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Howard Dean's Gay Headache

By Mary Anne Akers

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As if dealing with a protracted Democratic presidential primary fight and the Michigan and Florida delegate debacles weren't enough, Democratic National Committee Chairman Howard Dean had to spend two days this month getting deposed in a nasty lawsuit that has roiled the DNC and the gay community.

Two Thursdays ago, on March 6, Dean did a flurry of early morning television interviews on the political news du jour - the race for delegates and taking on Sen. John McCain (R-Ariz.) in the general election - before heading to the law offices of Bernabei & Wachtel for the start of a 6 ½ hour grilling about why he authorized the firing of the DNC's gay and lesbian outreach director, Donald Hitchcock.

Dean's detour from walking a perpetual tightrope between the presidential campaigns of Sens. Hillary Rodham Clinton (D-N.Y.) and Barack Obama (D-Ill.) and hearing the complaints of angry delegates in Florida and Michigan was not a welcome diversion. Until now, for the most part, the lawsuit, which Dean's spokeswoman calls "absurd," had remained safely out of the mainstream press.

Hitchcock filed his suit against the DNC last spring, a year after he was fired, alleging the DNC discriminated against him because he's gay and retaliated against him because his life partner, well-known Democratic activist Paul Yandura, publicly criticized the Democratic Party for not doing more to fight anti-gay ballot initiatives. Hitchcock is asking for unspecified damages and severance pay.

The lawsuit and Dean's deposition, a copy of which was obtained by the Sleuth, has dredged up long simmering tensions between the DNC and gay Democrats.

Dean sparked the ire of the gay community when he said in an interview in May of 2006 on the Christian Broadcasting Network's "700 Club" hosted by evangelist Pat Robertson that the Democratic Party platform from 2004 states "marriage is between a man and a woman."

Later, in hopes of quelling the firestorm, Dean apologized, saying he "misstated the Democratic Party's platform, which does not say that marriage should be limited to a man and a woman, but says the party is committed to full inclusion of gay and lesbian families in the life of our nation and leaves the issue to the states to decide."

In his March 6 deposition, Dean said he didn't realize the interview was intended for the "700 Club." He thought it would air on the ABC Family Network.

"Pat Robertson is a well-known member of the far right and I generally don't do interviews on far right networks," Dean said. "Because I think they are incredibly unfair, biased and hate mongering."

He also admitted that the snafu in misstating the party's position on the 700 Club "was not Donald's fault." A DNC source says it was "just a mistake" by Dean.

Dean also irked plenty of prominent gays when he eliminated the Lesbian, Gay, Bisexual and Transgender (LGBT) outreach desk at the DNC. The decision prompted longtime Democratic Party activist Jeff Soref, heir to the Masterlock fortune, to resign as chairman of the DNC's gay caucus.

During his deposition this month, Dean defended his ties to the gay community, saying the DNC, under his stewardship, reached out to the gay community "in many ways" and that the committee had "more senior staff with decision-making capability who were gay and lesbian than there had been previously."

He also defended his admittedly challenged gaydar while explaining why he doesn't have a tally on the number of gay people he has appointed to the DNC. He doesn't always know who's gay. Even his gay staffers don't have 100 percent accuracy in pinpointing other people's sexual orientations, Dean said.

"Mr. [Andy] Tobias is openly gay, right? Yes," Dean said, answering his own question. "But he has been wrong about how many people are gay before. He was shocked the other day. We did a big gay fundraiser and he couldn't believe those people were gay." (Tobias is treasurer of the DNC.)

In a scene fit for Jack Nicholson in "A Few Good Men," Dean's infamous short temper was on full display toward the end of the second day of his deposition during a testy exchange with Lynne Bernabei, the plaintiff's attorney who deposed him.

Bernabei grilled Dean about why, as governor of Vermont, he didn't hold a public ceremony when he signed the state's civil union bill into law. "You don't get to put words in my mouth," Dean fumed. "If you want the truth and whole truth and nothing but the truth...You have to let me answer your question."

"You can say anything you want. You are a politician, Mr. Dean," Bernabei said. (He's also a doctor, Ms. Bernabei.)

"You are not behaving in a manner which is professionally competent or qualifying," Dean said, adding, "You are an embarrassment to this profession, counselor."

"Well, it is not your profession. Thank you," Bernabei snapped.

"It is my daughter's profession," Dean shot back. "I am going to show her this tape so she never behaves like this."

Bernabei tells the Sleuth that Hitchcock's case has "revealed the long-simmering dispute between the DNC, led by Howard Dean, and the gay and lesbian community, about full inclusion in the Democratic Party."

The DNC, meanwhile, which hasn't moved to settle the case, appears to be fighting the lawsuit all the way.

DNC spokeswoman Karen Finney tells us, "This lawsuit is not only without merit, the suggestion that the DNC discriminates against gay and lesbian Americans is absurd and offensive given the ongoing courageous leadership that Governor Dean has shown on civil rights and LGBT issues."

Finney says Dean has appointed an "unprecedented number of gays and lesbians" to senior positions throughout the DNC and to standing committees -- including the suddenly all powerful credentials committee -- of the 2008 convention. She says the DNC continues to improve its outreach efforts.

In his deposition, Dean blamed the gay media -- in particular, the Washington Blade -- for fanning the flames of dissatisfaction within the gay community. "I didn't care what the Blade wrote because they are kind of the Fox News of the gay community," Dean said, "but I did care when respectable publications like the Advocate started publishing bad stuff."

"It got to me when they got to be hysterical," Dean said. "That was the real problem." Dean's deputy treasurer at the DNC, Julie Tegen, who is openly gay, doesn't seem to like the Blade any better than her boss. Tegen wrote in a March 15, 2007 email to her colleagues, which was introduced as evidence in the discovery phase of the lawsuit, saying, "I tend to use the Blade and the other gay papers in the bottom of the birdcage." The nasty nature of the lawsuit has divided gay Democrats.

Matt Foreman, executive director of the Gay & Lesbian Task Force, was so outraged by Dean's "700 Club" mistake that, at the time, he sent back a \$5,000 donation his organization had received from the DNC. Foreman says the Hitchcock lawsuit is just one of many problems the DNC has with the gay community.

"The lawsuit is part of a cloud that hangs not only over the DNC but the entire Democratic Party," he tells us.

Longtime gay Democratic strategist Jeff Trammell, who co-chaired gay and lesbian outreach efforts for Sen. John Kerry's 2004 presidential campaign, says the lawsuit is "unfortunate" for the party.

"It's a shame that time and energy and resources are getting diverted to something other than winning in November," Trammell says. "And I just wish it would go away."