



# PFLAG Cape Cod, Brewster

Parents, Families, Friends of Lesbians, Gays, Bisexuals, Transgenders  
Jan - March 2010 **NEWSLETTER** Brewster, MA

## The Case Against Calif. Prop. 8

[Excerpted *San Francisco Chronicle* 1/29/10]

In twelve days of testimony in federal court, lawyers for two same-sex couples and the city of San Francisco called a parade of academic heavyweights and people affected by the ban on same-sex marriage to buttress their claim of unconstitutional discrimination. Defenders of the ballot measure called only two witnesses.

While Prop. 8's challengers presented the weightier case, they also faced the heavier burden: overturning a voter-approved law on a politically sensitive subject, with arguments that no federal court has yet addressed, much less accepted.

The centerpiece of their case was testimony by professors from elite universities that marriage is an evolving institution, that parental fitness has nothing to do with sexual orientation, that gays and lesbians are subject to continuing discrimination, and that the Prop. 8 campaign was based on appeals to prejudice.

The case **for** Prop. 8 rested largely on one witness, who said marriage was universally defined as a male-female union, and expanding its definition would pose unacceptable risks.

Chief U.S. District Judge Vaughn Walker, who heard the case without a jury, must decide whether the plaintiffs have proved that Prop. 8 is unconstitutional on either of two grounds: that it discriminates against same-sex couples without justification, or that it was motivated primarily by anti-gay bias. [See Comment p.3.]

## Pentagon to Propose "Way Forward"

[Excerpted from AP 01/29/10]

Obama said the following in his State of the Union address:

***"This year, I will work with Congress and our military to finally repeal the law that denies gay Americans the right to serve the country they love because of who they are. It's the right thing to do."***

As a result, the Defense Department has begun hearings to propose a "way forward" on lifting the military's ban on gays from serving openly. Some former chairmen of the Joint Chiefs of Staff have acknowledged the DADT policy is flawed, and Admiral Mullen says the ban should be lifted. But others suggest a delay that could go on for years.

Further complicating the issue is debate among Democrats. Sen. Carl Levin, a Michigan Democrat who chairs the Senate Armed Services Committee, supports a repeal of the law and scheduled a hearing on the issue. But Levin's counterpart in the House, Rep. Ike Skelton, D-MO., said it is not wise to impose such upheaval while troops are fighting in Iraq and Afghanistan.

Republican Sen. John McCain said, "At a time when our armed forces are fighting and sacrificing on the battlefield, now is not the time to abandon the policy."

In the meantime, Sec'y Gates is asking for "fairer" enforcement of DADT – reference to the discharge of service members whose sexual orientation is revealed by third parties or jilted partners.

## GAYLA Ball Dinner Dance

### *"A Decade of Harmony"*

The tenth annual GAYLA Ball will be held at the Sheraton Resort Conference Center in Hyannis, February 13, from 7 to midnight. Seated dinner is 7:30 – 8:30, with dancing until midnight. There will be a cash bar, cabaret entertainment, and music by DJ Shelly Cullen. This is a glamorous and joyful celebration bringing together the Cape's lesbian, gay, bisexual, transgender, and non-gay communities.

Sponsored by the Welcoming Committee of the First Parish UU Church Brewster, this event is a Valentine delight. The major beneficiary this year is CIGSYA House (Cape and Islands Gay Straight Alliance), which provides a safe place where young people – gay, straight, bi, trans, and questioning – can congregate and be respected. CIGSYA offers mentors, empowerment workshops, computer access, tutoring, and leadership training. Tickets are \$50 per person (more if you can, less if you can't).

This is a reservations-only event, but space may still be available, so don't wait. All seats are reserved. For information about preferred seating arrangements for dinner, pre-dinner cocktail parties at homes of church members, or for ticket reservations, call Joanne Hush at 508-896-2406.

***"Dress Fabulous or Funky,  
We don't care  
It's most important that  
You be there!"***

# NEWS FROM ALL AROUND

**DATING SERVICE:** Gay and lesbian singles looking to date online will now be able to use the services of eHarmony.com rather than the separate site Compatible Partners. [eHarmony was founded in 2000 by evangelical Christian Neil Clark Warren. The Pasadena company claims that it uses a scientifically developed questionnaire to match people with appropriate partners.]

**DOLLY PARTON:** Gay-favorite country icon voiced support of gay marriage and LGBT equality: "That's not politics to me. That's human rights."

**HAWAII:** The State House indefinitely postponed the state Civil Unions bill. The bill would have provided equal rights and responsibilities for thousands of non-married couples in the state. The Senate recently passed the bill 18-7. Legislative Affairs Co-Chair for Equality Hawaii Alan Spector said, "It is simply unfathomable that politics and election considerations would supersede honor, integrity and common-sense. Today, these Representatives did not represent their constituent's families – shame on them."

**INDIANA:** The Senate approved a constitutional amendment to ban both same-sex marriage and civil unions, but the measure may be defeated in the house. [ed: Indiana law already bans same-sex marriages, but we guess they just want to be sure.]

**MEXICO:** Federal prosecutors are trying to overturn Mexico City's gay marriage law, which allows same-sex couples to adopt children, on the grounds it violates the constitution.

**NEPAL:** Sunil Babu Pant, a Communist legislator and leader of the country's gay rights movement, owns a travel agency which offers wedding ceremonies on Mount Everest. "The government is hoping to increase the number of tourists ... and has taken

a positive attitude to welcoming gay and lesbian visitors to help meet their ambitious target."

**NEW MEXICO:** Gay rights activists rallied in Santa Fe to push the state legislature to pass a domestic-partnership bill. Last year the bill passed the state house of representatives but failed in the senate in a 25-17 vote. New Mexico and Rhode Island are the only states with laws that neither permit nor prohibit same-sex marriage.

**NOTRE DAME:** More than 100 students and faculty marched on the University of campus urging the administration to add sexual orientation to the school's antidiscrimination policy and to recognize the campus's gay-straight alliance.

**OREGON:** A second campaign to recall Portland's openly gay mayor has raised about \$18,000, with the largest contribution being made by Columbia Sportswear President/CEO Tim Boyle. The first campaign came after Mayor Sam Adams admitted to lying about his relationship with Beau Breedlove, a former intern.

**OKLAHOMA:** A Tulsa school board refused to ban a gay-friendly book after the parents of one student made multiple complaints to the school. Buster's Sugartime, a condensed version of a 2005 episode of *Postcards From Buster* TV series, features the rabbit visiting children of a same-sex couple.

**UGANDA:** Current legislation would extend punishment for engaging in gay sex to life imprisonment and introduce the death penalty for those who do so repeatedly or while HIV-positive. U.S. Congressmen Tammy Baldwin, Jared Polis, and Barney Frank held a hearing on the Uganda bill. Activists hope for international response to defeat the bill.

**UTAH:** Lawmakers will not take up a state law that would ban discrimina-

tion against gays and lesbians in the workforce and in housing. They say they need a year to study the issue.

**WASHINGTON:** The U.S. Supreme Court, acting on an appeal from conservative defenders of California's ban on same-sex marriage, overruled a federal judge in San Francisco and blocked video coverage of the trial on YouTube.

**WASHINGTON:** The Department of Defense said it would review a decision to recognize all same-sex couples when assigning teachers at overseas DOD schools. The policy decision would also apply to unmarried heterosexual couples in domestic partnerships, and would affect teacher transfers starting later this year. Same-sex couples must be in a legal marriage or must provide an affidavit stating that they have been in a relationship for at least one year, and are dedicated to each other.

**WASHINGTON:** Amanda Simpson took the heat and the glory as the first transgender presidential appointee. But she was beaten to the punch by the Department of Labor's Dylan Orr. Simpson was appointed to the Department of Commerce as a senior technical adviser, and Orr, a transgender man, is working as special assistant in the Office of Disability Employment Policy.

**WASHINGTON:** At the first DADT hearing, Admiral Mullen made this statement: "Mr. Chairman, speaking for myself and myself only, it is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. No matter how I look at this issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me personally it comes down to integrity — theirs as individuals and ours as an institution."

## Comment on the Prop 8 Case

[Excerpted from Vikram David Amar, Find-Law columnist]

“And in some number of weeks or months, [Judge Walker] will issue his ruling either upholding or invalidating Proposition 8. ...[But] in the end, his ruling won't matter very much at all.

That is because in a case like this, the district court's decision is in essence a temporary placeholder. Everyone agrees that the losing side ... will appeal the case to the U.S. Court of Appeals for the Ninth Circuit, which has no choice but to hear the case. And when the Ninth Circuit hears the appeal, what will matter is **which** Ninth Circuit judges are randomly drawn for the case, not what Judge Walker has done.

The facts in the Proposition 8 case consist largely of "legislative" facts – big-picture assessments of history, political science, sociology, etc. And the assessment of such facts may be informed by a decider's own ideological leanings as much as by the credibility of the courtroom witnesses. These legislative facts are the kinds of facts that higher court judges tend to resolve for themselves....

All of this brings me to my third and final point: Many commentators repeatedly observe that the Proposition 8 case is destined for the Supreme Court on the merits. But that is not necessarily true.

This case is, as noted above, destined for the Ninth Circuit. But whether it goes any further depends on what the Ninth Circuit does. If the Ninth Circuit (either through a three-judge panel or the whole court sitting en banc) rules in favor of the plaintiffs and invalidates Proposition 8, then the Supreme Court may very well feel it must take the case, since same-sex marriage would be a federal right west of Rockies but not in most other parts of the country. But if the Ninth Circuit rejects the plaintiffs' claims, don't expect the Supreme Court to take the up the issue of same-sex marriage anytime soon.”

## Obama on Gay Civil Rights

A transcript of Obama's response to a question about gay civil rights, in Tampa, FL, the day after his State of the Union Address follows:

“Look, as I said last night, my belief is, is that a basic principle in our Constitution is that if you're obeying the law, if you're following the rules, that you should be treated the same, regardless of who you are. [Applause.] I think that principle applies to gay and lesbian couples. So at the federal level, one of the things that we're trying to do is to make sure that partnerships are recognized for purposes of benefits so that hospital visitation, for example, is something that is permitted; that Social Security benefits or pension benefits or others, that same-sex couples are recognized in all those circumstances.

I think that we've got to — we actually have an opportunity of passing a law that's been introduced in Congress right now, and my hope is this year we can get it done, just for federal employees and federal workers. A lot of companies, on their own, some of the best-run companies have adopted these same practices. I think it's the right thing to do and it makes sense for us to take a leadership role in ensuring that people are treated the same. [Applause.]

Look, if you are — regardless of your personal opinions, the notion that somebody who's working really hard for 30 years can't take their death benefits and transfer them to the person that they love the most in the world and who has supported them all their lives, that just doesn't seem fair. It doesn't seem right. [Applause.] And I think it's the right thing to do.”

**SAVE THE DATE!**  
**PAVIA Cabaret Concert**  
**April 19, 2010**  
**Brewster PFLAG, 7 pm**  
**First Parish UU Church, Brewster**

## SNDA (Student Non-Discrimination Act) of 2010 Introduced in U.S. House

[Excerpted from hrc.org 1/27/10]

The Student Non-discrimination Act of 2010 (SNDA), H.R. 4530, would prohibit discrimination against any public school student on the basis of actual or perceived sexual orientation or gender identity. In addition, the SNDA would prevent discrimination against any public school student because of the actual or perceived sexual orientation or gender identity of a person with whom the student associates or has associated. The bi-partisan SNDA was introduced by Congressman Jared Polis (D-CO) and has 60 co-sponsors.

“Hatred has no place in the classroom,” said Congressman Polis. “Every student has the right to an education free from harassment and violence. This bill will protect the individual freedoms of our students and enshrine the values of equality and opportunity in our classrooms.”

“Our public schools are mandated to support all students in their pursuit of academic achievement and social stability. LGBT students have historically been alienated, harassed, and bullied in their schools, with little or no intervention from school personnel. And far too many have underperformed or ‘dropped out’ in response to the lack of safety and support,” said Human Rights Campaign President Joe Solmonese. “No student should have to be fearful when walking through the doors of their school, and this legislation would require immediate and appropriate action to stop the discrimination....”

Federal statutory and/or constitutional protections expressly address discrimination on the basis of race, color, national origin, religion, sex and disability, but do not expressly address sexual orientation or gender identity. As a result, students and parents have limited legal recourse to redress for discrimination on the basis of sexual orientation or gender identity.

## Scholarship Deadlines

The Brewster and Falmouth chapters of PFLAG are again offering a \$3000 scholarship to a graduating high school senior from the Cape and Islands who will be enrolled in a college or institution of higher learning. Applicant must be a member of a GSA (Gay/Straight Alliance) or Diversity Club and have demonstrated support and advocacy for the GLBT community. Applications are available from high school guidance departments and are downloadable from our website, [www.pflagcapecod.org](http://www.pflagcapecod.org). Deadline March 15.

NOTE! PFLAG National will award a number of \$1000 - \$5000 scholarships to GLBT students and allies. National's application is available at [www.pflag.org/scholarships](http://www.pflag.org/scholarships). Deadline is March 12.

## Notes from Pem

PFLAG/Brewster and CIGSYA are one of the presenters at Chatham High School's "Transitional Advisory Respect Workshop" on March 17. Other presenters of diversity programs are NAACP, CORD, and the Anti-Defamation League. Freshmen will rotate through the four workshops.

The Cape's Welcoming Congregation Coalition is working to make places of worship more open and affirming of our LGBT citizens. Linda Baily-Davis ([RainbowCoach@comcast.net](mailto:RainbowCoach@comcast.net)) has information about when and where these meetings are held.

Save the date: March 20, Saturday, 9:30-3:30. "A Time For Retreat," Unitarian Church, Barnstable. Join us for a time of inner exploration, friendship, and community building. Sponsored by Cape Cod Coalition of Welcoming Congregations; 508-375-0700 or [emailstarfish@mass.med.org](mailto:emailstarfish@mass.med.org).

## Please Join Our Rainbow Crafters

Second Tuesday of every month, 1 - 2pm at Falmouth Public Library Bay Room. Bring your enthusiasm, and we'll supply the yarn, needles/hooks & instruction if needed.

Money raised from the sale of crafts you make for us will go toward PFLAG/Brewster's community outreach efforts.



Questions?  
Call Amy at  
508-420-  
0696

## GLBT Group Meetings

**PFLAG/Brewster**, every third Monday, 7pm, 1st Parish Ch.  
**CIGSYA** 56 Barnstable Rd, Hyannis, 8-10pm Wednesdays is Gender Discussion for ages 18 and older

**Straight Spouse Group:** for information call 896-2620

**Transgender Support:** 2nd Wednesdays 7-9pm, 1st Parish Winslow House, Harwich Rd, (J. Corso 362-4435)

## Dates to Remember

**Feb 15, Mar 15, Apr 19:** Brewster PFLAG, 7 pm, 1st Parish

**Feb 10, Mar 10, Apr 14:** Transgender Support 362-4435  
Apr 14 is family/ally night, 6pm potluck, 7-9 discussion

**Feb 9, Mar 9, Apr 13:** Rainbow Crafters, Falmouth. Public Library, Bay Room, 1-2pm (See ad this page)

**Feb 13:** GAYLA Ball, Sheraton Hyannis, 7 - midnight

**Mar 12:** PFLAG National Scholarship deadline

**Mar 15:** PFLAG of Cape Cod Scholarship deadline

**Mar 17:** "Respect Workshop" for Freshmen at Chatham HS

**Mar 20:** Welcoming Congregations Coalition, 9:30-3:30, UU Church, Barnstable; "A Time for Retreat."

**Apr 19:** PAVIA Cabaret Concert, Brewster PFLAG, 7pm

## PFLAG/Cape Cod, Brewster

PO Box 241 Harwich Port, MA 02646

**MISSION:** Promote the health and well-being of gay, lesbian, bisexual, and transgender persons, their families and friends, through Support, to cope with an adverse society; Education, to enlighten an ill-informed public; and Advocacy, to end discrimination and secure equal civil rights.

**MEETINGS:** 7 pm on the third Monday of each month at 1st Parish UU Church, Brewster (Rte 6A near Rte 124 intersection). Everyone is welcome. For information call 508-398-6471 or see our webpage.

**MEMBERSHIP:** Dues-paying members support the efforts of PFLAG both locally and nationally. Fifteen dollars goes to PFLAG National (includes subscription to *Pflagpole*), and the balance is used for our own Newsletter and the purchase of pamphlets, books, and videos. Our fiscal year begins Oct. 1.

**OFFICERS & BOARD:** Coordinator, Randy Lewis-Kendell; Treasurer, Joanne Hush; Corresponding Sec'y, Pem Schultz; Publicity, Amy Mesirow; Newsletter, Joann Figueras & Doris Scherbak; Fundraising, Paul Goddu.

**NEWSLETTER:** Email [info@pflagcapecod.org](mailto:info@pflagcapecod.org)

**WEBPAGE:** [www.pflagcapecod.org](http://www.pflagcapecod.org)

### Membership Application PFLAG/Brewster

\$35 Family  \$25 Individual  \$15 Limited income  
\$ \_\_\_\_\_ Additional donation for local chapter

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Checks are payable to PFLAG/Brewster. Mail to Joanne Hush,  
200 Breakwater Rd, Brewster, MA 02631