



Buffalo / Niagara

PO Box 617
Buffalo, NY 14207

716-883-0384

PFLAG@bfn.org
www.PFLAG-buffalo-niagara.org

We meet because we have learned that someone very close to us is Gay, Lesbian, Bisexual, or Transgendered.

We try to help one another deal with this information in a positive manner.

Although we do not agree at all times, we try to be understanding.

We offer help to those who seek it, but do not force ourselves on others.

We strive to maintain anonymity while sharing on a level that is comfortable for all of us.

We encourage all to attend meetings for their own benefit as well as that of the group.

It is our hope that when each of us reaches a point of understanding and acceptance, we realize that this is when others need us the most.

Buffalo Monthly Meeting

Sunday, October 18, 2009
2:30–5:00 PM

The October meeting will have a presentation on LGBT issues before the New York State Legislature by Mario Ezekiel Hernandez (Western Regional Organizer) and John Curr (Western Regional Director) of the New York Civil Liberties Union. As always, newcomers will be offered the alternative of meeting privately with a PFLAG parent.

Heritage Room, Westminster Presbyterian Church
724 Delaware Avenue, Buffalo, New York 14209

Use the driveway to left of the church to reach the church parking lot. Walk behind the church to other side of the building (through the nursery school) and enter through the kitchen entrance.

New Parents Meetings

These meetings are scheduled as needed. Please call the helpline.

Held at a location convenient to those involved.

This self-help one-on-one meeting deals with the concerns of parents and family members who have recently learned that a loved one is Lesbian or Gay.

Parents, Families, and Friends of Lesbians and Gays, Buffalo/Niagara, is a non-profit, all volunteer, community-based organization not affiliated with any ethnic, religious, economic, or political group. Membership is open to all. PFLAG membership lists are kept confidential and mailings are sent in plain envelopes.

Queer Journeys Programs

Queer Journeys is a cable access program sponsored by PFLAG Buffalo/Niagara and coordinated by Camille Cox and Babs Conant. The programs are based on documentaries on GLBT issues. This program only airs in Buffalo, on Mondays at 6:30 pm and Tuesdays at 1:00 am on Adelphia Channel 20.

The schedule for the next two months is:

Oct 5: An Unexpected Journey
 Oct 12: All God's Children
 Oct 19: Claiming America's Promise
 Oct 26: The Families We Choose
 Nov 2: How Can I be Sure God Loves Me?
 Nov 9: Reading between the Labels
 Nov 16: Your Mom's a Lesbian, Here's your Lunch...
 Nov 23: Straight from the Heart
 Nov 30: Our Faces

A short description of the storylines and a full schedule can be found on our website at:
www.PFLAG-buffalo-niagara.org/video_project.shtml

PFLAG Action Alert

PFLAG National Staff

On Wednesday, September 23, Rep. George Miller (D-CA), chairman of the House Education and Labor Committee, held the first full committee hearing in the U.S. House of Representatives on the Employment Non-Discrimination Act of 2009 – legislation prohibiting employers from discriminating against employees on the basis of sexual orientation or gender identity. Notable witnesses included Representatives Barney Frank and Tammy Baldwin; the Hon. Stuart Ishimaru, acting chairman of the U.S. Equal Employment Opportunity

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Frank Carnevale & James Pilc
 Mary Hewitt

Sponsoring Members

Anonymous (1)
 John & Diane Covert
 Clarice Lechner-Hyman
 Bob Patterson
 James & Mary Ellen Walsh

Supporting Members

Anonymous (2)
 Jane & Tony Benfante
 Babs Conant & Camille Cox
 Shawn Cribari
 Steve and Suzanne Evans
 Brian Hilton
 Russel Hurlburt & John Percy
 Donald Kreger & Ron Ehmke
 Ronda Marvel
 Jeffrey McConnell & Fred Dansereau
 Mark Meyer
 Dennis Stuart

Commission; and two victims of employment discrimination, William Eskridge and Vandy Beth Glenn. You can view the full hearing online through the Congressional archives (<http://tinyurl.com/lDgtnp>). You can also read PFLAG National's written testimony below.

Today's historic hearing marks just a mid-way point in a long fight that can only be won with your help. Even if you've taken action before, your congress members must hear from you again today, before the ENDA bill gets marked up in the Education and Labor Committee. Your representative needs to know that you won't stand for anything less than full equality in this country. Equality is not guaranteed for all of our LGBT loved ones; fully-inclusive employment discrimination laws exist in only 12 states and just over 100 localities. Take action today to secure much-needed workplace fairness!

Please visit www.thomas.gov and type in H.R. 3017 to see if your representative is a co-sponsor. If they are, please send a note to thank them, and let them know that you appreciate their work on behalf of LGBT workers.

To take action and help us address the employment discrimination our LGBT loved ones face please visit: <http://capwiz.com/pflag/home/>.

PFLAG National to the Committee on Education and Labor September 23rd, 2009

On behalf of Parents, Families and Friends of Lesbians and Gays (PFLAG) National's more than 200,000 members and supporters, I am pleased to submit written testimony expressing our support for the *Employment Non-Discrimination Act of 2009* and urge the Congress to support workplace fairness for all Americans by addressing the issue of widespread employment discrimination. I would like to especially thank Chairman Miller along with Ranking Members for convening the hearing, *H.R. 3017, Employment Non-Discrimination Act*, before the United States House of Representatives Committee on Education and Labor. It is imperative that the Committee explore employment discrimination as a critical barrier to workplace fairness, and support the passage of ENDA in an effort to guarantee workplace fairness.

Every year, qualified, hard-working Americans are denied job opportunities, terminated, or experience on-the-job discrimination just because they are lesbian, gay, bisexual or transgender (LGBT). This occurs in both public and private sector workplaces, both large and small. Although all arbitrary discrimination is reprehensible, workplace discrimination is especially egregious because it threatens the well-being and economic survival of American workers and their families. Often, LGBT employees attempt to protect themselves against discrimination by hiding their sexual orientation or gender identity. This requires carefully self-policing of even the most casual conversations, and banishes

almost all acknowledgment of family and friends from the workplace. In addition to being difficult to do, hiding one's sexual orientation or gender identity takes a terrible psychological toll, and often results in co-workers building walls between each other. In addition to the emotional stress inflicted on LGBT employees, the necessary subterfuge and dishonesty works to distance co-workers from one another, harming the workplace environment and work products.

The threat of discrimination based on sexual orientation and gender identity has a very real presence in American workplaces. I have met countless parents, families and friends of LGBT people and have heard too many tragic stories of LGBT employees being harassed, fired, not hired, and passed over for advancement without regard to their merit. That treatment would not be permissible if ENDA were law. A 2007 report of more than 50 studies compiled by the Williams Institute indicates that 16 to 68 percent of LGBT people reported experiencing employment discrimination. In a separate survey, 15 to 57 percent of transgender individuals reported experiencing employment discrimination. In addition, many heterosexual coworkers reported witnessing sexual orientation discrimination in the workplace. In another 2007 nationwide survey, 28 percent of LGBT workers reported that they have experienced discrimination or unfair treatment in the workplace; one-in-four said they experience it on a weekly basis.

Studies also show that discrimination robs LGBT employees of the ability to earn incomes equal to those of their heterosexual counterparts. The 2007 Williams Institute report documented that gay men earn 10 to 32 percent less than similarly-qualified heterosexual men. A 2002 study showed that gay men earn from 11 to 27 percent less and lesbians earn 5 to 14 percent less than the national average. And, while no detailed wage and income analyses of transgender employees have been conducted to date, the Williams study documented that transgender people report high rates of unemployment and very low earnings.

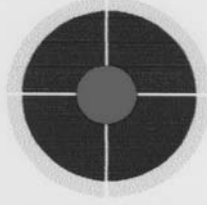
These wage studies confirm that LGBT discrimination is not benign. Lower incomes and difficulty in getting and keeping a job create direct and immediate financial disadvantages for LGBT employees, just as they do for other American workers who are lucky enough to be protected by federal law. The National Commission on Employment Policies calculated that discrimination against LGBT employees translated into a \$47 million loss in profits attributable to training expenditures and unemployment benefits alone. Not including outright terminations, it has been proposed that hostile work environments cost companies \$1.4 billion in lost output each year because of a reduction in LGBT workers' productivity.

Kay Patterson, LMHC

Licensed Mental Health Counselor

Counseling for Change

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Buffalo Gay Men's Chorus

695 Elmwood Avenue
Buffalo, NY 14222

Tickets & info: 883-1277
www.buffalogaymenschorus.org

ENDA is a federal bill that would prohibit discrimination in the workplace based on a person's sexual orientation or gender identity. It would address discrimination in the workplace by making it illegal to fire, refuse to hire, or refuse to promote an employee based solely on that person's sexual orientation or gender identity. ENDA would make it illegal for employers to discriminate on those bases, including, for example, refusing to hire an applicant or firing an employee who is lesbian, gay, bisexual, transgender, or heterosexual. This legislation closely follows the model of existing federal civil rights laws, including Title VII of the Civil Rights Act of 1964, and, therefore, would affect private employers with 15 or more employees, as well as federal, state, and local governments, unions, and employment agencies. The U.S. military and certain religious organizations would be exempt, as would employment issues such as quotas, disparate impact claims and domestic partner benefits. The bill defines sexual orientation as "homosexuality, heterosexuality, or bisexuality" and gender identity as "the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth."

In 29 states it is legal to discriminate based on sexual orientation, and in 38 states discrimination based on gender identity is legal. The lack of state and local protections exacerbate the widespread discrimination that LGBT workers experience by all types of employers, including private employers, local governments, state governments, and companies large and small. These affected employees have no adequate remedy in federal law. ENDA would provide critically needed job protections for the entire community – including those most vulnerable to discrimination.

Only 12 states and the District of Columbia currently have laws that specifically ban workplace discrimination based on sexual orientation and gender identity. Another nine states have laws that ban discrimination based on sexual orientation, but don't include gender identity. This patchwork of laws is inadequate to prevent and remedy the serious discrimination against LGBT employees that takes place across the country.

ENDA is a comprehensive remedy to address the lack of protection afforded to American LGBT workers. This legislation does not create special rights; rather, it reflects a bedrock American principle that working men and women should be judged solely on the basis of their job performance. Specifically, ENDA:

- **Prohibits Employment Discrimination:** Prohibits public and private sector employers from making decisions about hiring, firing, promotion or compensation based on sexual orientation or gender identity. It applies only to discrimination in employment and only to employers with 15 or more employees.

- **Prohibits Preferential Treatment:** Strictly prohibits preferential treatment based on quotas, and mandates that no claims will be permitted based on statistics.
- **Includes Broad Exemptions:** Exempts members of the Armed Forces and veteran preference organizations, as well as religious organizations or religious schools.
- **Excludes Domestic Partnership Benefits:** Does not require employers to provide benefits to domestic partners.

In addition to significant bipartisan support in both the House and Senate, most of America's leading businesses have adopted anti-discrimination policies similar to ENDA. Business leaders understand that a person's sexual orientation or gender identity has nothing to do with their job performance. That is why 423 (85 percent) of Fortune 500 firms have extended protections based on sexual orientation and 176 (more than one-third) extended protections based on gender identity, according to the Human Rights Campaign Foundation's 2009 Corporate Equality Index (CEI). Moreover, 98 percent of the Fortune 50 prohibits discrimination based on sexual orientation, and nearly 50 percent prohibit discrimination based on gender identity.

The Business Coalition for Workplace Fairness, made up of some of the largest corporations in America, has endorsed ENDA. Some of those coalition members include: The Coca-Cola Company, General Motors Corporation, Dow Chemicals, General Mills Inc., J.P. Morgan Chase & Co., Marriott International, Microsoft Corporation, Morgan Stanley, and Nike Inc. More than 30 major U.S. businesses joined this coalition during the first five months of 2007.

Federal law has also been outpaced by the actions of state and local leaders. Thirty-seven percent of the country—twenty-one states and the District of Columbia—have laws protecting lesbian, gay and bisexual people from employment discrimination; 12 states and the District of Columbia, along with over 100 localities, have laws that also protect transgender people. Without ENDA, employers are able to discriminate against a segment of their workforce with impunity, unless those workers are lucky enough to live in one of the few states or localities that make such behavior illegal.

Not only does the federal government lag behind corporate American and state and local policies, but it is also lags behind public support for ENDA. A 2007 Gallup poll found that 89 percent of Americans believe that lesbian and gay employees should have equal rights in the workplace, and a 2007 Peter D. Hart Research Associates survey indicated that 58 percent of respondents believe workplace protections should also extend to transgender employees.

PFLAG promotes the health and well-being of lesbian, gay, 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 to secure equal civil rights. PFLAG provides opportunities for dialogue about sexual orientation and gender identity, and acts to create a society that is healthy and respectful of human diversity.

As part of PFLAG's commitment to the health and well-being of LGBT individuals, PFLAG supports efforts to eliminate barriers to workplace equality, such as those that create employment discrimination. PFLAG parents, families and friends, whose own loved ones endure workplace discrimination, are striving to secure support for LGBT equality in their local communities and workplaces through workplace trainings and panel presentations. Working with corporate and community leaders, volunteers, and diversity groups, PFLAG connects straight allies with the mission and vision of LGBT equality by encouraging them to speak up, educate other allies, and engage in the pursuit of equality. ENDA represents a significant opportunity for the Congress to participate as allies of all workers in ensuring an end to workplace discrimination.

In the past, Congress has had the vision and courage to enact laws that ban employment discrimination based on other protected classes. We now have a historic opportunity to expand the law to ensure that everyone can enter and succeed in the workplace without regard to sexual orientation or gender identity. I would again like to thank Chairman Miller and Ranking Member Kline again for bringing much needed visibility to the problems of employment discrimination and the terrible consequences that often result when left unchecked. We encourage and welcome the Committee to meet with PFLAG members and supporters and staff in our national office who are committed to supporting LGBT Americans who experience employment discrimination. I believe their personal stories will be enormously helpful in your efforts to make a difference in the lives of those who experience employment discrimination.

Again, I thank you for holding this important hearing and allowing us to submit a written testimony supporting the Employment Non-Discrimination Act of 2009. On behalf of all of our members and supporters, I am grateful for your dedicated work in helping foster workplace fairness for all Americans, including efforts to address employment discrimination. If you have any questions related to our ongoing work, please be sure to contact our Field and Policy Manager, Rhodes Perry at 202-467-8180 x 221 or rperry@pflag.org.

Sincerely,

Jody M. Huckaby

Executive Director PFLAG National

Same-sex marriage and naked political calculations

Saqib Ali, Maryland House of Delegates member

Last November when Californians voted to approve the odious Proposition 8, it seemed like a very heavy blow indeed had been landed against the decades old movement to legalize same-sex marriage.

After all, people thought, if voters in the liberal bastion of California overturned a previous court ruling allowing same-sex marriage, it would show decisively that country was not ready for marriage-equality. And to a degree they were right.

Proposition 8 was probably the single biggest electoral setback in the history of the gay rights movement. However Proposition 8's passage may have sown the seeds of its own demise. And I am hopeful that in the long run, it will be seen as a pyrrhic victory for opponents of equal rights.

A few months after Proposition 8, Iowa's Supreme Court stunned the nation by declaring the state's long-standing gay marriage ban unconstitutional by 7-0 vote. This was followed by dominoes falling in dramatic fashion within days in Vermont, Maine and New Hampshire. Impressively in each of those last three states, marriage equality laws were passed by the state legislatures. For the first times in our nation's history, marriage-equality had earned the imprimatur of publicly elected bodies.

I remember watching those dominoes fall. With each domino, I sensed the pressure building to do the same in Maryland and wondered, "When will our turn come?"

It feels like the nature of the fight for equality has changed. It has gone from being a rather niche liberal issue to perhaps the most pressing civil rights issue of this generation. And marriage equality throughout the land now feels like an eventual inevitability. I expect some day people will look back at this fight for equality like we now look back on oddly antiquated anti-miscegenation laws.

I'm proud that I'll have stood on the right side of history: In support of full marital rights for same-sex couples.

My stance on this issue isn't politically expedient. I am the first Muslim in the legislature. Homosexuality is strictly forbidden in Islam. As such I have evinced much grief from my most conservative supporters. But I recognize that I represent people of all faiths and no faith at all. If I tried to enforce religion by law – as in a theocracy – I would be doing a disservice to my both constituents and to my religion.

The next opportunity for Maryland to realize full marriage equality is in the 2010 annual legislative session. Conventional wisdom suggests that votes are there to pass the equality bill through the House but maybe not the state Senate (although no one can be entirely certain). Complicating this matter is that 2010 is

an election year for the entire General Assembly, so it is likely the bill won't be voted on because many legislators want to avoid being recorded on a potentially controversial issue. Most informed advocates are hopeful for passage and enactment of the law by October 2011.

Undoubtedly, such nakedly political calculations will be cold comfort for the thousands of couples throughout our state who are denied the fundamental right to marry the person they choose. Unfortunately, however, these are necessary tactical compromises that must be made for the eventual, inevitable legislative victory.

Gay Marriage and the Constitution

Why Ted Olson and I are working to overturn California's Proposition 8.

David Boies, Reprinted from The Wall Street Journal.

When I got married in California in 1959 there were almost 20 states where marriage was limited to two people of different sexes and the same race. Eight years later the Supreme Court unanimously declared state bans on interracial marriage unconstitutional.

Recently, Ted Olson and I brought a lawsuit asking the courts to now declare unconstitutional California's Proposition 8 limitation of marriage to people of the opposite sex. We acted together because of our mutual commitment to the importance of this cause, and to emphasize that this is not a Republican or Democratic issue, not a liberal or conservative issue, but an issue of enforcing our Constitution's guarantee of equal protection and due process to all citizens.

The Supreme Court has repeatedly held that the right to marry the person you love is so fundamental that states cannot abridge it. In 1978 the Court (8 to 1, *Zablocki v. Redhail*) overturned as unconstitutional a Wisconsin law preventing child-support scofflaws from getting married. The Court emphasized, "decisions of this Court confirm that the right to marry is of fundamental importance for all individuals."

In 1987 the Supreme Court unanimously struck down as unconstitutional a Missouri law preventing imprisoned felons from marrying. There were legitimate state policies that supported the Wisconsin and Missouri restrictions held unconstitutional.

By contrast, there is no legitimate state policy underlying Proposition 8. The occasional suggestion that marriages between people of different sexes may somehow be threatened by marriages of people of the same sex does not withstand discussion. It is difficult to the point of impossibility to envision two love-struck heterosexuals contemplating marriage to decide against it because gays and lesbians also have the right to marry; it is equally hard to envision a couple whose marriage is troubled basing the decision of whether to divorce on whether their gay neighbors are married or living in a domestic partnership. And even if depriving lesbians of the right to marry each other could force them into marrying someone they do not love but who happens to

be of the opposite sex, it is impossible to see how that could be thought to be as likely to lead to a stable, loving relationship as a marriage to the person they do love.

Moreover, there is no longer any credible contention that depriving gays and lesbians of basic rights will cause them to change their sexual orientation. Even if there was, the attempt would be constitutionally defective. But, in fact, the sexual orientation of gays and lesbians is as much a God given characteristic as the color of their skin or the sexual orientation of their straight brothers and sisters. It is also a condition that, like race, has historically been subject to abusive and often violent discrimination. It is precisely where a minority's basic human rights are abridged that our Constitution's promise of due process and equal protection is most vital.

Countries as Catholic as Spain, as different as Sweden and South Africa, and as near as Canada have embraced gay and lesbian marriage without any noticeable effect – except the increase in human happiness and social stability that comes from permitting people to marry for love. Several states – including Connecticut, Iowa, Maine, Massachusetts, New Hampshire and Vermont – have individually repealed their bans on same-sex marriage as inconsistent with a decent respect for human rights and a rational view of the communal value of marriage for all individuals. But basic constitutional rights cannot depend on the willingness of the electorate in any given state to end discrimination. If we were prepared to consign minority rights to a majority vote, there would be no need for a constitution.

The ban on same-sex marriages written into the California Constitution by a 52% vote in favor of Proposition 8 is the residue of centuries of figurative and literal gay bashing. California allows same sex domestic partnerships that, as interpreted by the California Supreme Court, provide virtually all of the economic rights of marriage. So the ban on permitting gay and lesbian couples to actually marry is simply an attempt by the state to stigmatize a segment of its population that commits no offense other than falling in love with a disapproved partner, and asks no more of the state than to be treated equally with all other citizens.

In 2003 the United States Supreme Court in *Lawrence v. Texas* held that states could not constitutionally outlaw consensual homosexual activity. As Justice Anthony Kennedy elegantly wrote rejecting the notion that a history of discrimination might trump constitutional rights, "Times can blind us to certain truths and later generations can see that laws once thought necessary and proper in fact serve only to oppress. As the Constitution endures, persons in every generation can invoke its principles in their own search for greater freedom."

There are those who sincerely believe that homosexuality is inconsistent with their religion – and the First Amendment guarantees their freedom of belief. However, the same First Amendment, as well as the Due

Process and Equal Protection clauses, preclude the enshrinement of their religious-based disapproval in state law.

Gays and lesbians are our brothers and sisters, our teachers and doctors, our friends and neighbors, our parents and children. It is time, indeed past time, that we accord them the basic human right to marry the person they love. It is time, indeed past time, that our Constitution fulfill its promise of equal protection and due process for all citizens by now eliminating the last remnant of centuries of misguided state discrimination against gays and lesbians.

The argument in favor of Proposition 8 ultimately comes down to no more than the tautological assertion that a marriage is between a man and a woman. But a slogan is not a substitute for constitutional analysis. Law is about justice, not bumper stickers.

Mr. Boies is the chairman of Boies, Schiller & Flexner LLP.

Did you know ... ???

An ESPN survey of 85 college football players showed that 50% of them know at least one openly gay player on their team.

-- Reported in HRC's 8-19-09 "Equally Speaking."

Daniel Radcliffe, aka Harry Potter in the movies, made a donation to The Trevor Project which operates a nationwide crisis and suicide prevention helpline for LGBTQ youth.

-- Reported in HRC's 8-11-09 "Equally Speaking."

In July at their annual meeting, British Quakers approved same sex marriage and encouraged their government to provide equal rights for same-sex couples.

-- Reported in HRC's 8-3-09 "Equally Speaking."

It's still legal in 30 states to fire someone based on their sexual orientation, and in 38 states to do so based on gender identity.

-- Reported in HRC's 6-25-09 "Equally Speaking."

Help Fill This Space

Have you read an article that you think would be of interest to PFLAG Buffalo/Niagara members? Please send it to us via email (a link will do) at pflag@bfn.org and we'll be happy to include it in the newsletter.

Putting the newsletter together takes a lot of time – most of which is spent finding content to include here each month. That's where each of you can help.

You can also feel free to send us something that you write yourself. You can send us the story of how you dealt with your loved one coming out. You can send us a story of a recent milestone in your family's lives related to LGBT issues. A cornerstone of the PFLAG mission is that we can help each other by sharing our own experiences.

To quote from the statement on the front page that is easily overlooked, "It is our hope that when each of us reaches a point of understanding and acceptance, we realize that this is when others need us the most."

PFLAG BUFFALO/NIAGARA
2009-2010

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