



Parents, Families & Friends
of Lesbians And Gays

PFLAG WAVER

Parents, Families & Friends of Lesbians And Gays/Dallas

August, 2003

Our Mission

PFLAG promotes the health and well-being of gay, lesbian, bisexual and transgendered 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 to secure equal civil rights.



PFLAG provides the opportunity for confidential dialogue about sexual orientation and gender identity, and acts to create a society that is healthy and respectful of human diversity.



WEB SITES

NATIONAL – www.pflag.org



DALLAS – www.pflagdallas.org



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Newsletter Deadline:

August 14, 2003

by mail, fax or e-mail

Next Meeting

August 14, 2003

Second Thursday, 7-9:30 p.m.

Midway Hills Christian Church

11001 Midway Road, Dallas

Justice Kennedy and a Constitutional Revolution

by Randy E. Barnett

Lawrence v. Texas is much more than a Supreme Court ruling that protects the sexual liberty of gays and lesbians. It is a ruling that has transformed constitutional thinking from here on in. Yet commentators have entirely missed this, which is found in the two potentially revolutionary aspects of Justice Kennedy's opinion. One, contrary to reports, the decision did not reaffirm a right of privacy – it rested on a right to liberty. And two, the opinion remakes constitutional law by putting the burden on government to justify restrictions on liberty and not put the burden on citizens to justify a "fundamental right." This is truly revolutionary.

On the first issue, Justice Kennedy mentions the right of privacy only once to describe the reasoning in *Griswold v. Connecticut*. "The Court [in *Griswold*] described the protected interest as a right to privacy and placed emphasis on the marriage relation and the protected space of the marital bedroom." (Three other references appear in quotes from the grant of certiorari and a previous case describing *Griswold*.)

Instead, as he previously did in the 1992 abortion rights case of *Planned Parenthood v. Casey*, Justice Kennedy repeatedly characterizes the right at issue here as liberty. "Liberty protects the person from unwarranted government intrusions into a dwelling or other private places. In our tradition the State is not omnipresent in the home. And there are other spheres of our lives and existence, outside the home, where the State should not be a dominant presence. Freedom extends beyond spatial bounds. Liberty presumes an autonomy of self that includes freedom of thought, belief, expression, and certain intimate conduct. The instant case involves liberty of the person both in its spatial and more transcendent dimensions... We conclude the case should be resolved by determining whether the petitioners were free as adults to engage in the private conduct in the exercise of their liberty under the Due Process Clause of the Fourteenth Amendment to the Constitution."

By so doing, Justice Kennedy places the right being protected on a much stronger textual and historical footing. Unlike "privacy," liberty is explicitly mentioned in both the Fifth and Fourteenth Amendments. And liberty was undeniably the bedrock political principle of the Founders as well as the authors of the Fourteenth Amendment. Moreover, the protection of liberty can be extended to other activities that are difficult to characterize as "privacy," like distributing medical cannabis. This is not to say that a valid exercise of liberty may not be regulated. Only that it may not be regulated without good reason or prohibited entirely. This reveals the second revolutionary aspect of this opinion.

From the 1930s until today, the Court has presumed laws to be constitutional unless they violate (a) a right explicitly mentioned in the Bill of Rights or (b) an unenumerated right that the Court deems to be "fundamental." For a right to be fundamental it must be shown to be "implicit in the concept of ordered liberty" or deeply "rooted in our history and traditions." When a liberty is described specifically, this is very hard to do. However, Justice Kennedy never even attempts to justify the liberty at issue here as fundamental. Nevertheless, he puts the burden on the government to justify its restrictions. Because the government offered no reason beyond the legislature's belief that the conduct was "immoral," the Court found that the statute lacked adequate justification to be constitutional. If followed by the Court in the future, this reasoning completely remakes constitutional law. No longer would the burden be placed on the citizen to justify his or her liberty as a "fundamental right." Now, so long as the citizen was exercising a liberty (as opposed to license), the burden would be placed on the government to justify any restriction. Adopting this "presumption of liberty" would enable courts to better protect new forms of conduct that cannot fairly be characterized as rooted in our history, and would require legislators to have better reasons for any restrictions they decide to place on liberty. For protecting gays

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Gay rebels without a cause

by Sandip Roy

SAN FRANCISCO – The *Dallas Morning News* has just announced that it will list same-sex unions in its pages. “That’s the *Dallas Morning News*,” my friend pointed out. “That’s different from the *New York Times*.” With the Supreme Court’s verdict on the Texas sodomy case and gay marriage across the border in Canada, it seems all we need are gays in the military and the activists can all go home.

In a way, it’s what I dreamed of growing up in India, where gay sex is still illegal. I dreamed of a place where it wouldn’t be a big deal to be gay – and now here I am. The Supreme Court is OK with it. The *Dallas Morning News* is OK with it. Maybe we will even have some kind of gay marriage in Massachusetts. Activists on both sides of the debate, major periodicals are all speculating that the Supreme Court decision has opened the gates to the ultimate gay Shangri La: marriage.

But some gay men are not so sure if that’s what they are looking for. “I have no particular ambition to mimic my brother’s marriage, with a ceremony in a bad hotel with poached salmon,” says Richard Rodriguez. The author of books such as “Days of Obligation” and “Brown,” which won the 2003 California Book Award, Rodriguez once wrote about the irony of gay men gentrifying San Francisco by converting and redecorating rows of old Victorians. After all, Victorians were the ultimate symbols of strait-laced family life. At that time, Rodriguez had written, “In these same Victorian homes homosexuals were leading rebellious lives to challenge the foundations of domesticity.” In the end, perhaps the Victorians had the last laugh as they domesticated the gays.

Traditionally gays were the outcasts, the outsiders. “Centuries of being an outlaw did teach us other ways of imagining society,” Rodriguez says. “Knowing you did not belong was sometimes an asset for young men growing up in desperate towns where you got married at 17 and where your horizon was otherwise limited to the local plant where your father and grand-father worked.”

As I watched crowds in San Francisco’s Castro, the city’s famously gay neighborhood, down half-price cocktails to celebrate “the Supremes,” I couldn’t help wondering what happens to gay rebellion when there is nothing to rebel against? So much of being gay has been about all the things I couldn’t have that my sister took for granted – the wedding sari, the kids, my brother-in-law’s place in the family album. Can I face getting what I thought I always wanted? Am I ready to be a soccer mom?

It’s a bittersweet victory, this laying claim to being ordinary, to being “normal.” I remember as a young man coming out in

India, I longed for my own apartment that I could just bring a lover home to. I dreamed of a gay bar where I could meet men like me without cruising in shadowy parks while cops prowled.

I have all that now. Yet every now and then in the midst of the non-stop party whirl of gay life in San Francisco, where shirtless men dance in large warehouses with fog machines, where the mayor shows up at a street fair for leather men, gay life can feel almost too legitimate. Sometimes I get the oddest hankering for the fillip of danger that went with being gay, when it was still forbidden fruit.

Every year it seems the gay community is up in arms about one issue or the other – the right to serve in the military, the right to visit our partners in hospital, the right to get married. These fights appear discrete, but their common thread is a much more basic yearning that exists outside the ambit of legislative change – the need for society to acknowledge that we are not perverse.

Rodriguez sees the Supreme Court less as making history than acknowledging a reality on the ground. When the vice president’s daughter does not deny she is a lesbian, it means “the issue of whether or not we can join the American family is following the fact that we already are part of that family.” Being gay is no longer the shadowy preserve of the night. The love that once dared not speak its name is part of daytime talk shows, Republican conventions and softball leagues.

Rodriguez thinks our outlaw tradition might survive our new-found legal status. “We are using the words privacy, sodomy, even marriage in this debate. But no one wants to use the word that gets to the central issue – love.” He says it’s not sex or even marriage with its poached salmon that we are really after. “Society might give us the right to sex in private. But when the Pope gives me the word ‘love,’ then I’ll break out the bottle of champagne.”

Roy (sandiproj@hotmail.com) is host of “Upfront” – the *Pacific News Service* weekly radio program in San Francisco.



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and lesbians from being stigmatized by the criminal law, *Lawrence v. Texas* merited the headlines it received. Realizing that its reasoning better protects the liberties of everyone should answer those who dismiss it as a “special interest” decision. For, if the Court follows this reasoning in the future, nothing could be farther from the truth.

Randy E. Barnett is a law professor at Boston University, author of “Restoring the Lost Constitution: The Presumption of Liberty,” and a senior fellow at the Cato Institute, www.cato.org.



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Atlanta's Gay Pride Parade

I just returned from the Gay Pride parade and I am sooo proud of our congregation and our city.

This was my first attendance, and I had no clear idea of what to expect. I suppose I am like other straight folks: most of my impression were formed by the sensational tabloid photos included in the local papers.

What surprised me most was the "normalness" of the event: people having FUN! Letting their creative energies flow. Themes ranged from gardening, HIV education, outdoor activities, rodeo associations, parenting, Latin interests, country music, law enforcement, etc. The bars scene was present as well, but in no way dominated the event.

The diversity surprised me as well: this was NOT solely a white American event. A variety of African American groups were represented; southeast Asians: Burma, Thailand, etc.; Latin groups, including a subgroup from Panama; folks from Albany, Athens and rural Georgia. I can only imagine the courage it took for individuals from these communities to come together, claim their heritage.

I am so proud of Atlanta, and Oakhurst, and our LGBT friends who bring so much life and joy to our (straight) community. From what I sense, this life-giving energy comes from becoming secure in their identity, allowing all of us the freedom to be ourselves. What a wonderful challenge to all of us...

Thomas

This is from a member of our [Oakhurst Baptist] church and made me feel so good. An Episcopal church on Peachtree pealed their bells as we marched by and offered us water.

Wonderful day.

Martha England

Topeka's Gay Pride Parade

Dear PFLAG/Dallas friends and expatriates,

Just a note to let you know that Minneapolis is free of snow and the annual Pride Parade took place on Sunday, June 29. There were 268 entries and more spectators than last year. It was an excellent turnout. Probably helped that it was a balmy 80° under the brilliant blue sky.

There are so many churches that participate in the parade! ... Catholic, Lutheran, Baptist, Unitarian, United Church of Christ, Methodists, Presbyterians. The Episcopalians took the prize since they were led by a clergyman in vestments swinging a "flaming purse."

The librarians had a Book Cart Precision Drill Team. Lesbian firefighters on a hook and ladder brought the crowd to their feet. University of Minnesota frat boys in togas exhorted the crowd to join their Big Fat Greek Fraternity. Our favorite booth at the festival was "Two Unemployed Democrats from Texas." Visit them online at SeeYaGeorge.com for a full array of politically oriented merchandise.

The politicians in Minneapolis/St. Paul are out in force for the parade with a couple of exceptions. There are people with clipboards walking the parade sidelines registering voters. The Grand Marshal of our parade was the late Senator Paul Wellstone. His big green bus ambled down Hennepin Avenue bringing a gasp of sadness and then a slow and reverent applause for this great man's commitment to justice for all.

Somehow nobody missed our (R) governor or Sen. Norm Coleman who couldn't risk upsetting their powerbase by mingling with us.

Larry and I wore our PFLAG/Dallas parade shirts and joined

the PFLAG contingent when it passed. Thought of all of you with fondness and appreciation for having had the privilege of working, laughing and advocating with you.

In the words of Paul Wellstone ... Stand up. Keep fighting.

Jane and Larry Crain



Mom banned from gay rights talk

by THE ASSOCIATED PRESS

TOPEKA, Kan. – A public library employee says she was reprimanded after she talked openly at work about gay rights following last month's U.S. Supreme Court ruling that struck down anti-sodomy laws.

Bonnie Cuevas, a board member of the Kansas Unity and Pride Alliance and mother of a gay man, said two administrators at the Topeka-Shawnee County Library verbally reprimanded her for talking about the case and told her she was prohibited from discussing gay rights at work.

They cited a complaint from a co-worker who felt the subject was creating a hostile work environment. Cuevas had discussed the case on the phone and with a co-worker.

The American Civil Liberties Union sent a letter to the library Wednesday, asking officials to reconsider their prohibition on Cuevas' ability to discuss the case, without the group resorting to legal action.

David Leamon, director of the library, said he recently returned from vacation and was not aware of the situation. If anything, he said, Cuevas would have been told not to use the telephone for personal matters and that the library doesn't take sides on issues.

"The subject is not an issue at all," Leamon said.

Leamon said the staff complained that Cuevas, 54, was being disruptive because of the frequent, impassioned telephone calls. "We never issue gag orders," Leamon said. "The library is on neutral ground and we don't take positions on issues."

Following the high court's decision, Cuevas, an events coordinator for the library, spoke by telephone to friends and reporters about the decision and how it affects her family. She also talked about the decision to a co-worker who approached her for information about the decision, she said.

Ken Choe, staff attorney for the ACLU in New York, said he was optimistic the library would remove the restriction.

"If there was a concern about spending too much time on the phone for personal reasons, that's one thing," Choe said. "All Mrs. Cuevas is seeking to do is talk about this landmark Supreme Court decision as any employee has the right to talk about matters of public concern."

Cuevas was quoted in *USA Today* the day after the Supreme Court struck down anti-sodomy laws, including the one on the books in Kansas. She told the paper how her son, now 27, nearly died when he was beaten while leaving a gay bar with his boyfriend.

The interview lasted just a few minutes, Cuevas said, and she also received brief telephone calls from supporters. The next day, she received one more phone call and was approached by a co-worker, who said the ruling was important to him.

She was then told in private by supervisors that not everyone agreed with her views and she was verbally reprimanded, Cuevas said. "I was just flabbergasted. I couldn't believe it," Cuevas said.

Bonnie and Joe are good friends and good people. She used to be the secretary at a Catholic church...you can imagine how that panned out ... well, she is working at the library now.

Jane Crain

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From the President

Hey, Puddin's
Happy Labor Day!

Last month our speaker was Courtney, a diversity trainer for the SMU Allies Group. She spoke about loss and how it affects all of us differently. My experience is that when someone comes out as gay, lesbian, bisexual, or transgendered, there is a loss. The loss of hopes, dreams, and even relationships to people who cannot accept the news. But really it is the loss of illusions. Illusions that have been taught to us through fear. Because loss is so personal, that fear can become overwhelming, even exaggerated.

We all deal with fear and loss in our own ways and in our own time. It's a process. What works for one person doesn't work for another. It is a lonely time. We can feel that nobody understands. And sometimes, it seems like everyone we talk to has their version of helpful advice! We at PFLAG understand that families and friends are going through this process. Through our stories we are able to connect. Talking about our feelings can help quell the loneliness, if even only for a short meeting. Eventually every newcomer goes back home to deal with confusion, anger, and sadness. It is a very lonely time. Friends seem not to care. Relatives don't call. People at church whisper when we walk by. It can be very alienating. But it is the beginning of growth.

Looking at illusions is crucial to dealing with that loneliness. People who we thought were friends, may not be. We may have to accept that our families will shun us. We may have to find a new church where we're not going to hell because we're different. Because we love someone who is gay, lesbian, bisexual, or transgender, or because we are GLBT.



At PFLAG we understand this. We've lived it. Our members have gone through similar situations. There is someone in PFLAG who can relate to a struggling parent, friend, or family member on some level. I encourage anyone who is struggling with the loss of these illusions to come to our meetings. Keep in touch with us. You are not alone. In time you will see that having a GLBT person in your life is a blessing, not a curse. Now there's something to work toward!

Pat Smith

CCEM supports same-sex unions

A group of 46 clergy belonging to 11 different Christian, Jewish and independent traditions from all over Colorado came together on Thursday to launch the Colorado Clergy for Equality in Marriage (CCEM), which supports same-sex unions.

Coalition founder Rev. Phil Campbell, senior pastor of Park Hill United Church of Christ in Denver, said, "Gay men and lesbians are entitled to the same right to marry – in a marriage of love, mutuality and respect – that is available to my wife and me as a heterosexual couple."

Campbell said it was a matter of faith and belief in Christian fairness that motivated him to launch the CCEM.

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"Those adults who want to make a commitment must have the right to do so," he told the Gay.com/PlanetOut.com Network. He said his congregation was open and affirmative and already he had been solemnizing same-sex marriages in spite of a state ban.

The three main aims of the Colorado Clergy for Equality in Marriage are building support within the clergy for equal marriage rights for same-sex couples, getting laws enacted for equal marriage rights and fighting against the proposed U.S. Constitutional amendment that would recognize only heterosexual marriages.

Rev. Gilbert Caldwell, retired United Methodist minister and CCEM member, equated the struggle for equal rights for gay and lesbian Americans to the centuries-long fight for equality for African Americans.

"History, I believe, will view legislation against same-sex marriage as being insensitive, invalid and illogical, as was the legislation that prohibited interracial marriage," Caldwell said, as cited in the *Rocky Mountain News*.

Interestingly, not all clergy who have signed the declaration of intent to form the CCEM belong to "open and affirming" churches – a denominational designation that extends a specific welcome to gay and lesbian persons.

Traditions represented in the CCEM are United Church of Christ, United Methodist Church, Presbyterian Church (USA), Episcopal Church, Christian Church (Disciples of Christ), Evangelical Lutheran Church in America, American Baptist Churches, Unitarian Universalist Association, Reform Judaism, Reconstructionist Judaism and Sisters of Loretto.

Colorado banned gay marriages in 2000.

U.S. Rep. Marilyn Musgrave, R-Colo., who is leading the push for the constitutional amendment against same-sex marriage, said, "Today's meeting by the very liberal clergy only strengthens my resolve to protect marriage."

From National Coming Out Project

While fiery objections remain from some conservative and religious groups, a majority or near majority of Americans now support anti-discrimination laws and gay marriage at record levels, according to a *USA Today/CNN/Gallup* poll taken in May.

Eighty-eight percent said they favored equal rights in the workplace; 62 percent expressed support for health and Social Security benefits for gay partners; 54 percent approved of the "alternate lifestyle"; and 49 percent favored gay marriage. (An equal number opposed it.) Some of those figures have risen by 20 to 30 percentage points since the early 1980s.

The No. 1 reason people have changed their minds? More Americans, polls show, know someone who's gay – a family member, a friend, a co-worker – because more gay men and lesbians have been coming out of the closet.

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