



SaltLake

OCTOBER 16, 2007

ISSUE 88

Man Pleads Guilty in 'Gay Bashing'

No word whether hate crime enhancement will apply

UofU Gays Cry Censorship Over Posters

Images deemed too sexual, stereotyping gays negatively

RCGSE Raises \$7000 in AIDS Awareness Week

Sen. Craig Named to Idaho Hall of Fame

Calif. Gay Marriage Bill Vetoed by Arnold

Gay History Month Continues

Ruth Tries Kindergarten Teaching for a Day

Gay Geeks

The Gay Agenda

Qdoku, Comics

Celebrating the
Body Erotic

Opinion



e-mail: EditorialCartoon@qsyndicate.com

"HERE'S THE PLAN...I, WHILE YOU CREATE A DIVERSION, THE THREE OF US MAKE A BREAK FOR IT. THEN, SOMETIME AFTER WE MAKE IT TO ENDA, WE'LL SEND SOMEONE BACK FOR YOU. AIN'T THAT RIGHT, GUYS?"

From the Editor



We Failed

BY MICHAEL AARON
MICHAEL@QSALTLAKE.COM

Just over a year ago, a young gay man by the name of Joshua Shuck joined some friends at the Salt Lake City International Jazz Festival on a whim. It was late, things were getting a bit rowdy and people were drunk.

Some were very drunk.

Marc Handley was one of those drunk people and he, according to witnesses, began hitting on one of the girls in Joshua's group. The more the girl said, "thanks but no thanks," the more Handley tried to sweet-talk her to his place, she told me not long after that night.

She asked for her friends to get her out of the situation. Joshua told Handley to leave her alone.

I met Joshua several days after that night. While he is about six feet tall, he has a soft, angelic face and a demeanor to match. He appears young for his 23 years and is very shy and reserved. It would be obvious to most, even most drunk people, that he is a lover, not a fighter.

So, drunk Mr. Handley apparently determines that he isn't going to take that from a nelly boy and body slams him to the ground. According to witnesses, Handley calls him "faggot" this and "faggot" that and, as Joshua gets back up, Handley lifts him and throws him head-first to the pavement, shattering two vertebrae.

His friend, the girl earlier hit on, began yelling to passersby that a "gay-bashing" was going on and they come to Joshua's aid — to the point Handley himself ends up in the same hospital Joshua is taken to.

One television station — KUTV — and one newspaper — *QSaltLake* — report on the assault. And there it lies. Coverage is over, few took notice.

Not one gay group approached Joshua to see if he had any needs, to see if he would press charges, to get the whole story and determine if an outcry is called for. In fact, other than friends and family, Joshua told me I was the only person in the gay community to talk to him

about the incident at all. I talked to him several times over the past year to tell him what was going on — or more correctly what was *not* going on — with his case.

So, here we are a year later. Handley pleads down to two misdemeanors to avoid a trial. One newspaper showed up to cover the trial — *QSaltLake*. No television news, no gay activists, no concerned police officers.

And now, we move to sentencing.

Utah's hate crime law is a penalty enhancement statute. In sentencing, a judge may use the fact that the crime was hate-related in determining what level of punishment is appropriate.

"The sentencing judge or the Board of Pardons and Parole shall consider in their deliberations as an aggravating factor the public harm resulting from the commission of the offense, including the degree to which the offense is likely to incite community unrest or cause members of the community to reasonably fear for their physical safety or to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States."

Joshua has a problem here. Since there was absolutely no reaction to the crime against him, it is likely an uphill battle to prove "public harm" or that a mere slap on the wrist would "incite community unrest." How can his lawyers say that gay and lesbian people would "fear for their physical safety" if not one group, one activist, one concerned police officer stepped up to publicly say, "Hey, this guy is a victim of a gay bashing and this gay basher should be taught a lesson."

Joshua is reminded every day that Handley pummelled his head into the pavement. To look left or right he must turn his entire upper body — his neck no longer does that. He has difficulty getting to sleep because of the pain.

Our community, however, forgot about the assault within a few days of it happening. We went merrily on holding wine and cheese parties, elaborate dinners and panel discussions. We tell people to come out of the closet and live their lives openly, yet we provide no resources for when the worst happens because of it. We have no victim services, no shelter for discarded youth, no legal advisors.

How many more Joshua Shucks are out there who we have failed? ©

Guest Editorial

How I Came to Oppose Barney Frank's ENDA

BY JERE KEYS

One of my favorite quotes from Martin Luther King, Jr. says, "Injustice anywhere is a threat to justice everywhere." Those are words I have tried to live by over my 10 years as a queer activist, and rarely have they rung more true than in recent weeks.

I consider nondiscrimination legislation to be the most important issue facing our community today. More important than marriage equality, more important than hate crime legislation, more important than military service. Why? Because I think that only a society that says — as a matter of law and as a general cultural value — it's not okay to discriminate against someone based on their sexual orientation or gender identity can achieve those other goals.

Earlier this year, Barney Frank and other congressional leaders introduced the Employment Non-Discrimination Act of 2007. Although the newest version of legislation was weaker in some respects than past versions (this one didn't include non-discrimination in housing, for example), it also took a huge step forward by including gender identity for the first time. ENDA, as introduced this year, would have protected transgender people from discrimination.

I was overjoyed. Throughout my career as an activist, I have always done my best to reach out to the transgender community, to be inclusive and supportive. I know I haven't been perfect in that regard, but I've learned a lot along the way. I began lobbying my elected officials to support the bill and begged my friends and family who don't live in San Francisco to do the same in their districts.

At the end of September, as I was involved in producing the annual Out & Equal Workplace Summit, a conference all about LGBT equality in the workplace, we got word that Barney Frank and other congressional leaders wanted to remove gender identity from ENDA because there were not enough votes to support passage of the fully inclusive version. I was devastated, as were my colleagues and many of the 2400 other professionals attending the Summit.

What, I wondered, would I say to my coworker Zander if I continued to support ENDA without protections for transgender people? How could I sit in board meetings with Amanda, or committee meetings with Lori or Breanna, and look them in the eye? What apology could I make to my former pastor, Rev. Sean? And how could I respect myself when I went back to my professional and volunteer efforts and told the hundreds of transgender people I have interacted with over the years that I'm sorry, sticking up for them wasn't politically convenient?

No, the choice was simple. Like many of the so-called "ideological purists" that joined the United ENDA coalition, I could no longer support anything less than a fully inclusive bill. Since taking that stand, and lobbying congress for nothing less than a transgender inclusive ENDA, I've been called a "liberal elite," "unrealistic," "a sheltered activist" and "a sell-out." I've been called those things by friends and colleagues in the movement and by anonymous internet trolls.

I don't disrespect those who take a more pragmatic view and say we should take what we can get. I very much respect Congressman Barney Frank for his history and leadership, even though we disagree on this issue.

So maybe I have some starry-eyed idealism about equality. So what? The next time I, or hundreds of other LGBT community leaders, write "transgender" in our mission statements or talk about diversity and respect for all people, we'll know that our actions speak as loud as our words.

Jere Keys works for Out & Equal Workplace Advocates and currently lives in San Francisco. He is the former editor of this newspaper's precursor, "Salt Lake Metro." Find him online at www.jerekeys.com