



**Parents, Families, Friends of Lesbians, Gays, Bisexuals, and Transenders**

**April - June 2008**

**NEWSLETTER**

**Brewster, MA**

## **California Becomes Second State to Recognize Marriage Equality for Same-Sex Couples**

[HRC.com, 5/15/2008]

Last week the California Supreme Court reversed a lower court decision and ruled that same-sex couples have the same right to marry as opposite-sex couples under the state constitution. The court ruled that it is a violation of the state constitution to deny same-sex couples the right to marry, and that providing rights to same-sex couples through a separate system of domestic partnerships does not satisfy the state constitution.

The court's decision involved several consolidated cases filed in 2004, collectively referred to as *In re Marriage Cases*. In March, 2005, a state trial court ruled that under the state constitution same-sex couples must be permitted to marry. In October 2006, the California Court of Appeals reversed the trial court in a 2-1 decision. The California Supreme Court's recent decision overruled the Court of Appeal's decision.

Churches and other religious institutions will not have to recognize or perform ceremonies for these civil marriages. This ruling is not about religion; it's about the civil responsibilities and protections afforded through a government-issued civil marriage license.

California joins Massachusetts to become the second state to recognize civil marriage for same-sex couples. Five other states provide same-sex couples with access to all the state-level benefits and responsibilities of marriage, either through civil unions or domestic partnerships. Three other states and Washington, D.C. provide same-sex couples with at least some of the basic benefits and protections made available to married heterosexual couples. However, because of the so-called Defense of Marriage Act, same-sex couples do not receive federal rights and benefits in any state.

## **California Marriage Victory**

[lambdalegal.org 05/16/08]

### **What did the Supreme Court of California say?**

The Court declared in a 4-3 split that the California Constitution requires the state to end the exclusion of same-sex couples from marriage. The state's exclusion violated two different rights of individuals who wished to marry a person of the same-sex: the fundamental right to marry and the right to equal treatment.

### **The Supreme Court of California is the first high court to recognize same-sex couples' fundamental right to marry.**

A fundamental right is one that cannot be taken away unjustifiably from anyone, whether or not there is any unequal treatment. This is the first time a state's highest court has recognized same-sex couples' fundamental right to marry.

In Lambda Legal's victory in *Lawrence v. Texas*, the U.S. Supreme Court said that courts cannot analyze a fundamental right by looking only at how it has historically been enjoyed by a certain group of people because that will automatically preclude extending that right to those who have been excluded. Instead, courts must look at the underlying liberty itself.

### **The Supreme Court of California is the first high court to recognize that when a state treats people differently, it must pass the 'strict scrutiny test.'**

Under the strict scrutiny test, all excuses for discrimination failed, and the Supreme Court held that excluding same-sex couples' from marriage was a violation of their right to equality.

### **The Supreme Court of California agreed that the 'm' word matters.**

The exclusion of same-sex couples from the designation of marriage works a real and appreciable harm upon same-sex couples and their children."

### **The Supreme Court of California made a strong statement about the independent role of the Courts to uphold the promises of the State Constitution.**

# NEWS FROM ALL AROUND

**BRITAIN:** Britain's Border Agency is granting asylum to a gay Iranian teenager who fears that he could face execution if forced to return to his homeland. In 2005, Mehdi Kazemi traveled to London to study English and while there learned that his lover in Iran had been charged with sodomy and hanged.

**COLUMBIA, SC:** A high school principal is stepping down from his post after being asked to allow the creation of a gay-straight alliance club at his school.

**CALIFORNIA:** In the aftermath of California's historic Supreme Court ruling on gay marriage, talk show host Ellen DeGeneres announced she would at long last marry her partner Portia DeRossi. In response, Wendy Wright of Concerned Women for America compared the pending nuptials to what recently went down at the Fundamentalist Latter Day Saint polygamist compound in Texas.

**DETROIT:** The City Council amended the City's nondiscrimination ordinance to include discrimination based on "gender identity or expression."

**GAMBIA:** President Yahya Jammeh announced that gays, lesbians, and "criminals" have 24 hours to leave the country or face death.

**INDIA:** Two Indian women whose families had tried to break up their relationship set themselves on fire in what police describe as an apparent suicide. The 38- and 40-year-old women were found in an embrace. Both women were in opposite-sex marriages in what some LGBT activists say is common among Indian gays who must fight laws against homosexuality and pressure from

families. The two women had been lifelong friends since attending school together. Police said that the families of the two women knew of the relationship and had tried for years to separate the women. Despite that pressure, the women continued to meet while their husbands were at work.

**IOWA:** From *The Des Moines Register*: "A new flock of same-sex marriage supporters jumped into Iowa's constitutional battle over gay rights with legal briefs they hope will influence the Iowa Supreme Court....One friend-of-the-court brief filed with Lambda includes a statement from former Lieutenant Governors Joy Corning and Sally Pederson: 'We are proud of Iowa's long history of ensuring fairness and equality for all Iowans. As former elected officials, we have a deep respect for the role of the Iowa Supreme Court and the judicial process. We signed our names to a brief submitted to the court because we believe that the court is the proper place to decide this matter.'"

**KENTUCKY:** A bill that would bar Kentucky state agencies and schools from providing health insurance for domestic partners of employees was killed by a committee in the state House of Representatives.

**MARYLAND:** Gov. O'Malley signed a bill May 14 that makes Maryland one of the few U.S. states to protect LGBT students from bullying in schools. The Governor also signed two bills granting gay and lesbian couples tax benefits as well as hospital visitation rights.

**MIAMI:** The Miami-Dade County Commission voted 8-4 to create a domestic partner registry and to extend health insurance and other benefits to the domestic partners of

county employees.

**MICHIGAN:** The State Supreme Court ruled 5-2 that Michigan's constitutional ban on same-sex marriage, enacted in 2004, also blocks domestic-partner policies for gay employees at the University of Michigan and other public-sector employers.

**NEW YORK CITY:** A homeless man who spit in the mouth and eye of a police officer and then taunted him, saying he was HIV positive, was sentenced to 35 years in prison for harassing a public servant with a deadly weapon, his saliva. Lambda Legal, which advocates for people living with the virus, says saliva should not be considered a deadly weapon.

**NEW YORK CITY:** The 23rd Annual AIDS Walk was the largest and most successful ever held, setting a fundraising record even in the face of a troubled economy.

**PORTLAND, OR:** City Commissioner Sam Adams recently became the first openly gay mayor ever elected to lead one of the thirty largest U.S. cities.

**UNITED STATES:** Nearly a quarter of gay and lesbian Americans lack proper health insurance, and they are twice as likely as their heterosexual counterparts to have no health coverage, according to a new Harris poll.

**UNITED STATES:** A recent report shows that violent attacks on members of the LGBT community nationwide grew by 24 percent in 2007 over the previous year. The report was prepared by the National Coalition of Anti-Violence Programs with input from more than 30 member organizations across the U.S.

## Gays & Allies Raise Money For Ballot Fight

[Advocate.com]

Hours after the California Supreme Court ruled same-sex couples are entitled to marry, a campaign aimed at defeating a likely ballot initiative amending the state's constitution to ban same-sex marriage had already received tens of thousands in donations, said Lorri Jean, CEO of the Los Angeles Gay and Lesbian Center and president of the campaign. But that's far from the \$20 million she estimates the Equality for All campaign will need to defeat the measure if it goes before voters in November.

The campaign and its allies will be facing well-financed foes in the Family Research Council and VoteYesMarriage.com, the two groups spearheading the ballot initiative. They say they raised \$2 million to subsidize the signature drive alone, which they claim yielded more than 1.1 million signatures – well above the 763,790 required to put the measure on the ballot.

Of course, as inspiring as the ruling is, Jean concedes it's a bit double-edged. "On the one hand," she says, "it's causing people to rally around a right they now have and can lose, as opposed to something abstract. On the other hand, the ruling might just fire up some of the more extreme members of our state. If the ballot initiative wins, the consequences will be grave. To have the right to marry and then have it taken away," said Jean, "could stall efforts for equality for generations."

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## Local PFLAG Chapters Give More Than \$3000 in Scholarships

The Scholarship Committee from PFLAG/Cape Cod, Brewster and Falmouth, selected three graduating seniors to receive this year's scholarships. Certificates will be presented at our regular meeting on June 16. The announced scholarship of \$3000 is being given to Patrick Orcutt from Mashpee HS. Because the committee received many applications from very deserving students, they added two additional scholarships. Zachary Dorado (Sandwich HS) and Jillian Guerrini (Barnstable HS) will receive these. We hope to have a photograph of the students in our next newsletter, along with information about their college plans. Join us at the June meeting to congratulate these fine young people.

## Federal Court Reinstates Suit Against "Don't Ask, Don't Tell"

[Excerpted from Advocate.com, 5/23/08]

The military cannot automatically discharge people because they're gay, a federal appeals court ruled in the case of Major Witt, a decorated flight nurse who sued the Air Force over her dismissal. The Ninth U.S. Circuit Court of Appeals ruled May 23 that the Air Force must prove that her dismissal furthered the military's goals of troop readiness and unit cohesion. This is the first appeals court ruling in the country that evaluated the policy through the lens of a 2003 Supreme Court decision that struck down a Texas ban on sodomy as an unconstitutional intrusion on privacy.

Under this current ruling, military officials "need to prove that having this particular gay person in the unit really hurts morale, and [that] the only way to improve morale is to discharge this person," said an ACLU attorney who worked on the case.

Witt was suspended without pay in 2004 after the Air Force received a tip that she had been in a long-term relationship with a civilian woman. She was honorably discharged in 2007 after having put in 18 years -- two years short for retirement benefits. Witt sued the Air Force in 2006, but a district judge dismissed her claims, saying the Supreme Court's ruling in *Lawrence v. Texas* did not change the legality of "don't ask, don't tell." The Appeals Court disagreed.

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## Change Is Coming to Cuba

[Excerpted from Advocate.com, 5/19/08]

A conference on May 17 in Havana may have been the largest gathering of openly gay activists ever on the island. President Raul Castro's daughter Mariela, who has promoted the rights of sexual minorities, presided.

There were shows, lectures, panel discussions, and book presentations. A station also offered blood tests for sexually transmitted diseases, and Cuban state television gave prime-time play to the film "Brokeback Mountain."

Prejudice against homosexuals remains deeply rooted in Cuban society, but the government has steadily moved away from the reactions of the '60s and '70s, when homosexuals hid their sexuality for fear of being ridiculed, fired from work, or imprisoned.

Cuba's parliament is studying proposals to legalize same-sex unions and give gay couples the benefits that people in traditional marriages enjoy.

## Transgender Support Group Will Host Potluck & Discussion

Cape Cod GLBT groups are invited to a potluck supper and discussion on July 9. Potluck begins 5:45 pm, discussion begins 7pm. The event will be held at First Parish Brewster's Winslow House. The discussion will address T issues within the LGB community.

Please send two representatives from your LGB group and RSVP to JackieCorso@Comcast.net or call 508-362-4435.

## Yarmouth COA Diversity Cabaret

June 20 is the date for this year's Cabaret! MC and vocalist David Velasco will head a group of talented entertainers featuring Paul Nossiter and his entire Dixieland band with special guest Lou Columbo. The show will be held at the Yarmouth COA Ballroom, Forest Ave, Yarmouth. Doors open at 7pm, show time 7:30pm. Tickets are only \$10.00, BYOB. (Setups provided.) For information & tickets please call Bob Isadore 508-362-1696 or email velore20@msn.com.

## News from Pem

The Lower Cape Technical HS (Harwich) invited us to do two classes on 'Understanding Sexual Orientation.' Each class had about a hundred students, and they were very supportive and for the most part quite attentive! I moderated our panel which included a bisexual youth, a parent, and a transgendered adult. Faculty who attended expressed hope for a similar training session for the whole administration next year.

Chatham High School invited us back for our fifth year as part of their RESPECT DAY. We spoke to four freshmen classes with a program similar to the one described above. Chatham would like us to return in the fall to reach their new freshmen classes.

Harwich HS invited PFLAG and CIGSYA to man tables for two different occasions. We brought literature, rainbow bracelets, candy, and rainbow stickers. The occasions were a HUMAN RIGHTS FAIR and a WELLNESS/GOOD HEALTH FAIR.

## GLBT Group Meetings

PFLAG/Brewster, every third Monday, 7pm, 1<sup>st</sup> Parish Ch CIGSYA 56 Barnstable Rd, Hyannis, 7pm Wed & Thur Family-Parent Meetings, 2<sup>nd</sup> Monday, CIGSYA House  
**Straight Spouse Group:** for information call 896-2620  
**Transgender Support:** 2<sup>nd</sup> Wednesday 7-9pm, 1<sup>st</sup> Parish Winslow House, Harwich Rd, (J. Corso 362-4435)

## Dates to Remember

Jun 16, Jul 21, Aug 18: Brewster PFLAG, 7 pm  
Jun 11, Jul 9, Aug 13: Transgender Suppt. 362-4435  
Jul 9: Transgender Potluck 5:45pm (see left)  
Jun 20: Yarmouth Diversity Cabaret, 7pm (see left)  
Sep 13: Pride Day at Plimouth Plantation (see next issue)

## PFLAG/Cape Cod, Brewster

PO Box 1167 Orleans, MA 02653

**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:** Coordinator, Randy Lewis-Kendell; Treasurer, Joanne Hush; Corresponding Sec'y, Pem Schultz; Publicity, Joanne Hush & Pem Schultz; Newsletter, Joann Figueras & Doris Scherbak; Library, Randy Lewis-Kendell.

**NEWSLETTER:** Email info@pflagcapecod.org.

**WEBPAGE:** www.pflagcapecod.org

### Membership Application PFLAG/Brewster

\_\_\_\$35 Family \_\_\_\$25 Individual \_\_\_\$15 Limited income

\$\_\_\_\_\_ Additional donation for local chapter

Name \_\_\_\_\_

Address \_\_\_\_\_

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

Telephone \_\_\_\_\_

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