

FAIRNESS

C A M P A I G N

December 2008

Community Forum: Statewide Fairness

In honor of the 60th anniversary of the Universal Declaration of Human Rights, the Fairness Campaign will host a community forum on *Envisioning Kentucky with a Statewide Fairness Law* on December 10 at 7 p.m. at the Fairness office at 2263 Frankfort Avenue.

Sixty years ago the Universal Declaration of Human Rights first recognized what have now become universal values: human rights are inherent to all. The Declaration and its core values, including non-discrimination, equality, fairness and universality, apply to everyone, everywhere and always.

In the spirit of this groundbreaking document that states, "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination", we'll gather to discuss the recent Statewide Fairness Summit and how we can all work together to advance human rights in our Commonwealth.

Envisioning Kentucky with a Statewide Fairness Law
December 10 at 7 p.m.
at the Fairness office.

On September 27, representatives of the ACLU of Kentucky, Anne Braden Institute, B-GLAD, CFAIR, Fairness Campaign, Lexington Fairness, Kentuckians for the Commonwealth, Kentucky Commission on Human Rights, Kentucky Equality Federation, and Kentucky Fairness Alliance gathered at Centre College to begin developing a long-term strategy to win passage of a state Fairness law. December's community forum will provide an opportunity for additional Fairness supporters to hear more about the inaugural Fairness Summit and to contribute ideas and strategies.

Supporters are encouraged to join the work groups now forming to develop plans to address key strategic objectives such as strengthening our LGBT organizations, building the base of Fairness supporters, voter identification, electoral work, public education and fundraising that will be required to make our vision for a statewide Fairness law a reality.

We invite you to join us for this community forum and add your ideas and talents to the work for a statewide Fairness law.

Challenging Proposition 8

Election Day 2008 was a watershed moment for LGBT Americans. The election of Barack Obama, together with a strong Democratic majority in Congress, offers strong promise of major progress on a wide range of issues, including enactment of the Employment Non-Discrimination Act (barring discrimination on the basis of sexual orientation and, hopefully, gender identity), and repeal of the military's anti-gay Don't Ask, Don't Tell policy (and its odious companion, the Solomon Amendment).

But the news was hardly all good. Most disheartening of all was the passage by California voters of Proposition 8, the anti-marriage amendment to the state Constitution that overturned the state Supreme Court's decision earlier this year holding that marriage is a fundamental right that cannot be denied to same-sex couples. Although the passage of similar amendments in Florida and Arizona was also disappointing, the California outcome was much more crushing because the vote was so close and because defeating Proposition 8 would have been such a tremendously important win for marriage equality.

So the question on the table is: what now? After thousands of gay and lesbian couples got married in California in recent months, what is the legal status of their relationships? And

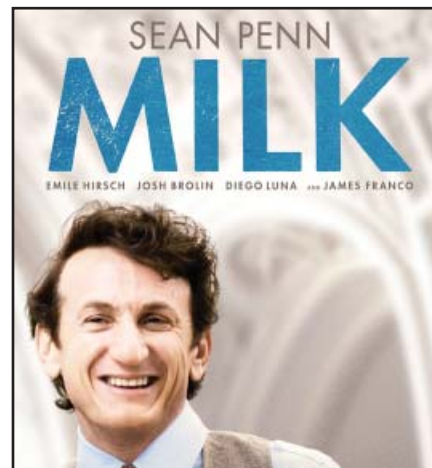
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PLAN TO ATTEND

★ **Dining Out for Life** – Dec. 3, dine at local restaurants to benefit HIV/AIDS services at Glade House, details at diningoutforlife.com or 587-5080

★ **Envisioning Kentucky with a Statewide Fairness Law** – Dec. 10, 7 p.m., join us a community forum on the recent Summit to develop strategies to win a statewide Fairness law, Fairness office, 2263 Frankfort Ave.

★ **Premiere of MILK** – Dec. 11, 7:30 p.m., join us for a special Fairness night premiere of the new film about the life of Harvey Milk, Baxter Avenue Theaters, regular admission.



★ **Pops Goes the Holidays** – Dec. 12, 8 p.m. and Dec. 14, 3 p.m., Voices of Kentuckiana holiday concert, Clifton Center, VoicesKY.org. or 583-1013.

★ **Our History in the Time of Milk** – Jan. 13, 7 p.m., a community conversation about LGBT life in Louisville in the 1970's, Chao Auditorium, Ekstrom Library, UofL.

★ **Louisville Youth Group** – support and social group for LGBTQ youth 14 – 21, weekly meetings. Call 499-4427.

Harvey Milk: Gotta Give 'em Hope

For today's generations it is nearly inconceivable that not too long ago people could get arrested or fired for being gay, or that being gay was once considered a mental illness by the American Psychological Association. In the 1970's, this fear was real, and in California a man named Harvey Milk (1930-1978) took the lead on gay & lesbian civil rights.

In 1977, Harvey Milk was elected to San Francisco's Board of Supervisors, making him the first openly gay elected official in the U.S. In his acceptance speech he stated, "This is not my victory, it's yours... If a gay can win, it means that there is hope that the system can work for all minorities if we fight. We've given them hope."

Milk campaigned by shaking hands and having conversations with every potential voter he met and he grabbed press at every turn. He canvassed every precinct twice and registered people to vote. Milk built coalitions that helped him get elected including teamsters, firemen, the Mexican-American Political Association, Castro Village Association, San Francisco Labor Council among many others.

Following his election, Milk received congratulations from all around the country. A lesbian teacher wrote, "I thank God I have lived long enough to see my kind emerge from the shadows and join the human race." Milk spoke often of a 16 year old boy from Altoona, PA who had called Milk and thanked Milk for giving him hope that he could make something with his life. The massive publicity Milk had received around his election led to an onslaught of death threats. As a result, Milk recorded a will containing the famous quote: "If a bullet should enter my brain, let that bullet destroy every closet door."

Harvey Milk was assassinated on November 27, 1978, by city supervisor Dan White. With the city in agony, a vigil that evening drew some 40,000 people in a march to city hall.

White showed no remorse for his actions. The seated jury for White's trial was white middle-class San Franciscans; gays and ethnic minorities were excused from the jury pool. The jury was sympathetic to White, some cried during his taped confession. The defense attorney claimed that White was a victim of diminished capacity due to extreme stress and an increased state of depression. White's defense became known as the "Twinkie defense," as his attorney said that White's mental deterioration was demonstrated

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Louisville in the Time of Milk

Gay brothers and sisters...You must come out. Come out...to your parents...I know that it is hard and will hurt them but think about how they will hurt you in the voting booth! Come out to your relatives...come out to your friends...if indeed they are your friends. Come out to your neighbors...to your fellow workers...to the people who work where you eat and shop... But once and for all, break down the myths, destroy the lies and distortions. For your sake. For their sake. For the sake of the youngsters who are becoming scared by the votes from Dade to Eugene. – Harvey Milk

Coming out for LGBT people in the 1970's was a very different story than it is today. While it's certainly a different environment now, many individual issues and concerns remain the same. In the spirit of Harvey Milk's legendary work to bring people together in the struggle for equality, the Fairness Campaign, Williams-Nichols Archives, UofL's Office for LGBT Services and commonGround invite you to ***Our History in the Time of Milk***, a conversation about life for LGBT people in Louisville in the 1970's. The free event will be held at Chao Auditorium in Ekstrom Library at the University of Louisville on Tuesday, January 13 at 7 p.m.

If you or someone you know would like to share their stories from this period, please contact David Williams with the Williams-Nichols Archives at KyArchives@aol.com or Fairness at 893-0788.

Investigation Unable to Discover Source of Anti-Gay Mailer

A two-month inquiry by an investigator hired by CFAIR has uncovered no clear evidence of who was responsible for the anti-gay postcard that attacked Democratic candidate Ken Herndon on the eve of the May 2008 primary election.

CFAIR, the political action committee of the Fairness Campaign, hired investigator Rick Hessig after several citizens requested during a community dialogue that CFAIR investigate who produced and distributed the campaign piece. Hessig is a lawyer and a private investigator with more than 20 years of experience.

The postcard appeared during the weekend before the primary and targeted Herndon, a founder of the Fairness Campaign, longtime community activist and public servant. The document contained inaccurate statements and doctored photographs of Herndon, who lost the hotly contested primary race for the 6th District Metro Council seat to CFAIR-endorsed incumbent George Unsel. The only identifying information on the document was that a group calling itself the "Committee for Family and Moral Values" claimed responsibility for it.

Hessig reported his investigation results to the CFAIR board of directors. Hessig stated, "Unfortunately, I have been unable to uncover any verified information that would lead to the producer/distributor of the literature." He interviewed dozens of people in the political and legal communities and conducted Internet-based and other research during the two-month investigation. Hessig also shared information and leads with an investigator hired by Ken Herndon.

During the investigation, another attack postcard appeared that purported to be from the "Committee for Family and Moral Values." This piece targeted Katie King, a candidate for Jefferson County District Court judge and the daughter of Democratic Metro Council member Jim King. CFAIR's investigation determined that the Katie King postcard and the Herndon postcard were unlikely to have come from the same source. The quality of materials and language used in the Herndon document were significantly different than those in the judge's race, which Katie King narrowly won over CFAIR-endorsed David Holton.

The CFAIR board of directors has shared the results of its investigation with Ken Herndon and offered its continued assistance. Should additional information surface that would be likely to lead to the producer or distributor of the postcard, CFAIR will resume the inquiry through its investigator.

Herndon has filed a lawsuit against an unknown defendant in Jefferson Circuit Court under Case No. 08-CI-10253. The lawsuit seeks information and damages for Herndon related to the production and distribution of the flyer.

"We hope that Mr. Herndon's suit and the discovery process related to it will uncover more information about the source of the hate-filled campaign literature that marred the 6th District Metro Council Democratic primary," said Joanne Lynch, one of the co-chairs of CFAIR. "The Board of Directors appreciates Mr. Herndon's initiative in filing this suit and hopes that it will yield facts helpful in pinpointing the people responsible for the attack postcard."

**Special thanks go to the many donors who contribute to make
the Fairness Campaign's continuing work for justice and equality possible.
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Challenging Proposition 8

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what is being done, and what can be done in the months and years ahead, to reverse what happened on November 3?

As for the 18,000 same-sex couples who got married between May 15th and Election Day, their status is uncertain. The wording of the amendment that was placed into the California Constitution states, "Only marriage between a man and a woman is valid or recognized in California." Opponents of LGBT rights will argue that even those marriages already celebrated can no longer be "recognized" once the amendment is passed. However, the fact that these couples (and many others, including children, people who sold property on the belief that these couples were married, etc.) married in good faith and in reliance on a then-valid state Supreme Court decision will most likely lead the California courts to hold their marriages valid and entitled to continuing legal recognition, regardless of the ultimate fate of same-sex marriage generally.



Nearly 300 Louisvillians joined in nationwide protest of California's Proposition 8 in November.

The hope of future couples gaining the opportunity to marry in California rests on two possible tracks. The first is a lawsuit that has already been filed, challenging the legality of Proposition 8 itself. Prop 8 was placed on the ballot by a petition initiative; under California law, only a constitutional amendment can be put on the ballot using the voter petition method. If a proposed change is so substantial that it constitutes a "revision," it must use a different process: it must be proposed through the state legislature, and then the voters must agree by a 2/3 majority, rather than a simple majority. Prop 8, of course, did not come close to receiving 2/3 of the vote last month. The lawsuit argues that because Prop 8 strips same-sex couples of the fundamental right to marry, it is a sweeping change of the type that must go through the revision process. The California Supreme Court agreed on November 19 to hear the case, which is a good sign but certainly no guarantee of its success.

If the Prop 8 challenge fails in court, then the next step will be to seek a repeal at the next opportunity, which is likely to be the 2010 elections. After the successful and highly publicized nationwide protests that followed the vote, there is great momentum in California to start the petition drive necessary to put the issue back on the ballot. The key issues will be whether the players who were behind the unsuccessful "No on 8" campaign have learned the lessons from that campaign, including how counter-productive it is to "hide" actual LGBT people from the ads and messages being delivered (as if the rights being talked about exist in a vacuum), and how you cannot win in a state as big and diverse in California without engaging the issue from the grassroots up, and with a broad coalition driving the fight. Finally, it will also be critical to strip our opponents of what proved to be an effective, albeit deceptive, argument in their campaign – that equal recognition by the state of our relationships as marriages would mean that any church would be required to perform ceremonies that are contrary to the beliefs of that faith. Once that false claim is put to rest, and a better campaign is waged that puts into practice the hard lessons of the last race, there is every reason to believe that California in 2010 can and will be the site of an important, historic victory in the fight for marriage equality.



Louisville's Join the Impact Protest of Prop 8 drew a large crowd that encircled City Hall.

Fairness Meets with Chief of Police

On October 28, Fairness Campaign leaders, staff, and community members met with Chief of Police Robert White and Chief of Staff Troy Riggs of the Louisville Metro Police Department to discuss issues of concern to LGBT people in Louisville. When asked by Fairness leaders to engage in a dialogue surrounding several recent incidents in the community, Chief White readily agreed to meet.

Prior to discussing any specific incidents, Chief White explained to the group that it is the goal of the LMPD to treat all citizens with respect and human dignity, regardless of their sexual orientation, gender identity or race. Since the beginning of his tenure in 2003, Chief White has implemented an in-depth sensitivity training for everyone on the police force to equip all officers with information and understanding so that they may respond respectfully to situations involving people that may be different from the officer.

Although every police department employee undergoes this training, several members of the Fairness community have been treated unfairly by the LMPD and were ready to speak about it directly to Chief White.

After facing sometimes violent harassment by their neighbors for over two years and receiving no solace from the police officers that handled their situation, a lesbian couple in the West End called on Fairness for help. They courageously shared their story with White and Riggs detailing their mistreatment by their neighbors and the neglect of the police department in ensuring their safety. Chief White promised to personally look into the incident and respond to the couple within days. Since the meeting with the Chief in late October the couple has received information that resulted in their being able to obtain an Order of Protection. We're pleased to report that since that time they have not faced any further harassment from their neighbors.

While Fairness leaders understand that this meeting with Chief White is not going to eliminate all problems related to the protection of LGBT people in Louisville, we understand that building a stronger relationship with the Chief and his staff will assist us in directing citizens through the proper channels when incidents involving the police arise. In addition, the Fairness Campaign has extended an offer of its services in support of the comprehensive sensitivity training offered to the LMPD.

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Harvey Milk: *Gotta Give 'em Hope*

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and exacerbated by his junk food binge the night before and the months leading up to the murders.

The jury found White guilty on 2 counts of voluntary manslaughter, giving him 7 years and 8 months in prison. Many condemned the jury's decision. Pandemonium rapidly followed as thousands of people marched on city hall. The riot escalated as rocks were hurled at the front doors and the people began setting fire to police cars. Later that night police retaliated and drove into the Castro in full riot gear and stormed a gay bar, attacking and beating patrons at random. By morning, 61 police officers and 100 rioters and gay residents of the Castro had been hospitalized.

Dan White served a little more than five years for the double murder of Mayor Moscone and Milk. On October 22, 1985, a year and a half after his release from prison, White was found dead in a running car in his ex-wife's garage. As a result of Dan White's trial, California voters changed the law to reduce the likelihood of acquittals of accused that knew what they were doing but claimed their capacity was impaired.

Often referred to as "the Mayor of Castro Street," Milk sponsored the Gay Rights Ordinance barring anti-gay discrimination and guaranteeing gay rights in San Francisco. He profoundly influenced gay and lesbian politics, and was also a champion of human rights. Milk once said, "...you've got to keep electing gay people...to know there is better hope for tomorrow. Not only for gays, but for blacks, Asians, the disabled, our senior citizens and us. Without hope, we give up. I know you cannot live on hope alone, but without it life is not worth living. You and you and you have got to see that the promise does not fade."

Learn more at www.fairness.org.

**Thank you to all who sponsored, supported and
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