

EXHIBIT 70

Part 1 of 3

Defend the Family

Activist Handbook

By Dr. Scott Lively
President, Defend the Family International
www.defendthefamily.com
Consultant, Defend the Family - Latvia
www.defendthefamily.lv

Our Purpose and Goal

The purpose of Defend the Family Latvia is to promote marriage and the natural family as the essential foundation of society; of such importance that it needs to be strongly supported and defended by the institutions of government, mass media, education, business and religion.

Our goals are

- to create such a high awareness and agreement about the importance of marriage and family in every area of society
- to motivate every citizen, especially the leaders of key institutions, to consider the impact on marriage and family of every decision
- to provide the best information to support decisions based on the criterion of what will best preserve and strengthen families and the values that sustain them.

The following plan shall be used to achieve this goal:

1. Identify and organize people who believe strongly in family values and train them to be effective advocates of these values.
2. Educate all the people of Latvia about the importance of marriage and family through advertising, seminars, public events, mass media, and the creation and distribution of educational materials.
3. Oppose, responsibly and through all legal means, individuals and organizations which promote sexual lifestyles outside of marriage or work against family values in society.

INTRODUCTION

This booklet is written as a guide to help pro-family people organize themselves into an effective social and political force. It outlines a simple and practical organizational model designed to focus the talents and resources of pro-family volunteers on a single goal: the creation of a healthy family-centered society.

The original motivation of some of us may be to stop the homosexual political and social agenda, but our strategy must look past the “gays” current tactics to see the bigger problem: the “gay”-sponsored philosophy of sexual promiscuity that is turning the whole society against marriage and family values.

Frankly, we have our own agenda to pursue. We don’t want just to stop the “gays.” We want to make our society a better place to live in, filled with strong and healthy marriages, secure and happy children and stable, prosperous, family-oriented communities.

The “gay” vision of a society with no restrictions on sexual conduct is an immature and self-centered fantasy. It promotes behavior that is non-procreational and highly associated with disease, addictions, psychopathology, abortion and shortened life span, in short, a “culture of death.” Our vision for a family-centered society creates a “culture of life” by promoting responsible procreation and raising of children, caring for family members, and financial responsibility. Such a society offers health, longevity, stability, security and prosperity to its members. But only hard work and perseverance will bring make our vision a reality. We must compete aggressively with our opponents so that our vision and not theirs will prevail. But our focus must be on achieving our vision, not defeating theirs. It’s an important difference. We could stop “gay” marriage and still have a disintegrating society full of broken families and perversion.

This guide provides only general advice about how to fulfill our vision. The specific goals, programs and tasks must come from the volunteers themselves and the leaders who arise from among them.

Each volunteer must work with others, offering personal experience, information, skills and resources to achieve the goals set by the organization. Differences of opinions and personality conflicts will, of course, arise, but if we all keep our eyes on the vision and not ourselves we will overcome these challenges. There are so many different projects which need to be done that all of us can be useful and creative in our work and fulfill our own priorities.

This is an organization of sacrifice. We participate because we care about the health of our society and the future of our children and grandchildren. For it to succeed, we must give freely of our time, expertise and money. No one else can fulfill our individual responsibility. It is ours and we must accept it.

On a personal note, I am a soldier in this culture war because I am first a Christian. Years ago the Lord Jesus saved me and delivered me from a long-time bondage to drugs and alcohol, and I have ever since devoted my life to redeeming the society around me. However, you will notice that this guidebook is written in non-religious terms. As a practical matter, most of our volunteers will probably be Christians, because public service is a fundamental value taught in the Bible, and because marriage and family are so central to Christian life. But a person need not be a Christian to have family values, or to want a family-friendly society. We all need to work together toward that goal, always reminding ourselves and society that healthy family values make a better world for everyone (even the people who disagree).

I have written this guide for our first national affiliate, Defend the Family Latvia, but it may be adapted for use in other counties, states, provinces or regions. It is divided into two main sections. The first section outlines the philosophy and structure of the organization. The second section provides a set of basic resources that will be useful for our volunteers. The resources may be copied and distributed. Additional resources are available at www.defendthefamily.lv, in Russian and Latvian, and at www.defendthefamily.com, in English.

Scott Lively
Riga, Latvia, July 7, 2007

SECTION ONE

I. First Principles

This is a brief summary of the facts that are most fundamental to our strategy and our task.

1. The natural family, consisting of one man and one woman and their children by birth or adoption, is the foundation of civilization. This truth is acknowledged either expressly or implicitly by most nations, cultures and major religions throughout recorded history.
2. Heterosexuality is the common design of all physically normal human beings. We are each either male or female with a reproductive system that is perfectly complimentary to that of the opposite sex. There is no “third gender.”
3. Human sexual desire originates in and derives from one’s reproductive physiology and thus all human sexuality is innately based in heterosexuality.
4. The sexual impulse is one of the most powerful forces in human life. It can be either powerfully creative or destructive. The institution of marriage constructively contains and directs this power.
5. Marriage is the social and religious institution designed to harness the power of the sex drive for procreation and enrichment of life and prevent its potential harm to individuals, families and societies. Without marriage, natural families are prone to instability and breakdown because men and women are more easily lured away from their families into other sexual relationships. Sexual infidelity and promiscuity lead to broken families, the spread of sexual diseases, greater poverty for women and children, and emotional trauma among family members leading in some cases to violence and even murder and/or suicide.
6. Broken or single-parent families are more likely to produce emotionally damaged children, who in turn are less successful in forming their own families and more likely fall into pathological or anti-social behavior patterns: violence, drug and alcohol addiction, criminal behavior, failure to succeed in school, suicide and mental health problems.
7. A marriage-based society that encourages its people to abstain from sex until marriage and to stay faithful to their spouses within marriage reaps the benefit of greater family stability and fewer social problems. Experience and research confirm that respecting the design of the natural family produces positive results while rejection of the design produces negative results.

II Homosexuality and The “Gay” Movement

8. Homosexuality is the condition of being sexually attracted to persons of the same gender, in

contradiction to the self-evident heterosexual design of the body. As with all people, a homosexual's sexual impulse originates in the reproductive system, but is, through trauma or family dysfunction, directed toward the wrong gender. Thus it is an intrinsically disordered "sexual orientation." Therapists call this disorder Same Sex Attraction or SSA.

9. SSA is a treatable condition. Practitioners of "Reorientation Therapy" in the United States have helped thousands of homosexuals to be restored to a heterosexual orientation.

The largest association of doctors and therapists who treat SSA is The National Association for Research and Therapy of Homosexuality (NARTH), www.narth.com.

10. Many people who suffer from SSA become deeply addicted to "gay" sexual relationships and reject the option of recovery in favor of a lifestyle of unrestricted sexual license.

11. The "gay" movement is a global network of political activists made up of people with SSA who reject the notion that their behavior is wrong, but instead insist that all nations and cultures adopt their philosophy of sexual anarchy in place of the norms of the marriage-based society. It is not a random social force, but a highly organized army of social engineers with a single purpose.

12. The "gay" movement is the most dangerous social and political movement of our time because it threatens the very foundation of civilization by using every possible means to break down the walls that restrict sexual behavior to traditional marriage. It is also a purely self-interested movement, willing to advance its own goals at the expense of all other members of society. This single-mindedness can be seen in its claims to victim status, its many proposals for laws which advance only the interests of "gays," and its use of any access to power to silence and punish opposition.

III. The Homosexual Message

The disordered nature of homosexuality is self-evident; therefore any effort to normalize or legitimize homosexuality must use falsehood and deception to gain public support. The homosexual appeal for public support includes several standard lies that are repeated constantly by its spokespersons, and presented to the public as proven facts:

- "Homosexuality is innate and normal." (Often called the "born that way" argument.)
- "Homosexuality cannot be changed."
- "Heterosexual children cannot become homosexual."
- "Homosexuals and heterosexuals are separate but equal sexual types."
- "All disapproval of homosexuality is motivated by hate and fear."
- "Homosexuality is equivalent to race, and disapproval of homosexuality is like racism."
- "Homosexuals are helpless victims who need special legal protection."

- “Toleration of homosexuals requires approval of homosexual conduct.”
- “Homosexual suicides and mental health problems are caused by social disapproval.”

An essential goal of our organization is to expose the falsehood of these assertions. The people, especially social and political leaders, need to know the truth, and it is our job to inform them. Fortunately, there is a wealth of authoritative documentation to support the pro-family position on these topics. We will locate, translate and utilize these resources in the most efficient and effective manner. Section Two of this handbook contains several ready-to-use resources, and a list of websites where additional resources may be found.

IV. The Homosexual Strategy & Tactics

A strategy is a long-term plan of action designed to achieve a particular goal. Tactics are specific details or parts of a strategy which can be used to implement it.

The homosexual strategy is to organize and deploy an army of political activists to take effective control of every area of social influence and to use their power to produce a new society which can provide them with an unlimited number of sexual partners and which has no legal or social restrictions on sexual conduct. The strategy also provides for converting, silencing, discrediting and criminalizing those who oppose these goals.

1. How do they attract and recruit their activists?

Homosexuals cast themselves as a united coalition of sexual minorities (GLBT “gay,” lesbian, bisexual, transgendered) who must band together against a common oppressor or be killed or harmed. This oppressor is the “homophobic” majority which they characterize as made up of hate-filled religious fanatics and other bigots, and those who go along with “homophobic” attitudes out of ignorance.

The reason for accusing opponents of hating them is to put the opponents on the defensive, but also to preserve their own political unity by invoking fear.

This strategy is also used to create sympathy and gain allies among non-homosexuals.

This homosexual activist organizations aim to recruit young people in general as sympathizers, but also to recruit troubled young people into the homosexual lifestyle itself. It is common for many young people to have same-sex attractions during their teenage years. For most, these feelings go away naturally with maturity. But if a young person with these feelings happens to fall in with a GLBT activist group, he or she can easily be recruited into a homosexual relationship. However, getting out is not so easy when the whole “gay” world is divided into “us” vs. “them” and everyone who could help lead the young person in the right direction is accused of being a hate-filled bigot.

2. How do they organize into a political army?

Homosexuals have created their own alternate “community” which serves as a sort of network of available potential sexual partners for everyone with “gay”, lesbian, bisexual or transgender inclinations or addictions. It mimics normal society in every way (bars, social clubs, bowling leagues, etc.) so that members of the community can limit their interaction with outsiders.

It is also different from normal society in that it operates like one large political party. All “gay” events are first about sex and second about politics. To be active in the “gay community” is to be a political operative at some level.

The members of the “gay” community (especially the men) want more than anything else to expand their universe of potential sexual partners, so naturally they are easily recruited into the grand scheme to “make the whole world gay” through social and political change.

The huge “Gay Pride” parades seen in major cities around the world are a perfect example. Every “Pride” parade accomplishes two things. First it provides an opportunity for sexual promiscuity with a large new pool of potential partners. Homosexual activists from around the world use the “Pride” events as vacation opportunities. This is why these parades have so many participants and are enthusiastically promoted by opportunistic backers.

Second, “Gay Pride” parades achieve a major political objective by using tourism dollars to break down resistance to homosexuality in business and government circles, and by getting massive publicity for an event that showcases the “gays” power and the public’s acceptance.

3. How do they deploy their army?

The homosexual goal is to take effective control of the seats of power and influence in the society. The key spheres of influence include mass media (news and entertainment), government, schools and colleges, businesses, churches and community organizations.

Having a relatively small number of activists, and a large number of targets, the “gays” seek to maximize their influence by taking and holding key positions in each sphere.

Certain tactics are common to multiple targets at the beginning of the takeover campaign.

For example, in media, schools and business, the most important position is the one that controls who is hired. Since homosexuals can easily hide their “gay” identity, it is easy, once the hiring position is in the hands of a “gay” activist, to hire only fellow “gays” as new positions become available. They will all stay “in the closet” until they have enough people to form a “gay” and lesbian employee association or similar pressure group, and then use their collective power to

force policy changes within the organization.

In government, the key positions are not necessarily the elected political leaders, but the powerful *assistants* of decision-makers, for example, legislators' aides or law clerks in the higher courts.

In churches and community organizations, the goal is to gain a majority among the voting members. This has been easily accomplished in many small non-profit organizations and church congregations of the declining denominations of the US.

Most important to homosexual strategy is to hold the key positions and then to use that power to change the society, by marketing the homosexual message to the public while also attacking and marginalizing the pro-family leaders and organizations.

V. The Pro-Family Agenda

Our agenda is to create a more family-friendly world. Our strategy is to identify, train and organize pro-family activists to promote marriage and family as the most important and valued elements of society.

We work to promote and defend family values in four key spheres of influence:

- Education
- Business
- Government
- Media.

Our primary purpose is not to stop the homosexuals, but to change society to make it strongly pro-family. We want every sphere of society to promote and protect marriage and family values. The homosexual movement will be stopped automatically as we work toward our goal because their agenda is the opposite of ours. If we succeed in our pro-family campaign, their anti-family campaign must fail. Homosexuality itself will occur much less frequently if families are healthy and well-informed about children's development and emotional needs.

Four Teams:

We begin our strategy by organizing pro-family volunteers into four teams addressing the four spheres of influence (education, business, government and media) and hold separate training seminars and regular meetings for each team.

Each team

- is divided into two or more squads, each with a Squad Leader. The squads are project-

oriented task groups.

- has a Team Director whose job is to hold meetings, to assign volunteers to squads, and to facilitate the work of the squads.
- follows a three-phase plan.

Three-Phase Plan:

The first phase is to organize task groups who will gather information and become fully informed about their sphere of influence.

The second phase is to make a plan of action based on the research from phase one and divide the work of implementing the plan among the task groups.

The third phase is to implement the plan through the cooperation of the task groups, with regular meetings of the team to report, assess and modify the plan of action.

All teams will become specialists in teaching others how marriage and family benefit society and how sexual promiscuity, including homosexuality, harms society.

VI. The Education Team

Goal: To promote and defend the pro-family agenda in the field of education, especially in the schools and universities.

The homosexuals devote a lot of their time and resources to influence children and youths in the schools because they know that these young people will shape the future of the nation. If they can make these children homosexual or pro-homosexual, the future of Latvia will belong to the “gays.”

Education is controlled from four centers of power:

1. Teachers
2. Administrators, including specific political leaders and government bureaucrats
3. Producers of educational resources such as textbook manufacturers
4. Parents

Each center of control must be protected from infiltration by “gay” activists and persuaded to actively promote marriage and family values to students.

Our team must gain influence with each of the four centers of control, and they must be included in each part of the three phase plan.

The homosexuals always seek to gain control of the most strategic positions, but they will use any base of influence as a starting point. Sometimes it is a teacher, sometimes an administrator or a member of the educational bureaucracy.

The presence of “gay” activism can be recognized by the appearance of homosexual propaganda in the school or university, specifically any teaching that homosexuals are born “gay” and cannot change. This is always the first stage of propaganda.

The next stage is the teaching that homosexuals are victims who must be protected and that opposition to homosexuality is the equivalent of racism. The more advanced the “gay” influence in an institution, the more openly hostile the propaganda will be against people who disagree. A strongly homosexual-controlled institution will forbid any open disapproval of homosexuality and punish those who speak against it.

Each member of the team must make it his or her personal mission to change the educational system to become strongly pro-family. This will not only protect the children from the danger of homosexuality, it will give them a happier future and create a healthier society for everyone to enjoy.

Each member of the team must take action to fulfill this vision by cooperating in an organized plan.

VII. Special Considerations for the Education Team

Information Gathering

Information gathering will be an essential and ongoing part of the Education Team. The team will need to find the answers to the following questions, among others:

- How does the educational system work, who controls it, how is it controlled?
- What is currently taught to students about marriage, family and sexuality at every grade level?
- What resources are used to teach these things, who produces them, and who decides what resources will be used?
- How far have the “gays” already infiltrated the school system, and who are the pro-homosexual activists?
- Which teachers, administrators and politicians are pro-family, and how dedicated are they to protecting family values?
- What are the teachers being taught about marriage, family and sexuality?
- What existing resources are available to use to teach about marriage and family?
- What are the social statistics in Latvia regarding family issues?

Goal Setting

The members of the Education Team must create an action plan with specific goals based on the information that is gathered in Phase One. Some possible actions include

- Creation of a Pro-Family Teacher's Association to help organize teachers who value marriage and family values.
- Preparation and distribution of educational resources to help teachers and administrators understand why marriage and family are good for society and why homosexuality and sexual promiscuity are bad for society.
- Preparation and distribution of teaching materials for every grade level teaching about marriage and family values in age-appropriate ways.
- Creation of a list of key politicians and administrators who have substantial influence in the educational system and a group of emissaries from the Education Team who will work to make friends with these individuals and provide them with a steady stream of pro-family resources.
- Identification of the "gay" activists in the school system and creation of a monitoring system to watch them carefully and to expose any manipulation of the students under their authority.
- Preparation of new policies and laws to be adopted by the schools and controlling government agencies which require schools to promote healthy family life and forbid teaching or condoning sexual promiscuity, including homosexuality.
- Preparation and public distribution of a report or series of reports on education in Latvia as it relates to marriage, family values and sexual promiscuity, including homosexuality.
- Creation of a public advertising campaign about the value of teaching marriage and family life skills to students.

Project Implementation

The Education Team must assign individuals and squads to work to achieve the goals set by the team. It should meet regularly to discuss the progress of the work and share new information and suggestions.

It is important to set realistic goals and to divide the work so that it is shared among the volunteers according to their skills, time and dedication.

Whenever a specific stages of a project or goal have been completed, the persons responsible should be honored by the team.

After each task or goal is achieved, the team must move on to the next one. New tasks and goals should be added as the organization grows and matures.

VIII. The Business Team

Goal: To promote and defend marriage and family values in the business world and to raise money to support all the teams.

The homosexual strategy for businesses is to force them to accept and promote the “gay” agenda. One of the first aims of pro-homosexual legislators regarding the business community is to forbid businesses to hire or fire on the basis of “sexual orientation.” Once such a law is in place, homosexual activists hunt for wealthy businesses to sue for breach of the law. Businessmen should always be careful not to use homosexuality as their reason for hiring and firing. Poor job performance is the best reason to cite for firing an employee.

In large companies “in the closet” homosexual activists work to get other activists into the hiring positions, from which they will then hire large numbers of homosexuals. When they have enough activists inside the company, they form an employee group and demand political concessions, such as special company benefits for “domestic partners.” They also insist on mandatory “sensitivity training” for all employees. This consists of classes that force employees to accept and believe the standard “gay” propaganda. Any employees who show disapproval of homosexuality in these classes may be quietly targeted for removal, usually by carefully watching and building a case against them in their employee files until they can be plausibly fired on some work-related issue.

“Gay” employee groups work continuously and aggressively in a coordinated effort to take full control of the company, after which time they use all of the assets and power of the company to advance the homosexual agenda in the community, especially through the awarding of contracts, the placement and message of advertising, and the company’s charitable donations and sponsorship of events.

It is very important for the Business Team to oppose the homosexual agenda to prevent the nation’s businesses from being used as tools in the “gay” strategy.

The Business Team will follow a two-track approach to influencing the business community: a positive track and a negative track.

The Positive Track

The Business Team has created a campaign called Business for Family; B4FA. Business for Family is an association of pro-family businesses which will receive free advertising in a special family advertising directory that will be mass-produced and distributed to churches and public venues that cater to families. Any pro-family business can be in the directory if it accepts our Pro-Family Statement of Principles for Business. These businesses will also have the right to display the Business for Family logo in their place of business and any advertising they may do in

the community.

The directory will be funded by the sale of ads in the directory that are more prominent than those that are given for free.

The Negative Track

A special squad of the Business Team will focus on anti-family businesses and try to get them to change their business practices. This campaign is called Standing for Truth.

The Standing for Truth squad will identify businesses that cooperate in promoting the homosexual agenda in the community, either directly through their own business activities or indirectly through donations to homosexual projects or organizations. It will then use boycotts, picketing and other legal means to try to persuade these businesses to become pro-family or at least neutral.

IX. Special Considerations for the Business Team

Information Gathering

Information gathering for the Business Team should be quite simple. It involves identifying which businesses are pro-family, which are anti-family and which are neutral.

The Standing for Truth squad must also determine what tactics are legally allowed in Latvia relating to boycotts and pickets of private businesses.

Goal Setting

The Business Team's initial goal and tactics are set by the two-track approach stated above.

The Business for Family Group must

- Establish a Statement of Principles that define what it means to be a pro-family business.
- Design a Business for Family logo
- Design a Business Directory that will
 1. List the pro-family businesses in some logical order
 2. Be visually appealing to the people who will use it in their shopping decisions
 3. Include a variety of advertising options for purchase
- Organize a group of volunteers and/or salesmen to personally visit business owners, present them with the Statement of Principles, and invite the pro-family businesses to join the association and/or buy advertising in the directory.
- Print and distribute the business directory

The Standing for Truth squad must

- Determine which businesses are anti-family
- Organize a group of volunteers to visit the business owners and attempt to persuade them to become pro-family or at least neutral
- Create and distribute a boycott list of businesses that refuse to stop supporting the homosexual agenda.
- Organize public demonstrations and/or pickets of businesses that are the most harmful to the cause of protecting family values -- but only after the legal right to do so has been determined.

Project Implementation

The Business Team must meet regularly to allow all the members of the team to be updated on the status of the projects and to invite additional volunteers to participate.

The Team should develop additional projects which will help promote family values in the business community.

The Team should work continually to educate the business community about the importance of marriage and family values.

The Team should ask the pro-family businesses to help to fund the work of Defend the Family - Latvia by donating to the organization.

X. The Government Team

Goal: To promote and defend marriage and family values in and through national and local government.

Homosexual activists work diligently to gain power in government in order to change the laws to provide special status and benefits for themselves, to eliminate special status and benefits for married people and families, and to silence or punish people who disagree with them. Government protections for marriage and family are appropriate and necessary because of the importance of family to the overall health of society. But protections for homosexuality are destructive because they condone behavior that is harmful to the people who practice it and to society. Most people know these facts, so why have certain politicians embraced the homosexual agenda?

Most politicians respect only power. Political power in a democracy comes from four sources

1. The will of the masses
2. Individuals or groups with lots of money
3. Organized social/political activists
4. Mass Media

The majority of the people of Latvia are strongly anti-homosexual, but the homosexual movement has lots of money and a highly organized group of activists. They strategically focus their energy on convincing a few key political leaders that “gay” money and activism are powerful enough to protect their political allies from the anger of the pro-family majority. “If you advance our agenda,” promise the homosexual leaders, “we will use all of our power to support and protect you.” Unfortunately, until pro-family citizens get organized, the “gay” strategy usually works.

However, when the people who care about family values actively compete for influence in the political process they can easily win, because there are so many more people who support family values than who support the “gay” agenda. But pro-family people cannot delay, because the longer that the “gays” work without challenge from the pro-family side, the more citizens will become pro-”gay” through propoganda and other social manipulation.

The Government Team is divided into five squads:

- Lobby Squad A, which seeks to influence the legislative branch of government: (Parliament)
- Lobby Squad B, which seeks to influence the executive branch of government (Ministries)
- Elections Squad, which works to build a database of pro-family voters and volunteers and educate them about the political process and the issues
- Issues Squad, which identifies all laws and policies being addressed by government that have an impact on the family
- Victory Fund Squad, which raises money to help elect pro-family candidates

XI. Special Considerations for the Government Team

Information Gathering

The government teams needs to have a complete understanding of the political process in Latvia. It must consider at least the following questions:

- What are the political offices of the country and who holds these offices?
- Which officials are pro-family and which are anti-family?
- Which are the most important political offices?
- Which are the political offices that control how the money is spent?
- How does the voting process work?

Project Implementation

Lobby Squads. It will be necessary to develop a file on each office and each person who holds office, so that the lobby teams can have enough information to effectively influence each official. The members of the squads should work to make friends with the political figures, and should recruit volunteers to the squad who are especially good at this task. The squads should provide a steady supply of pro-family information to the politicians and seek to help the politicians in any way they can, even serving as volunteer staff members for pro-family politicians. It is especially important to provide simple, well-documented, authoritative pro-family information to officials who are being pressured to adopt anti-family policies or legislation. Defend the Family will provide such information in the form of fact sheets (see attachments); new fact sheets will be produced on request and made available to all chapters.

Elections Squad. The squad has the primary duty of identifying and making a database of all the pro-family voters of the nation. The database should be accessible by political district and other helpful criteria. The best way to build a database is to circulate a petition that only pro-family citizens will want to sign. The squad can recruit volunteers to help circulate the petition.

Issues Squad. The squad has the duty to educate the people (including those in the data-base created by the Elections Squad) about the pro-family issues, by finding and circulating important pro-family news and resources. It should also keep the team and pro-family voters informed about any proposed laws and policies affecting families which are currently being considered by the government.

Victory Fund Squad. The squad has the duty to raise money to put in the victory fund. It can use every legal means of raising money, but should emphasize the solicitation of money from wealthy people who share our values. It must also research the laws regarding spending money on elections.

XII. The Media Team

The goal of the media team is to

- Make the Latvia media pro-family.
- Create our own pro-family resources in various forms (literature, films, etc.) to serve the nation.
- Create strong (secular, not religious) competitors to the anti-family media (or buy them) if we cannot make the existing media pro-family.

The mass media may be the most important sphere of influence in society. It has the power to shape public opinion, lionize or demonize public figures, focus public attention on specific people or issues at strategic moments, and, over time, to define reality for the people who rely upon it

for information.

The homosexual activists always target the media first in their campaign to change society. It is thus essential that our organization begin immediately to compete for influence in the mass media.

The Media Team is divided into four squads.

- Squad 1 is focused on print media: newspapers, magazines.
- Squad 2 is focused on broadcast media: television, radio, cable.
- Squad 3 is focused on Internet media (excluding online divisions of print and broadcast media companies)
- Squad 4 is focused on producing and conducting a survey to determine how pro-family or anti-family the media is.

XIII. Special Considerations for the Media Team

Information Gathering

The media team will need to do a lot of research, including

- Identifying all of the media outlets in the country
- Categorizing them by numerous criteria: type of media company, market in which they operate, their target audience, size of their audience, and other important factors.
- Identifying the decision-makers in the media companies
- Identifying the reporters in the media companies
- Deciding who are friends and who are foes of family values

Goal Setting

The Media Team has adopted a plan to prepare a comprehensive report on the state of the national media. This will involve all squads, and utilize the research described above in a practical way. The report can be prepared in any of several forms (print, film, radio) or any combination. The act of carrying out this project will help the squads achieve their information gathering goals.

Project Implementation

After the publication of the report there are a number of projects which may help the team gain influence in the media:

- Formation of a pro-family news agency to gather pro-family news from around the world and

customize it for use by the local media.

- Creation of an outreach program to help news reporters and editors learn the value of promoting the pro-family perspective.
- Creation of a journalist training and/or employment service to help pro-family journalists get jobs in the media.
- Creation of a for-profit business corporation to raise capital to start or buy and operate secular media companies.
- Development of a pro-family journalists association.
- Production of pro-family products for mass media: documentary films, literature, etc.
- Establishment of an awards program to honor pro-family journalists.

These are just a few possibilities. The Media Team will choose among these and other projects.

XIV. Conclusion

This booklet is not intended to be a complete guide to every aspect of starting and growing a pro-family movement. It provides some basic, logical first steps toward this goal. The key to success will be the rise of leaders from the ranks of our volunteers. These motivated and creative men and women will make the vision of Defend the Family their own, and will build upon the foundation we have described here.

All volunteers should always be encouraged to use this organization as a place to exercise their own skills and talents. The organization should always try to be a source of support for everyone who steps forward with a plan or idea that can advance our agenda. However, it is also important that no one moves forward with any project in the name of the organization unless that project is approved by the board. If we keep good order, and stay focused on our goals, we will accomplish much.

SECTION TWO

Resources:

I. The following articles support the assertions made in Parts I & II of Section One, roughly in the order in which the assertions are made. However, most of the articles support multiple points in Section One and are thus not presented in traditional "footnote" format, but as documentation of the entire thesis.

- (1) Brown, Susan & Booth, Alan (1996), "Cohabitation Versus Marriage: A Comparison of Relationship Quality," *Journal of Marriage and the Family*, 58 (3) 668-78.
- (2) Binstock, Georgina & Thornton, Arland (2003), "Separations, Reconciliations, and Living Apart in Cohabiting and Marital Unions," *Journal of Marriage and Family*, 65 (2) 432-443.
- (3) Treas, Judith & Giesen, Deirdre (2000), "Sexual Infidelity Among Married and Cohabiting Americans," *Journal of Marriage and the Family*, 62 (1) 48-60.
- (4) Jeffrey Satinover (2005), "The Trojan Couch: How the Mental Health Associations Misrepresent Science." Narth.com.
- (5) Fagan, Patrick, Johnson, Kirk A. and Butcher, Jonathan (1996), *A Portrait of Family and Religion in America*, based on data from the National Longitudinal Study of Adolescent Health; Charts 2,3,4,5,6 and 8 illustrate the strength of the two types of natural intact families, married and cohabiting natural parents, over all other child raising configurations in preventing destructive behavior by their adolescent children.
- (6) Irving Bieber, et al. (1962). *Homosexuality: A Psychoanalytic Study of Male Homosexuals*, NY: Basic Books, 276; Robert Spitzer, (2003). "Can some gay men and lesbians change their sexual orientation? 200 participants reporting a change from homosexual to heterosexual orientation," *Archives of Sexual Behavior*, 32 (5) 403-417; Glenn Wyler (April, 2004). "Anything but Straight: A Book Review," *NARTH Bulletin*, 32- 45.
- (7) Ariel Shidlo & Michael Schroeder, (2002). "Changing Sexual Orientation: A Consumer's Report," *Professional Psychology: Research and Practice*, 33 (3), 249-259.
- (8) David Fergusson, L. Horwood & A. Beautrais, (1999). "Is sexual orientation related to mental health problems and suicidality in young people?" *Archives of General Psychiatry*. 56 (10), 876-888.
- (9) Theo Sandfort, et al (2001). "Same-sex Sexual Behavior and Psychiatric Disorders: Findings from the Netherlands Mental Health Survey and Incidence Study (Nemesis)." *Archives of General Psychiatry*, 58, 85-91.

II. Links to Pro-Family Resources

For all teams:

www.narth.com

<http://www.exodus-international.org>

<http://exodusbooks.org/Books/>

<http://www.pfox.org>

<http://www.afa.net/>

<http://www.familyresearchinst.org/>

<http://www.frc.org>

<http://www.worldcongress.org/>

For the Business Team

<http://www.corporateresourcecouncil.org>

III. Resources to Copy and Distribute

Documentation of the Homosexual Agenda

- The Homosexual Manifesto
- 1972 Gay Rights Platform
- The Overhauling of Straight America

Documentation in Support of the Pro-Family Position

- Why Government Should Actively Promote Marriage and Family in Public Policy and Law
- Fact Sheet on Homosexuality and Mental Health
- Fact Sheet on Same Sex Attraction and Immutability
- The Falsification of Evidence on Homosexuality by the U.S. Mental Health Associations

THE HOMOSEXUAL MANIFESTO

By Michael Swift, "Gay Revolutionary." Reprinted from The Congressional Record of the United States Congress. First printed in Gay Community News, February 15-21 1987

"We shall sodomize your sons, emblems of your feeble masculinity, of your shallow dreams and vulgar lies. We shall seduce them in your schools, in your dormitories, in your gymnasiums, in your locker rooms, in your sports arenas, in your seminaries, in your youth groups, in your movie theater bathrooms, in your army bunkhouses, in your truck stops, in your all male clubs, in your houses of Congress, wherever men are with men together. Your sons shall become our minions and do our bidding. They will be recast in our image. They will come to crave and adore us.

Women, you cry for freedom. You say you are no longer satisfied with men; they make you unhappy. We, connoisseurs of the masculine face, the masculine physique, shall take your men from you then. We will amuse them; we will instruct them; we will embrace them when they weep. Women, you say you wish to live with each other instead of with men. Then go and be with each other. We shall give your men pleasures they have never known because we are foremost men too, and only one man knows how to truly please another man; only one man can understand the depth and feeling, the mind and body of another man.

All laws banning homosexual activity will be revoked. Instead, legislation shall be passed which engenders love between men. All homosexuals must stand together as brothers; we must be united artistically, philosophically, socially, politically and financially. We will triumph only when we present a common face to the vicious heterosexual enemy.

If you dare to cry faggot, fairy, queer, at us, we will stab you in your cowardly hearts and defile your dead, puny bodies.

We shall write poems of the love between men; we shall stage plays in which man openly caresses man; we shall make films about the love between heroic men which will replace the cheap, superficial, sentimental, insipid, juvenile, heterosexual infatuations presently dominating your cinema screens. We shall sculpt statues of beautiful young men, of bold athletes which will be placed in your parks, your squares, your plazas. The museums of the world will be filled only with paintings of graceful, naked lads.

Our writers and artists will make love between men fashionable and de rigueur, and we will succeed because we are adept at setting styles. We will eliminate heterosexual liaisons through usage of the devices of wit and ridicule, devices which we are skilled in employing.

We will unmask the powerful homosexuals who masquerade as heterosexuals. You will be shocked and frightened when you find that your presidents and their sons, your industrialists,

your senators, your mayors, your generals, your athletes, your film stars, your television personalities, your civic leaders, your priests are not the safe, familiar, bourgeois, heterosexual figures you assumed them to be. We are everywhere; we have infiltrated your ranks. Be careful when you speak of homosexuals because we are always among you; we may be sitting across the desk from you; we may be sleeping in the same bed with you.

There will be no compromises. We are not middle-class weaklings. Highly intelligent, we are the natural aristocrats of the human race, and steely-minded aristocrats never settle for less. Those who oppose us will be exiled. We shall raise vast private armies, as Mishima did, to defeat you. We shall conquer the world because warriors inspired by and banded together by homosexual love and honor are invincible as were the ancient Greek soldiers.

The family unit--spawning ground of lies, betrayals, mediocrity, hypocrisy and violence--will be abolished. The family unit, which only dampens imagination and curbs free will, must be eliminated. Perfect boys will be conceived and grown in the genetic laboratory. They will be bonded together in communal setting, under the control and instruction of homosexual savants.

All churches who condemn us will be closed. Our only gods are handsome young men. We adhere to a cult of beauty, moral and esthetic. All that is ugly and vulgar and banal will be annihilated. Since we are alienated from middle-class heterosexual conventions, we are free to live our lives according to the dictates of the pure imagination. For us too much is not enough.

The exquisite society to emerge will be governed by an elite comprised of gay poets. One of the major requirements for a position of power in the new society of homoeroticism will be indulgence in the Greek passion. Any man contaminated with heterosexual lust will be automatically barred from a position of influence. All males who insist on remaining stupidly heterosexual will be tried in homosexual courts of justice and will become invisible men.

We shall rewrite history, history filled and debased with your heterosexual lies and distortions. We shall portray the homosexuality of the great leaders and thinkers who have shaped the world. We will demonstrate that homosexuality and intelligence and imagination are inextricably linked, and that homosexuality is a requirement for true nobility, true beauty in a man.

We shall be victorious because we are fueled with the ferocious bitterness of the oppressed who have been forced to play seemingly bit parts in your dumb, heterosexual shows throughout the ages. We too are capable of firing guns and manning the barricades of the ultimate revolution.

Tremble, hetero swine, when we appear before you without our masks."

###

The 1972 Gay Rights Platform

Platform created at the National Coalition of Gay Organizations Convention held in Chicago in 1972

FEDERAL LEVEL:

1. Amend all federal Civil Rights Acts, other legislation and government controls to prohibit discrimination in employment, housing, public accommodations and public services.
2. Issuance by the President of an executive order prohibiting the military from excluding for reasons of their sexual orientation, persons who of their own volition desire entrance into the Armed Services; and from issuing less-than-fully-honorable discharges for homosexuality; and the upgrading to fully honorable all such discharges previously issued, with retroactive benefits.
3. Issuance by the President of an executive order prohibiting discrimination in the federal civil service because of sexual orientation, in hiring and promoting; and prohibiting discriminations against homosexuals in security clearances.
4. Elimination of tax inequities victimizing single persons and same-sex couples.
5. Elimination of bars to the entry, immigration and naturalization of homosexual aliens.
6. Federal encouragement and support for sex education courses, prepared and taught by gay women and men, presenting homosexuality as a valid, healthy preference and lifestyle as a viable alternative to heterosexuality.
7. Appropriate executive orders, regulations and legislation banning the compiling, maintenance and dissemination of information on an individual's sexual preferences, behavior, and social and political activities for dossiers and data banks.
8. Federal funding of aid programs of gay men's and women's organizations designed to alleviate the problems encountered by Gay women and men which are engendered by an oppressive sexist society.
9. Immediate release of all Gay women and men now incarcerated in detention centers, prisons and mental institutions because of sexual offense charges relating to victimless crimes or sexual orientation; and that adequate compensation be made for the physical and mental duress encountered; and that all existing records relating to the incarceration be immediately expunged.

STATE LEVEL: 1. All federal legislation and programs enumerated in Demands 1, 6, 7, 8, and 9 above should be implemented at the State level where applicable.

2. Repeal of all state laws prohibiting private sexual acts involving consenting persons; equalization for homosexuals and heterosexuals for the enforcement of all laws.
3. Repeal all state laws prohibiting solicitation for private voluntary sexual liaisons; and laws prohibiting prostitution, both male and female.
4. Enactment of legislation prohibiting insurance companies and any other state-regulated enterprises from discriminating because of sexual orientation, in insurance and in bonding or any other prerequisite to employment or control of one's personal demesne.
5. Enactment of legislation so that child custody, adoption, visitation rights, foster parenting, and the like shall not be denied because of sexual orientation or marital status.
6. Repeal of all state laws prohibiting transvestism and cross-dressing.
7. Repeal of all laws governing the age of sexual consent.
8. Repeal of all legislative provisions that restrict the sex or number of persons entering into a marriage unit; and the extension of legal benefits to all persons who cohabit regardless of sex or numbers.

EXHIBIT 70

Part 2 of 3

The Overhauling of Straight America

by Marshall Kirk and Erastes Pill

This “must read” article, originally published in Guide magazine, November 1987 is the blueprint for the now global homosexual propaganda campaign to replace marriage-based society with a culture of sexual anarchy. A 1999 book based on this outline, titled *After the Ball*, has become the “bible“ of homosexual propagandists. However, only this article states the “gay” goals and tactics with such alarming frankness.

The first order of business is desensitization of the American public concerning gays and gay rights. To desensitize the public is to help it view homosexuality with indifference instead of with keen emotion. Ideally, we would have straights register differences in sexual preference the way they register different tastes for ice cream or sports games: she likes strawberry and I like vanilla; he follows baseball and I follow football. No big deal.

At least in the beginning, we are seeking public desensitization and nothing more. We do not need and cannot expect a full "appreciation" or "understanding" of homosexuality from the average American. You can forget about trying to persuade the masses that homosexuality is a good thing. But if only you can get them to think that it is just another thing, with a shrug of their shoulders, then your battle for legal and social rights is virtually won. And to get to shoulder-shrug stage, gays as a class must cease to appear mysterious, alien, loathsome and contrary. A large-scale media campaign will be required in order to change the image of gays in America. And any campaign to accomplish this turnaround should do six things.

[1] TALK ABOUT GAYS AND GAYNESS AS LOUDLY AND AS OFTEN AS POSSIBLE

The principle behind this advice is simple: almost any behavior begins to look normal if you are exposed to enough of it at close quarters and among your acquaintances. The acceptability of the new behavior will ultimately hinge on the number of one's fellows doing it or accepting it. One may be offended by its novelty at first--many, in times past, were momentarily scandalized by "streaking," eating goldfish, and premarital sex. But as long as Joe Six-pack feels little pressure to perform likewise, and as long as the behavior in question presents little threat to his physical and financial security, he soon gets used to it and life goes on. The skeptic may still shake his head and think "people are crazy these days," but over time his objections are likely to become more reflective, more philosophical, less emotional.

The way to benumb raw sensitivities about homosexuality is to have a lot of people talk a great deal about the subject in a neutral or supportive way. Open and frank talk makes the subject seem less furtive, alien, and sinful, more above-board. Constant talk builds the impression that public opinion is at least divided on the subject, and that a sizable segment accepts or even practices homosexuality. Even rancorous debates between opponents and defenders serve the purpose of desensitization so long as "respectable" gays are front and center to make their own pitch. The

main thing is to talk about gayness until the issue becomes thoroughly tiresome.

And when we say talk about homosexuality, we mean just that. In the early stages of any campaign to reach straight America, the masses should not be shocked and repelled by premature exposure to homosexual behavior itself. Instead, the imagery of sex should be downplayed and gay rights should be reduced to an abstract social question as much as possible. First let the camel get his nose inside the tent--only later his unsightly derriere!

Where we talk is important. The visual media, film and television, are plainly the most powerful image-makers in Western civilization. The average American household watches over seven hours of TV daily. Those hours open up a gateway into the private world of straights, through which a Trojan horse might be passed. As far as desensitization is concerned, the medium is the message--of normalcy.

So far, gay Hollywood has provided our best covert weapon in the battle to desensitize the mainstream. Bit by bit over the past ten years, gay characters and gay themes have been introduced into TV programs and films (though often this has been done to achieve comedic and ridiculous affects). On the whole the impact has been encouraging. The prime-time presentation of *Consenting Adults* on a major network in 1985 is but one high-water mark in favorable media exposure of gay issues. But this should be just the beginning of a major publicity blitz by gay America.

Would a desensitizing campaign of open and sustained talk about gay issues reach every rabid opponent of homosexuality? Of course not. While public opinion is one primary source of mainstream values, religious authority is the other.

When conservative churches condemn gays, there are only two things we can do to confound the homophobia of true believers. First, we can use talk to muddy the moral waters. This means publicizing support for gays by more moderate churches, raising theological objections of our own about conservative interpretations of biblical teachings, and exposing hatred and inconsistency. Second, we can undermine the moral authority of homophobic churches by portraying them as antiquated backwaters, badly out of step with the times and with the latest findings of psychology. Against the mighty pull of institutional Religion one must set the mightier draw of Science & Public Opinion (the shield and sword of that accursed "secular humanism"). Such an unholy alliance has worked well against churches before, on such topics as divorce and abortion. With enough open talk about the prevalence and acceptability of homosexuality, that alliance can work again here.

[2] PORTRAY GAYS AS VICTIMS, NOT AS AGGRESSIVE CHALLENGERS

In any campaign to win over the public, gays must be cast as victims in need of protection so that straights will be inclined by reflex to assume the role of protector. If gays are presented, instead, as a strong and prideful tribe promoting a rigidly nonconformist and deviant lifestyle, they are

more likely to be seen as a public menace that justifies resistance and oppression. For that reason, we must forego the temptation to strut our "gay pride" publicly when it conflicts with the Gay Victim image. And we must walk the fine line between impressing straights with our great numbers, on the one hand, and sparking their hostile paranoia-"They are all around us!"--on the other.

A media campaign to promote the Gay Victim image should make use of symbols which reduce the mainstream's sense of threat, which lower its guard, and which enhance the plausibility of victimization. In practical terms, this means that jaunty mustachioed musclemen would keep very low profile in gay commercials and other public presentations, while sympathetic figures of nice young people, old people, and attractive women would be featured. (It almost goes without saying that groups on the farthest margin of acceptability such as NAMBLA, [Ed note -- North American Man-Boy Love Association] must play no part at all in such a campaign: suspected child-molesters will never look like victims.)

Now, there are two different messages about the Gay Victim that are worth communicating. First, the mainstream should be told that gays are victims of fate, in the sense that most never had a choice to accept or reject their sexual preference. The message must read: "As far as gays can tell, they were born gay, just as you were born heterosexual or white or black or bright or athletic. Nobody ever tricked or seduced them; they never made a choice, and are not morally blameworthy. What they do isn't willfully contrary - it's only natural for them. This twist of fate could as easily have happened to you!"

Straight viewers must be able to identify with gays as victims. Mr. and Mrs. Public must be given no extra excuses to say, "they are not like us." To this end, the persons featured in the public campaign should be decent and upright, appealing and admirable by straight standards, completely unexceptionable in appearance--in a word, they should be indistinguishable from the straights we would like to reach. (To return to the terms we have used in previous articles, spokesmen for our cause must be R-type "straight gays" rather than Q-type "homosexuals on display.") Only under such conditions will the message be read correctly: "These folks are victims of a fate that could have happened to me."

By the way, we realize that many gays will question an advertising technique, which might threaten to make homosexuality look like some dreadful disease, which strikes fated "victims". But the plain fact is that the gay community is weak and must manipulate the powers of the weak, including the play for sympathy. In any case, we compensate for the negative aspect of this gay victim appeal under Principle 4. (Below)

The second message would portray gays as victims of society. The straight majority does not recognize the suffering it brings to the lives of gays and must be shown: graphic pictures of brutalized gays; dramatizations of job and housing insecurity, loss of child custody, and public humiliation: and the dismal list goes on.

"... In any campaign to win over the public, gays must be cast as victims in need of protection so that straights will be inclined by reflex to assume the role of protector."

[3] GIVE PROTECTORS A JUST CAUSE

A media campaign that casts gays as society's victims and encourages straights to be their protectors must make it easier for those to respond to assert and explain their new protectiveness. Few straight women, and even fewer straight men, will want to defend homosexuality boldly as such. Most would rather attach their awakened protective impulse to some principle of justice or law, to some general desire for consistent and fair treatment in society. Our campaign should not demand direct support for homosexual practices, should instead take anti-discrimination as its theme. The right to free speech, freedom of beliefs, freedom of association, due process and equal protection of laws-these should be the concerns brought to mind by our campaign.

It is especially important for the gay movement to hitch its cause to accepted standards of law and justice because its straight supporters must have at hand a cogent reply to the moral arguments of its enemies. The homophobes clothe their emotional revulsion in the daunting robes of religious dogma, so defenders of gay rights must be ready to counter dogma with principle.

[4] MAKE GAYS LOOK GOOD

In order to make a Gay Victim sympathetic to straights you have to portray him as Everyman. But an additional theme of the campaign should be more aggressive and upbeat: to offset the increasingly bad press that these times have brought to homosexual men and women, the campaign should paint gays as superior pillars of society. Yes, yes, we know--this trick is so old it creaks. Other minorities use it all the time in ads that announce proudly, "Did you know that this Great Man (or Woman) was _____?" But the message is vital for all those straights who still picture gays as "queer" people-- shadowy, lonesome, fail, drunken, suicidal, child-snatching misfits.

The honor roll of prominent gay or bisexual men and women is truly eye popping. From Socrates to Shakespeare, from Alexander the Great to Alexander Hamilton, from Michelangelo to Walt Whitman, from Sappho to Gertrude Stein, the list is old hat to us but shocking news to heterosexual America. In no time, a skillful and clever media campaign could have the gay community looking like the veritable fairy godmother to Western Civilization.

Along the same lines, we shouldn't overlook the Celebrity Endorsement. The celebrities can be straight (God bless you, Ed Asner, wherever you are) or gay.

[5] MAKE THE VICTIMIZERS LOOK BAD

At a later stage of the media campaign for gay rights-long after other gay ads have become

commonplace-it will be time to get tough with remaining opponents. To be blunt, they must be vilified. (This will be all the more necessary because, by that time, the entrenched enemy will have quadrupled its output of vitriol and disinformation.) Our goal is here is twofold. First, we seek to replace the mainstream's self-righteous pride about its homophobia with shame and guilt. Second, we intend to make the antigays look so nasty that average Americans will want to dissociate themselves from such types.

The public should be shown images of ranting homophobes whose secondary traits and beliefs disgust middle America. These images might include: the Ku Klux Klan demanding that gays be burned alive or castrated; bigoted southern ministers drooling with hysterical hatred to a degree that looks both comical and deranged; menacing punks, thugs, and convicts speaking coolly about the "fags" they have killed or would like to kill; a tour of Nazi concentration camps where homosexuals were tortured and gassed.

A campaign to vilify the victimizers is going to enrage our most fervid enemies, of course. But what else can we say? The shoe fits, and we should make them try it on for size, with all of America watching.

[6] SOLICIT FUNDS: THE BUCK STOPS HERE

Any massive campaign of this kind would require unprecedented expenditures for months or even years--an unprecedented fundraising drive.

Effective advertising is a costly proposition: several million dollars would get the ball rolling. There are 10-15 million primarily homosexual adults in this country: if each one of them donated just two dollars to the campaign, its war chest would actually rival that of its most vocal enemies. And because those gays not supporting families usually have more discretionary income than average, they could afford to contribute much more.

"... We intend to make the antigays look so nasty that average Americans will want to dissociate themselves from such types."

But would they? Or is the gay community as feckless, selfish, uncommitted, and short-sighted as its critics claim? We will never know unless the new campaign simultaneously launches a concerted nationwide appeal for funding support from both known and anonymous donors. The appeal should be directed both at gays and at straights who care about social justice.

In the beginning, for reasons to be explained in a moment, the appeal for funds may have to be launched exclusively through the gay press--national magazines, local newspapers, flyers at bars, notices in glossy skin magazines. Funds could also come through the outreach of local gay organizations on campuses and in metropolitan areas. Eventually, donations would be solicited directly alongside advertisements in the major straight media.

There would be no parallel to such an effort in the history of the gay community in America. If it

failed to generate the needed capital to get started; there would be little hope for the campaign and little hope for major progress toward gay rights in the near future. For the moment let us suppose that gays could see how donations would greatly serve their long-term interest, and that sufficient funds could be raised. An heroic assumption.

GETTING ON THE AIR, OR, YOU CAN'T GET THERE FROM HERE

Without access to TV, radio, and the mainstream press, there will be no campaign. This is a tricky problem, because many impresarios of the media simply refuse to accept what they call "issue-advertising" -- persuasive advertising can provoke a storm of resentment from the public and from sponsors, which is bad for business. The courts have confirmed the broadcaster's right to refuse any "issue advertising" he dislikes.

What exactly constitutes "issue advertising"? It evidently does not include platitudinous appeals to the virtues of family unity (courtesy of the Mormons) neither does it include tirades against perfidious Albion (courtesy of Lyndon LaRouche); neither does it include reminders that a Mind-Is-a Terrible Thing to Waste (courtesy of the United Negro College Fund); neither does it include religious shows which condemn gay "sinners"; neither does it include condemnations of nuclear war or race discrimination--at least not in Massachusetts. Some guys get all the breaks.

What issue advertising does include these days is almost any communique? presented openly by a homosexual organization. The words "gay" and "homosexual" are considered controversial whenever they appear.

Because most straightforward appeals are impossible, the National Gay Task Force has had to cultivate quiet backroom liaisons with broadcast companies and newsrooms in order to make sure that issues important to the gay community receive some coverage; but such an arrangement is hardly ideal, of course, because it means that the gay community's image is controlled by the latest news event instead of by careful design--and recently most of the news about gays has been negative.

So what can be done to crash the gates of the major media? Several things, advanced in several stages.

START WITH THE FINE PRINT

Newspapers and magazines may very well be hungrier for gay advertising dollars than television and radio are. And the cost of ads in print is generally lower. But remember that the press, for the most part, is only read by better-educated Americans, many of who are already more accepting of homosexuality in any case. So to get more impact for our dollars, we should skip the New Republic and New Left Review readers and head for Time, People, and the National Enquirer. (Of course, the gay community may have to establish itself as a regular advertising presence in

more sophisticated forums first before it is accepted into the mass press.)

While we're storming the battlements with salvos of ink, we should also warm the mainstream up a bit with a subtle national campaign on highway billboards. In simple bold print on dark backgrounds, a series of unobjectionable messages should be introduced:

IN RUSSIA, THEY TELL YOU WHAT TO BE. IN AMERICA WE HAVE THE FREEDOM TO BE OURSELVES... AND TO BE THE BEST.

Or

PEOPLE HELPING INSTEAD OF HATING--THAT 'S WHAT AMERICA IS ALL ABOUT.

And so on. Each sign will tap patriotic sentiment, each message will drill a seemingly agreeable proposition into mainstream heads - a "public service message" suited to our purposes. And, if their owners will permit it, each billboard will be signed, in slightly smaller letters, "Courtesy of the National Gay Task Force" - to build positive associations and get the public used to seeing such sponsorship.

VISUAL STAGE 1: YOU REALLY OUGHTTA BE IN PICTURES

As for television and radio, a more elaborate plan may be needed to break the ice. For openers, naturally, we must continue to encourage the appearance of favorable gay characters in films and TV shows. Daytime talk shows also remain a useful avenue for exposure. But to speed things up we might consider a bold stratagem to gain media attention. The scheme we have in mind would require careful preparations, yet it would save expense even while it elevated the visibility and stature of the gay movement overnight.

Well before the next elections for national office, we might lay careful plans to run symbolic gay candidates for every high political office in this country. (Such plans would have to deal somehow with the tricky problem of inducing gays and straights to sign enough endorsement petitions to get us on the ballot.) Our 50-250 candidates would participate in such debates as they could, run gay-themed advertisements coordinated at our national headquarters, and demand equal time on the air. They could then graciously pull out of the races before the actual elections, while formally endorsing more viable straight contenders. (With malicious humor, perhaps, in some states we could endorse our most rabid opponents.) It is essential not to ask people actually to vote Yea or Nay on the gay issue at this early stage: such action would end up committing most to the Nay position and would only tally huge and visible defeats for our cause.

Through such a political campaign, the mainstream would get over the initial shock of seeing gay ads, and the acceptability of such ads would be fortified by the most creditable context possible; and all this would be accomplished before non-electoral advertising was attempted by the gay community. During the campaign all hell would break loose, but if we behaved courageously and respectably our drive would gain legitimacy in and case and might even become a cause celebre. If all went as planned, the somewhat desensitized public and the major networks themselves

would be 'readied for the next step of our program.

VISUAL STAGE 2: PEEKABOO ADVERTISING

At this point the gay community has its foot in the door, and it is time to ask the networks to accept gay sponsorship of certain ads and shows. Timing is critical: The request must be made immediately after our national political ads disappear. Failing that, we should request sponsorship the next time one of the networks struts its broad-mindedness by televising a film or show with gay characters or themes. If they wish to look consistent instead of hypocritical, we'll have them on the spot. But the networks would still be forced to say No unless we made their resistance look patently unreasonable, and possibly illegal. We'd do just that by proposing "gay ads" patterned exactly after those currently sponsored by the Mormons and others. As usual, viewers would be treated to squeak-clean skits on the importance of family harmony and understanding --this time the narrator would end by saying, "This message was brought to you by --the National Gay Task Force." All very quiet and subdued. Remember: exposure is everything, and the medium is the message.

"... Exposure is everything and the medium is the message."

The gay community should join forces with other civil liberties groups of respectable cast to promote bland messages about America the Melting Pot, always ending with an explicit reference to the Task Force of some other gay organization. Making the best of a bad situation, we can also propose sympathetic media appeals for gifts and donations to fund AIDS research--if Jerry Lewis and the March of Dimes can do it, so can we. Our next indirect step will be to advertise locally on behalf of support groups peripheral to the gay community: frowzy straight moms and dads announcing phone numbers and meeting times for "Parents of Gays" or similar gatherings. Can't you just see such ads now, presented between messages from the Disabled Vets and the Postal Workers Union?

VISUAL STAGE 3: ROLL OUT THE BIG GUNS

By this point, our salami tactics will have carved out, slice by slice, a large portion of access to the mainstream media. So what then? It would finally be time to bring gay ads out of the closet. The messages of such ads should directly address lingering public fears about homosexuals as loathsome and contrary aliens. For examples, the following are possible formats for TV or radio commercials designed to chip away at chronic misperceptions.

Format A for Familiarization: The Testimonial

To make gays seem less mysterious, present a series of short spots featuring the boy-or girl-next-door, fresh and appealing, or warm and lovable grandma grandpa types. Seated in homey surroundings, they respond to an off camera interviewer with assurance, good nature, and charm.

Their comments bring out three social facts:

1. There is someone special in their life, a long-term relationship (to stress gay stability, monogamy, commitment);
2. Their families are very important to them, and are supportive of them (to stress that gays are not "anti-family," and that families need not be anti-gay.)
3. As far as they can remember they have always been gay, and were probably born gay; they certainly never decided on a preference one way or the other (stressing that gays are doing what is natural for them, and are not being willfully contrary). The subjects should be interviewed alone, not with their lovers or children, for to include others in the picture would unwisely raise disturbing questions about the complexities of gay social relations, which these commercials could not explain. It is best instead to take one thing at a time.

Format B for Positive Associations: The Celebrity Spot

While it might be useful to present celebrity endorsements by currently popular gay figures and straight sympathizers (Johnny Mathis? Marlo Thomas?), the homophobia climate of America would make such brash endorsements unlikely in the near future. So early celebrity spots will instead identify historical gay or bisexual personalities who are illustrious and dignified...and dead. The ads could be sardonic and indirect. For example, over regal music and a portrait or two, a narrator might announce simply: Michelangelo (an art class), Tchaikovsky (a music class), Tennessee Williams (a drama class), etc.

Format C for Victim Sympathy: Our Campaign to Stop Child Abuse

As we said earlier, there are many ways to portray gays as victims of discrimination: images of brutality, tales of job loss and family separation, and so on. But we think something like the following 30-second commercials would get to the heart of the matter best of all.

The camera slowly moves in on a middle-class teenager, sitting alone in his semi-darkened bedroom. The boy is pleasing and unexceptional in appearance, except that he has been roughed up and is staring silently, pensively, with evident distress. As the camera gradually focuses in on his face, a narrator comments: It will happen to one in every ten sons. As he grows up he will realize that he feels differently about things than most of his friends. If he lets it show, he'll be an outsider made fun of, humiliated, attacked. If he confides in his parents, they may throw him out of the house, onto the streets. Some will say he is "anti-family." Nobody will let him be himself. So he will have to hide. From his friends, his family. And that's hard. It's tough enough to be a kid these days, but to be the one in ten... A message from the National Gay Task Force.

What is nice about such an ad is that it would economically portray gays as innocent and vulnerable, victimized and misunderstood, surprisingly numerous yet not menacing. It also renders the "anti-family" charge absurd and hypocritical.

Format D for Identification with Victims: The Old Switcheroo

The mainstream will identify better with the plight of gays if straights can, once in a while, walk a mile in gay shoes. A humorous television or radio ad to help them do this might involve a brief animated or dramatized scenario, as follows.

The camera approaches the mighty oak door of the boss's office, which swings open, and the camera (which represents you the viewer) enters the room. Behind the oversized desk sits a fat and scowling old curmudgeon chomping on a cigar. He looks up at the camera (i.e. at the viewer) and snarls, "So it's you, Smithers. Well you're fired!" The voice of a younger man is heard to reply with astonishment, "But--but--Mr. Thomburg, I've been with your company for ten years. I thought you liked my work." The boss responds, with a tone of disgust, "Yes, yes, Smithers your work is quite adequate. But I've heard rumors that you've been seen around town with some kind of girlfriend. A girlfriend! Frankly I'm shocked. We're not about to start hiring any heterosexuals in this company. Now get out." The younger man speaks once more: "But boss, that's just not fair! What if it were you?" The boss glowers back as the camera pulls quickly out of the room and the big door slams shut. Printed on the door: "A message from the National Gay Task Force."

One can easily imagine similar episodes involving housing or other discrimination.

Format E for Vilification of Victimiziers: Damn the Torpedoes

We have already indicated some of the images which might be damaging to the homophobic vendetta: ranting and hateful religious extremists neo-Nazis, and Ku Klux Klansmen made to look evil and ridiculous (hardly a difficult task).

These images should be combined with those of their gay victims by a method propagandists call the "bracket technique." For example, for a few seconds an unctuous beady-eyed Southern preacher is seen pounding the pulpit in rage about "those sick, abominable creatures." While his tirade continues over the soundtrack, the picture switches to pathetic photos of gays who look decent, harmless, and likable; and then we cut back to the poisonous face of the preacher, and so forth. The contrast speaks for itself. The effect is devastating.

"...it would portray gays as innocent and vulnerable, victimized and misunderstood, surprisingly numerous, yet not menacing."

Format F for Funds: SOS

Alongside or during these other persuasive advertisements, we would have to solicit donations so that the campaign might continue. Direct appeals from celebrities (preferable living ones, thank you) might be useful here. All appeals must stress that money can be given anonymously (e.g. via money orders) and that all donations are confidential. "We can't help unless you help," and all that.

The Time Is Now

We have sketched out here a blueprint for transforming the social values of straight America. At the core of our program is a media campaign to change the way the average citizens view homosexuality. It is quite easy to find fault with such a campaign. We have tried to be practical and specific here, but the proposals may still have a visionary sheen.

There are one hundred reasons why the campaign could not be done or would be risky. But there are at least 20 million good reasons why some such program must be tried in the coming years: the welfare and happiness of every gay man and woman in this country demand it. As the last large, legally oppressed minority in American society, it is high time that gays took effective measures to rejoin the mainstream in pride and strength. We believe that, like it or not, such a campaign is the only way of doing so anytime soon.

And, let us repeat, time may be running out. The AIDS epidemic is sparking anger and fear in the heartland of straight America. As the virus leaks out of homosexual circles and into the rest of society, we need have no illusions about who is receiving the blame. The ten years ahead may decide for the next forty whether gays claim their liberty and equality or are driven back, once again, as America's caste of detested untouchables. It's more than a quip: speak now or forever hold your peace.

WHY GOVERNMENT SHOULD ACTIVELY PROMOTE MARRIAGE AND FAMILY IN PUBLIC POLICY AND LAW

This Fact Sheet is largely drawn from *Can Government Strengthen Marriage: Evidence from the Social Sciences*, by Maggie Gallagher, published at www.americanvalues.org. Citations are to the footnotes in the original article. The article is also published at www.defendthefamily.com, in the Resource Section under the title *Why Government Should Support Marriage*.

1. All people are better off when they live in communities where there are many natural families (1)
2. High rates of divorced parents and unwed. mothers in a community are associated with high rates of crime, drug use, child abuse, chronic illness, school failure, domestic violence and poverty for both adults and children (2).
3. High rates of divorce and unwed births create a substantially increased tax burden for government in the following areas:
 - police, jails and courts
 - medical care
 - child protective care
 - school remedial programs
 - childcare programs
 - welfare payments and government food programs
 - family intervention programs to prevent domestic violence, remove children, etc.
4. Men, women and children have been shown to have a be happier, healthier, financially better off and better citizens when they live in married, intact families (3).
5. Children, in particular, who do not live in intact natural families are much more at risk for criminal behavior, poverty and government dependency, school failure, drug and alcohol abuse, health problems (including high rates of sexually-transmitted disease, domestic violence, mental health problems, poor family relationships, unwed teen pregnancy and child abuse (4). These problems tend to continue into their adult lives.
6. Even a small reduction in the divorce and unwed childbearing rates would be likely to mean a large reduction in government costs.
7. Once the decline in marriage has started, it tends to increase over time, since children from broken families are often unable to make or sustain successful marriages.
8. Marriage is a public institution as well as a private relationship whose rights and responsibilities are recognized formally by virtually every known society, and thus is a proper

concern of government (6)

9. Marriage is a relationship which is recognized by society to require certain valued behaviors, such as fidelity, commitment, nurturing and economic responsibility. Without strong public recognition and respect for these behaviors, individuals are less likely to engage in them and marriage is weakened.

10. Marriage is essential to a free and self-regulating society; the weakening of marriage inevitably causes social problems which require large amounts of government intervention.

11. Social scientists have accumulated a large amount of data which indicates that the benefits of marriage to society are so great, and the threat to society of weakening of marriage so severe, that supporting marriage is “clearly a matter of legitimate public concern ” (7).

12. The goal of government should be to increase the proportion of children who are raised by their own two parents in a low-conflict marriage.

13. Government should not adopt policies which treat marriage as equal to other relationships, such as cohabiting couples. Once the special status of marriage is lost, it becomes harder for society to maintain the norms that support necessary marriage behaviors (fidelity, responsibility, etc.). People become confused about what marriage is.

14. Government should positively support these behaviors in law and public policy regarding marriage:

- fidelity
- permanence
- financial responsibility
- mutual support
- avoidance of violence and unnecessary conflict

15. Government should aim to reduce the number of births outside marriage by actively promoting the ideal of marriage as the desirable goal to young people, rather than simply encouraging young people to finish their education before having children.

16. Government should promote marriage over cohabitation because cohabiting relationships are intrinsically less stable than marriage. Cohabiting couples are less likely to remain together than married couples (14) and are more likely to be poor and to depend on government financial assistance (15).

17. Government should promote marriage preparation and marriage-strengthening programs. These programs have been shown to be effective in producing better marriages and limiting divorce (16) (17).

18. These programs can be relatively inexpensive, since they are able to be administered effectively by clergy and non-professional persons (21), and they are likely to reduce many of the expenses of government in other areas.

19. Government should adopt a policy of promoting marriage in every situation where childbearing is an issue: sex education for young students, people in situations where a child is going to be born outside of marriage (government-sponsored prenatal care or paternity identification programs). Government should also promote the strengthening of at-risk marriages (through divorce-court programs, domestic violence intervention, etc.).

20. There is no age-related advantage for unmarried childbearing. Unmarried women who had children outside marriage in or after their twenties were as much at risk as teenage women for poverty, physical and mental health problems. Furthermore, they were less likely to get married later than the teenage women studied (25, 26, 27, 28, 29).

21. The current trend in many countries is toward more unmarried births among older single women or cohabiting couples. Not only are these parents and their children at risk for many problems, but they often avoid marriage, seeing it as a risk (38).

22. Marriage counseling has been effective for many types of at-risk couples(40, 41, 42, 43, 44, 45). There are effective marriage-counseling programs for certain problem areas such as alcohol and drug abuse and domestic violence (48, 49, 50, 51, 52). By preserving families intact, these programs can save government far more tax dollars than they cost.

23. Tax policies and subsidy policies should offer advantages intact, childbearing, married families. When such policies treat married and unmarried persons the same, they encourage the more unstable and fragile family groupings and discourage marriage.

24. Marriage-positive tax and subsidy policies can both encourage population replacement and discourage emigration, by encouraging a society of healthy married families in which all individuals have better lives, more hope for the future, and stronger ties to their home community.

25. Marriage-positive tax and subsidy policies benefit a nation's economy and tax base because married people have higher incomes and greater financial stability (3, 73).

FACT SHEET ON HOMOSEXUALITY AND MENTAL HEALTH

Serious mental health problems are also associated with same-sex relationships. A government-sponsored study of 5,998 Dutch adults ages 18 to 64 was published in the January, 2001 issue of the *Journal of the American Medical Association*. Specifically, the study found that -

Compared to heterosexual men, males who engage in homosexual behavior are:

- 727 percent more likely to have suffered bipolar disorders at some point in their lives, and 502 percent more likely in the last twelve months.
- 718 percent more likely to have suffered obsessive-compulsive disorder in the last twelve months, and 620 percent more likely at some point in their lives.
- 632 percent more likely to have suffered agoraphobia (fear of leaving home or being in public) in the last twelve months, and 454 percent more likely at some point in their lives.
- 421 percent more likely to have suffered panic disorder, and 229 percent more likely to have suffered social phobia at some point in their lives.
- 375 percent more likely to have suffered simple phobia in the last twelve months, and 361 percent more likely at some point in their lives.
- 311 percent more likely to have suffered mood disorders at some point in their lives, and 293 percent more likely in the last twelve months.
- 261 percent more likely to have suffered anxiety disorders in the last twelve months, and 267 percent more likely over the course of their lifetimes.
- 270 percent more likely to have suffered two or more psychiatric disorders during their lifetime.
- 235 percent more likely to have suffered major depression at some point in their lives.

Compared to heterosexual women, females who engage in homosexual behavior are:

- 405 percent more likely to have suffered a substance use disorder.
- 241 percent more likely to have suffered mood disorders during their lifetimes.
- 209 percent more likely to have suffered two or more mental disorders during their lifetimes.

As summarized by the researchers, “[t]he findings support the assumption that people with same-sex behavior are at greater risk for psychiatric disorders.”² Lest the reader assume that the mental health problems identified here result from general societal disapproval and/or stigmatization of homosexual behavior, it must be noted the country from whose population the participants were drawn, the Netherlands, is generally considered the most tolerant and homosexual-affirming in the world.

1 Sandfort, Theo G.M, et. al., “Same-Sex Sexual Behavior and Psychiatric Disorders,” *Archives of General Psychiatry* (Journal of the American Medical Association), Vol. 58, No. 1, January 2001.

2. Ibid.

###

FACT SHEET ON SAME SEX ATTRACTION AND IMMUTABILITY

1) There is no reason to regard homosexuals as a distinct biological group in society.

Numerous studies have found that SSA (same-sex attraction) is not a stable condition. The majority of those who experience SSA during adolescence find the problem has disappeared by the time they reach 25 without any intervention.(1) . Gay activists have references to support their claims that homosexuality is innate, but the majority of their "research" suffers from serious methodological errors, and the rest actually contradict the gay activists' claims.(2)

2) There is good reason to promote treatment of homosexuals, and such treatment may be able to forestall the expensive measures required to treat diseases and other adverse conditions associated with homosexual practice (see Item 4).

Research has documented the benefits of therapy.(3) In fact, a study specifically designed to document the damage done by therapy directed at resolving SSA found that a number of subjects reported being helped by the therapy.(4)

Research shows that gender identity disorder in childhood puts a child on the path to SSA, but defenders and promoters of homosexuality oppose treatment of these children, even though such intervention can eliminate childhood isolation, anxiety, and depression.(5)

3) Adolescents should not be encouraged to embrace homosexuality.

Acting on SSA puts adolescents at risk. In spite of intensive AIDS education, young men of any age who have sex with men are at extremely high risk for infection with STDs, including HIV/AIDS, involvement with alcohol and drugs, in particular crystal meth, and depression.(6) Condom education with this population has been a failure. While condoms properly used provide some protection against certain STDs, research shows that those most at risk do not use condoms with every sexual contact. The combination of drugs and high risk sex has reignited an STD/HIV epidemic among men having sex with men.(7)

4) Not only is homosexuality associated with many serious medical conditions and diseases, it is also highly correlated with psychological disorders, substance abuse and domestic violence. All of these factors are both damaging and costly to a society.

While homosexuality is claimed to be a normal variant of human sexuality and that persons with SSA are as psychologically healthy as the rest of the population, research refutes this generalization. Four recent, well-designed studies have found that persons with SSA have significantly higher rates of psychological disorders, substance abuse problems, and suicidal ideation than the general public.(8) Published research demonstrates a high prevalence of partner abuse in homosexual relationships.(9)

Gay activists insist that all these problems are caused by society's negative attitudes, but the

problems are just as prevalent in extremely tolerant countries, such as the Netherlands and New Zealand.(10).

5) **“Gay marriage” should not be treated as a beneficial social structure. In addition to being non-procreative, homosexual relationships, unlike marriage relationships, are characterized by instability/promiscuity rather than stability/fidelity.**

Promoters of "gay marriage" claim that same-sex relationships are just like marriages and therefore deserve all the benefits of marriage, but research shows -- *and activists admit* -- that it is unrealistic to expect male couples to be faithful.(11)

6) **Homosexual couples should not adopt children.**

Studies used to “prove” there are no differences between children raised by same-sex couples and those raised by their biological married mother and father are, virtually without exception, internally and externally invalid.(12) In many cases the authors have misreported their own findings. Given the extensive literature on the damage done to children through father or mother absence, it is deceitful to suggest that purposely and premeditatedly depriving a child of a mother or a father will not have consequences for that child.(13)

The material above is adapted from an article titled *Facts, not flattery, about same-sex attraction*, published at www.narth.com, and signed by the following physicians, therapists and researchers:

Dean Byrd, PhD, President elect of the National Association for Research & Therapy of Homosexuality (NARTH); Michelle A. Cretella, MD, Board of Directors, American College of Pediatricians; Joseph Nicolosi, PhD, President of NARTH; Richard Fitzgibbons, MD; Scientific Advisory Committee, NARTH; Dale O’Leary, author of *The Gender Agenda*, co-author of *Homosexuality and Hope*; George A. Rekers, PhD, Distinguished Professor of Neuropsychiatry & Behavioral Science Emeritus, University of South Carolina School of Medicine; Robert Saxer, MD, President, Catholic Medical Association; Philip M. Sutton, PhD, Scientific Advisory Committee, NARTH; Gerard van den Aardweg, PhD Netherlands, Scientific Advisory Committee, NARTH; Joseph Zanga, MD, FAAP, FCP, Past President, American College of Pediatricians.

Notes

(1) National Health and Social Life Survey (1994). In. E. O. Laumann, et al, *The Social Organization of Sexuality: Sexual Practices in the United States*, Chicago: University of Chicago Press, pp. 294-296); Nigel Dickson, C. Paul, P. Herbison, (2002). "Same-sex attraction in a birth cohort: prevalence and persistence in early adulthood," *Social Science & Medicine*, 56, 1607-1615.

(2) Jeffrey Satinover (2005), "The Trojan Couch: How the Mental Health Associations Misrepresent Science." Narth.com.

(3) Irving Bieber, et al. (1962). *Homosexuality: A Psychoanalytic Study of Male Homosexuals*, NY: Basic Books, 276; Robert Spitzer, (2003). "Can some gay men and lesbians change their sexual orientation? 200 participants reporting a change from homosexual to heterosexual orientation," *Archives of Sexual Behavior*, 32 (5) 403-417; Glenn Wyler (April, 2004). "Anything

- but Straight: A Book Review," *NARTH Bulletin*, 32- 45.
- (4) Ariel Shidlo & Michael Schroeder, (2002). "Changing Sexual Orientation: A Consumer's Report," *Professional Psychology: Research and Practice*, 33 (3), 249-259.
- (5) Robert George & David Tubbs, "Redefining Marriage Away," *City Journal*, (Summer 2004). Quoting "Queer Liberalism?" (June 2000), *American Political Science Review*; James Nelson (1982). "Religious and moral issues in working with homosexual clients," in Gonsiorek (ed.), *Homosexuality and Psychotherapy*, NY: Haworth Press, 173.
- (6) Gary Remafedi, et al (1991). "Risk factors for attempted suicide in gay and bisexual youth," *Pediatrics*. 87 (6), 869-875.
- (7) US Centers for Disease Control and Prevention (2004). HIV Testing Survey 2002, Special Surveillance Report Number 1: 1-26.
- (8) David Fergusson, L. Horwood & A. Beautrais, (1999). "Is sexual orientation related to mental health problems and suicidality in young people?" *Archives of General Psychiatry*. 56 (10), 876-888; Richard Herrell, et al (1999). "A co-twin control study in adult Men: Sexual orientation and suicidality." *Archives of General Psychiatry*, 56 (10), 867- 874; Susan Cochran & Vickie Mays (2000). "Lifetime prevalence of suicide symptoms and affective disorders among men reporting same-sex sexual partners: Results from NHANES III," *American Journal of Public Health*, Vol. 90, (4) , 573-578; Theo Sandfort, et al (2001). "Same-sex Sexual Behavior and Psychiatric Disorders: Findings from the Netherlands Mental Health Survey and Incidence Study (Nemesis)." *Archives of General Psychiatry*, 58, 85-91.
- (9) Greenwood, G., et al. (2002). Battering Victimization Among a Probability-Based Sample of Men Who Have Sex With Men, *Amer. J. Pub Health*, 92 (12), 1964-69; Lisa Walder-Haugrad, Linda Vaden Gratch, & Brian Magruder (1997), "Victimization and Perpetration Rates of Violence in Gay and Lesbian Relationships: Gender Issues Explored", *Violence and Victims*, 12, 173-184.
- (10) Sandfort (ibid); Fergusson. (ibid).
- (11) Kenneth Zucker & Susan Bradley (1995). *Gender Identity Disorder and Psychosexual Problems in Children and Adolescents*, NY: Guilford,
- (12) Robert Lerner & Althea Nagai (2001). *No Basis: What the studies don't tell us about same-sex parenting*, Washington, DC: Marriage Law Project.
- (13) George A. Rekers (2005). "An Empirically Supported Rational Basis for Prohibiting Adoption Foster Parenting and Contested Child Custody by Any Person Residing in a Household that Includes a Homosexually-Behaving Member," *St. Thomas Law Review*, 18 (2), 325-424.

THE FALSIFICATION OF EVIDENCE REGARDING HOMOSEXUALITY BY U.S. MENTAL HEALTH ASSOCIATIONS

This Fact Sheet is drawn largely from *The Trojan Couch: How the Mental Health Associations Misrepresent Science*, by Jeffrey B. Satinover, M.S., M.D. published at www.narth.com.

1. Recent, major judicial rulings granting homosexuals various types of social status as a distinct group, decriminalizing homosexual behavior, and identifying homosexuals as a discriminated class, have been based on one central idea:

that homosexuality is a distinct, innate and immutable trait which can be defined and which is equivalent to heterosexuality.

2. The following types of claims have been used to influence these rulings:

- There are three “sexual orientations,” heterosexual, homosexual and bisexual, and they are largely innate
- Sexual orientation becomes fixed by adolescence and is stable throughout life
- Research indicates that homosexuals are psychologically normal; any psychological distress suffered by homosexual individuals is the result of social disapproval and discrimination
- Homosexuality is no longer considered as an abnormal or treatable condition by mental health practitioners

3. The scientific support for these claims has been, at best, outdated, minimal and not supported by more recent data. At worst, it has been drawn from fully discredited sources and/or blatantly misrepresented to prove the claims cited above.

4. The professional guilds (psychiatric and psychological associations) which have declassified homosexuality as a disorder or eliminated it as a subject of treatment have done so under intense political pressure from gay-activist groups, and not as a result of professional experience or dispassionate scientific evaluation.

5. Studies which claim to demonstrate a genetic cause for homosexuality (primarily twin studies and research on brain characteristics) have been either inconclusive or scientifically unacceptable in their design and interpretation of results. A list of these studies and peer critiques of them is attached. These studies have not even been used in briefs prepared by professional guilds to influence judicial rulings.

6. Studies which are referenced to demonstrate that homosexuality is normal and stable fall into two general categories: those which are outdated, ideologically motivated, and do not meet minimum standards of research, and those whose results *contradict* the claims above, but are misrepresented in the briefs.

The principle flawed studies used are those of Alfred Kinsey and associates and those of Evelyn

Hooker, both works now over 50 years old. (See attached list of these studies and the literature criticizing them.)

- Kinsey has been discredited because of his unscientific selection of sample groups (he used prison inmates and sex offenders for subjects), his badgering and bribing of subjects, and above all for his mission to socially legitimize aberrant sexual practices: homosexuality, pedophilia, incest and bestiality. Kinsey had homosexual relationships with several of his associates and also practiced pedophilia. His surviving associates have continued to campaign for the normalization of these practices.
- Hooker's major study, conducted in 1957, was unscientifically designed to prove the point that homosexual men did not differ from heterosexual men in psychopathology. She used only 30 subjects from each group, eliminated any subjects who were in psychiatric therapy, administered (without professional expertise) three standardized diagnostic tests and discarded the results of two of them, and used her own personal criteria to evaluate results rather than the reliable standardized test norms. Hooker was also an ideologue, a lifelong champion of gay causes.

The principle studies which contradict the claims made in the briefs are those of Laumann et al., Saghir and Robbins, and Cochran et al. These were referenced through summaries and their major findings were not mentioned.

- The very reputable and 1994 Laumann study (a large study conducted by NORC at the University of Chicago) actually concluded that homosexuality is not a uniform attribute across individuals, that it is unstable over time and that it cannot be easily measured. Further, it found that homosexual behavior tends to *decrease* over time and be replaced by heterosexual behavior. These findings have been confirmed by many other studies all over the world, on hundreds of thousands of subjects, yet the findings were not referenced in the briefs, which in fact cited the Laumann study in *support* of the claim of permanence of sexual orientation.
- The Saghir and Robbins study, used to support the claim that homosexuality is normal (not pathological) cited suffers from grave sampling flaws: homosexual subjects were selected from gay-activist groups and screened to eliminate past psychiatric hospitalization, while heterosexuals were drawn from the general population. Prior to this elimination, 14% of the male and 7% of the female homosexuals, but none of the heterosexuals, had had such hospitalizations. Thus the sampling technique itself reveals that the homosexual population had a much higher rate of psychopathology than the heterosexual one. The same researchers have published other studies in which they have found homosexuality to be associated with both alcoholism and suicidality.
- The Cochran and May studies found that homosexuals had higher rates of suicidal symptoms and a slightly greater risk of recurring depression,; they also found a tendency to "psychiatric morbidity" which could not be explained as being caused by social discrimination alone. Susan Cochran sat on the committee which prepared one of the

EXHIBIT 70

Part 3 of 3

guild briefs, which *does not mention* these findings from her own published work. In combination with other researchers, she has also done studies showing elevated rates of anxiety, mood and substance use disorders among homosexuals and high rates of various mental health problems among lesbians and bisexuals. ###

EXHIBIT 71

The Poisoned Stream

THE POISONED STREAM: "GAY" INFLUENCE IN HUMAN
HISTORY

Author's Foreword

In 1995 Kevin Abrams and I published *The Pink Swastika: Homosexuality in the Nazi Party*, the first book since Samuel Igra's *Germany's National Vice* to address the essential role which homosexuals played in the development of Nazism and the administration of the Third Reich. In the following two years the two of us, independently, have given dozens of speeches in the United States, Israel and England and have had the pleasure of discussing and debating our work on more than a hundred radio and television programs across North America. We have also received a great many letters of appreciation (and, as you might imagine, more than a little hate-mail) from readers around the world, especially since *The Pink Swastika* went online on the Internet in 1996.

While the market for a book like *The Pink Swastika* is understandably limited, reader loyalty has been remarkably high and we have received a great many requests for more information on this topic. In 1996 we responded to this request by publishing a second edition, which included 16 additional pages of material, and, for the first time, an index.

Since then, both Kevin and I have continued to accumulate material on the subject, but my own studies have broadened. I have come to discover, through various leads, a dark and powerful homosexual presence in other historical periods: the Spanish Inquisition, the French "Reign of Terror," the era of South African apartheid, and the two centuries of American slavery. My thoughts have increasingly turned toward writing a larger, more comprehensive analysis of homosexuality in history. I have come to believe, with Samuel Igra, that homosexuality has truly been a "poisoned stream" in human history. Igra traced the course of this stream through German history only, yet evidence suggests it is a river with many tributaries in

Author's Foreword

many nations.

The Poisoned Stream is a book with a dual purpose. First, it is a response to all those who have wanted more information on homosexuality and Nazism, since it contains a great deal of new material that was not included in *The Pink Swastika*. My review of Igra's book, which I have titled *Germany's National Vice Revisited*, contains important excerpts from his work, which has not been available for over 50 years. It is supplemented and punctuated by material from many additional sources, some familiar to readers of *The Pink Swastika*, some not. My article, *How American 'Gays' are Stealing the Holocaust* incorporates and expands upon the 1996 Initial Report of the International Committee for Holocaust Truth. Included in this article are some of my findings from a recent trip to Munich and the Dachau concentration camp. The article *Exploding the Myth of the "Pink Triangle,"* is a synopsis of *The Pink Swastika* which I hope will prove useful to those of you who wish to reprint this information for others .

Second, *The Poisoned Stream* is a starting point for the larger work which I envision. The Igra material broadens the scope of our study to the events surrounding World War I and addresses the influence of homosexuals on these events. Additional volumes, addressing other periods of history on which homosexuals had a significant sociopolitical influence, will follow this one.

A few housekeeping items. First, the reader may notice a difference in the use of the term "homosexualist" between sections of the book. Igra's definition of homosexualist is focused on sexual conduct and includes virtually all people who engage in sexual perversion, especially homosexuality and pederasty. I define homosexuality as a political position. A homosexualist is a homosexual or non-homosexual person who promotes the legitimacy of homosexuality as a valid alternative to heterosexual monogamy. Second, I have taken the liberty of harmonizing the various spellings of the name Rohm (which occur because of a German symbol which is absent from English) throughout the book.

Finally, I have not included a separate acknowledgments section in this book, but I would like to thank Kevin Abrams for contributing several sources of information which are used here, and for his dedication to educating the public on this subject on the Internet.

EXHIBIT 72

My Life in His Hands

Dear

As you know, the working title to my book of personal testimonies is called *My Life in His Hands*. I've made significant progress on it in the past few weeks, thanks to my heavy travel schedule. (I do most of my best writing while on the road.) As Anne and I have begun adjusting to this return to full-time ministry, I've had cause to appreciate just how appropriate is this title. My (our) life is very much in His hands, and we are reminded of it now daily.

God has a different ministry for each of us. For some, the mission is to be planted somewhere like a tree, and to grow and bear fruit there in the same place over a long time. For others, the mission is to be on-call, ready to serve where needed, and to be moved around from place to place to place and project to project by His leading. The important thing is to be faithful to one's calling.

My ministry falls into the latter group. I've had many assignments over the course of my ministry, some that prospered and others that didn't (although one often doesn't know God's purposes in what he has us do -- a failure in our eyes is not necessarily one in His). Some of the assignments have been longer than others, but there is no question but that He moves my family around a lot. This sort of life it has its special challenges, but frankly, I consider it a great blessing to be able to do such diverse and interesting projects.

The consistent theme of our work, in nearly every project, has been the promotion of Biblical family values, usually (though not always), in opposition to the "gay" agenda. By having had such a diverse ministry background, I have a greater depth and breadth of expertise on the homosexual issue than almost anyone I know of. I'm not stating this in pride (indeed, I'm sometimes reluctant to tell people this is my area of ministry). Good or bad, it's a simple fact. The point is that by remaining faithful to God's leading, I have become a more and more useful tool in His service.

This new chapter of our ministry life is putting to use all of my knowledge and many of the skills I have gained over the past 20 years. Allow me to report on our latest mission trip.

Seattle. Anne and I flew to Seattle on October 6th to participate in the inaugural conference of the new Watchmen on the Walls organization, founded by Pastor Alexey Ludjaev of Latvia (head of the 225 congregation-strong New Generation Church of Russian-speaking believers). WOW is devoted to re-Christianizing the world through the re-integration of church and state. Not theocracy, but Christian-influenced democracy. I am part of the team of four primary speakers which will service conferences in multiple cities around the world. The main unifying topic is opposition to the homosexual agenda. See www.watchmenonthewalls.com

The conference spanned three days and held services in three separate locations, including the Meydenbauer Conference Center in Bellingham. There were approximately

600-700 participants and we consider it to have been a good start for the organization.

Oregon. We drove from Seattle to Sacramento, which gave us the opportunity to spend some time with Lon and Bonnie Mabon in Salem, Oregon. Lon is Chairman of the now nearly defunct Oregon Citizens Alliance (relentless lawsuits by the "gays" have made it virtually impossible for OCA to continue operating). I was OCA's Communications Director for about five years. Lon and Bonnie now run New Covenant Ministries International. Lon and I agreed to hold a 20 Year Reunion of the Oregon pro-family movement in January, 2007 (date to be announced later). We spent our time together laying the groundwork for that event.

Sacramento. Watchmen on the Walls held its second conference in Sacramento on October 13-15, at Trinity Life Center and a rally at the state capitol. It was an excellent conference which drew over 1500 over the three days. I gave two presentations, the second one in conjunction with Pastor Carl Conli of HIS Ministry (an ex-"gay" group which was the recipient of a PFCT grant earlier this year). Pastor George Neverov, who organized the largest Slavic rally in Sacramento history (4,000 Slavs came out against "gay rights") will be organizing seminars in Sac for me to train local activists.

By the time you get this letter, Anne and I will be bound for Blagoveschensk, Russia for a 10-day pro-family conference with New Generation Church. We're very excited about this trip, since it is taking us to a part of the world that few Americans have ever seen. We couldn't even get a flight into Blagoveschensk, so we're flying into Vladivostock and being taken the remaining 700 miles by train or car by our hosts. Russia is suffering severe problems due to a declining population and we expect our pro-family message can really influence the government there. Russians as a people have never been pro-homosexual, and so we're expecting to build a major alliance.

Despite our recent focus on foreign travel, our ministry remains U.S. centered and our first priority is to stop the "gay" agenda in America. Indeed, by building bridges to strongly pro-family Christian power centers in other nations, we hope to revitalize and strengthen the U.S. pro-family movement. I'm looking for speaking opportunities here in America and would appreciate your help in that regard.

One thing has become clear over this first month back in ministry. Anne and I are now dependent on ATM for our support. We'd hoped to take a paid position in a church but we are so busy with ATM ministry work that we've abandoned that plan as unrealistic at this time. We are thus dependent once again on your financial generosity, and our ability to grow the ATM support base. Please help as you are able.

In Him,

PS. We still need to grow ATM's monthly income by \$2500 to cover our increased costs. Please give generously.

EXHIBIT 73

I. Enraging "the prince of the power of the air" (Eph. 2:2)

Thirty years ago in 1976 I was a homeless alcoholic, drug addict and petty criminal in Greenfield, Massachusetts. My father's mental illness had recently grown so severe that he had staged an armed standoff with the state police and was taken away to the mental hospital where he would spend the rest of his life. My mother had to move to a smaller house where she struggled desperately to support herself and my five younger siblings (none of whom were troublemakers like me). When I left Greenfield in 1977, still a teenager, I was in the early years of a 16-year bondage to alcohol and drugs. Then, in 1986 I surrendered my life to Jesus Christ in prayer and was instantly healed and delivered. I have ever since enjoyed a life of excitement, joy and purpose, filled with miracles both large and small.

Last week, on Friday, December 1st, I gave my Christian testimony at Living Waters Assembly of God church in Greenfield. It was the first time I had ever done so publicly in my home town. When I came to the part of my story where I gave my life to Jesus, the town was hit suddenly by an extremely violent thunder and lightning storm, including (according to a local witness) a tornado. The storm lasted for just five or ten minutes but it blew down a big tree near the church (temporarily knocking out the electricity) and tore a large section of shingles off the roof of the church. Despite the storm, I did not stop giving glory to God in my message, and was blessed with a truly enjoyable time of Christian fellowship.

Knowing the power of personal testimony and the reality of the spiritual realm, I don't believe the incident of the storm was a coincidence. And I'm really glad that when it comes to spiritual warfare, I'm on Jesus' side.

2. Last week we also met with activist leaders in Vermont and Massachusetts. I was especially encouraged to see the continued dedication of our allies in these states where the battles have gone so badly in recent years. Please pray for the pro-family movement to gain new strength in these important states.

3. This week we are back in Riga, Latvia. I've delivered six lectures on pro-family strategies at the Watchmen on the Walls conference and at both a Lutheran and a Baptist seminary (to a combined audience of about 2500). I've also met with some key religious and political leaders, and done a few media interviews. We are beginning to see the development of an international pro-family coalition here and I have a powerful sense that great and historic things are taking shape in this tiny nation. Please pray for Latvia to have the national will to resist the pro-homosexual agenda of the European Union and that it will become the place where the tide of battle internationally begins to turn in our favor.

4. We're still looking for new subscribers to *The Lively Letter*, our monthly snail-mail newsletter which we send to financial supporters of our pro-family missionary activities. To receive *The Lively Letter*, donate to Abiding Truth Ministries at .

5. One of the most popular messages I give in the former Soviet countries is called *Masculine Christianity* which was inspired by an essay of the same name I wrote several years ago. See <http://defendthefamily.com/pfrc/archives.php?search=MASCULINE>

It is one of the many free resources at our site. Please feel free to use and disseminate these resources to their maximum advantage.

EXHIBIT 74

2006 Year-End Report

Dear

The transition is complete, Anne and I are now full-time pro-family missionaries again. We believe that the now-global homosexual agenda represents the single greatest threat to Judeo-Christian civilization of our time. We believe this so strongly that we have closed down a lucrative for-profit law practice to return to ministry, trusting that the Lord will provide for us, as well as the work that is set before us, through donations to ATM.

It is not easy to give up a lawyer's salary and the lifestyle that comes with it, but as you know there are very few people with both the knowledge and the skills to stand up effectively to the homosexual movement. There are even fewer who understand that the "gays" are in a winner-take-all war to destroy Biblical morality because it stands in the way of their goal of a society with no restrictions on sexual conduct. If we were to ignore these facts and continue living a "normal" work-a-day life to serve ourselves, we would be like traitors to the Kingdom of God. The spiritual stakes are very high. We want to serve the Kingdom as He sees fit to use us, and let Him decide what blessings we will enjoy.

A "**Whirlwind Tour.**" We have just returned from a three week mission trip that took us to New England and then Latvia. We led a Christian History of America Tour to Plymouth Rock on Thanksgiving weekend for a Russian-speaking church based in Springfield, Massachusetts, then traveled through MA, Vermont and Maine meeting with pro-family leaders and activists (I also saw my little sister in Maine for the first time in more than 15 years).

One of our meetings was with Brian Camenker of MassResistance and included a radio interview on his weekly news/talk show. MassResistance is the hardest-hitting pro-family group in Massachusetts most recently in the national news with a report exposing GOP presidential candidate Mitt Romney as pro"gay" liberal. Brian also heads the Parents Resource Network, a non-profit educational organization that received a PFCT grant in 2006.

On December 3rd we were back in Greenfield, MA (next door to my little home town of Shelburne Falls) where I was scheduled to give a talk on the state of religious freedom and family values in the former Soviet Union at Living Waters Assembly of God church. It was through a divine "coincidence" that we had attended this church on our last trip through the area and met Pastor David Levandusky. It turned out that David is the only local pastor in town to stand publicly against "gay" marriage, despite hosting a special dinner for 15 other pastors in which he asked them to sign on with him. None would do so, and so he stood alone. But as we know, God blesses that kind of faithfulness, and as it happened, Living Waters then won a bid (against several competitors) granting it a broadcasting license to run a radio station out of their church.

When Pastor David learned we would be in town he asked to host a meeting for us, then set it up, advertised it in the local paper, and put us up in a local motel. That meeting, on Friday evening, December 1st was the first time I have given my testimony since I left Greenfield in 1977 (as a drug addict, alcoholic and petty criminal).

It seems that this event was no small matter in the spiritual realm. As usual I began my talk by giving my testimony. This time, however, there were family members, former neighbors, family friends and even a woman whom I went from grammar school through junior high school with. The last they knew of me, I was that terribly messed-up kid that looked destined to spend his life in jail. I first told about my life before Jesus, then, I began to talk about surrendering my life to Him. Suddenly the town was hit by a freak winter storm. Lightning hit,

thunder crashed and a fierce wind tore through the valley (spinning off, according to an eye-witness, at least one small tornado). It tore a sizable section of shingles off the roof of the church and blew down a tree across the street, briefly knocking out the electricity. It lasted for about five to ten minutes -- peaking at the time I was giving glory to God for my deliverance. I didn't stop, even when the power went out.

We know from Ephesians 2:2 that one of the names of the devil is "the prince of the power of the air." I believe we witnessed a manifestation of his rage in this bizarre storm. Interestingly, one of my ministry partners in the new work we are doing internationally is Dr. Kenneth Hutcherson of Antioch Bible Church in Seattle, WA. Just after we returned from Riga, Latvia (from our powerfully anointed conference I will report on momentarily) I got an e-mail from Hutch. He said his home had been hit with a devastating wind storm that blew down several trees, crushing and destroying two of his cars. Coincidence? I doubt it. But thank God that He protects His people, even if He sometimes lets the devil mess with some of our "stuff" (perhaps as a reminder that spiritual warfare is very real). (This also reminds me of my first sermon at Temecula Community Church where I would later become an associate pastor. As Pastor Danny Gouvion was introducing me, the church was shaken by an earthquake, the only one I've ever felt. "There's God's endorsement," joked Danny.)

I also preached the Sunday message on Dec 3rd at Living Waters and did a radio interview with Pastor David before the service (this time there were no disturbances).

We flew directly from MA to Riga to attend the first Latvian conference of the Watchmen on the Walls. We enjoyed five days of ministry to a full house of about 2,000-2500 people. I delivered two lectures/sermons during the week. The first was an expanded version of my presentation called "Masculine Christianity" (based on an essay of the same topic I have published in the resources section of www.defendthefamily.com). The second, for the benefit of the numerous political and religious leaders who attended the conference, was "Practical Projects to Advance the Pro-Family Agenda." During the main session on Saturday Dec 9th, I presided over a ceremony in which the Watchmen on the Walls issued the *Riga Declaration on Religious Freedom, Family Values and Human Rights* (a human rights document which I drafted as a rebuttal to the now Leftist-controlled international human rights movement). (see enclosed).

While in Riga I also lectured at both the Lutheran and Baptist seminaries to groups of pastors and seminary students. My program for the Baptists lasted more than six hours and drew several Christian political figures in addition to the pastors and students. It was an opportunity to refine my seminar outline/presentation as it is being organized in *A Christian Response to the "Gay" Agenda*, my pro-family text-book-in-progress.

Practical Matters. Normally, a year-end letter is designed as a special appeal for funds, because many people do their most generous charitable giving at this time. It is the last chance to get a tax deduction for 2006. I don't like dwelling on the financial needs, though we are as dependent on donations as every other ministry. And I intentionally avoid the "sky is falling" tone that the "fundraising experts" say brings the best returns -- though there is more urgent mission than our work to defeat the "gay" agenda. *Amidst the clamor for your money from all the many solicitors, let me just make a quiet appeal. Please make a generous year-end gift to ATM. We promise to use your gift to its maximum effect, as people who are frugal by nature, efficient by self-training, and sacrificial by example. And one last time in 2006, let us thank you for being our ministry partners. We love you.*

In Jesus,

Scott Lively

EXHIBIT 75



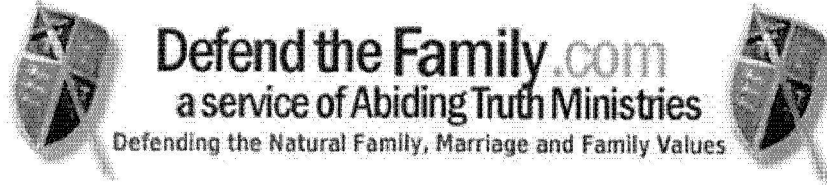
Scott Lively <sdllaw@gmail.com>

Riga Declaration on Religious Freedom, Family Values and Human Rights

2 messages

DefendTheFamily.com <abidingtruth@defendthefamily.com>
To: Scott Lively <scottlively@defendthefamily.com>

Wed, Dec 13, 2006 at 2:05 AM



DefendTheFamily.com Alert

Watchmen on the Walls is a new organization formed to develop an international coalition of pro-family leaders. The four founders of the organization include Attorney Scott Lively of Defend The Family International; Pastor Alexey Ludjaev of New Generation Church in Riga, Latvia; Dr. Kenneth Hutcherson of Antioch Bible Church in Seattle, WA; and Vlade Kusakin of The Speaker Media Group in Sacramento, CA. The third Watchmen conference was held December 6-10, 2006 in Riga, Latvia where we released our first international proclamation, the Riga Declaration on Religious Freedom, Family Values and Human Rights. This document is an ideological call-to-arms of the pro-family peoples of the earth whose values are being trampled by a powerful pro-"gay" minority is seats of power in the United States and Europe.

A website is being prepared to house the Riga Declaration and collect signatures from around the world. Upon its completion the Riga Declaration will be re-released in conjunction with an international press statement.

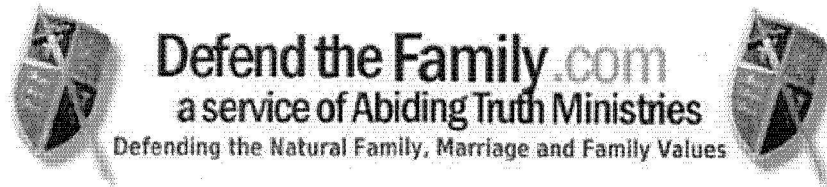
In the interim, you may read the Riga Declaration at www.defendthefamily.com/pfrc/archives.php?id=7300708

This information is brought to you courtesy of DefendTheFamily.com, daily news updates and extensive free resources on the homosexual issue from a pro-family perspective. Please do not reply to this email; if you would like to contact us, visit our contact page.

If you would like to be removed from our mailing list, please use our unsubscribe page.

DefendTheFamily.com <abidingtruth@defendthefamily.com>
To: Scott Lively <scottlively@defendthefamily.com>

Wed, Dec 13, 2006 at 2:15 AM



DefendTheFamily.com Alert

Watchmen on the Walls is a new organization formed to develop an international coalition of pro-family leaders. The four founders of the organization include Attorney Scott Lively of

Defend The Family International; Pastor Alexey Ludjaev of New Generation Church in Riga, Latvia; Dr. Kenneth Hutcherson of Antioch Bible Church in Seattle, WA; and Vlade Kusakin of The Speaker Media Group in Sacramento, CA. The third Watchmen conference was held December 6-10, 2006 in Riga, Latvia where we released our first international proclamation, the Riga Declaration on Religious Freedom, Family Values and Human Rights. This document is an ideological call-to-arms of the pro-family peoples of the earth whose values are being trampled by a powerful pro-"gay" minority in seats of power in the United States and Europe.

A website is being prepared to house the Riga Declaration and collect signatures from around the world. Upon its completion the Riga Declaration will be re-released in conjunction with an international press statement.

www.defendthefamily.com/pfrc/archives.php?id=7300708

This information is brought to you courtesy of DefendTheFamily.com, daily news updates and extensive free resources on the homosexual issue from a pro-family perspective. Please do not reply to this email; if you would like to contact us, visit our contact page.

If you would like to be removed from our mailing list, please use our unsubscribe page.

EXHIBIT 76

ABIDING TRUTH MINISTRIES RESPONSE PAGE

Masculine Christianity by Dr. Scott Lively. Scripture teaches in Genesis that when God created man in His image, He created us male and female. The implication is that God’s character spans the full spectrum of masculine and feminine qualities. This attribute is also revealed in the person of Jesus, born as a male, but manifesting both masculinity and femininity in His actions. When exhibiting feminine qualities, Jesus was more nurturing and relationship oriented than any woman. When exhibiting masculinity, Jesus was more forceful and results-oriented than any man.

Unfortunately, the modern American church, along with the majority of its leaders, has rejected masculinity in favor of an effeminate Christianity. Too many (though by no means all) of today’s pastors, priests, deacons and elders shrink timidly from the challenge of the world, more interested in decorating the interior of their church buildings than in doing cultural and political battle with the enemies of God. Ravening lions rage unchecked throughout the land, while Church leaders hold potlucks and retreats.

Where is the masculine Jesus of the Bible in the life of today’s church? The Jesus who threw down the tables of the moneychangers and drove them out of the temple with a whip? The Jesus who faced down and tamed the Gerasene demoniac? The Jesus who, to their faces, excoriated the cultural and political leaders of the day as a “brood of vipers,” and “whitewashed sepulchers full of dead men’s bones”? This masculine Jesus has been ejected from the American church. In His place is a false and emasculated Christ, as submissive and fearful of controversy as the men who now lead His flock.

Brethren, this is not an attack on femininity. If anything, the church should be commended for its appreciation for and fulfillment of the feminine aspects of its role. Such vital relationship-centered ministries as feeding the hungry, clothing the naked and soothing the broken-hearted are prospering today. These ministries are very much a reflection of the feminine side of Christ’s complete personality. Instead, this is vigorous rebuke to both women and men within the church who reject the masculine side of Christianity and have thus abandoned those outside our “church families” to fend for themselves against the forces of evil in the world. This is a rebuke to male church leaders, who channel their masculine competitiveness into sporting contests in church gymnasiums instead of contending for influence over the community outside the church walls. This is a rebuke to those pastors’ wives who keep their shepherd husbands safely close to the flock when they should be sometimes out hunting the bears and wolves.

Masculine Christianity fights to champion what is right and to defeat evil. It is the applied force for good against which the gates of hell cannot prevail. It is an embodiment of the spirit of conquest in which the Great Commission was given. It is the unyielding determination to prevail against all odds and at any cost to achieve a righteous goal -- even unto death on a cross. Masculine Christianity is the engine of revival: prophetic, expansionist, uncompromising.

In Biblical history, the greatest heroes of the faith exemplified masculine Christianity. Abraham did not sit idly by when his brother Lot was captured by the four kings. He armed his servants and went out to rescue him by force. Moses faced down Pharaoh in a series of aggressive confrontations. David fearlessly challenged and defeated Goliath and then cut off his head as a trophy of battle. God blessed these righteous men and backed their righteous deeds with His power. Josiah is honored in scripture as one of the most righteous of all the kings for banishing the “perverted persons” from the land and destroying the foreign idols. Joshua and Caleb were the only men of their generation allowed to enter the promised land because, out of all the Israelite spies sent into Canaan, they alone called for immediate invasion of Canaan when the others backed away out of fear. John the Baptist, who boldly and publicly rebuked Herod for his sexual immorality was praised by Jesus Himself. Jesus stated that among men there was none greater than John.

Extra-Biblical history is also replete with examples of masculine Christianity. The period of the American Revolution is one in which deeply religious men took up the sword to overthrow an unrighteous oppressor. The great missionary and reform movements are additional examples of masculine Christianity at work...

Read the remainder of this essay at http://www.defendthefamily.com/_docs/resources/2229290.pdf

YES, I WANT TO SUPPORT THE WORK OF ABIDING TRUTH MINISTRIES:

Enclosed is my donation of \$_____ for: ___ The PFCT, ___ Salary Fund, or ___ Where needed most.

Name _____ Phone _____

Street Address _____

City, State Zip _____ e-mail _____

Credit-card donations may be made at www.defendthefamily.com (by the donor only – we cannot process them for you)

Send checks in the enclosed envelope or mail to ATM, PO Box 2373, Springfield, MA 01101.

EXHIBIT 77



Scott Lively <sdllaw@gmail.com>

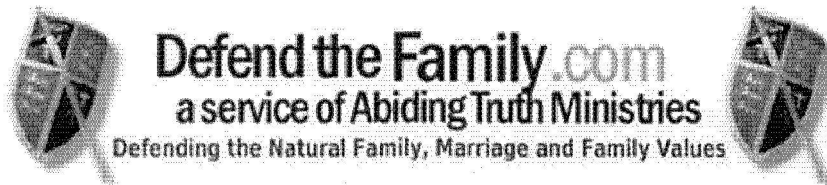
ATM Launches New Division

3 messages

DefendTheFamily.com <abidingtruth@defendthefamily.com>

Sun, Dec 31, 2006 at 5:05 PM

To: sdllaw@gmail.com



DefendTheFamily.com Alert

Please forward to your lists.

Abiding Truth Ministries is pleased to announce the formation of Defend the Family International (www.defendthefamily.com/intl/). DFI will defend family values as human rights in international law, in opposition to the "gay" movement which seeks to eliminate protections for the natural family globally.

Increasingly, the growth of homosexual power globally is hurting the pro-family movement in the United States. Most Americans are unaware that the United States Supreme Court now recognizes legal precedents on family values from foreign jurisdictions. The court cited such a precedent (from a European ruling on the European Convention on Human Rights) in *Lawrence v Texas* 539 U.S. 558 (2003) which removed the right of states to criminalize homosexual sodomy and rejected public morality as a justification for law (one of the worst decision in the history of the court). Read the *Lawrence v. Texas* decision at www.law.cornell.edu/supct/html/02-102.ZO.html

The European Convention on Human Rights is an international treaty. It is through treaty law that the "gays" are advancing most rapidly across the world. DFI will seek to raise a voice in the international legal and cultural debate in favor of family values.

DFI's first contribution to the international pro-family movement is the on-line publication of the Riga Declaration on Religious Freedom, Family Values and Human Rights. The Riga Declaration was drafted by ATM President and attorney Scott Lively for the international pro-family group Watchmen on the Walls, of which he is a founding member, along with Dr. Kenneth Hutcherson of Mayday for Marriage (and Pastor of Antioch Bible Church in Seattle), Pastor Alexey Ludjaev, head of the 200+-congregation-strong New Generation Church based in Riga, Latvia, and Vlade Kusakin of the Speaker Media Group of Sacramento, CA. Over 2,000 people from more than a dozen nations signed the Riga Declaration when it was first released on December 9, 2006 at the first Latvian assembly of Watchmen on the Walls. Their signatures will be posted on the website in due course.

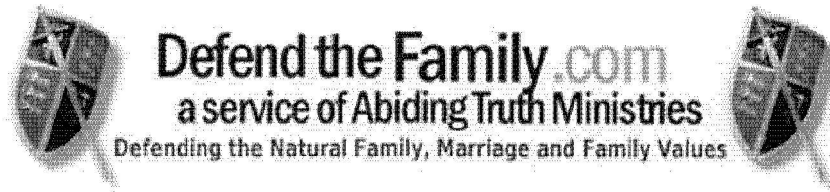
DFI will be based in the United States, but will establish a network of representatives and allies across the globe. Its first satellite office will be opened in Riga in the Spring of 2007.

This information is brought to you courtesy of DefendTheFamily.com, daily news updates and extensive free resources on the homosexual issue from a pro-family perspective. Please do not reply to this email; if you would like to contact us, visit our contact page.

If you would like to be removed from our mailing list, please use our unsubscribe page.

DefendTheFamily.com <abidingtruth@defendthefamily.com>
To: Scott Lively <scottlively@defendthefamily.com>

Sun, Dec 31, 2006 at 5:11 PM



DefendTheFamily.com Alert

Please forward to your pro-family lists

[Quoted text hidden]

[Quoted text hidden]

DefendTheFamily.com <abidingtruth@defendthefamily.com>
To: Scott Lively <scottlively@defendthefamily.com>

Sun, Dec 31, 2006 at 5:15 PM

[Quoted text hidden]

EXHIBIT 78

August 1, 2007

Belarus, Ukraine & Russia

Dear

It's getting so that Anne and I have so much happening in the ministry that we can hardly fit it all in a summary, but Glory to God we're having a great impact both here and at home.

First, thanks to the Pro-Family Charitable Trust, ATM is able to be a co-sponsor of many worthwhile projects in the U.S., even though we're on the opposite side of the globe. In mid-July we co-sponsored ex-"gay" James Hartline's Hillcrest Mission protest of the San Diego Padres game in which homosexual activists were invited to make a public appearance (what was really an advertisement for their soon-to-follow "Gay Pride" parade) on the same day that young families were lured to the stadium for a "free floppy hat giveaway." The conservative media gave extensive coverage to this protest. We also co-sponsored the Family Policy Network's banner over the San Diego "gay" parade. It reads "Jesus Christ: HopeForHomosexuals.com." (a site you should visit). These were the 35th and 36th PFCT grants respectively.

Defend the Family International. By the time you receive this we'll have just returned from Vilnius, Lithuania for another progress meeting for Defend the Family Lithuania. The paperwork is being prepared now under the name Defend the Family Committee. Our working group, including profession people from several fields, is quite enthusiastic and we're expecting great things to happen there. Meanwhile, the Latvian organization is formed, launched and moving ahead. The next step is picking the leadership team that will take over when I'm gone. We've been asked to start Defend the Family in Germany, and will begin discussions with the key organizer there by e-mail. I've recently been approached by an activist in Jamaica, as well, and will explore that possibility. The most recent request is from St. Petersburg, Russia (where we will be ministering in September) and it is very likely that a DTF-Russia will be formed there by year's end. However, considering the vastness of Russia, I don't know if we'll have one national organization with chapters, or multiple regional organizations.

New Resources on the Website. I've completed the *Defend the Family Activist Handbook* which is now being translated into Russian, Latvian and Lithuanian. The English version is now published in the Resource Section at www.defendthefamily.com. We've included in the handbook and also published separately a new series of Fact Sheets drawn from some of the best recent articles and reports from pro-family sources. These include the *Fact Sheet on Homosexuality and Mental Health*, *Fact Sheet on Same Sex Attraction and Immutability*, *Fact Sheet on Falsification of Evidence Regarding Homosexuality by U.S. Mental Health Associations* and others. We like this format and will do a series of these on a wide range of pro-family issues. Also, Anne (who is fluent in French) is doing an analysis and preparing a report on the 2006 exhaustive 400+ page French government study on marriage and family that led to the ban on homosexual marriage and adoption there.

Belarus. We're going to Belarus after all, August 1-4. Two missionaries were recently arrested and deported in Belarus for teaching on leadership principles in a church, but I nevertheless feel strongly that we're supposed to go to there. In fact, ever since I first heard we might go there (months ago), I have

had the impression in my spirit that I will meet with Belorussian President Alexander Lukashenka. Maybe it's just my imagination, but it's an idea that has persisted over these several months, so this week I sent him a copy of *The Pink Swastika* with a letter requesting a meeting. Please be in prayer about this. A lifelong Communist leader, and one-time KGB border guard, President Lukashenka is a genuine dictator, but he is pro-family and very concerned about reversing the population decline of his country. If he were to come to understand the value of Christianity in creating healthy families, it could change the nation.

Ukraine. August 5-9 we will be in Nepropetrovsk, Ukraine, which is the second largest city after Kiev. I will be giving seminars for the Christian Liberal Party. (Liberal has an entirely different meaning in Ukraine than it does in the US -- they are solidly pro-family). Ukraine may be the most important of the post-Soviet countries. It is large, relatively wealthy (in both natural resources and industry), and its Christian churches are growing rapidly both in size and political influence. I've recently become friends with the Ukrainian owner (a strong Christian) of the world's largest Russian-language news website, and he is eager to collaborate with our ministry.

Russia. August 13 we leave for Novosibirsk (New Siberia) to begin a six-week tour of Russian cities, that includes both Moscow and St. Petersburg. We'll end in Blagoveschensk, in the Far East, in late September. We don't know all the details yet, so stay tuned.

The Pink Swastika. While in Russia we'll begin filming *The Pink Swastika* documentary. We'll have 10 days in Moscow to review the Soviets' Nazi-era files and interview archive officials and historians. A German brother from the New Generation church in Riga who is also fluent in Russian will join us there to help. This is an exciting development and I am eager to begin the project. I don't expect to have a finished product any sooner than a year from now, more likely two, but it should be great film. Long-time ATM supporters may recall that I interviewed Col. Eugene Bird (now deceased) on film in Berlin a few years ago. He was the Commandant of Spandau Prison where Nazi Deputy Fuehrer Rudolf Hess, and the other Nurnberg defendants were interned. He gave me a special tour of Berlin that we can use in the documentary (though I can't vouch for the quality of my camera skills). The Nazi-era film footage at the National Archives in DC is also available for us to use, since it is in the public domain. And it's likely we'll have the chance to film again in Germany as part of this project. The only concern about this project is the expense, but I'm hoping that we'll attract new donors once word of it gets out.

The Russian translation of the book is also proceeding. The first chapter is now completed and ready to shop around to Russian book publishers. We'll call it *The Blue Swastika* in Russia. Oddly enough, male homosexuals in Russian slang are known as "Blues." I'm also considering doing an online version of the book with photos, graphics, film clips, and links to outside resources that would not be a downloadable book, but a sort-of on-site "virtual museum."

Back to the USA. I've agreed to be the keynote speaker for a Massachusetts activist group at their annual conference in early October. Later that month we'll be part of the Watchmen on the Walls conferences in Seattle and Sacramento. November we'll spend some time in Oregon. We're also weighing options for next year, and leaning toward making Massachusetts (my birthplace -- and the most homosexual-controlled state in the union) our base camp for 2008.

The key to our current and future success is the Lord's provision to us through you. Thank you once again for your friendship and your continued financial help.

In Him,

Scott Lively

PS. August is traditionally our most difficult month for donations because of vacations. Please give generously to help cover any shortfall this month. And please remember us in your prayers, especially concerning our trip to Belarus.

EXHIBIT 79

12-26-2007

Happy Birthday ATM!! Celebrating 10 Years of Service to the Pro-Family Movement

Name
Addr
City...

Dear

OK, technically ATM's birthday was in late September, but I was on a mission trip in Russia then, so we decided to celebrate at year's end. So...Happy 10th Birthday Abiding Truth Ministries!

Normally in our year-end fundraising letter we list our accomplishments over the past year (to remind our donors why you love and support us), but in honor of the occasion, here's a list of some of the highlights from our first *decade* (not in chronological order).

ATM Founded 1997 as the first national tax-exempt ministry organization dedicated exclusively to opposing the homosexual political agenda (by President Scott Lively while a student at Trinity Law School).

Created DefendtheFamily.com, the most comprehensive activist-equipping site on the net.

Created the Pro-Family Charitable Trust, the world's only single-issue grant making investment fund to promote pro-family activism. Have given more than \$20,000 for pro-family projects from the earnings on a principal balance of \$150,000 (and growing -- all donated by ATM supporters).

Created the Pro-Family Law Center, which was spun off as a separate ministry in 2005, but continues to handle pro-family legal matters as an ATM ally. High Point: Argued pro-family free speech in the *Good News v. City of Oakland* case before the Federal Ninth Circuit Court in special session at Stanford University (however, review denied at U.S. Supreme Court). (On behalf of ATM, Attorney Lively continues to participate in legal projects with various allies).

Created Defend the Family International, a pro-family human rights organization with existing chapters in Latvia and Lithuania, and planned chapters in Russia, Uganda and the United States.

*Published the Riga Declaration on Religious Freedom, Family Values and Human Rights

* Co-founded Watchmen on the Walls, a global coalition of pro-family organizations.

Published: *The Pink Swastika: Homosexuality in the Nazi Party* (2nd, 3rd & 4th editions), now being translated into Russian and Lithuanian; *Seven Steps to Recruit-Proof Your Child*; *The Poisoned Stream: "Gay" Influence in Human History*; *Why and How to Defeat the "Gay" Movement*; *Defeating "Gay" Arguments with Simple Logic*; *Balance in the Classroom*; *A Christian Defense of the Natural Family*; *Reprobate Theology*; *The Legal Liabilities Associated with Homosexuality Education in California Public Schools* (as well as a special version for Vermont, and a generic national version); *My Life in His Hands* (Scott Lively's Christian testimony).

Completed Special Projects

Take Back the Schools Project: Held a TBS summit in Sacramento which drew 300 California activists; prepared, published and distributed the 500-page Take Back the Schools Handbook; Promoted Free Speech student clubs in high schools and junior colleges; Distributed copies of The Legal Liabilities Associated with Homosexuality Education in California Public Schools to school district officials across California; produced and distributed numerous pro-family resources for students; issued PFCT grants to support student activism.

Purge the Pink Triangle Project: Established the International Committee for Holocaust Truth, a Christian/Jewish coalition to oppose the homosexual movement's "pink triangle" campaign to falsely equate "gays" with Jews in the Holocaust; Conducted a "Rouse the Rabbis" program which send copies of *The Pink Swastika* to hundreds of Orthodox Rabbis, Prepared and distributed a report on the political exploitation of Holocaust symbolism by "gay" activists to all of the 90+ Holocaust Museums and memorials in the United States.

Advocated for the Pro-Family Position...

In Churches: Sermons and seminars in more than 250 churches in 20 countries and many U.S. cities; seminars for clergy in Catholic, Anglican, Lutheran, Baptist and Pentecostal seminaries.

In Media: More than 600 radio and television shows including: Hannity & Colmes, The Today Show; Focus on the Family, The Savage Nation, Montel Williams, Les Kinsolving Show.

In Schools and Colleges: Numerous campus debates including same-sex marriage at U.C. Berkeley (hosted by the ACLU); seminars and classroom presentations in many US high schools and colleges; guest lectures in more than 25 universities in Russia, the Baltics and Uganda.

In Government: Testimony to a U.S. Congressional Subcommittee, and numerous committees of the California legislature; Distributed complimentary copies of *The Pink Swastika* to more than 100 U.S. Senators and Congressmen and 150 politicians at various levels in CA, MA, VT and several foreign countries; Conducted seminars for Christian political parties in Ukraine, Lithuania and Estonia; Drafted proposed legislation for several jurisdictions.

In Conferences: Keynote speaker at Uganda's first national pro-family conference; Presenter at more than 200 U.S. conferences including Council for National Policy (Washington D.C.), Education Policy Conference (St. Louis), Shake the Nation (San Diego), Women's Christian Temperance Union (Los Angeles) and major national conferences in Canada, Puerto Rico, and Poland (World Congress of Families IV); Co-Sponsored Watchmen on the Walls conferences in Sacramento, Seattle, Riga (Latvia) and Novosibirsk (Siberia).

There's much more that I could include in this list, but I've almost run out of space, and this is, after all a fundraising letter. I need to say a few words about raising money.

This is the biggest week of the year for charitable giving since it's the last opportunity for people to get a 2007 tax deduction. But its an especially important week for us this year, because our program for 2008 is going to cost about 25% more than what we raised in 2007. Please pray with us that God's bounty will pour in this week in the form of generous donations from our supporters (and please give generously to help make this a reality)

In Him,

Dr. Scott Lively

PS. May God bless your life as you sacrifice to help ATM stand for His truth on family issues.

EXHIBIT 80

June 2007

Report from Klaipeda

There is so much to relate to you these days that I have trouble deciding what to put in the letter. Anne and I are on a bus today from Klaipeda, Lithuania to Riga, Latvia. I preached last night at the Klaipeda Gospel Church and gave a lecture yesterday at the local college. Prior to that we had three days in Vilnius which included meetings with members of Parliament, two press conferences at Parliament, an hour on Lithuanian's top news/talk radio station, and lectures at two universities. We took time out to be violently sick with a stomach flu which we picked up in Warsaw last week (the doctor at the Parliament wanted to put me in the hospital -- which I refused), but by God's mercy I was only truly out of commission for half a day. We're fully healed now.

Praise God our efforts there helped the Lithuanians achieve a huge victory. Vilnius' Mayor refused to grant permission for the May "Rainbow Day" events that had been planned and advertised for months by the homosexual activists of the E.U. This was all the sweeter a victory because the Mayor's political party has been the most pro-"gay" in the country. In fact, the leading pro-homosexual activist in the Parliament belongs to this party, and used all of her power to try to force the head of the party to override the mayor. She even recruited the Swedish Ambassador to accompany her to the meeting where all the arm-twisting took place. When she failed in her mission she abruptly resigned from the party -- an act interpreted by our hosts as a complete political melt-down.

We had flown to Vilnius from four days in Warsaw at the World Congress of Families. ATM's new division Defend the Family International was a co-sponsor and I had the privilege of speaking on a panel addressing family studies. I was also representing Watchmen on the Walls, along with Pastor Alexey Ludyacv and contingents from the Latvian and Ukrainian branches of the New Generation Church. Watchmen on the Walls had one of the most professional-looking booths in the exhibitors hall and there was a lot of interest in our plan to build an international activist network to strengthen the pro-family movement. There are numerous news stories posted at www.defendthefamily.com regarding the World Congress of Families IV which indicate how valuable and successful was this conference.

What I most want to report about is God's hand at work during this time. One of our main goals was to find speakers for our upcoming Watchmen on the Walls conferences in Seattle and Sacramento in October, 2007. We had also been discussing the possibility of holding a WOW conference in Uganda.

On Saturday evening May 12th, all of the speakers and spouses were invited out to a locally-famous horse ranch for a special banquet. We were bussed there in four large busses (too many people, frankly, for the size of the facility -- a small complex of historic buildings). In the milling crush of people I sought out two fellow speakers who seemed most perfectly suited to our plans. The first is Dr. Leo Godzich of the National Association of Marriage Enhancement. I had heard him tell the story of his parents' heroic activities as Polish resistance fighters against the Nazis in WWII (I was literally moved to tears) which he then compared to the fight against the homosexual movement today. It was one of the best pro-family speeches I have ever heard.

Leo graciously agreed to be a WOW speaker, schedule permitting, and I took the good news to Alexey. In the conversation that followed in our small leadership huddle, we decided finally to hold a Ugandan WOW conference and to do so in February. Its purpose will be to rally the nations of Africa to call upon South Africa to reverse its recent decision to legalize homosexual "marriage." I then went to seek out my other prospect, Dr. Margaret Ogala, a Kenyan woman who, in her speech, spoke in very strong terms about the danger of the growing power of the homosexual movement in Africa.

I found Margaret sitting in a relatively quiet corner talking with another woman. I introduced myself and proceeded to tell her about our plans and to invite her participation. She agreed, with apparent pleasure, and we proceeded to talk more about conditions in Africa. As we were talking, Leo came up unexpectedly. It seems that the woman sitting with Margaret was his wife. He then overheard our discussion about Africa, turned with a surprised look on his face, and said (roughly) "If you're doing a conference in Uganda I'd love to help. We just turned out 27,000 people for a marriage seminar there and my whole organizing team is still in place." Praise God! See how neatly the Lord made all of this work. In the noisy, confusing crowd I had wanted to speak with just two people. He not only prepared their hearts to agree to work together with us, he also orchestrated an encounter between the three of us that multiplied the harvest of blessing far beyond expectation.

I have other miracles to relate as well which occurred during our travel to Poland. We had stops in Ireland, England and Wales (including meetings with two key pro-family leaders), flying to Warsaw on May 10 from London's Luton Airport.

I know only one person in Ireland. His name is Tommy Brennan (a pseudonym he uses to protect himself from anti-Christian discrimination -- the new pro-homosexual laws there prohibit speech against homosexuality on the public streets and Tommy has been threatened with arrest several times by the police. He waits a few days and then goes back out). I know him because he sent me a letter after reading my book *Seven Steps to Recruit-Proof Your Child*. He wanted permission to copy excerpts from the book to pass out in Dublin, where he carries on a lonely mission to promote the pro-family position in a now post-Christian city. I gladly agreed, and sent him copies of my other books with the same offer. I told him I would like to arrange to meet with him in Dublin if he would send me his contact information. Unfortunately, I didn't get a reply before we left.

When we got to Dublin, we realized too late that we had forgotten to bring even his mailing address with us, so I assumed that the Lord intended us not to meet. We went sight-seeing instead. We also needed to do some shopping for a few travel necessities. We were unwilling to pay the high prices in the tourist area and so we got directions from a local woman to a district where the local people shop. As we were passing through that neighborhood I saw in the distance a tall man with a hand-printed sign passing out leaflets. As we got closer, I saw that the sign had a pro-family message, so we went up to introduce ourselves. Sure enough, it was Tommy Brennan, and he was passing out copies of excerpts from my books right there on the street-corner.

Could there be any doubt that this was arranged by the Lord?

We found Tommy to be a delightful, twinkling-eyed, humorous man (thoroughly Irish) and a deeply sincere Christian (an Evangelical). We were able to spend about an hour with him in fellowship, and thoroughly enjoyed our time together. Tommy also took us to meet one of his few friends and allies, a pro-life activist who owns a nearby Catholic bookstore. It was obvious that our visit was a great blessing and encouragement to these brothers. For Anne and I it was yet another minor miracle to add to our testimony. There is even more to this story (it gets much better) but I don't have room. Thank you for your generous and faithful financial support which makes this ministry possible.

Your Missionaries to the International Pro-Family Movement,

Scott & Anne Lively

PS. Please don't forget that we are now entirely dependent on your tax-deductible donations -- and more needful than ever of your regular prayer support.

ABIDING TRUTH MINISTRIES RESPONSE PAGE

DEFEND THE FAMILY INTERNATIONAL

Six Month Campaign

The Goal: To equip the Christians of several former Soviet bloc countries to defeat the homosexual agenda there and establish a power base from which to begin to push back the "gay" movement in Europe and North America.

The Strategy: To secure a victory against the (thus-far unstoppable) homosexual movement that can inspire pro-family activists across the world. The former Soviet countries have strong pro-family majorities, the Christians are spiritually "battle-hardened" due to their long war against communism, and the "gays" are just getting started. We can beat them there!!

The Plan: We have formed a new division: Defend the Family International and organized it as a human rights NGO (most social activism outside the U.S. is done such "non-governmental organizations"). DFI will provide a platform for our missionary team of Scott and Anne Lively to provide pro-family leadership training and organizing to the Russian-speaking Christians. Scott is specially trained in international human rights law and holds doctoral degrees in law and theology. His wife Anne, who holds a Masters Degree in Cultural Anthropology from the University of Chicago, speaks not only Russian, but also French and German.

God's Blessing: The Lord has opened the door to this campaign by linking ATM with New Generation Church whose network of churches in 14 countries, while currently untrained, is zealously pro-family, strategically minded and eager to defeat the "gay" agenda *globally*.

The Need: This will be an expensive campaign and we are asking each supporter to make a special sacrificial six-month pledge of support.

Special Need

VIP Pink Swastika Mailing Project

At the World Congress of Families I met pro-family leaders from dozens of countries. They were hungry for pro-family resources and excited to know about *The Pink Swastika*. I want to send free copies to each of them. I also need to ship several cases to Latvia and Russia for my use here. This project will cost about six hundred dollars. We're looking for one donor to send a single \$600 donation or 10 donors to send \$60 each. To help, please designate your gift for this purpose.

The Pro-Family Charitable Trust

We're growing our own "foundation." Donations to the PFCT go into a restricted investment fund. The principal grows continually because it can never be spent, but the earnings from interest and dividends are given in grants to support the pro-family movement in the U.S. by funding pro-family projects. Launched September 26, 1999, the PFCT Completed Phase I by reaching \$100K principal balance on June 18, 2005. Our Phase II target is \$1 million.

PFCT principal balance: \$ 163,700
Balance last updated: May 19, 2007
Amount remaining to complete Phase II: \$836,830

Amount distributed in grants since inception: \$17,750
Number of grants awarded: 32

YES, I WANT TO SUPPORT THE WORK OF ABIDING TRUTH MINISTRIES:

Enclosed is my donation of \$_____ for: ___ The PFCT, ___ Salary Fund, ___ Pink Mailer or ___ Where needed most.

I will support the Six Month Campaign with a pledge of \$_____ per month from May -- October 2007

Name _____ Phone _____

Street Address _____

City, State Zip _____ e-mail _____

Credit-card donations may be made at www.defendthefamily.com (by the donor only - we cannot process them for you)

Send checks in the enclosed envelope or mail to ATM, PO Box 891023, Temecula, CA 92589.

EXHIBIT 81

BOX TURTLE BULLETIN

This article can be found at: <http://www.boxturtlebulletin.com/2011/03/06/31159>

Scott Lively Warns of "Outbreak of Homosexuality" In Moldova, Part of a "Secret Plan By the Homosexual Powers of the EU"

Jim Burroway
March 6th, 2011



Scott Lively (left) at a news conference in Moldova

According to this clunky Google translation of a Moldovan news report:

Public Association "Pentru Familie" / "For the family / states that adopted recently by the Government bill threatens the institution of family and social morality as homosexuality is pick up swing in the Republic of Moldova. Visiting Association, an international expert in the field of human rights Lively Scott, warned of "an outbreak of homosexuality" in Moldova, in case the parliament adopts the bill, reports Info-Prim Neo.

This is a bill to prevent and combat discrimination, government-approved on February 17. Chairman of the association "Pentru Familie" Vasile Filat said at a news conference on Monday that if this law is passed in parliament, this would entail the legalization of same-sex marriages, adoption of children couples gay acceptance of homosexual practice as the norm in schools.

...Foreign visitor Lively Scott stressed that this law has caused dire consequences in other countries where it was passed. "I guarantee you, if this bill passes, all the evil that struck the European Union, the collapse and to the Republic of Moldova", - said the expert in the field of human rights.

Holocaust revisionist Scott Lively is up to his old tricks again, even though it was *not even two months ago* that he said he was through with anti-gay activism. Shocking, I know.

I'm having a hard time finding any more info on what Lively's doing or saying in Modova, but here's something I found interesting coming from what looks like an email to supporters from Lively posted to a

<http://www.boxturtlebulletin.com/2011/03/06/31159>

LATEST POSTS

The Daily Agenda for Labor Day

The Daily Agenda for Sunday, August 31

The Daily Agenda for Saturday, August 30

The Daily Agenda for Friday, August 29

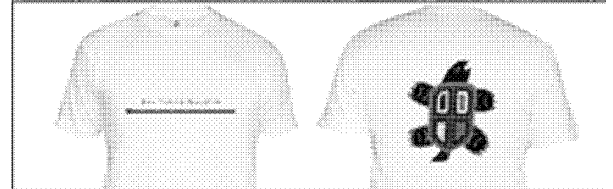
Chilean sailor comes out

The Daily Agenda for Thursday, August 28

The 24 Things I Learned From Listening to the Marriage Arguments Before the Seventh Circuit

Tempe Voters Approve Charter Change Banning LGBT Discrimination

READ THE BLOG. BUY THE SHIRT.



YOU CAN MAKE A DIFFERENCE.

AHIP

KEYNOTE SPEAKER:
Congressman Paul Ryan



NATIONAL CONFERENCES ON Medicare & Medicaid AND DUAL ELIGIBLES SUMMIT



Sept. 28 – Oct. 2, Washington, D.C.

FEATURED REPORTS

What Are Little Boys Made Of?

In this original BTB Investigation, we unveil the tragic

Canadian web site:

However, in God's divine schedule I arrived just after the first move of a secret plan by the homosexual powers of the EU to push an anti-discrimination law based on sexual orientation through the Moldovan government.

I wish I had known at the beginning of my ministry in the early 1990s what I know now. We might have stopped the homosexual agenda in America. What I know now, and have taught the Moldovans, is that the anti-discrimination law is the seed that contains the entire tree of the homosexual agenda, with all of its poisonous fruit. It is the cornerstone of their legal and political strategy, putting the power of the government *[sic]* behind the legal premise that the practice of homosexuality deserves public approval and that opposition to homosexuality, including that which is rooted in the Biblical world view, must be discouraged. From that premise the conclusion is logically inevitable.

The Moldovan version of the bill however went much farther than usual and included a far reaching provision to give homosexual activists power in the national school system, teacher training and the preparation of instructional materials. They normally don't include such power-grabbing measures at the beginning, which indicates to me that they had extreme confidence that this law would pass with very little scrutiny or opposition.

Lively is adding a new twist to his vast worldwide homosexual conspiracy. Again, from the Moldovan web site:

Lobbying for the legalization of homosexuality is made from outside the Republic of Moldova, by agents of millionaire George Soros, who is interested in the fact that homosexuals have become a force, said Lively, Scott.

I wish I had just a tenth of the the imagination it takes to to make this up.

The unfortunate thing however is that Moldova has a serious problem with severe anti-gay violence. In 2008, a gay pride march was in the Moldovan capital of Chisina was attacked and ***broken up by a mob of skinheads and Moldovan nationalists***. Violence and calls to violence has a habit of following Lively around, which is just one of many reasons for his "ministry" being among the very few in the U.S. who is listed as an anti-gay hate group by the Southern Poverty Law Center. In 2009, he unleashed what he called a "***Nuclear Bomb***" in Kampala, Uganda. That sparked yet another round of ***anti-gay vigilantism*** and ***violence***, culminating in the introduction of the draconian ***Anti-Homosexuality Bill*** in that nation's Parliament.

Comments

POST COMMENT | COMMENT RSS 2.0

SteveInMI

March 6th, 2011 | LINK

"poisonous fruit"?

I may be a fruit, but I'm not poisonous.

story of Kirk Murphy, a four-year-old boy who was treated for "cross-gender disturbance" in 1970 by a young grad student by the name of George Rekers. This story is a stark reminder that there are severe and damaging consequences when therapists try to ensure that boys will be boys.

Slouching Towards Kampala: Uganda's Deadly Embrace of Hate

When we first reported on three American anti-gay activists traveling to Kampala for a three-day conference, we had no idea that it would be the first report of a long string of events leading to a proposal to institute the death penalty for LGBT people. But that is exactly what happened. In this report, we review our collection of more than 500 posts to tell the story of one nation's embrace of hatred toward gay people. This report will be updated continuously as events continue to unfold. Check here for the latest updates.

David Benkof: Behind the Mask

At first glance, David Benkof appears to be a young gay man who believes that same-sex marriage will damage the institution of marriage, that there are better options for gay couples than marriage, that the community should join him in prioritizing other more pressing issues, and that the marriage discussion is harming the efforts of gay couples in red states to get recognition for their unions. He also claims that he's a gay columnist, that he speaks for an influential collection of gay thinkers, and that he is part of the gay and lesbian community and that he shares our goals and dreams. But none of that is true.

"Repeat After Me": The Reparative Therapy Echo Chamber

The April 2008 edition of the pay-to-publish vanity journal *Psychological Reports* featured a new report from NARTH. Written by NARTH president A. Dean Byrd, past president Joseph Nicolosi, and Richard W. Potts, the report carries the unwieldy but self-descriptive title, "Clients perceptions of how reorientation therapy and self-help can promote changes in sexual orientation." While the title describes what the authors meant to show — how clients describe the benefits of reparative therapy — the report itself actually illustrates something very different: the ex-gay movement's remarkable ability to instill an almost robot-like parroting of ex-gay rhetoric among their clients.

Testing the Premise: Is MRSA The New Gay Plague?

The *Toronto Star* said that a new study "discover[ed] a new strain" of a super-bug "hitting gay men." Headlines in Britain screamed, "Flesh-eating bug strikes San Francisco's gay community," and anti-gay extremists across America spread the alarm that gays were introducing another plague into "the general

So as anti-gay activists continue losing ground in developed countries, they move on to less developed nations. They target populations who don't realize how toxic the message is, and whose leaders will stand with them for a few well placed dollars. Sounds like the theocrats have been taking a page from the US tobacco industry.

population.” But there was a small problem with all of this: **None of it is true!**

Paul Cameron's World

In 2005, the Southern Poverty Law Center wrote that “[Paul] Cameron’s ‘science’ echoes Nazi Germany.” What the SPLC didn’t know was Cameron doesn’t just “echo” Nazi Germany. He quoted extensively from one of the Final Solution’s architects. This puts his fascination with quarantines, mandatory tattoos, and extermination being a “plausible idea” in a whole new and deeply disturbing light.

Kathy Baldock

March 6th, 2011 | LINK

How so very interesting—Paul Cameron AND Scott Lively BOTH go to Moldova. The hatred will continue with this tag-team from HELL.

From the Inside: Focus on the Family's "Love Won Out"

On February 10, I attended an all-day “Love Won Out” ex-gay conference in Phoenix, put on by Focus on the Family and Exodus International. In this series of reports, I talk about what I learned there: the people who go to these conferences, the things that they hear, and what this all means for them, their families and for the rest of us.

eric marcoux

March 7th, 2011 | LINK

Will you guys please contact me re our previous discussion about Scott Lively.

There is something I don't want to make public that I know about him. Yes, we discussed it before, but I have a bit more and would appreciate your advice. Thanks

- Prologue: Why I Went To "Love Won Out"*
- Part 1: What's Love Got To Do With It?*
- Part 2: Parents Struggle With "No Exceptions"*
- Part 3: A Whole New Dialect*
- Part 4: It Depends On How The Meaning of the Word "Change" Changes*
- Part 5: A Candid Explanation For "Change"*

Eric Marcoux

The Heterosexual Agenda: Exposing The Myths

At last, the truth can now be told.

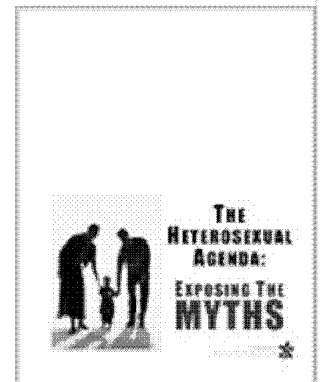
David

March 7th, 2011 | LINK

Jim, please follow up on Eric's post. I want to know what he knows.

It seems to me that something changed in Lively about 2 years ago. He was always extreme, but in the past he made an effort to cloak his extremism in faux scholarship and to leaven it with standard Christian rhetoric. But about 2 years ago, he went totally nutters.

Using the same research methods employed by most anti-gay political pressure groups, we examine the statistics and the case studies that dispel many of the myths about heterosexuality. Download your copy today!



And don't miss our companion report, *How To Write An Anti-Gay Tract In Fifteen Easy Steps.*

Testing The Premise: Are Gays A Threat To Our Children?

Then there was his completely made-up charge that gays conducted the Hutu genocide of Tutsi in Rwanda, something no Hutu or Tutsi leader has ever claimed.

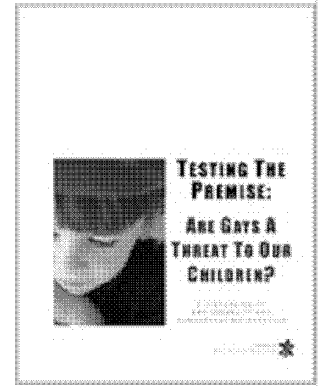
Then came his move to MA and his write-in campaign for governor.

Then came his bizarre, repeated public declarations that he was leaving the culture war in order to focus on the poor and drug-addicted residents of Springfield, MA, followed within days by more anti-gay attacks.

Then came a public letter to the Ugandan parliament providing drafting advice on the anti-gay legislation – thus making Lively an active participant in what may turn out to be a state act of genocide. And he does this at the very time when he is trying to publicly minimize his role.

Then, came his deranged “Murdering Uganda” piece of a few weeks ago. And now this screed. “Homosexual powers of the EU”? WTF?

Anti-gay activists often charge that gay men and women pose a threat to children. In this report, we explore the supposed connection between homosexuality and child sexual abuse, the conclusions reached by the most knowledgeable professionals in the field, and how anti-gay activists continue to ignore their findings.



This has tremendous consequences, not just for gay men and women, but more importantly for the safety of all our children.

Straight From The Source: What the “Dutch Study” Really Says About Gay Couples

Anti-gay activists often cite the “Dutch Study” to claim that gay unions last only about 1½ years and that the these men have an average of eight additional partners per year outside of their steady relationship. In this report, we will take you step by step into the study to see whether the claims are true.

BlackDog

March 7th, 2011 | LINK

My gods, there are enough legitimate, real problems in the world today that any supposed “Christian” could be out trying to fix.

So why the hell do they have to make shit up?

While we’re at it, what’s his opinion of the not-so-secret groups of Christian Fundamentalists striving to suppress the rights of others?

Methinks there’s a lot of projection going on here.

jutta

March 7th, 2011 | LINK

I have found some more ressources about Scott Lively’s visit to Moldavia

The FRC’s Briefs Are Showing

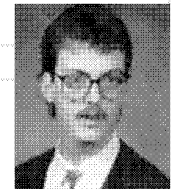
Tony Perkins’ Family Research Council submitted an Amicus Brief to the Maryland Court of Appeals as that court prepared to consider the issue of gay marriage. We examine just one small section of that brief to reveal the junk science and fraudulent claims of the Family “Research” Council.

Review: *The Gay Report*

When Karla Jay and Allan Young published *The Gay Report* in 1979, it quickly a favorite source of statistics for many anti-gay extremists. But before you accepts these statistic at face value, you should examine the inner workings of this survey very carefully. What you learn might surprise you.

Daniel Fetty Doesn’t Count

The FBI’s annual Hate Crime Statistics aren’t as complete as they ought to be, and their report for 2004 was no exception. In fact, their most recent report has quite a few glaring holes. Holes big enough for Daniel Fetty to fall through.



Here's an interview with him on a Christian (or "christian"?) website.

<http://www.moldovacrestina.net/interviu/scott-lively-homosexualii-vor-descrimina-majoritatea-cetatenilor-daca-legea-nediscriminarii-va-intra-in-vigoare-discriminare-gay/>

The main author of this website is Rev. Vasile Filat, also director of 'Pentru Familie'.

The site also encourages its readers to protest against the planned anti-discrimination law:

<http://www.moldovacrestina.net/evenimente/post-negru-respingere-lege-anti-discriminare/>

<http://www.moldovacrestina.net/evenimente/miting-alianta-salvarea-familiei-10-martie-2011/>

And they have a facebook page, too:

<http://www.facebook.com/SalvareaFamiliilor>

Under <http://marianvitalie.eu/?p=1184> a blogger who is also affiliated with Pentru Familie published an appeal by a "Coalition against discrimination" addressed to the minister of education, to see that Scott Lively is not allowed to speak in public schools. (Of course this "proves" that gays want to silence Christians.)

On another page of the same blog I found a "black list" of persons "encouraging homosexuality" or something like that http://marianvitalie.eu/?page_id=999

And now I have included so many links that your spamfilter will not let me post it ;-)

justsearching

March 7th, 2011 | LINK

"I wish I had known at the beginning of my ministry in the early 1990s what I know now. We might have stopped the homosexual agenda in America."

To speak in Lively's typical violence-laced lingo, he might have been able to slow down the train, but it would have run him over eventually.

Kelly

March 7th, 2011 | LINK

Oh noes!!!!!! An outbreak of teh gays! Where do I get my vaccination?

Reed Boyer

March 7th, 2011 | LINK

Given his record in Uganda, I'm beginning to suspect that Lively and Cameron intentionally target countries with "a serious problem with severe anti-gay violence" and then choose to fan the flames.

I'm surprised (not really much) that he's jumped onto the "demonize George Soros" band-wagon.

But the real clanger here is the phrase “an international expert in the field of human rights Lively Scott,” which seems to have lost or added something in translation.

Then again, racist bigot Jesse Helms has managed to be re-painted post-humously as a “human rights pioneer.”

Jim Burroway

March 7th, 2011 | [LINK](#)

Jutta,

Indeed, for some reason your post went directly to spam and didn't even go to the moderation queue. I've retrieved it and posted it here. Thank you for the tips.

Richard Rush

March 7th, 2011 | [LINK](#)

RE: Eric's comment

Okay, now I'm really curious. I've always viewed Lively as the creepiest of the creepy gay-bashing creeps. Many of the other creeps, such as Matt Barber, are also partially buffoons, but Lively is 100% creep. There is just something about him whereby I will only be surprised if he is NOT ultimately exposed for hiding some awful secrets in his bunker – things much more revelatory than if he is merely exposed as a homosexual himself.

Darina

March 7th, 2011 | [LINK](#)

Jim, the first link doesn't lead exactly to the translation of the article.

If I find anything in a language that I understand, I'll let you all know.

Post-communist Eastern Europe is a whole new market for American-based or American-style homophobia because the struggle for LGBT rights is still at its early stages here (the only marked exception I know of is Slovenia), and the general population is very ignorant about homosexuality. I'm in Bulgaria myself, and we already have this kind of thing going on here. This is one of the Bulgarian anti-gay activists (an actual university-graduated clinical psychologist, mind you). I don't expect anybody here to be able to read the article in Bulgarian on his site, but just look at his references in English:

<http://sites.google.com/site/petervilkov/mitove-za-homoseksualizma>

Wow, you can try Google-translating the article – the result is surprisingly good, maybe because Google more or less translates the text back to its source.

Ben in OaklandMarch 7th, 2011 | [LINK](#)

Richard– i agree. but i suspect it’s not anything aobut being gay. i certainly hope not, beucase the man seems to be sick.

Think Grant Storms.

More and more, I am certain that the truly, viciously antigay are hiding all kinds of things while they are screaming “Look at that! not Here! there!”.

TomTallisMarch 7th, 2011 | [LINK](#)

Wasn’t it Lively that was caught harboring a convicted child molester in his Springfield “ministry” to teenagers?

Lynn DavidMarch 7th, 2011 | [LINK](#)

What they are worried about....

On February 17, 2011 the Government adopted anti-discrimination law that includes the criteria of discrimination and ambiguous phrase “sexual orientation”. This phrase has been formulated and introduced by the homosexual movement is used to handling the public. When they say sexual orientation refers to homosexuality, lesbianism, **pedophilia, zoophilia, and a list of all sexual perversions and deviations**. Anti-discrimination law introduces for the first time in Moldovan law criterion of “sexual orientation”. Like a seed that was sown in the law, our country will bring about the poisoned fruit such as gay marriage, adoption of children by gay couples, gay parades (in Los Angeles last parade gay oral sex with one another in public) indoctrination with homosexual propaganda to children from kindergarten through to university. These are just some of the many serious consequences that will bring our nation to adopt this law.

Right from the Lively’s mouth.

anterosMarch 7th, 2011 | [LINK](#)

it’s abundantly clear that this dude played a huge role in stirring up the ugandan mess. i still can’t understand why anybody would give such a hateful nutjob any audience. let’s hope they don’t buy into his wild conspiracy theories. as for breaking his promise so soon, clearly he can’t help himself... is there no way he can be stopped?

beachwtoy75March 7th, 2011 | [LINK](#)

They're planting seeds in homophobic countries in hopes that they'll turn into super-homophobes.

Stephen

March 7th, 2011 | LINK

Isn't Moldavia trying to gain full partnership in the EU? If so then this kind of tripe will not fly.

I think I remember that Scott Lively was not allowed entry to the UK because of his hate rhetoric.

Jerry

March 7th, 2011 | LINK

Pathetic people like Lively and Cameron know that gays are not a threat to anyone. Being accepted is the threat to them and their ilk. Once gays walk the streets in sunshine and no one notices, these clods have no income anymore.

dad_of_a_trans

March 7th, 2011 | LINK

Aw nuts, I'm getting so sick of lunatics like these. It's gotten so they're not even good for amusement any more.

Bern in RI

March 7th, 2011 | LINK

Scott is always at hoot! A complete a**hole! The gift that keeps on giving.

I wonder who gave him the \$\$\$ to go to Moldova?

CB

March 7th, 2011 | LINK

Have a look....Lively's name fits perfectly.

<http://picsmafia.com/images/86Scott1.jpg>

cd

March 7th, 2011 | LINK

Isn't Moldova trying to gain full partnership in the EU? If so then this kind of tripe will not fly.

Moldova is quietly trying to find a back door into the EU by unofficially fusing (back) into Romania. But achieving the full reality will probably take 10 years to actualize or more. It'll probably only happen as part of a grand EU-Russian bargain solving a set of interlinked post-Soviet problems in the region.

That being said, box cars filled with toaster ovens have been dispatched to Moldova... ;) :D

jutta

March 8th, 2011 | LINK

Thank you for this link, Darina!

>>

<http://sites.google.com/site/petervilkov/mitove-za-homoseksualizma>

<<

Следната статистика беше публикувана в Lambda:

- 24 % от гейовете са имали повече от 100 партньори;
- 43 % от гейовете са имали повече от 500 партньори;
- 28% от гейовете са имали повече от 1000 партньори.

<<

If more than 28 % of all gay men have had more than 1000 sex partners and 43 % more than 500, then there must be *at least* 71 % who had more than 100 ;-)

Vincent

March 9th, 2011 | LINK

Stephen,

From what I understand (and I am reading the Russian-language news from Moldova from time to time), Moldova is expected to pass an anti-discrimination bill in exchange for increasingly lower trade and entry requirements for its citizens.

The actual enforceability of the law is a separate story; no one's expecting that the next day it will suddenly be a gay-friendly paradise. Well, no one aside from Lively and his Christian friends.

It seems that at least next door, in Ukraine, its the Fundamentalist Christians (aka Pentecostals and Baptists) who are taking the lead on anti-gay activism.

Vincent

March 9th, 2011 | LINK

Dear Jim,

Thank you for publishing it and adding this other info about SL – he’s such a despicable being.

yesthisesthat

August 15th, 2013 | LINK

Say what you want Scott Lively, but he is not a Holocaust revisionist. Holocaust refers to deliberate and planned persecution of the Jews. He does not contradict Holocaust happened.

Jim Burroway

August 15th, 2013 | LINK

What you are describing is a Holocaust denier. Lively has “revised” the history of the Holocaust to claim, falsely, that it was a homosexual plot. The two are very different. You are correct that he’s not a Holocaust denier — he says that the Holocaust happened and killed millions of Jews as deliberate policy. He is however a Holocaust revisionist, revising his version of history to place the blame on gay people.

Leave A Comment

All comments reflect the opinions of commenters only. They are not necessarily those of anyone associated with Box Turtle Bulletin. Comments are subject to our **Comments Policy**.

Name (Required)

Email (Required, never shared)

Website

Message

PLEASE NOTE: All comments are subject to our **Comments Policy**.

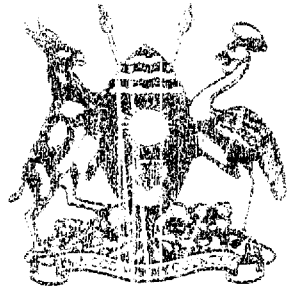
Preview

Post



© Box Turtle Bulletin. All Rights Reserved.

EXHIBIT 82



THE REPUBLIC OF UGANDA

THE ANTI-PORNOGRAPHY ACT, 2014.



THE REPUBLIC OF UGANDA

I SIGNIFY my assent to the bill.

Yoweri Museveni

.....
President

Date of assent: *6/2/2014*.....

Act

Anti-Pornography Act

2014

THE ANTI-PORNOGRAPHY ACT, 2014

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

1. Commencement.
2. Interpretation.

PART II—PORNOGRAPHY CONTROL COMMITTEE

3. Pornography Control Committee.
4. Qualifications of Committee members.
5. Tenure of office of members of Committee.
6. Disqualification and removal of a member of Committee.
7. Functions of Committee.
8. Procedure at meetings of Committee.
9. Co-option of persons.
10. Remuneration of members of Committee.
11. Powers and duties of the Committee.
12. Secretariat.

PART III—PROHIBITION OF PORNOGRAPHY.

13. Prohibition of pornography.
14. Child pornography.
15. Court to issue warrant.
16. Authorities to issue directives to offenders.
17. Internet Service Providers (ISP).
18. Leisure or entertainment.
19. Offences by body corporate.
20. Forfeiture and destruction of pornography.

PART IV—FINANCES.

21. Funds of Committee.
22. Annual Report.
23. Minister to lay Annual Report before Parliament.

Act	<i>Anti-Pornography Act</i>	2014
<i>Section</i>		

PART V—MISCELLANEOUS.

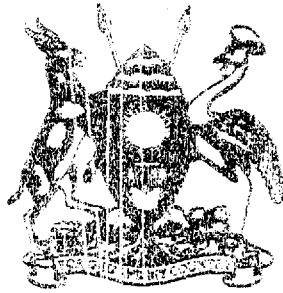
24. Register of Pornography Offenders.
25. Archives.
26. Power of Minister to amend Schedules.
27. Regulations.
28. Repeal of section 166 of the Penal Code Act Cap.120.

SCHEDULES

SCHEDULE 1- CURRENCY POINT

SCHEDULE 2- MEETINGS OF COMMITTEE AND OTHER MATTERS

SCHEDULE 3- REGISTER OF PORNOGRAPHY OFFENDERS



THE REPUBLIC OF UGANDA

THE ANTI-PORNOGRAPHY ACT, 2014

An Act to define and create the offence of pornography; to provide for the prohibition of pornography; to establish the Pornography Control Committee and prescribe its functions; and for other related matters.

DATE OF ASSENT:

Date of Commencement: See section 1.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Commencement.

This Act shall come into force on a date appointed by the Minister by statutory instrument.

2. Interpretation.

In this Act, unless the context otherwise requires—

“authorised person” means a member of the Pornography Control Committee or a police officer;

“broadcast” means to put out information or make information available to the public or a person through any electronic medium;

“child” means a person below the age of eighteen years;

“Committee” means the Pornography Control Committee established by section 3;

Act *Anti-Pornography Act* **2014**

- “currency point” has the value assigned to it in Schedule 1;
- “internet-content-developer” means a person, individual or corporate, who produces and uploads or causes to be uploaded on the internet, any matter;
- “Internet Service Provider (ISP)” means a person with primary access to the internet, who extends internet access to other secondary users;
- “Minister” means the Minister responsible for ethics;
- “pornography” means any representation through publication, exhibition, cinematography, indecent show, information technology or by whatever means, of a person engaged in real or stimulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual excitement;
- “procure” means to purchase or obtain or import or being found in possession or custody of, or being found viewing in a premise, any matter prohibited by this Act, except when authorised in writing by the Committee for appropriate anti-pornography purposes such as education and sensitisation by personnel approved by the Committee;
- “publish” means to put out written information or make available written information to the public or any person through any print medium;
- “traffic” means to deal in or cause or permit or aid the provision or circulation of pornographic matter by way of trade or publishing or entertainment or programming or unrestricted internet access or any other means or purpose.

Act

Anti-Pornography Act

2014

PART II—PORNOGRAPHY CONTROL COMMITTEE

3. Pornography Control Committee.

(1) There is established a Committee to be known as the Pornography Control Committee.

(2) The Committee shall consist of nine members as follows—

- (a) a chairperson;
- (b) a distinguished practicing advocate, nominated by the Uganda Law Society;
- (c) five representatives of whom—
 - (i) one shall represent media houses;
 - (ii) one shall represent publishing houses;
 - (iii) one shall represent the arts and entertainment industry;
 - (iv) one shall represent the education professionals; and
 - (v) one shall represent the health professionals.
- (d) two other members of whom—
 - (i) one shall represent cultural leaders; and
 - (ii) one shall represent religious leaders.

(3) The members of the Committee shall be appointed by the Minister with the approval of Cabinet.

4. Qualifications of Committee members.

A member of the Committee shall be a person—

- (a) of sound mind;
- (b) with high moral character and proven integrity; and
- (c) with qualifications or minimum of not less than ten years' experience in law, theology, information communication and technology, journalism, psychiatry or counseling.

Act *Anti-Pornography Act* **2014**

5. Tenure of office of members of Committee.

A member of the Committee shall hold office for five years and is eligible for reappointment for one more term.

6. Disqualification and removal of a member of Committee.

(1) A member of the Committee may be removed from office by the Minister on any of the following grounds—

- (a) inability to perform the functions of his or her office arising out of physical or mental incapacity;
- (b) misconduct or misbehaviour;
- (c) incompetence; or
- (d) if convicted of an offence involving moral turpitude.

(2) A member of the Committee may resign his or her office by notice in writing addressed to the Minister, and the resignation shall take effect from the date on which the Minister receives the notice.

7. Functions of Committee.

(1) The functions of the Committee are—

- (a) to take all necessary measures to ensure the early detection and prohibition of pornography;
- (b) to ensure that the perpetrators of pornography are apprehended and prosecuted;
- (c) to collect and destroy pornographic objects or materials with the assistance of the police;
- (d) to educate and sensitise the public about pornography;
- (e) to promote the rehabilitation of individuals, groups, families or communities affected by pornography;
- (f) to expedite the development or acquisition and installation of effective protective software in electronic equipment such as computers, mobile phones and televisions for the detection and suppression of pornography;

Act *Anti-Pornography Act* **2014**

- (d) performing any other function that may be assigned to him or her by the Committee.

PART III—PROHIBITION OF PORNOGRAPHY

13. Prohibition of pornography.

(1) A person shall not produce, traffic in, publish, broadcast, procure, import, export, sell or abet any form of pornography.

(2) A person who produces or participates in the production of, or traffics in, publishes, broadcasts, procures, imports, exports or in any way abets pornography contrary to subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment not exceeding ten years or both.

14. Child pornography.

(1) A person who produces, participates in the production of, traffics in, publishes, broadcasts, procures, imports, exports or in any way abets pornography depicting images of children, commits an offence and is liable on conviction to a fine not exceeding seven hundred and fifty currency points or imprisonment not exceeding fifteen years or both.

(2) For the avoidance of doubt, the definition of pornography in section 2 applies in determining the commission of the offence of child pornography.

15. Court to issue warrant.

(1) Where information is brought to the attention of the court that there exists in premises, an object or material containing pornography or an act or event of a pornographic nature, the court shall issue a warrant for the seizure of the object or material and for the arrest of the person promoting the material or object.

Act

Anti-Pornography Act

2014

(2) An authorised person in possession of a search warrant issued by the court may enter any premises and inspect any object or material including any computer, and seize the object, material or gadget for the purpose of giving effect to this Act.

(3) A person who obstructs an authorised person in the carrying out of any function under this section commits an offence and is liable, on conviction, to a fine not exceeding two hundred and fifty currency points or imprisonment not exceeding five years or both.

16. Authorities to issue directives to offenders.

(1) The Committee, the court or a police officer not below the rank of superintendent of police, may, in writing, direct any newspaper, publisher, broadcaster, proprietor of any business dealing in computers, telephones or other medium for transmitting electronic information or the proprietor of any place or business dealing in leisure or entertainment, bookshop owner, dealer in photography, newsprint or magazine dealer or vendor, importer or exporter or other person, to desist from dealing in pornography.

(2) A person who fails to comply with a directive issued under subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred and fifty currency points or imprisonment not exceeding five years or both.

17. Internet Service Providers (ISP).

(1) An Internet Service Provider (ISP) who, by not using or enforcing the means or procedure recommended by the Committee to control pornography, permits to be uploaded or downloaded through its service, any content of a pornographic nature, commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment not exceeding five years or both.

(2) Where a publisher or broadcaster or internet-content-developer or dealer in telephone-related business or Internet Service Provider (ISP) commits an offence under subsection (1), the court convicting that person may, for a subsequent offence, by order, suspend the business.

Act *Anti-Pornography Act* **2014**

(3) A person who fails to comply with an order given under subsection (2) commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty currency points or imprisonment not exceeding five years or both.

18. Leisure or entertainment.

(1) Where a proprietor of a place of leisure or entertainment or of a business dealing in leisure or entertainment commits a second or subsequent offence under this Act, the court convicting the offender for the second or subsequent offence may issue an order suspending or prohibiting the offender from dealing in leisure or entertainment.

(2) A person who fails to comply with an order issued under subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred and fifty currency points or imprisonment not exceeding five years or both.

19. Offences by body corporate.

Where an offence under this Act is committed by a body corporate—

- (a) that body corporate, is liable to a fine not exceeding double the fine prescribed in relation to the offence for an individual who commits the offence; and
- (b) a director or secretary of the body corporate or a partner in the firm who is proved to have contributed to the commission of the offence shall be taken also to have committed the offence and is liable to the penalty prescribed for an individual who commits the offence.

20. Forfeiture and destruction of pornography.

Where a person is convicted of an offence under this Act, the court shall order the forfeiture to the state and the destruction of all materials and objects used in the commission of the offence.

Act

Anti-Pornography Act

2014

PART IV—FINANCES

21. Funds of Committee.

(1) The funds of the Committee shall consist of monies approved by Parliament and other monies donated for the performance of the functions of the Committee.

(2) The finances of the Committee shall be budgeted for under the budget estimates of the Ministry responsible for ethics.

22. Annual Report.

The Committee shall make an annual report to the Minister on the performance of its functions within six months after the end of each financial year.

23. Minister to lay Annual Report before Parliament.

The Minister shall as soon as possible lay before Parliament the annual report of the Committee on its functions submitted to him or her under section 22 with any comments on it as he or she may consider necessary.

PART V—MISCELLANEOUS

24. Register of Pornography Offenders.

(1) The Committee shall maintain a Register of Pornography Offenders containing the name of every person convicted of an offence under this Act in the form set out in Schedule 3.

(2) The register shall include storage of files with supporting records and documents used in the prosecution that secured the conviction of the offender.

25. Archives.

The Committee shall maintain an archive of all relevant administrative records and other documents associated with the carrying out of its functions.

Act *Anti-Pornography Act* **2014**

26. Power of Minister to amend Schedules.

The Minister may, by statutory instrument, with the approval of the Cabinet amend Schedules 1 and 2.

27. Regulations.

(1) The Minister may, by statutory instrument, make regulations—

- (a) relating to the establishment of programmes aimed at educating and sensitising the public about pornography and its consequences;
- (b) to provide for the rehabilitation of persons affected by pornography;
- (c) to provide for the eradication of pornography;
- (d) to provide for a multi-sectoral approach against pornography involving Government departments, agencies, institutions and civil society organisations to develop anti-pornographic strategies; and
- (e) to provide for the better carrying into effect, the purposes of this Act.

(2) Regulations made under this section may provide—

- (a) in respect of a contravention of the regulations, a penalty not exceeding two thousand currency points or imprisonment not exceeding five years or both; and
- (b) that the court convicting a person under the regulations may order the forfeiture or destruction of any object or material used in the commission of the offence or connected with the offence.

28. Repeal of section 166 of the Penal Code Act, Cap. 120.

Section 166 of the Penal Code Act, Cap.120, relating to traffic in obscene publications is repealed.

Act

Anti-Pornography Act

2014

SCHEDULES

SCHEDULE 1

Sections 2, 26

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

Act

Anti-Pornography Act

2014

SCHEDULE 2

Section 8 and 26

MEETINGS OF THE COMMITTEE AND OTHER MATTERS

1. Meetings of the Committee.

(1) The Committee shall meet for the discharge of business at least four times in each year or upon a request in writing to the Chairperson by at least three members of the Committee.

(2) The Committee shall meet at such time and place as the Chairperson may appoint.

(3) The Chairperson may also call a special meeting of the Committee.

(4) The Chairperson of the Committee may convene an emergency meeting whenever he or she considers it necessary.

(5) A meeting of the Committee shall be convened by a two weeks notice in writing except that a shorter notice may be given for a special meeting.

(6) The Chairperson shall preside at all meetings of the Committee and in his or her absence, a member elected by the members present shall preside.

2. Quorum.

The quorum at a meeting of the Committee shall be one-third of the voting members of the Committee for the transaction of ordinary business and all members for the review of a previous decision of Committee.

3. Minutes of meetings of the Committee.

(1) The Secretary shall cause to be recorded and kept, minutes of all meetings of the Committee in a form approved by the Committee.

(2) The minutes recorded under paragraph (1) shall be submitted to the Committee for confirmation at its next meeting and when confirmed, shall be signed by the Chairperson and the Secretary in the presence of the members present at the latter meeting.

Act *Anti-Pornography Act* **2014**

4. Decision of the Committee.

(1) The decisions of the Committee shall be by consensus.

(2) A decision of the Committee shall be agreed upon at the meeting of the Committee.

(3) A member of the council shall have one vote; and where there is an equality of votes, the chairperson or person presiding at the meeting shall have a casting vote.

5. Validity of meetings not affected by vacancy.

The validity of any proceedings of the Committee shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

6. Disclosure.

(1) Where a person is present at a meeting of the Committee at which a matter is the subject of consideration in which that person or his or her spouse or nominee is interested in a private capacity, he or she shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Committee directs otherwise, take part in any consideration or discussion or vote on any question relating to the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

7. Service of documents and other notices.

A notice or other document may be served on the Committee by delivery to the office of the Executive Secretary.

9. Committee may regulate procedure.

Except as otherwise provided under this Act, the Committee may regulate its own procedure.

Act	<i>Anti-Pornography Act</i>	2014
Cross References		
Penal Code Act, Cap.120.		



THE REPUBLIC OF UGANDA

This printed impression has been carefully compared by me with the bill which was passed by Parliament and found by me to be a true copy of the bill.

George

.....
Clerk to Parliament

Date of authentication: *22nd / 01 / 2014*

EXHIBIT 83

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
SPRINGFIELD DIVISION

SEXUAL MINORITIES UGANDA,

Plaintiff,

v.

SCOTT LIVELY, individually and as
President of Abiding Truth Ministries,

Defendant.

CIVIL ACTION

NO. 3:12-CV-30051-MAP


DECLARATION OF MWANGUIHYE^A CHARLES MPAGI

I, MWANGUIHYE^A CHARLES MPAGI, hereby declare as follows:

1. I am a journalist based in Kampala, Uganda.
2. I co-wrote with Hussein Bogere the article entitled "Police Told to Probe MUK Gays," that was published on or about 29 October 2004 in The Monitor.
3. A true and correct copy of the article is attached hereto.
4. The statements attributed to James NsabaButuro in this article accurately reflect what he said.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in KAMPALA this 18 day of
12 2015.



CHARLES MWANGUIHYE MPAGI

11/14/2014

allAfrica.com: Uganda: Police Told to Probe MUK Gays



31 OCTOBER 2014

Uganda: Police Told to Probe MUK Gays

Times Days Country Year Days

By Mwanguhya Charles Mpagi & Hussein Bogere

Kampala — The government yesterday directed the police to investigate reported activities of gays at Makerere University.

The Minister of Information, Dr. James Nsaba Buturo, said the government was concerned that activities of foreign funded local groups as well as individuals are threatening to undermine our values.

Buturo told journalists at Nakasero, that "police will investigate and take appropriate action against reported activities of homosexual associations such as the one reported at Makerere University," he said.

Makerere reportedly has an established association mainly for lesbians and bi-sexual students. The association runs a website, www.gayuganda.com.

ADS BY GOOGLE

Copyright © 2014 The Monitor. All rights reserved. Distributed by AllAfrica Global Media (allAfrica.com). To contact the copyright holder directly for corrections — or for permission to republish or make other authorized use of this material, click [here](#).

AllAfrica publishes around 2,500 reports a day from more than 135 news organizations and over 200 other institutions and individuals, representing a diversity of positions on every topic. We publish news and views ranging from vigorous opponents of governments to government publications and spokespersons. Publishers named above each report are responsible for their own content, which AllAfrica does not have the legal right to edit or correct.

Articles and commentaries that identify allAfrica.com as the publisher are produced or commissioned by AllAfrica. To address comments or complaints, please [Contact Us](#).

AllAfrica is a voice of, by and about Africa - aggregating, producing and distributing 2000 news and information items daily from over 130 African news organizations and our own reporters to an African and global public. We operate from Cape Town, Dakar, Lagos, Monrovia, Nairobi and Washington DC.

© 2014 AllAfrica // [Privacy](#) // [Contact](#)

AllAfrica - All the Time

EXHIBIT 84

Capital Reporting Company
Mukasa, Victor 08-13-2015

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
SPRINGFIELD DIVISION

----- :
SEXUAL MINORITIES UGANDA, :
: :
Plaintiff, :
: :
vs. : CIVIL ACTION NO.
: 3-12-CV-30051-MAP
SCOTT LIVELY, individually and :
as President of Abiding Truth :
Ministries, :
: :
Defendant. :
----- :

Washington, D.C.

Thursday, August 13, 2015

Videotaped Deposition of:

VICTOR MUKASA

called for oral examination by counsel for
Defendant, pursuant to notice, at the Alliance
Defending Freedom, 440 First Street, Northwest,
Washington, D.C., before Erick M. Thacker, RPR, of
Capital Reporting Company, a Notary Public in and
for the District of Columbia, beginning at 10:03
a.m., when were present on behalf of the
respective parties:

Capital Reporting Company
Mukasa, Victor 08-13-2015

2	<p>1 APPEARANCES</p> <p>2 On behalf of Plaintiff:</p> <p>3 DANIEL W. BEEBE, ESQUIRE</p> <p>4 Dorsey & Whitney, LLP</p> <p>5 51 West 52nd Street</p> <p>6 New York, New York 10019</p> <p>7 (212) 415-9304</p> <p>8 beebe.daniel@dorsey.com</p> <p>9</p> <p>10 On behalf of Defendant:</p> <p>11 ROGER K. GANNAM, ESQUIRE</p> <p>12 HORATIO G. MIHET, ESQUIRE</p> <p>13 MARK TRAMMELL, ESQUIRE</p> <p>14 Liberty Counsel</p> <p>15 1053 Maitland Center Commons Boulevard</p> <p>16 Maitland, Florida 32751</p> <p>17 (800) 671-1776</p> <p>18 rgannam@LC.org</p> <p>19</p> <p>20 On behalf of Victor Mukasa:</p> <p>21 ELLEN SEAVEY MARTIN, ESQUIRE</p> <p>22 (919) 967-3108</p> <p>martin.ellen@yahoo.com</p> <p>ALSO PRESENT:</p> <p>David Cooper, Video Technician</p> <p>*****</p>	4
3	<p>1 CONTENTS</p> <p>2 EXAMINATION BY: PAGE</p> <p>3 Counsel for Defendant 8</p> <p>4 DEFENDANT DEPOSITION EXHIBITS: * PAGE</p> <p>5 HH Subpoena 60</p> <p>6 II E-mails 105</p> <p>7 JJ E-mails 117</p> <p>8 KK E-mails 121</p> <p>9 LL E-mails 138</p> <p>10 MM E-mails 142</p> <p>11 NN E-mails 144</p> <p>12 OO E-mails 148</p> <p>13 PP E-mails 156</p> <p>14 QQ E-mails 161</p> <p>15 RR E-mails 172</p> <p>16 SS E-mails 174</p> <p>17 TT E-mails 180</p> <p>18 UU E-mails 183</p> <p>19 VV E-mails 190</p> <p>20 WW E-mails 196</p> <p>21 XX E-mails 203</p> <p>22 YY E-mails 208</p>	5
2	<p>1 CONTENTS</p> <p>2 (Continued)</p> <p>3 DEFENDANT DEPOSITION EXHIBITS: * PAGE</p> <p>4 ZZ E-mails 225</p> <p>5 AAA E-mails 244</p> <p>6 BBB E-mails 248</p> <p>7 CCC E-mails 249</p> <p>8 DDD E-mails 252</p> <p>9 EEE E-mails 287</p> <p>10 FFF E-mails 267</p> <p>11 GGG E-mails 269</p> <p>12 HHH E-mails 273</p> <p>13 III E-mails 295</p> <p>14 JJJ E-mails 309</p> <p>15 KKK E-mails 310</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 (*Exhibits retained.)</p> <p>22</p>	4
3	<p>1 PROCEEDINGS</p> <p>2 VIDEO TECHNICIAN: Here begins Video</p> <p>3 Disk No. 1 in the video deposition of Victor</p> <p>4 Mukasa, taken in the matter of Sexual Minorities</p> <p>5 Uganda versus Scott Lively, Case No.</p> <p>6 3:12-CV-30051-MAP, in the United States District</p> <p>7 Court for the District of Massachusetts,</p> <p>8 Springfield Division. This video deposition is</p> <p>9 being held at ADF office in the Southwest</p> <p>10 Conference Room, located at 440 First Street,</p> <p>11 Northwest, Washington, D.C. 20001, on August 13,</p> <p>12 2015, at 10:03:30 a.m. We are now on the record.</p> <p>13 My name is David Cooper. I'm the</p> <p>14 certified legal video specialist with the firm of</p> <p>15 Capital Reporting Company, located at 1821</p> <p>16 Jefferson Place, Northwest, Washington, D.C.</p> <p>17 20036. The court reporter is Erick Thacker.</p> <p>18 Would counsel and all present please</p> <p>19 introduce themselves and who they represent?</p> <p>20 MR. GANNAM: I am Roger Gannam for the</p> <p>21 defendant, Scott Lively.</p> <p>22 MR. MIHET: Horatio Mihet for the</p>	5

Capital Reporting Company
Mukasa, Victor 08-13-2015

90	<p>1 you were -- had your deposition taken in? 2 A Yeah. 3 Q Was that in Baltimore? 4 A Yes. 5 Q Okay. Who were the names of the 6 parties in the case? 7 A Why should I mention my friend's name 8 in this case? 9 Q Well, if your friend is involved in a 10 lawsuit, in fairness, that's a public document. 11 That's not a secret. But any testimony that 12 you've ever given in a deposition is -- is fair 13 game for us to look at. I'm not saying I will, 14 but you have to tell me if I ask you. 15 A Are you planning to get -- make trouble 16 for my friend? 17 Q I can tell you I don't plan on getting 18 your friend in any trouble. I just want to know 19 what case you testified in. I don't even know 20 who your friend is. 21 A But you're asking me now, so you're 22 going to know.</p>	92	<p>1 A Yes. 2 Q Were you represented by an attorney at 3 that deposition? 4 A No. Her attorney was there. 5 Q Does Monique have an attorney in that 6 case? 7 A Yeah. 8 Q And you said that -- did the accident 9 occur this year? 10 A No. 11 Q When was the accident? 12 A In 2012. 13 Q Was that accident in Baltimore? 14 A Yeah. 15 Q And that case is still ongoing? 16 A Yes. 17 Q Have you ever given testimony in any 18 other deposition or court proceeding? And I'll 19 exclude the court proceeding in Uganda that ended 20 in 2008. I know -- you know, I may ask you about 21 that later, but any others -- 22 A No.</p>
91	<p>1 Q I'm just going to reask the question. 2 What is the name of the -- the case that you -- 3 A I don't know the case. I don't know 4 the defendant's name. 5 Q Okay. So then tell me what is your 6 friend's name. 7 A Monique. 8 Q Okay. What is Monique's last name? 9 A Boivin. 10 Q How do you spell that? 11 A Boivin, B-O-I-V-I-N. 12 Q V-O-V -- sorry. 13 A Boivin, B-O-I, Boivin. 14 Q V-I-N. Okay. And you don't know who 15 the defendant is? 16 A I don't know her name. 17 Q Where -- what court is the case pending 18 in? 19 A I don't know. 20 Q Is it in Baltimore? 21 A Should be. 22 Q Your deposition was in Baltimore?</p>	93	<p>1 Q -- since 2008? 2 A No. 3 MR. GANNAM: Excuse me one second. 4 You're fine. 5 BY MR. GANNAM 6 Q All right. Let's talk about SMUG. 7 You -- you are a founding member of SMUG, 8 correct? 9 A Correct. 10 Q How did SMUG -- you know, tell me the 11 story about how did SMUG come into existence. 12 A It was not intentional to form SMUG. 13 The Uganda AIDS Commission had just released a 14 draft of the AIDS -- the national AIDS policy 15 that year, 2004, and it was discussed by 16 different parties to see if their issues were 17 represented. And one man at the UNAIDS, 18 (inaudible) del Prado called for a meeting for 19 LGBT people in Uganda, because for the first time 20 in the history of the Commission making or 21 drafting a document, they had included men who 22 have sex with men as a group to protect.</p>

Capital Reporting Company
Mukasa, Victor 08-13-2015

98	<p>1 2004 in Uganda using words like homophobia and 2 persecution, did that have anything to do with 3 Scott Lively? 4 A No. Actually, thinking about it now, I 5 don't know. 6 Q You don't know if it did? 7 A Yeah. It's tricky. 8 Q Why do you say it's tricky? 9 A I don't think he just woke up one 10 morning and came to Uganda without any prior 11 relationship with people. 12 Q As you sit here today, do you know of 13 any connection that Scott Lively had with the -- 14 what you described as an atmosphere of homophobia 15 and persecution towards LGBT persons in Uganda? 16 A As I sit here today? 17 Q As you sit here today. 18 A Prior to 2004? 19 Q That's correct. 20 A I am not sure. 21 Q So you don't know? 22 A I don't know. I don't have a definite</p>	100	<p>1 him. I don't remember, but he moved around. 2 Q You say you're sure you did. You're 3 sure you read something about Scott Lively in 4 Uganda before 2004? 5 A Yeah. 6 Q But you can't tell me what that is as 7 you sit here today? 8 A Because I don't remember exactly what I 9 read. 10 Q Do you remember generally what you 11 read? 12 A I remember generally that he was there. 13 Q But that's it. He was there. 14 Do you remember what you -- generally 15 what he did when he was there? 16 A I know he moved from place to place. I 17 just don't remember what his message was. 18 Q Do you have any personal knowledge 19 about what Scott Lively said or did in Uganda 20 prior to 2004? 21 A What do you mean, personal? 22 Q Something that you witnessed yourself.</p>
99	<p>1 one for that. 2 Q Do you suspect? 3 A I suspect. 4 Q And why do you suspect? 5 A Because when he came to Uganda, I 6 decided to start reading up on him, and I 7 realized that the man had done a lot of work in 8 the United States, but had also had some tours to 9 the subregion before. 10 Q What subregion? 11 A Of east -- Greater East Africa. 12 Q It includes Uganda? 13 A Uganda, Kenya. 14 Q And to your knowledge, when was Scott 15 Lively in the subregion? 16 A I don't remember the year that I read, 17 but it was long before. 18 Q And in your reading and studying about 19 Scott Lively, did you discover anything that 20 Scott Lively had done in Uganda? Let's use prior 21 to 2004, for example. 22 A I'm sure I did. There was a lot about</p>	101	<p>1 A Only on video. 2 Q What kind of video have you seen of 3 Scott Lively? 4 A I saw a video recording from the 5 meeting that -- 6 Q What meeting? 7 A The meeting that he had in -- the 8 meeting or the workshop exposing the gay agenda. 9 Q Are you talking about a 2009 meeting? 10 A Yeah. 11 Q Have you seen video of Scott Lively at 12 any meeting prior to that in Uganda? 13 A No. 14 Q So we were talking about the founding 15 of SMUG in 2004. I believe you testified that it 16 grew out of an occurrence, generally speaking, 17 the inclusion or potential inclusion of MSM in 18 the national AIDS report or the national AIDS 19 policy, correct? 20 A Policy, yes. 21 Q So who were the people who founded 22 SMUG?</p>

Capital Reporting Company
Mukasa, Victor 08-13-2015

246	<p>1 talking about?</p> <p>2 A I don't know.</p> <p>3 Q Skipping down, then, to where I</p> <p>4 originally asked you to look, "The enemy will</p> <p>5 take us easy prey. Let's go on and do the little</p> <p>6 we can before the public and the bill gets hold</p> <p>7 of us."</p> <p>8 What does he mean when he says before</p> <p>9 the bill gets hold of us?</p> <p>10 A It must have been --</p> <p>11 Q He's giving me a time signal about the</p> <p>12 tape. I'm sorry.</p> <p>13 What did you say about the bill?</p> <p>14 A I'm not quite sure.</p> <p>15 Q Okay. Is there -- do you know whether</p> <p>16 he could have been referring to some kind of</p> <p>17 pending bill in the Ugandan Parliament?</p> <p>18 A I think there had been a rumor before.</p> <p>19 Q About what?</p> <p>20 A About a bill.</p> <p>21 Q Some kind of Anti-Homosexuality Bill?</p> <p>22 A Strengthening of the laws.</p>	248	<p>1 VIDEO TECHNICIAN: This begins Disk No.</p> <p>2 5 of the video deposition of Victor Mukasa. The</p> <p>3 time is 4:15:14 p.m. We are now on the record.</p> <p>4 MR. GANNAM: All right. I'm handing</p> <p>5 you a new exhibit. I've marked it BBB.</p> <p>6 (Defendant's Exhibit Number BBB</p> <p>7 was marked for identification.)</p> <p>8 BY MR. GANNAM</p> <p>9 Q This is an e-mail you produced from</p> <p>10 David Kato to you, December 20, 2008. Towards</p> <p>11 the end, it says, "I'm sending you a shadow</p> <p>12 report you should keep secret, please. Just know</p> <p>13 what people have in mind, but for secret,</p> <p>14 please."</p> <p>15 What shadow report is he referring to?</p> <p>16 A I don't remember.</p> <p>17 Q Do you know whether you have a copy of</p> <p>18 such report?</p> <p>19 A I don't know. I -- you should check.</p> <p>20 Q Was it -- do you know whether it was</p> <p>21 supposed to have been attached to this e-mail?</p> <p>22 A I don't know what happened here. I</p>
247	<p>1 Q Strengthening of the laws against</p> <p>2 homosexuality?</p> <p>3 A Yes.</p> <p>4 Q So, at this time, there was a rumor</p> <p>5 that that may be in the works or being developed</p> <p>6 by the government?</p> <p>7 A We had heard that there -- that there</p> <p>8 might be a bill.</p> <p>9 Q In 2008, had you heard of Scott Lively?</p> <p>10 A Scott Lively, 2009.</p> <p>11 Q So no in 2008?</p> <p>12 A Huh?</p> <p>13 Q So you had not heard of Scott Lively in</p> <p>14 2008?</p> <p>15 A No.</p> <p>16 MR. GANNAM: Let's stop there so we</p> <p>17 don't run out of tape.</p> <p>18 VIDEO TECHNICIAN: This concludes Disk</p> <p>19 No. 4 of the video deposition of Victor Mukasa.</p> <p>20 The time is 4:03:03 p.m. We are now off the</p> <p>21 record.</p> <p>22 (Brief recess.)</p>	249	<p>1 just sent David Kato's communications.</p> <p>2 Q Do you have any idea, December 2008,</p> <p>3 what might have been in that shadow report?</p> <p>4 A No.</p> <p>5 MR. GANNAM: I'm marking Exhibit CCC.</p> <p>6 (Defendant's Exhibit Number CCC</p> <p>7 was marked for identification.)</p> <p>8 BY MR. GANNAM</p> <p>9 Q This is a copy of a court decision.</p> <p>10 The case is Victor Juliet Mukasa and Yvonne Oyo</p> <p>11 versus attorney general, Case 247-06.</p> <p>12 Are you familiar with this case?</p> <p>13 A Yes.</p> <p>14 Q What -- kind of give me a summary of</p> <p>15 what this case was about.</p> <p>16 A It was about a violation of my human</p> <p>17 rights and those of others by the Ugandan</p> <p>18 government and its agents.</p> <p>19 Q Could you tell me generally speaking</p> <p>20 what's happened to you and Yvonne Oyo that led to</p> <p>21 this lawsuit? And you don't have to get -- get</p> <p>22 into the details. I just want to -- you said it</p>

Capital Reporting Company
Mukasa, Victor 08-13-2015

250	<p>1 was a violation of your rights. Was that police 2 harassment? Was it -- 3 A Invasion of privacy and humiliating and 4 degrading treatment, theft of property by 5 government officials. 6 Q And why did you file a lawsuit? 7 A I believed it was my right under the 8 constitution of Uganda to seek protection through 9 the courts. 10 Q Did your lawsuit succeed? 11 A Uh-huh. 12 Q So you won the lawsuit? 13 A Uh-huh. 14 Q That's a yes, right? 15 A Yes. 16 Q It says towards the end of this 17 decision, starting on page 19, 10 million was 18 awarded to the second applicant, Yvonne Oyo. 19 That is 10 million what? Is that Ugandan 20 shillings? 21 A By that time, it was about 5,000 U.S. 22 dollars.</p>	252	<p>1 generally, degrading treatment, theft, things 2 like that, what was Scott Lively's involvement 3 with those things that led to this lawsuit? 4 A I don't know. Is it mentioned 5 anywhere? 6 Q Do you have any knowledge of 7 involvement by Scott Lively in the things that 8 led to this lawsuit? 9 A No. 10 Q When did the events in this lawsuit 11 actually happen? 12 A In 2005. 13 Q And you don't have any knowledge of any 14 involvement by Scott Lively in those events? 15 A No. 16 Q Has anyone ever suggested to you that 17 Scott Lively was somehow involved in those 18 events? 19 A No. 20 MR. GANNAM: All right. I'm marking 21 Exhibit DDD. 22 (Defendant's Exhibit Number DDD</p>
251	<p>1 Q So this was in 2008 this decision came 2 out? 3 A Yes. 4 Q That's a -- that's a sizable amount of 5 money in Uganda in 2008. 6 A Yeah, but it's -- we've never got that 7 money. 8 Q Never received it? 9 A Unh-unh. 10 Q How come you never received the money? 11 A I don't know why. It was never given. 12 Q To this day, neither you nor -- 13 A Oyo. 14 Q -- Yvonne Oyo have received any money? 15 A No. 16 Q Did you try to get the money? 17 A I asked a lawyer once, and he said it's 18 never been released. 19 Q When was the last time you talked to 20 the lawyer about that case? 21 A Around 2011. 22 Q The events that you described, at least</p>	253	<p>1 was marked for identification.) 2 BY MR. GANNAM 3 Q This is an e-mail you produced. It's 4 from you to F. Mugisha, Kasha, David Kato, J. 5 Pepe and admin@SexualMinoritiesUganda.org. The 6 subject is, "Please draw a line," and the date is 7 March 11, 2009. 8 The second paragraph about almost 9 halfway down says, "However, following 10 mistrust" -- 11 A Hold on, please. Second paragraph? 12 Q Yes. Second paragraph. 13 A It says, "I can see." 14 Q Yeah. I'm sorry. About halfway down 15 the second paragraph. Excuse me. You're in the 16 right paragraph. Almost halfway down, the 17 sentence begins, "however." Do you see that? 18 A No, but I will catch up. I'm listening 19 to you. 20 Q Well, why don't you read the paragraph, 21 and then I'll ask you a question. 22 A Oh, I got it.</p>

EXHIBIT 85



REPUBLIC OF UGANDA

PARLIAMENT OF UGANDA

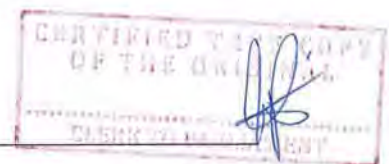
PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL REPORT

FIRST SESSION - SECOND MEETING

TUESDAY, 12 DECEMBER 2006





REPUBLIC OF UGANDA

IN THE PARLIAMENT OF UGANDA

Official Report of The Proceedings of Parliament

FIRST SESSION - 6TH SITTING - SECOND MEETING

Tuesday, 12 December 2006

Parliament met at 2.50 p.m. in Parliament House, Kampala

PRAYERS

(The Speaker, Mr Edward Kiwanuka Ssekandi, in the Chair.)

The House was called to Order

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, I welcome you and thank you for finding time to come to do your work. In the public gallery, we have visitors from Kayunga District. Their group is called Nazigo Women's Group. You are most welcome to your Parliament! There are two other groups, but I do not have the details. As soon as I get the details, I will introduce them to you.

The Order Paper will be adjusted to indicate business to follow, to include the motion by hon. Lukwago for Kampala Central on Shimon Demonstration Primary School. I understand copies have been issued to you but it was not included on the Order Paper. There will also be a statement by the Acholi Parliamentary Group on the land issue in the region. These will all be indicated tomorrow.

**BILLS
COMMITTEE STAGE**

**THE EQUAL OPPORTUNITIES
COMMISSION BILL, 2006**

2.55
Clause 1

**THE CHAIRPERSON, STANDING
COMMITTEE ON EQUAL
OPPORTUNITIES (Ms Jalia Bintu):**

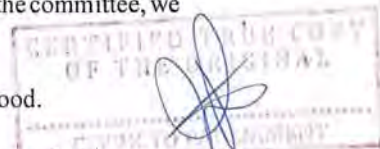
Mr Chairman, I beg to propose that Clause 1 be deleted and the justification is, it defeats the intention of Article 32 (4) of setting the period within which the commission was to be established. The establishment of the commission is useful only if the commission is functional. Leaving the enforcement date to the minister may make the commission dormant for a long period after the enactment of the law. The date of commencement should be left to the general interpretation required, which is the date of publication. I beg to propose.

**THE MINISTER OF GENDER, LABOUR
AND SOCIAL DEVELOPMENT (Mrs Syda
Bbumba):**

Thank you very much, Mr Chairman. We had proposed Clause 1 because establishing a commission like this is an easy process. However, in view of the lateness, which has been justified by the chairperson of the committee, we concede to the amendment.

THE CHAIRMAN: Very good.

(Question put and agreed to.)



Clause 2

MS BINTU: Mr Chairman –(Interruption)

THE CHAIRMAN: Sorry to interrupt you again. Present in the gallery are teachers and members of the management committee of Shimon Demonstration School. I think they have come to see what is happening here. You are welcome! (Applause)

MS BINTU: Mr Chairman, in Clause 2 I propose that the definition of “discrimination” be replaced with the following: “Discrimination means any act, omission, policy, law, rule, practice, distinction, condition, situation, exclusion or preference which directly or indirectly has the effect of nullifying or impairing equal opportunities or marginalizing a section of society or resulting in unequal treatment of persons in employment or in enjoyment of rights and freedoms on the basis of sex, race, colour, ethnic origin, tribe, birth, creed, religion, health status, social or economic standing, political opinion or disability.” The justification for this definition is to include all forms of discrimination for clarity. I beg to propose.

THE CHAIRMAN: Honourable members, that is the proposed amendment. Any comment?

MRS BBUMBA: Mr Chairman, the amendment which has been proposed is an expansion of what we had in the Bill. So, we have no problem with the expanded interpretation.

MR ARUMADRI: Thank you, Mr Chairman. This interpretation includes discrimination on grounds of political opinion. We are already faced with this problem and I wanted the Bill to be very emphatic as to how it intends to cure this. But it looks like it is just glossing over it.

THE CHAIRMAN: Glossing over it? What is your position? Do you agree with this new definition by the committee?

MR ARUMADRI: Yes, Mr Speaker.

THE CHAIRMAN: Very good.

(Question put and agreed to.)

MS BINTU: Mr Chairman, there are some more amendments on Clause 2 and I do not know how to proceed. Should I move them all at once?

THE CHAIRMAN: Please do.

MS BINTU: I propose that the definition of “equality” be deleted. The justification is that, the only place it is used does not need a definition.

The other amendment is on the definition of the expression “equal opportunities.” I propose that the definition of “equal opportunities” be inserted immediately after the definition of “discrimination” as follows: “Equal opportunities means having the same treatment or consideration in the enjoyment of rights and freedoms, attainment of access to social services, education, employment and physical environment, or the participation in social, cultural and political activities regardless of sex, age, race, colour, ethnic origin, tribe, birth, creed, religion, health status, social or economic standing, political opinion or disability.” The justification is that, the expression is frequently used in the Bill but it is not defined.

Mr Chairman, I beg to propose that the definition of “gender” be replaced with the following definition: “Gender means the social—” (Interruption)

THE CHAIRMAN: Let us finish with the other one before we come to that. Now, the first amendment proposed, honourable minister.

MRS BBUMBA: Mr Chairman, we concede to the amendment by way of deletion of the definition of “equality” because as the chairperson of the committee stated, it is very scarce. It is stated only once in the whole Bill and therefore does not require a definition.

MR LUKWAGO: Mr Chairman, I would like to know the harm it does to have the definition of “equality” in this Bill. In my opinion, I see no harm in having this clause in the Bill. There is that justification that the only reference to it does not require definition, but I see no harm.

THE CHAIRMAN: In other words, you are opposing the deletion.

TUESDAY 12TH DECEMBER 2006

1295

THE EIGHTH PARLIAMENT OF UGANDA

MR LUKWAGO: Mr Chairman, I oppose the deletion.

MS BINTU: Mr Chairman, where the term "equality" is used does not need an explanation. For neatness in the Bill, we needed not to define it.

THE CHAIRMAN: Well, honourable members, there is a proposal to retain and there is a proposal to delete. Therefore, since there are two proposals we shall start with the one of deletion. I put the question. Is it clear to you? You see, the word "equality" is in the Bill; the committee has come out with a proposal that it should be deleted. There is a Member who said, "No, do not delete it. Leave it as it is." Since there are now two positions, we shall start with the one of deletion. I put the question.

(Question put and agreed to.)

THE CHAIRMAN: The second proposed amendment was "equal opportunities." Honourable minister, please.

MRS BBUMBA: I thank you very much, Mr Chairman. I do not have a problem with inserting the definition, but we thought that since it was the subject matter of the Bill, it did not require a definition. But at the same time, we have no problem with those who feel that the definition should be there. Thank you.

THE CHAIRMAN: Honourable members, I put the question on the proposed new definition of "equal opportunities."

(Question put and agreed to.)

THE CHAIRMAN: You do not seem to be following. What we are dealing with are the proposals of the committee. The committee has proposed to expand or to clarify the definition, which they have read to us. Therefore, when you support it, we will replace the earlier definition in the Bill.

MS BINTU: Mr Chairman, I propose that the definition of "gender" be replaced with the following: "Gender means the social and cultural construct of roles, responsibilities, attributes, opportunities, privileges, status, access to, and

control over resources and benefits between men and women, boys and girls in a given society." The justification is for clarity and having a widely used definition.

MRS BBUMBA: Thank you very much, Mr Chairman. We had thought that we would use the summarised version assuming that everybody understood what gender is. But again, if the committee feels that they needed an expanded definition of "gender" we have no problem. We accept the amendment.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

MS BINTU: Mr Chairman, I propose that a new definition of "sex" be inserted immediately after the definition of "person" as follows: "Sex means the natural state of being male or female." The justification is that, it might be deliberately misinterpreted to suit some peoples' interests in case we do not define it here.

DR BUTURO: Mr Chairman, I support the chairperson of the committee on account that these days we have interest groups which are seeking to argue that it is permissible for a man to marry a man or a woman to marry a woman. This is unacceptable to the majority of Ugandans and so, it is essential that any amendment we make provides for that situation.

MRS BBUMBA: Mr Chairman, in view of what is happening globally and what has happened recently in South Africa, I support the amendment.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 2, as amended, agreed to.

THE CHAIRMAN: Before we move to Clause 3, I think in the spirit of the East African Community Federation, in the public gallery we have visitors from Moro Secondary School in Moro Constituency in Kenya. We welcome our visitors from Kenya! *(Applause)*



Clause 3

THE CHAIRMAN: I put the question that Clause 3 stand part of the bill.

(Question put and agreed to.)

Clause 4

MS BINTU: Mr Chairman, I beg to propose that two new clauses be inserted after Clause 3 to read as follows:

1) "Independence of a commission: Subject to the Constitution, the commission shall, in exercise of its functions be independent and shall not be subject to the direction or control of any person or authority.

2) Seal of the Commission:

(i) The seal of the commission shall be:

(a) in such form as the commission may determine.

(b) applied in such circumstances as the commission may determine subject to any written law.

(c) Kept under the custody of the secretary.

(ii) Judicial notice shall be taken of the seal of the commission and any document sealed with the seal shall be admissible in evidence."

The justification is to highlight the type of body established and to provide for the seal of the commission. These clauses are re-allocated from other clauses of the Bill to suit the sequence. I beg to propose.

MR WACHA: Mr Chairman, I have a small matter on the independence of the commission. I think we should remove the comma from after "shall" and bring it immediately after "functions" so that it reads: "Subject to the Constitution, the commission shall, at the exercise of its functions, be independent and shall not be subject to...."

MS BINTU: Mr Chairman, I am most obliged.

MRS BBUMBA: Mr Chairman, we had not provided for the independence of the commission in the Bill on the assumption that being a constitutional body set up by the Constitution, its

independence is clearly defined as an oversight committee. We thought that would suffice. However, for emphasis and clarity, I think it does not cause any harm if we inserted the new Clause 4. The seal of the commission is referred in Clause 5. I think it is common practice with such bodies to have a seal, which is managed in the way proposed here.

MR LUKWAGO: Mr Chairman, I beg to differ on the issue of the judicial notice of this document, which bears the seal of the commission for two reasons: This clause has an effect of amending the Evidence Act, which is a different legislation altogether. The Evidence Act has a list of documents, which do not require proof and which court can take a judicial notice of. This then affects the Evidence Act without necessarily bringing a Bill to amend it.

Secondly, there are dangers involved in this concept of judicial notice. We need to be careful when we are legislating on such documents because they should be tested before they are included. *(Interjections)* I seek your guidance, Mr Chairman. Should I proceed?

THE CHAIRMAN: Please, proceed.

MR LUKWAGO: Thank you, Mr Chairman. Taking judicial notice of documents is a requirement of law and it might be dangerous for us to have this as a document without necessarily subjecting it to scrutiny, especially that it has a seal of the commission; that it is admissible without going through the necessary procedures of admitting public documents. Mr Chairman, for those two reasons, I beg to disagree with this proposed amendment.

THE CHAIRMAN: You mean your first one is that this, if taken, will be amending the Evidence Act by infection and that amendment by infection should have been accepted as a way of amending - Is the Evidence Act not subject to amendment?

MR NANDALA-MAFABI: I support what the honourable member is saying. It would have been neater, if you wanted this document to be considered, to add it on the list of those, which occur in the Evidence Act rather than hiding it in this special one. There is no reason, which has been given as to why you think it is necessary for this particular commission, for its seal to be taken

judicial notice of. You stand the risk of people being tempted to forge documents in respect of this. There is nothing special, which you are going to achieve by taking judicial notice of this document. I think there is no reason why it should be added.

MR NDEEZI: Thank you, Mr Chairman. I need guidance from the people who are opposing this provision. When we were considering this Bill, we noted that this is not the first commission we are creating. Our task was to compare the provisions of this commission with the provisions of other commissions, including the Uganda Human Rights Commission, Education Service Commission and other commissions of this nature.

We believed and concluded that almost all the commissions currently in operational do have this specific provision. So, what is the problem with including it in this commission, if it has done no harm in the other commission?

THE CHAIRMAN: Well, honourable members, there is a proposal, which has been made by the committee, the details of which were given to you by the chairperson of the committee. But some Members have opposed these formulations. Now, I think you must have appreciated the reasons for supporting and opposing. Now I want to put the question.

(Question put and agreed to.)

Clause 4

THE CHAIRMAN: Are there still more amendments on clause 4?

MS BINTU: Mr Chairman, on Clause 4, I beg to move that the clause be replaced with the following under the composition of commission:

- i) "The commission shall consist of five members, who shall include a chairperson and vice-chairperson, at least one of whom shall be a person with a disability or a youth, and two women appointed by the President with the approval of Parliament.
- ii) Members of the commission shall be persons of high moral character and proven integrity and possess considerable experience in and

a record of commitment to matters relating to the provision of equal opportunities or human rights.

- iii) In addition to the qualifications under sub-section (ii) the chairperson shall be a person qualified to be appointed a judge of the High Court."

The first justification is that, in sub-section (i), to streamline the provision and include a youth in the membership of the commission as the youth are also marginalized.

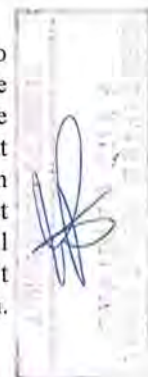
The second justification is to provide for extra qualification for the chairperson of the commission.

The commission will hear complaints of marginalisation and discrimination and therefore should have qualities of a court. It will be a quasi judicial body and it is necessary for its head to have the qualities of a judge. Mr Chairman, I beg to move.

MRS BBUMBA: Mr Chairman, I have no problem with the first amendment because it brings on board all those categories who are generally marginalised, especially the youth who are marginalised from so many angles. I support that, but I have a problem with the qualifications under (iii):

"The chairperson shall be a person qualified to be appointed a judge of the High Court." I find this one discriminative since we have given the general qualifications under (ii), where it says: "Members of the commission shall be persons of high moral character and proven integrity and possess considerable experience in and a record of commitment to matters relating to the provision of equal opportunities or human rights." I feel that the qualifications under (ii) are sufficient; we do not need the qualifications under (iii).

MR OYET: Thank you, Mr Chairman. I want to seek clarifications from the committee chairperson. When you look at the report of the committee, on page 7 bullets four, it says that commissions like Equal Opportunities and Human Rights should be contested for favourably, yet here they are saying that the President will appoint it with the approval of Parliament. Isn't that a contradiction? I seek some clarification. Thank you.



[Mr Kawanga]

1302 THE EQUAL OPPORTUNITIES COMMISSION BILL, 2006

one that should be used here. But on my own behalf, I just want to find out under (b), when you say, "... unless the person concerned is notified in writing and given an opportunity to defend himself or herself", before who? In what form? It will be very useful to indicate.

THE CHAIRMAN: No, it is clear in that, a person who wants to remove another person has to notify the person concerned so that if he wants to defend himself, he does so. I think it is implied.

MR LUKWAGO: I think here the appointing authority is the President, Mr Chairman, and we have a problem with that. For a President who is vested with powers to appoint and disappoint to issue a notice to a chairperson of a commission that, "Please, come and defend yourself before me before I sack you", I think it will be difficult. Under such circumstances, I support the idea that we probably come up with a tribunal composed of people of higher integrity and those other requirements, which are there like he was drawing a parallel with those in judicial service that you cannot remove a judicial officer before an inquiry is done.

Even with the LC 3 or LC 5 chairperson, there is a tribunal established to investigate their allegations. In this case, Mr Chairman, I think that was the proposal.

Again, Mr Chairman, there is this sub-clause (5) where they have used the word "may". I am again seeking clarification why "may" and not "shall"? Because they are saying, "Where a member is removed from office under this section, the President may appoint any other person", when it is mandatory in the previous clauses that the commission shall be composed of five members. So here you are giving room to the President whether to appoint or not. Therefore, the commission can remain with four or even less members in case the President exercises his discretion in such a way that he does not appoint. I think the drafting of this clause also needs some amendment.

THE CHAIRMAN: Yes, but the impression that I am getting from members' submissions, especially regarding defective formulations, is that although these reports were distributed to members sometime back they have not read

them. This is because if you had read the report and the proposed amendments and you disagreed with the formulation you should have come with an amendment. You do not just think of an amendment when the proposal is read here.

You had this over the weekend but - (*Interruption*)- so, you did not have the copies? You see, last week we dealt with the general debate and we had the second reading. Actually if it was not a question we would have gone even to the committee stage but we adjourned so that the committee stage is considered today. So, by the time we adjourned members had the reports. It is only that maybe for one reason or another they had not read them. Otherwise, we are going to be bogged down by people requesting for more time to go and make formulations. Is that what you think?

MRS SENINDE: Mr Chairman, I just want to seek a clarification from the chairperson on part (b) where it says under paragraph 3(b), "A person concerned is notified in writing and given an opportunity to defend himself or herself." The clarification I seek is, to whom?

THE CHAIRMAN: The person who is going to be removed is the one you address.

MR OCHIENG: Mr Chairman, I am seeking clarification on sub-clause (5) where it says, "The President may appoint any person in accordance with Section 5." I have looked at other formulations and I will give you an example of electoral laws of this country where they say that sometimes replacing people within a short period, when their term is almost expiring, is a problem.

I see a scenario here where when we use the word "may" it may be okay but if we use what the shadow attorney general is saying, then it will mean that even if it is within two weeks or one month to the expiry of the term, it will be mandatory for the President to appoint a person who will only go there and serve for one or two weeks as we see the formulation here. I find it a bit wanting that we make this clear. Thank you.

MS BINTU: Mr Chairman, I take the amendment by hon. Wacha that instead of "his or her office", we include, "the functions of the commission."

As regards what hon. Lukwago was raising, I concur with my colleague because in case a member dies when he is remaining with two weeks to the end of the term and you include there the word "shall" that means the President will be compelled to fill that office be it within one week or two days to the end of the term of the commission. So, I ask my colleague, hon. Lukwago, to accept the proposed amendment by the committee and leave there the word "may" so that we leave it flexible to the appointing authority. Thank you.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 5, as amended, agreed to.

Clause 6

MS BINTU: Mr Chairman, I beg to move that a new clause be inserted after Clause 5 as follows:

"Oath of members of the commission: Every member of the commission shall, before assuming his or her duties under this Act, take and subscribe to the oath specified in the Second Schedule to this Act."

The justification is re-arrangement of clauses to deal with taking oath before remuneration of members is provided for.

THE CHAIRMAN: That is clear. This is a new clause to provide for taking oath before you assume the office.

MRS BBUMBA: I thank you very much, Mr Chairman. This is a relocation of what was previously Clause 8 to this new place so we have no problem with it.

THE CHAIRMAN: I put the question. Those in favour say "Aye" to the contrary "Nay".

(Question put and agreed to.)

Clause 6

MS BINTU: Mr Chairman, I beg to move that Clause 6 be replaced with the following:

"Remuneration and allowances of members of the commission: Emoluments of members of the commission shall be prescribed by Parliament and shall be a charge on the Consolidated Fund."

The justification is to bring it in line with other commissions. I beg to move.

MRS BBUMBA: Mr Chairman, we concede to the re-arrangement.

THE CHAIRMAN: I put the question. Those in favour say "Aye" to the contrary "Nay".

(Question put and agreed to.)

Clause 6, as amended, agreed to.

Clause 7 agreed to.

Clause 8

MS BINTU: Mr Chairman, I beg to move that Clause 8 be deleted and the justification is that the clause is relocated between clauses 5 and 6. I beg to move.

MRS BBUMBA: Mr Chairman, we concede to the deletion.

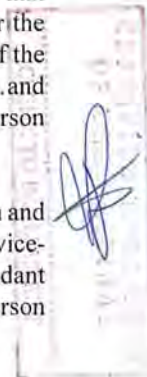
THE CHAIRMAN: I put the question. Those in favour say "Aye" to the contrary "Nay".

(Question put and agreed to.)

Clause 9

MS BINTU: Mr Chairman, I beg to propose that Clause 9(2) be amended by inserting after the word "chairperson" appearing at the end of the sub-clause the following expression, "...and perform such other functions as the chairperson or the commission may assign."

The justification is to allow the chairperson and the commission to assign work to the vice-chairperson so that he or she is not redundant because he or she is waiting for the chairperson to be away. I beg to move.



THE CHAIRMAN: Is that clear? I put the question.

(Question put and agreed to.)

Clause 9, as amended, agreed to.

THE CHAIRMAN: Before we proceed, honourable members, this afternoon in the Distinguished Strangers' Gallery we have Members of Parliament from the Kenya National Assembly. The MPs are Members of the Fiscal Analysis and Appropriation Committee and they are accompanied by resources staff and members of the Parliamentary Network of World Bank, East African Chapter. They are here to witness how the legislature operates in Uganda. You are most welcome our distinguished guests! *(Applause)*

Clause 10

MS BINTU: Mr Chairman, Clause 10 under "members of commission to relinquish particular offices", the clause is amended to include "a member of the East African Legislative Assembly."

The justification is that, a member of the East African Legislative Assembly is in the same category as a Member of Parliament and should also relinquish the office if appointed a member of the commission. I beg to move.

MRS BBUMBA: Mr Chairman, a member of the East African Legislative Assembly is in exactly the same category as a Member of Parliament and is paid from the Consolidated Fund so, if he is appointed, he/she should resign.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 10, as amended, agreed to.

Clause 11

MS BINTU: Mr Chairman, Clause 11 "secretary and other staff of commission" sub-clause (1) is replaced with the following: "The commission shall have a secretary who shall be a public officer appointed by the commission in

consultation with the Public Service Commission on terms and conditions determined by the commission in consultation with the Public Service Commission and specified in his or her instrument of appointment."

The justification is to make the commission be in charge of appointment and ensure allegiance of the secretary to the commission. Mr Chairman, I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 11, as amended, agreed to.

Clause 12 agreed to.

Clause 13

MS BINTU: Mr Chairman, Clause 13, meeting and procedure of commission. Sub-clause (1), (4) and (5) are replaced as follows:

"(1) The commission shall meet for the discharge of business at least once in every three months at such time and place as the commission may determine and the chairperson shall convene all the meetings.

(4) The chairperson shall preside at every meeting of the commission and in the absence of the chairperson, the vice-chairperson shall preside. In the absence of both the chairperson and the vice-chairperson, the members present shall elect one of their numbers to preside at the meeting.

(5) The quorum for a meeting of the commission shall be three members and all decisions at a meeting of the commission shall as far as possible be arrived at by consensus."

The justification in case of sub-clauses (1) and (4) is for clarity. In the case of sub-clause (5) it is to give a specific number for the quorum.

In sub-clause (2), Mr Chairman, I beg to move that we replace the word "four" appearing in the last line with the word "three". The justification is that, the quorum is three members. If four members must make a request then the number would be too high. In fact, that would mean all the members must request. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 13, as amended, agreed to.

Clause 14

MS BINTU: Mr Chairman, Clause 14, seal of commission. I beg to move that the seal be deleted and the justification is that, the clause was taken forward nearer to the establishment of the commission.

MRS BBUMBA: Yes, Mr Chairman, it is already dealt with.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 15

MS BINTU: Mr Chairman, Clause 15, functions and powers of the commission. I beg to move that the clause be replaced to read as follows:

“Functions of the commission:

(1) The functions of the commission are to monitor, evaluate and ensure that policies, laws, plans, programmes, activities, practices, traditions, cultures, usages and customs of:

- (a) organs of state at all levels,
- (b) statutory bodies and agencies,
- (c) public bodies and authorities,
- (d) private businesses and enterprises,
- (e) non-governmental organisations and
- (f) social and cultural communities

are compliant with equal opportunities and affirmative action in favour of groups marginalized on the basis of sex, race, colour, ethnic origin, tribe, creed, religion, social or economic standing, political opinion, disability, gender, age or any other reason created by history, tradition or custom.

(2) without prejudice to the generality of sub-section (1) the commission may –

(a) investigate or inquire into, on its own initiative or on a complaint made by any person or group of persons, any act, circumstance, conduct, omission, programme, activity or practice which seems to amount or constitute discrimination, marginalization or to otherwise undermine equal opportunities.

(b) examine any law, proposed law, policy, culture, tradition, usage, custom or plan which is likely to have the effect of nullifying or impairing equal opportunities to persons in employment or enjoyment of human rights.

(c) develop, conduct and manage information and educational programmes to facilitate and promote public awareness, understanding and acceptance of equal opportunities and treatment in employment, occupation, education and all social services;

(d) undertake research and organise, coordinate and promote workshops, seminars, conferences and public discussions on equal opportunities and treatment in employment, education social services or social and cultural construct of roles and responsibilities in society;

(e) consider such recommendations, suggestions and requests concerning the promotion of equal opportunities as it may receive from any source;

(f) prepare and publish, guidelines for implementation of equal opportunities and the avoidance of acts, practices, usage, customs, traditions or cultures that undermine equal opportunities;

(g) monitor the compliance, in Uganda, with the provisions of international and regional conventions, treaties and other instruments to which Uganda is a party that relate to or are relevant to the functions and objects of the Commission;

(h) perform such other functions that are incidental or conducive to the above functions.

3. The commission may rectify, settle or remedy any act, omission, circumstances, practice, tradition, culture, usage or custom that is found to

[Ms Bintu]

1306 THE EQUAL OPPORTUNITIES COMMISSION BILL, 2006

constitute discrimination, marginalisation or which otherwise undermines equal opportunities through mediation, conciliation, negotiation settlement or other dispute resolution mechanism.

4. Subject to sub-section (3), the Commission may hear and determine complaints by any person against any action, practice, usage, plan, policy, programme, tradition, culture or custom followed by any organ, body, business, organisation, institution or person which amounts to discrimination, marginalisation or undermines equal opportunities.

The justification, Mr Chairman, is to streamline the functions and the powers. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to)

Clause 15, as amended, agreed to

Clause 16

MS BINTU: Mr Chairman, clause 16 is on Special Powers of Commission. I beg to move that the clause is replaced to read as follows:

Powers of Commission

1. In the performance of its functions under this Act, the Commission shall have the powers of a court to: -
 - a) require the attendance before the commission of any person;
 - b) require the production of any books, papers or documents;
 - c) inspect any books, papers, materials or documents produced before it or otherwise and-
 - (i) retain any such books, papers, materials or documents for such reasonable period as the commission deems fit;
 - (ii) make copies of any of them or their contents.
 - d) require any person to make oath or affirmation to answer truthfully all questions put by members of the Commission relating to any matter being inquired into by the commission.

- e) require any person appearing before the commission, including the person whose conduct is subject to an inquiry, whether summoned to appear or not, to answer any question put by any member of the commission or by any other person appearing before the commission.

2. Subject to sub-section (3), where a person:-
 - a) who has been served with summons to attend before the commission fails without reasonable excuse to attend in obedience to the summons; or
 - b) who has been served with summons to produce any books, papers, materials or documents fails without reasonable excuse to comply with the summons;
 - c) misbehaves before the commission, wilfully insults the commission or a member of the commission, or interrupts the proceedings of the commission;
 - d) refuses to be sworn or to affirm or to answer a question when required to do so by the commission; that person commits an offence and shall, on conviction, be liable to a fine not exceeding 100 currency points or imprisonment not exceeding nine months or both.

3. In the course of its proceedings, the commission may-
 - a) receive in evidence the transcript of evidence in proceedings before a court or tribunal and draw such conclusions of fact from that evidence as it considers proper; or
 - b) adopt, as in its discretion it considers proper, any findings, decision or judgment of a court or tribunal that may be relevant to the proceedings.
4. In the discharge of its functions, the commission may-
 - a) refer any matter to any other institution, body, tribunal or authority which, in the opinion of the commission, can best handle that matter;
 - b) recommend to or order any institution, body, authority or person to adopt or take particular steps or action which, in the opinion of the commission, will promote equal opportunities;

- c) recommend to any Minister, institution, body or authority to adopt a new legislation which is promoting equal opportunities, and the institution, body, authority person or Minister shall implement or cause the implementation of the recommendation within six months from the date of communication or the recommendation.
5. The commission may, in writing, delegate to a member of the commission any of its powers or functions under this Act other than this power of delegation.
6. The commission shall not investigate-
- a) any matter which is pending before a court or judicial tribunal or is under investigation by another constitutional commission.
 - b) a matter involving the relations or dealings between the Government of Uganda and the government of any foreign state or international organisation; or
 - c) a matter relating to the exercise of the prerogative of mercy.

Mr Chairman, in our amendment the following new sub-clause 6(d), is inserted immediately after sub-clause 6(c) to read as follows: any matter involving behaviour which is considered to be-

- i) immoral and socially harmful; or
 - ii) unacceptable by the majority of the cultural and social communities in Uganda.
7. In the performance of its functions, the commission-
- a) may establish its operational guidelines and Rules of Procedure.
 - b) may request the assistance of any department, bureau, office, agency or person in the performance of its functions; and
 - c) shall observe the rules of natural justice.

Mr Chairman, the amendments that we have moved are to streamline the functions and powers. Thank you. I beg to move.

MRS BBUMBA: Thank you very much, Mr Chairman. I accept most of the amendments except the one under sub-clause 4(a), which

says: *"In discharge of its functions, the commission may-a) refer any matter to any other institution, body, tribunal or authority..."* Here I want to propose that instead of "any other institution" we put "a competent court". It would then read, "...the commission may refer to any matter to a competent court, body, tribunal or authority which, in the opinion of the commission, can best handle that matter". I beg to move.

THE CHAIRMAN: I think the intention here is that a body like the Human Rights Commission should handle the matter. They may also come to the conclusion that the matter can best be handled by IGG and not necessarily court. It may not be a court issue but something that needs to be investigated by a more competent organ. I think that is the idea behind the suggestion. It includes the court, actually.

MRS BBUMBA: Sir, with that guidance, I withdraw my proposal. On the amendment on immoral behaviour or generally unacceptable conduct by the majority of our people, it is very important that we include that clause. This is because the homosexuals and the like have managed to forge their way through in other countries by identifying with minorities. If it is not properly put in the clause, they can easily find their way through fighting discrimination. They can claim that since they are part of the minority, they can fight against marginalisation.

MR KYANJO: Thank you, Mr Chairman. My concern is on sub-clause 6(c), which says: - *"The commission shall not investigate a matter relating to the exercise of the prerogative of mercy"*. I am seeking clarification. The prerogative of mercy is exercised by the President and it is in the form of an opportunity offered to someone. I find it lacking, just in case the appointing authority seems to see just one group of people to be given the prerogative of mercy. I want clarification. Thank you.

DR MAKUBUYA: Thank you, Mr Chairman. I appreciate the concern being raised by hon. Kyanjo. I refer to Article 121 of the Constitution of the Republic of Uganda. The marginal note is *"Prerogative of Mercy"*. With your permission, Mr Chairman, let me read the vital parts: - *"(1) There shall be an advisory committee on the Prerogative of Mercy which shall consist of-* (a) *the Attorney-General who shall be the*

[Dr Makubuya]

1308 THE EQUAL OPPORTUNITIES COMMISSION BILL, 2006

chairperson; and (b) six prominent citizens of Uganda appointed by the President.

(2) A person shall not be qualified for appointment as a member of the committee if he or she is a member of Parliament, the Uganda Law Society or a district council.

(3) A member appointed under clause (1) (b) of this article shall serve for a period of four years and shall cease to be a member of the committee –

(a) if circumstances arise that would disqualify him or her from appointment; or

(b) if removed by the President for inability to perform the functions of his or her office arising from infirmity of body or mind or for misbehaviour, misconduct or incompetence.

(4) The President may, on the advice of the committee-

(a) grant to any person convicted of an offence a pardon either free or subject to lawful conditions;

(b) grant to a person a respite, either indefinite or for a specified period, from the execution of punishment imposed on him or her for an offence;

(c) Substitute a less severe form of punishment for a punishment imposed on a person for an offence; or

(d) remit the whole or part of a punishment imposed on a person or of a penalty or forfeiture otherwise due to Government on account of any offence.

(5) Where a person is sentenced to death for an offence, a written report of the case from the trial judge or judges or person presiding over the court or tribunal, together with such other information derived from the record of the case or elsewhere as may be necessary, shall be submitted to the Advisory Committee on the Prerogative of Mercy.

(6) A reference in this article to conviction or imposition of a punishment, sentence or forfeiture includes conviction or imposition of a punishment, penalty, sentence or

forfeiture by a court martial or other military tribunal except a field court martial.”

Mr Chairman, I have read this provision out in order to explain that what the amendment is proposing is good practice. It is good practice the world over that matters of the prerogative of mercy handled by that committee on prerogative of mercy normally are not referred to other tribunals of inquiry. I thank you, Sir.

MR GAGAWALA WAMBUZI: Thank you, Mr Chairman. I stood up to ask for clarification from the honourable minister and the chairperson of the committee on the issue of morality being incorporated. I want to know whether our ladies may not suffer some inconvenience at some stage particularly on the issues of dress code, which might come up and become a very controversial society issue.

For our ladies in the whole of Uganda, big and small, young and old, this issue of dress code can become serious. Some ladies may want very short skirts, others in Karamoja may want to actually move without anything and others may want to put on –(Interjections)- As I said, I am just wondering whether she is comfortable with it. I wonder whether she has thought through it so that later when it comes, as you know we are following affirmative action and it is really for the ladies, I feel that I need to be made comfortable. Thank you, Mr Chairman.

MS BBUMBA: Mr Chairman, I want to thank my honourable colleague for his concern for their ladies. We have already taken into account those kinds of concerns. What we are trying to do is to ensure that their ladies are not discriminated. If the code of dress is going to be the cause of their discrimination, then that is a matter which is going to be dealt with by the commission.

MR WASIKE: Thank you, Mr Chairman. I just have a concern on the powers of the commission being equivalent to a court. A court is not defined. In this country we have LC courts, magistrate courts, High Court and some courts, which are higher. I would have been comfortable if instead of just saying a court, because each lawyer may interpret it differently, we specify the court. I would have been comfortable with the powers being equal to a High Court, so we would add the

word 'High'. If not, we would say the powers are equal to a magistrate's court. Now if we read it, is it an LC court, magistrate's court, High Court; which court?

MS BBUMBA: Mr Chairman, court is defined in the interpretation and it means a court of competent jurisdiction.

(Question put and agreed to.)

Clause 16, as amended, agreed to.

Clause 17

MS BINTU: Mr Chairman, clause 17 is on special functions of the commission relating to equal opportunities. I beg to move that the clause be deleted. The justification is that the clause has been incorporated in clause 15, dealing with functions of the commissions. I beg to move.

MS BBUMBA: I concur with the amendment, Sir.

(Question put and agreed to.)

Clause 18

MS BINTU: Mr Chairman, clause 18, periodical and annual reports. I propose the clause be deleted. The justification is that it will be included in Part V of the miscellaneous provisions, to streamline the parts. I beg to move.

MR NANDALA-MAFABI: Thank you very much, Mr Chairman. I think annual reports are quite important in the activities of any organisation like this one. I would want the committee to allow *-(Interjections)-* but we cannot relocate until we reach there. I think what we do is leave it here. If you want to relocate, you can do it later. I am suggesting that we still retain clause 18 as it is.

MS BINTU: Mr Chairman, there is one report and we are handling it as a report of the committee, as a whole.

(Question put and agreed to.)

Clause 19

MS BINTU: Mr Chairman, clause 19, Independence of the Commission. I beg to move that the clause be deleted. The justification is that it moved forward near the establishment of the commission to highlight the type of body established. I beg to move

(Question put and agreed to.)

Clause 20

MS BINTU: Mr Chairman, clause 20, delegation by the commission. I beg to move that the clause be deleted. The justification is that the provision is included in the clause dealing with powers of the commission. I beg to move.

(Question put and agreed to.)

Clause 21

MS BINTU: Clause 21- Investigations by the Commission. I beg to move that the clause be deleted. The justification is that sub-clauses (1) and (2) are already included in the clause dealing with functions. Sub-clause (3), a clause dealing with lodging of complaints, is recommended under Part V as a substantive clause. I beg to move.

(Question put and agreed to.)

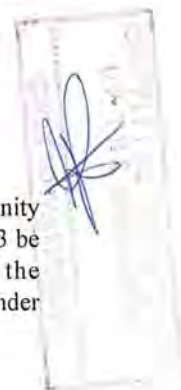
Clause 22

MS BINTU: Clause 22- Affirmative Action. Mr Chairman, I beg to move that the clause be deleted. The justification is that the clause has been included in the clause dealing with functions. I beg to move.

(Question put and agreed to.)

Clause 23

MS BINTU: Mr Chairman, clause 23- Immunity from liability. I beg to move that clause 23 be deleted. The justification is that the recommendation is made to incorporate it under Part V. I beg to move.



THE SPEAKER: I put the question.

(Question put and agreed to.)

Clause 24

MS BINTU: Clause 24 (1)- Legal counsel: I beg to move that this clause be deleted. The justification is that in sub clause (1) there is no need for the Attorney-General to be given a permanent right to attend meetings of the commission. The commission has a right to request any expert or consultant to attend its meetings to advise the commission.

sub-clause (2) is recommended to be under Part V. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 25

MS BINTU: Mr Chairman, on General Provisions- the title of Part (V) is amended by replacing the word "General" with the word "Miscellaneous". The justification is that there are various provisions dealing with different unrelated issues. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

MR NANDALA-MAFABI: Clause 25 talks about funds of the commission. And under (a) is money appropriated by Parliament but under (b) they are talking of loans and grants both within and without. The clarification I want to seek from the chairperson is; we know very well these loans which come here from outside [*Members: We are not dealing with Clause 25.*] Okay, I apologise if we are not dealing with clause 25.

THE SPEAKER: I put the question – *(Interruption)*

MR NANDALA-MAFABI: Mr Chairman, that is where I was. Part (a) is okay. Part (b), when you talk about loans within or outside Uganda, it is common knowledge that loans which come from outside Uganda are approved by Parliament and all loans and grants are always

appropriated in the budget here. Now if you say these are different from those appropriated by the budget in Parliament, it makes a contradiction. I would suggest that we delete (b).

THE CHAIRMAN: Does providing such a thing here in the Act remove the constitutional requirement for approval, if necessary? First of all, you provide it here, but for it to be achieved, you have to follow the procedure laid down in the Constitution.

I put the question.

(Question put and agreed to.)

Clause 26, agreed to.

Clause 27, agreed to.

Clause 28, agreed to.

Clause 29, agreed to.

Clause 30, agreed to.

Clause 31, agreed to.

Clause 32

MS BINTU: Mr Chairman, I beg to move that new clauses be inserted immediately before clause 32 as follow- Lodging complaints:

1. A person or group of persons may lodge a complaint relating to discrimination, marginalisation or any act, which undermines or impairs equal opportunities with the commission.
2. A complaint made under sub-section (1) shall be in writing and signed by the complainant or complainants.
3. The commission shall consider or hear the complaint within six months after receipt of the complaint.

The justification is that a substantive clause dealing with lodging of complaints is required. I beg to move.

MRS BBUMBA: Mr Chairman, since the major responsibility of the commission is to sort out issues of marginalisation, either through their own research or complaints lodged with them, the amendment being made here on lodging of complaints is appropriate.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

MS BINTU: Mr Chairman, there is another new clause on reports by the commission. I beg to move that this clause be inserted:

1. The commission may at any time submit a report to the minister on any matter arising during the course of the performance of its functions under this Act and shall when requested to do so submit a report on any matter to the minister.
2. The commission shall publish and disseminate periodic reports on its findings and shall submit annual reports to Parliament on the state of equal opportunities in the country.
3. The annual reports referred to in sub-section 2 above shall be signed by the chairperson addressed to the Speaker of Parliament with a copy to the President.

The justification is that various clauses scattered in the Bill are brought together under on clause. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

MS BINTU: Mr Chairman, there are so many clauses and I am seeking clarification. Should we move one by one?

THE CHAIRMAN: Yes -*(Laughter)*

MS BINTU: Mr Chairman, I propose that a new clause reading: "Bills to have impact assessment" be inserted. All Bills introduced in Parliament for enactment shall be accompanied by a memorandum of Equal Opportunities impact assessment. The chairperson of the commission shall sign the memorandum and the justification is to ensure that all Bills take into consideration equal opportunities issues- *(Laughter)* I beg to move.

THE CHAIRMAN: You mean you bring a Forest Bill, Animal Bill-

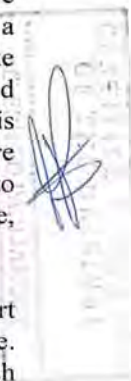
MRS BBUMBA: Mr Chairman, where as I accept the commission being proactive, I think we need to be mindful of other things. The time it will take especially when the commission is still in its infancy, to vet and issue the clean certificate of equal opportunity compliance, I think may not be that beneficial. Instead, given the powers, what the ministers should do is to issue regulations to centres formulating Bills to take into account issues of marginalisation, instead of having the Bills being vetted at that stage, Mr Chairperson.

MRS MWESIGYE: Mr Chairman, in addition to what the Minister of Gender has just stated, we have a full time Equal Opportunities Standing Committee of Parliament and I think part of its functions is to ensure that the Bills that come before Parliament are gender and equal opportunities compliant. I would, therefore, suggest that the committee's chairperson becomes vigilant in addition to the instruments that the minister has just stated that Cabinet will put in place.

MS BINTU: Mr Chairman, the Bill which the Minister presented to this House – actually the Commission once put in place- one of its roles will be to evaluate any existing Act or written law, any existing system or personal or family law or custom. When they start evaluating, I believe that is when they will be identifying the gaps that are fallen. If we include this clause of impact assessment, we shall be assisting this commission not to have a heavy schedule before them. We shall also address most of these gaps during the legislative process at a policy level. When it comes to the final stage, we shall not have problems of trying to look at those gaps that are fallen by virtue of missing the equal opportunities element.

THE CHAIRMAN: No, but when Bills are published, the purpose of publishing Bills in a gazette is to give notice to the public and all stake holders on what is happening. Therefore, I would imagine that this commission should also take this opportunity to study the Bill and if it thinks there are negative things, then it should bring them to the attention of those concerned. But otherwise, it is too much. I do not know.

MRLUKWAGO: Mr Chairman I rise to support the minister. We have a problem with this clause. We have the Acts of Parliament Act, which



[Mr Lukwago]

1312 THE EQUAL OPPORTUNITIES COMMISSION BILL, 2006

governs these various Bills. When you look at this requirement, it is more or less like a clause that seeks to regulate all other Bills that come before Parliament. That at best can only be a constitutional clause requirement. If it was inserted in the Constitution, probably it would make sense, but to smuggle it into another Bill again to regulate the clauses of other Bills that will come before this House, such a mandate will be unfortunate.

THE CHAIRMAN: I put the question.

(Question put and negatived.)

MS BINTU: Mr Chairman, I beg to move that another new clause be inserted "Representation by counsel: A person appearing before the commission may be represented by counsel. The justification is that this clause has been relocated to be under the appropriate part. I beg to move.

MR LUKWAGO: Mr Chairman, I propose that we use the word "advocate" instead of "counsel", and secondly we add "at that person's expense" because it will remain ambiguous if you make it a right that one has got a right to appear with his counsel or advocate. We have had problems before – it is there in the Local governments Act that where there is a motion seeking to censure a chairperson and it tabled before a tribunal, the chairperson has got a right of representation. So, we have had debates before these tribunals whether the district should pay the costs for the legal representation.

I wish to inform this House that one time I was a beneficiary of that confusion and I should disclose this to you. Mr Chairman, I had a matter in Iganga and the district ended up paying the costs for legal representation of the chairman and what happened – there was a lot hullabaloo about that issue. To remove that kind of ambiguity, let us make it very clear that it is at this person's expense not the expense of the commission.

MRS BBUMBA: Mr Chairman, as an assessor, I do not know the difference between counsel and advocate. If the two mean the same, there is no problem having counsel/advocate, but if the two mean different things - *(Interruption)*

THE CHAIRMAN: May be we can put "legal counsel".

MRS BBUMBA: Okay. But the amendment which hon. Lukwago has proposed regarding the cost is very important. Already government is over burdened with lots of legal costs. It is important that for clarity, we put there "at his/her cost".

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

MS BINTU: Mr Chairman, I beg to move that a new clause be inserted on immunity of Members of the Commission Staff. "A member of the commission or an employee of the commission or any other person performing any other function of the commission under the direction of the commission shall not be personally liable to any civil proceedings for any act done in good faith in the performance of the functions or the exercise of the powers of the commission under this act." The justification is that this clause has been relocated to be under the appropriate part.

THE CHAIRMAN: I put the question

(Question put and agreed to.)

MS BINTU: Mr Chairman, a new clause be inserted on immunity of witness. "A witness appearing before the commission shall have the same immunities and privileges as is he/she were a witness before a court of law". The justification is that this clause has been re-located to suit sequence. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

MS BINTU: Mr Chairman, a new clause be inserted on attendance allowance.

1. Any person summoned to appear before the commission as a witness is entitled to be paid by way of reimbursement of his or her expenses, such allowance as is payable to a witness appearing before a court in criminal proceedings.
2. Any other person invited by the commission to attend any meeting, to assist the commission may be paid such allowances as the commission may consider reasonable.

TUESDAY 12TH DECEMBER 2006

1313

THE EIGHTH PARLIAMENT OF UGANDA

The justification is that this clause has been relocated to suit sequence. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

THE CHAIRMAN: I put the question that clause 32 as amended stand part of the Bill.

(Question put and agreed to.)

Clause 33

MS BINTU: Mr Chairman, the clauses that I have been reading came in before clause 32. I beg that we move to clause 32.

THE CHAIRMAN: They were before clause 32- Ok, clause 32. I put the question that clause 32 stand part of the Bill.

(Question put and agreed to.)

Clause 33

MS BINTU: Mr Chairman, I beg to move that clause 33 be deleted and the justification is that it is re-located earlier to suit sequence.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 34

MS BINTU: Mr Chairman, I beg to move that clause 34 be deleted because it has been re-located earlier to suit sequence.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 35

MS BINTU: Mr Chairman, I beg to move that clause 35 be replaced to read as follows:
Application of Court rules.

“Where the Rules of Procedure of the commission do not provide for a particular matter before the commission rules applicable to civil or criminal proceedings in a court of law may be applied by the commission with such modifications as may be necessary.”

The justification is that an aggrieved person will appeal from the commission to the High Court. It is therefore a lesser court than the High Court and should use rules of a lesser court. I beg to move.

THE CHAIRMAN: I put the question –
(Interruption)

MR LUKWAGO: Mr Chairman, I am seeking clarification. This amendment sounds a bit ambiguous in as far as the rules applicable; it is saying rules applicable to civil or criminal proceedings in a court of law. It is not clear as to which court. We have different courts with different rules of procedure. We have magistrates' courts, High Court, Court of Appeal, Supreme Court and other courts. This is quite ambiguous.

We should have specific rules of procedure, which are applicable such that if it is the Magistrates' Courts we should be clear and they are saying in civil or criminal proceedings. It is equally ambiguous if you are saying civil or criminal proceedings. Which rules of procedure in criminal proceedings? Is it the Magistrate's Court Act, is it the Trial of Indictment Act and many others? We need to recast this particular amendment. I am seeking clarification on this.

MS BBUMBA: Mr Chairperson, reading as an assessor, under clause 34, the rules being referred to here are described as High Court rules.

THE CHAIRMAN: I put the question.

MR LUKWAGO: Before the question is put, Mr Chairman, we get a statement from the same amendment that this commission is subordinate to High Court and that is the justification given here. If it is subordinate to the High Court, how can it have the same rules governing it when in the justification it is clearly stated that, one, that a person can have a right of appeal to the High Court where he will be regulated by the same rules. So, there is still a problem with this. I need further clarification.

DR MAKUBUYA: Thank you, Mr Chairman. The amendment provides that the commission will make its own rules of procedure but in case there are gaps, a matter comes before it and

[Mr Lukwago]

1314 THE EQUAL OPPORTUNITIES COMMISSION BILL, 2006

there are gaps, then it can resort to the rules of procedure of the High Court. Primarily, the commission will be making its own rules of procedure. But since you cannot envisage everything that may develop before it, they are saying that rather than an issue collapsing you can refer to the existing rules of procedure of the High Court.

Mr Chairman, if I may say so, this is not entirely peculiar. There are laws which provide for other laws in our system which provide for this kind of thing. The primary responsibility for making the rules of procedure will be with the commission, but they are providing that in case there is something, which they haven't foreseen then refer to the existing rules of procedure of the High Court.

The contradiction is not clear to me because the fact that you have applied one or two rules of procedure to cover up a gap does not mean that you are changing the status of this commission in the system. That one does not change it at all. You are just assisting parties appearing before the commission to have their cases processed. I thank you, Sir.

MRLUKWAGO: Mr Chairman, the problem is with this proposed amendment. When you look at the proposed amendment, it seeks to replace clause 35 and this proposed amendment makes no mention whatsoever of the applicability of the High Court - it doesn't. It is instead the original clause, which the amendment seeks to replace which talks about the application of the rules of procedure governing the High Court.

In that case, if the Attorney-General maintains that we apply the rules of procedure of the High Court, and then we retain the clause in the original text and reject this proposed amendment if that is what he is saying. I would agree with him that this proposed amendment be rejected and we retain the clause as it is in the original text.

THE CHAIRMAN: You see what is happening with this formulation, is that it presupposes that the commission will have rules, but these rules may not be comprehensive enough. They may not cover certain situations and therefore there will be lack of rules to deal with particular situations. Where there is a situation for which

the commission's rules are not provided for, you will resort to the rules that are set. It is only when the rules are covered that you resort to the other rules. I put the question.

(Question put and agreed to.)

(Clause 35, as amended, agreed to.)

Clause 36

MS BINTU: Mr Chairman, clause 36 is in essence relating to administration of the Act, sub-clause 1, I beg to move that a new paragraph (c) be inserted after paragraph (b) to read as follows: "A person implementing an order of the commission." A new paragraph (d), be inserted after paragraph (c) to read as follows: "Contravenes or refuses to implement any order or settlement made by the commission."

The justification is to ensure that any person interfering with the person implementing an order of the commission is punished and to enable the commission enforce its order. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

(Clause 36, as amended, agreed to.)

(Clause 37, agreed to.)

Clause 4

MR OKUMU: Mr Chairman, I propose the following formulation under the composition of commission:

1. The commission shall consist of five members, including the chairperson and vice chairperson.
2. In appointing the commission, the President shall ensure regional balance, inclusion of the opposition and the presence of youth, women and persons with disability.

THE CHAIRMAN: That is the proposal.

MAJ. KINOBE: Mr Chairman, there is an alternative proposal here. First of all, it splits them into two as follows:

(i) By creating another, sub-clause 1 to read:
 "The commission shall consist of five members who shall include the chairperson, vice chairperson and the composition of the membership shall include at least a person with a disability, a youth and two women.

The Second Schedule

(Question put and agreed to.)

The Title

THE CHAIRMAN: I put the question that the Title stand as the title of the Bill.

(Question put and agreed to.)

(ii) The President with the approval of Parliament shall appoint members of the commission. Then the current (2) becomes (3), members of the commission and so forth. I beg to move.

MOTION FOR THE HOUSE TO RESUME

MRLUKWAGO: I would support that proposal, but unfortunately it is not clear as to who shall elect the chairperson and the vice chairperson. How are they going to be elected?

5.12

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Mrs Syda Bbumba): Mr Chairman, I beg to move that the House do resume and the Committee of the whole House reports thereto. I beg to move.

THE CHAIRMAN: Normally the Appointing Authority designates. Because when the Appointing Authority makes these appointments or nominations, he indicates whom he wants to be the chairman and vice chairman.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

There is a proposal by hon. Okumu Reagan, which you have heard. So, I put the question.

(The House resumed, the Speaker presiding.)

(Question put and negated.)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

THE CHAIRMAN: Then there is a proposal by hon. Kinobe. I put the question.

5.13

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Mrs Syda Bbumba): Mr Speaker and honourable members, I beg to report that the Committee of the whole House has considered the Bill entitled: "The Equal Opportunities Commission Bill, 2006" and passed it with amendments. I beg to move.

(Question put and agreed to.)

(Clause 4, as amended, agreed to.)

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

Clause 38

THE CHAIRMAN: I put the question that clause 38 stand part of the Bill.

(Question put and agreed to.)

The First Schedule

5.13

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Mrs Syda Bbumba): Mr Speaker, I beg to move that the report from the Committee of the whole House be adopted. I beg to move.

THE CHAIRMAN: I put the question that the First Schedule stand as the schedule of the Bill.

(Question put and agreed to.)

THE SPEAKER: Honourable members, the motion is that we adopt the report of the Committee of the whole House on "The Equal Opportunity Commissions Bill, 2006." I put the question.

(Question put and agreed to.)

BILLS
THIRD READING

THE EQUAL OPPORTUNITIES
COMMISSION BILL, 2006

5.14

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Mrs Syda Bbumba): Mr Speaker, I beg to move that the Bill entitled, "The Equal Opportunities Commission Bill, 2006" be read a Third Time and do pass. I beg to move.

THE SPEAKER: Honourable members, the motion is that the Bill entitled, "The Equal Opportunity Commission, 2006" be read for a third time and do pass. I put the question.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED
"THE EQUAL OPPORTUNITIES
COMMISSION ACT, 2006"

THE SPEAKER: Congratulations, honourable members. This is a matter that has been hanging since 1995. It is only that recently we had the Constitution amendment, this has come, but now the Bill has been enacted. Thank you very much.

MS BBUMBA: Mr Speaker, I just want to congratulate members of the marginalised groups especially members of the opposite side and all members of the marginalised groups for having this very important Bill passed.

I would like to thank members of the committee, honourable colleagues and you, Mr Speaker, for the good guidance. Thank you very much - *(Applause)*

THE SPEAKER: Thank you very much honourable members for work done and I think it is a convenient time to adjourn. But I understand

on the Order Paper there was a report on a loan. I hope you have copies. So, I appeal to you to go and read the report so that when it is presented tomorrow, you are in position to contribute effectively.

In future I would appeal to you to read these reports because I realised that when we were dealing with this particular Bill we have just passed - that although the reports were with you, you had not taken time to internalise them and be able to effectively participate. But anyway- yes *-(Interruption)*

5.17

MR KASSIANO WADRI (FDC, Terego County, Arua): Mr Speaker, for purposes of the record, I would like to register our appreciation to the Executive for having brought this Bill after 11 years. We have enjoyed the discussions amicably and on many occasions the opposition did come up strongly to support the purpose and intentions for which this Bill has been enacted. It is only our prayer that it shouldn't just be among our law volumes but it should be put into practice and be operationalised.

We have noted as the side of opposition in this Parliament that there are very many genuine constitutional commissions similar to the one that we have just enacted. But in so executing their creation, institutionalisation and operationalisation, the appointing authority, with due respect, is many times skewed towards only appointing people who favour his mind. And we are of the opinion that we are all Ugandans. Once a government is voted in, regardless of whether certain sections of the population supported it or not, it is incumbent upon it to grant and deliver services to its citizens without any discrimination.

In a similar vein, we also urge that even on these commissions, members of the different political beliefs should also be considered. I bring this out, Mr Speaker, not long ago, there was a commission for Immigration and Citizenship Board was constituted and there were very nasty happenings that took place under your chairmanship. Two of our members walked out of the Appointments Committee and I would not like such kinds of things to repeat themselves.

If only the appointing authority could also be considerate that there are also other minority views out there whose views are not in vain but that mean well for this country as a whole. I hope and pray that the new Minister for Gender and Labour and Social Development will be able to nationalise this commission as soon as possible. For it has taken us quite long and we badly need it. Thank you very much, Mr Speaker.

THE SPEAKER: Thank you very much, honourable members, we come to the end of today's business. The House is adjourned until tomorrow 2.00 p.m.

(The House rose at 5.20 p.m. and adjourned until Wednesday, 13 December 2006 at 2.00 p.m.)

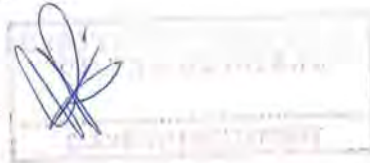


EXHIBIT 86

Tuesday, 12 December 2006

Parliament met at 2.50 p.m. in Parliament House, Kampala

PRAYERS

(The Speaker, Mr Edward Kiwanuka Ssekandi, in the Chair.)

The House was called to Order

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, I welcome you and thank you for finding time to come to do your work. In the public gallery, we have visitors from Kayunga District. Their group is called Nazigo Women's Group. You are most welcome to your Parliament! There are two other groups, but I do not have the details. As soon as I get the details, I will introduce them to you.

The Order Paper will be adjusted to indicate business to follow, to include the motion by hon. Lukwago for Kampala Central on Shimon Demonstration Primary School. I understand copies have been issued to you but it was not included on the Order Paper. There will also be a statement by the Acholi Parliamentary Group on the land issue in the region. These will all be indicated tomorrow.

**BILLS
COMMITTEE STAGE**

THE EQUAL OPPORTUNITIES COMMISSION BILL, 2006

2.55

Clause 1

THE CHAIRPERSON, STANDING COMMITTEE ON EQUAL OPPORTUNITIES (Ms Jalia Bintu): Mr Chairman, I beg to propose that Clause 1 be deleted and the justification is, it defeats the intention of Article 32 (4) of setting the period within which the commission was to be established. The establishment of the commission is useful only if the commission is functional. Leaving the enforcement date to the minister may make the commission dormant for a long period after the enactment of the law. The date of commencement should be left to the general interpretation required, which is the date of publication. I beg to propose.

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Mrs Syda Bhumba): Thank you very much, Mr Chairman. We had proposed Clause 1 because establishing a commission like this is an easy process. However, in view of the lateness, which has been justified by the chairperson of the committee, we concede to the amendment.

THE CHAIRMAN: Very good.

(Question put and agreed to.)

Clause 2

MS BINTU: Mr Chairman – *(Interruption)*

THE CHAIRMAN: Sorry to interrupt you again. Present in the gallery are teachers and members of the management committee of Shimon Demonstration School. I think they have come to see what is happening here. You are welcome! *(Applause)*

MS BINTU: Mr Chairman, in Clause 2 I propose that the definition of “discrimination” be replaced with the following: “Discrimination means any act, omission, policy, law, rule, practice, distinction, condition, situation, exclusion or preference which directly or indirectly has the effect of nullifying or impairing equal opportunities or marginalizing a section of society or resulting in unequal treatment of persons in employment or in enjoyment of rights and freedoms on the basis of sex, race, colour, ethnical origin, tribe, birth, creed, religion, health status, social or economic standing, political opinion or disability.” The justification for this definition is to include all forms of discrimination for clarity. I beg to propose.

THE CHAIRMAN: Honourable members, that is the proposed amendment. Any comment?

MRS BBUMBA: Mr Chairman, the amendment which has been proposed is an expansion of what we had in the Bill. So, we have no problem with the expanded interpretation.

MR ARUMADRI: Thank you, Mr Chairman. This interpretation includes discrimination on grounds of political opinion. We are already faced with this problem and I wanted the Bill to be very emphatic as to how it intends to cure this. But it looks like it is just glossing over it.

THE CHAIRMAN: Glossing over it? What is your position? Do you agree with this new definition by the committee?

MR ARUMADRI: Yes, Mr Speaker.

THE CHAIRMAN: Very good.

(Question put and agreed to.)

MS BINTU: Mr Chairman, there are some more amendments on Clause 2 and I do not know how to proceed. Should I move them all at once?

THE CHAIRMAN: Please do.

MS BINTU: I propose that the definition of “equality” be deleted. The justification is that, the only place it is used does not need a definition.

The other amendment is on the definition of the expression “equal opportunities.” I propose that the definition of “equal opportunities” be inserted immediately after the definition of “discrimination” as follows: “Equal opportunities means having the same treatment or consideration in the enjoyment of rights and freedoms, attainment of access to social services, education, employment and physical environment, or the participation in social, cultural and political activities regardless of sex, age, race, colour, ethnical origin, tribe, birth, creed, religion, health status, social or economic standing, political opinion or disability.” The justification is that, the expression is frequently used in the Bill but it is not defined.

Mr Chairman, I beg to propose that the definition of “gender” be replaced with the following definition: “Gender means the social—” *(Interruption)*

THE CHAIRMAN: Let us finish with the other one before we come to that. Now, the first amendment proposed, honourable minister.

MRS BBUMBA: Mr Chairman, we concede to the amendment by way of deletion of the definition of "equality" because as the chairperson of the committee stated, it is very scarce. It is stated only once in the whole Bill and therefore does not require a definition.

MR LUKWAGO: Mr Chairman, I would like to know the harm it does to have the definition of "equality" in this Bill. In my opinion, I see no harm in having this clause in the Bill. There is that justification that the only reference to it does not require definition, but I see no harm.

THE CHAIRMAN: In other words, you are opposing the deletion.

MR LUKWAGO: Mr Chairman, I oppose the deletion.

MS BINTU: Mr Chairman, where the term "equality" is used does not need an explanation. For neatness in the Bill, we needed not to define it.

THE CHAIRMAN: Well, honourable members, there is a proposal to retain and there is a proposal to delete. Therefore, since there are two proposals we shall start with the one of deletion. I put the question. Is it clear to you? You see, the word "equality" is in the Bill; the committee has come out with a proposal that it should be deleted. There is a Member who said, "No, do not delete it. Leave it as it is." Since there are now two positions, we shall start with the one of deletion. I put the question.

(Question put and agreed to.)

THE CHAIRMAN: The second proposed amendment was "equal opportunities." Honourable minister, please.

MRS BBUMBA: I thank you very much, Mr Chairman. I do not have a problem with inserting the definition, but we thought that since it was the subject matter of the Bill, it did not require a definition. But at the same time, we have no problem with those who feel that the definition should be there. Thank you.

THE CHAIRMAN: Honourable members, I put the question on the proposed new definition of "equal opportunities."

(Question put and agreed to.)

THE CHAIRMAN: You do not seem to be following. What we are dealing with are the proposals of the committee. The committee has proposed to expand or to clarify the definition, which they have read to us. Therefore, when you support it, we will replace the earlier definition in the Bill.

MS BINTU: Mr Chairman, I propose that the definition of "gender" be replaced with the following: "Gender means the social and cultural construct of roles, responsibilities, attributes, opportunities, privileges, status, access to, and control over resources and benefits between men and women, boys and girls in a given society." The justification is for clarity and having a widely used definition.

MRS BBUMBA: Thank you very much, Mr Chairman. We had thought that we would use the summarised version assuming that everybody understood what gender is. But again, if the committee feels that they needed an expanded definition of "gender" we have no problem. We accept the amendment.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

MS BINTU: Mr Chairman, I propose that a new definition of "sex" be inserted immediately after the definition of "person" as follows: "Sex means the natural state of being male or female." The justification is that, it might be deliberately misinterpreted to suit some peoples' interests in case we do not define it here.

DR BUTURO: Mr Chairman, I support the chairperson of the committee on account that these days we have interest groups which are seeking to argue that it is permissible for a man to marry a man or a woman to marry a woman. This is unacceptable to the majority of Ugandans and so, it is essential that any amendment we make provides for that situation.

MRS BBUMBA: Mr Chairman, in view of what is happening globally and what has happened recently in South Africa, I support the amendment.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 2, as amended, agreed to.

THE CHAIRMAN: Before we move to Clause 3, I think in the spirit of the East African Community Federation, in the public gallery we have visitors from Moro Secondary School in Moro Constituency in Kenya. We welcome our visitors from Kenya! *(Applause)*

Clause 3

THE CHAIRMAN: I put the question that Clause 3 stand part of the bill.

(Question put and agreed to.)

Clause 4

MS BINTU: Mr Chairman, I beg to propose that two new clauses be inserted after Clause 3 to read as follows:

- 1) "Independence of a commission: Subject to the Constitution, the commission shall, in exercise of its functions be independent and shall not be subject to the direction or control of any person or authority.
- 2) Seal of the Commission:
 - (i) The seal of the commission shall be:
 - (a) in such form as the commission may determine.

- (b) applied in such circumstances as the commission may determine subject to any written law.
 - (c) Kept under the custody of the secretary.
- (ii) Judicial notice shall be taken of the seal of the commission and any document sealed with the seal shall be admissible in evidence.”

The justification is to highlight the type of body established and to provide for the seal of the commission. These clauses are re-allocated from other clauses of the Bill to suit the sequence. I beg to propose.

MR WACHA: Mr Chairman, I have a small matter on the independence of the commission. I think we should remove the comma from after “shall” and bring it immediately after “functions” so that it reads: “Subject to the Constitution, the commission shall, at the exercise of its functions, be independent and shall not be subject to....”

MS BINTU: Mr Chairman, I am most obliged.

MRS BBUMBA: Mr Chairman, we had not provided for the independence of the commission in the Bill on the assumption that being a constitutional body set up by the Constitution, its independence is clearly defined as an oversight committee. We thought that would suffice. However, for emphasis and clarity, I think it does not cause any harm if we inserted the new Clause 4. The seal of the commission is referred in Clause 5. I think it is common practice with such bodies to have a seal, which is managed in the way proposed here.

MR LUKWAGO: Mr Chairman, I beg to differ on the issue of the judicial notice of this document, which bears the seal of the commission for two reasons: This clause has an effect of amending the Evidence Act, which is a different legislation altogether. The Evidence Act has a list of documents, which do not require proof and which court can take a judicial notice of. This then affects the Evidence Act without necessarily bringing a Bill to amend it.

Secondly, there are dangers involved in this concept of judicial notice. We need to be careful when we are legislating on such documents because they should be tested before they are included. *(Interjections)* I seek your guidance, Mr Chairman. Should I proceed?

THE CHAIRMAN: Please, proceed.

MR LUKWAGO: Thank you, Mr Chairman. Taking judicial notice of documents is a requirement of law and it might be dangerous for us to have this as a document without necessarily subjecting it to scrutiny, especially that it has a seal of the commission; that it is admissible without going through the necessary procedures of admitting public documents. Mr Chairman, for those two reasons, I beg to disagree with this proposed amendment.

THE CHAIRMAN: You mean your first one is that this, if taken, will be amending the Evidence Act by infection and that amendment by infection should have been accepted as a way of amending - Is the Evidence Act not subject to amendment?

MR NANDALA-MAFABI: I support what the honourable member is saying. It would have been neater, if you wanted this document to be considered, to add it on the list of those, which occur in the Evidence Act rather than hiding it in this special one. There is no reason, which has been given as to why you think it is necessary for this particular commission, for its seal to be

taken judicial notice of. You stand the risk of people being tempted to forge documents in respect of this. There is nothing special, which you are going to achieve by taking judicial notice of this document. I think there is no reason why it should be added.

MR NDEEZI: Thank you, Mr Chairman. I need guidance from the people who are opposing this provision. When we were considering this Bill, we noted that this is not the first commission we are creating. Our task was to compare the provisions of this commission with the provisions of other commissions, including the Uganda Human Rights Commission, Education Service Commission and other commissions of this nature.

We believed and concluded that almost all the commissions currently in operational do have this specific provision. So, what is the problem with including it in this commission, if it has done no harm in the other commission?

THE CHAIRMAN: Well, honourable members, there is a proposal, which has been made by the committee, the details of which were given to you by the chairperson of the committee. But some Members have opposed these formulations. Now, I think you must have appreciated the reasons for supporting and opposing. Now I want to put the question.

(Question put and agreed to.)

Clause 4

THE CHAIRMAN: Are there still more amendments on clause 4?

MS BINTU: Mr Chairman, on Clause 4, I beg to move that the clause be replaced with the following under the composition of commission:

- i) "The commission shall consist of five members, who shall include a chairperson and vice-chairperson, at least one of whom shall be a person with a disability or a youth, and two women appointed by the President with the approval of Parliament.
- ii) Members of the commission shall be persons of high moral character and proven integrity and possess considerable experience in and a record of commitment to matters relating to the provision of equal opportunities or human rights.
- iii) In addition to the qualifications under sub-section (ii) the chairperson shall be a person qualified to be appointed a judge of the High Court."

The first justification is that, in sub-section (i), to streamline the provision and include a youth in the membership of the commission as the youth are also marginalized.

The second justification is to provide for extra qualification for the chairperson of the commission.

The commission will hear complaints of marginalisation and discrimination and therefore should have qualities of a court. It will be a quasi judicial body and it is necessary for its head to have the qualities of a judge. Mr Chairman, I beg to move.

MRS BBUMBA: Mr Chairman, I have no problem with the first amendment because it brings on board all those categories who are generally marginalised, especially the youth who are

marginalised from so many angles. I support that, but I have a problem with the qualifications under (iii):

“The chairperson shall be a person qualified to be appointed a judge of the High Court.” I find this one discriminative since we have given the general qualifications under (ii), where it says: *“Members of the commission shall be persons of high moral character and proven integrity and possess considerable experience in and a record of commitment to matters relating to the provision of equal opportunities or human rights.”* I feel that the qualifications under (ii) are sufficient; we do not need the qualifications under (iii).

MR OYET: Thank you, Mr Chairman. I want to seek clarifications from the committee chairperson. When you look at the report of the committee, on page 7 bullets four, it says that commissions like Equal Opportunities and Human Rights should be contested for favourably, yet here they are saying that the President will appoint it with the approval of Parliament. Isn't that a contradiction? I seek some clarification. Thank you.

THE CHAIRMAN: No, why do we not first of all dispose of the first objection; the issue is about qualifications as stated in (iii). I think the minister is saying that (iii) is restricting the appointment. Actually it means that the appointment will be restricted to people who are lawyers and the minister disagrees with that. I think it should be open. Could we dispose of this issue first and then proceed to the others? Can I put the question or there are contributions to be made on this subject?

MR MATHIAS NSUBUGA: Thank you very much, Mr Chairman. We should say that for a person to qualify, he/she should be of a rank or status of a judge of the High Court, but not to restrict it to the lawyers only. I think somebody who is qualified *—(Interjections)*

THE CHAIRMAN: No, what the minister is saying here is that there is no need to restrict it to people who are able to work in court. She is saying that one can be an agriculturalist, an engineer, a farmer or something like that, she is opening it.

MR WADRI: Mr Chairman, I have a cause to support the honourable minister. The issues that this commission is going to be entrusted with are of subjective nature. So, you do not need to go to Makerere and get a degree in law in order to know whether you are being discriminated against. You are not going to be in court. What is expected of you is maturity and being very objective in analysing issues which, therefore, means that what we should be emphasising is more of the moral aptitude, more of maturity, basic educational qualifications but not necessarily law. I feel that the minister is quite right. Otherwise, that in itself will be an act of discrimination.

MR WACHA: I am sorry, but if you emphasize maturity, what do we do with the youths? *(Laughter)*

MRS SENINDE: Mr Chairman, I would like to support the committee because in the first place, the chairperson gave a justification as to why they are deciding that way. And I believe that if this commission is going to have the powers similar to that of a court, then I do not see the reason why the chairperson is not supposed to be of that level. So, I support the committee.

MR LUKWAGO: Mr Chairman, I rise to support the position of the minister. You know, this requirement for a chairperson to have qualifications equivalent to those of a judge, should be put into proper perspective and should not be with due respect vulgarised. You see, for a body to be chaired by a person of those qualifications, it should be a body, which is going to exercise

judicial, quasi-judicial functions of powers. This commission, in my opinion, is not necessarily going to exercise judicial powers though it is required to take judicious decisions. Judicious decisions and resolutions do not necessarily require quasi-judicial or judicial powers. That is not what it presupposes.

So, I think that qualification will come when we are debating the Electoral Commission Bill. *(Laughter)* There it would be more relevant, Mr Chairman, I thank you.

THE CHAIRMAN: Why do we not dispose of this? There are three proposals made: The minister had no problem with the first or even the second one, but there is this one restricting the categories of people who can be appointed. Can we dispose of that?

(Question put and negatived.)

THE CHAIRMAN: Now, there was a clarification, which a honourable member sought, I think in respect of (i), he thought that membership should be competed for. What is the position?

MS BINTU: Mr Chairman, if the Member read the report and understood it, we observed that such commissions like the Equal Opportunities, the Electoral Commission and Human Rights Commission will in future be competed for favourably.

But as the committee went on discussing all the necessary procedures, it was stuck somewhere that if we allowed this commission to be competed for, there was need for other related laws to be amended. And, therefore, that is why we have recommended it that in future such commissions should be contested for not only to be left for the appointing authority. And that is why we have made it under the recommendations and we have carried this one forward. So, it is not in any way contradictory.

MS JUDITH AKELLO: Thank you, Mr Chairman. I have a small problem with the first one, where it says: "The commission shall consist of five members, who shall include a chairperson and vice-chairperson, at least one of whom shall be a person with disability...." Unless if it was a technical or a computer mistake, I do not think the English would sound so well. Because there are some people who may be having many forms of disabilities. Then, if here you mention that a person with a disability - I have a problem with that. *(Laughter)* Thank you, Mr Chairman.

MS BINTU: Mr Chairman, a person with disability. So, we delete the "a". Thank you. It is a typographic error—*(Laughter)*

THE CHAIRMAN: Okay, Now, I think let us dispose of the—*(Interruption)*

MR ODI: Mr Chairman, I listened to the clarification from the chairperson. She is saying that in future, these posts would be competed for, and the future is open. How long will this future be before the law can be revisited? This is speculation.

Secondly, I am also very uncomfortable with sub-section (i), where the commission will consist of five members who shall include a chairperson, whose sex is silent, vice-chairperson, whose sex is also silent, at least one of whom shall be a person with disability, a youth and two women appointed by the President.

Now, if women have been emphasised as a qualification for two persons and the other areas are quiet, there is a high possibility that the chairperson can be a woman; this person with disability can also be a woman and the youth as well. I want some clarification there.

THE CHAIRMAN: I thought this is to make sure that at least there will be a woman, at least there will be a person with disability and a youth. I think that is all.

MRS BBUMBA: Mr Chairman, this commission is about correcting imbalances. We all know that the women are unfortunate among the most marginalized according to the history of our tradition. In whatever form they are, and if you go to the people with disabilities, it is still the women with disabilities who are more marginalised than the men with disabilities. When you go to the youth, again the female youth suffer more. When you go to the general public, again it is the women.

So, I do not see any harm even if the whole commission was comprised of women. *(Laughter)* However, the appointing authority, I am sure in his wisdom, will balance because he has to balance this commission to ensure that it reflects the true character of what it is supposed to do. I have not seen the appointing authority appointing only women. But even if he did, there will be no harm.

MR MATHIAS NSUBUGA: Thank you very much, Mr Chairman. The purpose of bringing this Bill to this House is for us to make guidelines for the appointing authority, among other reasons. Now, when you say that the appointing authority will use his discretion, then the purpose of bringing this Bill here is defeated. For example, I want to have a distinction between affirmative action and equal opportunities. Affirmative action was brought to encourage women and the youth so that they can be brought to the limelight.

Now, when we talk about equal opportunities, for example, even all of us people on opposition are marginalised, both men and women. So, I am saying let us be straight and say - because when you say, five people will be on the commission, supposing all the five are on one side, what happens to the marginalised side of the opposition? So, we want to be straight and guide the appointing authority.

MAJ. (RTD) KINOBE: Thank you, Mr Chairman. I want to inform the honourable member on the Floor that when you look at Clause 4, the appointing authority is the President and the approval is by Parliament. So, Parliament is enjoined with the President in finally constituting this commission. In the wisdom of this House, if the appointing authority errors in any way, then the guidance can still come from this House at that stage of constituting the commission. So, I think that is really well taken care of at the time of constituting the commission.

MR MATHIAS NSUBUGA: Thank you very much, honourable member. But for me, I just want guidelines to guide the appointing authority so that when he is appointing, the opposition is recognised. The political shades in this House should be put on this commission.

MR OKUMU: Mr Chairman, I also want to comment on (i). First, I want to agree with my colleague that we should indicate in the law that the opposition should also be represented on this commission.

Secondly, I think we should indicate that the composition of this commission should include people from all the regions in the country because regions have become a big concern in as far as opportunities and marginalisation are concerned. Thank you, Mr Chairman.

MS KABANDA: I would like also to agree that there should be a very clear distinction between equal opportunity and affirmative action. That is why equal opportunity is about the best for the job, while affirmative action is positive discrimination and everybody is talking about no discrimination and yet there is discrimination. So, my view is that the committee should go back and have very clear guidelines on what and where affirmative action should apply. They should formulate something on affirmative action, expand it a little bit in accordance with the Constitution.

While I agree that this commission should be set up, I still feel that there could be some room for manoeuvres by those who may not understand actually the reason why equal opportunities has been set up. This is why men could come up and contest the existence of only women on this commission in case the appointing body appoints only women. Someone could say, "We have been discriminated against."

So, we should have guidelines, especially on affirmative action; expand what the Constitution says about affirmative action and then go ahead. It does not mean that I do not agree with the motion, the commission should be set up, but there should be that distinction.

MR KAWANGA: The last speaker has actually brought out the issues here, and I wanted to point out that really the language of this clause should be looked at again. It is causing confusion. It reads, "The commission shall consist of five members, who shall include a chairperson and vice-chairperson, at least one of whom shall be a person with disability...."

It reads like the disability will be the chairperson and the vice-chairperson and then there is a comma, then "...a youth and two women appointed by the President." It sounds as if it is the youth and two women appointed by the President. So, the whole clause really requires re-drafting.

THE CHAIRMAN: No, if it requires re-drafting, how are you re-drafting it because we have to move *-(Interruption)*

MR LUKWAGO: To improve on it, I think this sub clause should be broken down into two: one about the composition of the commission and two, about the chairperson and vice-chairperson. So, we should have them as two separate clauses.

THE CHAIRMAN: Make the formulation.

MR LUKWAGO: "The commission shall consist of five members at least one of whom -"
(Laughter) Mr Chairman, allow me draft it and then I read it out.

MR WACHA: Let me try:

- (i) The commission shall consist of five members appointed by the President.
- (ii) In making the appointment under clause (i), the President shall ensure that either the chairperson or the vice- chairperson is a person with disability. *(Laughter)* I said I was trying; you failed. *(Laughter)*

(iii) Of the other members of the commission, one of the members shall be a youth and two other members shall be women” then you continue from there. Now I saw the chairperson jumping up and down; you jump at me.

THE CHAIRMAN: It seems we have agreed on the principle so what we need is the language or the formulation. Maybe what we can do is to give some people time to go down and write it out as we proceed with others. Is that okay?

Clause 5

MS BINTU: Mr Chairman, Clause 5 on the tenure of office of a member of the commission, I beg to propose that new sub-clauses be inserted after sub-clause (3) as follows:

“(4) A member of the commission shall not be removed from office -

- (a) under paragraph 3(a) unless the medical board certifies that the person concerned is unable to perform the functions of his or her office;
- (b) under paragraphs 3(b) to (d), unless the person concerned is notified in writing and given an opportunity to defend himself or herself.

(5) Where a member is removed from office under this section, the President may appoint another person in accordance with Section 5 to replace that person and the person appointed shall hold the office for the remainder of the term of the member removed.”

The justification is to give a process of removal from office of members of the commission so that a member is not removed without being given a chance to be heard. Sub-clause (5) also deals with filling of a vacancy of a member removed from office to bring it near to where the vacancy comes into existence. Mr Chairman, I beg to move.

MRS BBUMBA: Thank you very much, Mr Chairman. What the committee has proposed is fair, as it should not be allowed for people to assume that somebody has gone berserk and is given a termination letter. The medical board will have to certify and I think according to the law of natural justice, it is proper that people are given an opportunity to be heard. I concede to the amendment.

MR WACHA: Under (4)(a), Sir, “A member of the commission shall not be removed from office under paragraph 3(a) unless the medical board certifies that the person concerned is unable to perform the functions of the commission.” We are talking about the commission in this case.

THE CHAIRMAN: That is okay.

MR WASIKE: Thank you, Mr Chairman. I am getting problems with where we set up laws. Each commission, much as it is similar to another commission, be provided with different conditions of service, different ways of removal and different ways of coming on board. I would have been comfortable if, for example, we looked at how an Electoral Commission or Human Rights Commission member get off the commission. How does any other member of a commission leave a commission so that we apply the general principles? This is because when we have separate principles for separate commissions, it is a bit disturbing. My view is that we generalize the principles.

THE CHAIRMAN: Why do you think that these proposals are different from others?

MR WASIKE: I have looked at the ones for Public Service Commission, Judicial Service Commission and even the courts ruling on how you can remove a Judicial Service Commission member and they are very different. But all these are commissions, therefore, we should have general principles.

THE CHAIRMAN: And therefore?

MR WASIKE: Mr Chairman, I would propose that we use the principles as provided for in the –
(Interruption)

THE CHAIRMAN: When a proposal is made, you are entitled to move an amendment.

MR NDEEZI: Thank you, Mr Chairman and thank you honourable member, for giving way. The information I want to give is that, the committee's proposal takes into account the concerns of the honourable member. In the Bill there have not been sufficient attempts to link the powers, say, to other commissions. What we are trying to do is to ensure that the powers are similar to that of other commissions. Therefore, I want to assure my friend, your concerns are taken into account by this amendment.

MR WASIKE: Mr Chairman, I would request for some minutes so that I can get the provisions of these other commissions I am referring to and then I will come back.

MR KAWANGA: I suspect the honourable member wants to suggest that the formulation, which occurs in other commissions, should be the one that should be used here. But on my own behalf, I just want to find out under (b), when you say, "...unless the person concerned is notified in writing and given an opportunity to defend himself or herself", before who? In what form? It will be very useful to indicate.

THE CHAIRMAN: No, it is clear in that, a person who wants to remove another person has to notify the person concerned so that if he wants to defend himself, he does so. I think it is implied.

MR LUKWAGO: I think here the appointing authority is the President, Mr Chairman, and we have a problem with that. For a President who is vested with powers to appoint and disappoint to issue a notice to a chairperson of a commission that, "Please, come and defend yourself before me before I sack you", I think it will be difficult. Under such circumstances, I support the idea that we probably come up with a tribunal composed of people of higher integrity and those other requirements, which are there like he was drawing a parallel with those in judicial service that you cannot remove a judicial officer before an inquiry is done.

Even with the LC 3 or LC 5 chairperson, there is a tribunal established to investigate their allegations. In this case, Mr Chairman, I think that was the proposal.

Again, Mr Chairman, there is this sub-clause (5) where they have used the word "may". I am again seeking clarification why "may" and not "shall"? Because they are saying, "Where a member is removed from office under this section, the President may appoint any other person", when it is mandatory in the previous clauses that the commission shall be composed of five members. So here you are giving room to the President whether to appoint or not. Therefore, the commission can remain with four or even less members in case the President exercises his discretion in such a way that he does not appoint. I think the drafting of this clause also needs some amendment.

THE CHAIRMAN: Yes, but the impression that I am getting from members' submissions, especially regarding defective formulations, is that although these reports were distributed to members sometime back they have not read them. This is because if you had read the report and the proposed amendments and you disagreed with the formulation you should have come with an amendment. You do not just think of an amendment when the proposal is read here.

You had this over the weekend but *-(Interruption)-* so, you did not have the copies? You see, last week we dealt with the general debate and we had the second reading. Actually if it was not a question we would have gone even to the committee stage but we adjourned so that the committee stage is considered today. So, by the time we adjourned members had the reports. It is only that maybe for one reason or another they had not read them. Otherwise, we are going to be bogged down by people requesting for more time to go and make formulations. Is that what you think?

MRS SENINDE: Mr Chairman, I just want to seek a clarification from the chairperson on part (b) where it says under paragraph 3(b), "A person concerned is notified in writing and given an opportunity to defend himself or herself." The clarification I seek is, to whom?

THE CHAIRMAN: The person who is going to be removed is the one you address.

MR OCHIENG: Mr Chairman, I am seeking clarification on sub-clause (5) where it says, "The President may appoint any person in accordance with Section 5." I have looked at other formulations and I will give you an example of electoral laws of this country where they say that sometimes replacing people within a short period, when their term is almost expiring, is a problem.

I see a scenario here where when we use the word "may" it may be okay but if we use what the shadow attorney general is saying, then it will mean that even if it is within two weeks or one month to the expiry of the term, it will be mandatory for the President to appoint a person who will only go there and serve for one or two weeks as we see the formulation here. I find it a bit wanting that we make this clear. Thank you.

MS BINTU: Mr Chairman, I take the amendment by hon. Wacha that instead of "his or her office", we include, "the functions of the commission."

As regards what hon. Lukwago was raising, I concur with my colleague because in case a member dies when he is remaining with two weeks to the end of the term and you include there the word "shall" that means the President will be compelled to fill that office be it within one week or two days to the end of the term of the commission. So, I ask my colleague, hon. Lukwago, to accept the proposed amendment by the committee and leave there the word "may" so that we leave it flexible to the appointing authority. Thank you.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 5, as amended, agreed to.

Clause 6

MS BINTU: Mr Chairman, I beg to move that a new clause be inserted after Clause 5 as follows:

"Oath of members of the commission: Every member of the commission shall, before assuming his or her duties under this Act, take and subscribe to the oath specified in the Second Schedule to this Act."

The justification is re-arrangement of clauses to deal with taking oath before remuneration of members is provided for.

THE CHAIRMAN: That is clear. This is a new clause to provide for taking oath before you assume the office.

MRS BBUMBA: I thank you very much, Mr Chairman. This is a relocation of what was previously Clause 8 to this new place so we have no problem with it.

THE CHAIRMAN: I put the question. Those in favour say "Aye" to the contrary "Nay".

(Question put and agreed to.)

Clause 6

MS BINTU: Mr Chairman, I beg to move that Clause 6 be replaced with the following: "Remuneration and allowances of members of the commission: Emoluments of members of the commission shall be prescribed by Parliament and shall be a charge on the Consolidated Fund."

The justification is to bring it in line with other commissions. I beg to move.

MRS BBUMBA: Mr Chairman, we concede to the re-arrangement.

THE CHAIRMAN: I put the question. Those in favour say "Aye" to the contrary "Nay".

(Question put and agreed to.)

Clause 6, as amended, agreed to.

Clause 7 agreed to.

Clause 8

MS BINTU: Mr Chairman, I beg to move that Clause 8 be deleted and the justification is that the clause is relocated between clauses 5 and 6. I beg to move.

MRS BBUMBA: Mr Chairman, we concede to the deletion.

THE CHAIRMAN: I put the question. Those in favour say "Aye" to the contrary "Nay".

(Question put and agreed to.)

Clause 9

MS BINTU: Mr Chairman, I beg to propose that Clause 9(2) be amended by inserting after the word "chairperson" appearing at the end of the sub-clause the following expression, "...and perform such other functions as the chairperson or the commission may assign."

The justification is to allow the chairperson and the commission to assign work to the vice-chairperson so that he or she is not redundant because he or she is waiting for the chairperson to be away. I beg to move.

THE CHAIRMAN: Is that clear? I put the question.

(Question put and agreed to.)

Clause 9, as amended, agreed to.

THE CHAIRMAN: Before we proceed, honourable members, this afternoon in the Distinguished Strangers' Gallery we have Members of Parliament from the Kenya National Assembly. The MPs are Members of the Fiscal Analysis and Appropriation Committee and they are accompanied by resources staff and members of the Parliamentary Network of World Bank, East African Chapter. They are here to witness how the legislature operates in Uganda. You are most welcome our distinguished guests! *(Applause)*

Clause 10

MS BINTU: Mr Chairman, Clause 10 under "members of commission to relinquish particular offices", the clause is amended to include "a member of the East African Legislative Assembly."

The justification is that, a member of the East African Legislative Assembly is in the same category as a Member of Parliament and should also relinquish the office if appointed a member of the commission. I beg to move.

MRS BBUMBA: Mr Chairman, a member of the East African Legislative Assembly is in exactly the same category as a Member of Parliament and is paid from the Consolidated Fund so, if he is appointed, he/she should resign.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 10, as amended, agreed to.

Clause 11

MS BINTU: Mr Chairman, Clause 11 "secretary and other staff of commission" sub-clause (1) is replaced with the following: "The commission shall have a secretary who shall be a public officer appointed by the commission in consultation with the Public Service Commission on terms and conditions determined by the commission in consultation with the Public Service Commission and specified in his or her instrument of appointment."

The justification is to make the commission be in charge of appointment and ensure allegiance of the secretary to the commission. Mr Chairman, I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 11, as amended, agreed to.

Clause 12 agreed to.

Clause 13

MS BINTU: Mr Chairman, Clause 13, meeting and procedure of commission. Sub-clause (1), (4) and (5) are replaced as follows:

“(1) The commission shall meet for the discharge of business at least once in every three months at such time and place as the commission may determine and the chairperson shall convene all the meetings.

(4) The chairperson shall preside at every meeting of the commission and in the absence of the chairperson, the vice-chairperson shall preside. In the absence of both the chairperson and the vice-chairperson, the members present shall elect one of their numbers to preside at the meeting.

(5) The quorum for a meeting of the commission shall be three members and all decisions at a meeting of the commission shall as far as possible be arrived at by consensus.”

The justification in case of sub-clauses (1) and (4) is for clarity. In the case of sub-clause (5) it is to give a specific number for the quorum.

In sub-clause (2), Mr Chairman, I beg to move that we replace the word “four” appearing in the last line with the word “three”. The justification is that, the quorum is three members. If four members must make a request then the number would be too high. In fact, that would mean all the members must request. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 13, as amended, agreed to.

Clause 14

MS BINTU: Mr Chairman, Clause 14, seal of commission. I beg to move that the seal be deleted and the justification is that, the clause was taken forward nearer to the establishment of the commission.

MRS BBUMBA: Yes, Mr Chairman, it is already dealt with.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 15

MS BINTU: Mr Chairman, Clause 15, functions and powers of the commission. I beg to move that the clause be replaced to read as follows:

“Functions of the commission:

(1) The functions of the commission are to monitor, evaluate and ensure that policies, laws, plans, programmes, activities, practices, traditions, cultures, usages and customs of:

- (a) organs of state at all levels,
- (b) statutory bodies and agencies,
- (c) public bodies and authorities,
- (d) private businesses and enterprises,
- (e) non-governmental organisations and
- (f) social and cultural communities

are compliant with equal opportunities and affirmative action in favour of groups marginalized on the basis of sex, race, colour, ethnic origin, tribe, creed, religion, social or economic standing, political opinion, disability, gender, age or any other reason created by history, tradition or custom.

(2) without prejudice to the generality of sub-section (1) the commission may –

- (a) investigate or inquire into, on its own initiative or on a complaint made by any person or group of persons, any act, circumstance, conduct, omission, programme, activity or practice which seems to amount or constitute discrimination, marginalization or to otherwise undermine equal opportunities.
- (b) examine any law, proposed law, policy, culture, tradition, usage, custom or plan which is likely to have the effect of nullifying or impairing equal opportunities to persons in employment or enjoyment of human rights.
- (c) develop, conduct and manage information and educational programmes to facilitate and promote public awareness, understanding and acceptance of equal opportunities and treatment in employment, occupation, education and all social services;
- (d) undertake research and organise, coordinate and promote workshops, seminars, conferences and public discussions on equal opportunities and treatment in employment, education social services or social and cultural construct of roles and responsibilities in society;
- (e) consider such recommendations, suggestions and requests concerning the promotion of equal opportunities as it may receive from any source;
- (f) prepare and publish, guidelines for implementation of equal opportunities and the avoidance of acts, practices, usage, customs, traditions or cultures that undermine equal opportunities;
- (g) monitor the compliance, in Uganda, with the provisions of international and regional conventions, treaties and other instruments to which Uganda is a party that relate to or are relevant to the functions and objects of the Commission;
- (h) perform such other functions that are incidental or conducive to the above functions.

3. The commission may rectify, settle or remedy any act, omission, circumstances, practice, tradition, culture, usage or custom that is found to constitute discrimination, marginalisation or which otherwise undermines equal opportunities through mediation, conciliation, negotiation settlement or other dispute resolution mechanism.

4. Subject to sub-section (3), the Commission may hear and determine complaints by any person against any action, practice, usage, plan, policy, programme, tradition, culture or custom followed by any organ, body, business, organisation, institution or person which amounts to discrimination, marginalisation or undermines equal opportunities.

The justification, Mr Chairman, is to streamline the functions and the powers. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to)

Clause 15, as amended, agreed to

Clause 16

MS BINTU: Mr Chairman, clause 16 is on Special Powers of Commission. I beg to move that the clause is replaced to read as follows:

Powers of Commission

1. In the performance of its functions under this Act, the Commission shall have the powers of a court to: -
 - a) require the attendance before the commission of any person;
 - b) require the production of any books, papers or documents;
 - c) inspect any books, papers, materials or documents produced before it or otherwise and-
 - (i) retain any such books, papers, materials or documents for such reasonable period as the commission deems fit;
 - (ii) make copies of any of them or their contents.
 - d) require any person to make oath or affirmation to answer truthfully all questions put by members of the Commission relating to any matter being inquired into by the commission.
 - e) require any person appearing before the commission, including the person whose conduct is subject to an inquiry, whether summoned to appear or not, to answer any question put by any member of the commission or by any other person appearing before the commission.
2. Subject to sub-section (3), where a person:-
 - a) who has been served with summons to attend before the commission fails without reasonable excuse to attend in obedience to the summons; or
 - b) who has been served with summons to produce any books, papers, materials or documents fails without reasonable excuse to comply with the summons;
 - c) misbehaves before the commission, wilfully insults the commission or a member of the commission, or interrupts the proceedings of the commission;

- d) refuses to be sworn or to affirm or to answer a question when required to do so by the commission; that person commits an offence and shall, on conviction, be liable to a fine not exceeding 100 currency points or imprisonment not exceeding nine months or both.
3. In the course of its proceedings, the commission may-
 - a) receive in evidence the transcript of evidence in proceedings before a court or tribunal and draw such conclusions of fact from that evidence as it considers proper; or
 - b) adopt, as in its discretion it considers proper, any findings, decision or judgment of a court or tribunal that may be relevant to the proceedings.
 4. In the discharge of its functions, the commission may-
 - a) refer any matter to any other institution, body, tribunal or authority which, in the opinion of the commission, can best handle that matter;
 - b) recommend to or order any institution, body, authority or person to adopt or take particular steps or action which, in the opinion of the commission, will promote equal opportunities;
 - c) recommend to any Minister, institution, body or authority to adopt a new legislation which is promoting equal opportunities, and the institution, body, authority person or Minister shall implement or cause the implementation of the recommendation within six months from the date of communication or the recommendation.
 5. The commission may, in writing, delegate to a member of the commission any of its powers or functions under this Act other than this power of delegation.
 6. The commission shall not investigate-
 - a) any matter which is pending before a court or judicial tribunal or is under investigation by another constitutional commission.
 - b) a matter involving the relations or dealings between the Government of Uganda and the government of any foreign state or international organisation; or
 - c) a matter relating to the exercise of the prerogative of mercy.

Mr Chairman, in our amendment the following new sub-clause 6(d), is inserted immediately after sub-clause 6(c) to read as follows: any matter involving behaviour which is considered to be-

- i) immoral and socially harmful; or
 - ii) unacceptable by the majority of the cultural and social communities in Uganda.
7. In the performance of its functions, the commission-
 - a) may establish its operational guidelines and Rules of Procedure.
 - b) may request the assistance of any department, bureau, office, agency or person in the performance of its functions; and
 - c) shall observe the rules of natural justice.

Mr Chairman, the amendments that we have moved are to streamline the functions and powers. Thank you. I beg to move.

MRS BBUMBA: Thank you very much, Mr Chairman. I accept most of the amendments except the one under sub-clause 4(a), which says: "*In discharge of its functions, the commission may-a) refer any matter to any other institution, body, tribunal or authority...*" Here I want to propose that instead of "any other institution" we put "a competent court". It would then read, "...the commission may refer to any matter to a competent court, body, tribunal or authority which, in the opinion of the commission, can best handle that matter". I beg to move.

THE CHAIRMAN: I think the intention here is that a body like the Human Rights Commission should handle the matter. They may also come to the conclusion that the matter can best be handled by IGG and not necessarily court. It may not be a court issue but something that needs to be investigated by a more competent organ. I think that is the idea behind the suggestion. It includes the court, actually.

MRS BBUMBA: Sir, with that guidance, I withdraw my proposal. On the amendment on immoral behaviour or generally unacceptable conduct by the majority of our people, it is very important that we include that clause. This is because the homosexuals and the like have managed to forge their way through in other countries by identifying with minorities. If it is not properly put in the clause, they can easily find their way through fighting discrimination. They can claim that since they are part of the minority, they can fight against marginalisation.

MR KYANJO: Thank you, Mr Chairman. My concern is on sub-clause 6(c), which says: - *"The commission shall not investigate a matter relating to the exercise of the prerogative of mercy"*. I am seeking clarification. The prerogative of mercy is exercised by the President and it is in the form of an opportunity offered to someone. I find it lacking, just in case the appointing authority seems to see just one group of people to be given the prerogative of mercy. I want clarification. Thank you.

DR MAKUBUYA: Thank you, Mr Chairman. I appreciate the concern being raised by hon. Kyanjo. I refer to Article 121 of the Constitution of the Republic of Uganda. The marginal note is *"Prerogative of Mercy"*. With your permission, Mr Chairman, let me read the vital parts: -
"(1) There shall be an advisory committee on the Prerogative of Mercy which shall consist of-
(a) the Attorney-General who shall be the chairperson; and (b) six prominent citizens of Uganda appointed by the President.

(2) A person shall not be qualified for appointment as a member of the committee if he or she is a member of Parliament, the Uganda Law Society or a district council.

(3) A member appointed under clause (1) (b) of this article shall serve for a period of four years and shall cease to be a member of the committee -

(a) if circumstances arise that would disqualify him or her from appointment; or
(b) if removed by the President for inability to perform the functions of his or her office arising from infirmity of body or mind or for misbehaviour, misconduct or incompetence.

(4) The President may, on the advice of the committee-

(a) grant to any person convicted of an offence a pardon either free or subject to lawful conditions;
(b) grant to a person a respite, either indefinite or for a specified period, from the execution of punishment imposed on him or her for an offence;
(c) Substitute a less severe form of punishment for a punishment imposed on a person for an offence; or
(d) remit the whole or part of a punishment imposed on a person or of a penalty or forfeiture otherwise due to Government on account of any offence.

(5) Where a person is sentenced to death for an offence, a written report of the case from the trial judge or judges or person presiding over the court or tribunal, together with such other

information derived from the record of the case or elsewhere as may be necessary, shall be submitted to the Advisory Committee on the Prerogative of Mercy.

(6) A reference in this article to conviction or imposition of a punishment, sentence or forfeiture includes conviction or imposition of a punishment, penalty, sentence or forfeiture by a court martial or other military tribunal except a field court martial."

Mr Chairman, I have read this provision out in order to explain that what the amendment is proposing is good practice. It is good practice the world over that matters of the prerogative of mercy handled by that committee on prerogative of mercy normally are not referred to other tribunals of inquiry. I thank you, Sir.

MR GAGAWALA WAMBUZI: Thank you, Mr Chairman. I stood up to ask for clarification from the honourable minister and the chairperson of the committee on the issue of morality being incorporated. I want to know whether our ladies may not suffer some inconvenience at some stage particularly on the issues of dress code, which might come up and become a very controversial society issue.

For our ladies in the whole of Uganda, big and small, young and old, this issue of dress code can become serious. Some ladies may want very short skirts, others in Karamoja may want to actually move without anything and others may want to put on *-(Interjections)-* As I said, I am just wondering whether she is comfortable with it. I wonder whether she has thought through it so that later when it comes, as you know we are following affirmative action and it is really for the ladies, I feel that I need to be made comfortable. Thank you, Mr Chairman.

MS BBUMBA: Mr Chairman, I want to thank my honourable colleague for his concern for their ladies. We have already taken into account those kinds of concerns. What we are trying to do is to ensure that their ladies are not discriminated. If the code of dress is going to be the cause of their discrimination, then that is a matter which is going to be dealt with by the commission.

MR WASIKE: Thank you, Mr Chairman. I just have a concern on the powers of the commission being equivalent to a court. A court is not defined. In this country we have LC courts, magistrate courts, High Court and some courts, which are higher. I would have been comfortable if instead of just saying a court, because each lawyer may interpret it differently, we specify the court. I would have been comfortable with the powers being equal to a High Court, so we would add the word 'High'. If not, we would say the powers are equal to a magistrate's court. Now if we read it, is it an LC court, magistrate's court, High Court; which court?

MS BBUMBA: Mr Chairman, court is defined in the interpretation and it means a court of competent jurisdiction.

(Question put and agreed to.)

Clause 16, as amended, agreed to.

Clause 17

MS BINTU: Mr Chairman, clause 17 is on special functions of the commission relating to equal opportunities. I beg to move that the clause be deleted. The justification is that the clause has been incorporated in clause 15, dealing with functions of the commissions. I beg to move.

MS BBUMBA: I concur with the amendment, Sir.

(Question put and agreed to.)

Clause 18

MS BINTU: Mr Chairman, clause 18, periodical and annual reports. I propose the clause be deleted. The justification is that it will be included in Part V of the miscellaneous provisions, to streamline the parts. I beg to move.

MR NANDALA-MAFABI: Thank you very much, Mr Chairman. I think annual reports are quite important in the activities of any organisation like this one. I would want the committee to allow *–(Interjections)–* but we cannot relocate until we reach there. I think what we do is leave it here. If you want to relocate, you can do it later. I am suggesting that we still retain clause 18 as it is.

MS BINTU: Mr Chairman, there is one report and we are handling it as a report of the committee, as a whole.

(Question put and agreed to.)

Clause 19

MS BINTU: Mr Chairman, clause 19, Independence of the Commission. I beg to move that the clause be deleted. The justification is that it moved forward near the establishment of the commission to highlight the type of body established. I beg to move

(Question put and agreed to.)

Clause 20

MS BINTU: Mr Chairman, clause 20, delegation by the commission. I beg to move that the clause be deleted. The justification is that the provision is included in the clause dealing with powers of the commission. I beg to move.

(Question put and agreed to.)

Clause 21

MS BINTU: Clause 21- Investigations by the Commission. I beg to move that the clause be deleted. The justification is that sub-clauses (1) and (2) are already included in the clause dealing with functions. Sub-clause (3), a clause dealing with lodging of complaints, is recommended under Part V as a substantive clause. I beg to move.

(Question put and agreed to.)

Clause 22

MS BINTU: Clause 22- Affirmative Action. Mr Chairman, I beg to move that the clause be deleted. The justification is that the clause has been included in the clause dealing with functions. I beg to move.

(Question put and agreed to)

Clause 23

MS BINTU: Mr Chairman, clause 23- Immunity from liability. I beg to move that clause 23 be deleted. The justification is that the recommendation is made to incorporate it under Part V. I beg to move.

THE SPEAKER: I put the question.

(Question put and agreed to.)

Clause 24

MS BINTU: Clause 24 (1)- Legal counsel: I beg to move that this clause be deleted. The justification is that in sub clause (1) there is no need for the Attorney-General to be given a permanent right to attend meetings of the commission. The commission has a right to request any expert or consultant to attend its meetings to advise the commission. sub-clause (2) is recommended to be under Part V. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 25

MS BINTU: Mr Chairman, on General Provisions- the title of Part (V) is amended by replacing the word "General" with the word "Miscellaneous". The justification is that there are various provisions dealing with different unrelated issues. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

MR NANDALA-MAFABI: Clause 25 talks about funds of the commission. And under (a) is money appropriated by Parliament but under (b) they are talking of loans and grants both within and without. The clarification I want to seek from the chairperson is; we know very well these loans which come here from outside [*Members: We are not dealing with Clause 25.*] Okay, I apologise if we are not dealing with clause 25.

THE SPEAKER: I put the question—(*Interruption*)

MR NANDALA-MAFABI: Mr Chairman, that is where I was. Part (a) is okay. Part (b), when you talk about loans within or outside Uganda, it is common knowledge that loans which come from outside Uganda are approved by Parliament and all loans and grants are always appropriated in the budget here. Now if you say these are different from those appropriated by the budget in Parliament, it makes a contradiction. I would suggest that we delete (b).

THE CHAIRMAN: Does providing such a thing here in the Act remove the constitutional requirement for approval, if necessary? First of all, you provide it here, but for it to be achieved, you have to follow the procedure laid down in the Constitution. I put the question.

(Question put and agreed to.)

Clause 26, agreed to.

Clause 27, agreed to.

Clause 28, agreed to.

Clause 29, agreed to.

Clause 30, agreed to.

Clause 31, agreed to.

Clause 32

MS BINTU: Mr Chairman, I beg to move that new clauses be inserted immediately before clause 32 as follow- Lodging complaints:

1. A person or group of persons may lodge a complaint relating to discrimination, marginalisation or any act, which undermines or impairs equal opportunities with the commission.
2. A complaint made under sub-section (1) shall be in writing and signed by the complainant or complainants.
3. The commission shall consider or hear the complaint within six months after receipt of the complaint.

The justification is that a substantive clause dealing with lodging of complaints is required. I beg to move.

MRS BBUMBA: Mr Chairman, since the major responsibility of the commission is to sort out issues of marginalisation, either through their own research or complaints lodged with them, the amendment being made here on lodging of complaints is appropriate.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

MS BINTU: Mr Chairman, there is another new clause on reports by the commission. I beg to move that this clause be inserted:

1. The commission may at any time submit a report to the minister on any matter arising during the course of the performance of its functions under this Act and shall when requested to do so submit a report on any matter to the minister.
2. The commission shall publish and disseminate periodic reports on its findings and shall submit annual reports to Parliament on the state of equal opportunities in the country.

3. The annual reports referred to in sub-section 2 above shall be signed by the chairperson addressed to the Speaker of Parliament with a copy to the President.

The justification is that various clauses scattered in the Bill are brought together under one clause. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

MS BINTU: Mr Chairman, there are so many clauses and I am seeking clarification. Should we move one by one?

THE CHAIRMAN: Yes *-(Laughter)*

MS BINTU: Mr Chairman, I propose that a new clause reading: "Bills to have impact assessment" be inserted. All Bills introduced in Parliament for enactment shall be accompanied by a memorandum of Equal Opportunities impact assessment. The chairperson of the commission shall sign the memorandum and the justification is to ensure that all Bills take into consideration equal opportunities issues- *(Laughter)* I beg to move.

THE CHAIRMAN: You mean you bring a Forest Bill, Animal Bill -

MRS BBUMBA: Mr Chairman, where as I accept the commission being proactive, I think we need to be mindful of other things. The time it will take especially when the commission is still in its infancy, to vet and issue the clean certificate of equal opportunity compliance, I think may not be that beneficial. Instead, given the powers, what the ministers should do is to issue regulations to centres formulating Bills to take into account issues of marginalisation, instead of having the Bills being vetted at that stage, Mr Chairperson.

MRS MWESIGYE: Mr Chairman, in addition to what the Minister of Gender has just stated, we have a full time Equal Opportunities Standing Committee of Parliament and I think part of its functions is to ensure that the Bills that come before Parliament are gender and equal opportunities compliant. I would, therefore, suggest that the committee's chairperson becomes vigilant in addition to the instruments that the minister has just stated that Cabinet will put in place.

MS BINTU: Mr Chairman, the Bill which the Minister presented to this House – actually the Commission once put in place- one of its roles will be to evaluate any existing Act or written law, any existing system or personal or family law or custom. When they start evaluating, I believe that is when they will be identifying the gaps that are fallen. If we include this clause of impact assessment, we shall be assisting this commission not to have a heavy schedule before them. We shall also address most of these gaps during the legislative process at a policy level. When it comes to the final stage, we shall not have problems of trying to look at those gaps that are fallen by virtue of missing the equal opportunities element.

THE CHAIRMAN: No, but when Bills are published, the purpose of publishing Bills in a gazette is to give notice to the public and all stake holders on what is happening. Therefore, I would imagine that this commission should also take this opportunity to study the Bill and if it thinks there are negative things, then it should bring them to the attention of those concerned. But otherwise, it is too much. I do not know.

MR LUKWAGO: Mr Chairman I rise to support the minister. We have a problem with this clause. We have the Acts of Parliament Act, which governs these various Bills. When you look at this requirement, it is more or less like a clause that seeks to regulate all other Bills that come before Parliament. That at best can only be a constitutional clause requirement. If it was inserted in the Constitution, probably it would make sense, but to smuggle it into another Bill again to regulate the clauses of other Bills that will come before this House, such a mandate will be unfortunate.

THE CHAIRMAN: I put the question.

(Question put and negatived.)

MS BINTU: Mr Chairman, I beg to move that another new clause be inserted "Representation by counsel: A person appearing before the commission may be represented by counsel. The justification is that this clause has been relocated to be under the appropriate part. I beg to move.

MR LUKWAGO: Mr Chairman, I propose that we use the word "advocate" instead of "counsel", and secondly we add "at that person's expense" because it will remain ambiguous if you make it a right that one has got a right to appear with his counsel or advocate. We have had problems before – it is there in the Local governments Act that where there is a motion seeking to censure a chairperson and it tabled before a tribunal, the chairperson has got a right of representation. So, we have had debates before these tribunals whether the district should pay the costs for the legal representation.

I wish to inform this House that one time I was a beneficiary of that confusion and I should disclose this to you. Mr Chairman. I had a matter in Iganga and the district ended up paying the costs for legal representation of the chairman and what happened – there was a lot hullabaloo about that issue. To remove that kind of ambiguity, let us make it very clear that it is at this person's expense not the expense of the commission.

MRS BBUMBA: Mr Chairman, as an assessor, I do not know the difference between counsel and advocate. If the two mean the same, there is no problem having counsel/advocate, but if the two mean different things - *(Interruption)*

THE CHAIRMAN: May be we can put "legal counsel".

MRS BBUMBA: Okay. But the amendment which hon. Lukwago has proposed regarding the cost is very important. Already government is over burdened with lots of legal costs. It is important that for clarity, we put there "at his/her cost".

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

MS BINTU: Mr Chairman, I beg to move that a new clause be inserted on immunity of Members of the Commission Staff. "A member of the commission or an employee of the commission or any other person performing any other function of the commission under the direction of the commission shall not be personally liable to any civil proceedings for any act done in good faith in the performance of the functions or the exercise of the powers of the commission under this act."

The justification is that this clause has been re-located to be under the appropriate part.

THE CHAIRMAN: I put the question

(Question put and agreed to.)

MS BINTU: Mr Chairman, a new clause be inserted on immunity of witness. "A witness appearing before the commission shall have the same immunities and privileges as is he/she were a witness before a court of law". The justification is that this clause has been re-located to suit sequence. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

MS BINTU: Mr Chairman, a new clause be inserted on attendance allowance.

1. Any person summoned to appear before the commission as a witness is entitled to be paid by way of reimbursement of his or her expenses, such allowance as is payable to a witness appearing before a court in criminal proceedings.
2. Any other person invited by the commission to attend any meeting, to assist the commission may be paid such allowances as the commission may consider reasonable.

The justification is that this clause has been relocated to suit sequence. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

THE CHAIRMAN: I put the question that clause 32 as amended stand part of the Bill.

(Question put and agreed to.)

Clause 33

MS BINTU: Mr Chairman, the clauses that I have been reading came in before clause 32. I beg that we move to clause 32.

THE CHAIRMAN: They were before clause 32- Ok, clause 32. I put the question that clause 32 stand part of the Bill.

(Question put and agreed to.)

Clause 33

MS BINTU: Mr Chairman, I beg to move that clause 33 be deleted and the justification is that it is re-located earlier to suit sequence.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 34

MS BINTU: Mr Chairman, I beg to move that clause 34 be deleted because it has been re-located earlier to suit sequence.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

Clause 35

MS BINTU: Mr Chairman, I beg to move that clause 35 be replaced to read as follows:
Application of Court rules.

“Where the Rules of Procedure of the commission do not provide for a particular matter before the commission rules applicable to civil or criminal proceedings in a court of law may be applied by the commission with such modifications as may be necessary.”

The justification is that an aggrieved person will appeal from the commission to the High Court. It is therefore a lesser court than the High Court and should use rules of a lesser court. I beg to move.

THE CHAIRMAN: I put the question – *(Interruption)*

MR LUKWAGO: Mr Chairman, I am seeking clarification. This amendment sounds a bit ambiguous in as far as the rules applicable; it is saying rules applicable to civil or criminal proceedings in a court of law. It is not clear as to which court. We have different courts with different rules of procedure. We have magistrates’ courts, High Court, Court of Appeal, Supreme Court and other courts. This is quite ambiguous.

We should have specific rules of procedure, which are applicable such that if it is the Magistrates’ Courts we should be clear and they are saying in civil or criminal proceedings. It is equally ambiguous if you are saying civil or criminal proceedings. Which rules of procedure in criminal proceedings? Is it the Magistrate’s Court Act, is it the Trial of Indictment Act and many others? We need to recast this particular amendment. I am seeking clarification on this.

MS BBUMBA: Mr Chairperson, reading as an assessor, under clause 34, the rules being referred to here are described as High Court rules.

THE CHAIRMAN: I put the question.

MR LUKWAGO: Before the question is put, Mr Chairman, we get a statement from the same amendment that this commission is subordinate to High Court and that is the justification given here. If it is subordinate to the High Court, how can it have the same rules governing it when in the justification it is clearly stated that, one, that a person can have a right of appeal to the High Court where he will be regulated by the same rules. So, there is still a problem with this. I need further clarification.

DR MAKUBUYA: Thank you, Mr Chairman. The amendment provides that the commission will make its own rules of procedure but in case there are gaps, a matter comes before it and there are gaps, then it can resort to the rules of procedure of the High Court. Primarily, the commission will

be making its own rules of procedure. But since you cannot envisage everything that may develop before it, they are saying that rather than an issue collapsing you can refer to the existing rules of procedure of the High Court.

Mr Chairman, if I may say so, this is not entirely peculiar. There are laws which provide for other laws in our system which provide for this kind of thing. The primary responsibility for making the rules of procedure will be with the commission, but they are providing that in case there is something, which they haven't foreseen then refer to the existing rules of procedure of the High Court.

The contradiction is not clear to me because the fact that you have applied one or two rules of procedure to cover up a gap does not mean that you are changing the status of this commission in the system. That one does not change it at all. You are just assisting parties appearing before the commission to have their cases processed. I thank you, Sir.

MR LUKWAGO: Mr Chairman, the problem is with this proposed amendment. When you look at the proposed amendment, it seeks to replace clause 35 and this proposed amendment makes no mention whatsoever of the applicability of the High Court - it doesn't. It is instead the original clause, which the amendment seeks to replace which talks about the application of the rules of procedure governing the High Court.

In that case, if the Attorney-General maintains that we apply the rules of procedure of the High Court, and then we retain the clause in the original text and reject this proposed amendment if that is what he is saying. I would agree with him that this proposed amendment be rejected and we retain the clause as it is in the original text.

THE CHAIRMAN: You see what is happening with this formulation, is that it presupposes that the commission will have rules, but these rules may not be comprehensive enough. They may not cover certain situations and therefore there will be lack of rules to deal with particular situations. Where there is a situation for which the commission's rules are not provided for, you will resort to the rules that are set. It is only when the rules are covered that you resort to the other rules. I put the question.

(Question put and agreed to.)

(Clause 35, as amended, agreed to.)

Clause 36

MS BINTU: Mr Chairman, clause 36 is in essence relating to administration of the Act, sub-clause 1, I beg to move that a new paragraph (c) be inserted after paragraph (b) to read as follows: "*A person implementing an order of the commission.*" A new paragraph (d), be inserted after paragraph (c) to read as follows: "*Contravenes or refuses to implement any order or settlement made by the commission.*"

The justification is to ensure that any person interfering with the person implementing an order of the commission is punished and to enable the commission enforce its order. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

(Clause 36, as amended, agreed to.)

(Clause 37, agreed to.)

Clause 4

MR OKUMU: Mr Chairman, I propose the following formulation under the composition of commission:

1. The commission shall consist of five members, including the chairperson and vice chairperson.
2. In appointing the commission, the President shall ensure regional balance, inclusion of the opposition and the presence of youth, women and persons with disability.

THE CHAIRMAN: That is the proposal.

MAJ. KINOBE: Mr Chairman, there is an alternative proposal here. First of all, it splits them into two as follows:

- (i) By creating another, sub-clause 1 to read: "The commission shall consist of five members who shall include the chairperson, vice chairperson and the composition of the membership shall include at least a person with a disability, a youth and two women.
- (ii) The President with the approval of Parliament shall appoint members of the commission. Then the current (2) becomes (3), members of the commission and so forth. I beg to move.

MR LUKWAGO: I would support that proposal, but unfortunately it is not clear as to who shall elect the chairperson and the vice chairperson. How are they going to be elected?

THE CHAIRMAN: Normally the Appointing Authority designates. Because when the Appointing Authority makes these appointments or nominations, he indicates whom he wants to be the chairman and vice chairman.

There is a proposal by hon. Okumu Reagan, which you have heard. So, I put the question.

(Question put and negatived.)

THE CHAIRMAN: Then there is a proposal by hon. Kinobe. I put the question.

(Question put and agreed to.)

(Clause 4, as amended, agreed to.)

Clause 38

THE CHAIRMAN: I put the question that clause 38 stand part of the Bill.

(Question put and agreed to.)

The First Schedule

THE CHAIRMAN: I put the question that the First Schedule stand as the schedule of the Bill.

(Question put and agreed to.)

The Second Schedule

(Question put and agreed to.)

The Title

THE CHAIRMAN: I put the question that the Title stand as the title of the Bill.

(Question put and agreed to.)

MOTION FOR THE HOUSE TO RESUME

5.12

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Mrs Syda Bbumba): Mr Chairman, I beg to move that the House do resume and the Committee of the whole House reports thereto. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to.)

(The House resumed, the Speaker presiding.)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

5.13

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Mrs Syda Bbumba): Mr Speaker and honourable members, I beg to report that the Committee of the whole House has considered the Bill entitled: "The Equal Opportunities Commission Bill, 2006" and passed it with amendments. I beg to move.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

5.13

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Mrs Syda Bbumba): Mr Speaker, I beg to move that the report from the Committee of the whole House be adopted. I beg to move.

THE SPEAKER: Honourable members, the motion is that we adopt the report of the Committee of the whole House on "The Equal Opportunity Commissions Bill, 2006." I put the question.

(Question put and agreed to.)

BILLS THIRD READING

THE EQUAL OPPORTUNITIES COMMISSION BILL, 2006

5.14

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Mrs Syda Bbumba): Mr Speaker, I beg to move that the Bill entitled, "The Equal Opportunities Commission Bill, 2006" be read a Third Time and do pass. I beg to move.

THE SPEAKER: Honourable members, the motion is that the Bill entitled, "The Equal Opportunity Commission, 2006" be read for a third time and do pass. I put the question.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED
"THE EQUAL OPPORTUNITIES COMMISSION ACT, 2006"

THE SPEAKER: Congratulations, honourable members. This is a matter that has been hanging since 1995. It is only that recently we had the Constitution amendment, this has come, but now the Bill has been enacted. Thank you very much.

MS BBUMBA: Mr Speaker, I just want to congratulate members of the marginalised groups especially members of the opposite side and all members of the marginalised groups for having this very important Bill passed.

I would like to thank members of the committee, honourable colleagues and you, Mr Speaker, for the good guidance. Thank you very much -*(Applause)*

THE SPEAKER: Thank you very much honourable members for work done and I think it is a convenient time to adjourn. But I understand on the Order Paper there was a report on a loan. I hope you have copies. So, I appeal to you to go and read the report so that when it is presented tomorrow, you are in position to contribute effectively.

In future I would appeal to you to read these reports because I realised that when we were dealing with this particular Bill we have just passed - that although the reports were with you, you had not taken time to internalise them and be able to effectively participate. But anyway- yes -
(Interruption)

5.17

MR KASSIANO WADRI (FDC, Terego County, Arua): Mr Speaker, for purposes of the record, I would like to register our appreciation to the Executive for having brought this Bill after 11 years. We have enjoyed the discussions amicably and on many occasions the opposition did come up strongly to support the purpose and intentions for which this Bill has been enacted. It is only our prayer that it shouldn't just be among our law volumes but it should be put into practice and be operationalised.

We have noted as the side of opposition in this Parliament that there are very many genuine constitutional commissions similar to the one that we have just enacted. But in so executing their creation, institutionalisation and operationalisation, the appointing authority, with due respect, is many times skewed towards only appointing people who favour his mind. And we are of the opinion that we are all Ugandans. Once a government is voted in, regardless of whether certain

sections of the population supported it or not, it is incumbent upon it to grant and deliver services to its citizens without any discrimination.

In a similar vein, we also urge that even on these commissions, members of the different political beliefs should also be considered. I bring this out, Mr Speaker, not long ago, there was a commission for Immigration and Citizenship Board was constituted and there were very nasty happenings that took place under your chairmanship. Two of our members walked out of the Appointments Committee and I would not like such kinds of things to repeat themselves.

If only the appointing authority could also be considerate that there are also other minority views out there whose views are not in vain but that mean well for this country as a whole. I hope and pray that the new Minister for Gender and Labour and Social Development will be able to nationalise this commission as soon as possible. For it has taken us quite long and we badly need it. Thank you very much, Mr Speaker.

THE SPEAKER: Thank you very much, honourable members, we come to the end of today's business. The House is adjourned until tomorrow 2.00 p.m.

(The House rose at 5.20 p.m. and adjourned until Wednesday, 13 December 2006 at 2.00 p.m.)

EXHIBIT 87

The New Vision, August 22, 2007

Religious groups demonstrate against homosexuality

BY HERBERT SSEMPOGO

RELIGIOUS" groups denounced homosexuality and its promoters at a rally in Kampala yesterday. The Police stopped the groups from marching through the streets before -the rally. By 10.00 am protestors, mainly students, had pinned placards on the wooden fence at Kyadondo Rugby Grounds. "A man cannot marry a man," read "one placard. Uganda is not a dust bin: Do not accept "their money," another added. Protesters, dressed in red under graduate academic gowns, rolled on; the soggy ground as they called for the end to homosexuality. "These foreign practices should not be entertained here," said Dennis Opio, 19, a student of Makerere Secondary School. The protest the first against homosexuality in Uganda, was organized by an anti-gays group, the Interfaith Rainbow Coalition; Against Homosexuality in Uganda. A week earlier the gays had demanded recognition and full rights. The .Constitution" prohibits same, sex marriages. The Penal Code makes homosexuality a criminal offence, punishable by life imprisonment on conviction. Addressing the rally, ethics and integrity minister Nsaba Buturo said the Government would *not* change its anti-gay stand. "God created Adam and Eve and urged them to go and reproduce. He did not command Paul to wed John or Maria to live with Esther and have children," he said, drawing applause. The Government, Buturo added will not tolerate anyone who lures others into lesbianism and homosexuality. They should not be allowed to pursue an agenda of indoctrinating our children to Homosexuality he said. He cautioned the media against promoting gay interests. "Must press freedom be used to undermine one of the cardinal provisions of the laws?" He said the Government was investigating reports that homosexuals had spread their influence to schools and that some victims had died. One of the organisers of the rally, Pastor Martin Ssempe, of Makerere Community Church, had said a suspect died after being sodomised in Luzira Prisons in 2004. In a memorandum handed over to Buturo, the coalition urged the Government not to grant homosexuals any rights and not to bow to pressure from foreign pro-gay organisations. "Government should learn from the Church of Uganda, which has withstood international pressure and had to do without donor funds in order to uphold morality," the statement read. Fr. David Kyeyune, Rev. Silver Arinaitwe and the Rev Albert Mugarura represented the Uganda Joint Christian Council. Pastors Solomon Male, Butch Dodzweit and Alex Mitala of the born again fraternity attended. Sheik Mohammad Luwemba represented the Mufti Sheik Ramdnan Mubajje. Former MP Mpigi Rhoda Kalema also attended.



SMUG001764

EXHIBIT 88

**Document Filed Under Seal Pursuant to
Order Regarding Confidentiality of
Certain Discovery Material (Dkt. No. 106)**

EXHIBIT 89

Part 1 of 2



PRIDE UG

“We are Family“

Pride Uganda 2015

5th-9th August

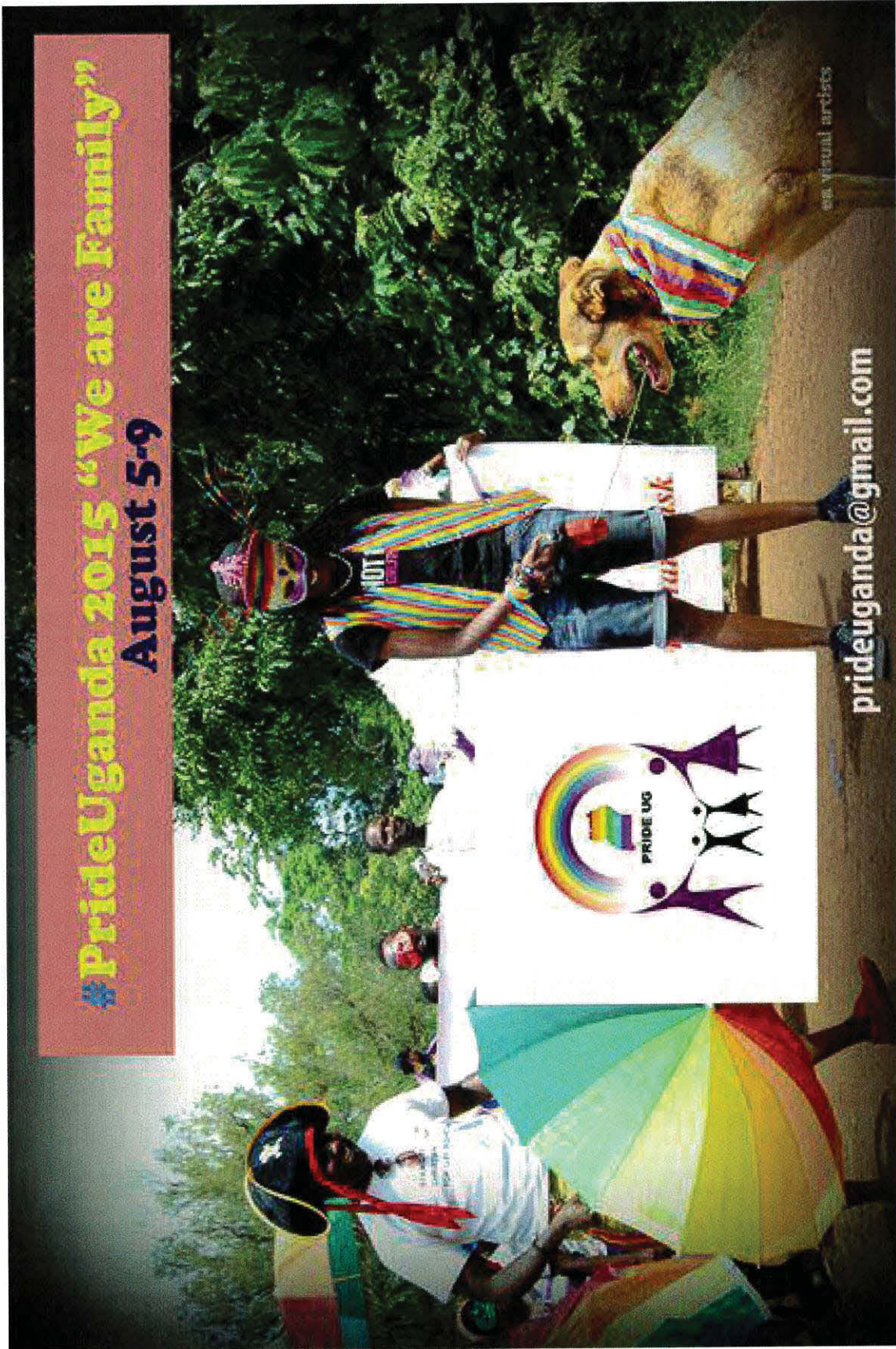


Email: prideuganda@gmail.com
Facebook group: Pride Uganda
Mobile: 0780334192

PENGAD 800-631-6989

**DEFENDANT'S
EXHIBIT**

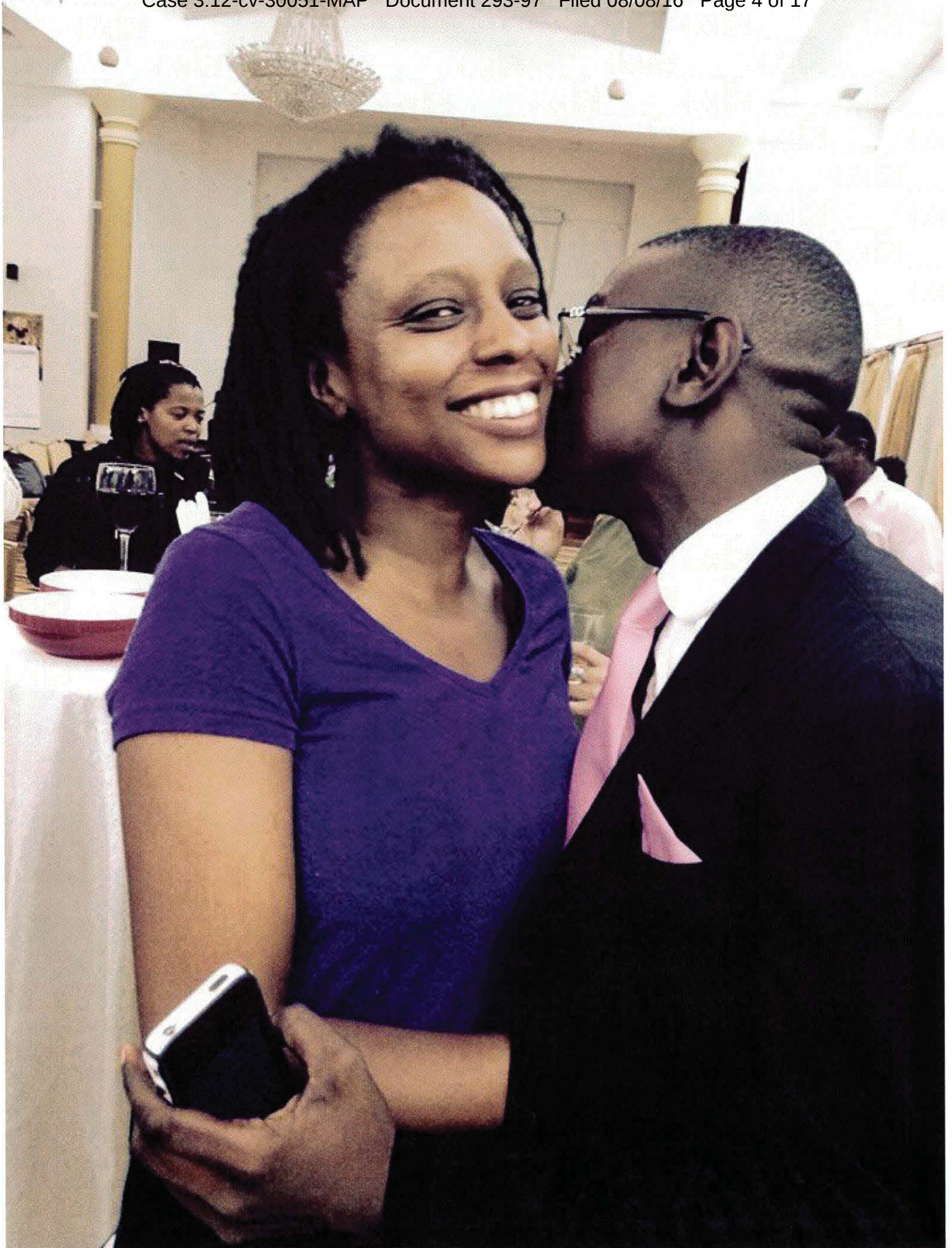
w



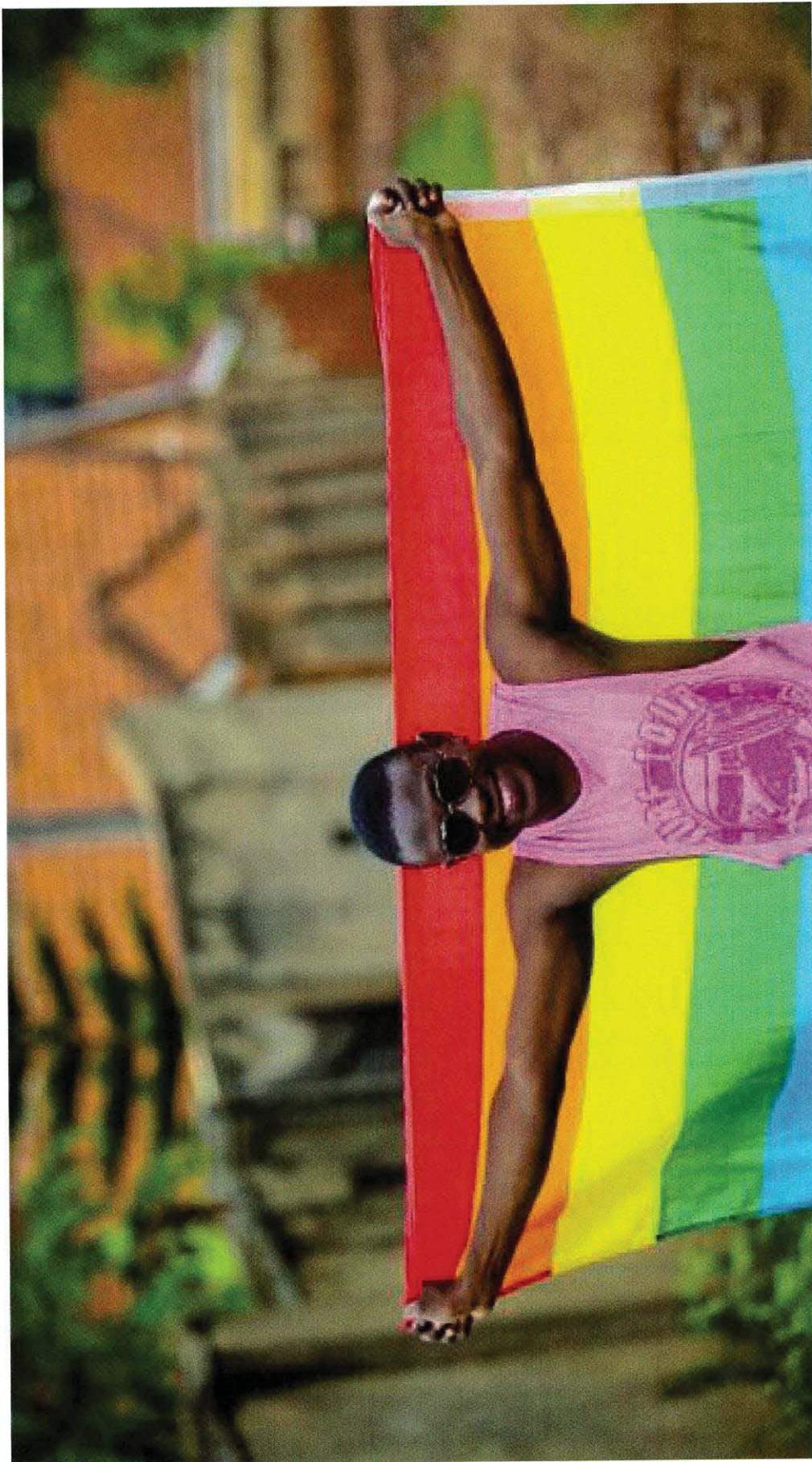
#PrideUganda 2015 "We are Family"
August 5-9

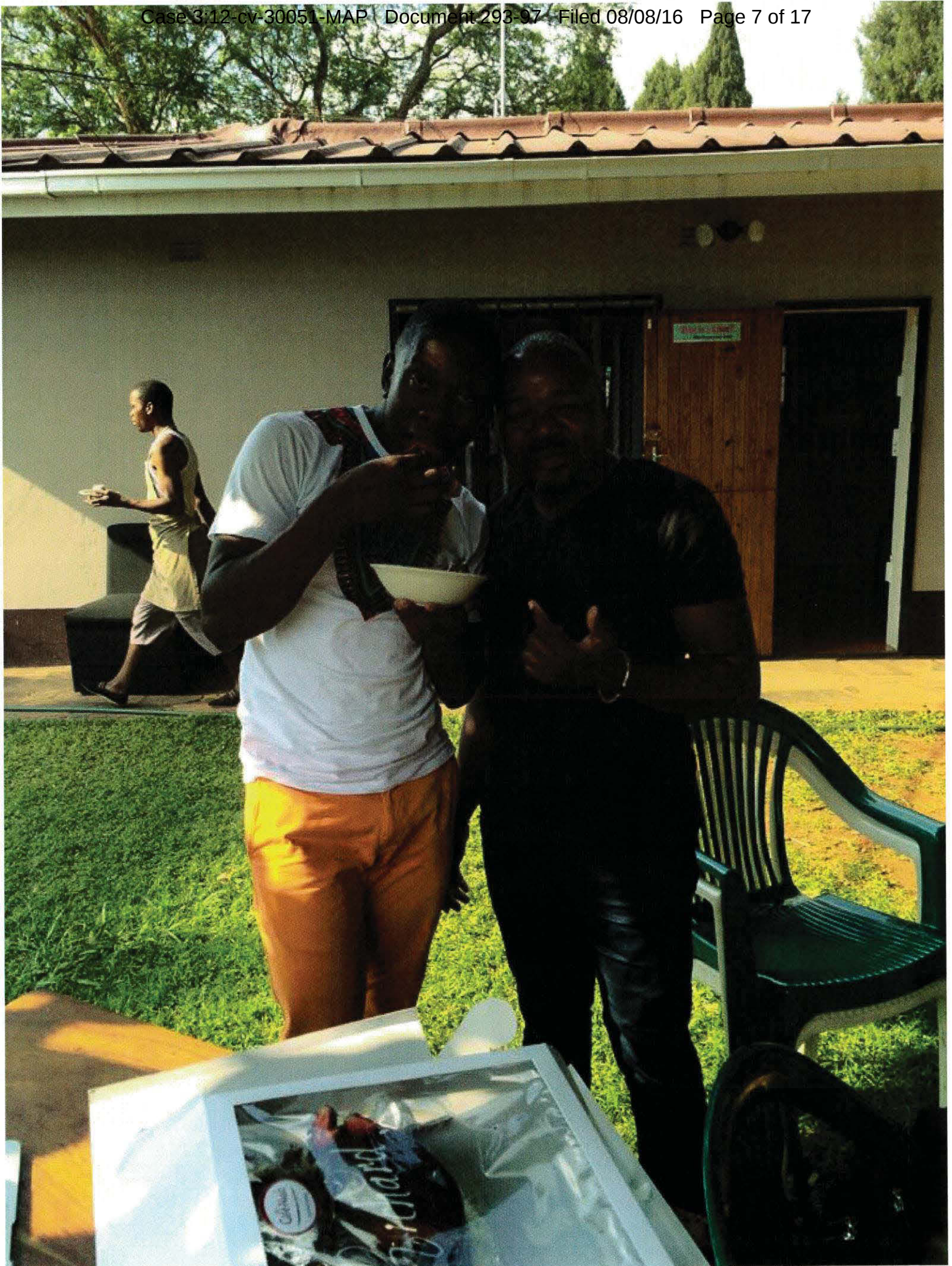
prideuganda@gmail.com

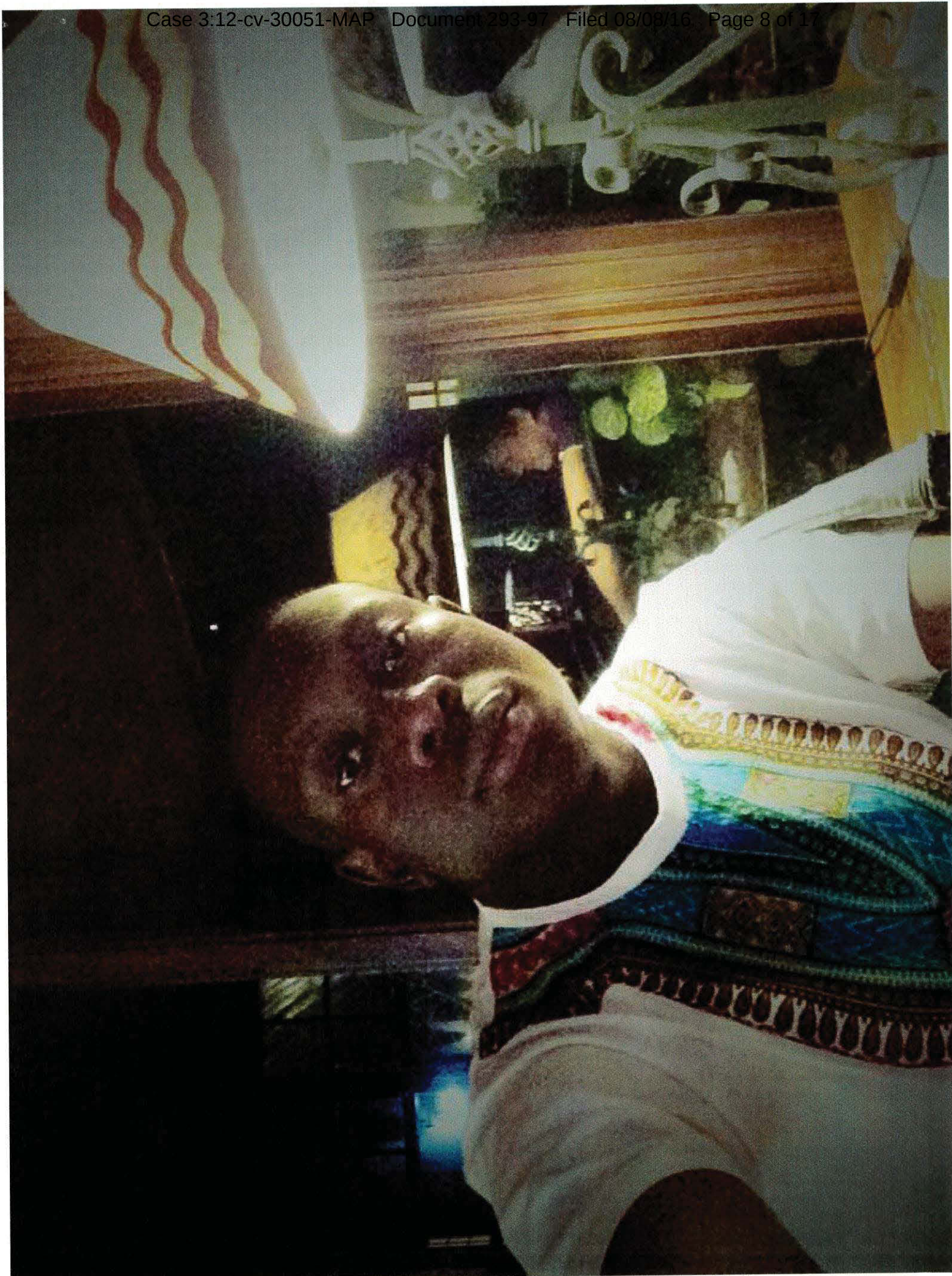
see visual artists

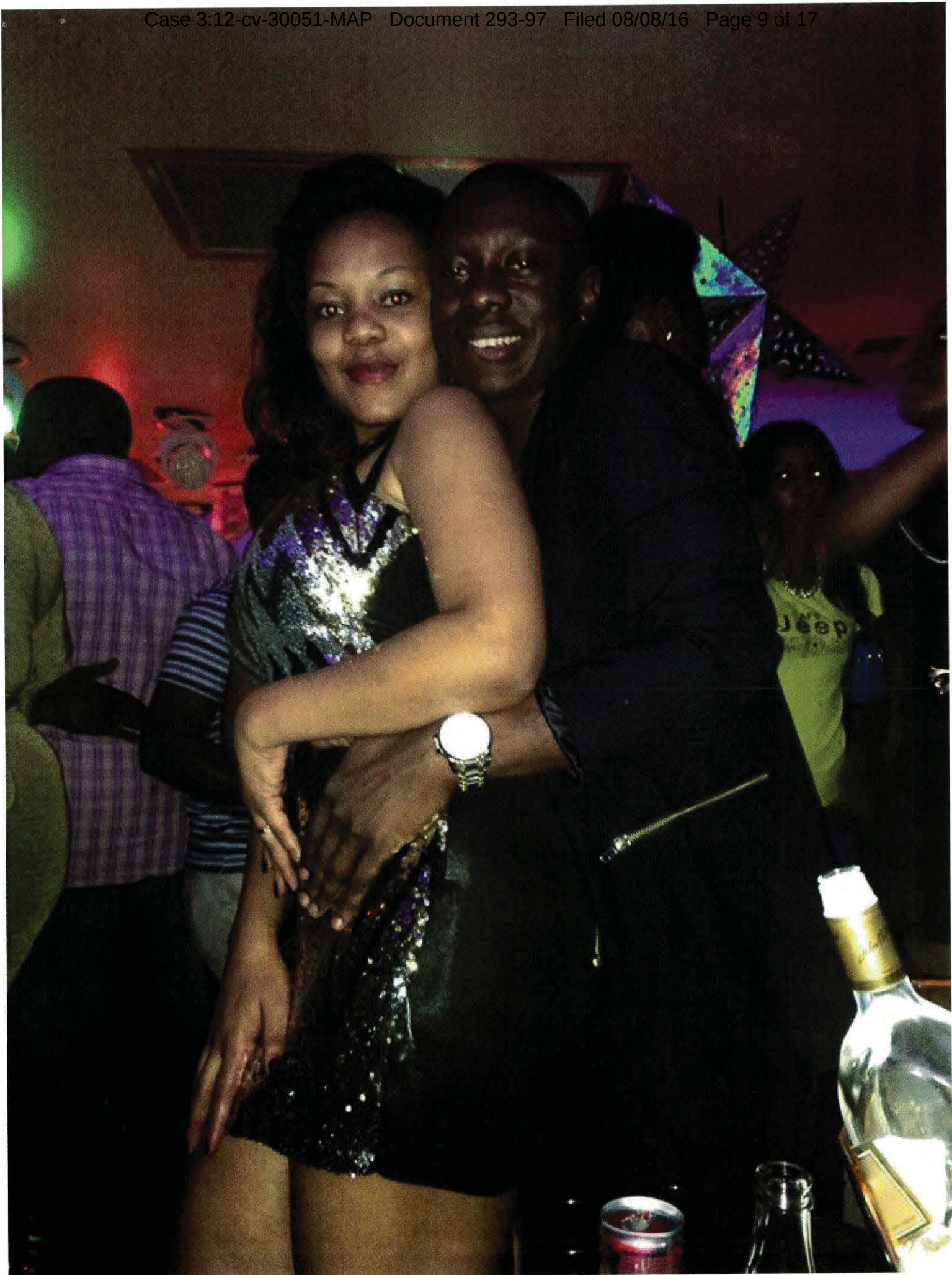


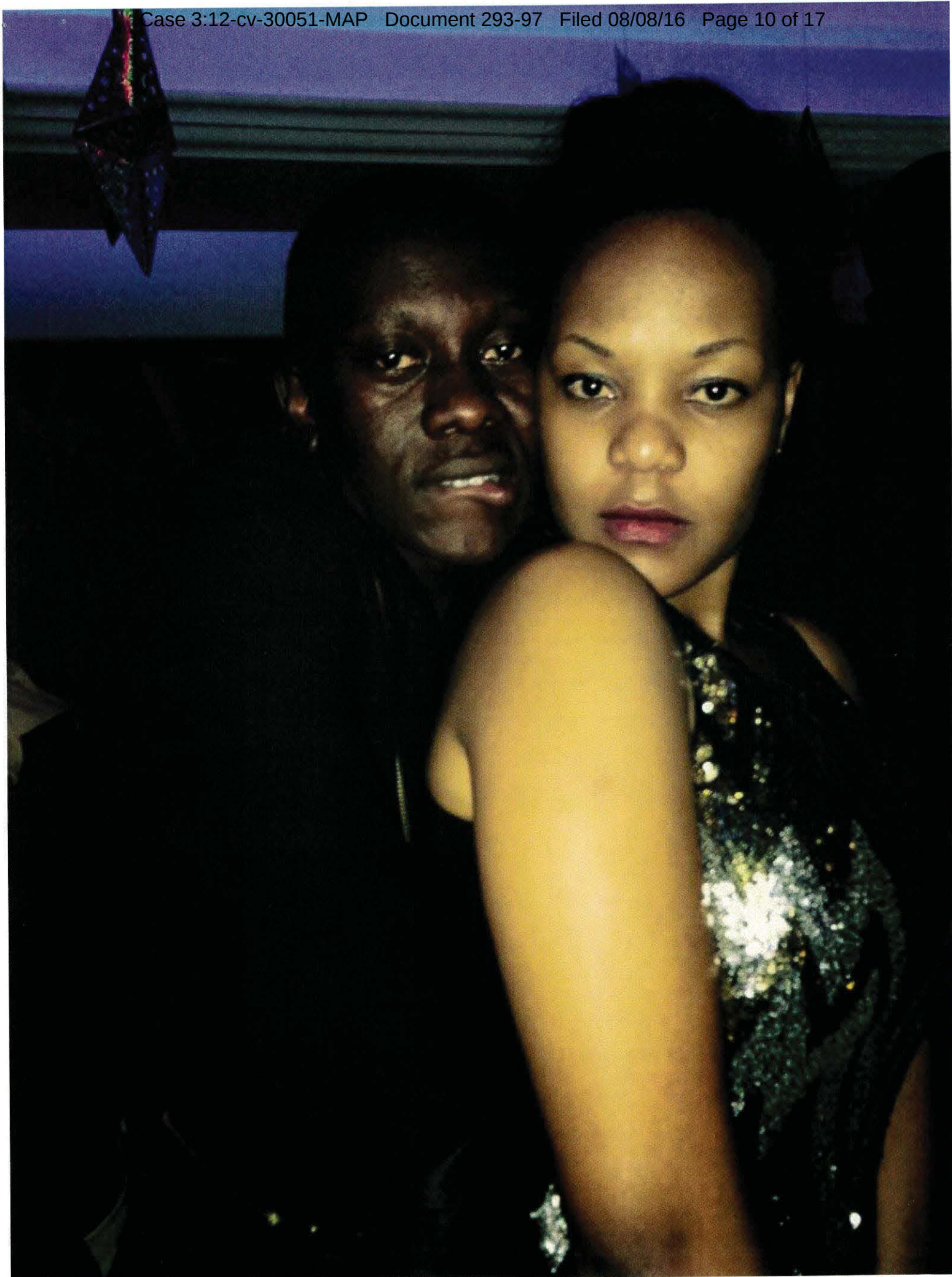


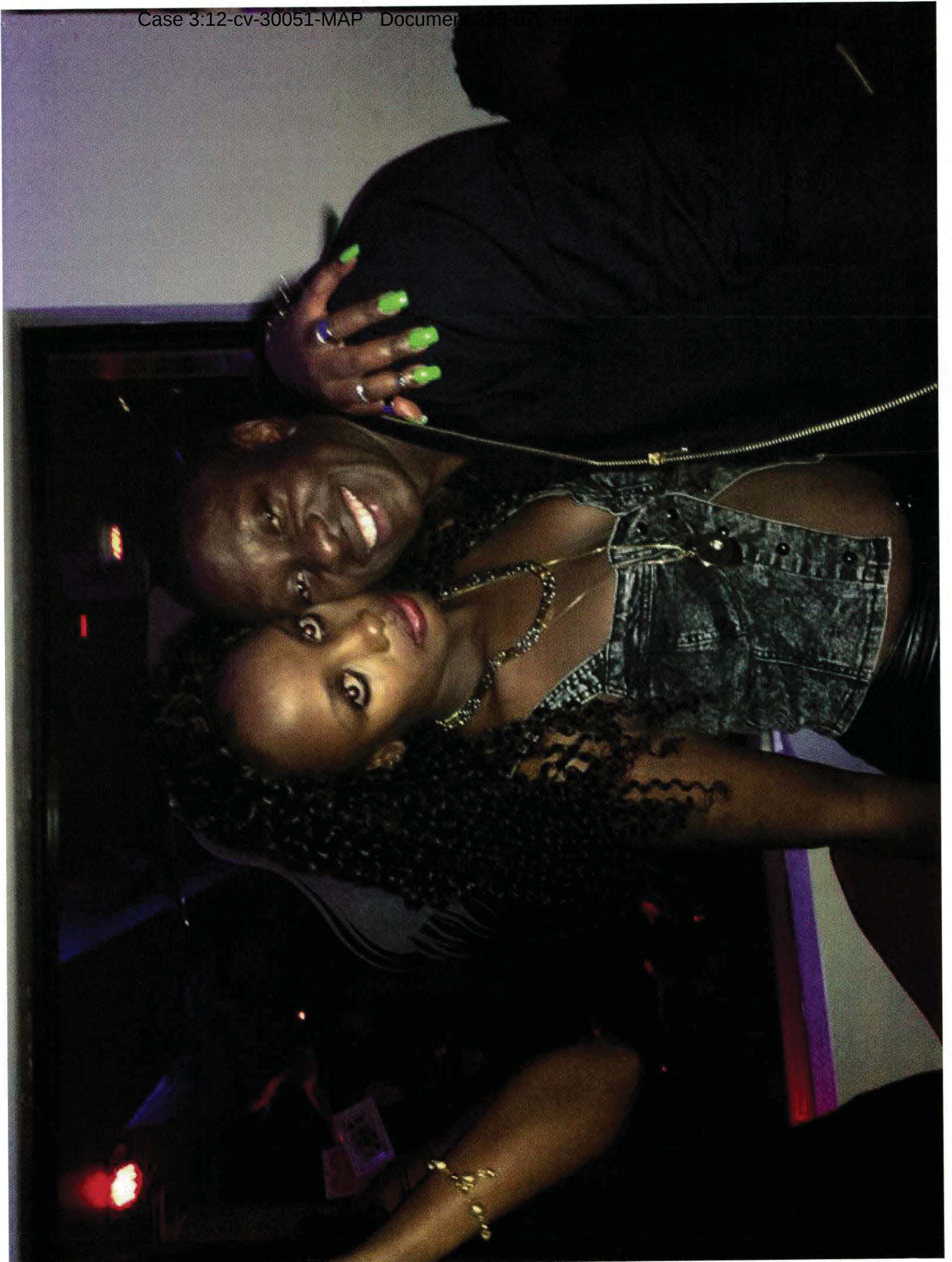


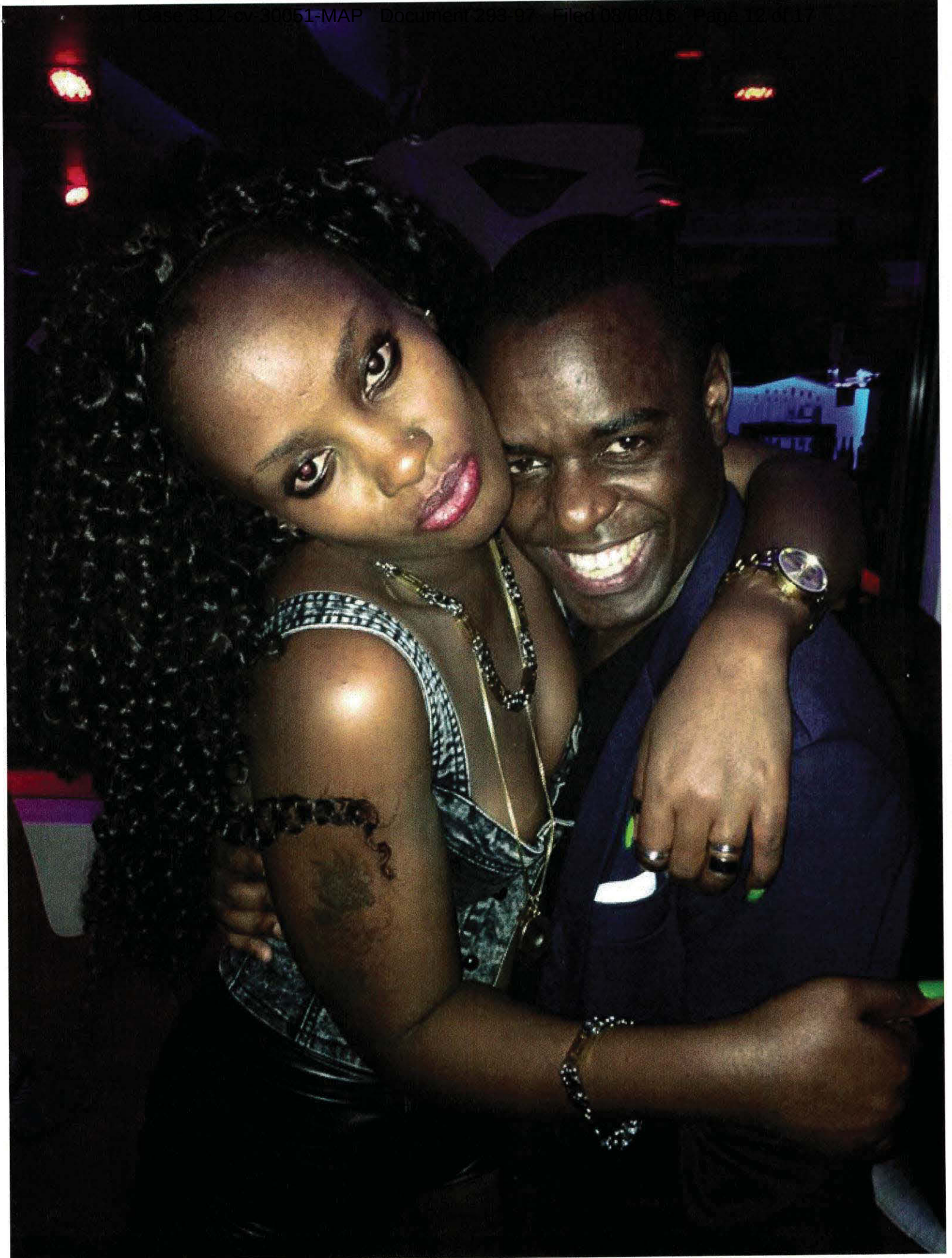


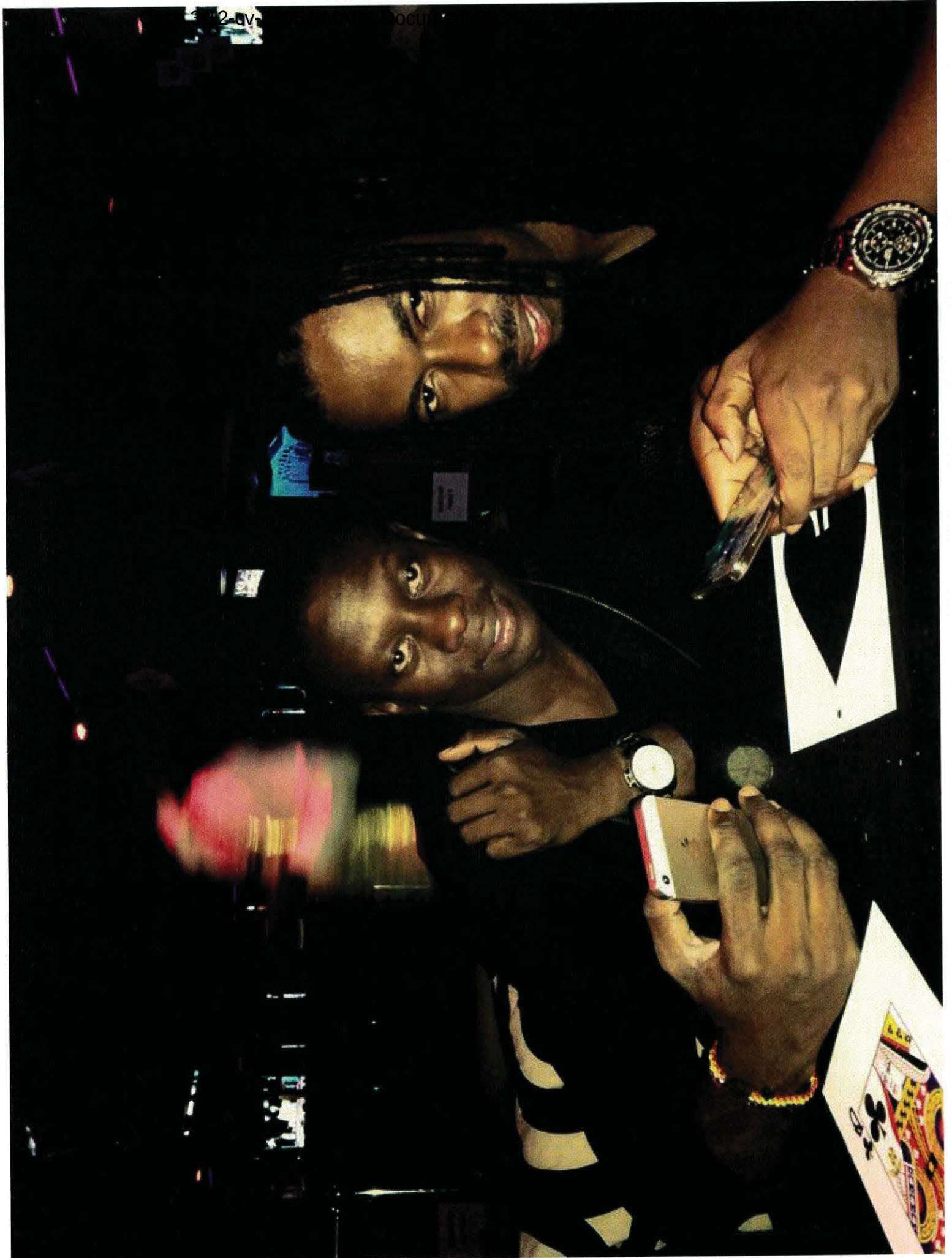


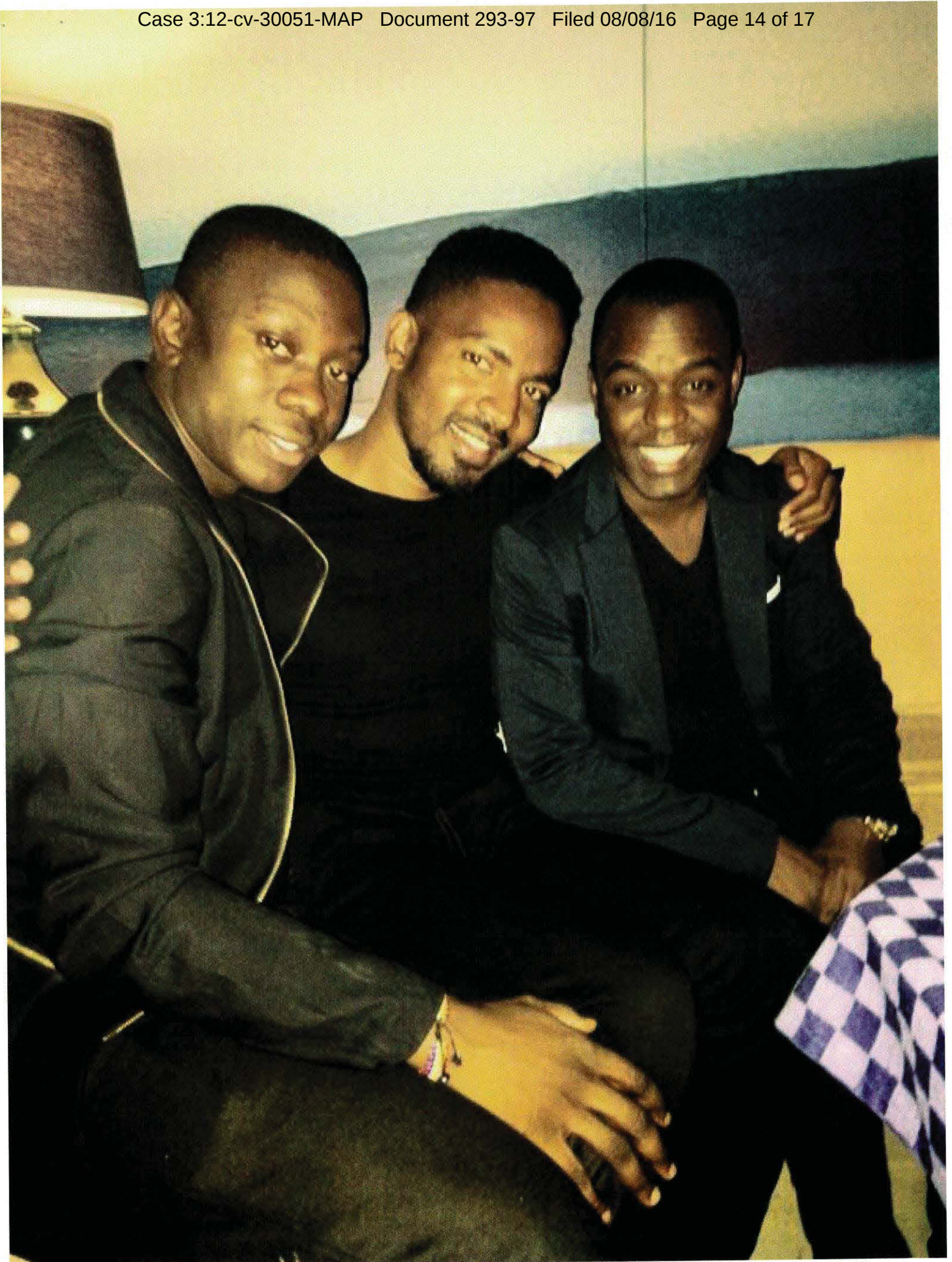


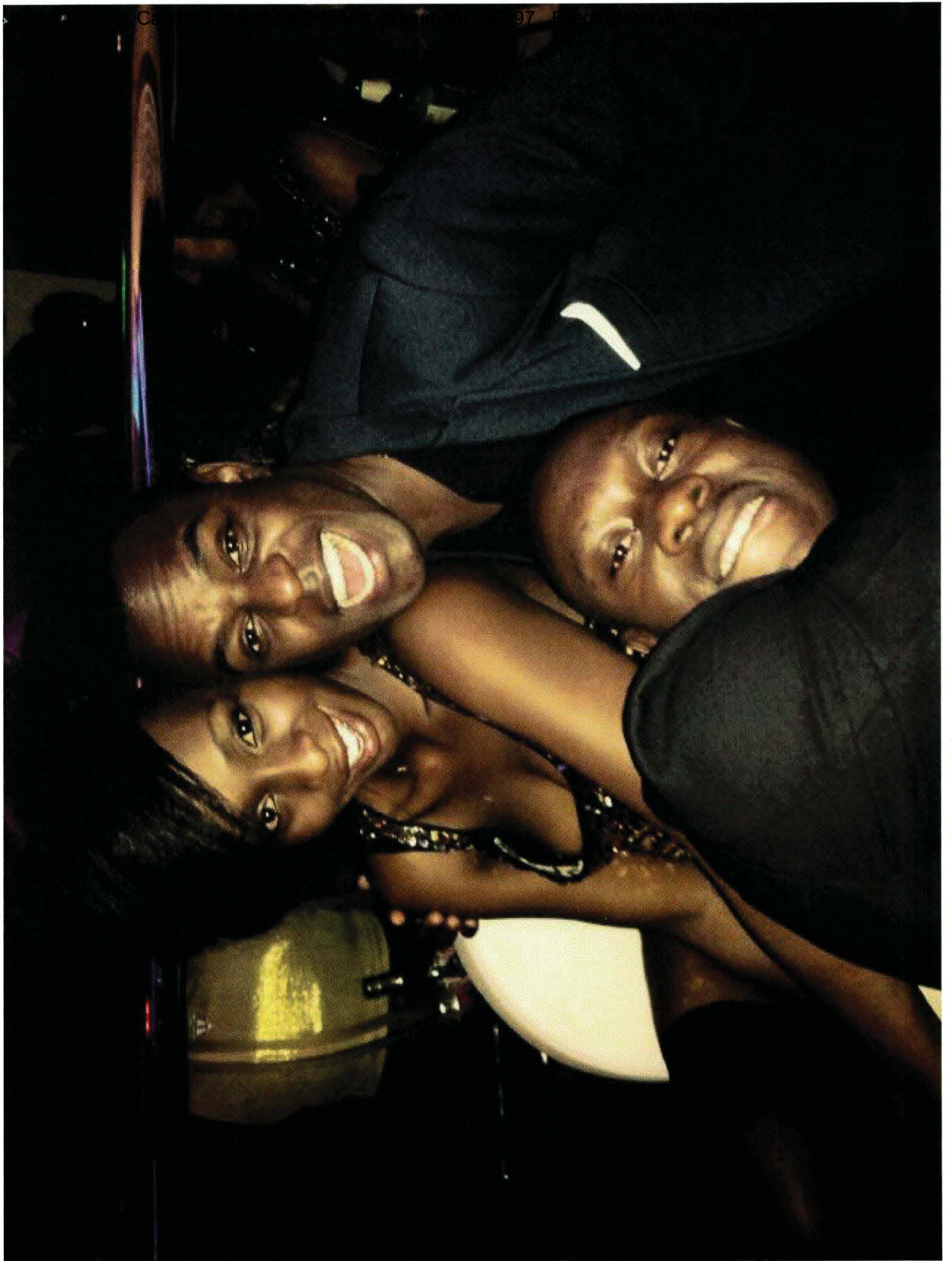


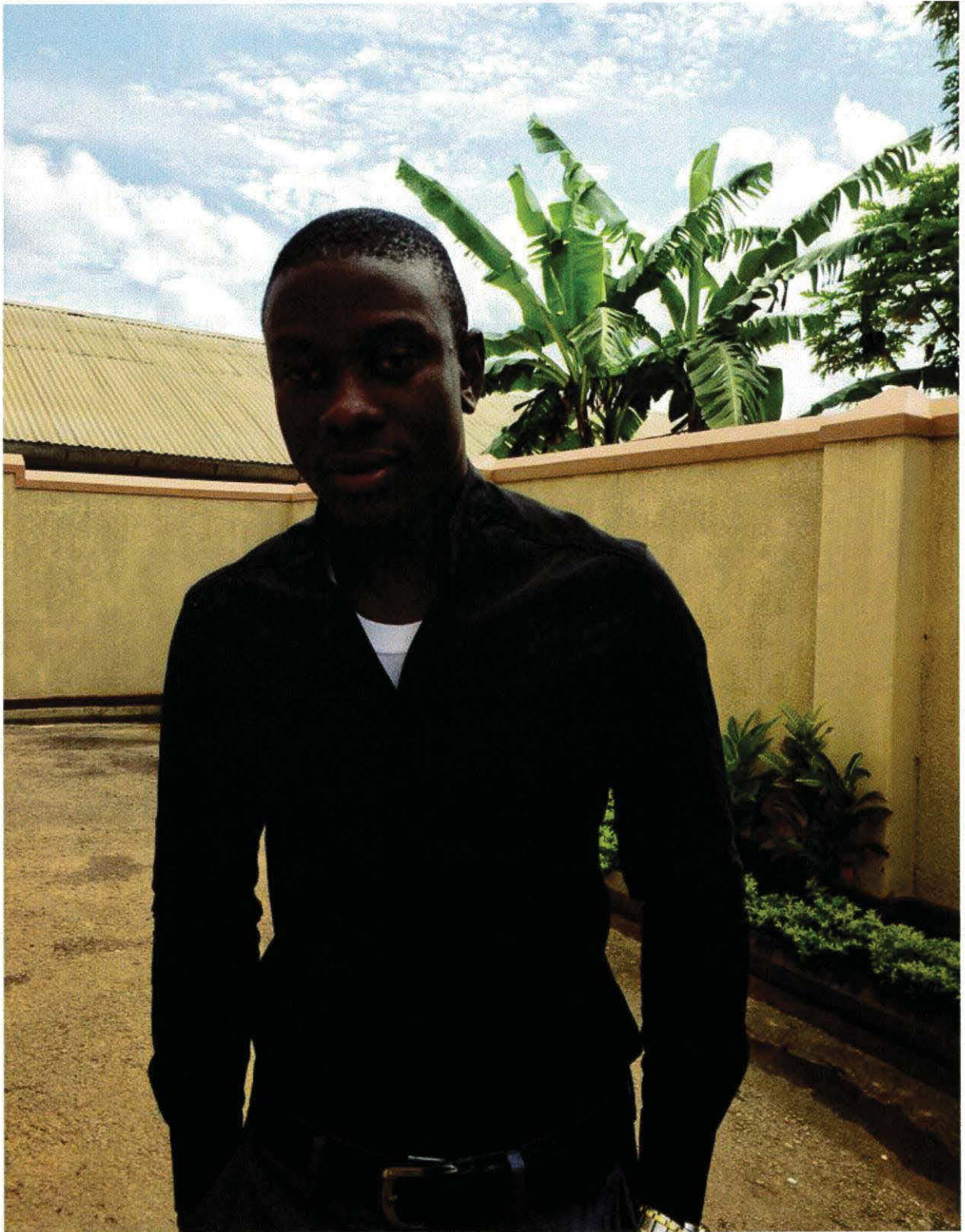












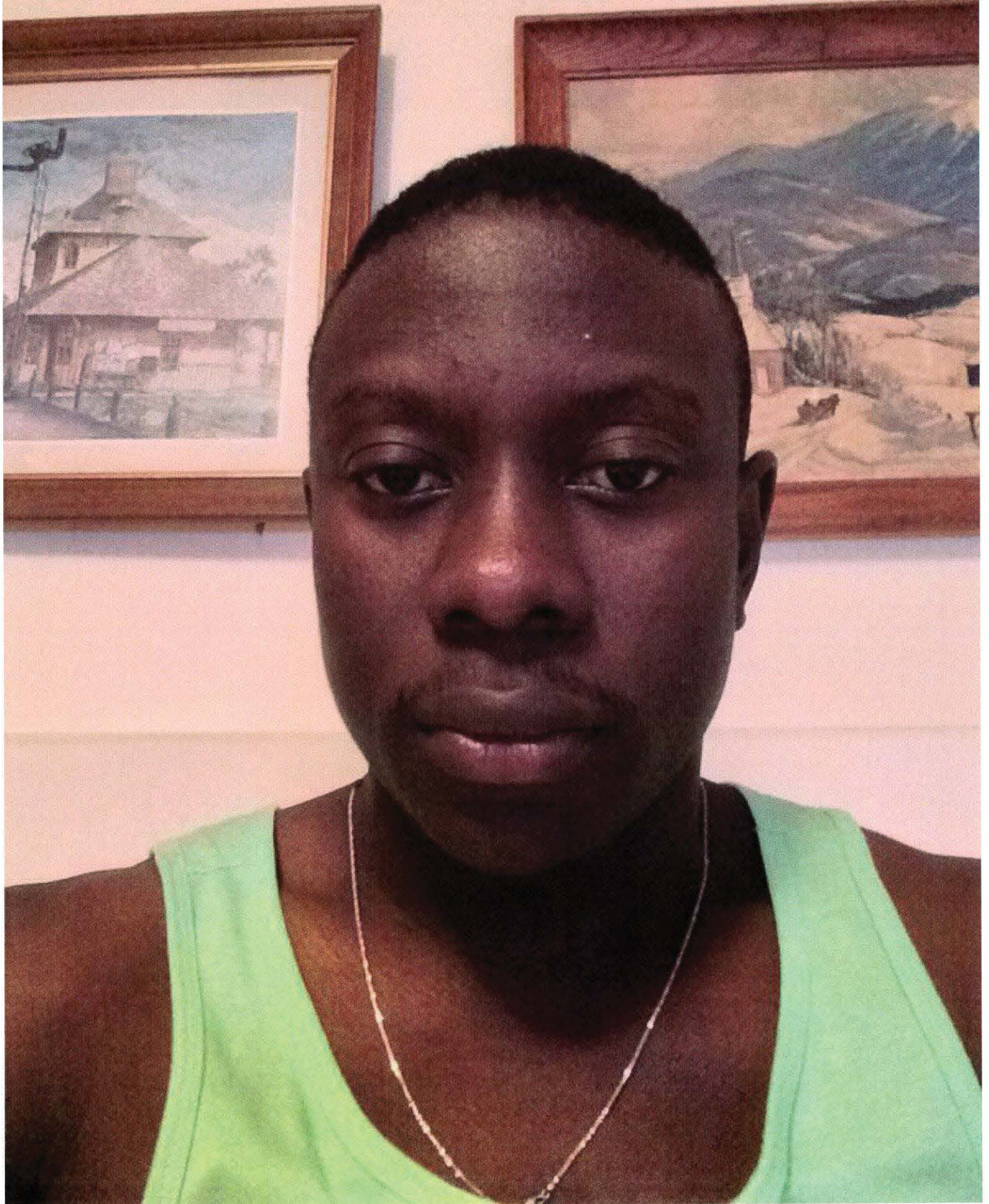
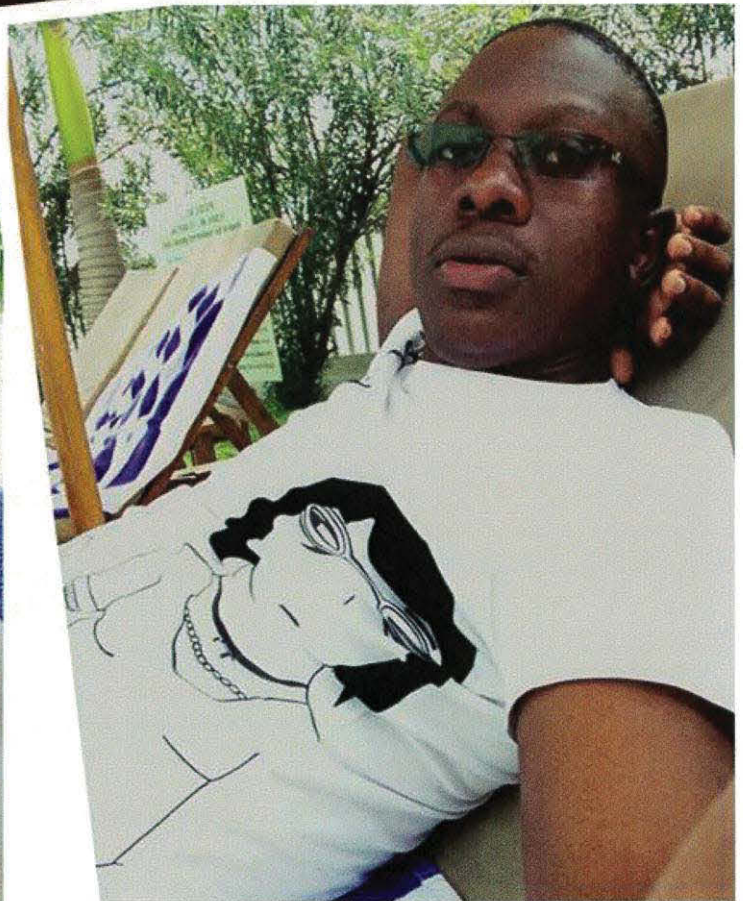
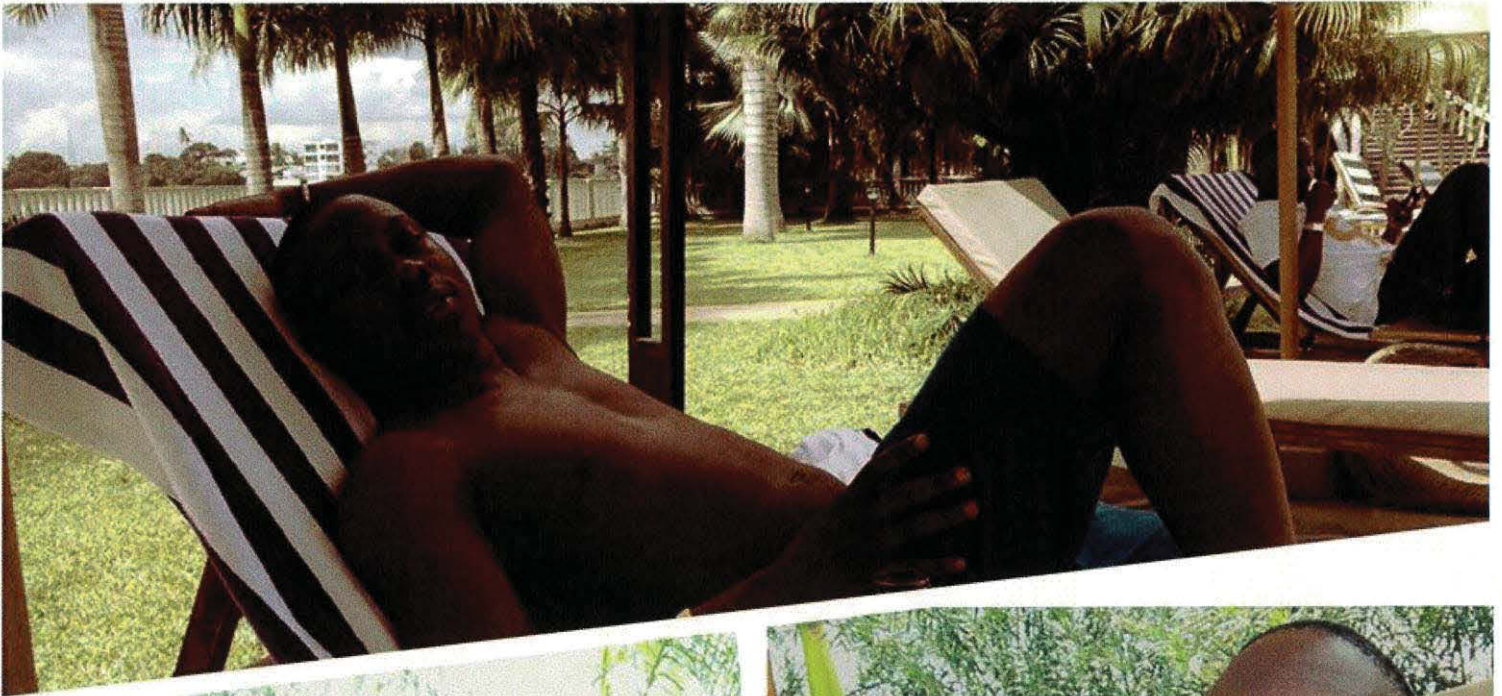


EXHIBIT 89

Part 2 of 2



















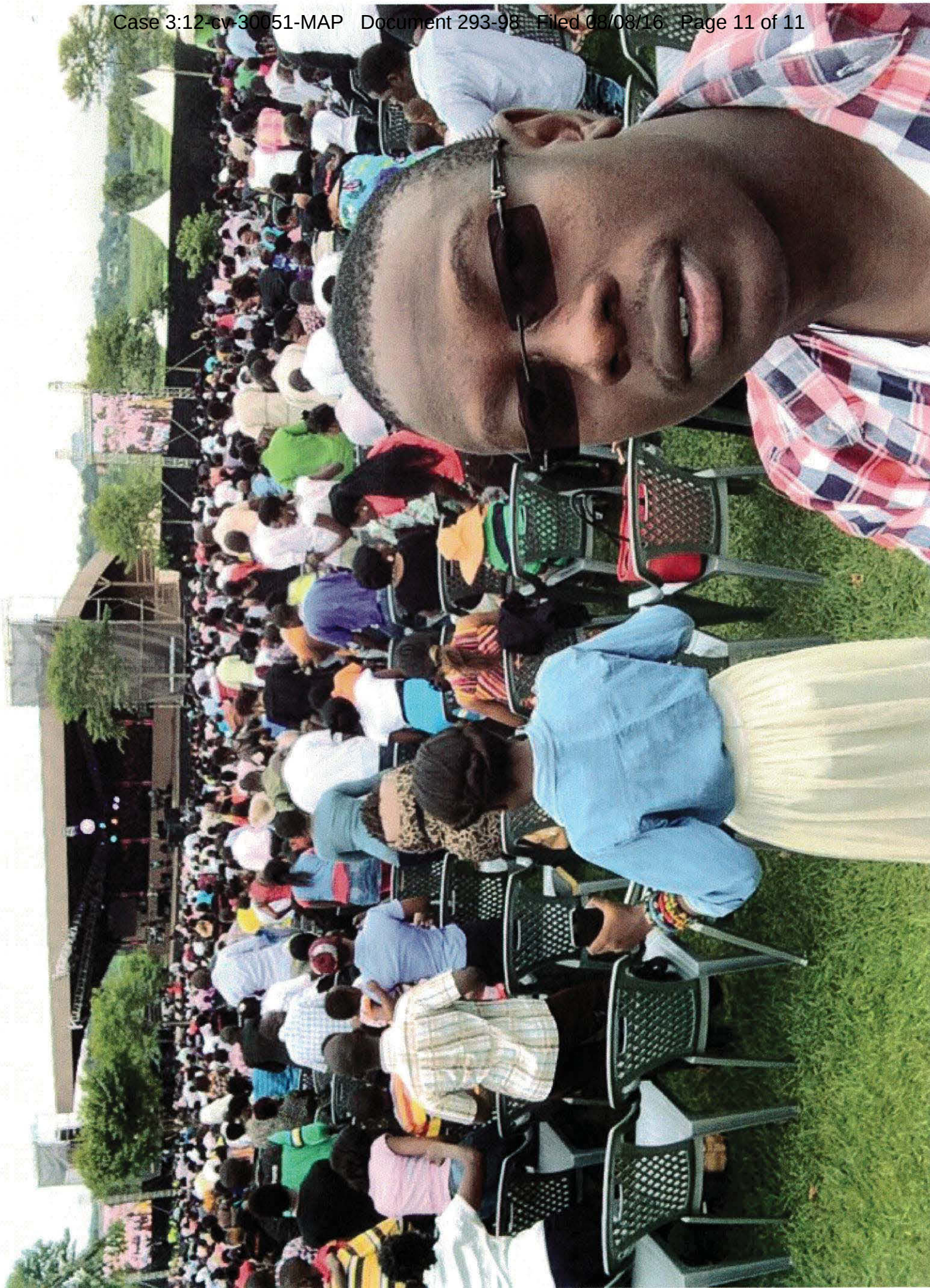


EXHIBIT 90

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
SPRINGFIELD DIVISION

SEXUAL MINORITIES UGANDA,

Plaintiff,

v.

SCOTT LIVELY, individually and as
President of Abiding Truth Ministries,

Defendant.

CIVIL ACTION

NO. 3:12-CV-30051-MAP

DECLARATION OF CONAN BUSINGE

I, Conan Businge, hereby declare as follows:


1. I am a journalist based in Kampala, Uganda.
2. I write for the *New Vision*.
3. I wrote the article entitled, "Buturo Vows to Fight Homosexuality," that was published on or about October 8, 2007 in *New Vision*.
4. A true and correct copy of the article can be found in the document produced in this litigation marked with the bates stamp SMUG000842 and attached hereto.
5. I also wrote the article entitled "Anti-Gay Activists Storm Parliament," that was published in or about April 2009 in *New Vision*.
6. A true and correct copy of the article can be found in the document produced in this litigation marked with the bates stamp SMUG001656 and attached hereto.
7. It is, and has always been, my practice to write articles for publication that accurately reflect what I saw and heard and accurately attribute quotes to their speakers.



8. I have no reason to believe that I diverted from this practice when writing the above – referenced articles.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Kampala, Uganda this 21 day of December 2015.



Conan Businge

11/13/2014

Buturo vows to fight homosexuality

THURSDAY, NOVEMBER 13, 2014 1 Last Updated 3 Hours Ago



RECHARGE ON THE NEW A320.



HOME | TODAY'S PAGE | NATIONAL | BUSINESS | SPORT | ADVERTISING | ENTERTAINMENT | WORLD | SOURCE & INFORMATION | SUPPLEMENT | SUB | SPECIAL

Flashback: The day when Ghana clipped Cranes' wings

Space pilot 'unbuckled' himself as craft split apart

Central Bank to curb big elections spending



KENT real estate **Lakeford GATE** **CONTACTS** Plot 5, Studio House, Bandali Rise, Bugolobi
Tel: 0414 220411 / 0312 202740 Fax: 0414 220419
Email: admin@kentholding.co.ug

LISTED NEWS

Qatar: Media cleared for first time to report on World Cup matches

Search bar with 'Search' button

Archive

Buturo vows to fight homosexuality

Published On: Oct 03, 2007

Why Men Fall In Love

9 Powerful Words You Can Say That Remind Him Why He Needs You.



RELATED ARTICLES

Tweet Be the first of your friends to like this.

THE Minister for Ethics and Integrity, James Nsaba Buturo, has vowed to block the demand for recognition of gay's rights, reports Conan Busingye.

“The Government shall do whatever it takes to block the spread of homosexuality.”

People who are agitating for those rights are selfish individuals with callous intention, Buturo said, adding that: “They are trying to impose a strange, ugly, unhealthy, unnatural, and immoral way of life on the rest of our society.”

“I will endeavour to block it. I can assure you on that. Let them go to another country, and not here,” the furious Buturo said.

His reaction comes a week after the State Minister for Youth and Children's Affairs, James Kinobe, revealed that a Bill on homosexuality was in the offing.

Kinobe also vowed to oppose the demand for recognition of the gay's rights.

The youth, he said, are the main target of the “discreditable and negative forces.” Buturo, who represented the Minister of Information and National Guidance, Kinunda Kivejinja, at the 10th graduation ceremony of YMCA at the institute's campus in Kampala last week, presided over the opening of an Information Communication and Technology block and a new computer laboratory at the institute's premises.

remit.ug remit

CONFERENCE BRIDGE

MWESA SAFARI LODGE

JOMATI Jomati Hardware & Jammy Stones Your Construction One stop center

Fly non-stop to Dubai. Book now from US\$ 399. dubair

Something to get excited about! **WINE & SPIRITS MANAGEMENT**

ALSO IN THIS SECTION

Mwiri College honours Obote, Wambuzi

President Museveni has named Mwiri College of Education as the best institution for the past 10 years in the country.

Ministry warns on HIV infections

The Ministry of Health has reported a significant increase in HIV infections in the country.

http://www.newvision.co.ug/D/8/13/590874

1/3

SMUG000842

SMUG032053

11/13/2014

Buturo vows to fight homosexuality

A total of 983 students graduated with diplomas and certificates in the different courses that included Secretarial Studies, Purchasing and Supplies, Marketing, Tailoring and Fashion Designing, Guidance and Counselling, and Nursery Teacher Education.

Top 5 Woman Dating Sites

We Ranked Our 5 Best Dating Sites! Find A Dating Website You Can Trust.

The statements, comments, or opinions expressed through the use of NewVision Online are those of their respective authors, who are solely responsible for them, and do not necessarily represent the views held by the staff and management of NewVision Online.

NewVision Online reserves the right to moderate, publish or delete a post without warning or consultation with the author. Find out why we moderate comments. For any questions please contact digital@newvision.co.ug

Tweet 0

Like Be the first of your friends to like this.

+1 0

Share

Print

Post

Was Morocco right in seeking to delay the AFCON tournament due to fears of Ebola?

- Yes
- No
- Can't Say

Vote

FOLLOW US



SUBSCRIBE TO OUR NEWSLETTER

Input field for email subscription with a SIGN UP button.

More news and related stories on the NewVision website

China celebrates 62nd independence

THE Communist Party of China (CPC) celebrated its 62nd anniversary on Monday, July 14, 2014.

Makerere sues NIC over sh16b

DISAPPOINTED in the way the National Information Council (NIC) handled the sh16 billion lawsuit filed by Makerere University (MU) against the council, the university has filed a suit against the council.

Museveni to raise sh1b for Dar varsity

PRESIDENT Yoweri Museveni has announced that he will be raising sh1 billion to fund the Dar es Salaam University (DUSU) in Tanzania.

UPDF decorates more army officers

THE Uganda People's Defence Force (UPDF) has decorated more army officers for their services in the recent operations in the north-eastern region of the country.

11/13/2014

Buturo vows to fight homosexuality

[CASHMERE: Why the trend is so hot right now](#) 15
[LADIES: How to](#) 16
[Her Life & Beauty: Woman is 53. But Looks 27](#)
[Lifestyle Journal: An Extremely Brilliant Way to Pay Off Mortgage](#)
[Fit Men Daily: Men Shock Doctors With \\$5 'Shiny Pill'](#)
[Newmax health: Heart Attack: How Your Body Warns you Days Before](#)
'Dead' man resurrects moments before burial 13 comments
Uganda vs Ghana tickets go on sale 10 comments
'Resurrected' Rakai man dies 11 comments
My baby's father has refused to meet my dad 10 comments
 0 Comments 13 comments 10 comments 11 comments 10 comments
 Be the first to comment.
 21 photos 13 comments 10 comments 11 comments

[HOME](#) [TODAY'S PICK](#) [LADIES](#) [BUSINESS](#) [SPORT](#) [ENTERTAINMENT](#) [WORLD](#) [SCIENCE & TECHNOLOGY](#) [SUPPLEMENTS](#) [LEADER](#)

COPYRIGHT © 2014 KFWVISION. ALL RIGHTS RESERVED | DEVELOPED BY 4224 | [SUBSCRIBE](#) [CONTACT US](#) [ABOUT US](#) [PRIVACY POLICY](#)

http://www.newvision.co.ug/D/8/13/590874

3/3

SMUG000844

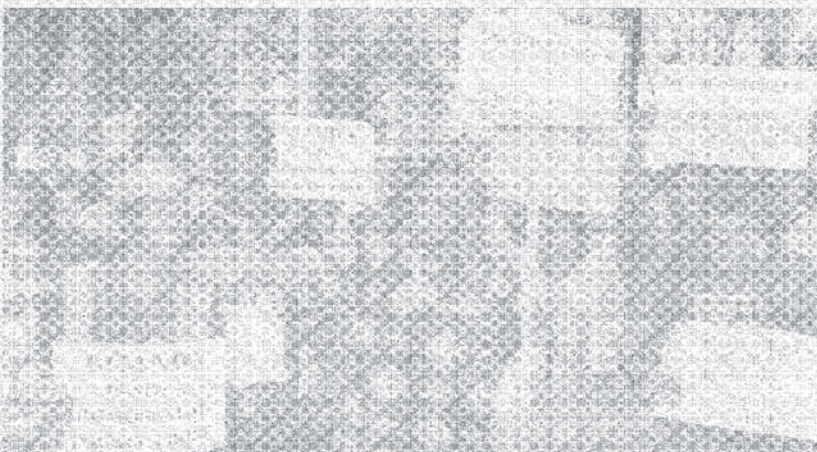
SMUG032055

Anti-gay activists storm Parlia

BY COLIN BURNING

CLANGING METAL and shouting activists stormed the parliament building in a dramatic and unprecedented display of protest against the government's plan to create a new bill to allow same-sex couples to marry. The protesters, many of whom were wearing anti-gay slogans, were seen in the corridors and on the steps of the parliament building, where they were seen to be shouting and chanting slogans. The protesters were seen to be shouting and chanting slogans, and some were seen to be shouting and chanting slogans.

creation of the bill, and the bill should be passed. The protesters were seen to be shouting and chanting slogans, and some were seen to be shouting and chanting slogans. The protesters were seen to be shouting and chanting slogans, and some were seen to be shouting and chanting slogans.



Protesters in London (left) and in the UK (right) protesting against the bill to Parliament of the UK.

The protesters also called for a referendum on the issue of same-sex marriage. They also called for a referendum on the issue of same-sex marriage. They also called for a referendum on the issue of same-sex marriage.

The protesters also called for a referendum on the issue of same-sex marriage. They also called for a referendum on the issue of same-sex marriage. They also called for a referendum on the issue of same-sex marriage.

The protesters also called for a referendum on the issue of same-sex marriage. They also called for a referendum on the issue of same-sex marriage. They also called for a referendum on the issue of same-sex marriage.

The protesters also called for a referendum on the issue of same-sex marriage. They also called for a referendum on the issue of same-sex marriage. They also called for a referendum on the issue of same-sex marriage.

The protesters also called for a referendum on the issue of same-sex marriage. They also called for a referendum on the issue of same-sex marriage. They also called for a referendum on the issue of same-sex marriage.

Camali Islamists Court warns on Camali

EXHIBIT 91



Scott Lively <sdllaw@gmail.com>

Re: HAVE MOBILIZED PRAYER

3 messages

Stephen Langa <stephenlanga@yahoo.com>

Fri, Oct 19, 2007 at 9:11 PM

To: Scott Lively <sdllaw@gmail.com>

Dear Scott,

Thanks a lot for the handbook. I have already mobilised prayer for your Saturday event. I have mobilized intercessors from Uganda, Korea, Middle East and South America.

I will go ahead and begin the planning process for the conference in Africa. I will keep you posed.

God bless.

Stephen Langa

Scott Lively <sdllaw@gmail.com> wrote:

I want to do it, and will try to come myself and bring the Russians.

Does the govt have good lawyers to fight this? Is the judge an honorable man? Beware of bribes.

If I come alone I will pay my own way but can you provide lodging and transportation while I'm there?

Read the attached booklet to learn how we're organizing people in other countries.

Blessings,

Scott

On 10/19/07, Stephen Langa wrote:

> Dear Scott,

>

> Thanks a lot for all the great work you are doing out there and the battle
> you have steadily engaged in to safeguard our civilization.

>

> We are also engaged in a fierce battle in Uganda on homosexuals who have
> taken the government to court over gay rights. The gays have got backing
> from their overseas counterparts who have brought much money to fight their
> cause. Some of their activists have flown into the country to give guidance
> and support to the local gays.

>

> I am writing:

>

> 1. To encourage you to keep up the fight that you are engaged. The Lord and
> the World is looking to you to help the world get rid of this vice that has
> brought much misery to the victims and promoters of homosexuality.

>

> 2. We had agreed to conduct a conference on homosexuality sometime next year
> here in Africa. Are you still for it and are you able to participate?

>

> God bless.

>
> Stephen Langa
>
>
>
> _____
> Do You Yahoo!?
> Tired of spam? Yahoo! Mail has the best spam protection around
> http://mail.yahoo.com

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
http://mail.yahoo.com

Scott Lively <sdllaw@gmail.com> Sat, Oct 20, 2007 at 2:34 AM
To: Stephen Langa <stephenlanga@yahoo.com>

Lets plan for April or May 08
[Quoted text hidden]

Stephen Langa <stephenlanga@yahoo.com> Sat, Oct 20, 2007 at 3:30 AM
To: Scott Lively <sdllaw@gmail.com>

Ok, I will get back to you on the tentative dates. SL

Scott Lively <sdllaw@gmail.com> wrote:

Lets plan for April or May 08

On 10/19/07, Stephen Langa wrote:
> Dear Scott,
>
> Thanks a lot for the handbook. I have already mobilised prayer for your
> Saturday event. I have mobilized intercessors from Uganda, Korea, Middle
> East and South America.
>
> I will go ahead and begin the planning process for the conference in Africa.
> I will keep you posed.
>
> God bless.
>
> Stephen Langa
>
[Quoted text hidden]

[Quoted text hidden]