – even though he is a snake!

Miscreantus delenda est! I will tell you what that means next week.

So long until next week.

GOP Debate Viewers Jeer Gay Soldier

ORLANDO (Observer Update) - During one of the few Republican debates to address gay rights, a soldier posted a YouTube question for former Pennsylvania senator Rick Santorum about "don't ask, don't tell," which resulted in the soldier being booed by the crowd.

Stephen Hill, who was deployed to Iraq in 2010, said he was initially forced "to lie about who he was" out of fear that he could be discharged due to the military's now-eradicated ban on openly gay service members. He asked the panel of nine GOP presidential hopefuls, "Under one of your presidencies, do you intent do circumvent the progress that's been made for gay and lesbian soldiers in the military?"

Immediately after the question was asked, the crowd reacted with booing toward the soldier. Moderator Megyn Kelly posed the question directly to Santorum, who said he would repeal the repeal of "don't ask, don't tell" if elected and that sex has no place in the ranks. "What we're doing is playing social experimentation with our military right now, and that's tragic," he said.

The repeal of "don't ask, don't tell" officially took place after 17 years of restricting gay, lesbian, and bisexual service members from serving openly. The policy also prevented military personnel from admitting the existence of any same-sex relationships, as that information could have been used as evidence to discharge gay troops. Even now after repeal, out soldiers with partners, spouses, or children face a host of legal and policy-based red tape for benefits that heterosexual troops can use, like shared medical benefits, housing, and travel clearances.

See Phorto on Page Nine

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Judge Backs Exemption For Alaska Same-Sex Couples

ANCHORAGE (Observer Update) - Alaska's same-sex couples are entitled to the same senior citizen and disabled veteran property tax exemptions as married couples, a state judge has ruled, reports advocate.com.

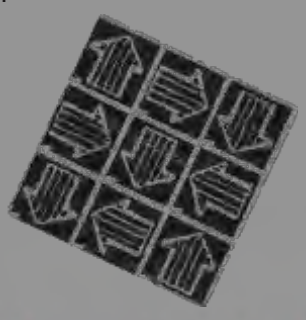
Superior Court Judge Frank Pfiffner said in his decision that the state's marital classification violates the Alaska Constitution's equal protection clause. ACLU of Alaska and the national American Civil Liberties Union challenged tax assessment rules on behalf of three couples from Anchorage who were denied tax breaks that they would have been entitled to if they were married. The couples were in committed relationships but were treated as roommates rather than families, according to the Alaska ACLU.

The group's spokesman Jeffrey Mittman said one couple, Julie Schmidt and Gayle Schuh, had been together 34 years. "Gayle and I moved, built a home and a life here because we love what Alaska has to offer," Schmidt said in the ACLU announcement. "It hurt that the state that we value so much treated us like strangers. It is gratifying to finally have our relationship recognized."

Assistant Attorney General Rachel Witty said by email that the state is reviewing the 34-page decision and assessing its options. Alaska voters approved an amendment to the state constitution in 1998 that defines marriage as a union between one man and one woman.

Alaska tax exemption law allows seniors over age 65 and disabled veterans to exclude from their property tax the first $150,000 of assessed value of their primary home. Married couples get the exemption whether the home is owned by the husband, the wife or both.

Pfiffner in his ruling noted that Schmidt, 67, and Schuh, 62, co-owned a home in Eagle River since 2006. Schmidt qualified for the exemption but was unable to exempt the full amount because the law deemed her the occupant of only half the house. Two other plaintiffs - Julie Vollick, a permanently disabled military veteran, and her former same-sex domestic partner, Susan Bernard - had a similar experience.



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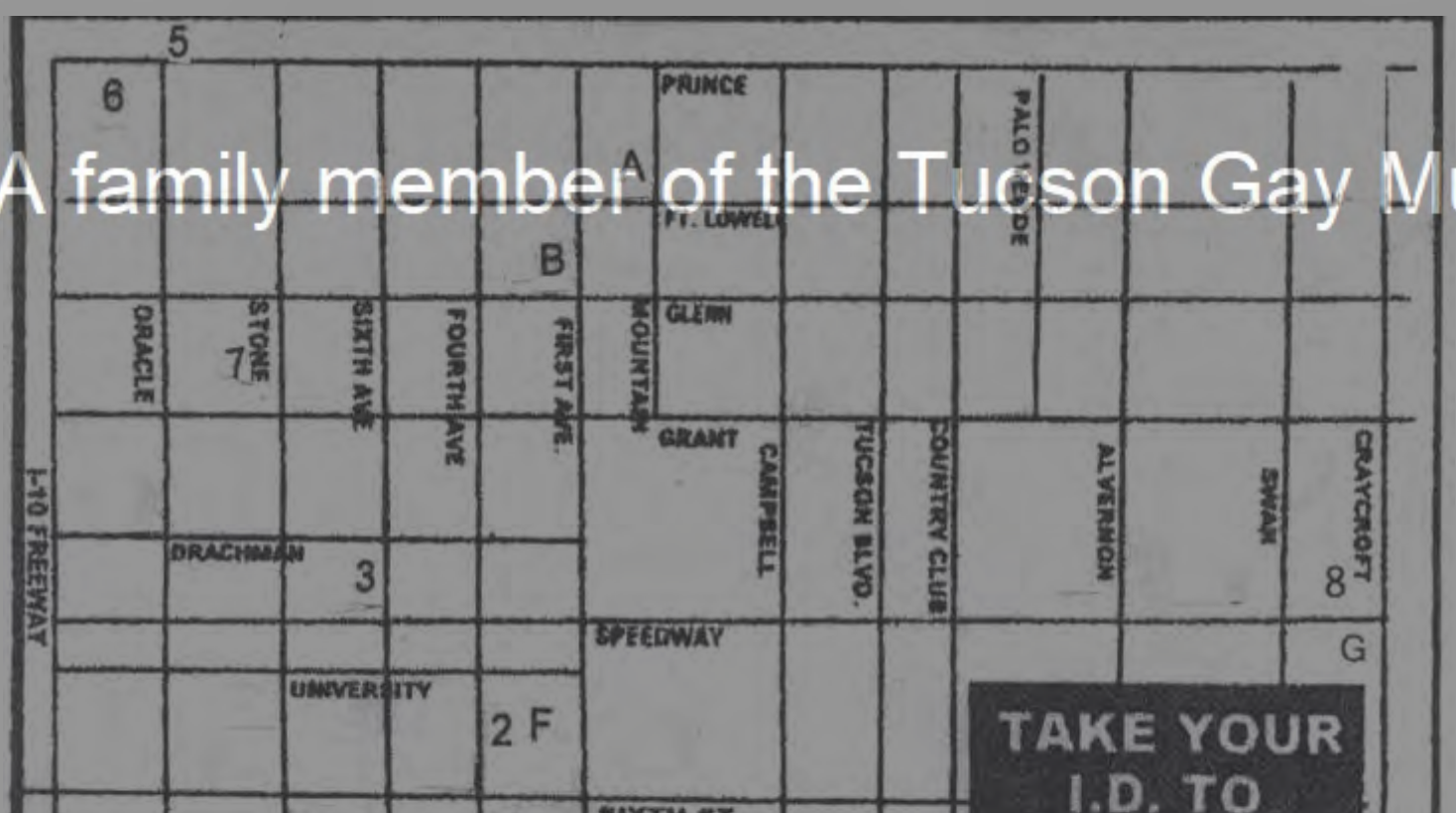

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Gallagher Leaving NOM

NEW YORK (Observer Update) - Maggie is leaving. The National Orgnaization of Marriage announced today that Maggie Gallagher is stepping down as chair.

Her replacement? John Eastman, who NOM says is "a distinguished Constitutional law scholar." "I will remain on the NOM board, and continue to work on specific projects for NOM, as well as taking on some additional outside projects I've long deferred, such as finishing my book Debating Same-Sex Marriage which I've been working on for Oxford University Press with Prof. John Corvino," Gallagher said in a statement.

Love how our own John gets a shout out! Thanks to the New Civil Rights Movement for the link.

Tucson Observer Archives

Melissa Etheridge Denies Tammy Lynn Michae ls Marriage Claim

tucsonobserverarchives.org

LOS ANGELES (Observer Update) - Rocker Melissa Etheridge has denied she and Tammy Lynn Michaels were ever married, celebrity website TMZ.com reported.

Last April, the two women announced they were splitting up after nine years. In separate filings to end their California domestic partnership, each claim "irreconcilable differences." Etheridge is asking the court for joint custody of the couple's twin 4-year-old children, son Miller and daughter Johnnie Rose. Michaels, who gave birth to the twins, says she wants full custody of the children with visitation rights for Etheridge.

Michaels has previously claimed that Etheridge left her and their children penniless. Allegations Etheridge has denied. The women continue to argue about child custody, child support, spousal support and division of property. Michaels, 36, said on her blog that she gave up an acting career in 2001 to care for the children. She has filed for a dissolution of marriage, rather than domestic partnership, believing she is more likely to prevail in her claim for spousal supports if the court views their relationship as a marriage.

According to TMZ.com, Etheridge, 50, has said that their vows were "nothing more than a non-biding commitment ceremony."

Feds Ask Court To Dismiss 'Don't Ask' Lawsuit

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SAN FRANCISCO (Observer Update) - Even as federal officials laud the end of the U.S. military's ban on openly gay troops, Justice Department lawyers are trying to dissuade a federal appeals court from deciding if the "don't ask, don't tell" policy was unconstitutional, the AP reported on advocate.com.

They filed a motion asking the 9th U.S. Circuit Court of Appeals in SanFrancisco to vacate a lower court ruling last September that found the ban violated the civil rights of gay service members. The government says the case is moot now that "don't ask, don't tell" is history and the more than 14,000 people discharged under the policy can apply for reinstatement.

The gay political group Log Cabin Republicans, which brought the case, wants the appeals court to address the ban's constitutional implications. The 9th Circuit heard arguments earlier this month but has not rendered a decision.

Ex-Sergeant, Outed As Lesbian By Police, Wants To Re-Enlist

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HARRISBURG (Observer Update) - A female sergeant who was discharged from the Air Force last year after South Dakota police reported her marriage to a woman wants to re-enlist now that the ban on gays and lesbians serving openly in uniform has been lifted, advocate.com reported.

Jene Newsome said that she's happy the ban has been lifted and that she's eager to restart her military career. But she also feels as though the sense of jubilation she would have felt by serving in the military when the ban was lifted was stolen from her.

"Just to have that liberation, and just to be able to celebrate and come out to your co-workers, and ... not refer to my wife as my friend when I'm around some of my co-workers or at events for the military," Newsome said. "To actually be able to speak with your co-workers about that particular person in your life and not have to really walk around the subject being afraid that you're going to say something that kind of outs you."

Repeal of the 18-year-old legal provision known as "don't ask, don't tell" - under which gays could serve as long as they didn't openly acknowledge their sexual orientation - took effect Tuesday. Newsome, 29, now lives in Harrisburg, where she was born and raised. She plans to go to the recruiter's office Oct. 1, the day the recruiter told her jobs will open up for people who were previously enlisted.

Service members who were discharged under "don't ask, don't tell" will be allowed to re-enlist, but their applications will not be given priority over those of any others with prior military experience who are seeking to re-enlist. Newsome enlisted less than a year after she graduated from high school and rose to the rank of sergeant, loading munitions onto aircraft and maintaining weapons systems inside jets, including the weapons' electrical and suspension equipment.

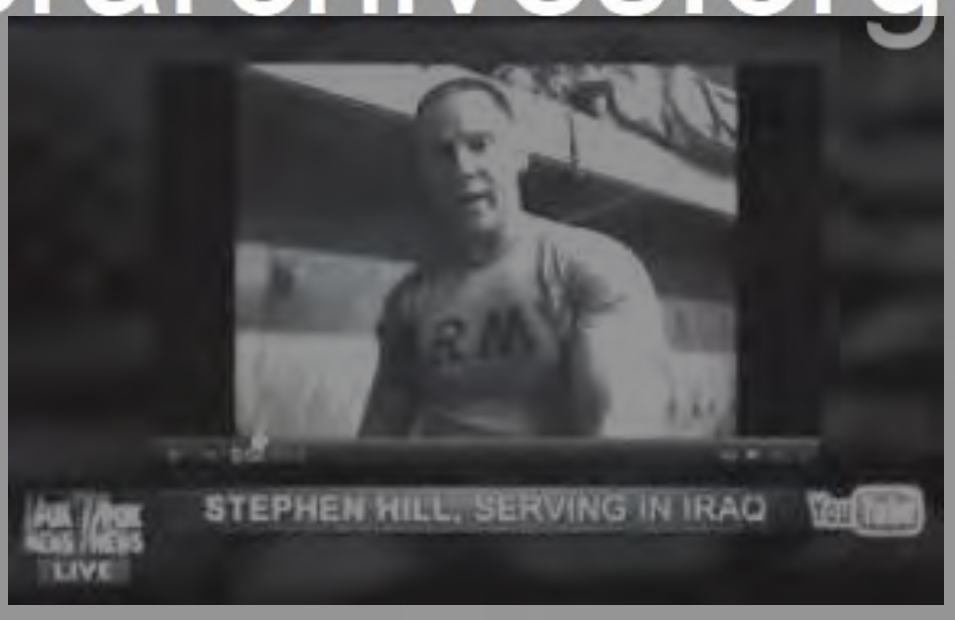
Newsome was working at Ellsworth Air Force Base in November 2009 when Rapid City, S.D., police, serving an out-of-state warrant against her partner, noticed a marriage certificate from neighboring Iowa, where gay marriage is legal. Rapid City police have said Newsome was not cooperative when officers showed up at her home with an arrest warrant for her wife, who was wanted on theft charges in Fairbanks, Alaska.

Officers spotted the marriage license on the kitchen table through a window and alerted the base. The Air Force later gave Newsome an honorable discharge. On behalf of Newsome, the American Civil Liberties Union filed a complaint with the police department, which subsequently changed its policy for releasing information to the military, although its chief defended the officers' actions.

"Our position on the matter is unchanged. It is unfortunate that Ms. Newsome's career ended as a result of the military's Don't Ask, Don't Tell policy. We sincerely wish her the best in her future endeavors," Rapid City police Capt. Deb Cady said in a statement. A lawyer for Newsome also has notified Rapid City of an impending lawsuit, though Newsome did not want to discuss her plans Wednesday.

GOP Debate Viewers Jeer Gay Soldier

See Story On Page Six



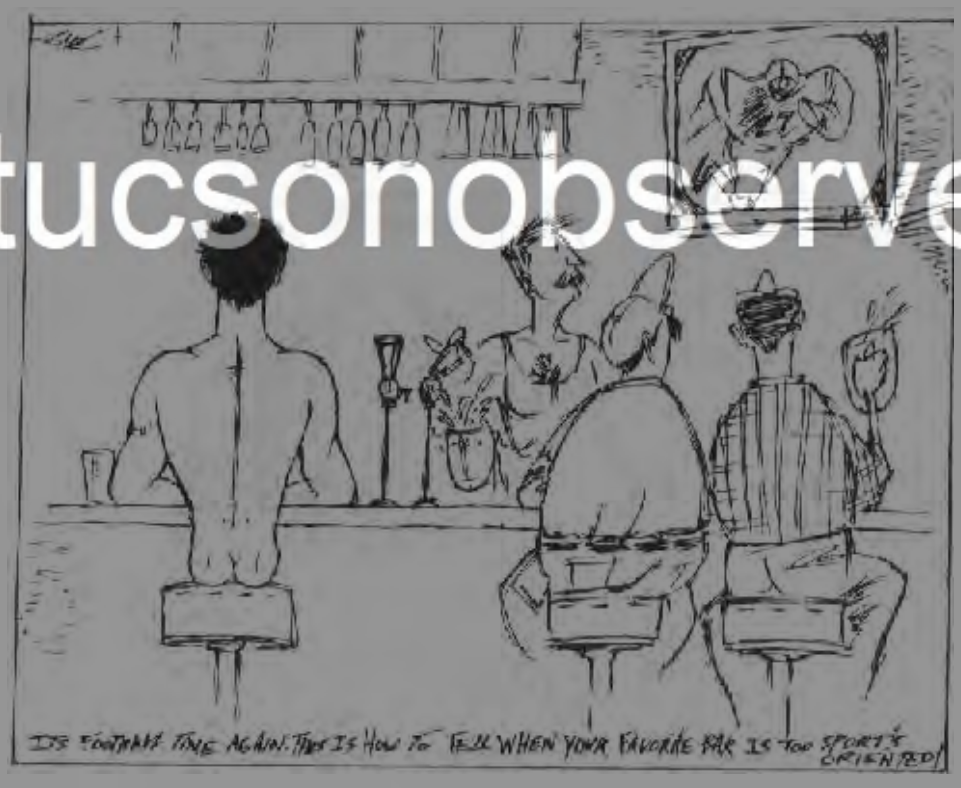
Poet's Corner

Guess Who?

By Ron Rose - Tucson

When we talk about taxes
They bring out their axes
Sharpened and ready to cut.
Forget their fair share
They don't really care
Kick 'em, my friends, in the butt.
They want breaks for the rich
While they rant and bitch
This war pits class against class,
The country goes down
While they fret and frown
They need a swift kick in the ass.

The Way I Saw It. . .by Gary Clark



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

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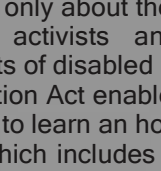

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Labor, Equality Groups Work To Save Gay History Act

SACRAMENTO - A broad effort has been launched to educate the California public on the need for the recently passed FAIR Act, which mandates the teaching of LGBT history in the state's schools, reports advocate.com.

More than three dozen groups are banding together to stop a repeal effort from the right-wing activists. Some of the organizations fighting to keep the Fair, Accurate, Inclusive, and Respectful Education Act alive include the American Civil Liberties Union of Southern California, the California Council of Churches, Sacramento Area Teachers, the Transgender Law Center, The Latino Equality Alliance and the Los Angeles Gay and Lesbian Center. After state legislature passed the FAIR Act, introduced by state senator Mark Leno and Gov, Jerry Brown signed it into law July 14, conservative groups launched a plan to have it repealed by popular vote. More than half-million signatures need to be gathered to qualify the ballot measure for next June's election.

It's not yet clear how the groups will get the word out on the importance of the FAIR Act, which mandates teaching not only about the work of gay civil rights activists and also the achievements of disabled people. "The FAIR Education Act enables all California students to learn an honest account of history, which includes the contributions of women, people of color, LGBT people, people with disabilities, an other historically under-represented groups," said Carolyn Laub, Gay-Straight Alliance net work executive director. "This coalition is determined to protect the FAIR Education Act and stop the extremist effort to censor LGBT people and people with disabilities from history."

A family member of the Tucson Gay Museum ©

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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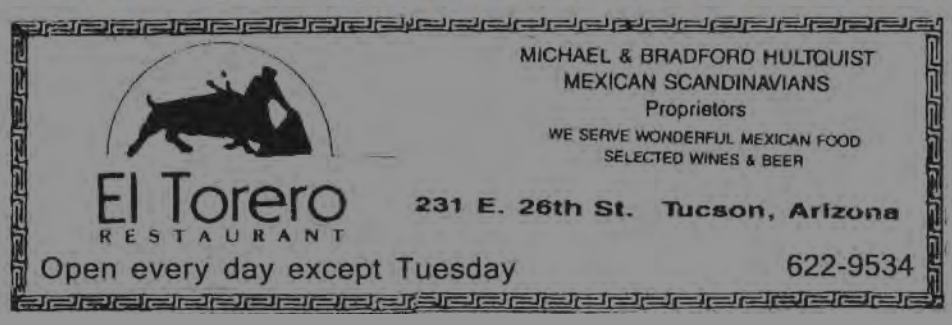

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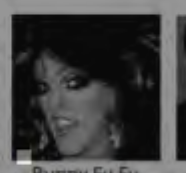
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Play About Prop 8 Makes Debut

aaNEW YORK (Observer Update) - A play based on last year's federal court fight over California's gay marriage ban made its Broadway debut with an all-star cast, only hours after a federal judge decided to unseal the trial's video recordings.

Screenwriter Dustin Lance Black's play "8? was born, in part, by frustration that Proposition 8 backers had succeeded in getting the U.S. Supreme Court to bar broadcast of the landmark case. During the trial, former U.S. Solicitor General Theodore Olson and attorney David Boies – best known as adversaries who represented opposing sides in the disputed 2000 presidential election – put on a powerfully clear argument in favor of gay marriage. Prop. 8 was eventually ruled unconstitutional in August 2010. The case is under appeal.

Black, a member of the American Foundation for Equal Rights, wrote his play using the trial transcript, firsthand observations of the courtroom drama and interviews with the plaintiffs and their families. "It was extraordinary," Joe Mantello, who directed the reading, said afterward. "The actors really threw themselves in it. It was mind blowing."

The play was performed as a one-night-only reading at the Eugene O'Neill Theatre starring Morgan Freeman, Ellen Barkin, Anthony Edwards, Bradley Whitford, John Lithgow, Cheyenne Jackson, Campbell Brown, Christine Lahti, Rob Reiner and Larry Kramer, among others. The mood was festive and no mention was made of the latest judge's decision on stage.

The 21 actors read from binders that contained the script and sat in director's chairs on stage. The only props were the flags of California and the United States and a video monitor that played anti-gay marriage political ads. One odd note was struck inadvertently right at the beginning: The proscenium was decorated like a Mormon temple - the legacy of the show that usually plays in the space, "The Book of Mormon."

Freeman portrayed Boies, Lithgow played Olson, Whitford played pro-Prop 8 attorney Charles Cooper and Bob Balaban played the judge. The other actors played various plaintiffs, witnesses and experts. Celebrities spotted in the audience included newscasters Brian Williams and Barbara Walters, and actress Fran Drescher.

At the end of the reading, the cast invited the real Olson and Boies onto the stage, as well as the four plaintiffs: Sandy Stier (played by Barkin), Kris Perry (Lahti), Paul Katami (Jackson) and Jeff Zarrillo (Matt Bomer)

"I thought it was great," said Boies afterward. "It's a little bit humbling to see Morgan Freeman up there and a little bit worrisome – now my clients are going to want him and not me." Boies said the judge's decision to release the video of the trial wouldn't harm the play's prospects. "Having all of these ways of expressing this issue is important. Theater has a way of reaching people and I think the people who did this did a terrific job of boiling down a three-and-a-half week trial down to 70 or 80 minutes."

Point Foundation: A Joyous Birthday

LOS ANGELES (Observer Update) - You know you're doing something right when Anna Paquin and Joel McHale show up to your birthday party – the Point Foundation, which grants college scholarships to deserving LGBT students, turns 10 years old this year, and is celebrating with a star-studded party and fund-raiser in Hollywood.

The Point Honors Los Angeles event is being held at Jim Henson Studios Saturday night, with McHale (of Talk Soup and Community) emceeing and stars like Paquin, the bisexual star of True Blood, and her husband-plus-costar, Stephen Moyer, in attendance. Travis Wall, the out choreographer who makes So You Think You Can Dance so fun, is being honored as well as the organization's three founders and the latest batch of overachievers known as Point Scholars.

Point Foundation executive director and CEO Jorge Valencia tells us that in 2001 the philanthropy was begun by Bruce Lindstrom, Carl Strickland, and John Pence. Lindstrom's personal story is like that of many Point Scholars; when he came out to his family in Orange County, Calif., they cut him off emotionally and financially.

"For 15 years, he had no communication with his family – they'd send back Christmas gifts," Valencia says of Lindstrom. "They said they were turning their back on evil." In spite of that, Lindstrom succeeded in life – making a small fortune by selling his retail business to Costco. Lindstrom, with his friends Strickland and Pence, wanted to give back, and they decided a scholarship fund for LGBT students of merit was a novel idea.

In its decade of existence, the Los Angeles-based Point Foundation has given over $12 million in college scholarships, allowing abandoned and deserving LGBT young people to work toward a better life. The 194 Point alumni include doctors, professors, and filmmakers.

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