



Highlights:

# The Task Force in the News

Recent Clips ~ June 10, 2005

Roberta Sklar, Director of Communications

## Table of Contents:

1. AIDS Experts Awaken to a False Alarm  
[Los Angeles Times](#)
2. What Now for Marriage Equality?  
[GenderWatch: The Gay & Lesbian Review](#)
3. Listening to the "Yes on 36" Voter  
[GenderWatch: The Gay & Lesbian Review](#)
4. Groups to fight 'most homophobic judge' appointment  
[PlanetOut](#)
5. Tom Daschle to be Honored at Homosexual Awards Ceremony  
[Dakota Voice](#)
6. Christians end Ford boycott  
[GayNZ.com](#)
7. AFA suspends Ford boycott days after it began  
[Washington Blade](#)
8. Voting With Our Feet  
[Gay City News](#)
9. You're Gay, You're Guilty  
[Gay City News](#)

# Los Angeles Times

## AIDS Experts Awaken to a False Alarm

*A warning of a virulent new strain in New York didn't pan out, and the messengers feel the heat.*

By Charles Piller  
Times Staff Writer

June 5, 2005

The announcement from New York health officials in early February was chilling: A single patient had progressed from HIV infection to AIDS in months rather than years, and his strain of the HIV virus seemed impervious to normally effective medicines.

The patient, a gay man in his 40s, had unprotected anal intercourse with scores of partners. Headlines of a potential new killer spread around the world.

"This case is a wake-up call," Dr. Thomas R. Frieden, New York City's health commissioner, said at a news conference where he issued a warning for physicians to prepare for a possible new phase in the epidemic.

Yet several AIDS experts immediately questioned the importance of the case and the strategy of publicizing it so widely.

Months later, those doubts seem to have been confirmed.

No super-strain has emerged. The patient, whose name has been withheld, has responded to drug therapy. No one — not even the man's known sexual partners — was found to be infected with the same HIV strain.

Some AIDS specialists now say the New York announcement was scientifically naive and needlessly alarmist — risking the effectiveness of future prevention efforts.

"Does it do good to [mislead] people and exaggerate?" asked Dr. Robert Gallo, co-discoverer of the virus that causes AIDS. He condemned Frieden's far-reaching conclusions as "scientifically, completely invalid, without a shred of evidence."

Frieden and Dr. David Ho, director of the Aaron Diamond AIDS Research Center in Manhattan, where much of the patient's lab work was done, declined interview requests.

But Frieden recently defended his decision in a letter to the journal *Annals of Internal Medicine*.

"We did not issue an alert to cause fear, nor do we think this was the primary result of our announcement," Frieden wrote. "It would not have been appropriate to await additional cases before making an announcement. The goal of public health is to prevent, not describe, outbreaks."

The patient's condition did seem to encompass a frightening confluence of factors.

The presence of HIV in the patient's blood reached high levels, and essential immune system cells were severely depleted within 20 months after he was infected, rather than the typical several years.

Three of the four major classes of antiretroviral drugs proved ineffective.

The patient was a user of crystal methamphetamine, an illegal drug that loosens inhibitions and might suppress immune response.

The seriousness of the alert was bolstered by the stature of the doctors behind it, some of whom were among the most respected in AIDS research. Ho, Time magazine's 1996 Man of the Year for his AIDS work, lent a stamp of scientific certainty.

The February announcement included caveats about assuming too much from a single case. But scientific uncertainty can be a hard sell to the media, and the event seemed suffused with the subtext that this could be a turning point in the epidemic.

Hundreds of articles and broadcasts followed. Some took a hysterical tone — perhaps an overreaction by media outlets that were criticized for ignoring early cases of AIDS more than 20 years ago.

"New AIDS Super Bug — Nightmare Strain Shows Up in City," trumpeted the New York Post. "New AIDS Peril Puts America on High Alert" was how the Hindu, one of India's large national newspapers, played the story. The New York Times headlined one of its several stories: "Chilled by Findings, Investigators Dreaded the Mounting Evidence."

The problem, however, was that for many experienced AIDS workers, none of the conditions was new or particularly rare.

Dr. Douglas Richman, director of the Center for AIDS Research at UC San Diego, said resistance to three classes of AIDS drugs was relatively common.

"Rapid progression occurs in a subset of people," said Richman, lead author of a study that showed widespread drug resistance similar to that of the New York patient's. "High rates of promiscuity among men who have sex with men, especially those who abuse methamphetamines, is frighteningly high."

"I didn't see this as a new, master virus that posed a threat of a new epidemic," Richman said.

Gallo, director of the Institute of Human Virology at the University of Maryland, said the New York officials might have jumped to the conclusion that a single virulent infection would be easily transmitted.

The infection might say more about the individual's susceptibility to the virus than about the virus' ability to spread easily.

Canadian researchers Dr. Julio Montaner and Richard Harrigan at the British Columbia Centre for Excellence in HIV/AIDS detected two similar cases in 2001, and those patients apparently did not pass along the virus.

"It wasn't clear that there was a real public health benefit from the way the announcement was made, as opposed to investigating more details in advance," said Dr. Paul Volberding, director of the Center for AIDS Research at UC San Francisco.

The New York case has reflected the fractured perspectives about how to combat AIDS in an era when the epidemic has lost some of its urgency.

Once AIDS was a virtual death sentence. Today, with appropriate care and drug treatments, most people in this country with HIV or AIDS live relatively long lives. But the improvement has fed a growing complacency among high-risk populations and the general public.

At the same time, widespread use of crystal meth and its tendency to promote unsafe sex has undermined recent progress — a message that advocacy groups and health officials have tried to convey with limited success.

The New York case offered a rare megaphone to wake people up. Several health officials and AIDS support groups agreed with the high alert.

"The time to issue a warning is when something bad might take place," said Dr. Ronald Valdiserri, AIDS prevention director for the Centers for Disease Control and Prevention. "I don't think it was counterproductive."

Gay Men's Health Crisis, a major New York service and advocacy group that receives health department funding, was a key participant in the New York announcement.

Frieden "handled the announcement prudently," said George Ayala, who directs an AIDS prevention program for the Gay Men's Health Crisis and AIDS Project Los Angeles.

"We want to be mindful of where the epidemic is going, and use these situations to remind ourselves about the seriousness of HIV and AIDS," Ayala said.

**But Matt Foreman, executive director of the National Gay and Lesbian Task Force, said the announcement was irresponsible and had damaged the credibility of the effort to combat AIDS.**

**"It had a very salacious overtone," Foreman said. "What it did was feed stereotypes about gay men and their sexual behavior.... Another two weeks or three weeks to really understand the science and the implications of these findings would have been appropriate — not this rush to judgment."**

Arthur Caplan, director of the Center for Bioethics at the University of Pennsylvania, faulted the news media for blowing the story out of proportion but said New York officials should not have been surprised by the response and might have squandered their credibility.

"When it comes to HIV, it's fair to say there will be no moderation," Caplan said. "People are poised to panic."

Dr. Jonathan Fielding, L.A. County public health director, agreed but added that it was easy to second-guess the New York researchers.

"It's difficult either way," Fielding said. "You're likely to be criticized if you didn't announce it and there were more cases. People would ask, 'Why did you keep it a secret?' "

# GenderWatch

## The Gay & Lesbian Review

April 30, 2005

SECTION: Vol. XII; No. 2; Pg. 22

## What Now for Marriage Equality?

### By Sue Hyde, National Gay and Lesbian Task Force

NEARLY 5,000 same-sex couples have been issued licenses to marry in Massachusetts since May 17, 2004, a development that has unleashed waves of political backlash as leaders have tried to undermine the Supreme Judicial Court's decision in Goodridge. But same-sex marriage is a reality; it's here to stay and it will eventually become the law of the land. Safeguarding same-sex marriage in Massachusetts and building on our breakthrough here is an urgent project for the LGBT political movement, despite the devastating 2004 elections. There is no way out of this political morass but through it. Having won the right to marry in one state, we must hold it and expand upon it, even while facing a national majority that opposes gay marriage.

One strident and powerful opponent of marriage equality is Massachusetts Governor Mitt Romney, who, harboring national ambitions and doubtless cursing his bad luck to find himself presiding over the Gay Marriage State, insists that only qualified couples who can claim residency in the Commonwealth may marry here. He has temporarily managed to quarantine gay marriage by trotting out a shameful statute that's a throwback to the days when white supremacists decreed that persons of different races could not be legally married. The infamous 1913 anti-miscegenation law forbids otherwise qualified couples from fleeing their home state's repressive marriage laws to get hitched in Massachusetts, where mixed marriages were allowed. But it's destined to clang into the dustbin of history. Given the Massachusetts Supreme Judicial Court's affirmation of equal treatment in the application of marriage laws, it seems unlikely that the 1913 reverse evasion law can stand the test of constitutionality. But even if the Court is reluctant to take up another hot marriage issue right away, there will be a concerted legislative attack on the law. One way or the other, its days are numbered.

For the moment, same-sex couples living in other states are not free to marry in Massachusetts, unlike heterosexual couples, who may choose to be married in any state, confident that their marriages are fully portable and recognized anywhere in the U.S. and, for that matter, the world. By pursuing the quarantine strategy, Governor Romney has narrowed the meaning and power of our marriage victory. Much like Vermont, the only state thus far to grant civil unions, Massachusetts stands very much alone in granting marriage licenses to same-sex couples. As of this writing, only the most tentative official gestures of legal recognition have come from a few other states, as seen in the first and yet unresolved instance of a married Massachusetts same-sex couple seeking employee benefits from the school system that employs one partner in Rhode Island. But even as myriad aspects of law and public policy remain to be worked out, the legal recognition of our relationships stands as one of the most significant breakthroughs for the GLBT political movement.

Despite the outcome of the 2004 elections, marriage equality is a breakthrough that will steadily expand in states around the U.S., but each advance will face a well-funded and determined resistance. The movement to stop gay marriage is led by a coalition of anti-gay, right-wing organizations that are for the most part religiously based. In Massachusetts, the effort to deny equal marriage rights was led by the "Coalition for Marriage," which is comprised of fifteen local, state, and national organizations with combined operating revenues of over 168 million. The largest and wealthiest of these groups is Focus on the Family, but others include the Alliance Defense Fund, Concerned Women for America, the Family Research Council, the Black Ministerial Alliance of Greater Boston, the Massachusetts Family Institute and the Massachusetts State Council, and the Knights of Columbus.

While the anti-gay coalitions in other states vary somewhat, the Massachusetts line-up typifies the players and organizations comprising what can be loosely called "Anti-Gay, Inc." Not included in the Massachusetts Coalition for Marriage are the four Roman Catholic

dioceses in the state that spent another million dollars to fund direct mail and distribution of anti-gay videotapes to parish priests in the spring of 2004. These were designed to motivate church members to urge legislators to support the anti-gay constitutional amendment. These efforts contributed to the passage of an anti-gay constitutional amendment on March 29, 2004, but the vote was close at 105 to 92. The amendment comes before the body again in 2005; if passed a second time, it will be voted on by the state's voters in November 2006.

THE CURRENT anti-gay marriage backlash can be traced to the mid-1990's. Following the Hawaii Supreme Court's ruling that the state's marriage laws amounted to unconstitutional discrimination, Hawaii's voters amended their constitution to slam shut the door on marriage equality there. Legislatures in over a dozen states quickly passed laws banning recognition of same-sex marriages, the so-called Defense of Marriage Acts (DOMAs). Since then, a total of 38 states have enacted DOMA laws. In 1996, President Bill Clinton felt the testicular political pressures of being too soft on gay rights, and so penned his signature to a federal version of the DOMA that says no state is required to recognize same-sex marriages performed in another state and that, under federal law, marriage is defined as a bond between one man and one woman.

Anti-gay forces now hotly pursue state constitutional amendments in dozens of other states, as well as a federal version, that would ban any recognition of same-sex marriage and in some cases any kind of legal recognition of same-sex relationships, including domestic partnership and civil union. Underlying this rush to amend is the fear that a state's existing constitution really guarantees equality for everyone, so the possibility of a court ruling favoring same-sex marriage has to be preemptively ruled out. As of this date, voters in seventeen states have passed such an amendment, consigning their queer neighbors, co-workers, and family members to indefinite second-class status.

Eleven of these anti-gay amendments passed on a single day, November 2, 2004, blaring an ugly and discordant note to end the year in which gay marriage became legal in Massachusetts. Also on that day, the incumbent president was returned to office, in some small part on the strength of energized voters responding to his call to defend traditional marriage from the social-fabric-shredding homos and their queer-loving supporters. The post-election discussion about the impact of the anti-gay marriage vote has waxed and waned; early claims and blames that gay marriage had defeated John Kerry have been largely discredited by analysts both gay and straight.

**The National Gay and Lesbian Task Force Policy Institute**, as well as other post-election commentators, pointed out that majority opposition to recognition of same-sex couples was mostly limited to core supporters of the Republican Party who probably would not vote Democratic under any conditions. John Kerry won two of the three battleground states in which there were ballot measures on gay marriage, Oregon and Michigan. And even in Ohio, where Kerry lost the counted votes, post-election data point to Iraq and the war on terrorism, not gay marriage, as the decisive issues. A national Gallup post-election survey showed that Iraq, terrorism, and Bush's job performance were key reasons why voters returned him to office, not "moral values" or same-sex marriage. To be sure, plenty of voters oppose gay marriage, but it was not this issue or even "moral values" (whatever they are) that determined how most people voted in the presidential race.

Nonetheless, Anti-Gay, Inc. and Republican leaders have returned again and again to the earliest media spin on the faux moral values / gay marriage mandate in order to promote a social agenda that includes banning same-sex marriage, restricting a woman's right to abortion, and promoting abstinence-only sex education, among other right-wing social policy initiatives. According to Michael Crowley, writing just after the election in *The New Republic*, "James Dobson of Focus on the Family is already leveraging his new power. When a thank-you call came from the White House, Dobson issued the staffer a blunt warning that Bush 'needs to be more aggressive' about pressing the religious Right's pro-life, anti-gay rights agenda, or it would 'pay a price in four years.'...Dobson is now a Republican king-maker."

SO, with a powerfully positioned and well-funded anti-gay movement aligned against us, how can we possibly hope to preserve Goodridge and marriage equality in Massachusetts, much less expand the victory to other states? The first answer is that we will continue our work in Massachusetts to strengthen support for Goodridge by defeating the anti-gay constitutional amendment and by making the case to neighbors and political leaders that same-sex marriage is good for our families and good

for the Commonwealth. We must hold our ground in Massachusetts so that a second state, and then a third and a fourth, will also issue licenses to marry to same-sex couples, ultimately heightening the legal contradictions and conflicts created when people who are considered next-of-kin in some states are strangers under the law in others.

Our movement's work will focus in the states because, despite the federal DOMA, it is state governments that set laws and policies for marriage and family matters. More to the point, we can look to only a limited number of states that provide the best chance to produce the next marriage breakthrough. As noted, seventeen states have already amended their constitutions to prevent their legislatures and courts from recognizing same-sex marriage rights, while 38 states have enacted laws that ban recognition of same-sex marriage. The map leaves only ten states that have yet to foreclose on gay marriage rights (with Massachusetts and Vermont in the vanguard on the issue).

In addition to these ten, any roster of states with the best chance for a breakthrough has to include California, where voters passed a state DOMA law but legislators have enacted a statewide domestic partnership law that rivals Vermont's civil union law in scope and force. California was also the site of some 4,000 same-sex marriages last spring, now invalidated by the courts but indelibly imprinted on the minds of Californians. This group of best-chance states also includes Oregon, where voters passed an anti-gay marriage constitutional amendment on Nov. 2, but still must determine the legality of the 3,000-plus marriages that were performed last spring. Connecticut and California are both involved in legal and legislative processes to grant marriage rights; New Jersey and Washington are home to promising lawsuits challenging their discriminatory marriage practices; Rhode Island has been moving steadily and incrementally toward marriage in its legislature. The marriages in New Paltz, New York, last spring provide a legal springboard for action in that state.

When a second state joins the battle, the two gay marriage states (Massachusetts and another) will then pose important legal and policy questions, both to each other and to other states. For example, will the two states reciprocally recognize and validate, offer "full faith and credit," to each other's same-sex marriages, assuming couples meet other qualifications? If the second state, unlike Massachusetts, doesn't restrict same-sex marriages to legal residents, how will marriages performed for residents of other non-marriage states be treated in their home states? Will private businesses that employ persons in legal same-sex marriages extend full employee benefits, even if not all of their business locations are in gay marriage states? And so on. When the third and fourth states become gay marriage states, the questions will multiply and become more complex, while the number of people and families affected will increase. In all probability, the pressure to resolve these complexities will eventually require action by the U.S. Supreme Court.

While the same-sex marriage pot simmers towards a full political and legal boil in a small number of states, GLBT organizing work must proceed in all the other states. The state movements around the U.S. vary greatly in size, capacity, and accomplishments. But in almost every state, there are organizers and leaders who seek to improve life for gay and lesbian residents. In some states, significant progress will be made on the enactment of non-discrimination protections, recognition of bias crimes against gay people, and the creation of non-hostile public school environments long before progress is made on relationship recognition. In other states, domestic partner laws for public employees will be possible. GLBT people can be active in our states and communities and build useful relationships with decision makers by working on a range of issues, not only marriage and not just family matters. The marriage miracle in Massachusetts was no miracle; it was built on thirty years of vigorous community-building, organizing, and political advocacy. Organizers in other states must keep working on what matters most to their communities.

Marriage equality may be the ultimate civil right for same-sexers, and marriage equality may finally subvert heterosexual supremacy as nothing else has. But securing marriage equality and undermining heterosexual supremacy will require years and probably decades of gritty and unglamorous political work at the state level, where our movement has historically been weakest. It is time to stop starving our state and local organizations. Supporting state and local GLBT political advocacy isn't a luxury; it's a simple necessity, made more urgent by the right-wing sweep of all three branches of the federal government.

# GenderWatch

## The Gay & Lesbian Review

April 30, 2005

SECTION: Vol. XII; No. 2; Pg. 24

SLI-ACC-NO: 0405GRDZ 663 000007

HEADLINE: **Listening to the "Yes on 36" Voter**

BYLINE: Stewart-Winter, Timothy

DID THE 2004 ELECTION demonstrate that Americans oppose gay rights? After traveling to Oregon and spending ten days volunteering with the effort to defeat that state's anti-gay constitutional amendment, I came away concluding that this was not the case. They're not against gay rights, and most of them aren't even against gay marriage. They're uncomfortable with it, though. They find it hard to talk about, even with their family members, and they often don't know very much about what civil marriage actually entails. In this context, the opposition's slogan, "One Man, One Woman," played rather effectively upon voters' unfamiliarity and discomfort with this issue.

The "No on Constitutional Amendment 36" campaign lost, as most people expected it would. And although the margin (57 to 43 percent) was closer in Oregon than in any of the other ten states where voters have just decided to alter their states' constitutions so as to make people like me second-class citizens in perpetuity, it still hurts. And most of all, Bush won. But was this election decided by evangelicals who were drawn to the polls by these ballot measures (also on abortion in Florida), and who then cast an incidental vote for Bush? Alternatively, was the passage of these amendments driven by a minority of the electorate, already committed to voting for Bush, who drew upon the majority's anxiety about the extraordinarily rapid pace of recent social change?

My conclusion that this issue didn't throw the election is based on my experiences in Oregon last fall volunteering for the campaign to defeat that state's proposed amendment. As a doctoral student in Chicago, **I was able to take ten days off from studying for my qualifying exams to participate in a National Gay and Lesbian Task Force program that brought activists from around the country to help out in Oregon, where the campaign against the amendment had a better chance than in most states.** As a volunteer, I dialed at least 1,500 phone numbers and knocked on several hundred doors in the tri-county area of Portland and its suburbs. The commissioners of Multnomah County, in Portland proper, decided last spring that denying marriage licenses to same-sex couples violated constitutional guarantees of equal protection, and proceeded to give out some 3,000 licenses. While Multnomah is the most liberal county in an unequivocally blue state, it is nevertheless revealing that voters there, who had gotten a close-up view of actual same-sex marriages, rejected the amendment by a margin of three to two.

I spoke with the entire spectrum of people on both sides of the marriage issue, including many who know gay people and care about gay rights but still feel deeply ambivalent or conflicted about same-sex marriage. Many others were woefully ill-informed. A typical mix of confusion and ambivalence was evinced by a young mother who told me that she believed homosexuality was immoral, but also that she thought it was wrong that her gay cousin, who's had the same partner since she was three years old (!), couldn't get health insurance through her partner's job. One of my fellow volunteers literally had to explain to another Oregon voter that a No vote would not jeopardize the legal recognition of her own heterosexual marriage.

Misconceptions such as these were systematically sown by the pro-amendment side, which resorted to lies to frighten a bewildered public. The "Yes on 36" campaign's website, for example, stated that the ultimate purpose of "most gay leaders" in trying to win marriage equality was to "destroy and/or abolish the family." In the last week of the election, they sent out a mass mailing of fliers showing a blonde little girl on the cover with the headline, "The classroom will never be the same." Inside, voters were told that if the amendment were not passed, "the details of gay sex" would be taught in Oregon's public schools. The superintendent of schools issued a statement condemning the flier, but of course it was no use.

Civil unions and similar provisions now have majority support nationwide. In California, home to one in nine Americans, partnership protections in realms such as child custody, legal disputes, housing protections, bereavement leaves, and other state benefits became the law of the land on January 1, 2005, and that state's Republican governor has recently signed a bill requiring insurance companies to provide coverage to registered domestic partners. Even George Bush embraced civil unions in the final days of the campaign in a desperate attempt to soften his extremist image. The problem we face is not that most Americans are fundamentalist bigots but that the religious Right is bringing on board too many basically decent people who voted to ban gay marriage without understanding what they were voting for.

IT'S HARD TO PREDICT how any individual will feel about gay marriage, but it's important to find out. This was the most important thing I learned from the excellent training I and the other volunteers received from the National Gay and Lesbian Task Force organizing staff. The key here was grasping the range of concerns that undecided voters typically voice when asked about the amendment: their children, their faith, the wisdom of overturning what they believed was thousands of years of tradition. Language was important: we learned to say "unequal treatment" instead of "discrimination," because undecided voters had not responded well to the latter word when applied to the current status of gay people under state marriage laws. We also learned to say "gay marriage" rather than "same-sex marriage" because it was more familiar to voters.

I talked to voters in and around Portland ranging from lily-white Beaverton, where Nike has its headquarters, to poor black neighborhoods in northeast Portland. The campaign concentrated on densely populated areas on the theory that potential supporters were here and that it was important to turn out that base. Everywhere I went I encountered a minority of people who were firmly opposed to gay marriage. Many, but not all, of them offered religious reasons for their views.

I heard every imaginable response from voters. A few people said things that I found startling and difficult to hear. One man told me at his front door that homosexuals who try to get married should go to jail. Another man, when I identified myself on the phone as a volunteer for No on Constitutional Amendment 36 (we always called it this rather than "Measure 36" to stress the finality of the act), said, "Why don't you go suck some cock?" On election eve, standing and waving signs at one end of one of Portland's busiest bridges, we got about one hostile gesture for every twenty honks, smiles, or thumbs-up signs; one guy rolled down his window and said, "You're gay -- fuck you!"

Those were the worst moments, but they were offset by the many informative and even touching conversations I had, which revealed a range of sometimes unexpected anxieties. For example, a number of respondents expressed a concern that their children might turn out to be gay. Others wondered whether legalizing gay marriage could force churches to perform such ceremonies. Many others, when asked to elaborate on their thinking, voiced ideas about the potential consequences of the amendment that were incoherent and downright incorrect.

We were trained to be careful in our canvasses to give people room to admit to their discomfort with gay marriage. I can't tell you how much mileage we got from this insight. Just saying in a sympathetic tone, "A lot of people are uncomfortable with gay marriage," worked wonders in getting people to articulate the precise nature of their discomfort, confusion, or ignorance. Many people thought gay couples should have all the rights that straight couples do, but also believed that marriage should only be between a man and a woman -- and it was best to draw out both of these feelings as a way of building common ground with heterosexual voters. It's also useful to point out that many gay people are just as surprised as straight people by the issue's sudden emergence, and that many gays who oppose amending the state constitution have no personal interest in getting married. One 18-year-old male, a registered independent, came to the door of his suburban house and said earnestly that he hoped I wouldn't be offended, but he was planning to vote Yes. He thought gay couples should have the same rights as straight couples but that it shouldn't be called "marriage." He said he supported civil unions and listened intently when I explained that Oregon does not allow civil unions and isn't expected to legislate them in the foreseeable future, while a constitutional amendment would create a legal precedent that could be used to uphold unequal treatment in future legal disputes.

One woman that I reached by phone said she was glad I'd called because she hadn't had an opportunity to hear a gay person's perspective on the amendment -- an assumption belied by the fact that we had many deeply committed straight volunteers on our side. Many people who said they were voting for the amendment also expressed doubts, because they had a gay cousin, they liked their daughter's gay friend, or the like. I suspect straight people in general know much more about gay people today than they did ten or twenty years ago. Those under thirty, say, are vastly more likely than the rest of the electorate to support gay marriage and to have good friends who are openly gay. And people increasingly know and accept the partners of their gay relatives, even if they don't always approve of "it."

The single most frustrating conversation I had was on election day, over the phone, with a voter in rural eastern Oregon who had completed her ballot the previous evening along with her husband. They had both voted yes, but after our discussion of the legal precedent that a constitutional amendment would set, she told me she wished I had called the night before, because if she were voting now, she would probably vote no.

When the question of children came up, I tried to steer the conversation away from abstractions and instead bring up crisis situations that a family might face and how anti-gay amendments would affect them. I suspect that hospital visitation has become our single most effective selling point because of the way that health care looms as a daily worry for most Americans. People can imagine hospitals as places where one might encounter an unreasonable, cruel, and hostile public policy or bureaucracy. Only once, in a conversation in which I wasn't getting anywhere, did I bring up with a voter the historical analogy of interracial marriage -- and immediately regretted it. The guy simply declared that banning interracial marriage was wrong because racial discrimination is wrong -- the implication being that anti-gay discrimination was acceptable. Since in his own mind this voter had taken the moral high ground, it was difficult to know how to continue the conversation.

I spoke with many people who were unaware that civil unions do not currently exist in Oregon -- or, if they knew, didn't allow that to influence their decision on the ballot question. They almost certainly don't know that gay activists have sought civil unions in the legislature for decades. But even the very ill-informed, when pressed, often supported civil unions for long-term couples. Many said things like "I think they should be able to visit them if they're in the hospital, but I just don't know about gay marriage." One first-time voter, a teenager who was ambivalent about gay marriage, volunteered that perhaps the amendment was silly because it wouldn't, after all, stop people from being gay. True enough, I thought, and thanked him for his vote. In a poor black neighborhood in northeast Portland, a man listened to me, smiled, and said, "We're in synch. To each his own, right?"

One time I managed to start a shouting match between neighbors. A woman picking up her mail at an apartment complex volunteered that she was for gay marriage but against gay adoption -- she thought the child of a gay couple would face terrible bullying at school -- and planned to vote "no." Her neighbor overheard us and exclaimed mockingly, "My friend wants to marry his dog!" I informed him that this was not what was on the ballot. At this point the woman, who had expressed only lukewarm interest up to now, became totally animated and yelled at the guy: "That is just total crap! This has nothing to do with that! I'm voting no!" Turning to me, she added: "You have my vote!"

One straight married woman told me by phone about a close friend who had died in the early years of the AIDS epidemic. In the weeks before his death, he had told her that within her lifetime gay people would win the right to marry, and while she had thought he was wrong at the time, she had come to believe he was right.

CONTRARY TO the "Yes" side's spurious claims, the gay marriage debate is not a referendum on the Bible, the family, or the morality of homosexuality. Those questions simply are not what's on the ballot when a marriage amendment is proposed, and this is the point we need to hammer home. What's on the ballot is whether the right to marry is to be limited to straight people. In Oregon, if a person had a core belief that homosexuality is immoral, or that marriage exists for procreation, I found that it was crucial to avoid prolonged discussion of this belief and to try to steer the conversation to more concrete topics, especially the actual experiences of gay people. But it was also important to undermine the opposition's most outlandish claims, such as the notion that school curricula were at stake.

In the aftermath of the election, some Democrats despaired that same-sex marriage initiatives may have cost the party a significant proportion of their most loyal constituency, African-American voters. But in the eleven states with marriage amendments on the ballot, the racial differences in CNN's exit polling generally were small. Moreover, in ten of the eleven states, white voters were more likely than black voters to favor the ban. There is little evidence supporting the Right's efforts to exploit this minority by assuming that people of color are more homophobic than whites. Moreover, Kerry won Oregon by a landslide, which means that a substantial group of Democrats voted for the constitutional amendment and yet wanted to elect a president who supports civil unions.

Knowing a gay person, especially a gay family member, makes a huge difference in shaping people's attitudes. Young people are far more comfortable talking about homosexuality than their parents and especially their grandparents. A huge proportion of the people who volunteered to canvass, particularly close to election day, were college students, and there were even some high school students. Shouting matches approaching civil unrest were reported when volunteers for Yes on 36 set up a table at Portland State University.

In the battle to define the terms of the marriage debate, I think key Democratic allies ceded too much ground before the conversation even began. A chorus of Democrats, including even Barney Frank, complained that we were moving too fast and the country wasn't ready. Granted, we may need to reframe the case for same-sex marriage in terms that make it easier for many straight people to understand. But one thing the GLBT leadership has not emphasized is that -- at least in Oregon, and I suspect elsewhere in the country -- our supposed allies left us high and dry. The Oregon AFL-CIO didn't take a position on the constitutional amendment, probably for fear of alienating Kerry voters. Nike, based in suburban Beaverton and a key financial backer of efforts to defeat previous anti-gay ballot measures in the state, refused to contribute any money this time around, fearing that supporting gay marriage could only hurt them. Consequently, gay organizations had to spend a great deal of energy on more protracted struggles to raise smaller chunks of money elsewhere.

Finally, evangelical Christians, however energetic they are about showing up at the polls, simply aren't anywhere near a majority of voters. They aren't in Ohio, in Florida, or in the U.S. as a whole. Most voters do support the concept of benefits and protections for gay couples but feel uncomfortable with "gay marriage" and don't have a clear notion of how these two views might be contradictory. Rather than trying to address these complex realities, the Democratic leadership is now publicly weighing whether to sell out their gay constituency and others who support gay rights.

I think the vast majority of Americans simply don't understand what's at stake in the same-sex marriage debate. Most Americans have gay friends and relatives that they know and like; most support benefits and protections for gay couples; and many straight Americans are aware of some of the inequities that their gay friends and relatives face. And most are uncomfortable with gay marriage -- not dead-set against it, not obsessed with it, not likely to have spent all that much time thinking about it, but uncomfortable. They think it's weird. When these amendments come along, they're not equipped to separate these ill-defined feelings from the very real legal effects of their vote. And this makes them vulnerable to manipulation of the facts and demagogic scare tactics. The task for us is one of educating voters as to what civil marriage is, what effects these amendments will have, and why gay people even want to get married. If there's anything my conversations with voters has convinced me of, it's that the more people know about the issue, the better able they are to answer these questions for themselves, and the more likely they are to grasp the discriminatory effect of these amendments as well as the argument for equality in marriage.

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## Groups to fight 'most homophobic judge' appointment

Christopher Curtis, PlanetOut Network

Mon Jun 6, 9:56 PM ET

**SUMMARY:** LGBT groups are gearing up to fight the nomination of Justice William Pryor, one of the judges at the center of the filibuster showdown in the U.S. Senate.

LGBT groups are gearing up to fight the nomination of Justice William Pryor, one of the judges at the center of the filibuster showdown in the U.S. Senate.

On Monday the Human Rights Campaign (HRC) sent out an action alert, urging members to write their senators opposing Pryor's lifetime appointment to the federal bench.

The HRC noted Pryor filed an amicus brief in *Lawrence v. Texas*, the Supreme Court case challenging Texas' sodomy law. In that brief, Pryor likened homosexuality to incest, necrophilia, pedophilia, prostitution and adultery.

According to the HRC, Pryor argued that sodomy is a chosen behavior unworthy of constitutional protection.

The HRC also observed that while the Senate was not in session, Judge Pryor was given a recess appointment to the 11th Circuit Court of Appeals in Atlanta. During that appointment, Pryor voted not to rehear a challenge to Florida's adoption law, effectively upholding the Florida ban on gay and lesbian adoptions.

"Pryor is the most homophobic justice ever to be named to a federal bench," added Matt Foreman, executive director for the National Gay and Lesbian Task Force.

"I think everyone should call their senator," Foreman said. "But Pryor's nomination was a foregone conclusion after the compromise on the 'nuclear option,'" he added, referring to the congressional deal to preserve the filibuster, provided that Democrats use it only in "extreme cases." Foreman believes Pryor will be approved.

But John Marble, communications director for the Stonewall Democrats, said opponents of Pryor should still make every effort to contact their senators. "Any action we take now will have a benefit to future fights we will have later on."

If you'd like to know more, you can find stories related to Groups to fight 'most homophobic judge' appointment.



(6/7/2005)

## Tom Daschle to be Honored at Homosexual Awards Ceremony

*"Architect of the Defeat of the Federal Marriage Amendment."*



Former United States Senator Tom Daschle (D-SD) will be honored at the [National Gay & Lesbian Task Force Leadership Awards](#) at the Helen & Martin Kimmel Center in New York City on June 13.

The featured speaker at the event will be Senator Charles Schumer (D-NY). Event sponsorships run from \$10,000 down to \$1,500.

Promotions for the event list Daschle as "Architect of the Defeat of the Federal Marriage Amendment."

The National Gay & Lesbian Task Force's website further states, "Senator Daschle led the successful fight to defeat the Federal Marriage Amendment (FMA) in the U.S. Senate. In doing so, he put his 25-year career in Congress on the line to help wage one of the crucial battles in the history of the lesbian, gay, bisexual and transgender (LGBT) community. FMA was defeated, but on Election Day 2004, Sen. Daschle became the first Senate party leader in 52 years to lose reelection — by 4,500 votes."



Wednesday, June 08, 2005

## Christians end Ford boycott

It's a case of now you see it, now you don't for a proposed fundamentalist Christian boycott on Ford motor company products in America.

The American Family Association (AFA) claimed last week that it had between fifty to eighty thousand people pledged to support their boycott on Ford, because of its gay-inclusive policies for employees and customers. This week, the boycott is off.

**The National Gay and Lesbian Task Force says it's because Ford gave AFA the bum's rush. "It's abundantly clear that AFA heard — loud and clear — from Ford dealers that they thought the boycott was a stupid idea," says Executive Director Matt Foreman.**

This is the second AFA boycott backdown in as many months. Only a few weeks ago, they suspended a long-standing boycott of Disney which lasted nine years. The AFA had been demanding that Disney stop extending domestic partner benefits to its employees and ban gays and lesbians from gathering in its theme parks.

## **AFA suspends Ford boycott days after it began Automaker to meet with conservative anti-gay group**

By EARTHA MELZER

Jun. 10, 2005

Less than a week after the American Family Association, a Mississippi-based anti-gay group, declared a boycott of the Ford Motor Company, the boycott was suspended until December pending a promised meeting with company executives.

The AFA said it initiated the boycott on May 31 in response to Ford's support of gay groups, advertising in gay publications, gay-inclusive workplace policies and sponsorship of Pride festivals. Ford earned a 100 percent rating on the Human Rights Campaign's Corporate Equality Index. (See related story, Page 34)

According to the AFA, Ford has donated hundreds of thousands of dollars to gay civil rights groups such as the National Gay & Lesbian Task Force and the International Gay & Lesbian Human Rights Campaign.

On a Web site created for the boycott, the AFA argued that consumers should not buy Ford products — including Lincoln, Mercury, Mazda, Volvo, Jaguar and Land Rover autos — because profits from those sales would go to organizations that favor same-sex marriage.

The boycott suspension was declared soon after the owner of a Ford dealership in Dallas, Jerry Reynolds, was alerted to the boycott and grew concerned that it might impact his business.

Reynolds said he met with the father of AFA Executive Director Tim Wildmon, Don, and arranged a meeting between the AFA and concerned dealers and struck a suspension deal.

"If I can get some top Ford executives to sit down with you and your group, would you suspend the boycott?" Reynolds said he asked Wildmon. The longtime conservative activists immediately agreed, Reynolds said.

Reynolds said the aim of the meeting with Ford is to "see what things most bother [the AFA] and what can be changed to make them happy," Reynolds said. "If the AFA has input into the marketing content, it could have benefits to both Ford and the AFA," he said.

"I believe in family values, too. I'm a Christian, too," Reynolds added.

When the boycott was announced just a week earlier, Ford responded with a statement that it valued all people, including gay men and lesbians. Ford said, "We are glad to see that this spirit of inclusion is evident in the practices of other auto-makers that do business in this country as well." An AFA representative confirmed suspension of the boycott in an e-mail to the Blade, but declined to explain why it was lifted.

### **Ford reassures commitment**

An article in the online Automotive Business Review, published before the boycott was suspended, said the AFA attack on Ford was unlikely to generate problematic publicity for the automaker and might even increase sales from gay customers.

Dan Sturgis of Pride at Work, the gay and lesbian caucus of the AFL-CIO, which represents the United Auto Workers, said that when the boycott was announced, gay and lesbian workers at Ford were reassured by the company that Ford's inclusive policies would not be affected.

Sturgis said Ford officials told him that they were receiving an equal mix of support for, and complaints against, the company's gay-positive policies.

When the boycott suspension was declared Ford reiterated that it valued all people and said, "We look forward to having an open dialogue with the AFA that leads to greater understanding."

The Human Rights Campaign and the **National Gay & Lesbian Task Force** released statements celebrating the quick end to the boycott.

Both groups said that they were not concerned that Ford had agreed to meet with the AFA.

**"Ford has made it very clear that they will not respond to AFA demands, and the AFA has backed down," said Roberta Sklar, communications director for the Task Force. "We have no reason to be concerned about Ford having a conversation with the AFA."**

Steve Koval contributed to this report.

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Volume four, Issue 23 | June 09 - 15, 2005

LETTER FROM THE EDITOR

## Voting With Our Feet



By PAUL SCHINDLER

This past week, following a ceremony in a church gymnasium where he signed a law limiting abortion rights and certified the action taken by the state Legislature to put a constitutional amendment barring gay marriage before Texas voters in November, Republican Gov. Rick Perry gave lesbian and gay veterans the back of his hand.

Asked how he would explain the amendment to gay and lesbian soldiers returning from Iraq, Perry responded, "Texans made a decision about marriage and if there's a state that has more lenient views than Texas, then maybe that's a better place for them to live."

Servicemembers Legal Defense Network (SLDN) came out with a statement in the wake of Perry's comments estimating that 66,000 gay and lesbian veterans live in Texas. The methodology behind that estimate may well be open to question, but it seems unlikely that too many gay Texas—veterans or otherwise—will take the governor up on his challenge to leave the state merely because they were offended by his vitriol.

Col. Paul W. Dodd, a retired Army chaplain in Texas who is an honorary SLDN board member, showed no signs of backing down in his response to Perry: "Gov. Perry's remarks were outrageous and offensive and do not reflect the views of fair-minded Texans who value the service of our men and women in uniform."

Surely, most gay Texans—like the rest of us who grew up in a nation still scarred by the stain of homophobia—have developed thick enough skins so that umbrage at daily indignities would not cause them to rashly abandon the place they call home.

To be sure, for decades, the media and society generally have noted the migration patterns of gay and lesbian Americans, particularly younger ones still making fundamental life choices, toward major urban centers—San Francisco, New York, Chicago, Houston, Atlanta and Seattle, to name just a few—on the theory, first voiced in the Middle Ages, that "city air breathes free." But as journalists and sociologists have dug deeper in recent years, we have learned a lot more about gay and lesbian people who stay on in their communities of origin—and not simply to suffer in silence as many in the big city gay ghettos often assume, but rather to fight, even if with quiet voices and incremental gains in mind, for the dignity and respect their neighbors expect as a matter of course.

Gay men, lesbians and queer youth are becoming increasingly visible in small-town America and that assertiveness can be gauged in the spread of local anti-discrimination ordinances and in gay-straight alliances springing up in high schools. **I got a crash course in Red State commitment to gay rights several years ago when I attended the annual November gathering of the Creating Change Conference convened by the National Gay and Lesbian Task Force, where I met savvy and determined young activists from rural communities in Kentucky, Missouri and Montana, among many places.**

But as the African-American migration north after World War I and the more recent flight to the Sunbelt by underemployed northerners demonstrated, Americans do respond to social and economic disparities among regions in the nation. When Michigan recently passed a broadly-worded

constitutional amendment barring gay marriage, many, including Democratic Gov. Jennifer Granholm, a progressive, interpreted it to mean that public employers can no longer offer domestic partner benefits to their lesbian and gay employees. News reports identified a lesbian couple from the Northeast, in which one member recently accepted a job at one of Michigan's public universities based in part of her ability to give her partner, who was giving up her own job to move, health insurance. The couple now worry they made the wrong relocation decision.

America may be entering an era when the basic legal, social and economic protections available to gay and lesbian people begin to diverge radically state-to-state. It is too early to say what impact that will have on the demographic shape of gay America. But, as we face an environment in which, in choosing where to live, we need to think not only about how friendly our neighbors are and how safe our community is, but also what are our prospects for gainful employment and for health insurance to protect us in crisis, we may see new waves of gay and lesbian Americans voting with their feet.



Volume four, Issue 23 | June 09 - 15, 2005

## You're Gay, You're Guilty

Palisades Park judge rejects defendant's lewdness defense claiming police entrapment  
By DUNCAN OSBORNE

The New Jersey judge presiding over the criminal cases of men arrested for public lewdness in Palisades Interstate Park dismissed one defendant's explanation that he was in the park to spend his lunch break outdoors, saying that because the man is gay he went to the park for sex.

At a proceeding on June 2 in the municipal court that oversees the park, Judge Stephen J. Zaben said that the defendant "perhaps had another agenda" for being in a locale identified by law enforcement authorities as a gay cruising site where dozens of men have recently been apprehended. Indicative of the stigmatization such arrests cause, the defendant asked that his name be kept confidential out of concern for his job. The man had testified that he went to park to have his lunch, but also acknowledged in questioning that he is gay.

The court Zaben presides over hears low level offenses and traffic violations that are committed in the park, which stretches along the Hudson River from Fort Lee at the George Washington Bridge in New Jersey to Bear Mountain in New York. Last year, the park police who patrol the New Jersey section made at least 98 lewdness arrests in the park.

With roughly half of those cases completed, Zaben has a history of handing out harsh sentences that typically include a fine of roughly \$1,000, a five-day suspended jail sentence, two years on probation, a two-year ban from the park including use of the highway that runs through it and, in some cases, supervised psychiatric counseling. Of the completed cases, all but one have resulted in a guilty verdict or a guilty plea.

In his June 2 verdict, the judge doubted the defendant's assertion that he was in the park for lunch. Zaben said the defendant was there "perhaps to have some type of encounter" and said that his conclusion was supported "by virtue of the fact that he said he is gay."

Det. Thomas Rossi, the arresting officer, said the defendant had masturbated in front of him. Zaben described this as "threatening sexual aggression."

Defense attorneys have charged that Zaben is biased. At the June 2 trial, Hans O'Connell, an attorney with M. Goodman & Associates, a Hackensack law firm, who represented this defendant, asked, for a second time, that Zaben recuse himself.

"I think your honor has reflected an attitude that works against this defendant," O'Connell said.

Zaben denied the motion, saying, "I'm not going to recuse myself because this court treats each case on a case by case basis. My decisions are based solely on the facts that are presented to me."

During the trial that lasted about four-and-a-half hours, Zaben heard just two witnesses—Rossi and the defendant—who offered very different versions of the June 9, 2004 arrest.

Rossi said the defendant initiated a conversation with him, followed him down a trail in the park, and then, "He unzipped his pants, he took out his penis and he began to masturbate" using his right hand.

The defendant testified that he is left-handed.

When Douglas F. Doyle, the municipal prosecutor, asked Rossi, "Did you invite him to take his penis out of his pants?" and "Did you ask him to masturbate?" the detective responded, "No."

The New Jersey lewdness law requires that the act be "flagrantly lewd and offensive" and that the person "knows or reasonably expects to be observed by another non-consenting person who would be affronted or alarmed."

Rossi reported feeling "surprise" and "shock" in response to the defendant's actions and said, "I couldn't believe it. It was such an open trail..."

He didn't even know who I was."

Cross-examined by O'Connell, Rossi said he had made "over 100 arrests for lewdness" since joining the force in 2002 with "over 50" of those arrests happening in 2004. Half of all his arrests are for lewdness. In every single case, he claimed the defendants exposed themselves and masturbated. Asked how many women were among those he arrested, Rossi responded that less than 10 were.

Rossi said he was not specifically looking for lewdness violations that day, but instead patrolling for any infraction of the law. The defendant told Gay City News that he was held with at least four other men following his arrest last June.

Rossi's memory of the arrest was spotty. He could not recall the other officer with him that day, the color of some of the defendant's clothing and much of the conversation they had, though he recalled that when he made the arrest, the defendant said, "You entrapped me, you entrapped me."

The defendant was more specific than Rossi during his testimony. Rossi stared at him intensely when he first pulled into the parking lot, the defendant said, and then initiated a conversation.

"He said 'Nice day, isn't it?'" the defendant testified. "I said 'Actually, it's hot.' He said, 'Why don't you come in here where it's shady.'"

The defendant, who is 43, said that Rossi, in his late 20s or early 30s, continued to invite him to move to a more secluded spot in the park. At that point, the defendant testified, Rossi asked, "What are you into?"

The defendant said "oral sex" and then asked Rossi about his tastes in sex, to which the officer responded, "It depends on what you got. Show me what you got... Take it out, show me what you got."

At that point, the defendant said, he unzipped his pants and exposed his penis for "two seconds." He was then arrested.

The defense's argument was that Rossi's behavior indicated that he was not someone who would be "affronted or alarmed" by the defendant's actions and that he was not "non-consenting." Additionally, the defense argued that because the defendant did not masturbate, his actions were not "flagrantly lewd and offensive."

The defendant testified that after he was arrested, Rossi and he encountered another officer and Rossi asked the second officer, "Did you get that guy?" referring to another man in the park, and the second officer replied, "No, I couldn't get him to expose himself."

In making his ruling, Zaben had to believe either the defendant or Rossi. He chose Rossi.

"There is no reason to believe that Det. Rossi was fabricating his testimony," Zaben said. "Does the defendant have a reason for not telling the truth? Perhaps."

Zaben said that the defendant was charged with the violation and was facing the consequences of that. In rejecting the defense case, Zaben made frequent mention of the fact that the defendant had identified himself as “a gay man” and said that this might show an inclination toward having sex in the park.

Zaben gave the defendant a \$1,000 fine, a five-day suspended jail sentence, a two-year ban from the park and a year on probation that will require him to check in four times a month. Two of those four monthly supervision requirements can be done by phone. Because the defendant lives in New York City, but works in New Jersey, the judge allowed him to use the park highway to travel to and from work, even though the park ban would otherwise preclude that.

Also on June 2, Zaben sentenced a second man who had pleaded guilty in a May 2004 lewdness case. The second man, who also asked that his name not be used, was given a \$1,000 fine, a five-day suspended jail sentence, a two-year complete ban from the park and two years on probation.

Prior to his arrest, that defendant had entered counseling as well as a 12-step program for sexual compulsion. Zaben stipulated that he continue the counseling for one year, at least twice per month, and make quarterly reports on his progress. Required psychiatric counseling has been a feature of some other cases as well.

The second defendant told Gay City News that there were nine other men arrested on lewdness charges the day that he was arrested.

Gay groups were angered by the sentences Zaben imposed and his prejudicial comments.

“I think that ordering a gay person to undergo psychiatric counseling is one of the most hateful actions of any government official since the old Soviet days of forced psychiatry,” said Steven Goldstein, chair of Garden State Equality, a statewide gay organization in New Jersey.

**Matt Foreman, executive director of the National Gay and Lesbian Task Force and an attorney, objected to Zaben’s assuming that being gay meant the man was in the park to have sex.**

“It is beyond belief that Judge Zaben would use the reality that the defendant is gay to support a finding of guilt,” Foreman wrote in an e-mail. “The sentences imposed in past cases and the fact that every single victim of this entrapment scheme has pled or been found guilty is proof of Zaben’s anti-gay animus and his unsuitability to hear any of these cases.”

Lambda Legal was similarly troubled.

“Some of the things that Gay City News reported the judge having said would be troubling, for example, the suggestion that it’s a crime to each lunch while gay,” said Susan Sommer, senior counsel at Lambda.