



# LAVENDER NOTES

**Newsletter of Lavender Seniors of the East Bay**

**Volume VII, No.2 – February 2002**

*A Volunteer Services Program — project of The Tides Center*

• 1395 Bancroft Ave. • San Leandro, CA 94577 • (510) 667-9655 •

## **New Rights for Registered Domestic Partners**

by *Barry W. Finkelstein, JD*

Two years ago Assemblywoman Carole Migden from the 13th Assembly District in San Francisco authored Assembly Bill 26, which made California the second state in the union to legally recognize same sex relationships. AB26 protects hospital visitation rights for registered lesbian, gay and senior citizen couples, and extends healthcare benefits to domestic partners of certain public sector employees under state mandated programs.

This year Assemblywoman Migden authored AB25, which takes effect in January 2002 and adds additional eleven rights for registered domestic partners in California. The key word here is "Registered." If you're not registered, you and your partner will not be able to exercise the rights detailed below. Applications and requirements for domestic partnership are available on-line at [www.ss.ca.gov](http://www.ss.ca.gov). Go to the Social Programs Information section and click on Domestic Partnerships.

■ One of the most significant features of the bill is that an individual may now establish a cause of action for the wrongful death of a registered domestic partner. The legal struggles of Sharon Smith after the tragic dog mauling death of Diane Alexis Whipple vividly illustrate the importance of this right.

■ Next, AB25 expands existing law on unemployment benefits, which provides that an individual who leaves a job voluntarily or without "good cause" cannot collect unemployment. AB25 now redefines "good cause" to include accompanying one's registered domestic partner to a place from which it is impractical to commute and to which a transfer by the employer is not available.

■ The bill also requires health care service plans and policies of disability insurance that provide hospital, medical, or surgical expense benefits to include domestic partners coverage in plans they develop for employers and associations.

■ The bill requires employers who offer coverage to registered domestic partners to allow the employee to use sick leave to attend to an ill domestic partner, or the ill child of a domestic partner.

■ This bill would authorize a domestic partner to make medical treatment decisions on behalf of a patient in certain circumstances.

*(concluded on page 4)*

## **Report from the Project Director**

The beginning of the 2002 has brought some important developments at Lavender Seniors. While we are sad to be losing Joyce Pierson as our Site Coordinator and Director of Volunteers of our funded program, we are also happy that she moves on to a position she wants and is well qualified to fill: that of Elder Law Project Coordinator for the National Center for Lesbian Rights. She brings a particular expertise to this position which will focus important attention on LGBT aging issues all over the United States. From all of us — **Fair Sailing to you, Joyce!**

Lavender Seniors hiring committee has interviewed and selected a new Site Coordinator, Enid Stern, who is starting to learn about the Lavenders by working with Joyce for several weeks in order to make a smooth transition for our program. Enid has over 20 years experience as a social service coordinator with diverse aging populations in the East Bay. She has performed case management and participant assessment, facilitated advocacy for participants rights, coordinated support services from community agencies, studied counseling for six years; she has been a researcher, consultant and program coordinator.

Enid and her partner live in nearby San Leandro. We welcome her to Lavender Seniors.

I also want to report to our readers that on January 11 four of our loyal and courageous panel presenters appeared before a large audience of social workers and care providers at the Information and Referral Roundtable of the Alameda County Area Agency on Aging. Marvin Burrows, Myra Williams, Frank Howell and Dot Hallinan — one at a time they stood up and told their stories to an attentive audience that had never heard anything quite like it before: the joys and sorrows of people's experiences as members of a sexual minority over much of the twentieth century.

Many in the audience were deeply moved and said so afterwards.

The agency staff liaison wrote the following to us:

I want to thank you for arranging a most informative presentation today before the I and R Roundtable network. I would hope that those in our network who encounter clients who may identify themselves as

*(concluded on page 4)*

Lavender Seniors provides a Volunteer Services Program to isolated gay and lesbian seniors. It also presents LGBT educational panels to care providers who offer services to all seniors. Lavender Seniors is a member of the Lesbian and Gay Senior Services Collaborative along with New Leaf Outreach to Elders in San Francisco, Senior Spectrum in Marin. Lavender Seniors is funded in part by Alameda County Area Agency on Aging, the East Bay Community Foundation, Gateway Initiative of the SF Foundation, Evelyn and Walter Haas, Jr. Fund, Horizons Foundation, The Jay Cohen Philanthropic Fund, The Nathan Cummings Foundation, and "100 Lesbians and Our Friends." We gratefully acknowledge this support and that from all other donors.



## LAVENDER NOTES

is the newsletter of  
*Lavender Seniors of the East Bay*  
 1395 Bancroft Avenue  
 San Leandro, CA 94577  
 510-667-9655  
 fax 510-667-9909  
 lavenderseniors@email.msn.com

### Mission Statement

The mission of Lavender Seniors of the East Bay is to improve the quality of life of older gay, lesbian, bisexual, and transgendered residents of Alameda and Contra Costa Counties through community outreach, advocacy and education.

### Advisory Board

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Carol Beth, Bill Baillie, Doreen Brand, Meg Bruynell, Marvin Burrows, Shirley Dennett, John Ellefsen, Dotty Fowler, Dorothy Hallinan, Beverly Hickock, Jerry Holmes, Frank Howell, Doris Fischer, Bobbie Jarvis, James Joslin, Barbara Jue, Barbara Konecny, Stella Lopez Armijo, Bonnie Jean MacKenzie, Donna Montgomery, Ina Mae Murri, Diane Nagy, Ray Robb, Camille Scontrino, Don Silva, Margaret Shepherd, Bill Swenor, and Natalie Zarchin

There are no membership dues. All persons over 55, their partners, and guests are welcome. The cost of mail makes it necessary to request a donation of \$15 dollars per year to receive the newsletter. Visitors or persons interested in learning more about Lavender Seniors may receive the newsletter for three months without charge. None will be turned away for lack of funds.

Signed articles represent the opinions of the authors and not necessarily those of Lavender Seniors of the East Bay.

Inclusion of a name in this newsletter does not necessarily indicate a person's sexual orientation. §

## Reader Opinion Don't Ask? Don't Tell? – A Personal Commentary

There was an article of interest in the December 22 issue of the *San Francisco Examiner* titled "Questions get too personal for seniors." In the article, the reporter interviewed several recipients of senior services in San Francisco who objected to seeing an optional question regarding the recipient's sexual orientation on the intake form used by the SF Dept. of Aging and Adult Services. The question is part of a series of other demographic questions about the senior's date of birth, marital status, ethnic origin, and income level. The sexual orientation question upset some seniors who felt that it was intrusive or offensive. Even though the question is marked "optional," perhaps some seniors thought they had to answer it nonetheless. In any case, the question brings up several important issues that deserve discussion.

Two of our local pioneers of the movement for LGBT rights and respect, Del Martin and Phyllis Lyon, responded to the issue in the following way. Their letter read in part: "We support the policy adopted by the city's senior centers to include the optional question about sexual orientation on their intake forms. In fact, we initiated the idea.

"Our experience over more than four decades of social and political activism taught us that the gains lesbian and gay, and more recently bisexual and transgender, people make are dependent upon visibility. It is extremely difficult to be an advocate for an invisible constituency. That is why there has been so much emphasis on "coming out." Needs assessments are required to determine which groups receive financial assistance and at what amount. To comply with the Older Americans Act and the recommendations of the White House Conference on Aging require government to target all populations.

"Numbers count. We know that those who are out in our peer group (ages 60 plus) represent just the tip of the iceberg. The sexual orientation question is one way to let closeted LGBT elders know that the city's agencies are LGBT sensitive and only want to help us qualify for full services. . . .

"As more LGBT seniors identify themselves, the better the services they need and deserve, will become."

Del and Phyllis make several very important points about the need for visibility as part of the process of gaining our rights. At the same time, many people are understandably fearful of revealing information about themselves to others, especially in writing on a government form. Can they trust that the information will be kept confidential or anonymous? All of us understand, I think, that the process of coming out is very personal and complex. Often we are "out" to some but not to others and want to have a sense of control over that entire process. Most important of all, we need to respect an individual's right to remain closeted to whatever degree they feel is necessary, even as we urge them as strongly and persuasively as we can to come out, for coming out is arguably one of the most significant contributions any individual can make to his or her own personal growth and to the liberation of the LGBT community as a whole.

Another issue has to do with the question: what is "personal information"? It could be argued that "income level," "ethnic origin," or "marital status" is also highly personal information. Some of us, in fact, prefer not to give our exact age for reasons that are part of our whole outlook on life. But we're so used to those

*'Don't Ask? Don't Tell?' concluded on next page*

### Subscription Renewals

When renewing your subscription, please make the check payable to  
**The Tides Center/Lavender Seniors**

This newsletter is available in Adobe Acrobat Reader via E-mail; request: [hendriksen@aol.com](mailto:hendriksen@aol.com)  
 510-652-6906



# BOOKS

**Alternate Channels:  
The Uncensored Story of Gay and  
Lesbian Images on Radio and Television**  
By Steven Capsuto  
Ballantine Books, Paperback – \$18.00

Gays and lesbians seem to be flooding the airwaves these days — everything from Will and Grace to Ellen DeGeneres. It all seems to be so recent to the younger generation. But a lavender presence has been with us for years, even going back to radio.

Steve Capsuto, who possesses a college degree in U. S. history, mass media and journalism, has done a massive amount of digging through files and video tapes of the past to give us a picture of how we are viewed by the public at large.

In 1933, on the Rudy Vallee Show we hear the following dialogue:

**Woman:** Mother says I'm too young to have company. What would you do if you went out with a young fella and he tried to kiss you?

**Man:** Look, I don't go out with fellas who try to kiss me.

Starting in the late 1930s even that mild joke was considered too far over the line of good taste.

In 1950 *The Big Show*, the last stand radio made against the oncoming wave of TV, Tallulah Bankhead tried to flaunt her bisexual nature. Some of her associates referred to her as "Miss Bankhead, sir."

In the staid, conservative 1950s, newspaperman Paul Coates was probably the first television investigator to lift the lid on gay life, with his *Confidential File*. The late night talk shows of Mike Wallace also lifted the lid slightly. Wrestler Gorgeous George dared people to touch his beautiful curls.

At first only psychiatrists were allowed to speak on behalf of "sexual deviants." When gays and lesbians spoke, they appeared only in shadow with no names mentioned. In 1961 KQED offered *The Rejected*, featuring a panel of straights and gays. One panelist inquired of Phyllis Lyon, "How are lesbians physically different from other women?"

In 1967, after years of delay, CBS ran the very first nationally televised documentary of its kind, *The Homosexuals*, with Mike Wallace. All corporations refused to sponsor the program.

During the 1970s *The Phil Donahue Show* really introduced America to gays and lesbians as they really were. Advertisers found in surveys that young audiences wanted controversial programming that pushed the limits. They obliged with Archie Bunker presiding over *All In The Family*. In one particular episode, "Judging Books by Covers," Archie is confronted with a close friend who is gay. *That Certain Summer*, starring Hal Holbrook and Martin Sheen, made history as the first serious drama dealing with the long tabooed subject. The Christian Right struck back with boycotts of advertisers. But in the long run this approach failed.

In the 1980s the Reagan years represented a dark time for the gay community. AIDS and conservatism were made for each other. But despite the new climate, such shows as *Dynasty*, *Brothers* and even *Golden Girls*, explored the subject. One notable trend emerged when the CBS *Schoolbreak Special* confronted teen-age gays.

Briefly noted: J. K. Lasser's *Gay Finances In A Straight World: A Comprehensive Financial Planning Handbook*, By Peter Berkery – \$19.95

*Money Talk: A Gay and Lesbian's Guide to Financial Success*,  
by Todd Rainey – \$17.95

## Don't Ask? Don't Tell?

(concluded from page 2)

kinds of questions that they seem routine. Some of the shock of seeing "sexual orientation" on a form designed for seniors might come from thinking that seniors are no longer sexually active or interested in the subject. Well, anybody who attends our potlucks and hears our jokes would certainly know better! At the same time, our sexuality is only one part of our total life experience, and one part of our identity.

But all that said, if I were given a form that asked how I identified myself in terms of sexual orientation, I would be most proud and pleased to answer "gay man." These are just a few of my thoughts on the subject. I'm expressing them here as a way to stimulate discussion and dialogue on the subject. What do you think?

—John Ellefsen

In the 1990s antigay violence broke out. GLAAD was founded to represent our community in the media. The word "homophobia" appeared. *And The Band Played On*, based on the book by journalist Randy Shilts, forced Mr. Average Citizen to look AIDS in the face. Then came *Tales of The City* and *Roseanne*. Evangelist Pat Robertson observed that Ellen Degeneres was too beautiful to be a lesbian.

Author Steve Capsuto attributes much of the renewed success of gay themes in television to niche marketing made possible by cable TV. The mass marketing no longer needs to be so dependent on the huge public audience. He predicts that the revolution in technology will continue to create new inroads for minority groups.

Somehow the American people get the impression that *Will and Grace* is enough — that now we can all disappear into the bedroom communities. But gay civil rights are still waiting in the wings to be enacted. The real evolution is yet to emerge. We cannot rest until this happens.—Frank Howell



## New Rights for Registered Domestic Partners

*(concluded from page one)*

■ Also under the bill, if a person is eligible to receive disability benefits, but is mentally unable to make a claim, the claim may be made by the domestic partner of the individual.

■ In a situation where the state is considering putting a person under conservatorship, the bill states that the preferred conservator is the domestic partner or a person nominated by the domestic partner. It also provides for a domestic partner (or the children of a predeceased domestic partner) to be notified of the conservatorship hearing, and allowed to make an appearance at the hearing.

■ If you use the statutory will form in the California probate code, it now provides for the inclusion of a domestic partner among the beneficiaries to whom you may indicate a desire to will your principal residence, automobiles, household, and personal effects, or residuary estate.

■ And if you die without a will or trust (intestate), your domestic partner is now entitled to a specified share of the separate property that is not effectively disposed of by will. A decedent's domestic partner is also entitled to be appointed administrator of the decedent's estate and shall be given priority over other persons in relation to the decedent.

■ Finally, AB25 makes certain tax benefits available to registered domestic partners under the Personal Income Tax Law. The law provides for an exclusion from gross income for certain amounts expended for medical care and for certain employer-provided coverage under an accident or health plan. That law also allows a deduction for certain health insurance costs of self-employed individuals and with respect to certain group health plans.

Also note that for senior citizens, the bill expands the class of persons who may establish and register a domestic partnership by providing that persons of opposite sexes may establish a domestic partnership if one or both of them are over the age of 62 and one or both of them meet the specified eligibility criteria under the Social Security Act.

The above is a synopsis of the provisions of AB25, for a more detailed description, please check out Carole Migden's Website at:  
<http://democrats.assembly.ca.gov/members/a13>.

*Barry W. Finkelstein is an Estate Planning attorney with his office in Alameda.*

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## Report from the Project Director

*(concluded from page one)*

Lesbian, Gay, Bisexual and Transgender will be more understanding as a result of today's discussion, and more importantly, know there is an agency in our community that may be able to assist elders with services and support programs.

Please convey my thanks to members of the panel who joined us today.

It was signed by Louis Labatt, MSW.

Lavender Seniors continues making progress toward the goals articulated in our mission statement: to improve the quality of life of older gay, lesbian, bisexual, transgendered residents of Alameda and Contra Costa counties through community outreach, advocacy and education.

Many thanks to all those who contributed so generously in response to the end-of-the-year letter. These donations are crucial to our future services. The funders want to know that the community we serve is backing us up with its support.

—Dotty Fowler, Project Director

## Happy Birthday!

**B. J. Miller**

*February 1*

**Anna S. Johnson**

**Barbara Konecny**

*February 2*

**Frank Howell**

*February 6*

**Eric Larson**

**Renee Watkins**

*February 7*

**Gerald Hyman**

*February 8*

**Ann C. Smith**

*February 9*

**Jess McVey**

*February 12*

**Joseph E. Fasciani**

*February 17*

**Marvin Burrows**

*February 19*

**Cathy Cade**

**Carol Squires**

*February 24*

**Gene Windels**

*February 26*

**Elizabeth Ruth**

*February 29*



## Presentation of the Month: Reflections in Many Faces — presented by *Mother Tongue*

As always, their piece will be an original production, written and produced by the collective.

Since we will have extra guests (from Mother Tongue) at the potluck, **please bring an extra slice or spoonful of whatever food** you're bringing, a hospitable way to welcome and thank them for their performance.

**Saturday, 12 Noon • Monthly Potluck Meeting • Program at 1 P.M. • February 9**

*If your name begins with the letters A through H — Bring a Dessert*

*I through P — Bring a Main Dish*

*Q through Z — Bring a Salad*

**San Leandro BART station shuttle is available. Call voice mail day before: 667-9655 to arrange pickup.**

## Age Gauge

Let's see — how many items from the following list do you remember? Count those that you remember.

01. Candy cigarettes
02. Wax coke-shaped bottles with colored sugar water inside
03. Soda pop machines that dispensed glass bottles
04. Coffee shops with tableside juke boxes
05. Blackjack chewing gum
06. Home milk delivery in glass bottles, with Cardboard stoppers
07. Party lines
08. Newsreels before the movie
09. PF Flyers
10. Butch wax
11. Telephone numbers with a word prefix — (Drexel-5505)

12. Peashooter
13. Howdy Doody
14. 45-RPM Records
15. S&H Green Stamps
16. Hi-Fi's
17. Metal ice cube trays — with levers
18. Mimeograph paper
19. Blue flash Bulbs
21. Roller skate keys
22. Cork pop guns
23. Drive-Ins
24. Studebakers
25. Wash tub wringers
26. The Fuller Brush man
27. Reel-to-reel tape recorders
28. Tinkertoys

29. The Erector Set

30. 5-cent packs of baseball cards — with a pink slab of bubblegum

How many did you remember?

If you can remember most or all of these, then you have lived!

If you remembered 10 or less: You're still young.

If you remembered 11 – 15: You are getting old.

If you remembered 16 – 20: Now you've gotten really wise.

If you remembered 21 or more: You've really become a sage!

**Our Mailing List** Lavender Seniors does not lend, sell or give away its mailing list to any outside organization.

Your support is crucial to enable the *Lavender Seniors* to continue its role as a vital resource to our community. Please take a moment and send your donation today.

Here's my gift of: \$10 \_\_\_\_ \$25 \_\_\_\_ \$50 \_\_\_\_ \$75 \_\_\_\_ \$100 \_\_\_\_ other \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_

Home Telephone \_\_\_\_\_

E-mail address \_\_\_\_\_

Please make checks payable to  
The **Tides Center/Lavender Seniors**  
and mail to:  
Lavender Seniors  
1395 Bancroft Avenue  
San Leandro, CA 94577

Thank you for your generosity!

☐ Please contact me about including Lavender Seniors in my will. ☐ Please contact me to volunteer.



# Calendar of Activities

## Women Over Fifty and Friends WOFF

Meets Saturday, February 2

Pot Luck is one hour earlier, starting  
@ 5 P.M.

San Leandro Community Church  
Fireside Room  
1395 Bancroft Avenue  
San Leandro

Hosting:

Cam & Cheryl (530) 432-4860  
Iris (510) 841-4776

## East Bay Women's Support Group

Meets 2<sup>nd</sup> and 4<sup>th</sup> Fridays each  
month

February 8 and 22: 1:15 – 3 P.M.

Meets at *Pacific Center*,  
2712 Telegraph Avenue, Berkeley

## Senior Men's Afternoon 1:30 – 3:30 P.M.

2nd and 4th Thursdays

February 14 and 28

2712 Telegraph Avenue,  
Berkeley

Co-sponsored by *Pacific Center*  
and *Lavender Seniors*

**T**his space *could* be yours for an announcement important to our community. Space is also available for paid advertisements; rates are \$1 per line on a three-column page, \$10 for a business card-size advertisement.

Remember, one of your benefits as a member and subscriber, is a discount of 50%.

## Fellows of East Bay Second Sunday, 5:30 – 8:30 P.M.

Social Club for mature men and their admirers. Monthly Potluck dinner and social held the second Sunday of every month at Oak Center Towers, 1515 Market Street, Oakland.

Bring food and drink to share and a \$4 donation.

**T**his space *could* be used by your organization for an announcement important to our community. Space is also available for paid advertisements; rates are \$1 per line on a three-column page, \$10 for a business card-size advertisement.

One of your benefits as a member and subscriber is a discount of 50%.

## Invitation to Lesbian, Gay, Bisexual, Transgender & Questioning Citizens of Alameda County

Come to the Lighthouse Community Center on February 8 at  
6:30 P.M. to meet the newest County Supervisor:

**Nate Miley**

### Lighthouse Community Center

at 1217 "A" Street  
Hayward CA 94541  
(510) 881-8167

The gay community will gather for fingerfood at 6:30 P.M. and  
Nate Miley will join us at 7 P.M.

Please join GLOBE and meet the supervisor.  
For more information or directions, contact Charlene Shores at:  
(510) 538-9722

FRIDAY, FEBRUARY 8, 6:30 P.M.

## SWEETHEARTS' TEA

### The Lighthouse Community Center presents:

A Fund-raiser Tea Party for those  
who have Sweethearts or those  
who are looking for Sweethearts  
at the L C C

1217 "A" Street Hayward  
1 – 3 P.M.

Sunday, February 10

Donation at least \$5.00; proceeds  
to the Lighthouse Community Ctr.

Two Kinds of Tea will be served  
Finger Tea Sandwiches with  
seasonal and traditional fillings;  
Muffins & Jam-Surprise Desserts

Hosts: *Mary Lavelle/Marvin Burrows*