



The Task Force in the News

Media Highlights

July 19 - 29, 2005

Roberta Sklar, Director of Communications

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The New York Times

July 21, 2005

Democrats and Allies Lament Lack of Record

By ADAM NAGOURNEY and CARL HULSE

WASHINGTON, July 20 - Democrats and liberal advocacy groups scrambled on Wednesday to see if they could - or should - build a case against the Supreme Court nomination of John G. Roberts. They said they would demand memorandums, briefs and other documents he wrote as a deputy in the solicitor general's office to flesh out an understanding of the views of this conservative newcomer to the federal judiciary.

In an atmosphere of evident frustration, the machinery that had been assembled to fight a Supreme Court nomination by Mr. Bush struggled to deal with a nominee whose two years as a federal appeals court judge had produced only a scant record that could be used to measure what kind of justice he might be.

No Democratic senator stepped forward to oppose Judge Roberts outright, in contrast to what several Democrats said would most likely have happened if Mr. Bush had chosen one of the more conservative judges on his list. Advocacy groups said they would press Democratic members of the Senate Judiciary Committee to question Judge Roberts aggressively in confirmation hearings to fill in these gaps.

"His sparse record does raise significant concerns," said Nan Aron, president of the liberal legal group Alliance for Justice. "But at this point, we are embarking on intensive research to learn more about his views through his speeches and briefs filed."

Asked if she thought Judge Roberts would win confirmation, Ms. Aron responded: "Not necessarily. There's a long road between now and the vote."

Even as many Democrats said that Mr. Bush's choice to succeed Justice Sandra Day O'Connor could be heading to a relatively easy confirmation, the first glimpses of Democratic strategy began to emerge.

Abortion rights advocates said they would oppose Judge Roberts by arguing that he would support overturning the Supreme Court decision that legalized abortion, pointing to a brief he helped write while a deputy solicitor general under Mr. Bush's father.

Democrats said they would scrutinize his record as a private lawyer for evidence of conflicts or ties to big business. And leading Democratic senators, well aware of a tense history between Democrats and this White House on the release of documents, said they would call on Judge Roberts to release documents he wrote while working in the solicitor general's office under President George Bush and the attorney general's office under President Ronald Reagan to try to divine his views.

"We're not looking to go on a fishing expedition," Senator Edward M. Kennedy, Democrat of Massachusetts, said in an interview. "But he was involved in a lot of very important decisions in the Justice Department that go way back."

Mr. Kennedy, a member of the Judiciary Committee, said a combination of those documents and sharp questioning of the judge at hearings would fill in what he described as the blank slate of the nominee.

"I think it's fair to say that the president knows," Mr. Kennedy said. "We just want the American people to know what the president knows."

Democrats cited the refusal of Miguel Estrada to provide similar documents in their decision to begin a filibuster against his appeals court nomination. Mr. Estrada eventually withdrew without being confirmed.

"I would argue the law is on our side," said Senator Charles E. Schumer, Democrat of New York, another member of the Judiciary Committee. "But, second, when you're a Supreme Court nominee, your obligation is to be as fully forthcoming as possible."

Justice Department officials declined to comment on whether they might release such documents, saying they would await a formal request from the Senate. In the past, the White House has resisted turning over such documents.

Department officials also gave reporters their review of Mr. Roberts's record on the appeals court and as a litigant before the Supreme Court. In arguing before the Supreme Court, he won more than two-thirds of his cases, and as a judge, he wrote 40 opinions that generated only two dissents.

Republicans said they expected Democrats to pursue such a paper trail, either to accumulate damaging information about the nominee or to use a refusal by the administration to turn over such documents as grounds to oppose the confirmation, as they did with Mr. Estrada and John R. Bolton, nominated to be ambassador to the United Nations.

But C. Boyden Gray, a former Republican White House counsel and a top conservative strategist in confirmation battles, said on Wednesday that the administration would never disclose such documents, saying it would set a bad precedent.

"It is not just about Roberts," Mr. Gray said. "It wasn't about Estrada, and I am not sure it is even about Bolton. It is about how do you maintain the ability to deliberate."

Senator Ben Nelson of Nebraska, a Democrat who opposed the filibuster against Mr. Estrada, said he could understand his colleagues' call for disclosure of the legal papers in this case because Judge Roberts had been selected for a seat on Supreme Court.

"This is the highest court in the land," Mr. Nelson said, "and I can understand some people wanting to see that information. It isn't as important to me because I am going to evaluate this individual on the basis of his rulings from the bench."

The relative absence of a record for Judge Roberts stirred both frustration and suspicion among Democrats and liberal advocates, particularly on a day when conservative groups were rallying behind him.

"We have a very limited paper trail," said Matt Foreman, executive director of the National Gay and Lesbian Task Force. "We don't know his view on key issues. We know his clients' views, and they are awful on issues around choice and gay rights. Senate Democrats are going to have to push him very, very hard to give direct answers about the right to privacy and equal protection under the Constitution."

An e-mail bulletin to members of Emily's List, which raises money for female candidates, warned: "There is no extensive paper trail that could thwart his progress." It added: "Our progressive allies on the Senate Judiciary Committee, including California Senator Dianne Feinstein, will fight to uncover Roberts's views on critical issues, particularly the right to choose."

Mr. Kennedy said he was particularly concerned because Judge Roberts had supported restricting the reach of Congressional authority in state matters under the Commerce Clause, which provides Congress with constitutional authority to regulate interstate commerce.

Democrats said they were caught by surprise by the nomination of Judge Roberts and had not spent as much time researching his record as they had on other potential nominees. They said they were further hampered by the fact that the White House did not release the name of Mr. Bush's choice until 7:45 p.m. Tuesday.

Democrats said they worked through the night examining Judge Roberts's record. Several said that, as of now, something would have to come up in either the hearings or the documents for the party to be able to build opposition to him.



Views: Legal Issues Faced By LGBT Seniors

by Ray J. Koenig III, Esq.
2005-07-27

This article is based on testimony provided by the author on July 19, 2005 at a 2005 White House Conference on Aging Pre-Event titled "Elder Voices: Let Your Stories be Heard," sponsored by the Chicago Task Force on LGBT Aging, the Chicago Commission on Human Relations, and the **National Gay and Lesbian Task Force**.

Seniors in the United States face many problems that deserve the attention of our legal system. Some problems are caused by flat-out age discrimination; some are simply an effect of our youth-obsessed culture. Those problems are compounded and made terribly worse when the senior is lesbian, gay, bisexual, or transgendered.

Examples of unique legal situations faced by LGBT seniors are numerous. Here are a few:

Alejandro, a 66-year-old female-to-male transsexual, was evicted from his assisted living facility after other residents at the facility demanded his removal—solely because he is a transsexual.

Sue, a nursing home resident, needs a great deal of assistance with her activities of daily living. The nursing home aides refuse to help her, citing fears related to "washing the lesbian."

After losing his partner of 35 years, Jack, a 76-year-old man living in near-poverty conditions, is kicked out of his home by his partner's children. Jack had shared his home with his partner for nearly three decades. The home was always in his partner's name though, simply because they could not afford to hire a lawyer to transfer the home into both names.

LGBT elders face unique problems that loosely fit into three categories: individual discrimination, abuse, and issues caused by the inability to marry one's partner. Discrimination and abuse are problems that can cause a LGBT senior to become isolated and even to go back into the closet. The issues associated with marriage stem from legal rights automatically conferred upon married couples that cannot be privately arranged or contracted for by same-sex couples and, for those rights for which contracts may be made, the high cost of attorneys is the reason many cannot do so.

The first category of problems is discrimination. LGBT seniors face individual discrimination in many contexts. Employment, housing and public assistance are a few of the places where they frequently receive less than equal treatment. It can be difficult enough for seniors to compete in the workforce or to find a nursing home with which they are comfortable, but LGBT seniors must deal with the added problems of overcoming intolerance and discrimination. In addition, public aid programs such as Medicare and Medicaid often refuse to recognize many of the needs of LGBT seniors, such as the refusal to fund the procedures needed certain transgender seniors.

The second category of problems is abuse. Abuse directed against LGBT's in general has been widely documented. Not surprisingly, the same sort of abuse directed at "younger" LGBT's is directed at LGBT seniors. The abuse may be physical or financial—and frequently both. Unfortunately, many seniors do not have the ability to report or halt the abuse. Even worse, many will endure the abuse for fear of being kicked out of their homes by the abusers.

The third and final category of problems is the issues caused by the inability to marry one's partner. As a result of this inability, LGBT seniors do not enjoy many very important legal rights automatically conferred upon married couples. Those rights include: status as next-of-kin for hospital visits and medical decisions where one partner is too ill to be competent; joint insurance policies for home, auto and health; automatic inheritance in the absence of a will; benefits such as annuities, pension plans, Social Security, and Medicare; spousal exemptions to property tax increases upon the death of one partner who is a co-owner of the home; veterans' discounts on medical care, education, and home loans; joint filing of tax returns; wrongful death benefits for a surviving partner and children; bereavement or sick leave to care for a partner or child; decision-making power with respect to whether a deceased partner will be cremated or not and where to bury him or her; crime victims' recovery benefits; loss of consortium tort benefits; and social security benefits.

As listed above, LGBT seniors are discriminated against by most tax and inheritance laws. Basic laws of intestacy favor legal spouses and blood relatives. LGBT seniors must therefore take additional steps, at additional cost, to provide for their partners. Further, they must often deal with challenges to their estate plans from the biological relatives of the deceased when those relatives refuse to acknowledge the surviving partner as the decedent's primary beneficiary.

Finally, the inability to marry one's same-sex partner not only is a denial of legal and financial benefits, but also a denial of the emotional and social benefits of marriage. As we age, the emotional and social benefits conferred by marriage may be the most needed.

There are remedies to these problems. They are not easy, but they do exist. First, issues unique to LGBT seniors must be brought to public light. Education must be provided to the people who can most directly impact the lives of LGBT seniors. This list begins with fellow members of the LGBT community, continues with employers, nursing homes, care givers, continues with lawyers, judges and court employees, and ends with legislators.

General public education efforts must be made as well. Federal and state laws will not be changed without near-popular support.

That leads us to the second broad remedy: the passage of laws and ordinances that protect LGBT persons from discrimination based on sexual orientation. Such laws have worked in the past, and continue to work today. A wonderful side effect of such laws is the continuing education of broader segments of the population, including lawyers, judges, and court employees.

The third remedy is more specific—and a greater challenge: providing the equal opportunity to marry. Such equality would alleviate many of the problems that LGBT seniors currently encounter. Instead of having to arrange or contract for just some of the legal and economic benefits of marriage, the right to marry would put LGBT senior couples on equal footing with the rest of the population.

The problems encountered by LGBT seniors are many and each is serious. However, I do not believe the problems to be insurmountable. The brief history of the LGBT movement toward legal equality is filled with stunning victories. As the out LGBT population ages, I expect that LGBT seniors will achieve similarly stunning victories over the unique set of problems which currently exist.

Ray J. Koenig III, a Senior Associate with Peck, Bloom, Austriaco & Mitchell, LLC, practices in the areas of elder law, probate litigation, trust litigation, fiduciary litigation, planning, and estate administration, with an emphasis on will, trust, guardianship, and advance directive contests. Koenig has also been appointed Special Assistant Attorney General by Illinois Attorney General Lisa Madigan. He has conducted seminars for the Chicago Bar Association and community organizations and has been a presenter at City of Chicago Department on Aging workshops. Koenig serves as an appointed Member of the Council for the Trusts & Estates Section of the Illinois State Bar Association, as a committee Vice Chair in the Real Property, Probate and Trust Section of the American Bar Association, and as a member of the Lesbian and Gay Bar Association of Chicago. Koenig served on a task force formed by the Commissioner of the

City of Chicago Department on Aging to develop and draft legislation to significantly revise the Illinois Elder Abuse and Neglect Act. Koenig was also named by Illinois Gov. Rod Blagojevich as the governor's alternate delegate to the 2005 White House Conference on Aging.

Koenig has authored numerous articles on topics within his areas of practice and co-authored a chapter on the legal and governmental responses to domestic elder abuse for the Clinics in Geriatric Medicine series of books.

Koenig proudly serves as a member of Chicago Ald. Tom Tunney's Senior Advisory Council and as a member of the Lake View East Chamber of Commerce. Finally, Mr. Koenig serves as a member of the Illinois Coalition on Mental Health and Aging, Northern Region as well as the Chicago Area Task Force on LGBT Aging. Koenig is involved with charities, including Heartland Alliance for Human Needs and Human Rights. Koenig is the founding vice president of the Heartland Alliance Junior Board, former president of the Junior Board, former member of the Board of Directors, and is a current member of the President's Council. Koenig is also a volunteer member of the Center on Halsted's Legal Referral program as well as a proud supporter of Lambda Legal, Chicago House and the Sargent Shriver National Center on Poverty Law , as well as other local and national non-profit organizations.



July 20, 2005

Gay rights groups are wary of Roberts, Bush nominee for Supreme Court

President Bush on July 19 selected U.S. Court of Appeals Judge John Roberts Jr. to replace retiring Justice Sandra Day O'Connor on the nation's highest court.

Matt Foreman, Executive Director, National Gay and Lesbian Task Force, issued the following statement: "President Bush's announcement that he is nominating U.S. Court of Appeals Judge John Roberts to the Supreme Court of the United States gives us great pause, particularly in light of Roberts' role in the Counsel's office of President Reagan and the Solicitor General's office of President George H.W. Bush. The Senate must take the time necessary to thoroughly review and evaluate Roberts' commitment to individual rights and equal justice under the law, including his record and thinking about civil rights, the right to privacy and the reach of Congressional power under the Constitution.

"We especially call upon our allies in the Senate to determine whether Judge Roberts subscribes to the holdings of Romer v. Evans and Lawrence v. Texas, among other cases, and will affirm that the civil rights and privacy rights of lesbian, gay, bisexual and transgender Americans are protected by the Constitution.

"And only if Judge Roberts meets these critical standards of qualification, judicial philosophy, fairness, independence and a dedication to protecting the rights of all under the Constitution, should the Senate vote to confirm his nomination to the court."

National Stonewall Democrats (NSD) Deputy Director Jo Wyrick said:

"The nomination of any individual to the United States Supreme Court is a serious matter that requires a thorough and thoughtful review. Both the nominee, and the nation, deserves a confirmation process that is fair and free from partisan politics.

"A nominee to the United States Supreme Court should be expected to uphold the Constitution and individual liberties. Our republic requires a nominee to be held to the highest ethical standards, and not be bound to narrow special interests and ideology. Therefore, we urge the United States Senate to fulfill its constitutional role and provide the American public with the best information on the record of Judge John Roberts, Jr. through a thorough judicial investigation.

"An individual given a lifetime appointment to the Supreme Court will affect the lives of millions of Americans for generations to come. Senate hearings into a nominee's record will help prevent the American public from unfairly prejudging a nominee based on personality alone. National Stonewall Democrats looks forward to further review of the record of Judge Roberts."

Joe Solmonese, President, Human Rights Campaign, said, "The rights and freedoms of millions of Americans are at stake as the Supreme Court hangs in the balance. President Bush nominated Judge John G. Roberts; now it's the Senate's and the American people's turn to do their job.

"The delicate balance on the Supreme Court is in danger of breaking. If Roe v. Wade falls, so could equality for millions of Americans. With the Roberts nomination, the right to privacy and the future of a fair-minded Court are in grave danger. Judge Roberts has disputed the right to privacy laid out in Roe v. Wade, and urged that the case be overruled. Reversing Roe could undermine

fundamental rights to privacy and liberty that are the legal underpinning for the freedom of gay, lesbian, bisexual and transgender Americans.

“Judge Roberts has advocated for prayer in public schools and for weakening the wall between church and state. He should make clear whether or not he would distort religion for misuse as a proxy for discrimination. Americans deserve a justice who will uphold the separation of church and state.

“The unique powers of the Supreme Court, including the power to revisit previous Supreme Court decisions, mean that Judge Roberts’ record should be subject to rigorous inspection. We will be working closely with our coalition partners to ensure that Judge Roberts gets a thorough vetting.”

Lambda Legal Executive Director Kevin Cathcart made the following statement concerning the nomination of Judge John G. Roberts.

“In nominating Judge John G. Roberts to replace Justice O’Connor on the Supreme Court President Bush has just about guaranteed that divisiveness will continue to reign in the judicial nomination process. Some have suggested that Judge Roberts is well-liked, but with all due respect, we need to know if he will stand up for the rights of all Americans not whether some people think he’s a nice guy.

“While we are continuing our review of Judge Roberts, we already know that we have reasons for serious concern. There are a number of issues that are important in determining whether a nominee will respect the rights of all Americans. Judge Roberts’ track record on reproductive freedom, privacy and federalism (respect for Congress’ power to enact important statutes like civil rights laws) merits particular scrutiny.

“We’ll be using our more than 30 years of litigation experience to study Judge Roberts’ record and decide whether we believe he will, if confirmed, carry out his responsibilities in a fair-minded and thoughtful manner that respects the basic individual rights of all Americans. For us, the fundamental question is whether this nominee’s commitment is to protecting those rights, or advancing a hardened extremist agenda.

“In the weeks ahead the U.S. Senate has the responsibility of closely scrutinizing this nomination and asking tough questions of this nominee. The burden is on Judge Roberts to demonstrate that he is qualified to serve on the U.S. Supreme Court. Lambda Legal looks forward to playing an important role in that process.”

To learn more about the connection between reproductive choice and civil rights for the gay, lesbian, bisexual and transgender community visit www.lambdalegal.org/courtingjustice and click on Reproductive Rights Connection.

This spring Lambda Legal launched a wide-ranging national campaign, “Courting Justice: Stand Up for Fair Courts — Protect Our Rights”. The campaign aims to mobilize lesbians, gay men, bisexuals and transgender people, people with HIV and allies to advocate for unbiased judicial nominees, defend fair-minded judges from political attacks and support the legitimate role of courts in addressing civil rights claims.

Orlando Sentinel

July 24, 2005 Sunday FINAL

Letter warns of gay 'extremists' The Christian Family Coalition seeks money to oppose gay marriage.

BY: John Kennedy and Jason Garcia, Sentinel Staff Writers

In its latest "Dear Friend" fund-raising letter, the Miami-based Christian Family Coalition ratchets up the rhetoric in its pitch for money and signatures to get a proposed constitutional amendment on the ballot banning same-sex marriage.

The letter warns against "homosexual extremists in Florida" and assures that if "homosexual marriage is legalized in America," gay indoctrination will occur in schools, gay marriage will be required "in your church," along with a host of other shockers.

Anthony Verdugo, executive director of the coalition, defended the letter as accurate and to the point. But he conceded, "I think each person would have a different take on the letter."

The National Gay and Lesbian Task Force, which is specifically mentioned in the letter for having received a \$100,000 matching grant to promote gay marriage, says the solicitation is out of line.

The task force is called the "nation's most radical homosexual group" in the solicitation.

"If you want to talk about radical organizations that spread lies and distortions about gay people, then this Christian Family Coalition qualifies," said Matt Foreman, the task force's executive director.

But he also notes the \$100,000 claim may be understated. Foreman said the organization, the nation's oldest gay civil-rights group, helped raise \$1 million to fight same-sex marriage bans on 11 state ballots last fall.



The Associated Press State & Local Wire

July 23, 2005, Saturday, BC cycle

Some see review as attempt to bar gays from adopting children

By CARL MANNING, Associated Press Writer

TOPEKA, Kan.

When Bill Dunn talks about his three adopted sons, it's pretty clear that being a father is the most important thing in his life.

His boys - 6-year-old Nathan, 5-year-old Haden and 2-year-old Henry - came from foster care in California. Now, they live in a comfortable two-story house with a front veranda and porch swing in a historic Wichita neighborhood. Dunn is a stay-at-home dad.

"My greatest hope for my children is they are tolerant, that they grow up to be nice people, kind people. I want my kids to be happy," Dunn said. "Even on your worst day, the blessings far outweigh any of the bad things that make you want to tear your hair out."

But some Kansans wouldn't see the boys' home as a Norman Rockwell painting because Dunn lives with Shaun Morse, his male partner of 15 years. They don't hide their relationship, and some people feel being gay is reason enough to disqualify them from parenthood.

Meanwhile, at the urging of conservative Rep. Steve Huebert, a joint legislative committee will review "adoption criteria" for foster children this year. It could recommend changes that the Legislature may - or may not - deal with next year.

"We need to have a policy to have a mother and father as adoptive parents," said Huebert, R-Valley Center. "We have a policy that allows more than that. I think that adoption should be limited to homes with a mother and father."

Despite Huebert's interest and his success in getting a review, it's not a front burner issue with every legislator.

In the great scheme of issues that need to be resolved by the Legislature, this isn't at the top of the list," said Senate Majority Leader Derek Schmidt, R-Independence. "I haven't spent a lot of time worrying about it."

The Department of Social and Rehabilitation Services oversees the state's foster care program. Adoptions involving foster children are handled through SRS contractors.

State law is silent on whether gays or lesbians can adopt foster children. Unmarried couples can't adopt foster children jointly.

An unmarried individual can adopt and live with another person, but only the individual who adopted would have legal custody.

Last year, 627 foster children were adopted in Kansas and about half that number were placed in homes through private adoptions. SRS says the number of foster children averages about 4,500 per month.

The state doesn't keep statistics on how many gays and lesbians adopt foster children. However, Matt Foreman, the National Gay and Lesbian Task Force's executive director, said nationally about 22 percent of gay partners and 34 percent of lesbian couples are parents.

The 2000 Census showed 594,391 same-sex partner households nationally - 1 percent of all households. There were 3,973 same-sex partner households in Kansas - a fivefold increase from 1990 and 0.3 percent of all households.

Huebert said he isn't crusading against gays and lesbians.

"I have been getting different calls and people who say I am trying to attack the homosexual community, and that is not my goal," Huebert said. "Some say it's a political issue, and that's not my goal either."

Foreman called Huebert's statements somewhat disingenuous.

"It is not only anti-gay; it is anti-child," Foreman said. "All children deserve a loving home and gay couples provide that in Kansas and all over the country without problems."

Foreman said a chief complaint is that a child living with a gay or lesbian couple will become gay or lesbian.

"A child's sexual orientation has nothing to do with the child's parents, otherwise you wouldn't have so many gay people," he said.

Foreman said Florida and Mississippi prohibit gay and lesbian couples from adopting and similar efforts were under way elsewhere. Legislation to prohibit or limit gays and lesbians from adopting or becoming foster parents failed this year in Arkansas, Alabama, Florida, Indiana, Michigan, Oregon, Tennessee, Texas and Virginia, he said.

On Thursday, the American Civil Liberties Union asked a court to overturn the state of Missouri's decision to deny a woman's application for a foster parent license because she is a lesbian.

At issue is an unwritten state policy that prevents people who are openly gay from becoming foster parents. The state's social services department said it has a long-standing practice not to knowingly license as foster parents people who declare themselves to be homosexual.

Foreman sees attacking gay adoption as the conservatives' next move after preventing gay marriage. In April, Kansas became the 18th state to rewrite its constitution to say the only recognized marriage is between one man and one woman.

"This is just another example of - frankly - that bizarre obsession with homosexuality," Foreman said.

Dunn and Morse returned to their hometown last year, thinking it would be a good place to raise a family. Dunn, who's called "Daddy," decided to stay home while Morse, who answers to "Poppa," joined the corporate world to be the breadwinner.

"California authorities removed the boys from families unable to care for them, leaving scars that Dunn said he and Morse still are trying to heal with love and understanding.

"If we hadn't stood up to adopt them, they might have stayed in long term foster care, which is awful," Dunn said.

With talk of changing adoption procedures just starting, Dunn is concerned. While the California adoption papers list both Dunn and Morse as parents, he worries about what could happen in Kansas.

"My greatest fear is that they will write a law so broadly it will impact what already is a done deal in California," Dunn said. "I would not risk my children. We would leave, which is maybe what they want."

Gay adoptive parents facing opposition in hometown

State stays mum; some legislators fight issue

Sunday, July 24, 2005

Topeka — When Bill Dunn talks about his three adopted sons, it's pretty clear that being a father is the most important thing in his life.

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Legislature involvement

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State stays silent

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Long-standing practice

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Healing emotional scars

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Bisexual study, New York Times article cause furor

By Dawn Wolfe Gutterman

Originally printed 7/14/2005 (Issue 1328 - Between The Lines News)

NEW YORK - A July 5 New York Times article about a study which seemed to suggest that men who self-identify as bisexual are lying about their orientation is the focus of controversy among LGBT and allied activists and advocates.

Both the study and the article are under attack by organizations and members both inside and outside the LGBT community, who claim that the study's author has a track record of bias and unethical behavior and that the New York Times showed bias in not reporting the allegations against him.

Among other allegations, the National Gay and Lesbian Task Force noted in a July 11 statement that the New York Times article "fails to note several serious and obvious questions about the study's methodology and underlying premises; fails to report the serious controversies that have plagued one of the study's authors in the past; misstates some of the study's conclusions; and fails to reflect the views of any leaders in the bisexual community."

The NGLTF statement continued, "The study's senior author, J. Michael Bailey, maintained that 'there is no hint' that bisexual orientation exists among men. The New York Times failed to note that Bailey's past research has been roundly criticized and that he has been accused of misconduct by some of his research subjects."

The study and the article

According to the New York Times report, "The study, by a team of psychologists in Chicago and Toronto, lends support to those who have long been skeptical that bisexuality is a distinct and stable sexual orientation."

The New York Times report said that researchers from Northwestern University in Evanston, Illinois and the Center for Addiction and Mental Health in Toronto recruited 101 "young men." Of the test subjects, "Thirty-three of the men identified themselves as bisexual, 30 as straight and 38 as homosexual."

Researchers asked the men about their sexual desires, then attached sensors to them and measured their arousal when shown erotic images of men and women.

According to the New York Times report, "[T]he men in the study who described themselves as bisexual did not have patterns of arousal that were consistent with their stated attraction to men and to women. Instead, about three-quarters of the group had arousal patterns identical to those of gay men; the rest were indistinguishable from heterosexuals."

The New York Times quotes J. Michael Bailey, the lead author of the study, as saying, "I'm not denying that bisexual behavior exists, but I am saying that in men there's no hint that true bisexual arousal exists, and that for men arousal is orientation."

Scientist or propagandist?

Bailey is a scientist with a checkered past. Though in 1991, according to the June 20, 2003 edition of The Chronicle of Higher Education, Bailey co-authored a scientific study that found a genetic component to homosexuality, his recent work and public remarks have been the subject of controversy.

According to a release about the New York Times article by the organization Fairness and Accuracy in Reporting, "In 2001 Bailey co-authored an article that argued that, if it became possible for parents to determine the sexual orientation of their fetus, 'selecting for heterosexuality seems to be morally acceptable....Selection for heterosexuality may tangibly benefit parents, children and their families and seems to have only a slight potential for any significant harm.'"

And, in 2003, Bailey authored "The Man Who Would Be Queen," a book on transsexuality that suggested that transgendered women "are extremely feminine gay men or are sexual fetishists who are 'erotically obsessed with the image of themselves as women,'" according to FAIR.

According to The Chronicle of Higher Education, "Mr. Bailey's work on transsexuals, unlike his scientific research on gay men, is anecdotal, and his book doesn't cite any figures to back up his claims."

Bailey's purported lack of scientific integrity is prominent in both the NGLTF and FAIR statements about the New York Times article. Bailey's remarks are also often quoted by "ex-gay" organizations which claim to "treat" homosexuality. In addition, some of the subjects of his book on transsexuality have filed complaints against him, claiming that they had not given their consent to be studied. One subject filed a complaint of sexual misconduct against Bailey, according to the Jan. 6, 2004 issue of The Daily Northwestern, the newspaper of Northwestern University, where Bailey works as a professor.

A biased report

Both the FAIR and the NGLTF statements also take offense at the tone of the New York article.

"We remain stunned that the New York Times Science section would carry such a shoddy, sensationalistic and downright insulting story. It and the profoundly flawed 'study' it purports to cover are laced with biased premises, misstatements and inaccuracies," said Matt Foreman, executive director of NGLTF.

According to FAIR, "In leaping to dramatic conclusions from a single study with a small population, Carey [the author of the New York Times article] echoes the study's authors, who seem equally eager to generalize from scant evidence - and to confuse the study's assumptions with its conclusions."

Bisexual activists are also upset. In a post on the Bisexual Resource Center site, Sheeri Kritzer posted a link to the New York Times article and requested that Resource Center members, "write to the people involved to express outrage. Make it personal by telling your own story of biphobia, why you're bisexual (or why you're an ally), and how spreading meaningless 'data' like this hurts."



Ground broken for nonprofit gay retirement home in Hollywood

By Laura Wides

ASSOCIATED PRESS

2:30 p.m. July 14, 2005

LOS ANGELES – Calling it an overdue "environment of tolerance," officials broke ground Thursday for what they called the nation's first nonprofit senior housing facility designed for gay, lesbian, bisexual and transgender adults.

The \$20 million Encore House in Hollywood will accommodate low-income seniors in 104 rental units and feature a swimming pool and 3,000 square feet of public space.

Expected to open in 2006, it's part of a burgeoning number of retirement communities for older gay Americans. Others, however, are for-profit developments generally for more affluent retirees.

Jack Reauley, 82, and his partner, Bob Claunsh, 80, said they would consider living in the facility as a way to be around people who understand their lifestyles and because of the location.

"It's just a matter of living with other people that you know and live like," said Claunsh, who has been with Reauley since they met in the Army 54 years ago.

Older people are often more discriminatory toward homosexuals than the younger generation, he said.

Gerard Koskovich, an outreach liaison for the American Society on Aging's Lesbian and Gay Aging Issues Network, said Encore House will be the first nonprofit facility of its kind in the nation.

As far back as 1956, there were articles in gay magazines about the need for nonprofit housing for gay seniors, said Koskovich, a historian.

"It's taken 50 years for the social mores to change and for the community to reach a critical mass to start such projects," he said.

Brian Neimark, founder and executive director of the nonprofit Gay and Lesbian Elder Housing, which is building the apartment complex, said the residence will allow gay seniors to live in a safe environment as they increasingly depend on outside care.

"What has had to happen for many older adults is that they've had to go back into the closet to get the care they need," he said. "This would be an environment of tolerance and acceptance."

The National Gay and Lesbian Task Force's policy institute estimates there are at least 1 million gays 65 and older living in the United States.

Neimark said Encore House will not discriminate against heterosexuals.

"We will not turn someone away," he said. "All that will happen is that we have a policy of tolerance, so at our dances you're going to see same sex couples dancing together."

Rent will be charged on a sliding scale. The residence will be built with a combination of public and private funds, including a grant from the Annenberg Foundation.

In San Francisco, the nonprofit Open House is looking to build a similar affordable housing project.

Los Angeles Mayor Antonio Villaraigosa pledged to work for similar projects. He noted the meaning of the facility's name, Encore House.

"That means, 'we want more,'" he said.

– Associated Press Writer Tim Molloy contributed to this report.



Third Of Calif. Gay Couples Latino

by Matt Johns 365Gay.com Los Angeles Bureau

Posted: July 14, 2005

(Los Angeles, California) A new study shows that at least one partner of a third of the same-sex couples in California is Latino and that more than a half of the Latino couples is raising children.

The study, done by the Williams Project at the University of California Los Angeles, was based on an analysis of the 2000 US census.

It indicates there are 45,000 Latinos in the state in same-sex relationships, raising some 33,000 children.

"Census data quantify that Latinos and Latinas represent a large portion of California's gay and lesbian families," said Gary J. Gates, Senior Research Fellow at the Williams Project and co-author of the report.

" Many Latino/a same-sex couples, especially those with children, are economically vulnerable, especially as they lack the support and protections that marriage provides to other California families."

The study found there are more Latino/as in same-sex couples in California than in any other state.

It also found that Latino same-sex couples are much more likely to live in Latino communities in California than gay and lesbian communities. Approximately three-quarters of Latinos in same-sex couples are of Mexican origin, which corresponds with the proportion of persons of Mexican origin among all Latino/as in California.

The research shows that Latino same-sex couples look very similar to heterosexual Latino couples. For example, the average household income of Latino/a same-sex couples in California is similar to that of Latino different-sex couples (\$51,251 v. \$49,243). They have the same rates of service in the U.S. military (7%) and similar employment rates (61% v. 58%)

But, Latino same-sex parents are raising their children with substantially fewer resources than non-Latino/a parents in California.

Latino same-sex parents are much less likely to have a college education and own a home, and have much lower household incomes. Parents in Latino/a same-sex couples have annual household incomes that are, on average, almost \$50,000 less than non-Latino/a parents in different-sex couples in California.

The Williams Project on Sexual Orientation Law and Public Policy is part of the UCLA School of Law.

The findings of the study are similar to those of a similar examination of Latino same-sex couples in Florida done by the National Gay and Lesbian Task Force earlier this year.

Last month the heavily Latino United Farm Workers Union announced its support for a California bill to allow same-sex couples in California to marry.

"This is about one civil rights movement joining forces with another to affirm shared values of social justice. Our struggles for economic justice and equality are rightfully linked: the farm workers current boycott of Gallo wine and the battle to achieve equality for all," said United Farm Workers Southern California Political Director Christine Chavez in a statement.

This week a key California Senate committee approved the same-sex marriage bill.

The Atlanta Journal-Constitution

Where we rank

SAYS WHO?

Howard Pousner - Staff
Friday, July 29, 2005

(listed by rank number):

> 1. Wireless: according to Scarborough Research, out of 76 cities; Black entrepreneurs: according to Black Enterprise magazine survey of 4,000 readers; Expensive to drive: according to Sperling's BestPlaces ranking of 400 metro areas; Small businesses: according to the National Policy Research Council's ranking of top 50 cities.

> 2. Homeless: Atlanta ranks only behind Little Rock, according to survey of 179 cities by the National Coalition for the Homeless.

> 3. Crime: only behind Camden, N.J., and Detroit, out of 354 cities, according to Morgan Quitno, a Kansas firm that ranks cities by their crime rates.

> 4. **Black same-sex couples: National Gay and Lesbian Task Force/National Black Justice Coalition ranking of all U.S. cities, according to census data. Atlanta was bested only by New York, Washington/Baltimore, Chicago;** Traffic delays: In Texas Transportation Institute ranking of 85 urban areas, Atlanta behind only Los Angeles, San Francisco, Washington; Cars: Shell Oil evaluated 50 largest metropolitan statistical areas in the United States to identify "America's Autopias"; Buggiest: behind Boston, Houston, Los Angeles, according to the Mosquito Magnet/Farmers' Almanac rankings of 10 cities.

> 5. Business/career launch: rankings of 150 cities by Forbes magazine; Vacation: out of the 51 largest metro areas, according to Universal Orlando Resort's "All Work & No Play" study. Tops: Newark, N.J.; Bookstores: out of 79 cities, according to a University of Wisconsin-Whitewater study of America's most literate cities; Garden equipment: out of 361 cities, according to Editor & Publisher Market Guide.

> 7. Date: from Sperling's BestPlaces and AXE Deodorant Bodyspray, out of 400 cities; Gas consumed: according to Editor & Publisher Market Guide, out of 361 cities; Polluted: American Lung Association study ranking of 26 metropolitan areas most polluted by year-round particle pollution.

> 8. Single: according to a study of 50 cities by Worldwide ERC and Primacy Relocation; Home furnishings sales: according to Editor & Publisher Market Guide, out of 361 cities;

> 9. Taxes: according to a CNN/Money survey of 51 major cities; Heartburn: according to the National Heartburn Alliance's Burn Factor survey of 24 cities.

> 10. Religious groups: according to a survey of all U.S. counties by the Association of Statisticians of American Religious Bodies.

> 11. Disposable income: out of 361 cities, according to Editor & Publisher Market Guide; Bohemian: a measure of the artistic makeup of the 20 most populous cities, according to Creative Industries Study sponsored by the Washington advocacy group Americans for the Arts. > 15. Literate: out of 79 cities,

according to University of Wisconsin-Whitewater study; Diesel soot deaths: according to Clean Air Task Force report of all U.S. counties.

- > 20. Running: from Runner's World's Top 25 Best Running Cities.
- > 23. Fattest: Men's Fitness magazine rankings of 25 cities.
- > 24. Relocate family: Worldwide ERC and Primacy Relocation survey of 50 cities.
- > 29. Fragility: risk for osteoporosis from Boniva Fragile Cities Index, out of 30 cities.
- > 31. Sweatiest: Old Spice rankings of 100 cities.
- > 39. Cleanest: out of 50 cities, according to a Reader's Digest ranking.
- > 49. Funniest: out of 200-plus cities, according to the Hallmark Humor Index.
- > 153. Drivers: Allstate Insurance Co. Best Driver Report of 200 cities.

Research by SHARON GAUS