



PFLAG Cape Cod, Brewster

Parents, Families, Friends of Lesbians, Gays, Bisexuals, Transgenders
July - Sept. 2010 **NEWSLETTER** Brewster, MA

Mass Court Deals Blow to DOMA

[Excerpted from Advocate.com]

In a major victory for marriage equality advocates, a federal judge in Boston ruled in two separate cases that a critical portion of the federal Defense of Marriage Act (DOMA) is unconstitutional.

In one challenge brought by the state of Massachusetts, U.S. district judge Joseph Tauro ruled that Congress violated the U.S. Constitution when it passed DOMA and took from the states decisions concerning which couples can be considered married.

In the other, Tauro ruled that DOMA violates equal protection principles of the constitution as embodied in the Due Process Clause of the Fifth Amendment. That case, *Gill v. Office of Personnel Management*, was brought by Gay and Lesbian Advocates and Defenders (GLAD), representing seven married couples and three widowers who claim DOMA renders serious harm to same-sex couples by denying them federal marriage-based benefits afforded to opposite-sex couples.

"In the wake of DOMA, it is only sexual orientation that differentiates a married couple entitled to federal marriage-based benefits from one not so entitled," Tauro wrote. "And this court can conceive of no way in which such a difference might be relevant to the provision of the benefits at issue."

[Read what our own PFLAG president Randy Lewis-Kendell has to say about the case on page 3. He was involved from the beginning as one of the plaintiffs.]

Prop 8 Is Struck Down!

Chief U.S. District Judge Vaughn Walker issued his ruling (8/4/10) on whether California's same-sex marriage ban (voter-approved Prop 8) violates the constitutional rights of gay men and lesbians.

His conclusions: "Proposition 8 fails to advance any rational basis in singling out gay men and lesbians for denial of a marriage license. Indeed, the evidence shows Proposition 8 does nothing more than enshrine in the California Constitution the notion that opposite sex couples are superior to same-sex couples. Because California has no interest in discriminating against gay men and lesbians, and because Proposition 8 prevents California from fulfilling its constitutional obligation to provide marriages on an equal basis, the court concludes that Proposition 8 is unconstitutional."

"Plaintiffs have demonstrated by overwhelming evidence that Proposition 8 violates their due process and equal protection rights and that they will continue to suffer these constitutional violations until state officials cease enforcement of Proposition 8. California is able to issue marriage licenses to same-sex couples, as it has already issued 18,000 marriage licenses to same sex couples and has not suffered any demonstrated harm as a result...."

"Because Proposition 8 is unconstitutional under both the Due Process and Equal Protection Clauses, the court orders entry of judgment permanently ... prohibiting the official defendants [state of California] from applying or enforcing Proposition 8."

"OUT in the SILENCE"

Rescheduled for August 16, 7pm
First Parish Church, Brewster

This well-done documentary follows the story of a small American town confronting a firestorm of controversy ignited by a same-sex wedding announcement in the local newspaper. Award-winning film.

Walk/Ride with PFLAG in P'town Parade Aug 19

Join a group of PFLAG-ers at the Carnival Parade in Provincetown. We have a truck to show off our banners and signs and carry up to six people who prefer to ride. The route is 2.5 miles up Commercial St. from the intersection of Snail Rd.

For information about car-pooling, parking, etc, call 508-255-7307 or visit www.flagCapeCod.org.

The Wizard of OZ GALE FUND Benefit Thursday August 12 Cape Rep Theatre

Join us for a night of musical theater while supporting the GALE Fund! Costumes are encouraged but optional with prize for most original. 6:30 - Reception for GALE FUND attendees at the Cape House on Rte 6A. 8:00 - Cape Rep Theatre presents Baum's musical adaptation of *The Wizard of Oz* directed by Robert Troie with talk-back Q&A. Tickets are \$50. Call Cape Rep 508-896-1888.

NEWS FROM ALL AROUND

ARIZONA: U.S. District Court Judge John W. Sedwick granted Lambda Legal's request for a preliminary injunction blocking the elimination of domestic partner benefits for gay and lesbian Arizona State employees. The judge also substantially denied a motion to dismiss the case by a State Attorney, ordering that the case proceed on the merits. Lambda Legal represents ten state employees who rely on health benefits from their employers to safeguard their families' health, as heterosexual workers do. The ruling rejects claims by the state that the elimination of benefits will not harm the families of gay and lesbian employees because they may still be able to obtain insurance privately, through Medicaid or via the employers of the non-public employee partner. The Judge wrote, "...there is 'an inherent inequality' in allowing some employees to participate fully in the State's health plan, while expecting other employees to rely on other sources, such as private insurance or Medicaid. This back of the bus treatment relegates plaintiffs to a second-class status by imposing inferior workplace treatment on them...."

GEORGIA: The United States District Court for the Northern District of Georgia ruled that the Georgia General Assembly discriminated against Lambda Legal client



Vandy Beth Glenn, a transgender woman who was fired from her job as Legislative Editor after she told her supervisor that she planned to transition from male to female. The Court ruled that Georgia General Assembly officials violated the Constitution and discriminated against Glenn by terminating her for failing to conform to gender stereotypes.

HAWAII: Six gay couples in Hawaii filed a lawsuit asking for the same rights as married couples three weeks after Gov. Linda Lingle vetoed a same-sex civil unions measure (HB 444). The lawsuit doesn't seek the titles of "marriage" or "civil unions" for gay partners. Instead, it requests that the court system extend them the benefits and responsibilities of marriage based on the Hawaii Constitution's prohibition against sex discrimination.

HOLLYWOOD: Coming-out guru and celebrity publicist Howard Bragman talked to *Entertainment Weekly* about his new show, which will help famous people come out of the closet, "an opportunity to change the world a little," he says.

MASSACHUSETTS: Chief

Justice Margaret H. Marshall, author of the historic ruling allowing legal recognition of same-sex marriage, announced plans to retire in October.



In her 2003 majority decision in the Goodridge case she wrote, "The Massachusetts Constitution affirms the dignity and equality of all individuals. It forbids the creation of second-class citizens."

MICHIGAN: A federal judge ruled against former Eastern Michigan University graduate student Julea Ward who was dismissed by EMU because she refused to help a gay client as part of her master's program in counseling. The Judge ruled Ward's freedom of expression and religion were not violated because she was not ordered to change her opinions by helping a gay patient, simply to set her beliefs aside for the sake of an educational exercise. Case will be appealed.

NEPAL: Two years after Nepal enacted LGBT protection laws,

its capitol awaits the arrival of an estimated 1,800 Pride festival revelers to a traditional festival. They will integrate the Pride Parade with the Gaijatra festival, which is the traditional festival of cows.

NEW JERSEY: The Supreme Court of New Jersey issued a 3-3 ruling against a motion seeking marriage equality filed by Lambda Legal on behalf of plaintiffs in the original *Lewis v. Harris* lawsuit. Lambda Legal issued the following statement: "Our plaintiffs and the New Jersey legislature's own Civil Union Review Commission documented the rampant discrimination same-sex couples face as a consequence of civil union status, and this ruling now relegates our plaintiffs to second-class citizenship for even longer."

POLAND: Over 8,000 people showed up to celebrate EuroPride in Warsaw on July 17. Five years ago Gay Pride marches in Warsaw were banned by the then-city mayor.

TEXAS: Firefighter Thomas Araguz III died battling a fire in July, and his family filed a lawsuit to prevent his wife of two years from receiving death benefits. His mother believes her son's marriage to Nikki Araguz is invalid because Nikki was born with male genitals and Texas does not recognize same-sex marriage. The family's lawyer claims that Thomas had no knowledge of her condition until after they were married. Nikki tells another story. She says her husband knew of her "birth defect" – whether she is transgender or intersex is unclear – before they married. When a reporter asked if Araguz was born male, she responded: "I do not and have not ever considered myself in that way. There was an anatomical birth defect...." A temporary restraining order was granted to Araguz's family that prevents Nikki from collecting benefits until the dispute is settled in court.

My Experience As Plaintiff in DOMA Case

When Rob died in November of 2007, I was not planning to become one of the faces of a political movement. It wasn't until Social Security barred access to the spousal death benefit that my need to challenge the fairness of DOMA prompted me to call GLAD.

On July 8, 2010, U. S. District Judge Joseph Tauro ruled in favor of the plaintiffs in a challenge to DOMA which bars same-gender couples from accessing about 1,100 federal benefits usually available to spouses.

As one of the 19 plaintiffs in this case, I am finding the process very interesting but slow moving. To watch history unfolding while having a direct stake in the outcome is both inspiring and daunting.

At the hearing in May, Judge Tauro asked very probing questions of both sets of attorneys. They were well prepared, and verbal exchanges demonstrated a very high degree of understanding about the issues.

The plaintiffs have bonded and are supportive of one another with incredible leadership from our team of attorneys. My role is made easier by the support I get from family and friends (especially PFLAG) and by my sense of doing something important for the community which befriended my late husband Rob and me.

To understand the pace of this case one must realize that the original filing was in March, 2009, and was preceded by months of preparation by the attorneys with the vetted plaintiffs. The hearing in May which led to the July decision clears the way for the case to be heard in U. S. District Court.

Now we wait for the court to schedule the case. Information about the case, the plaintiffs, and the attorneys can be found at www.glad.org/doma. Hearing Mary Bonauto in the courtroom is inspiring, and the plaintiffs' stories in their own words with personal family photos is worth the visit to the website.

[Randy Lewis-Kendell]

Uniting American Families Act Gains Support

[Excerpted from lambdalegal.com]

A coalition of over 30 organizations and leaders from the LGBT immigrants' rights, civil rights, and faith communities has formed to urge Congress to pass the Uniting American Families Act (UAFSA) and end discrimination against LGBT binational families.

The coalition released the following joint statement:

"Today [July 15, 2010], key Congressional leaders joined forces on Capitol Hill to call on their colleagues to support passage of the Uniting American Families Act (UAFSA) as part of any future immigration reform effort. Tens of thousands of LGBT binational families are counting on this critically important legislation in order to achieve the most basic equality: The freedom to be with their families, and the people they love."

Gay Couples Sue State of Alaska

[Excerpted from Advocate.com]

Three same-sex couples sued the state of Alaska and the city of Anchorage for denying them property tax exemptions afforded to senior citizens and disabled veterans.

The ACLU of Alaska, which filed the suit, said that same-sex couples who are seniors or disabled vets currently receive a fraction of property tax exemptions totaling \$150,000 available to married couples.

Though the state has a constitutional ban on gay marriage, a 2005 Alaska supreme court decision ruled that denying access to health care for same-sex partners of state employees violated the state constitution's equal protection clause.

ACLU: "Alaska law is clear that denying committed same-sex couples the same rights as married opposite-sex couples is unconstitutional."



Target and Best Buy have donated \$250,000 to a political committee supporting a rabidly anti-equality candidate for Governor of Minnesota, where both are headquartered – a man with ties to a Christian rock band that advocates violence and death to gays.

The news is all the more shocking because both of these companies have long records of providing fair and equitable workplaces for their (LGBT) employees.

Human Rights Campaign (HRC) wrote to Target and Best Buy, "It's time to make things right. The very least you can do to begin rebuilding your image among fair-minded consumers is to make equivalent donations to groups that support candidates who will put all Minnesota families first and fulfill the promises of our highest ideals."

MoveOn.org is also protesting the anti-equality donations with a further warning: "The retail company Target just gave over \$150,000 to buy ads supporting a far-right Republican candidate for governor in Minnesota.

That is bad enough. But the stakes are much higher than one candidate and one company. If we don't push back hard, this will just be the tip of the iceberg. Other corporations will learn that they can pour money into elections to buy the outcome they want. So we're sending a message to Target's CEO that we won't shop there if Target continues spending money on elections."

"What they call an agenda, we call our lives" – quote from
OUT IN THE SILENCE

PFLAG Goes to P'town



Thanks to Jane and Kevin Lowey, we have this photo of the rear wall of our booth in the old Provincetown Firehouse on Sunday, July 26.

We didn't fight any fires, but used our time to distribute PFLAG information and educational materials, to chat with passers-by, and to sell knitted, crocheted and beaded crafts made by our wonderful Falmouth-based "Rainbow Crafters." Oh—and we sold water—LOTS of water, given that the temperature that day was 90+ degrees and humid!

Amy, Joanne, Booje, and Joann enjoyed the day, especially the opportunity to meet and chat with people, including 2004 PFLAG scholarship recipient, Kyle Chaplic. Kyle passed our booth and then returned to put money in the "Scholarship Donation" can and say thank you for his scholarship. We also talked with a member of PFLAG New Jersey, and a PFLAG Brewster member from many years ago who asked about Betsy Cochran and Doris Scherbak. One middle-aged woman passing by said, "I wish PFLAG had been there when I came out to my mother!" Another said, "PFLAG really helped me when my son came out." A teenager said "I wish I could get my parents to join PFLAG."

We were inspired by the day, and look forward to taking over the firehouse again on September 11, from 4 -9pm. We invite all to join us or to stop by and say hello if you are in P'town. Info: 508-420-0696

Join 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 3rd Monday, 7pm, 1st Parish Church
CIGSYA 56 Barnstable Rd, Hyannis, 3-7pm Wednesdays for ages 14-22. See Calendar at www.cigsya.org

Gay Men's Group information: email capecodtrade@aol.com

Gender Discussion, Age 18+ every Wed, 8pm CIGSYA House

Rainbow Crafters every 2nd Tues, 1-2 pm, Falmouth Library

Transgender Support: every 2nd Wednesday, 7pm, First Parish Winslow House, off Rte 124 at 6A, 508-292-0393

Dates to Remember

Aug 16, Sep 20, Oct 18: Brewster PFLAG, 7 pm, 1st Parish Ch
Aug 16: free film: "Out in the Silence" (see page one)

Aug 12: GALE Fund with Wizard of OZ (see page one)

Aug 16 & 17: P'town Voleyball with PFLAG (508-255-7307)

Aug 19: P'town Carnival Parade (see article page one)

Sep11: Scholarship Fundraiser in P'town (see article on left)

Sept. 18, Saturday: Welcoming Congregations at Orleans Methodist Church 9:30 - 11 AM. Starfish@Massmed.org

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

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 _____

Phone _____ Email _____

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

To receive Newsletter by email instead of print copy, email joann@pflagCapeCod.org