



Buffalo / Niagara

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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, May 16, 2010
2:30–5:00 PM

The May meeting will begin with a short “Annual Meeting” of PFLAG Buffalo/Niagara that should take about 15-20 minutes (see below). After the “Annual Meeting,” there will be time for sharing. 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.

Annual Meeting Notice

This is the official notice that PFLAG Buffalo/Niagara will hold its annual meeting on May 16, 2010 in the Heritage Room of Westminster Presbyterian Church 724 Delaware Avenue, Buffalo, New York 14209 at 2:30pm. At the meeting, a slate of candidates will be presented for the offices of President, Vice President, Secretary, and Treasurer as well as members of the Board of Directors. The Board is looking for people who are willing to serve on the Board. Please call the helpline if you would like to get involved. A Treasurer’s report for the fiscal year running from April 1, 2009 through March 31, 2010 will be presented.

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:

May 3: How Can I be Sure God Loves Me?
 May 10: Reading between the Labels
 May 17: Your Mom's a Lesbian, Here's your Lunch...
 May 24: Straight from the Heart
 May 31: Our Faces
 Jun 7: Silent Pictures
 Jun 14: Camp Lavender Hill
 Jun 21: Trevor / I Know Who I Am, - Do You?
 Jun 28: Maybe we're Talking About a Different God

A description of the storylines can be found at:
www.PFLAG-buffalo-niagara.org/video_project.shtml

Can You Help With The Newsletter

It is time consuming to find interesting things to share with our members. We want to have a content filled newsletter but that's hard to do within the time available. You can help. When you're reading the news and you see something that would be interesting to our members, just send an email with the information to pflag@bfn.org and if you're reading on-line most sites have a button that easily allows you to share the article with us.

Lifetime Members

Frank Carnevale & James Pilc
 Mary Hewitt
 Clarice Lechner-Hyman

Sponsoring Members

Anonymous (1)
 John & Diane Covert
 Sheila Dickinson
 Russel Hurlburt & John Percy
 Paula Welch Jack
 Ronda Marvel
 Bob Patterson
 James & Mary Ellen Walsh

Supporting Members

Anonymous (2)
 Jane & Tony Benfante
 Babs Conant & Camille Cox
 Shawn Cribari
 Loretta & Richard Gucwa
 Brian Hilton
 Donald Kreger & Ron Ehmke
 Jeffrey McConnell & Fred Dansereau
 Mark Meyer
 Roger Seifert & Dennis Stuart
 Linda Stefaniak
 P. J. Tomczyk

A Night in the Vineyard Deux

PFLAG Buffalo/Niagara will be holding its second Night in the Vineyard event on Wednesday May 26, 2010. This year's event will be held at Choco-Logo Chocolate Factory. Choco-Logo produces high-quality chocolates and is located at 141 Broadway in Buffalo. Guests will be treated to a 45 minute tour of the factory that will include wine and chocolate pairings. Tours will begin at 5:15, 6:00, 6:45, and 7:30.

PFLAG Buffalo/Niagara will also be selling chocolate bars for \$2 each. Three of these chocolate bars will have a gold ticket that will entitle the bearer to receive a basket of Western New York goodies including passes to the Strong National Museum of Play (Rochester), bottles of wine and other items.

To purchase tickets for the event, please go to the PFLAG Buffalo/Niagara website.

A Tragic Case

National Center for Lesbian Rights website

Greene v. County of Sonoma et al.

Clay and his partner of 20 years, Harold, lived in California. Clay and Harold made diligent efforts to protect their legal rights, and had their legal paperwork in place—wills, powers of attorney, and medical directives, all naming each other. Harold was 88 years old and in frail medical condition, but still living at home with Clay, 77, who was in good health.

One evening, Harold fell down the front steps of their home and was taken to the hospital. Based on their medical directives alone, Clay should have been consulted in Harold's care from the first moment. Tragically, county and health care workers instead refused to allow Clay to see Harold in the hospital. The county then ultimately went one step further by isolating the couple from each other, placing the men in separate nursing homes.

Ignoring Clay's significant role in Harold's life, the county continued to treat Harold like he had no family and went to court seeking the power to make financial decisions on his behalf. Outrageously, the county represented to the judge that Clay was merely Harold's "roommate." The court denied their efforts, but did grant the county limited access to one of Harold's bank accounts to pay for his care.

What happened next is even more chilling: without authority, without determining the value of Clay and Harold's possessions accumulated over the course of their 20 years together or making any effort to determine which items belonged to whom, the county took everything Harold and Clay owned and auctioned off all of their belongings. Adding further insult to grave injury, the county removed Clay from his home and confined him to a nursing home against his will. The county workers then terminated Clay and Harold's lease and

surrendered the home they had shared for many years to the landlord.

Three months after he was hospitalized, Harold died in the nursing home. Because of the county's actions, Clay missed the final months he should have had with his partner of 20 years. Compounding this tragedy, Clay has literally nothing left of the home he had shared with Harold or the life he was living up until the day that Harold fell, because he has been unable to recover any of his property. The only memento Clay has is a photo album that Harold painstakingly put together for Clay during the last three months of his life.

The complaint filed in the California courts alleges that workers from the county and private companies took some of the over \$220,000 in men's possessions for their own use and sold others at below their value. The county workers and landlord are also alleged to have made homophobic remarks and engaged in physical and verbal intimidation tactics against Clay during these months.

With the help of a dedicated and persistent court-appointed attorney, Anne Dennis of Santa Rosa, Clay was finally released from the nursing home. Ms. Dennis, along with Stephen O'Neill and Margaret Flynn of Tarkington, O'Neill, Barrack & Chong, now represent Clay in a lawsuit against the county, the auction company, and the nursing home, with technical assistance from NCLR. A trial date has been set for July 16, 2010 in the Superior Court for the County of Sonoma.

Finding a Gay-Friendly Campus

John Schwartz, NY Times

The scene was similar to one that plays out thousands of times a year in gyms and auditoriums around the country: a college fair. The folding tables, the school banners, the admissions officers with a student representative or two, and the brochures and tchotchkes laid out. The only thing that might have made this one appear out of the ordinary was the preponderance of handouts with rainbow designs, and the fact that the fair was being held at the Lesbian, Gay, Bisexual and Transgender Community Center in Greenwich Village. This college fair, and several like it around the country, was devoted to recruiting gay students.

"Actually going out and recruiting a gay student – that's a very new thing for colleges," says Shane L. Windmeyer, the co-founder of Campus Pride (www.campuspride.org), a national organization that promotes safe college environments for gay students and sponsored the event.

While Ivy League schools are often represented, the fairs also attract lesser-known institutions like Indiana University-Purdue University Indianapolis. Scott A. McIntyre, associate director of admissions there, says that his university attends some 500 fairs each year, and that including one for gay students made sense.

Kay Patterson

Licensed Mental Health Counselor

Counseling for Change

5820 Main Street, Suite 203, Williamsville, NY 14221

Phone: (716) 838-1236 Cell: (716) 583-4902



Buffalo Gay Men's Chorus

Once Upon a Time

Friday June 18 (8 pm) - Unitarian Universalist Church

695 Elmwood Avenue, Buffalo, NY

Saturday June 19 (8 pm) - First Presbyterian Church

One Symphony Circle, Buffalo, NY

Sunday June 20 (4 pm) - Orchard Park Presbyterian Church

4369 South Buffalo Road, Orchard Park, NY

Tickets & info: 883-1277

www.buffalogaymenschorus.org

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"The more I can help my institution be open to diversity of all different kinds," he says, "it's just going to make us a stronger university, and it's going to make our student body be more robust."

All this is good news for the young gay applicant. Of course, being gay does not lend an advantage, and the embrace is not universal inside admissions offices, and out. While much of the stigma of homosexuality may have eased over the years, harassment and even violence are still real concerns around campus – Matthew Shepard, after all, was an undergraduate.

Students are looking for colleges where they will feel comfortable and safe, Mr. Windmeyer says. Also, he says, "straight students who have gay family members want to find a campus that is welcoming," so, for example, two moms can show up for parents weekend

without a ripple. “They don’t want to pick a college that’s not going to be accepting of people they love.”

Although many young people say they do not feel the anguish about coming out that has burdened past generations, the fact is that adolescence is a time of strong pressures to conform, and being different in any way can cause intense inner turmoil.

Life’s conflicts can make for compelling narratives – the stuff of memorable college essays. And students are working the story of their sexuality into their admissions essays. “Students are finding out that not only are they not being discriminated against for revealing their orientation in their applications, it may be an extra,” says Rachel Pepper, a co-author of “The Gay and Lesbian Guide to College Life.”

As with all essays, the value is in what you actually say. Being spurred to found an organization or join one could show the positive attitude and leadership abilities that colleges look for, Ms. Pepper says. “Students who are out in high school and are comfortable enough to put this in their essay are probably leaders.”

Another reason for a student to be up front about sexual orientation: scholarships and other financial help have emerged from such groups as the Point Foundation, the League Foundation at AT&T, and Colage (Children of Lesbians and Gays Everywhere).

The University of Pennsylvania made waves this year when the online publication Inside Higher Ed reported on the university’s new outreach policy: applicants whose essay identifies them as gay are put in touch with gay students and organizations on campus. Eric J. Furda, the dean of admissions, told the publication that it was doing for gay applicants what it has long done for other groups. “We are speaking to students on the areas they are most interested in,” he says.

To some admissions officials, Penn was taking risks with students’ privacy. S. Caroline Kerr, the senior assistant director of admissions at Dartmouth, says that sending gay-themed information to students can be delicate. “A lot of them aren’t out to their parents or might have only come out to some friends,” she says. “We’re more concerned about how we approach them with information than I perhaps am with different students. If someone talks about involvement with the gay student alliance in their essay, I’m not adding them to the list.” But Dartmouth is, for the second year, sending information about gay life and organizations to students who specifically request it on forms asking about their interests.

Ms. Kerr says that “I have gotten some raised eyebrows” from alumni, who have been surprised to find that there are special recruiting efforts for gay students and have asked, “Do you mean to tell me you are admitting someone based on this?” She counters: “That is not the case. You’re not admitting anyone based on a single aspect of their candidacy.”

The University of Southern California, too, reaches out to applicants who identify themselves as gay or transgender. Prospective students can have a “Rainbow Floor Overnight Experience” – a night on the gay floor of a residence hall and a day visiting their host’s classes and student organizations.

Derek Pooley, an admissions counselor at the State University of New York at Potsdam, manned a booth at the New York college fair this past fall. “The first person I had come up to me was a drag queen,” he says. “I thought that was fantastic.”

He says, though, that not many in attendance expressed a strong interest in Potsdam, perhaps because it doesn’t have a reputation as a gay haven. Mr. Pooley, who is gay and graduated from there last year, let a lot of people know “I had a great experience; not once did I ever feel uncomfortable there.”

Ms. Pepper has served as program coordinator for Lesbian, Gay, Bisexual and Transgender Studies at Yale, which is known for its curriculum on gay issues. She says that while some institutions, including Yale, get reputations as a gay school, “you don’t want to just take any school on its reputation.”

Campus Pride’s Web site serves as a virtual college fair for gay-friendly colleges, and provides a sense of the activities and services geared to various interests. Its “campus climate index” (www.campusclimateindex.org) ranks colleges based on programs and policies, including identifying those with strong ones to protect gay students – say, explicitly including them in their declarations against discrimination.

Another clue to an institution’s commitment: whether staff members serve as advisers to gay student groups, and what accommodations are made. Transgender students, Ms. Pepper says, would want to know if the health center provides hormone shots as part of the health plan.

The Princeton Review, which surveys 122,000 students on a variety of topics for its “Best 371 Colleges: 2010 Edition,” has come out with a ranking of colleges where the gay community is “most accepted.” (New York University was No. 1.)

That approach, however, drew criticism from Mr. Windmeyer: asking the overall population whether gays are accepted on campus – “Oh, gay people, I love ’em!” he mocks – “is not the way to assess how gay students feel.” Campus Pride is working on its own survey, which Mr. Windmeyer says he hopes to publish in September.

Mr. McIntyre, the admissions officer from Indianapolis, says that a welcoming environment is only part of what makes a campus right for a prospective gay student. “It’s important that when students are looking for colleges, it’s not, ‘What’s the best college I can get into?’ but ‘What’s the best fit for me?’” he says.

Mr. McIntyre represented his university at a Campus Pride fair earlier this year at the University of Southern California. He took his 17-year-old son, Anderson, who

had come out to him two years ago. Mr. McIntyre says he saw the trip as an opportunity for his son to explore campuses' attitudes and acceptance.

But Anderson was not so much impressed by whether a college was gay friendly as its focus on his areas of interest. "That's great," he told his father, "but do they have photography?"

Supreme Court to consider case against California law school

Robert Barnes, Washington Post

At the oldest law school in the West, law is being made this semester, not just taught. In a case that carries great implications for how public universities and schools must accommodate religious groups, the University of California's Hastings College of the Law is defending its anti-discrimination policy against charges that it denies religious freedom.

The college, which requires officially recognized student groups to admit any Hastings student who wants to join, may be well-meaning, says the student outpost of the Christian Legal Society. But the group contends that requiring it to allow gay students and nonbelievers into its leadership would be a renunciation of its core beliefs, and that the policy violates the Constitution's guarantee of free speech, association with like-minded individuals and exercise of religion.

"Hastings' policy is a threat to every group that seeks to form and define its own voice," the group told the court in a brief. The case, *Christian Legal Society v. Martinez*, has been recently argued in the Supreme Court.

Hastings counters that the CLS, a national organization that seeks to "proclaim, love and serve Jesus Christ through the study and practice of law," is demanding special treatment. It wants the college's official stamp of approval and the access to benefits and student activity fees that come with it, but it will not commit to following the nondiscrimination policy that every other student group follows.

The CLS is not being forced to do anything, Hastings contends. "A group may abide by the school's viewpoint-neutral open-membership policy and obtain the modest funding and benefits that go along with school recognition, or forgo recognition and do as it wishes," it said in its brief.

The case poses a quandary for a court that has recognized both the ability of public universities and schools to control the use of their facilities and funds and the right of religious groups to select members based on their beliefs. It comes as religious groups have become more active and litigious in demanding a place in the public forum of free speech.

Christian groups have brought suits against similar policies across the country, from the University of Florida to Boise State University. "In every case . . . either the courts have ruled for the religious student group or the

university has settled or mooted the case by revoking its unconstitutional policy," the CLS brief asserts.

The controversy also raises questions about who needs protection. CLS lawyer Michael W. McConnell, a former federal judge and director of the Stanford Constitutional Law Center, likens the underdog status of Christian groups at liberal law schools such as Hastings to the way gay rights groups might have felt on a Southern campus years ago.

"One of the things I find kind of pleasantly ironic about the briefing in this case is we find ourselves relying on about a dozen cases that involve gay rights groups in universities," said McConnell, who was appointed as an appellate judge by President George W. Bush. The other side, he said, relies on decisions and legislative acts that helped Bible clubs.

Hastings has also brought in high-powered help. It is represented by Gregory G. Garre, a solicitor general under Bush who is now in private practice. The National Center for Lesbian Rights, which represented a campus gay rights group called Hastings Outlaw that is a party to the case, has made way at the high court for Washington lawyer Paul M. Smith. He successfully argued *Lawrence v. Texas*, in which the court struck down a state law making homosexual conduct illegal.

They are joined by 37 organizations and states who have filed amicus briefs. Notably missing is the Obama administration, which chose not to get involved.

Hastings is far from the usual image of an ivy-clad law school; it is a collection of mid-size buildings on the edge of San Francisco's gritty Tenderloin district. It draws applicants interested in public service, said Leo P. Martinez, its acting chancellor and dean. About a third of its students go to work for government or nonprofit groups, he said, and more California judges are graduates of Hastings than of any other law school.

There are nearly 70 recognized student organizations, including law-oriented groups such as the Federalist Society, ethnic groups such as the Middle Eastern Law Students Association and groups such as ballroom-dancing enthusiasts and Hastings Legal Vines, a wine club.

Martinez said he has been asked if the school's policy means that a Jewish organization would have to allow a Nazi sympathizer to join, and his answer is yes. "That's a necessary consequence of being nondiscriminatory," he said. "We accept students of all stripes. We can't do that and then tell some students, 'Listen, there are going to be some aspects of the educational experience at this school that are foreclosed to you.'"

Official recognition brings the right to use the Hastings name and logo, access to an e-mail address with a link to the law school's network, office space and meeting rooms, and small grants from student-activity fees and university funds.

A Christian group was part of the landscape for years. But when it decided to affiliate with the national CLS, it was told the group's ban of gays and nonbelievers in leadership positions violated the college's policy and its insistence that all Hastings students be allowed to join any club.

The CLS sued. A federal judge sided with the school, saying its blanket policy did not single out the religious group because of its views. The U.S. Court of Appeals for the 9th Circuit affirmed.

The CLS's brief says Hastings' "all-comers" policy is a litigation strategy, at odds with how the college has actually treated other groups. It is not viewpoint-neutral, the brief says, because the policy "targets solely those groups whose beliefs are based on 'religion' or that disapprove of a particular kind of sexual behavior."

But it said all groups would be threatened if required "to admit as leaders and voting members those who disagree with their core beliefs and viewpoints."

Hastings counters that the CLS stipulated during the suit that the anti-discrimination policy applied equally to all groups, and said in its brief that the religious organization has created "straw men" to try to convince the court that there are greater constitutional issues to be decided.

Garre told the court in his brief that the CLS wants it to find that religious and other groups with a point of view "not only may insist that the public subsidize their practices, they may insist on using the state's name while doing so. Nothing in the First Amendment compels that remarkable result."

Justice and Comfort

NY Times editorial

The cause of equal rights for gays and lesbians, which is advancing in hard-won increments, moved forward on two important fronts this week.

It was promoted smartly by President Obama's order that all hospitals receiving federal funds from programs like Medicare or Medicaid must give full visiting rights to patients' same-sex partners. Too many hospitals currently require ties by blood or marriage, thereby keeping partners from the bedside of ailing patients.

We were also encouraged by word from the House Democratic leadership that it intends to move forward on long-awaited legislation banning employment discrimination based on sexual orientation and gender identity. And this time the measure has been broadened to include transgender people.

The improved measure offered by Representative Barney Frank, a Massachusetts Democrat, already has 199 co-sponsors, including six Republicans. Seventeen more votes are needed, and we hope that other lawmakers will sign on; the bill's growing support is already further evidence that bias against gays and lesbians is easing in the public eye and political arena.

A narrower measure omitting transgender people was approved three years ago in the House but died in the Senate. "Nobody that I know of lost any race because of it," Mr. Frank told the Capitol Hill newspaper Roll Call.

If, as expected, the new measure wins House approval, the Senate should proceed in the same spirit of respect for civil rights and pass a similar measure.

The fight for fair employment rights is already a generation old, pioneered in the House by two New York Democrats – Bella Abzug and Edward Koch. While a score of states have taken steps against bias suffered by gays and lesbians, a federal law is needed to fully guarantee workplace rights for millions of Americans. Congress must not duck this call to basic justice.

Presidential Memorandum – Hospital Visitation

Barack Obama

There are few moments in our lives that call for greater compassion and companionship than when a loved one is admitted to the hospital. In these hours of need and moments of pain and anxiety, all of us would hope to have a hand to hold, a shoulder on which to lean – a loved one to be there for us, as we would be there for them.

Yet every day, all across America, patients are denied the kindnesses and caring of a loved one at their sides – whether in a sudden medical emergency or a prolonged hospital stay. Often, a widow or widower with no children is denied the support and comfort of a good friend. Members of religious orders are sometimes unable to choose someone other than an immediate family member to visit them and make medical decisions on their behalf. Also uniquely affected are gay and lesbian Americans who are often barred from the bedsides of the partners with whom they may have spent decades of their lives – unable to be there for the person they love, and unable to act as a legal surrogate if their partner is incapacitated.

For all of these Americans, the failure to have their wishes respected concerning who may visit them or make medical decisions on their behalf has real consequences. It means that doctors and nurses do not always have the best information about patients' medications and medical histories and that friends and certain family members are unable to serve as intermediaries to help communicate patients' needs. It means that a stressful and at times terrifying experience for patients is senselessly compounded by indignity and unfairness. And it means that all too often, people are made to suffer or even to pass away alone, denied the comfort of companionship in their final moments while a loved one is left worrying and pacing down the hall.

Many States have taken steps to try to put an end to these problems. North Carolina recently amended its Patients' Bill of Rights to give each patient "the right to designate visitors who shall receive the same visitation

privileges as the patient's immediate family members, regardless of whether the visitors are legally related to the patient" – a right that applies in every hospital in the State. Delaware, Nebraska, and Minnesota have adopted similar laws.

My Administration can expand on these important steps to ensure that patients can receive compassionate care and equal treatment during their hospital stays. By this memorandum, I request that you take the following steps:

1. Initiate appropriate rulemaking, pursuant to your authority under 42 U.S.C. 1395x and other relevant provisions of law, to ensure that hospitals that participate in Medicare or Medicaid respect the rights of patients to designate visitors. It should be made clear that designated visitors, including individuals designated by legally valid advance directives (such as durable powers of attorney and health care proxies), should enjoy visitation privileges that are no more restrictive than those that immediate family members enjoy. You should also provide that participating hospitals may not deny visitation privileges on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, or disability. The rulemaking should take into account the need for hospitals to restrict visitation in medically appropriate circumstances as well as the clinical decisions that medical professionals make about a patient's care or treatment.

2. Ensure that all hospitals participating in Medicare or Medicaid are in full compliance with regulations, codified at 42 CFR 482.13 and 42 CFR 489.102(a), promulgated to guarantee that all patients' advance directives, such as durable powers of attorney and health care proxies, are respected, and that patients' representatives otherwise have the right to make informed decisions regarding patients' care. Additionally, I request that you issue new guidelines, pursuant to your authority under 42 U.S.C. 1395cc and other relevant provisions of law, and provide technical assistance on how hospitals participating in Medicare or Medicaid can best comply with the regulations and take any additional appropriate measures to fully enforce the regulations.

3. Provide additional recommendations to me, within 180 days of the date of this memorandum, on actions the Department of Health and Human Services can take to address hospital visitation, medical decisionmaking, or other health care issues that affect LGBT patients and their families.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

State Judge Overturns Arkansas Adoption Ban Law

Chuck Bartels, Associated Press

A state judge struck down an Arkansas law approved by voters that banned gay couples and other unmarried people living together from serving as adoptive or foster parents. Pulaski County Circuit Judge Chris Piazza said in a two-page ruling that people in "non-marital relationships" are forced to choose between becoming an adoptive parent and sustaining that relationship.

"Due process and equal protection are not hollow words without substance," Piazza said. "They are rights enumerated in our constitution that must not be construed in such a way as to deny or disparage other rights retained by the people."

A group of families, represented by the American Civil Liberties Union, sued in 2008 to overturn the ban. They argued that there are too few families willing to adopt or foster in Arkansas, which has an average of 1,600 children on waiting lists, and that good homes were being arbitrarily cut from the list. The law effectively banned gays and lesbians from adopting or fostering children because they are unable to legally marry in Arkansas. Piazza, a former prosecutor, agreed with claims by families who said the ban lessened the number of available adoptive and foster parents to the point where thousands of children could go without homes. He said the ban cast "an unreasonably broad net" and did not serve the state's interest.

Holly Dickson, a lawyer with the Arkansas chapter of the ACLU who represented the families, said Piazza's ruling opens many homes for children who need them. "We hope to see the state screening everyone that could be a potential good parent," Dickson said.

Gov. Mike Beebe's office said it would review the decision with other agencies and decide what to do next. Voters had approved the measure in November 2008. "There's a lot of things to consider. ... We're going to decide how to proceed," Beebe spokesman Matt DeCample said.

Attorney General Dustin McDaniel said it would take time to decide on the next step. "My duty as attorney general is to defend the laws of this state. The attorneys in our office have done just that. Although I have never supported this act, our office has advised and defended DHS throughout this process," McDaniel said.

Jerry Cox, leader of the Arkansas Family Council, which backed the ban and helped defend it in court, said his group will appeal to the Arkansas Supreme Court. "I think (Piazza's ruling) undermines the welfare of children. ... He overruled the will of the people. It's a sad day when a judge can do that," Cox said.

The judge wrote that the law infringed upon a "fundamental right." Piazza said protecting children is in the state's interest, but the ban "is not narrowly tailored to

the least restrictive means necessary to serve the state's interest in determining what is in the best interest of the child."

The Family Council got the necessary signatures to bring the ban to the ballot after the Arkansas Supreme Court in 2006 overturned a state agency ban on gays and lesbians serving as foster parents.

Bishop Objects to Gay Marriage Class

Julie Bolcer, The Advocate

The governing board of Seton Hall University, the largest Catholic college in New Jersey, is reconsidering whether to allow a course on same-sex marriage this fall after Newark Archbishop John J. Myers said the class conflicts with Catholic teaching.

According to The Star-Ledger, Myers objected to the course for upperclassmen in a statement. Although he does not have the authority to cancel a class, he serves as chairman of the school's board of trustees and leads the board of regents, which oversees academic issues.

"This proposed course seeks to promote as legitimate a train of thought that is contrary to what the Church teaches. As a result, the course is not in synch with Catholic teaching," said Myers in the statement reported by *TheStar-Ledger*. "Consequently, the board of trustees of Seton Hall have asked the board of regents to investigate the matter of this proposed course and to take whatever action is required under the law to protect the Catholicity of this university."

Larry Robinson, the vice provost, said the political science department and the dean approved the course because it was an objective examination of a public policy issue, not an advocacy course.

The course will be taught by W. King Mott, an openly gay, tenured associate professor of political science. In 2005, Mott was demoted from a position as associate dean of the College of Arts and Sciences after *TheStar-Ledger* published his letter saying the church scapegoats gay men for the priest sex abuse scandal.

Supreme Court Lets Scout Ruling Stand

Michelle Garcia, The Advocate

The Supreme Court has refused to hear an appeal of a lower court's ruling that the Boy Scouts of America be barred from leasing city-owned land because of the organization's religious ties.

In 2003, U.S. district judge Napoleon Jones Jr. ruled that the San Diego-area Boy Scouts should be barred from leasing public land at Balboa Park, a major park and public area in the city, which also houses the famed San Diego Zoo. According to the Associated Press, the city council approved a lease for 18 acres of camp space, but Jones said the 50-year lease violated federal law that prohibits the government promotion of religion. The organization bars openly gay troop leaders but has said it has no religious leanings, only holding that children should "do duty to God" to become productive citizens.

On behalf of a lesbian couple and an agnostic couple, each with scouting-age sons, the American Civil Liberties Union sued the city of San Diego and the Boy Scouts of America in 2000.

PFLAG BUFFALO/NIAGARA
2009-2010

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