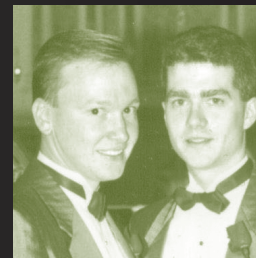


The Annual Update of the ACLU's Nationwide Work on LGBT Rights and HIV/AIDS



Who We Are 2005

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WHO WE ARE 2005

PARADOX, PROGRESS & SO ON	1
FREEDOM RIDE: THE STORY OF TAKIA AND JO	5
RELATIONSHIPS DOCKET	7
WHAT MAKES A PARENT	19
PARENTING DOCKET	21
THE QUEER GUY AT HUNT HIGH	25
YOUTH & SCHOOLS DOCKET	27
LIFE'S CRUEL CHALLENGES	31
DISCRIMINATION DOCKET	33
TRANSLATINAS AND THE FIGHT FOR DERECHOS CIVILES	37
TRANSGENDER DOCKET	41
THE HARD TRUTH ABOUT SMALL TOWN PREJUDICE	43
HIV/AIDS DOCKET	45
HOW THE ACLU WORKS	47
PROJECT STAFF	49
COOPERATING ATTORNEYS	51
CONTRIBUTORS	53



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Paradox, Progress & So On

BY MATT COLES, PROJECT DIRECTOR

The LGBT movement is at a pivotal moment in its history. 2004 was a year of both remarkable progress and stunning setbacks. For the first time, same-sex couples were married in the United States – in Massachusetts, San Francisco, Portland, Oregon, and New Paltz, New York. Despite the President's support, Congress failed to pass a constitutional amendment that would have excluded same-sex couples from marriage nationwide. But later in the year, 13 states took the extraordinary step of amending their state constitutions to close off any possibility that same-sex couples could marry. Nine of those amendments ban civil unions as well. Then, less than two months after the election, the Supreme Court in Montana, one of the states that passed an anti-marriage amendment, said the state university had to recognize domestic partnerships in its health plan.

In December, a judge in Little Rock, after hearing from the leading experts on both sides, ruled that there was no evidence that being gay or lesbian made a person less likely to be a good parent, and struck down a state ban on gay foster parents. This was the first time a court really looked at the science on gay people as parents. Just before the year started, the North Dakota Supreme Court overruled one of its own decisions from over 20 years ago, and said that family court judges could not base custody decisions on a parent's

sexual orientation. But just after the year ended, the U.S. Supreme Court let stand a lower court ruling upholding Florida's ban on adoption. And legislators in Arkansas are already trying to undo the Little Rock judge's decision.

The year opened with sweeping settlements in the case that five high school students brought against the Morgan Hill, California school district for harassment, and in the case that high school students in Eastern Kentucky brought to set up a gay-straight alliance. The Morgan Hill case had already generated a historic decision from a federal appeals court holding schools generally responsible for the safety of LGBT students. The Kentucky case had resulted in a federal court decision that the First Amendment does not allow a school to use community opposition as an excuse for shutting down a GSA. Both settlements provided for staff training, student peer training, and a system for investigating complaints and for accountability to the community. But later in the year, a North Carolina school vice principal tore down a gay student's school election posters, and a local judge allowed it. Still later, a Missouri school district disciplined a student for wearing a gay-straight alliance t-shirt, and refused to relent despite an obvious free speech violation.

The somewhat paradoxical lesson of a somewhat paradoxical year is that while we are making progress at

a remarkable pace, none of our recent gains is secure and continued progress is not assured. There are two forces at work here. Long, persistent work on all these issues has brought steady progress over the last ten years or so. Recently, we've had important breakthroughs like the *Lawrence* decision striking down laws against intimacy, the Massachusetts decision allowing same-sex couples to marry, the national attention to the Florida adoption law, and, less spectacularly, the Arkansas, Morgan Hill, and Boyd County, Kentucky cases.

The other force is an opposition that has been motivated as never before by both the alarmingly – to them – steady progress and the recent breakthroughs. They believe that unless the rules are changed to stop us – and amending state constitutions to forbid



MATT COLES, DIRECTOR OF THE LESBIAN & GAY RIGHTS AND AIDS PROJECT

legislative or judicial change is nothing if not changing the rules – we will eventually succeed.

While their most recent efforts to change the rules have been focused on civil unions and marriage, our opponents have much broader goals and they are not shy about them. They want to block any recognition of same-sex relationships. They want to prevent gay people from being parents. They want to keep gay-straight alliances out of schools. They want job and housing discrimination to stay legal. For all the progress we have made, their agenda has not changed: they do not want gay people to be any part of this society. And as the record from last year shows, they continue to press vigorously on all the issues.

To meet the challenge we have to press forward vigorously on all the major issues as well. We have to do it because our opponents use success in one area as a stepping-stone to success in others. No sooner had a constitutional amendment closing marriage passed in Kentucky than a bill prohibiting adoption was prefled for the legislative session in January. In Arkansas, a bill was introduced in January to require that schoolbooks that talk about marriage must define it as a relationship between a man and a woman, so that the books are consistent with the constitutional amendment passed in November.

We have to fight on all issues because our opponents tie their arguments together so that they can use success in one area to help them succeed in others. Increasingly, they base their arguments against adoption on the notion that gay parents cannot give children the stable homes that marriage helps to provide. At the same time, they base their arguments against allowing marriage for same sex couples on the idea that the primary purpose of marriage is to provide an environment for raising children. When they succeed in preventing gay people from adopting, or in getting courts to accept the idea that gay parents are a second choice in custody, they strengthen their case against marriage, and every defeat on marriage bolsters their cause on adoption. And it doesn't stop with marriage and parenting. When they succeed in convincing schools to teach that intimacy without marriage is wrong, they advance their case against gay student clubs. And on, and on, and on.

Pressing forward on all the major LGBT issues isn't just a question of defense. We have to press forward on all the major LGBT issues because no one issue is the gateway to success on the others. Sometimes, parenting is the best argument for marriage. For many of those who saw that Steve Lofton and Roger Croteau had given homes to children society had essentially discarded, the idea that gay relationships are entitled

to protection and respect became more acceptable. Schools may be the best vehicle for getting people to support laws against discrimination. Many Americans first began to understand that gay people are not emotionally shallow or less than human by meeting the friends of their children through gay-straight alliances. Progress on job discrimination helps us make progress on parenting, marriage and schools, just as success in schools helps with parenting, and so on.

Most importantly, we have to press forward on all the major LGBT issues because at their core all of these issues are, in fact, strands of a single issue. Sharing life with another adult, understanding and accepting yourself, being able to work, to build a family, and to be a member of society are all essential parts of human life. Relationships, parenting, gender identity, schools, job discrimination: equality in each of these things is an important goal for its own sake, and because it is a part of achieving all the others.

LGBT people should have the same chance to make a decent, meaningful life that everyone ought to have. We need to fight against anything that is a significant obstacle to that.

That our opponents are both determined and energized as never before should not obscure a critical

fact: it is our success that has energized them. Last year did not come out of the blue; in parenting and schools, the successes represent the culmination of years of work and years of progress moving public opinion and moving the law. The level of success we have had in the last few years shows that the slow process of opening the public mind is working. At the same time, the U.S. Supreme Court's *Lawrence* decision in 2003 gave us something the movement had been seeking for years – a Supreme Court decision on which to build a constitutional argument against state sponsored discrimination.

But the marriage initiatives show that as much as this is a moment of opportunity, it is also a moment of peril. The setbacks of '04 did not critically wound the effort to open marriage to same-sex couples. Many of the states were effectively closed to progress before the election. But if, over the next four to six years, significantly more than half the states are closed to both marriage and civil union by constitutional amendments, or if the federal marriage amendment is sent to the states, our efforts will take much longer to succeed. As important, our opponents will use their success with initiatives as a platform for rolling back advances on parenting, in schools, and on discrimination.

This is a crucial moment. We have a singular opportunity to make great progress. If we fail, we will face a much more difficult process that will take at least a generation longer. We have no choice but to give this fight everything we've got now.

Freedom Ride: The Story of Takia and Jo

BY JOEL P. ENGARDIO, PUBLIC EDUCATION SPECIALIST

It was a typically harried day for single mom Takia Foskey, running errands with her nine-year-old daughter and four-year-old son in tow. Navigating the limited schedule and crowded seats of public transportation made getting around especially difficult. But love at first sight eased Takia's frustrations after the Baltimore city bus driven by Jo Rabb arrived.

From the moment Takia stepped onto the bus her eyes locked with driver Jo, who instantly greeted the kids and helped them take their seats. Takia was impressed at how nice Jo was to her children Brianna and Maurice, despite having to drive a packed bus through snarled traffic. A grumpy or gruff demeanor would be more expected, but instead Takia and Jo exchanged pleasantries and some chuckles. Feeling bold, Takia handed Jo her phone number as she got off at the next stop.

Jo called, which led to Takia and Jo building a family together. They had a whirlwind romance after the March 2003 bus ride, culminated by a commitment ceremony attended by family and friends in June 2004. Brianna and Maurice now call Jo mom.

"We click in so many ways; we are inseparable," Takia said of Jo. "And she shows my kids love as though they were her own, which means so much to me."

Takia knows all too well the struggle of being a single



JO RABB AND HER PARTNER TAKIA FOSKEY, WHO ARE RAISING TWO CHILDREN IN MARYLAND, ARE PARTICIPATING IN AN ACLU MARRIAGE LAWSUIT TO PROTECT THE FUTURE OF ALL FAMILIES.

mom. Finding not only a romantic partner but also a solid role model and second parent for her children was a top priority for Takia. Her previous husband did not give any support after their divorce. "I got married to a man because that's what society wanted, but I was not happy," Takia said.

Now that Takia and Jo are providing a stable home for the children, they want to do all they can to protect

their new family. But Takia and Jo's family is not legally recognized, which excludes them from the health care and financial protections other families take for granted. This worries Takia and Jo.

Like many gay families in America, the worries are not unfounded. For Takia and Jo, their worst nightmare came true at a Baltimore hospital in September 2003. Jo had to undergo an emergency gallbladder operation, and Takia was barred from seeing Jo or receiving any information about her condition.

"The nurse asked if I was family, and I said 'Yes.' The nurse asked me how I was related. I told her I was Jo's girlfriend and her partner," Takia said. "The nurse told me that wasn't real family, and since I wasn't family, I couldn't be there."

Takia was forced to sit in the waiting room and worry about Jo's well-being. Had they been married, Takia could have participated in discussions with hospital staff about Jo's care.

The couple also worries about the high cost of health care and how to make ends meet as a young family. Jo's job as a bus driver offers good benefits. She is considered a state employee since the Maryland Transit Authority runs Baltimore's bus service. But Jo cannot enroll Takia or the children in the state health

plan. Takia, who works as an administrative assistant for a hospital laundry services company, does not qualify for health benefits as a part-time employee, yet her job does not pay enough for her to afford private health insurance. Takia and her children relied on Medicaid in the past, but it was no longer available when Takia found work. For much of 2004, Takia and the children were uninsured while Jo had excellent benefits that could have extended to the entire family if their relationship had been legally recognized. Their six-year-old son Maurice has asthma, which has forced Takia and Jo to struggle with whether they can afford medical care for him. The couple also worries that if Jo were killed in an accident on her bus route, Takia and the children would not receive the death benefits that are available to help the surviving families of state transportation employees killed on the job.

“Jo and I feel that if we pay taxes, we should have the same rights as everyone else,” Takia explained. “We know that if we had the right to obtain a marriage license we would feel more secure for ourselves and for our family in the future.”

Today, Takia and Jo are part of an ACLU lawsuit in Maryland seeking marriage for same-sex couples. While the case works its way through the courts, life goes on. Their focus is on daughter Brianna, who is in the sixth grade, and son Maurice, who has started the first grade.

“We both love staying at home with the kids and just spending time together as family,” Takia said. “We do just about everything together, even if just going to the store for a loaf of bread.”

Both Takia's and Jo's mothers – and Brianna and Maurice's grandmothers – are supportive of the fight to get married. “Our mothers feel as long as we are happy, then it is fine with them,” Takia said. “Our children love the idea of us being married and support us, at least that's what our daughter says. Our son is not really sure what marriage is yet, but he is happy with Jo and he loves her, and he doesn't want to see her leave.”

Takia and Jo say they feel privileged to be a part of this historic fight for equality. Standing up for one's rights is a heritage they share as African-American women.

“Being black and women, we had to fight to vote,” Takia says. “Now being black and gay, we still have to fight to marry. To us, civil rights and gay rights are all the same.”

Relationships Docket

The past year began a new era in the struggle for fairness in marriage. The Project and the ACLU of Massachusetts submitted friend-of-the-court briefs before the Massachusetts Supreme Judicial Court, which helped secure a historic ruling from the court that the state could no longer deny same-sex couples the right to marry. On May 17, 2004, Massachusetts became the first state in the country to marry lesbian and gay couples without legal threat. In addition, the Project and ACLU affiliates (sometimes jointly with other organizations) filed affirmative marriage lawsuits in California, Connecticut, Maryland, New York, Oregon, and Washington.

But the progress we made was met with tremendous resistance from the right, which pushed for state constitutional amendments, often seeking to bar all protections for same-sex relationships. Though the Project and the ACLU affiliates fought vigorously against these measures – supporting voter education drives, participating in town hall meetings, testifying at legislative hearings, and pushing stories in the local media – amendments passed in all of the 13 states that took the issue to the voters. We fared slightly better,

however, in successfully keeping amendments off the ballots in several states. In addition to our work on marriage, we were involved in lawsuits seeking domestic partnership benefits for state employees, we fought for the right of an Iowa couple to be able to dissolve their Vermont civil union, and we advocated on behalf of an Oklahoma rancher who was subsequently kicked off his ranch and out of his home because the state refused to recognize his relationship.

ALASKA

A lawsuit filed by the Project and the affiliate seeking domestic partnership benefits for state employees has been argued and is awaiting decision by the state's high court. The lawsuit, *Alaska Civil Liberties Union v. Alaska and Anchorage*, challenges state policy that provides health and pension benefits only to the partners of married, heterosexual employees.

ARIZONA

Very soon after the U.S. Supreme Court's ruling in *Lawrence v. Texas* that struck down "sodomy" laws, two men applied for and were refused a marriage license in

Arizona. The couple challenged the denial in a special action before the Arizona Court of Appeals. Predicting an unfavorable ruling, the ACLU of Arizona filed a friend-of-the-court brief urging the court not to accept jurisdiction over the case. The court did take the case, *Standhardt v. Superior Court*, and issued a very disappointing decision that upheld the state's exclusionary marriage laws and narrowly interpreted *Lawrence*. The affiliate urged the state supreme court to take the case and overrule the lower court's decision, but the court declined to review the case.

The ACLU of Arizona opposed a state constitutional marriage amendment when a resolution was proposed in the legislature. ACLU representatives met with legislators and testified in committee hearings, urging reconsideration of the amendment and addressing the dangers of constitutionally codifying discrimination. The bill died in committee.

ARKANSAS

In response to a ballot initiative to ban same-sex marriage and any similar legal status for same-sex couples in Arkansas, the ACLU of Arkansas conducted

HISTORICAL TIMELINE OF LGBT RIGHTS

1940

DEFENSE OF *THE CHILDREN'S HOUR* AGAINST CENSORSHIP FOR LESBIAN CONTENT

1956

DEFENSE OF SAN FRANCISCO BAY AREA GAY BAR, HAZEL'S INN, RAIDED BY POLICE

a significant pre-election advocacy and voter education campaign. The affiliate also brought a lawsuit challenging the initiative on the basis of misleading voters into believing that it addressed only marriage when, in fact, other forms of legal recognition of same-sex relationships would be affected, including civil unions and domestic partnerships. The Arkansas Supreme Court ruled against the ACLU, allowing the measure on the ballot, and voters approved it in the November election.

CALIFORNIA

On February 12, 2004, San Francisco Mayor Gavin Newsom directed the county clerk to stop denying marriage licenses to gay and lesbian couples. Two anti-gay groups immediately filed separate lawsuits seeking emergency orders to stop the marriages of same-sex couples, but over the next four weeks more than 4,000 lesbian and gay couples were legally married in San Francisco. The National Center for Lesbian Rights, Lambda Legal, and the ACLU of Northern California participated in the cases, helping to convince the trial court in the cases that Mayor Newsom's order should not be enjoined. In response to a petition by the state Attorney General, the California Supreme Court ultimately directed San Francisco to stop issuing marriage licenses to same-sex couples. The Court also stayed the existing superior court cases, and agreed to hear argument on the authority of San Francisco's Mayor Gavin Newsom to issue marriage licenses to same-sex couples. The ACLU and co-counsel filed



SAN FRANCISCO MAYOR GAVIN NEWSOM SPEAKS AT AN ACLU CONFERENCE. HE HELPED LEAD THE CHARGE FOR FAIRER MARRIAGE LAWS BY GRANTING MARRIAGE LICENSES TO SAME-SEX COUPLES.

briefs with the Court, arguing that California law excluding gay and lesbian couples from marriage violates the state constitutional guarantees of due process, equal protection, and freedom of association and expression. The ACLU and co-counsel also filed an affirmative lawsuit, *Woo v. Lockyer*, challenging the constitutionality of the California law that denies same-sex couples the ability to marry. A decision is expected in early 2005.

Along with several other civil rights organizations, the ACLU of Northern California represents Equality

California and 12 couples in two coordinated cases brought by anti-gay groups that seek to deprive domestic partners of a host of important legal protections. Plaintiffs in *Knight v. Schwarzenegger/Thomasson v. Schwarzenegger* contended that AB 205, a comprehensive state law granting nearly all the rights of marriage under California law to registered domestic partners, is an unconstitutional infringement of California's so-called Defense of Marriage Act. The trial court issued an order in favor of the ACLU coalition, permitting AB 205 to go into effect on January 1, 2005.

The California affiliates helped to secure major legislative victories for LGBT rights in California. One law prohibits the state from contracting with vendors that do not provide domestic partner benefits. Another makes gender identity a category protected from discrimination. A new law prohibits insurance providers in California from issuing policies and plans that treat spouses and registered domestic partners differently. Finally, in sweeping legislation, AB 205, domestic partners are extended most of the rights and responsibilities provided to married couples under California law. The affiliate also assisted in efforts in the legislature to redefine marriage as a gender-neutral civil contract between two people; a bill was withdrawn from session in order to expand support and is expected to come to a vote in spring 2005.

A lesbian who purchased an equity membership in a private golf country club was denied spousal privileges.

1957

DEFENSE OF ALLEN GINSBERG'S HOWL AGAINST OBSCENITY CHARGES FOR GAY CONTENT

1963

DEFENSE OF GAY MAN FIRED BY U.S. GOVERNMENT (*SCOTT V. MACY*)

1963

SODOMY LAW CHALLENGE (*ENSLIN V. WALFORD*)

The woman and her partner sued over the club's policy, but the court in *Koebke v. Bernardo Heights Country Club* rejected their claims. The California Supreme Court has agreed to review the decision. The Project, along with the Anti-Defamation League, Equality California, and the Tom Homann Law Association, filed a friend-of-the-court brief in the California Supreme Court in support of the plaintiffs.

CONNECTICUT

Seven gay and lesbian couples from across Connecticut who were recently denied marriage licenses filed a lawsuit in New Haven Superior Court challenging the state's discriminatory denial of marriage rights to same-sex couples. GLAD and the ACLU of Connecticut represent the couples, who have been in long-term, committed relationships. Many of the couples are raising children and believe that only marriage will provide them with the protections and benefits they need to live securely as a family in Connecticut.

DELAWARE

The ACLU of Delaware worked to halt a proposed law that would ban marriage for same-sex couples and recognition of any non-heterosexual out-of-state marriages. The law, which would also bar civil unions and domestic partnerships, died in committee.

GEORGIA

The affiliate opposed a constitutional amendment that bans marriage between lesbian and gay couples,

prohibits civil unions, denies recognition of such marriages or unions formed in states outside Georgia, and jeopardizes other legal arrangements between partners of the same sex. The measure also divests courts of jurisdiction to rule on any questions related to same-sex relationships. The ACLU of Georgia lobbied the legislature, drafted amendments to the proposal, and helped organize lobby days with other organizations. Lambda Legal and the ACLU of Georgia lost a lawsuit aimed at preventing the amendment from appearing on the ballot. SR 595 passed the legislature, and voters approved the constitutional amendment.

After one partner in a same-sex relationship died, the deceased man's family challenged his will based on the theory that cohabitation is illegal in Georgia and immoral as a matter of state policy. The Georgia Court of Appeals ruled against the family in *Abrams v. Messe*, and that decision was appealed to the state's high court. The ACLU of Georgia filed a friend-of-the-court brief, arguing that the family's claims violated the constitutional right to privacy and infringed the liberty of an individual to determine estate distribution without morality-based interference from the state. The Georgia Supreme Court declined to hear the case.

A state resolution urging Congress to pass the federal Marriage Amendment failed. The ACLU lobbied strongly against the measure and defeated it in the legislature. Out of this effort, a coalition of 25 organizations was created, Georgians Against



IN A TOWN HALL MEETING IN CHAMPAIGN-URBANA, HEATHER SAWYER OF LAMBDA LEGAL, LOCAL COUPLE PATTY CUTRIGHT AND DIXIE SPENCER, AND PROJECT SENIOR STAFF ATTORNEY JOHN KNIGHT HELP RAISE AWARENESS FOR THE NEED FOR LEGAL RECOGNITION FOR SAME-SEX RELATIONSHIPS.

Discrimination, that will coordinate advocacy against the opposition's plans to renew the resolution.

IDAHO

A proposed state constitutional amendment banning same-sex marriages, civil unions, and domestic partnership died in committee. The ACLU of Idaho prepared testimony, gathered letters of support, testified in committee hearings, met with legislators, and created a broad-based advocacy campaign comprised of traditional allies and faith-based organizations. The bill passed the House, but the affiliate was able to convince a key leader in the Senate to end the bill's hearing. The ACLU of Idaho

1965

CHALLENGE TO POLICE RAID ON SAN FRANCISCO EVENT SPONSORED BY THE COUNCIL ON RELIGION AND THE HOMOSEXUAL

1966

CHALLENGE TO FLORIDA LAW OUTLAWING GAY BARS (*INMAN V. MIAMI*)

1967

CHALLENGE TO LOS ANGELES ORDINANCE MAKING IT ILLEGAL TO "IMPERSONATE A PERSON OF THE OPPOSITE SEX"

continues to work to fight back anti-marriage legislative proposals.

ILLINOIS

The ACLU of Illinois participated in a series of marriage-focused town meetings in Peoria, Bloomington/Normal, Champaign/Urbana, and Springfield in collaboration with local LGBT groups, Equality Illinois, and Lambda Legal. At each town meeting, two couples, a religious leader, a childcare specialist, and lawyers from the ACLU and Lambda Legal addressed the need for legal protections for same-sex relationships and rebutted the arguments that are often made against such protections.

INDIANA

The Indiana Court of Appeals ruled that the state marriage law that prohibits marriage between same-sex couples was constitutional. The affiliate had brought a challenge to the law on behalf of three couples with civil unions from Vermont.

IOWA

In *Alons v. Woodbury District Court*, anti-gay groups seek to overturn a trial court's decree dissolving an Iowa lesbian couple's Vermont civil union. In 2003, a group of state legislators, an Iowa congressman, and a church filed a petition asserting that the judge lacked the authority to dissolve a civil union. The case is currently pending before the Iowa Supreme Court. The Project and affiliate

joined Lambda Legal and the LGBT Community Center of Central Iowa on a friend-of-the-court brief urging the state supreme court to throw out the case.

KANSAS

Last year, the ACLU of Kansas worked to defeat a wide-ranging constitutional amendment declaring that the only valid marriage is one between one man and one woman, as well as banning civil unions and domestic partnerships. Unfortunately, another such amendment passed the legislatures and was approved by voters this spring.

KENTUCKY

Despite efforts by the affiliate and local groups, the Kentucky legislature approved a referendum on a proposed state constitutional amendment banning same-sex marriage, including "any legal status identical or substantially similar to that of marriage." Voters approved the amendment.

LOUISIANA

The ACLU of Louisiana fought against a sweeping constitutional amendment that bans not only same-sex marriages, but also prohibits conferring "the legal incidents" of marriage on same-sex unions. The measure passed the legislature, and voters approved it.

MAINE

The Project supported the Maine affiliate's lobbying



JOHN LESTITIAN AND HIS LATE PARTNER JIM BRADLEY IN THEIR WEDDING TUXES IN 1991. BRADLEY'S WILL, LEAVING HIS ESTATE AND THE COUPLE'S HOME IN THE CARE OF LESTITIAN, WAS INVALIDATED BECAUSE THEIR MARRIAGE IN AN EPISCOPAL CHURCH IS NOT LEGALLY RECOGNIZED IN MARYLAND.

against a constitutional amendment banning marriage for same-sex couples. The proposed state constitutional DOMA died in the legislature. The affiliate also worked in support of Maine's domestic partnership registry that provides inheritance rights, next-of-kin status, victim's compensation, and guardian and conservator rights to domestic partners. The Governor signed the measure into law.

MARYLAND

The Project, along with the ACLU of Maryland and Equality Maryland, filed a lawsuit on behalf of nine

1967

CHALLENGE TO DEPORTATION OF A GAY MAN (*BOUTILIER V. INS*)

1967

SODOMY LAW CHALLENGE (*DELANEY V. FLORIDA*)

1970

CHALLENGE TO POLICY ON GAYS IN THE MILITARY (*SCHLEGEL V. U.S.*)

same-sex couples and a recently widowed man seeking the right to marry in Maryland. The case, *Deane and Polyak v. Conaway*, asks the Maryland courts to declare that denying marriage licenses to same-sex couples violates the state constitution. A full scale public education campaign is also underway to counter anti-gay organizations, some of which asked to intervene in the case but were denied.

The affiliate and partners helped defeat proposals before the legislature to prohibit recognition of other states' same-sex marriages and to enact a state constitutional DOMA. A bill creating a state registry for life partners passed the Maryland House of Delegates.

MASSACHUSETTS

After the landmark Court decision in *Goodridge v. Department of Public Health* upholding marriage rights for all people, the Massachusetts Senate asked the Massachusetts Supreme Judicial Court if a law prohibiting marriage for same-sex couples but providing all of the benefits of marriage through civil unions would satisfy the court's earlier ruling. The Project and the affiliate submitted a friend-of-the-court brief, arguing that a separate status is inherently unequal; the court agreed. The legislature then passed a proposed constitutional amendment prohibiting same-sex marriages, but permitting civil unions. In order to become law, the amendment would need approval during a second joint session of the state legislature and then approval from the voters by referendum in 2006.

After the *Goodridge* decision, city and town clerks began issuing marriage licenses to same-sex partners in Massachusetts, including non-resident gay and lesbian couples. In response, Governor Romney and Attorney General Reilly ordered the municipal clerks to stop marrying non-resident LGBT couples, relying on an archaic state law. The ACLU of Massachusetts filed a lawsuit, *Johnstone v. Reilly*, on behalf of several clerks, challenging the orders of the executive branch. A motion for a preliminary injunction against the



CAROL SNETSINGER AND HER PARTNER NANCY SEIGEL BOTH MAY NOW RECEIVE STATE HEALTHCARE AND OTHER BENEFITS AFTER A SUCCESSFUL ACLU LAWSUIT FILED ON THEIR BEHALF. THE MONTANA SUPREME COURT DECLARED THAT PARTNERS OF LGBT EMPLOYEES OF THE STATE UNIVERSITY SYSTEM CANNOT BE DENIED BENEFITS. PHOTO COURTESY OF CHAD HARDER, THE MISSOULA INDEPENDENT

Attorney General and other state officials was denied and is being appealed. The affiliate is also defending municipal clerks in another lawsuit, *Flynn v. Johnstone*, in which former Boston mayor and U.S. Ambassador to the Vatican Raymond Flynn and another plaintiff brought a lawsuit against the clerks.

MICHIGAN

The ACLU of Michigan lobbied and conducted a public education campaign against a proposed amendment to the Michigan Constitution to bar recognition of same-sex marriages and other same-sex unions such as domestic partnerships. The affiliate helped build the Coalition for a Fair Michigan, conducted activist trainings throughout the state, and coordinated a signature drive for a counter ballot initiative. The opposition gathered enough signatures to put the amendment on the November ballot, however, and voters approved the ban.

MINNESOTA

The ACLU of Minnesota helped defeat proposals in the state legislature to amend the state constitution to define marriage as a union between one man and one woman and ban or limit civil unions.

MISSISSIPPI

The ACLU of Mississippi worked with gay and lesbian groups to oppose a proposed constitutional amendment banning marriage for same-sex couples. The state

1971

CHALLENGE TO ANTI-GAY SECURITY CLEARANCE RULES (*GAYER V. LAIRD*)

1972

FIRST CHALLENGE TO LAW RESTRICTING MARRIAGE TO PERSONS OF THE OPPOSITE SEX (*BAKER V. NELSON*)

1973

DEFENSE OF WASHINGTON TEACHER FIRED FOR BEING GAY (*GAYLORD V. TACOMA*)



JUDY GIBSON AND BARBARA DIBERNARD ARE ONE OF MANY COUPLES THAT ARE HARMED BY NEBRASKA'S ANTI-GAY UNION AMENDMENT. WITHOUT LEGAL RECOGNITION OF THEIR RELATIONSHIP, GIBSON'S SUBSTANTIAL MEDICAL EXPENSES CANNOT BE COVERED BY DIBERNARD'S STATE EMPLOYEE BENEFITS.

legislature approved the ban, which also includes a prohibition on recognizing non-resident same-sex marriages, and voters approved the amendment.

MISSOURI

Missouri was the first state to have a constitutional amendment put to the voters since the possibility of legal marriages for same sex couples was opened in Massachusetts. The ACLU of Eastern Missouri conducted public education and grassroots outreach to

defeat the amendment defining marriage as legal and valid only between a man and a woman. Voters passed the amendment in a primary election.

MONTANA

The Project and the ACLU of Montana represented two lesbian couples and PRIDE, a gay advocacy organization, in a lawsuit against the Montana University System, challenging its failure to provide health insurance benefits for the same-sex partners of University System employees. The University System provided health insurance, disability coverage, and other benefits for the partners of married employees, and allowed the partners of unmarried opposite-sex employees to receive those benefits if they signed an affidavit. However, employees who were in same-sex relationships were denied the benefits. The Montana Supreme Court recently held that this differential treatment of same-sex couples violated the Montana state constitution's equal protection guarantee.

The ACLU of Montana worked behind the scenes to prevent a constitutional amendment banning same-sex marriage. However, the amendment was placed on the ballot and passed.

NEBRASKA

The Project, the ACLU of Nebraska, and Lambda Legal continued their federal court lawsuit challenging a state constitutional amendment that bans same-sex

marriage and any form of recognition of same-sex couples. The case argues that the amendment is so sweeping, denying lesbian and gay couples the possibility of gaining any form of protection for their relationships, that it violates their constitutional right to equal protection. In *Citizens for Equal Protection v. Bruning*, the federal district court rejected the state's motion to dismiss, and a final decision from the court is pending.

The ACLU of Nebraska conducted a broad public education campaign about marriage and relationships, speaking to audiences as varied as college classes, church study groups, and high school assemblies throughout the state. The affiliate helped develop and promote the independent documentary film *416*, which explores the battle against the Nebraska amendment banning recognition of same-sex relationships.

NEW JERSEY

The ACLU of New Jersey filed a friend-of-the-court brief on behalf of several civil rights organizations in *Lewis v. Harris*, a lawsuit filed by Lambda Legal seeking marriage for same-sex couples. The ACLU's brief countered the state's argument that this issue should be left to the legislature, arguing that the court has an obligation to resolve the constitutional question presented by the challenge. The trial court ruled in favor of the state, upholding the exclusion of same-sex couples from marrying. This decision is on appeal.

1973

DEFENSE OF GAY MAN DENIED A SECURITY CLEARANCE (*ROCK V. DEPARTMENT OF DEFENSE*)

1975

DEFENSE OF GAY FEDERAL EMPLOYEE FIRED FOR BEING "FLAMBOYANT" (*SINGER V. U.S.*)

1976

DEFENSE OF GAY FATHER DENIED VISITATION WITH HIS CHILDREN (*VOELLER V. VOELLER*)

The ACLU of New Jersey lobbied in support of a state domestic partner law, which provides registered domestic partners with certain protections such as hospital visitation and inheritance rights. The law passed in January 2004.

NEW YORK

The Project advised the Mayor of New Paltz, whose decision to marry same-sex couples garnered national attention. When opposition groups sued to stop the marriages, the Project represented several couples seeking to intervene. A court later ordered a halt to the marriages.

The Project and the NYCLU filed an affirmative marriage suit in *Samuels & Gallagher, et al. v. New York State Department of Health*, representing 13 couples from throughout the state. In December 2004, the trial judge found that the New York laws restricting marriage to different-sex couples were constitutional. The ACLU has sought direct review with the New York Court of Appeals, which is the highest court in the state.

The Project succeeded in getting New York State to recognize same-sex relationships for purposes of unemployment benefits. Jeanne Newland resigned from her job to move to Virginia, where her long-term partner had found a new position. When her job search was unsuccessful, she applied for unemployment benefits from New York, just as any spouse could do. The state refused to provide the



MICHELLE AND MONTEL CHERRY-SLACK CUT THE WEDDING CAKE AFTER THEIR COMMITMENT CEREMONY. THE BROOKLYN COUPLE ARE PLAINTIFFS IN THE ACLU'S NEW YORK MARRIAGE LAWSUIT.

benefits because Newland and her partner were not married. After the Project filed an appeal in the courts and the statewide LGBT civil rights group, Empire State Pride Agenda, raised the issue with Governor Pataki, the state agreed to reconsider its decision. As a result of the case, the New York State Department of Labor has agreed to policy changes that will recognize same-sex relationships in determining eligibility for unemployment insurance.

In January 2005, the New York Civil Liberties Union filed a lawsuit, *Martinez v. County of Monroe*, on behalf of an employee of Monroe County Community College who needs health care benefits for her partner. By failing to provide equal employment benefits to its gay and lesbian employees, the complaint alleges, the college violates New York's Sexual Orientation Non-Discrimination Act.

NORTH CAROLINA

The ACLU of North Carolina successfully lobbied against a bill in the state legislature that would have incorporated the existing law barring same-sex marriage into the state constitution.

NORTH DAKOTA

The ACLU of the Dakotas worked to defeat a proposed state constitutional ban on marriage for same-sex couples. However, a ballot drive gathered enough signatures for the amendment to be placed on the ballot, and voters approved it.

OHIO

The ACLU of Ohio joined a large coalition of groups across the state to oppose *HB 272*, a proposed constitutional amendment to ban marriage by same-sex couples, bars recognition of out-of-state marriages by same-sex couples, and denies most state and municipal employees domestic partner benefits. The affiliate testified before the Ohio General Assembly,

1977

CHALLENGE TO UNIVERSITY'S REFUSAL TO RECOGNIZE LESBIAN/GAY STUDENT GROUP (*MISSISSIPPI GAY ALLIANCE V. MISSISSIPPI STATE UNIVERSITY*)

1978

LAWSUIT AGAINST THE BRIGGS INITIATIVE, A MEASURE TO BAN GAY PEOPLE FROM TEACHING IN CALIFORNIA'S PUBLIC SCHOOLS (*CALIFORNIA FEDERATION OF TEACHERS V. EU*)

1980

NEW YORK HIGH COURT STRIKES DOWN SODOMY LAW (*PEOPLE V. ONOFRE*)

lobbied legislators, held public education events across the state, and advocated in the press for the measure's defeat. Voters approved the amendment.

The ACLU of Ohio supported a grassroots community organization, Heights Families for Equality (HFE), in promoting basic rights for all people regardless of sexual identity. HFE and the affiliate successfully convinced the city of Cleveland Heights to adopt a domestic partnership benefits registry, which opened in January 2004. The registry has come under attack in the courts by the religious right, funded by the American Family Association. A local trial court upheld the city's registry, but an appeal is expected.

OKLAHOMA

The Oklahoma Supreme Court denied an appeal on behalf of a widower, Sam Beaumont, who sought to keep his home after discovering a technical problem that rendered his deceased partner's will invalid. Beaumont and his partner lived together for over 20 years in the house that they had built together on their ranch, where they raised their children and cared for their parents. He lost the ranch to distant relatives of his deceased partner who had rejected his partner during his lifetime because he was gay. Beaumont lost not only his home but also his livelihood in the ranch. The Project and the ACLU of Oklahoma filed a friend-of-the-court brief in support of Beaumont.

The ACLU lobbied legislators and conducted an outreach campaign to stop a constitutional



A RALLY IN ATHENS, ORGANIZED IN PART BY THE ACLU OF OHIO, RESPONDED THEATRICALY TO THE ANTI-GAY UNION AMENDMENT.

amendment banning marriage for same-sex partners. The amendment went on the ballot and was approved by voters.

OREGON

After Multnomah County issued marriage licenses to same-sex couples in March 2005, the ACLU filed a lawsuit on behalf of same-sex couples, Basic Rights Oregon, and the ACLU of Oregon seeking a declaration that Oregon's restriction of marriage and its attendant benefits to different-sex couples violated

the Oregon constitution. A trial court judge ruled that depriving same-sex couples of the benefits of marriage was unconstitutional, but stopped short of ordering marriage for same-sex couples. The case has been argued before the Oregon Supreme Court, and we await the court's decision.

Prior to the 2004 elections, Basic Rights Oregon and the ACLU of Oregon challenged a proposed constitutional amendment banning marriage for same-sex couples, arguing that the draft ballot title and summary did not adequately inform the voters of how the amendment would change the current law. The ACLU helped organize and fund the "No on Constitutional Amendment 36" coalition to educate the public on the ballot initiative. The Oregon Supreme Court ruled against the ACLU's claim, and voters passed the amendment in November 2004.

The ACLU of Oregon sought to intervene in a lawsuit filed by a heterosexual couple to compel Benton County to start issuing marriage licenses. Benton County had stopped issuing licenses to anyone based on its view that excluding same-sex couples from marriage is unconstitutional. The trial judge ruled that the county must resume issuing licenses to heterosexual couples.

PENNSYLVANIA

A long-running ACLU lawsuit against the University of Pittsburgh seeking domestic partner health benefits

1981

DEFENSE OF SAN FRANCISCO GAY WEEKLY PAPER AGAINST LIBEL SUIT FILED BY POLICE

1982

LAWSUIT FOR BEREAVEMENT LEAVE FOR SAN FRANCISCO GAY MAN WHOSE PARTNER DIED (*BRINKIN V. SOUTHERN PACIFIC*)

1983

PRIVACY DEFENSE OF MEMBERSHIP LISTS OF GAY RIGHTS ORGANIZATIONS INVOLVED IN A BOYCOTT (*SOLIDARITY V. COORS*)

for lesbian and gay university employees finally concluded when the University agreed to provide the benefits starting in January 2005. The ACLU had been fighting the university over this issue since 1996, when it filed a complaint on behalf of seven lesbian and gay employees claiming that the failure to provide their partners with the benefits afforded to employees' spouses violated Pittsburgh's civil rights laws.

In 1998, Philadelphia enacted ordinances to provide certain benefits to same-sex partners of city employees. Individuals who claimed that providing such benefits violated state law and policy challenged the ordinances. In December 2004 a unanimous Pennsylvania Supreme Court, in *Devlin v. City of*



PLAINTIFFS IN THE OREGON MARRIAGE CHALLENGE, STEVE KNOX AND ERIC WARSHAW, WITH RETIRED OREGON SUPREME COURT JUSTICE BETTY ROBERTS, WHO PERFORMED THEIR WEDDING SERVICE.

Philadelphia, ruled that cities in Pennsylvania have the authority to provide such benefits to their lesbian and gay employees and rejected the claim that any recognition or support of same-sex relationships violates Pennsylvania's public policy against same-sex marriage. The ACLU of Pennsylvania submitted a friend-of-the-court brief on behalf of a group of Philadelphia businesses, labor unions, and civil rights organizations, which the Pennsylvania Supreme Court referenced in its decision.

Twelve members of the Pennsylvania legislature filed a lawsuit against two men who had applied for a marriage license and were denied. The legislators asked the court to declare that Pennsylvania's exclusion of same-sex couples from marrying is constitutional. The ACLU of Pennsylvania was part of the legal team representing the couple in *Egolf v. Senec*. They argued that there was no controversy before the court because the couple had done nothing more than ask for a marriage license and speak out about the unfairness of being excluded from marriage. The court agreed and dismissed the case.

The ACLU of Pennsylvania successfully lobbied against efforts in the state legislature to bar same-sex marriage, domestic partnerships, and civil unions. To defeat these proposals, the affiliate formed the Value All Families Coalition with allied organizations and mobilized thousands of Pennsylvanians to urge state legislators to oppose the proposed legislation.

RHODE ISLAND

The ACLU of Rhode Island represented a retired school employee seeking to add her same-sex spouse to her health insurance benefits plan. Cheryl McCoullough, a guidance counselor and health educator for 27 years, married Joyce Boivin in Massachusetts last year. As a retired teacher, McCoullough is entitled to receive family health care benefits until the age of 65 under the school district's collective bargaining agreement. The school district filed a preemptive lawsuit in superior court seeking a declaration that Rhode Island does not recognize marriage for same-sex partners. The affiliate argued in *Tiverton School Committee v. McCullough* that McCullough is entitled to benefits for her spouse under the terms of the collective bargaining agreement. In February 2005, school officials decided to pay for the health benefits before the Superior Court ruled, resolving the lawsuit.

SOUTH CAROLINA

The ACLU of South Carolina opposed two bills to amend the state constitution to ban same-sex marriages and recognition of out-of-state same-sex marriages. The bills were introduced in the South Carolina House but did not pass the Senate.

SOUTH DAKOTA

The ACLU of the Dakotas opposed an expansive Defense of Marriage Act in South Dakota that would have prohibited same-sex marriage as well as any

1984

U.S. SUPREME COURT STRIKES DOWN OKLAHOMA LAW TARGETING TEACHERS WHO SUPPORT GAY RIGHTS (*NGLTF V. OKLAHOMA*)

1986

U.S. SUPREME COURT UPHOLDS GEORGIA SODOMY LAW (*BOWERS V. HARDWICK*)

1987

COURT REQUIRES CATHOLIC UNIVERSITY TO RECOGNIZE GAY STUDENT GROUP (*GAY RIGHTS COALITION V. GEORGETOWN UNIVERSITY*)

relationship “resembling a marriage.” The affiliate worked with the LGBT community in South Dakota, including PFLAG, to motivate citizens to offer testimony at legislative hearings. The legislators were moved by the community response and stopped the amendment from moving forward.

TENNESSEE

The ACLU of Tennessee lobbied against a proposed amendment outlawing same-sex couples from marrying. The state legislature passed the bill, but Tennessee requires re-approval by the legislature in the 2005-2006 session before the measure may be presented to voters. The affiliate is working with local groups to prevent the measure from appearing on a ballot.

The ACLU of Tennessee opposed a bill that would have prohibited civil unions and domestic partnerships, affecting even private companies in Tennessee that offer benefits to same-sex couples. The affiliate took the lead in alerting the public about the bill, speaking to the media, and strategizing with LGBT organizations. The bill passed in the Senate, but not in the House.

TEXAS

The ACLU of Texas opposed a state Defense of Marriage Act that would prevent recognition of same-sex civil unions or marriages. The affiliate testified at committee hearings, lobbied legislators, and coordinated public outreach. The bill passed.



(BACK ROW: L-R) CELIA CASTLE AND BRENDA BAUER AND THEIR TWO CHILDREN, (FRONT ROW: L-R) ROBBIE AND NICOLA, ARE PLAINTIFFS IN A MARRIAGE LAWSUIT BROUGHT BY THE ACLU OF WASHINGTON. PHOTO COURTESY OF SAROSH SYED.

UTAH

The ACLU of Utah submitted letters and testified at legislative committees against an amendment that would define marriage as a union between one woman and one man, ban non-resident same-sex marriages, and prohibit recognition of other non-marital relationships. The affiliate's testimony, in conjunction with that of a former state Supreme Court justice and a conservative professor from Brigham Young University, was instrumental in removing one particularly

restrictive section from the bill. The legislature passed the amendment, and voters approved it.

WASHINGTON

The ACLU of Washington represents 11 same-sex couples who have challenged Washington's statute restricting marriage to heterosexual couples as a violation of the state constitution. A trial court judge ruled in *Castle v. State of Washington* that the denial of marriage to same-sex couples is unconstitutional. The case is on appeal to the Supreme Court of Washington and arguments were held in March 2005.

WEST VIRGINIA

In *Link v. King*, the ACLU of West Virginia asked a state court to order the Kanawha County Commissioner to grant a marriage license to two women on the grounds that denials based on sexual orientation are unconstitutional. The couple, in a relationship for 23 years, applied for a marriage license, but the commissioner refused, citing West Virginia's Defense of Marriage Act. The West Virginia Supreme Court of Appeals declined to hear the case.

WISCONSIN

The state legislature proposed a constitutional amendment that would ban same-sex marriage and possibly civil unions. The amendment would also ban the recognition of out-of-state marriages of same-sex couples. Another vote is required in 2005 before the proposal could go to the voters. The ACLU of

1987

U.S. SUPREME COURT RULES DISABILITY DISCRIMINATION LAWS APPLY TO PEOPLE WITH CONTAGIOUS DISEASES, INCLUDING AIDS (*SCHOOLBOARD V. ARLINE*)

1988

CHALLENGE TO DANNEMEYER INITIATIVE, WHICH WOULD QUARANTINE PEOPLE WITH AIDS (*CALIFORNIA MEDICAL ASSOCIATION V. EU*)

1988

FEDERAL COURT'S RULE THAT FEDERAL LAW PROTECTS PEOPLE WITH AIDS FROM DISCRIMINATION (*CHALK V. DISTRICT COURT; DOE V. CENTINELLA HOSPITAL*)

Wisconsin and other organizations are lobbying and launching public education campaigns to block the referendum, which could come as early as April 2005 or as late as November 2006.

The ACLU and affiliate are helping Action Wisconsin on multiple public education initiatives on same-sex marriage, including surveying local organizations, finding couples to help educate the public about the harms that would be caused by the proposed constitutional amendment, launching an advocacy website (www.actionwisconsin.org/civilmarriage), and holding town hall meetings.

WYOMING

The ACLU of Wyoming opposed legislation that would have voided same-sex marriages granted in other states. The affiliate engaged in lobbying efforts, gave testimony, and conducted public outreach. The bill died in a Senate committee; similar legislation also failed in 1996 and 1997.

1989	1989	1990
FEDERAL COURT OVERTURNS DISCHARGE OF GAY MAN FROM THE MILITARY (<i>WATKINS V. U.S.</i>)	NEW YORK COURTS RECOGNIZE GAY FAMILIES (<i>BRASCHI V. STAHL ASSOCIATES</i>)	CONSENT DECREE ESTABLISHES PRISONERS WITH HIV HAVE RIGHT TO EQUAL TREATMENT AND ACCESS TO PRISON PROGRAMS (<i>GATES V. DEUKMEJIAN</i>)

What Makes A Parent

BY JESSIE TORRISI, GRANT WRITER

Tina Burch is a testament to the kind of things that can happen when the law does not recognize or protect our families. Since her partner died a few years ago, Tina has been fighting to hold onto the son she has raised and nurtured since birth.

Tina and Christina Smarr met in 1998 through a softball league in their small West Virginia town. They quickly fell in love. Within two years they moved in together, along with Tina's teenage daughter from a previous relationship, and decided to have a baby. On Christmas Day, 1999, Christina gave birth to a son. The four settled into their Clay County home and lived as a family. Looking back, Tina finds those were simple and blissful times. They had a few gay friends and some supportive straight ones, but for the most part they kept to themselves. The couple cared for their children. Tina ran a steam cleaning business out of their home and earned enough money to provide for the family.

Everything changed in June of 2002 when Christina was killed in a car accident.

Tina was injured in the accident as well. As soon as she was released from the hospital, she went to Christina's parents' house to see her son. Suddenly, Christina's parents were hostile toward Tina. They wouldn't let

her son return to her home or even visit him without supervision. They refused to acknowledge Tina as the child's mom. Soon, Tina learned that Christina's parents were pressing for full custody of her son.

Tina was devastated at first. She was sure she would lose her son. Tina assumed that, as a gay parent, she was defenseless. She believed that there were few laws to turn to in West Virginia to assert her claim as the surviving parent. Tina found it difficult to find a lawyer to support her. Eventually, a private lawyer took on Tina's case, and the Project and the ACLU of West Virginia filed a brief in her support.

At trial, the lower family court judge issued a great ruling, recognizing Tina as a "psychological parent." While Tina is not her son's biological parent, the judge found that a strong parent-child bond exists, and that it is in the child's best interest to remain with Tina. When the case was appealed, however, that ruling was reversed because the appellate court refused to recognize same-sex partners as "psychological parents." Her case is now before the West Virginia Supreme Court. The fate of her five-year-old son is hanging in the balance. For now, Tina considers herself extremely lucky that he can stay at home with her while the lawsuit makes its way through the system.



TINA BURCH LOST HER PARTNER CHRISTINA IN A TRAGIC ACCIDENT AND IS NOW FIGHTING TO RETAIN CUSTODY OF THEIR SON. PHOTO COURTESY OF LAWRENCE

PIERCE/THE CHARLESTON GAZETTE

Tina never foresaw the way a personal tragedy could turn into an enduring legal nightmare. Tina has remained strong, almost stoic, throughout it all. Tina has made remarkable compromises for her son to provide a supportive family and sense of belonging during difficult times. When it comes to Christina's parents, Tina is determined to keep the peace. He has

come back from visits with his grandparents wanting to know why they dislike her so much.

“But I can never say anything bad about them because that is his family too,” she explained. “I’ve always taught my kids not to hate people.”

Tina is also a fighter. She has a deep sense of the injustice here, and she is fiercely proud of her son and the bond between them.

“I’m just like anybody else. I don’t understand why they treat me differently,” she said. “You tell me what makes a parent.”

Parenting Docket

Working hand-in-hand with the affiliates, the Project is committed to protecting the rights of LGBT people to parent. In a hugely disappointing opinion, the Federal Court of Appeals for the Eleventh Circuit ruled against us in our challenge to a Florida law that bans gay people from adopting. Though we asked the U.S. Supreme Court to hear an appeal, the Court declined to take the case. On a more positive note, an Arkansas trial judge sided with the ACLU and struck down a policy that prevents gay people and anyone with a gay person living in their home from foster parenting. The Project also participated in a number of lawsuits seeking to end discrimination against lesbian and gay parents in custody and visitation disputes, as well as lawsuits seeking recognition for both parents in families headed by same-sex couples. We also successfully lobbied against proposed bills that would ban or severely restrict LGBT people from adopting or serving as foster parents.

ARKANSAS

More than five years ago, the ACLU filed a lawsuit in Arkansas state court challenging a regulation establishing that “no person may serve as a foster parent

if any adult member of that person's household is a homosexual.” The case finally went to trial in 2004. The court heard from an array of expert witnesses who testified about the scientific research showing that children raised by gay parents are just as well adjusted as other children, and the absence of any factual basis for the pernicious stereotypes about gay people argued by the state. In December, the court struck down the regulation, concluding, “the evidence overwhelmingly showed that there was no rational relationship between the blanket exclusion and the health, safety, and welfare of the foster children.” The state's appeal is pending.

CALIFORNIA

Lisa R. and Kristine H. decided to have a child together through artificial insemination, but because second-parent adoptions are available only after a child's birth, they obtained a “judgment of parentage” while Kristine was pregnant, recognizing Lisa as the child's second legal parent. When the couple parted ways after a couple of years, Kristine refused to allow Lisa to see their daughter and challenged the judgment recognizing Lisa as a parent. The trial court in *Kristine H. v. Lisa R* agreed that Lisa had no visitation rights, and

Lisa appealed. The ACLU filed a friend-of-the-court brief arguing that Kristine could not dispute the original judgment and that law pertaining to parentage through reproductive technology should apply in this case without regard to the parents' sexual orientation.

Sharon S. and Annette F. lived together in a committed domestic relationship for more than a decade. Sharon became pregnant through donor insemination in 1996, and Annette adopted their son. Three years later, another son was born to Sharon after donor insemination. With Sharon's consent, Annette filed a petition to adopt the second child as well, but the couple separated while the petition was pending. The San Diego Department of Health and Human Services twice recommended that Annette's petition be granted. Sharon challenged that recommendation, as well as the authority of the California courts to grant second-parent adoptions. A state appellate court sided with Sharon, calling into question hundreds, if not thousands, of existing parent-child relationships. The ACLU affiliates in California co-wrote a friend-of-the-court brief in *Sharon S. v. Superior Court* to the state Supreme Court, which overruled the Court of Appeal and confirmed that second-parent adoptions are

1990

CIA AGREES TO STOP DISCRIMINATING AGAINST GAY EMPLOYEES (*DUBBS V. CIA*)

1991

MINNESOTA COURTS RECOGNIZE DOMESTIC PARTNERSHIP IN GUARDIANSHIP CASE (*IN RE KOWALSKI*)

1991

CALIFORNIA COURT OVERTURNS CONCORD ANTI-GAY RIGHTS INITIATIVE (*BANGLE V. CITY OF CONCORD*)

permissible under the California Family Code and adhere to the state's public policy.

COLORADO

After adopting and raising a child together for several years, a lesbian couple broke up. In Colorado, however, only one member of a same-sex couple can be a legal parent. A judge found that both women should share equal parenting time and responsibilities, but on appeal the legal parent argued that she should be able to exclude her ex-partner from the child's life. The ACLU of Colorado filed a friend-of-the-court brief in the case, *In Re Parental Responsibility for E.L.M.C.*, in support of the “non-legal” parent, arguing that both the child's best interests and the law require her to be a part of her child's life. A decision is pending.

FLORIDA

After more than five years of litigation, the ACLU's challenge to a Florida law categorically barring lesbians and gay men from adopting children has ended with the United States Supreme Court declining to hear the case. The plaintiffs, two gay male couples who have been raising children as long-term foster parents, a gay man who is the legal guardian of a child, and two of the plaintiffs' children, filed a lawsuit in federal court in Florida in 1999 claiming that the law violates their constitutional right to equal protection. The trial court upheld the statute, as did the federal appeals court after a heated internal debate among the judges that resulted in the court evenly



ALTHOUGH THE ACLU'S CHALLENGE TO FLORIDA'S LAW THAT BANS ADOPTION BY GAY PEOPLE WAS UNSUCCESSFUL, AMERICA WAS INTRODUCED TO (CENTER ROW: L-R) STEVE LOFTON AND ROGER CROTEAU, WHOSE DEVOTION TO THEIR CHILDREN – (BACK ROW: L-R) BERT, FRANK, (FRONT ROW: L-R) ERNIE, TRACY, AND WAYNE – IS HELPING TO CHANGE THE WAY SOCIETY VIEWS PARENTING. PHOTO COURTESY OF CHRIS HARTLOVE.

dividing on the issue. The Project, the affiliate, and the Florida Children First Project asked the United States Supreme Court to hear the case, *Lofton v. Florida*, arguing that the exclusion of gay people – and only gay people – from consideration as adoptive parents is not based in anything but negative assumptions, and that after *Lawrence v. Texas* the government may not penalize people for exercising the right to form

intimate relationships with same-sex partners without an important justification. The ACLU of Florida is part of the Coalition for Fair Adoption, a coalition of child welfare and LGBT advocacy groups who are organizing an effort to repeal Florida's law barring gay people from being considered as adoptive parents.

GEORGIA

The ACLU of Georgia challenged the decision of a state juvenile court depriving a lesbian mother of custody of her children. In *E.C. & S.C.*, the affiliate argued that the juvenile court was wrong to transfer custody of their child to the father and find the mother unfit based on her sexual orientation and on unfounded, anonymous, hearsay allegations. A three-judge panel of the Georgia Court of Appeals ruled unanimously that the charges brought against the mother were unsubstantiated.

IDAHO

The ACLU of Idaho petitioned to serve as a friend-of-the-court to Theron McGriff, a gay father who was denied equal visitation with his children. The court denied the petition, and *McGriff v. McGriff* was argued in front of the Idaho Supreme Court. The court agreed that sexual orientation should not be a basis for modifying custody, but ultimately denied McGriff visitation on other grounds.

ILLINOIS

In *In Re Austin W. v. Illinois Department of Children and Family*

1992

KENTUCKY SUPREME COURT STRIKES DOWN SODOMY LAW
(*COMMONWEALTH V. WASSON*)

1992

NEW YORK COURTS ALLOW ADOPTION BY GAY PARTNER (*IN RE ADOPTION OF EVAN*)

1995

VIRGINIA COURT GIVES CUSTODY TO BOY'S GRANDMOTHER OVER
OBJECTIONS OF LESBIAN MOM (*BOTTOMS V. BOTTOMS*)

Services, the Illinois Supreme Court reversed a trial court's ruling that custody should be taken from a lesbian foster parent and given to the grandfather and step-grandmother, who had been indicted for abusing the child. Although no mention was made of the foster parent's sexual orientation, the Supreme Court criticized the actions of the church-based childcare worker and noted the trial court's "serious errors" in exercising its discretion. The ACLU of Illinois joined Lambda Legal in a friend-of-the-court brief that placed before the court a substantial body of literature on parenting by lesbians and gay men.

MICHIGAN

The ACLU of Michigan successfully lobbied against proposed bills that would have permitted religious discrimination against gay people and others in the context of medical care, adoption, and foster care. The Medical Refusal Clause bill would have allowed doctors and medical facilities to refuse to treat individuals based on moral or religious beliefs. The bill passed in the state House of Representatives but died in the Senate committee. The bill would have allowed child placement agencies that contract with the state to discriminate in placements based on sexual orientation.

MISSOURI

The Project and the ACLU of Kansas and Western Missouri continue to represent two lesbian couples who wish to serve as foster parents to children in the

Missouri foster care system. Their applications for foster care licenses were denied by a state agency on account of their sexual orientation. The affiliate is assisting *In Re Johnston* and *In Re Hysell* in administrative appeals.

NEW JERSEY

Nicolaj Caracappa is a six-year-old boy who is seeking Social Security survivor benefits following the death of his non-biological mother, Camille. Camille and her partner Eva, who is Nicolaj's biological mother, were planning on having Camille legally adopt him, but she died suddenly before the adoption was completed. The Social Security Administration denied Nicolaj's claim. The Project and the ACLU of New Jersey filed a friend-of-the-court brief in support of Nicolaj's appeal, arguing that he is entitled to the benefits because New Jersey law recognizes "psychological parents." The appeal is pending.

NORTH DAKOTA

Valerie Damron had been living with her two daughters and her partner Ann for a year when her ex-husband sued for primary custody of the children. He claimed that the children might suffer harassment because of Damron's relationship with her partner. The trial court, relying on a 22-year-old opinion stating that lesbian or gay parenting is inherently harmful due to societal disapproval, ruled that Damron's daughters should be taken away from her. Damron appealed this decision. The North Dakota Supreme Court overruled



CAMILLE CARACAPPA ENJOYS A MOMENT WITH HER SON. CARACAPPA DIED SUDDENLY BEFORE HER ADOPTION PAPERWORK FOR NICOLAJ WAS COMPLETE. HER PARTNER EVA KADREY IS SEEKING SOCIAL SECURITY SURVIVOR BENEFITS FOR THEIR SON.

the earlier case, stating that possible prejudice from others is not a valid reason to take children away from lesbian or gay parents.

TENNESSEE

Joseph Hogue was sentenced to two days in jail for telling his son that he is gay. The judge who ordered the imprisonment stated that Hogue had violated a restraining order prohibiting him from "exposing the

1996
FEDERAL COURT RULES FBI ILLEGALLY FIRED SAN FRANCISCO DOCTOR WITH HIV WHO PERFORMED PHYSICALS ON AGENTS (*DOE V. ATTORNEY GENERAL*)

1996
U.S. SUPREME COURT STRIKES DOWN COLORADO CONSTITUTIONAL AMENDMENT THAT WOULD HAVE PREVENTED LESBIANS AND GAY MEN FROM BEING PROTECTED BY CIVIL RIGHTS LAWS (*ROMER V. EVANS*)

1996
FEDERAL DEFENSE OF MARRIAGE ACT ENACTED

child to his gay lifestyle.” A court later found that telling his son that he was gay was not a part of the original order, but it found the order itself to be valid. The Project and affiliate challenged this ruling, and a court of appeals overruled the restrictions. The case, *Hogue v. Hogue*, has important implications for lesbian and gay parents, as it confirms that courts must treat them under the same standards as heterosexual parents.

TEXAS

The ACLU of Texas lobbied against a bill preventing lesbian and gay people from serving as foster parents and requiring the state to conduct investigations into the sexual orientation of individuals applying to or currently serving as foster parents. This bill did not pass.

VIRGINIA

The ACLU of Virginia is representing a non-biological mother whose ex-partner moved from Vermont to Virginia in the hope of avoiding a custody ruling from the Vermont court with which she disagreed. The biological mother filed a subsequent child custody action in Virginia, and, rather than comply with well-established federal and state law mandating that the case be dismissed, the judge granted her sole custody. The Vermont court ruled that the biological mother was in contempt of court for trying to avoid its ruling by fleeing to a different state. The Virginia litigation is currently pending before the Virginia Court of Appeals.

WASHINGTON

In *In Re Parentage of L.B.*, the Washington Court of Appeals ruled that a non-biological mother has the right to seek parental rights and visitation with her daughter after her relationship with the biological mother ends. A lesbian couple had a baby together through artificial insemination, but after the couple split up the biological mother cut off contact between the child and the non-biological mother. The non-biological mother sued for a declaration of parentage. The court adopted constitutional arguments advanced in a friend-of-the-court brief submitted by the Project and the ACLU of Washington. The case is on appeal to the Supreme Court of Washington.

WEST VIRGINIA

After her partner Christine Smarr was tragically killed in a car accident, Tina Burch has been fighting to maintain custody of the young son the couple raised together. Smarr's parents are seeking custody of their grandson, arguing that because Smarr was his biological mother, Burch should not be recognized as a parent. The family court found that Burch was a “psychological parent” to her son, a “strong parent-child bond” between them existed, and it was in the child's best interest to be in the primary custody of Burch. However, the circuit court reversed that decision, holding that same-sex partners cannot be “psychological parents.” Burch appealed to the West Virginia Supreme Court, which has agreed to hear the

case. The Project and the ACLU of West Virginia submitted a friend-of-the-court brief in *Burch v. Smarr* arguing that the Constitution requires that psychological parent-child relationships in families headed by lesbian or gay couples be given the same protection afforded other psychological parent-child relationships. A decision is pending.

1997

SOUTH CAROLINA DROPS ITS BAN ON INSURING PEOPLE WITH HIV (*DOE V. SCHIP*)

1997

FEDERAL COURT STRIKES DOWN STATE LAW AGAINST LESBIAN AND GAY STUDENT GROUPS (*GLBA V. ALABAMA*)

1997

NEW JERSEY BECOMES FIRST STATE TO EXPRESSLY AUTHORIZE JOINT ADOPTION BY GAY COUPLES (*GALLUCCIO V. NEW JERSEY*)

The Queer Guy at Hunt High

BY CHRIS HAMPTON, PUBLIC EDUCATION ASSOCIATE

One day during Jarred Gamwell's freshman year, while at a street festival in his hometown of Wilson, North Carolina, the then 14-year-old and two of his friends from school visited a psychic on a lark. "I see that you're having a hard time figuring yourself out," the fortune teller said, as Jarred broke out in a nervous sweat. "I thought, 'Oh my God, this guy is going to out me!'" said Jarred, who had long known he was gay but had yet to tell anyone.

Later that evening, Jarred started feeling guilty about not having been more open with his friends. He got online and started chatting with one of the girls who'd been with him at the festival. "So I finally told her. I thought she'd never want to talk to me again, but then she told me that she's gay too!" said Jarred. The two friends quickly became each other's biggest supporters. It wasn't long before Jarred came out to the rest of his friends and his family.

By the time Jarred was a junior at Hunt High School, the closet was a thing of the past. In April 2004, Jarred decided to run for student body president. He reasoned that being completely open about being gay would be one of his key campaign messages, so that he could let the students know that he was a candidate who believed in the importance of diversity.

One morning a few days before the election, Jarred put



JARRED GAMWELL STANDS IN FRONT OF HIS CAMPAIGN POSTERS FOR STUDENT BODY PRESIDENT THAT WERE REMOVED AT HUNT HIGH SCHOOL IN WILSON, NORTH CAROLINA. THE SCHOOL ADMINISTRATION TORE DOWN HIS POSTERS. UNFORTUNATELY, A STATE COURT JUDGE ALLOWED THE CENSORSHIP.

up some campaign posters, as all the candidates were allowed to do, and went to his honors band class. When his class ended, Jarred discovered that two of his posters – one reading, "Queer Eye for Hunt High" and another reading, "Gay Guys Know Everything" – had been taken down. Other students' campaign posters referencing popular media catchphrases – one that read, "What can Brown do for you?" and another stating, "It's Miller Time!" – had been left undisturbed. After finding out that the posters were removed by

school administrators, the resourceful 17-year-old went online to find out what his rights were and then put in a call to the ACLU's Lesbian and Gay Rights Project.

"At first, I just wanted to know why these two posters were taken down when dozens of others were still up in our hallways, but now I feel it's important to stand up for my principles and my word," said Jarred. "I want to stand up for my rights to let other students know it's wrong for a school to stop them from being open and proud about who they are."

Along with the ACLU of North Carolina, the Project sued the school, seeking a temporary restraining order to force the school to put Jarred's posters back up before the student government election. Suddenly, all eyes were on the honor student and his posters, as reporters from all over the state descended on Hunt High. Jarred took advantage of the attention to talk to reporters about the harassment he'd faced for years at his school and the importance of recognizing gay students' right to be out of the closet and express their views. "I gave so many interviews my lips got parched," he said.

Jarred was surprised when several of his teachers told him in confidence how proud they were of him for standing up for his rights. Other students rallied

around him as well. “People who never spoke to me before were coming up to me in the hallways to tell me they thought it was great that I went public about the school censoring me,” said Jarred. One day, about 20 students came to school with the slogan “Queer Eye for Hunt High” on t-shirts and armbands to show their solidarity.

Jarred’s family, on the other hand, wasn’t as excited about his lawsuit. “My mom doesn’t like to talk about me being gay at all, and my stepfather was more worried about what people would say to him at work when they found out about me than anything else,” he said. But they didn’t stand in his way. “I think they knew how strongly I felt about standing up for my rights, and they know that when I’m really committed to something then nothing is going to stop me!”

Sadly, a North Carolina court denied the ACLU’s motion without explanation. Shortly after, Jarred lost the election. But in spite of the defeat, Jarred’s battle raised awareness about school censorship and anti-gay harassment throughout North Carolina. He even got a phone call of encouragement from Ted Allen from “Queer Eye for the Straight Guy.” Said Jarred, who wants to be a biology teacher someday, “I feel like I won. I hope I’ve helped people by speaking out. It shows you can have confidence in yourself to do things.”

Since then, Jarred has become even more outspoken and has continued working to make a difference. Last summer he spoke as part of a panel at the ACLU’s national membership conference on making schools safer for lesbian, gay, bisexual, and transgender youth. His portion of the panel moved the entire room and earned him a standing ovation. Afterward, many people said that Jarred’s story made them feel more committed to making positive changes in their own communities. Beyond the panel, he took full advantage of the conference to learn more about issues that interested him and network with other young activists from around the country.

Jarred also remains an involved and outstanding student. This year he’s the president of Book Club and vice president of his school’s Future Teachers of America chapter. Over the summer he participated in Model U.N., where he served as ambassador to Pakistan and gave a presentation on HIV and AIDS in that country. He’s also a member of Science Club, Quiz Bowl, National Honor Society, and Science Olympiad. He is a peer tutor at school, plays alto sax in the marching band, is part of the color guard, and is taking advanced placement classes. And outside of school he volunteers for the Wilson Arts Council and the Wilson Senior Citizen’s Center. Since returning to school for the spring semester, Jarred and other

members of the National Honor Society canvassed classes at school, collecting over \$2,000 in donations for the tsunami relief effort. And just this spring, Jarred was awarded one of the ACLU’s national Youth Activist Scholarships.

As for “Queer Eye,” Jarred laughed off one reporter’s question about whether he’d ever want to be on the show. “I don’t need a makeover,” he said. “I think the principal does, though.”

Youth & Schools Docket

The Project's Every Student, Every School program handled dozens of intakes last year from LGBT students who were having problems with their schools. Many times these problems, which range from schools refusing to allow students to form gay-straight alliance (GSA) clubs to refusing to allow students to take same-sex dates to school dances, were solved simply by educating students of their rights and providing them with materials to give to school administrators. In other instances, school administrators backed down after receiving demand letters informing them of their obligations to LGBT students. That said, we were still involved in seven cases on behalf of LGBT students. In addition to our legal advocacy, six affiliates conducted "Making Schools Safe" trainings to teachers and educational staff at schools on harassment, free speech, privacy, and equal access issues.

CALIFORNIA

The ACLU of Southern California and the National Center for Lesbian Rights filed a lawsuit against the Los Angeles Unified School District (LAUSD) and Washington Preparatory High School staff for harassing LGBT students on the basis of actual or



ACLU YOUTH PLAINTIFFS FREDDY FUENTES, MARLA DUKLER, AND JARRED GAMWELL ENJOY THE SIGHTS IN SAN FRANCISCO'S CASTRO DISTRICT DURING THE ACLU NATIONAL MEMBERSHIP CONFERENCE IN JULY 2004.

perceived sexual orientation. Conditions at the school, such as teachers calling students "faggot" and "sinner" among other abuses, were brought to the ACLU's

attention by parents and students. Despite repeated demands by ACLU attorneys, officials at LAUSD have not complied with state law. The lawsuit, *Ramirez v. Los Angeles Unified School District*, calls for an injunction ordering the LAUSD to put an end to the unconstitutional and illegal harassment and institute proper training procedures for all staff.

COLORADO

Students at Palmer High School in Colorado Springs formed a gay-straight alliance club that the school refused to recognize. Without school approval, students cannot meet on school property on the same terms as other groups, post club-related information at the school, use the school public address system for announcements, or appear in the yearbook. The ACLU of Colorado brought a lawsuit on the students' behalf in federal court seeking equal treatment for the club. The case, *Palmer High School Gay/Straight Alliance v. Colorado Springs School District No. 11*, is awaiting a hearing.

FLORIDA

The ACLU of Florida lobbied in support of a bill to prohibit discrimination and harassment in schools

1997

U.S. SUPREME COURT STRIKES DOWN LAW RESTRICTING GAY MATERIALS ON THE INTERNET (ACLU V. RENO)

1998

FEDERAL COURT IN UTAH REINSTATES LESBIAN HIGH SCHOOL COACH (WEAVER V. NEBO SCHOOL DISTRICT)

1998

FEDERAL COURT IN NEW YORK UPHOLDS "DON'T ASK, DON'T TELL" (ABLE V. U.S.)



THESE TWO STUDENTS FROM WASHINGTON PREP HIGH SCHOOL WERE CALLED “FAGGOT” AND “SINNERS” BY TEACHERS. PARENTS AND STUDENTS ASKED THE ACLU OF SOUTHERN CALIFORNIA TO HELP THEM END THE HARASSMENT.

based on sexual orientation and gender identity. The bill did not make it out of committee.

KENTUCKY

When students at Boyd County High School attempted to form a gay-straight alliance, the board of education suspended all clubs in the district in an effort to stop them. A federal judge in *Boyd County GSA v. Board of Education of Boyd County* ordered the school to permit the GSA to meet, explaining that the school district may not silence students who voice unpopular views even if others disagree. The school district

eventually agreed to a settlement that requires them to treat the GSA on equal footing with all other clubs, provide annual anti-harassment training, and revise all policies to treat members of all clubs equally. The ACLU is monitoring compliance with the settlement agreement.

MISSOURI

The Project filed a lawsuit in federal court against Webb City High School for punishing and suspending 16-year-old Brad Mathewson for wearing t-shirts bearing gay pride messages. Other students who wore similar t-shirts in solidarity with Mathewson were similarly punished. The Project demanded that the school stop censoring students' speech. The Project ended *Mathewson v. Webb City High School* when Mathewson withdrew from school, and is considering legal options for the other students who were punished.

The ACLU of Eastern Missouri continued conducting “Making Schools Safe,” an educational program centered on alerting schools of their legal duty to change a school culture if it ignores or promotes homophobia. The affiliate and partners helped schools craft policies to create a tolerant environment. The Making Schools Safe Committee is comprised of representatives from St. Louis LGBT+ Coalition, Growing American Youth, GLSEN, PFLAG, the National Conference for Community & Justice, Personal Rights for Missourians, and Health and Education for Youth.

MONTANA

The ACLU of Montana directed much of its energies on the “Making Schools Safe program.” Staff members offered training on youth LGBT issues and legal rights, based on a successful California model, for educators in the state public education system. The affiliate also conducted trainings for towns and school administrators on protecting LGBT students' rights and understanding youth sexual orientation issues.



THE PROJECT REACHES OUT TO LGBT AND QUESTIONING YOUTH IN ONE OF THEIR MOST VULNERABLE PLACES: SCHOOLS. THIS CHANGE YOUR SCHOOL PALM CARD UNFOLDS TO A LIST OF THE BASIC RIGHTS AND PROTECTIONS STUDENTS SHOULD EXPECT AND DEMAND OF THEIR SCHOOL.

1998

OREGON COURT FINDS STATE'S HEALTH INSURANCE POLICY THAT DENIES BENEFITS TO DOMESTIC PARTNERS VIOLATES THE STATE CONSTITUTION (*TANNER V. OHSU*)

1998

MARYLAND COURT STRIKES DOWN SODOMY LAW (*WILLIAMS V. GLENDENNING*)

1999

MISSISSIPPI HIGH COURT PERMITS SON'S VISITATION WITH GAY FATHER AND PARTNER (*WEIGAND V. HOUGHTON*)

NEBRASKA

Jamie Davis, a student in special education courses at Seward Public High School who is diagnosed with several mental disorders, was bullied and threatened with a gun in school, partly based on the perception that she is a lesbian. After repeated requests by Davis and her mother for intervention by the school were unsuccessful, they sued the school. The ACLU of Nebraska filed a friend-of-the-court brief in *Davis v. Seward Public School District*.

NEW JERSEY

A lesbian couple was in the running to be named “Best Couple” in their high school yearbook; the principal told them that they could appear on the ballot but could not be “Best Couple” even if they won the most votes. The ACLU of New Jersey sent a letter to the school explaining that such a position would violate the New Jersey Law Against Discrimination and the students’ constitutional rights to equal treatment. The principal subsequently changed the policy.

NORTH CAROLINA

Jarred Gamwell, an openly gay student at Hunt High School in the town of Wilson, ran for student government president. As part of his campaign, Jarred put up posters at school bearing the slogan “Queer Eye for Hunt High” and “Gay Guys Know Everything.” School officials removed his posters, and when they refused to allow him to put them back up, the Project

filed a lawsuit against the school. The ACLU argued that the removal of the posters violated Gamwell’s right to free speech and asked the court to order the school to allow him to display the posters during the remainder of the campaign. The court ruled against Gamwell in *Gamwell v. Williamson*, but the case drew significant media attention to the issue of censorship of LGBT students and resulted in Gamwell’s posters being widely seen.

A student at South East Raleigh High School did not wish to conform to the school’s policy prohibiting female students from wearing long pants under their graduation robes. The school’s justification for its rule was that graduation is a “formal event” and “ladies” do not wear pants to such occasions. The ACLU of North Carolina negotiated with the school, which ultimately made an exception allowing the student to wear pants to her graduation, but the policy remains at least nominally intact.

OREGON

The Oregon Citizens Alliance, a group that advocates for anti-gay measures, proposed a voter initiative that would have prohibited public school teachers from expressing any approval of homosexuality. The ACLU of Oregon successfully challenged the organization’s initiative on procedural grounds.

UTAH

The ACLU of Utah successfully advocated for LGBT students at three Utah high schools, affirming the

schools’ obligation to protect its students from harassment. The affiliate negotiated a same-sex couple’s admission to a high school prom, ensuring that the couple could “promenade” down the stairs in view of those assembled like all other students were allowed to do. The ACLU of Utah also pressed for the free expression rights of students who had been disciplined for wearing t-shirts announcing their membership in an anti-tobacco campaign for LGBT youth. Finally, the ACLU of Utah wrote a letter to a school on behalf of a student who was told that he needed a note from his parents in order to bring a same-sex date to a school dance. After the affiliate intervened, the principal changed the policy.



SAMANTHA HARMAN AND CODY MCCOOK WERE CENSORED BY THEIR UTAH HIGH SCHOOL FOR WEARING T-SHIRTS DESIGNED TO DISCOURAGE GAY PEOPLE FROM SMOKING THAT READ, “QUEERS KICK ASS.”

1999

NEVADA BECOMES 11TH STATE TO PASS A GAY EMPLOYMENT RIGHTS LAW

1999

CHALLENGE TO DISMISSAL OF HIGH-LEVEL STATE TRANSGENDER EMPLOYEE IS SUCCESSFULLY SETTLED (*DOE V. KANSAS*)

2000

NEW JERSEY SUPREME COURT EXTENDS LEGAL DOCTRINE OF “PSYCHOLOGICAL PARENT” TO PARENTS IN SAME-SEX RELATIONSHIP (*V.C. V. M.J.B.*)

WASHINGTON

The Washington affiliate of the ACLU assisted in defending the formation of gay-straight alliance clubs at three Washington High Schools. At Federal Way and Puyallup High Schools, student councils refused to approve GSAs. At Longview High School, school officials interfered with a GSA's ability to have their chosen teacher as the club advisor. The affiliate contacted the schools and notified them of recent interpretations of the Equal Access Act that prohibit schools from placing unequal burdens on the ability of GSAs to meet at school. The ACLU of Washington prepared a legal analysis of the decision in *Prince v. Jacoby* that had been a source of confusion for some schools regarding their treatment of GSAs. The affiliate distributed information to schools and worked with school district attorneys to help draft policies that comply with the law.

WYOMING

Amanda Blair, an honor student at Big Piney High School in western Wyoming, decided to take a female friend as her date to the homecoming dance. School officials informed her that same-sex dates are not allowed at dances, but the two heterosexual girls went to the dance anyway to protest the school's homophobic policy. They were met by local police officers and escorted off the premises with no explanation. The Project and affiliate sent a letter to the school district demanding an end to this

unconstitutional policy, and the high school's ban on same-sex dates was removed.

2000

TRANSGENDER CALIFORNIA HIGH SCHOOL TEACHER SUCCESSFULLY DEFEATS EFFORTS TO TAKE AWAY HER TEACHING CREDENTIALS (WARFIELD V. CALIFORNIA COMMISSION ON TEACHER CREDENTIALING)

2000

FEDERAL APPEALS COURT RULES THAT HIV POSITIVE CANDIDATE FOR POLICE DEPARTMENT HAS THE RIGHT TO BE "PROTECTED FROM DISCRIMINATION FOUNDED ON FEAR, IGNORANCE OR MISCONCEPTIONS" (HOLIDAY V. CITY OF CHATTANOOGA)

2000

RELIGIOUS LIBERTY PROTECTION ACT, WHICH WOULD HAVE SET UP RELIGIOUS DEFENSES TO CIVIL RIGHTS ACTIONS, IS DERAILED

Life's Cruel Challenges

BY PAUL CATES, PUBLIC EDUCATION DIRECTOR

When Gene Boccia entered his neighborhood gay bar with a couple of friends on a typical evening in 1974, his life and future were looking bright. Shortly after graduating from Youngstown State, the Ohio native had opened a flower shop and nursery in Boardman, his booming hometown.

But Gene's life was quite literally shattered when a man with a gun walked into the bar and started shooting. One of his bullets hit Gene squarely in the jaw. Gene spent the next eight weeks in the hospital, most of it unconscious and fighting for his life. He left the hospital with a wired jaw and steel bolts protruding from his neck. Thirty years later, after more than 30 operations, Gene still sees doctors weekly.

Thanks to the quick thinking of several of his friends who followed the shooter out of the bar and got the license plate number as he drove away, the attacker was caught. While the gunshot wound has given Gene a life of pain and struggle, the shooter spent only a few years in the Ohio penitentiary.

"You have to understand," said Gene, "This happened before there were hate crimes laws like we have today."

Maintaining a business, or doing any work for that matter, wasn't possible in Gene's condition. To qualify for Social Security disability coverage, Gene had to



ALTHOUGH THEY HAVE BEEN TOGETHER OVER 10 YEARS, BRENT CROWLEY AND GENE BOCCIA, WHO ARE BOTH DISABLED, HAVE ALWAYS LIVED APART IN FEAR OF VIOLATING RULES THAT WOULD JEOPARDIZE THEIR ASSISTANCE. THE ACLU INTERCEDED ON THEIR BEHALF AND CONVINCED THE SANTA MONICA HOUSING AUTHORITY TO ALLOW THEM TO LIVE TOGETHER.

transfer his home and property to his parents and move into an apartment.

In 1977, things went from bad to worse when Gene's mother died during open-heart surgery. It was his mother that had helped him recuperate after the accident, and he relied on her to help him with even the most basic tasks.

Shortly after his mother's death, Gene's father and brother, who had never accepted the fact that he was

gay, cut him off completely. His father even made it clear that he intended to keep the home and property Gene had transferred over to him in order to qualify for disability.

Fortunately, his mother left him \$3,000 that his father couldn't touch. With few remaining ties to Ohio, Gene contacted an old friend from college who was now in Los Angeles who agreed to let Gene live with him for a few months while he got settled there.

"Living on disability at that time wasn't easy, especially in Los Angeles," said Gene. "It basically only covered rent and bologna sandwiches."

As a disabled person, Gene learned that he could apply for Section Eight housing benefits that would provide financing for his housing. Unfortunately, there was a long waiting list for the program, which is administered by the state but funded by the federal government.

"Because I was a single man, I wasn't considered a high priority," said Gene.

Finally, the housing benefits came through in 1990, and he moved into an apartment complex in Santa Monica. This made a huge difference to Gene's quality of life.

But his real joy came in 1994, when he met his partner Brett Crowley during a trip to the beach. The couple celebrated their 10th anniversary last September. Brett, a veteran, is bi-polar and also on disability.

While the couple spends lots of time together, they have been unable to live together without jeopardizing the funds Gene receives for housing. This has been a huge strain on their lives and relationship. Brett helps Gene with everything from his grocery shopping to taking him to and from his many medical appointments. Having to live apart means that these simple chores take much longer. Dependent on public transportation, Brett spends hours on the bus going back and forth from his home to Gene's.

Last summer, Gene learned from neighbors that he could apply to have Brett live with him. He was assured by this unmarried, cohabitating straight couple that it was a simple process that was approved almost immediately in their case.

Soon thereafter, Gene asked his counselor at the Santa Monica Housing authority about this possibility. The counselor put him off, insisting that this rule applied only to straight couples.

After years of negotiating the many bureaucracies of the world of disability benefits, Gene pressed ahead

and filed a formal request. The Housing Authority responded by insisting that Gene was in violation of his lease, claiming that Brett was an unauthorized tenant. The couple then submitted paperwork, including a record from the Department of Motor Vehicles and a letter from Brett's roommate, proving that Brett lives elsewhere. But the Housing Authority still refused to act on the request.

"You wouldn't believe the hoops the Housing Authority was making us jump through, just so I could live with my partner," said Gene.

Eventually, Gene contacted the ACLU, which agreed to take on his case.

The ACLU sent several letters to the Housing Authority insisting that California law as well as a local ordinance prohibit the Housing Authority from discriminating against Brett and Gene on the basis of sexual orientation. After even more phone calls and negotiations, the Housing Authority finally agreed to allow Brett to move in with Gene.

Now that they are allowed to move in together, the couple plans to register as domestic partners in the state to be able to take advantage of the new comprehensive domestic partnership law in California. Because the law requires couples to live together in

order to qualify as domestic partners, Gene and Brett have been denied the protections afforded under the old law up until now.

"We're thrilled that we will finally be able to protect our relationship through the new California law," said Gene. "But we could have avoided all of these headaches if we were allowed to marry in the first place."

Discrimination Docket

Though the right of same-sex couples to marry gathered the major headlines last year, LGBT people continue to face discrimination in the criminal justice system, as well as in employment, housing, and public accommodations. The Project and affiliates were involved in several lawsuits aimed at fighting discrimination against LGBT people in the workplace and the military. We lobbied in favor of proposed non-discrimination laws in a number of states. We filed complaints to civil rights boards, conducted non-discrimination training sessions, sent letters and negotiated with employers and landlords, and established and participated in coalitions of community groups to end discrimination in city ordinances.

CALIFORNIA

In response to a letter from the ACLU of Southern California, the Housing Authority of Santa Monica agreed to allow a gay man on disability to live with his partner of ten years. Gene Boccia, disabled since a 1974 hate crime, applied to have his partner Brett Crowley, a disabled veteran, share an apartment with him using Section Eight vouchers. Crowley and Boccia

lived separately for years in fear of violating Housing Authority rules; their initial request was not acted upon until they contacted the affiliate.

DELAWARE

The ACLU and other organizations are supporting a measure passed in the Delaware House of Representatives last year that prohibits discrimination based on sexual orientation in employment, housing, and public accommodations. *HB 99* is now in the State Senate.

DISTRICT OF COLUMBIA

Article 125 of the Uniform Code of Military Justice prohibits sodomy by service members under any circumstances. In the wake of the Supreme Court's decision in *Lawrence v. Texas*, the Project joined with the Servicemembers Legal Defense Network and Lambda Legal to challenge this military law. The Project filed friend-of-the-court briefs in several military appeals arguing that *Lawrence* recognized a fundamental constitutional right to make decisions regarding private, consensual adult sexual conduct. Several of the appeals have been denied and the service members are deciding how to proceed.

GEORGIA

The affiliate opposed a constitutional amendment that would allow state funds to go to faith-based organizations, including organizations that discriminate against LGBT people. Characterizing the proposal as an attempt to eliminate the “wall of



MARY DIXON, LEGISLATIVE DIRECTOR OF THE ACLU OF ILLINOIS, HELPED LEAD THE CAMPAIGN IN THE STATE CAPITOL TO ADD SEXUAL ORIENTATION AND GENDER IDENTITY TO ILLINOIS'S NON-DISCRIMINATION LAW.

2001

FEDERAL COURT STRIKES DOWN RELIGIOUS CHALLENGE TO LOUISVILLE'S LAW BANNING SEXUAL ORIENTATION AND GENDER IDENTITY DISCRIMINATION BY PAT ROBERTSON-FUNDED LEGAL GROUP (*HYMAN V. LOUISVILLE*)

2001

FEDERAL APPEALS COURT UPHOLDS SAN FRANCISCO LAW REQUIRING ANY COMPANY THAT DOES BUSINESS WITH THE CITY TO RECOGNIZE DOMESTIC PARTNERSHIPS (*ATA V. SAN FRANCISCO*)

2001

NEW YORK HIGH COURT DECIDES A HOUSING POLICY FAVORING MARRIED STUDENTS DISCRIMINATES AGAINST LESBIANS AND GAY MEN (*LEVIN V. YESHIVA UNIVERSITY*)

separation” between church and state, the ACLU of Georgia lobbied members of the state legislature, created a coalition of organizations opposed to the measure, drafted memoranda of law explaining its constitutional infirmity, and conducted media outreach. *SR 560* failed but is expected to reappear next year.

ILLINOIS

After the ACLU of Illinois spent more than 20 years fighting for passage of a statewide non-discrimination bill in Illinois, *SB 3186* passed the Illinois General Assembly on January 12, 2005, amending the Illinois Human Rights Act to include sexual orientation and gender identity. The new law bans discrimination on the basis of sexual orientation and gender identity in housing, credit, employment, and public accommodations. Illinois becomes the fifth state to pass an anti-discrimination law that includes gender identity.

KANSAS

The Project asked the Kansas Supreme Court to reduce the sentence of a young man who is serving 16 years more in prison for having consensual sex with another teenager than he would have served if he were heterosexual. Under the state's discriminatory “Romeo and Juliet” law, a heterosexual teenager who has sex with a younger teenager of the opposite sex would serve no longer than 15 months for the same offense. After the court of appeals upheld the conviction in *Kansas v. Matthew Limon*, the Kansas Supreme Court agreed to hear the case.



THE ST. LOUIS ANTI-VIOLENCE PROJECT, A COALITION OF GROUPS ORGANIZED BY THE ACLU OF EASTERN MISSOURI, ENCOURAGES PEOPLE TO REPORT ANTI-LGBT HARASSMENT AND VIOLENCE BY PASSING OUT CARDS IN THE COMMUNITY.

MICHIGAN

The ACLU of Michigan has conducted some 50 training sessions throughout the state on LGBT equality issues as part of its “Get Equal Michigan” training series, including transgender legal clinics in six Michigan cities.

MISSOURI

Over the past four years, the ACLU of Eastern Missouri has hosted a community coalition consisting of approximately 100 people representing over 40 LGBT organizations in the St. Louis area.

The ACLU of Eastern Missouri is coordinating the development of the St. Louis Anti-Violence Project, providing support, information, referrals, and advocacy for victims of anti-gay hate crimes and discrimination. The Anti-Violence Project documents statistics that will be added to an existing national report organized by The National Coalition of Anti-Violence Projects. The affiliate conducted outreach to organizations and trained phone workers to deal with bias crimes, violence, and HIV, among other issues.

NEBRASKA

The Nebraska Hall of Fame Commission recently met to select candidates for induction. The Commission selected Senator Kenneth Wherry, a Cold War ally of Senator Joseph McCarthy who led the “pervert purge” of federal LGBT employees in the 1950's. The Commission's meeting was public, but they refused to allow a local gay activist to testify in opposition to Wherry. The ACLU of Nebraska demanded that a new meeting be convened and comply with open meeting laws. The induction of Wherry has been revoked, and a new meeting has been scheduled.

The ACLU of Nebraska lobbied in support of *LB 441*, a bill that would have extended the state's civil rights law to protect against employment discrimination on the basis of sexual orientation. The bill was defeated but will be revived in the next legislative session.

2001

FEDERAL APPEALS COURT RULES THAT PUBLIC OFFICIALS CANNOT COMPEL MINORS TO DISCLOSE THEIR SEXUAL ORIENTATION TO FAMILY MEMBERS (*STERLING V. MINERSVILLE*)

2002

FEDERAL APPEALS COURT ISSUES DECISION ALLOWING GAY MAN TO SUE THE POLICE FOR FAILING TO PROTECT HIM BECAUSE OF HIS SEXUAL ORIENTATION (*SWIDRISKY V. HOUSTON*)

2002

FEDERAL APPEALS COURT REJECTS CLAIM THAT DECISION TO ALLOW TRANSGENDER WOMAN TO USE WOMEN'S RESTROOM VIOLATES FREEDOM OF RELIGION (*CRUZAN V. MINNEAPOLIS*)

NEVADA

The ACLU of Nevada filed a friend-of-the-court brief in a Lambda Legal appeal brought by Darlene Jespersen, who was fired from her position as a bartender at Harrah's Casino in Reno for refusing to wear makeup. The Ninth Circuit Court of Appeals upheld a lower court dismissal of *Jespersen v. Harrah's Operating Company, Inc.*

NEW MEXICO

In 2003, New Mexico enacted civil rights legislation protecting individuals from discrimination based on sexual orientation and gender identity in employment, housing, public accommodations, credit, and lending. In doing so, New Mexico became the 14th state to protect its lesbian, gay, and bisexual citizens and the third state to protect its transgender citizens from such discrimination. In 2004, opponents of equality for LGBT people sought to repeal the legislation by trying to place a measure on the ballot. Working with a coalition of allies, the ACLU of New Mexico successfully thwarted these efforts. No measure appeared on the ballot.

NEW YORK

Delores Moran lives in a public housing unit in Queens with her partner, but her landlord claimed that her partner could not stay because she is not “a family member.” The Project wrote a letter to the New York City Housing Authority (NYCHA) explaining that

Moran is entitled to live with her partner in any public housing apartment. NYCHA ultimately allowed the couple to stay after they registered as domestic partners.

OHIO

The ACLU of Ohio supported SB 77, prohibiting employment discrimination based on sexual orientation. When the bill's sponsor called on the affiliate for a recommendation of an expert to testify, Tim Downing, a former ACLU of Ohio board member, was identified and spoke at the hearing. The Ohio Senate has not yet acted on the bill.

The ACLU of Ohio is a member of Citizens to Restore Fairness, a coalition of groups and individuals that helped repeal Cincinnati Article XII, an amendment to the city charter that specifically excluded LGBT people from the city's anti-discrimination laws. This law was unique in the country, making it legal to fire, deny housing, or refuse service in a store or restaurant to anyone based on sexual orientation. The ACLU of Ohio's campaign to remove Article XII was successful in the November election when voters struck it down.

PENNSYLVANIA

In 2002, the city of Allentown amended its anti-discrimination ordinance to prohibit discrimination in employment, housing, and public accommodations on the basis of sexual orientation and gender identity. A group of opponents filed a lawsuit against the city,

claiming that because the Pennsylvania civil rights law does not cover sexual orientation or gender identity, local governments may not provide such protection. The trial court rejected that argument but held that, under state law regulating the power of local government, the ordinance could not be applied to businesses and employers. The city has appealed the ruling to Pennsylvania's Commonwealth Court. The ACLU of Pennsylvania submitted friend-of-the-court briefs in *Hartman v. City of Allentown* in the trial court and the Commonwealth Court on behalf of a long list of church, community, and business entities in and around Allentown who support the ordinance.

TEXAS

For 18 months, Roderick Johnson, a gay African-American man, was housed in a Texas prison where



RODERICK JOHNSON IS SEEKING RELIEF FROM THE TEXAS PRISON OFFICIALS WHO ALLOWED OTHER INMATES TO PHYSICALLY AND SEXUALLY TORTURE HIM FOR OVER A YEAR BEFORE THE ACLU STEPPED IN.

2002 UNPRECEDENTED SETTLEMENT CALLING FOR DISTRICT- WIDE REFORMS OF CALIFORNIA CASE INVOLVING HARASSMENT OF LGBT HIGH SCHOOL STUDENTS (LOOMIS V. VISALIA UNIFIED SCHOOL DISTRICT)

2002 FIRST STATE APPEALS COURT RULING THAT CONSTITUTIONAL EQUALITY RIGHTS PROHIBIT FIRING OF PUBLIC EMPLOYEE BECAUSE OF HER SEXUAL ORIENTATION (DAVIS V. PULLMAN MEMORIAL HOSPITAL)

2003 RURAL KENTUCKY SCHOOL DISTRICT FAILS IN ITS EFFORTS TO AVOID RECOGNIZING A GAY STUDENT CLUB BY BANNING ALL EXTRA-CURRICULAR CLUBS (BOYD COUNTY HIGH SCHOOL GAY-STRAIGHT ALLIANCE V. BOARD OF EDUCATION)

gangs repeatedly raped, abused, and traded him as a sex slave. Johnson filed numerous grievances with prison officials asking to be transferred to protective custody or another prison, but each time they refused. Prison officials finally moved Johnson into a wing designated for vulnerable prisoners only after the ACLU intervened. In response to the ACLU's lawsuit on behalf of Johnson, a unanimous Fifth Circuit Court ruled in *Johnson v. Johnson* that, among other things, seven ranking Texas prison officials can be sued for damages due to discrimination based on sexual orientation.

WASHINGTON

A Seattle printing company refused to print wedding invitations for two gay men who planned to marry in Canada. The ACLU of Washington filed a complaint on the couple's behalf with the Seattle Office for Civil Rights, which requires businesses open to the general public to serve all customers, regardless of sexual orientation or marital status. The case was settled with the business owner, who apologized for her actions.

Through its email activist network, the ACLU of Washington helped secure the passage of a King County Council Ordinance that requires contractors with the county to provide domestic partner benefits for their employees.

2003

FEDERAL APPEALS COURT REQUIRES SCHOOL OFFICIALS TO TAKE EFFECTIVE, PREVENTIVE MEASURES WHEN THEY LEARN THAT LGBT STUDENTS ARE BEING HARASSED (FLORES V. MORGAN HILL UNIFIED SCHOOL DISTRICT)

2003

SUCCESSFUL LAWSUIT FOR ARKANSAS STUDENT WHO WAS "OUTED" BY SCHOOL OFFICIALS AND THEN DISCIPLINED (INCLUDING BEING FORCED TO READ THE BIBLE) FOR TALKING ABOUT BEING GAY (MCLAUGHLIN V. PULASKI COUNTY SPECIAL SCHOOL DISTRICT)

2003

CALIFORNIA ENACTS LEGISLATION PROVIDING THE SECOND-BEST DOMESTIC PARTNERSHIP PROTECTIONS IN THE NATION AFTER VERMONT

TransLatinas and the Fight for Derechos Civiles

BY LEXI ADAMS, MAJOR GIFTS OFFICER

When Liz was growing up – in a large, loud, Catholic family in 1960's Colombia – one message came across loudest and clearest in the story of who she was to become: “*Tienes que ser un hombre, tienes que ser un hombre, tienes que ser un hombre.*” You have to be a man. Grow up and find a wife, get married, have kids, and raise a family. Inside, she felt different, but did not have any words or stories to explain that difference. Today she says her true name came to her in a dream, a long time ago. Falling asleep at night as a little boy, she could imagine glimpses of another way to be, and a secret name to call herself: Elizabeth. But waking up with the secret, she knew to keep her mouth shut.

Liz is now 41, lives in the Bronx, and is a client of the TransLatina Services program of the Hispanic AIDS Forum (HAF). Her story is one among the many stories of clients who flow through HAF's three busy offices in New York City every day. HAF provides direct services like HIV testing, counseling, health education, and youth outreach within at-risk Latino communities. The TransLatinas program was founded at HAF's Jackson Heights, Queens location in 2000 with the goal of providing targeted support and resources to New York's growing transgender Latina community. The women in this innovative program come to HAF's office for group counseling, housing assistance, HIV prevention workshops, referrals,



LIZ IS A CLIENT OF TRANSLATINAS, A TRANSGENDER SERVICES PROGRAM OF THE HISPANIC AIDS FORUM (HAF), WHICH WAS ILLEGALLY EVICTED FROM ITS HOME IN QUEENS, NEW YORK.

community information sessions on hormone treatment and transition, and other resources that are rarely available in Spanish.

In 2001, HAF was evicted from its Queens office, where it had been a community fixture for ten years.

The landlord said that the building's other tenants had complained that HAF's clients – participants in the TransLatinas program – were using the “wrong” bathrooms. When HAF attempted to negotiate, the landlord said that they would only be able to stay if the transgender clients were barred from using either the women's or the men's bathrooms, or from occupying any common areas of the building. This was unacceptable to HAF and the clients they serve. In June of 2001, the ACLU Lesbian & Gay Rights and AIDS Projects took HAF's case and sued the landlord for illegal eviction, arguing that transgender people are protected from discrimination under existing New York state sex discrimination laws. The HAF lawsuit is the first transgender rights case to reach a New York state appeals court.

This discrimination feels very real to Liz, who points out that even the gay community remains uneducated and unsure about the full inclusion of transgender people. “Many organizations say that they stand for the LGBT, but the ‘T’ is left hanging in quotes,” she said.

She gets frustrated relating a recent experience of attending what was billed as an LGBT Health Fair in the Bronx with a group of “*muchachas trans*,” only to have the health and outreach workers separate the

transwomen from the other participants. They were told to wait in a separate area until they could figure out what to do with them, and ultimately no information or services were targeted to their needs.

Liz has spent much of her adult life struggling to make ends meet and navigate the city services available to her. It wasn't until she came to New York from Colombia in 1979 that she got a taste of what she calls "freedom of expression," and eventually realized there were different ways for her to live than being a son and a husband. She lives as a woman, and seven years ago she started taking female hormones. Despite the peace she has gained by living her life in a way that feels right to her, she faces huge obstacles as a poor, non-English speaking, transgender immigrant of color. A few years ago, she began attending the TransLatinas Monday night group meetings. She's become friends with other women in the group, an open forum where they can discuss all kinds of issues affecting them. Recently, topics have included living with HIV, employment, domestic violence, harassment, sex work, boyfriends, healthcare and hormones, and general check-in.

Liz is hesitant to talk about some of these issues in her own life. She says she has been lucky to escape the outright violence and assault often faced by members of the transgender community. And these days, she

tries not to let the comments, solicitations, and harassment she faces on the street affect her.

"When people harass me or say bad things to me, I used to feel bad because I thought that there was something wrong with me; that I needed to change," she said. "Now I realize that they are the ones that have a problem. They are the ones who need to change."

She is concerned that society's fascination with transgender people comes without any real regard for their lives and experiences. She points out the girls she knows who are objectified, sought after for sex work, abused, and beaten down by life.

"Nos mastican, pero no nos tragan." Society wants to chew us up, but they refuse to swallow us. "Why? I also want to know why it's hard to get hormones from a doctor, why everyone has to buy them on the black market?" She clarified that though she has Medicaid, the insurance does not offer her adequate treatment and has refused to cover her hormone therapy, forcing her to buy estrogen on the street. "It should be covered," she said adamantly. HAF's Community Health Specialist recently let her know about a clinic that might be able to help, but Liz seems somewhat uncertain; like a lot of people on public assistance, she

already spends many of her days shuffling from one appointment to another. She believes the key to moving forward is more education.

"I don't think people understand that we're just like anybody else – all we want is to be accepted for who we are. Education is what I really hope for. I want people to know that we are a reality."

Liz wants to speak for her community, and at the same time she is reluctant. She just wants to be Liz. When asked what her day-to-day life is like, or what her hopes are, she looked puzzled at the question: "Es normal." But, she admitted, sometimes just making it out of the house is hard. Still, her New Year's resolutions are like almost any American's: get out more, maybe lose some weight, devote more time to her favorite hobby, cooking. Some of her happiest memories are of being in her childhood kitchen, studying her mother's movements, helping to prepare the family's meals. Today, her dream is to become a chef. But, she sighed, there's probably no use trying. After all, "I wouldn't be able to get a regular job if I applied as a woman."

She is hopeful that efforts like the HAF lawsuit can help her community. *"Adelante, adelante, adelante..."* We just have to keep going, keep going, keep going. "It

might be difficult, but perhaps it's not impossible, to be accepted and achieve the real goal – civil rights.”
Derechos civiles.

In the course of civil rights, one person is often asked – or thrust forward – to stand in as a symbol for the larger struggle of a group of people. Highlighting the plight of the individual can be key to structuring compelling “impact” lawsuits or pushing a public audience towards acceptance of a new or uncomfortable idea. The personal, intimate stories of real people's lives can captivate and persuade us in a way that a legal theory or abstract concept rarely can. But how much can one person's experience ever really tell us the whole story? After all, the clients at HAF would be quick to tell you that they aren't “just” about one issue. Their lives, their needs, and their stories are complex.

In representing the Hispanic AIDS Forum as an organization, the ACLU is addressing the very real need for direct services organizations to be able to keep their doors open and continue their crucial work within at-risk communities. By doing just that, HAF represents a multitude of individual stories, voices, and identities. Now, in their new Queens office in Woodside (where they have the floor all to themselves – including the bathrooms), HAF has a lot of plans to

improve their outreach to the Spanish-speaking transgender population. Lately, Liz has become a vocal participant in helping HAF learn to better serve her community, and ultimately, her. She has a broad, inquiring mind that makes connections between her own concerns and the needs of the larger groups she works within. She wants to raise her voice.

Liz has no family here in New York, but she still calls home to Colombia occasionally. When she tries to talk to her relatives about being a different person than she used to be, they change the topic. “They love me, but they don't want to know about it. They don't want to hear about my life.”

Special thanks to Madelon Gauthier, Site Director of the Hispanic AIDS Forum's Queens office, for all her help and translation assistance.

Transgender Docket

With support from the affiliates, the Project continued its efforts to fight bias against transgender people. We have interceded on behalf of two bi-national married couples who were denied equal treatment in immigration because the federal government will not recognize their marriages. In an illegal eviction lawsuit on behalf of the Hispanic AIDS Forum, we are seeking to ensure that transgender people are covered by New York City and New York State civil rights laws. We also fought transgender discrimination in the criminal justice system, advocated for equal treatment of a transgender student, and interceded on behalf of a transgender parent in a custody dispute.

CALIFORNIA

The ACLU of Southern California is representing a couple in an appeal before the Board of Immigration Appeals (BIA). A transgender woman's visa application for her husband was denied on the grounds that federal immigration law precludes recognition of same-sex marriages under the Defense of Marriage Act (DOMA), implicitly stating that the Department of Homeland Security will not recognize her as a woman because of the sex change. The affiliate explained to

the Board that there is nothing in federal law, including DOMA, authorizing the Department of Homeland Security to disregard the marriages of transgender people for immigration purposes. *In Re Richard Philip Edel* is pending before the BIA.

ILLINOIS

The ACLU of Illinois is representing a transgender woman in a custody battle in which the biological mother is seeking to take custody from the transgender parent because of her gender transition. The Project has assumed responsibility for presenting the expert testimony in *McDonald v. McDonald*, including proof of the client's abilities to parent and the absence of harm to the child by the gender transition.

KANSAS

Sandy Gast, who was born male but has identified as female since the age of seven and lives as a woman, applied for a marriage license in February with her partner. Local authorities charged Gast with a misdemeanor for "falsifying" her gender. The ACLU of Kansas and Western Missouri represented Gast, and the court ruled that she did not falsify her

application for a marriage license by stating her gender as female.



SANDY GAST (RIGHT), WHO WAS BORN MALE BUT HAS IDENTIFIED AS FEMALE SINCE SHE WAS SEVEN, WAS ARRESTED FOR "FALSIFYING" HER GENDER AFTER APPLYING FOR A MARRIAGE LICENSE WITH HER PARTNER, GEORGI SOMERS (LEFT). SHE WAS EVENTUALLY ACQUITTED. PHOTO COURTESY OF CONNIE PARISH, THE LEAVENWORTH TIMES

2003

U.S. SUPREME COURT STRIKES DOWN ALL REMAINING SODOMY LAWS, RULING THAT SAME-SEX RELATIONSHIPS DESERVE THE SAME RESPECT ACCORDED HETEROSEXUAL RELATIONSHIPS (*LAWRENCE V. TEXAS*)

2003

NORTH DAKOTA SUPREME COURT OVERRULES A DECADES-OLD DECISION STRIPPING GAY PARENTS OF CUSTODY RIGHTS AFTER A DIVORCE (*DAMRON V. DAMRON*)

2003

MASSACHUSETTS SUPREME COURT OPENS MARRIAGE LAW TO SAME-SEX COUPLES (*GOODRIDGE V. DEPARTMENT OF PUBLIC HEALTH*)

NEBRASKA

Jess Kennedy was born male but lives and identifies as female. Jess was a junior at Wayne State College and registered for a course in “Rape Aggression Defense” to satisfy a physical education requirement. She was dropped from the class before the first day; the school asserted that the course was open only to women. The ACLU of Nebraska advocated on Kennedy’s behalf and the matter was successfully resolved when the college announced that the class would no longer be limited on the basis of gender.

NEW YORK

The ACLU is representing the Hispanic AIDS Forum (HAF), an AIDS service provider evicted from its office because other tenants in the building were uncomfortable that some of HAF’s clients are transgender. In *Hispanic AIDS Forum v. Estate of Joseph Bruno*, the trial court agreed that discrimination against people who are transgender is a form of sex discrimination prohibited by the laws of New York City and State, but the landlord has appealed that ruling. The case was argued before an appeals court and a decision is pending.

NORTH CAROLINA

A transgender woman’s visa application for her husband was denied on the grounds that federal immigration law precludes recognition of same-sex marriages under the Defense of Marriage Act. The

Department of Homeland Security (DHS) has maintained that it will not recognize a change of gender, even though the State of North Carolina has issued a new birth certificate reflecting the applicant’s gender as female. The Project argued that federal law requires DHS to respect the couple’s marriage, which is valid under the laws of North Carolina and entitled to respect for immigration purposes. *In Re Ciccone-Lovo* is pending before the Bureau of Immigration Appeals.

2004
TENNESSEE APPELLATE COURT STRIKES DOWN A FAMILY COURT ORDER BARRING A GAY DAD FROM “COMING OUT” TO HIS OWN SON (*HOGUE V. HOGUE*)

2004
NEW YORK COURT RULES THAT TRANSGENDER PEOPLE ARE PROTECTED FROM DISCRIMINATION BY EXISTING STATE AND LOCAL SEX DISCRIMINATION LAWS (*HISPANIC AIDS FORUM V. ESTATE OF JOSEPH BRUNO*)

2004
ACLU LEGAL CHALLENGES TO LAWS RESTRICTING MARRIAGE TO OPPOSITE-SEX COUPLES LAUNCHED IN NEW YORK, CALIFORNIA, OREGON, MARYLAND, AND WASHINGTON

The Hard Truth About Small Town Prejudice

BY JODI CLAGG, PUBLIC EDUCATION SPECIALIST

At 20, Priscilla Doe (not her real name) looks like many other blonde, midwestern young women her age. There's little hint that just a few years earlier, she was homeless on the streets of Portland, Oregon and addicted to heroin.

Like many people in her situation, her life turned around on September 6, 2001, when she learned that she was HIV positive. Constantly tired and unable to function, she had visited a local health clinic convinced she had hepatitis. Instead, she learned it was HIV that was making her sick.

"I knew I didn't want to die," said Priscilla of her first thoughts after hearing the diagnosis. "When they told me the bad news, I didn't believe it. I even made them call the lab to confirm, and then I just started crying."

Her first instinct was to turn to her mother, whom she hadn't seen for months and who was hundreds of miles away. When her mom answered the phone, Priscilla was still crying and unable to speak. Her mom began guessing what could have her child so distraught. She named off the worst things she could think of, finally guessing that her oldest child was HIV positive.

Priscilla and her mom never had a close relationship. Growing up an Army brat, her mom's army career had them moving all over the country. She lived in six

different states and even spent two years in Germany. Always the "new kid," she struggled to make friends and was unable to maintain lasting relationships due to the frequent uprooting of their lives. At 11, she even spent five months in foster care after "being spanked too hard" by her parents.

"I used to dream of running away," she explained, "I didn't like my family life...my parents argued a lot."



PRISCILLA DOE, WHO USES A PSEUDONYM AND HAS HER IMAGE BLURRED IN A LOCAL TV INTERVIEW TO PROTECT HER IDENTITY, WAS FIRED FROM A RESTAURANT WHEN HER BOSS DISCOVERED SHE IS HIV POSITIVE.

The oldest of three, Priscilla didn't consider herself a leader; that was her sister's role. Two years her junior, her sister was the caretaker in the family. Priscilla's philosophy at that point was "chaos is my stability."

Her dad was battling a drug addiction and was unpredictable. Her mom was the strict one. Having watched the effect of drugs on her husband, Priscilla's mom was always worried that Priscilla was going to follow her father's example. Frustrated and resentful after more than a year of false accusations of using drugs, Priscilla gave in to her mom's suspicions and started smoking pot before turning 15. She figured that she was already guilty, she didn't have anything to lose. Her drug use quickly escalated, and within six months she had run away and was shooting heroin.

Shortly after sharing her diagnosis with her mom, she met with a doctor who explained to her that she couldn't be given medication to manage her illness until she changed her lifestyle. She needed to get off the streets and be able to take her medication faithfully in order for it to be effective.

"The doctors said that if I didn't take the pills regularly, they wouldn't work," she said.

It was Priscilla's mother who helped convince her that she would never get clean if she stayed in Portland.

She persuaded her to go back to the small town in Nebraska where her father lived so Priscilla could get away from all the bad influences.

Within a few short months, Priscilla had bought a bus ticket and moved in with her dad. She stopped using drugs and her T cell count and viral load showed dramatic improvement. She left behind her destructive lifestyle and was now taking her medication, clean and sober, and starting a job.

But just as Priscilla was getting on her feet, she was reminded just how ignorant people can be about HIV. After nearly a year working at a local restaurant and supporting herself, Priscilla's boss called her and said she didn't need to come in for any of her shifts that week. They only needed her on the weekend. However, before going in for her weekend shift, her boss called again telling her not to return. She suspected they had learned she was HIV positive.

"I took pride in my job, and I'm a good, hard worker," said Priscilla. "It was the only thing I could think of that would explain why they fired me."

Her suspicion was confirmed by a co-worker who was told by the boss that Priscilla was fired because she was HIV positive.

More of a leader than she once believed, Priscilla has found herself fighting for her future. With some encouragement from her dad, she contacted the ACLU. On November 13, 2003, the Project filed a lawsuit on her behalf against the restaurant. Though the case is still pending, Priscilla's story, which was used by the Project in a national public education campaign about HIV civil rights abuses, has already helped to educate the public about the types of discrimination that HIV positive people face.

"I wanted to speak out, because I don't want this to happen to anyone else," said Priscilla. "I want people to understand that you can't get HIV from casual contact."

Priscilla now talks to her mom regularly and is hoping to start school soon to study interior design. Each time her family would move, her mom always put her in charge of decorating their new home. This was something that gave her a sense of control throughout all the uncertainty and chaos of her childhood.

Through her struggles, Priscilla has learned to believe in herself, and in turn, others have learned to believe in her.

HIV/AIDS Docket

The AIDS Project and ACLU affiliates continued efforts to end discrimination against people living with HIV/AIDS. We participated in lawsuits involving employment discrimination in the healthcare and food industries, as well as a lawsuit challenging a decision by the New Jersey Division of Youth and Family Services to take a child from her mother after the mother refused to allow the hospital to give her newborn AZT. We also helped defeat legislation that would have criminalized HIV transmission, intervened on behalf of prison inmates being denied medications, and conducted legal clinics and educational trainings.

COLORADO

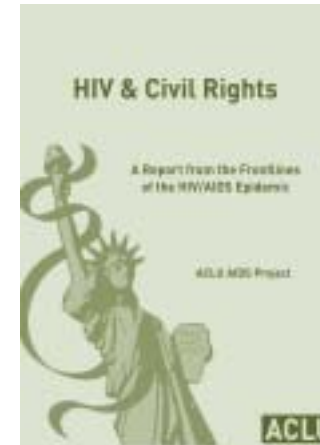
The Project and the ACLU of Colorado, in cooperation with the Whitman Walker Clinic of Washington, D.C. and local Colorado AIDS organizations, filed a friend-of-the-court brief on behalf of an HIV-positive man fired from his job as a phlebotomist. During training, the employee volunteered his HIV status to his supervisors. He was then removed from training and reassigned to another position with significantly different duties. The district court found that no harm had occurred because the

other position was at the same salary level. On appeal to the U.S. Court of Appeals for the 10th Circuit the Project argued in *Couture v. Belle Bonfils* that employing an HIV-positive phlebotomist does not pose a direct threat to the health and safety of others based on current medical practice and studies.

NEBRASKA

When a young woman was fired from her job as a hostess at a small restaurant in rural Nebraska because her employer learned that she was HIV positive, the Project and the ACLU of Nebraska filed a lawsuit based on a state law prohibiting discrimination on the basis of HIV status. The case, *Doe v. A Nebraska Restaurant*, is pending.

A prisoner with HIV spent nearly five years in solitary confinement, apparently because the prison assumed he was likely to engage in high-risk conduct. This decision was made in the absence of any misconduct reports or even past incidents involving any conduct likely to transmit HIV. The ACLU of Nebraska claimed in *Thomas v. Department of Correctional Services* that this treatment violated the prisoner's right to be free



PROJECT SENIOR STAFF ATTORNEY TAMARA LANGE AUTHORED THIS RESEARCH SURVEY OF THE CIVIL RIGHTS ISSUES FACED BY THE CLIENTS OF 40 LOCAL AIDS SERVICE ORGANIZATIONS ACROSS THE COUNTRY. THE AIDS PROJECT IS REDOUBLING ITS OUTREACH EFFORTS IN THE HIV/AIDS COMMUNITY IN 2005.

from cruel and unusual punishment and deprived him of due process of law. The Nebraska Court of Appeals sided with the prison system in July 2003. The affiliate appealed to the Nebraska Supreme Court in 2004, which declined to accept the case.

In *Doe v. State of Nebraska*, the ACLU of Nebraska brought a case under the Americans with Disabilities Act and the Rehabilitation Act challenging the

2004

FEDERAL MARRIAGE AMENDMENT GOES DOWN IN DEFEAT IN U.S. SENATE

2004

HOUSING AUTHORITIES IN NEW YORK AND CALIFORNIA ARE PERSUADED TO ALLOW DOMESTIC PARTNERS OF TENANTS TO LIVE IN SECTION EIGHT HOUSING

2004

ARKANSAS COURT STRIKES DOWN STATE REGULATION THAT BANNED GAY PEOPLE AND ANYONE LIVING IN A HOUSEHOLD WITH A GAY ADULT FROM BEING FOSTER PARENTS (HOWARD V. CHILD WELFARE AGENCY REVIEW BOARD)

removal of a foster child from a home when the state learned that one of the foster parents had HIV. The case settled out of court and set a new statewide policy that HIV status does not disqualify people from foster parenting.

The ACLU of Nebraska advocated against *LB 872*, a measure that would have criminalized HIV transmission. Affiliate staff testified against the bill at legislative hearings, arguing that it was not clear whether an individual has to know of his or her HIV status to be liable. *LB 872* was defeated.

NEW JERSEY

A pregnant woman was at a doctor's appointment at Capital Health System when she was tested for HIV without her consent during a blood draw. She tested positive. When she gave birth, the child was removed from her custody because she refused to put her child on AZT. The child was later found not to have HIV. The ACLU of New Jersey filed a lawsuit against Capital Health System and the New Jersey Division of Youth and Family Services (DYFS) based on the unauthorized HIV test, breach of confidentiality, and interference with parental rights. *Doe v. Division of Youth and Family Services* was eventually settled out of court when the agency agreed to establish guidelines that would ensure that the refusal to provide AZT to a newborn would not automatically result in action against the parent. The lawsuit against Capital Health continues.

OHIO

The ACLU of Ohio, together with the University of Toledo School of Law, established a legal clinic to address the growing crisis involving prisoners with HIV who are not receiving proper access to HIV and AIDS medications while incarcerated. The affiliate received numerous complaints from inmates who were either denied all access to HIV/AIDS treatment or whose medications were not administered properly. In the law clinic, University of Toledo Law Professor Rob Salem and law students take inmates' complaints and ensure they receive access to proper HIV/AIDS medications.

The Project interceded on behalf of an HIV positive man from Columbus who was denied access to his medication after reporting to the county jail to serve a 10-day sentence. The Project sent a demand letter to the jail pointing out that even a slight delay in receiving his medication could cause irreparable harm to the prisoner. After several follow up calls with prison officials, he was eventually given his medication.

2004

MONTANA SUPREME COURT RULES THAT UNIVERSITY OF MONTANA SYSTEM MUST PROVIDE ITS LGBT EMPLOYEES EQUAL BENEFITS FOR THEIR DOMESTIC PARTNERS (*SNETSINGER V. MONTANA UNIVERSITY SYSTEM*)

VISIT WWW.ACLU.ORG/LGBT

FOR A DETAILED TIMELINE OF THE HISTORY OF LGBT RIGHTS AND THE ACLU

How the ACLU Works

NATIONAL AND AFFILIATES WORKING TOGETHER

The American Civil Liberties Union (ACLU) is 50 organizations working together as one. The national office is headquartered in New York City. Affiliates are located in 47 states and the District of Columbia (California has three affiliates in San Francisco, Los Angeles, and San Diego), and the national office has chapters in North and South Dakota, Wyoming, and Puerto Rico. The national office coordinates and advises, and takes the lead on important national lawsuits, but most of the direct civil liberties legal, legislative, and public education work is handled by the affiliates. National staff members consult with affiliates in setting priorities and developing strategies and, when needed, managing cases and campaigns for affiliates. As the docket on the preceding pages reveals, virtually every affiliate lobbies, litigates, and advocates on LGBT issues.

The affiliates and the national ACLU share the same commitment to defend the basic rights guaranteed to all by the federal constitution, especially the Bill of Rights. The affiliates operate independently with their own Board of Directors and staff, litigation docket, local and state legislative lobbying, and public education campaigns. The state affiliates are

linked to the national by electing the governing board of the national ACLU and sharing financial support with the headquarters. People who join the national ACLU automatically become members of a state affiliate. Donations are shared between the local affiliate and national.

ONE PROJECT FOR TWO

The Lesbian & Gay Rights Project and AIDS Project, although working on separate legal and public education issues, are a combined Project within the national ACLU's Legal Department. The Project consists of nine staff lawyers who monitor legal work regionally, a public education team, a development team, a federal legislation director, and a senior strategist. Five affiliates (Illinois, Georgia, Michigan, Northern California, and Southern California) have staff attorneys focused on LGBT rights, and others have activist member/volunteer groups working on LGBT rights and AIDS concerns (Delaware, Eastern Missouri, Kansas and Western Missouri, Ohio, and Southern and Northern California).

YOUR SUPPORT

The Project works on behalf of LGBT rights and HIV/AIDS in your state and across the country, and we rely on you to ensure our success in 2005 and

beyond. If you would like to contribute, please send a check to:

ACLU Foundation – LGRP
125 Broad Street, 18th Floor
New York, NY 10004
212-549-2627
getequal@aclu.org

You can also send contributions to your local affiliate, indicating that the contribution is for the Lesbian & Gay Rights and AIDS Project.

Project Staff

The Lesbian & Gay Rights and AIDS Project staff are specialists in constitutional law and civil rights who undertake impact litigation to change the law, advocacy to improve public policy, and outreach to move public opinion on the rights of LGBT people and persons living with HIV and AIDS.

LEXI ADAMS is the Major Gifts Officer. She joined the staff in 2002 to work on our development and public education programs.

CHRIS ANDERS is the Federal Policy Director and Legislative Counsel to the ACLU's Washington National Office, responsible for advancing the Project's mission in the U.S. Congress and administration.

PAUL CATES is the Public Education Director. A former attorney for the New York City Legal Aid Society, he came to the ACLU after working at Pro-Media Communications.

KEN CHOE, Senior Staff Attorney, has been with the Project since 2000. Before joining the ACLU, he was a political appointee in the Clinton administration focusing on health care law and policy.

JEANNIE CHUNG is the Paralegal. She joined the Project after working for the Manhattan District Attorney's Office.



THE PROJECT STAFF HAS GROWN SIGNIFICANTLY IN THE LAST YEAR. (BACK ROW: L-R) SENIOR STRATEGIST ROBERT NAKATANI, SENIOR STAFF ATTORNEY LESLIE COOPER, STAFF ATTORNEY ROSE SAXE, PUBLIC EDUCATION COORDINATOR MICK SCHOMMER, PROJECT DIRECTOR MATT COLES, PUBLIC EDUCATION DIRECTOR PAUL CATES, AND LITIGATION DIRECTOR JAMES ESSEKS; (FRONT ROW: L-R) DEVELOPMENT DIRECTOR GENIE CORTEZ, STAFF ATTORNEY SHARON MCGOWAN, PARALEGAL JEANNIE CHUNG, GRANT WRITER JESSIE TORRISI, STAFF ASSISTANT ZOË MIZUHO, PUBLIC EDUCATION ASSOCIATE CHRIS HAMPTON, SENIOR STAFF ATTORNEY KEN CHOE, AND MAJOR GIFTS OFFICER LEXI ADAMS.

JODI CLAGG is a consultant who serves as a Public Education Specialist for the ACLU. In the past, she worked as a case manager for Big Brothers Big Sisters.

MATTHEW COLES has been Director of the Project since 1995. Previously, he was a staff attorney at the

ACLU of Northern California.

LESLIE COOPER, Senior Staff Attorney, joined the Project in 1998. She was an attorney at Robinson Silverman Pearce Aronsohn & Berman LLP in New York.



ACLU STAFF AND INTERNS PREPARE TO JOIN NEW YORK CITY'S ANNUAL HERITAGE OF PRIDE MARCH IN JUNE 2004.

GENIE CORTEZ is the Development Director. Prior to joining us, she worked as a senior director for Changing Our World, Inc., a national fundraising and philanthropic services consulting firm.

JOEL ENGARDIO is a consultant who serves as a Public Education Specialist for public education and marriage issues. Before working with the Project, he was a writer at the *Los Angeles Times* and *San Francisco Weekly* and an associate producer at ABC News.

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JESSIE TORRISI is the Grant Writer. Previously, she wrote grants for Dance Theater Workshop and worked as a literary scout.



JAMES ESSEKS, AN EVENT PARTICIPANT, AND CHRIS HAMPTON ENJOY NIGHT OF A THOUSAND GOWNS, A COMMUNITY FUNDRAISER SPONSORED BY THE IMPERIAL COURT OF NEW YORK.

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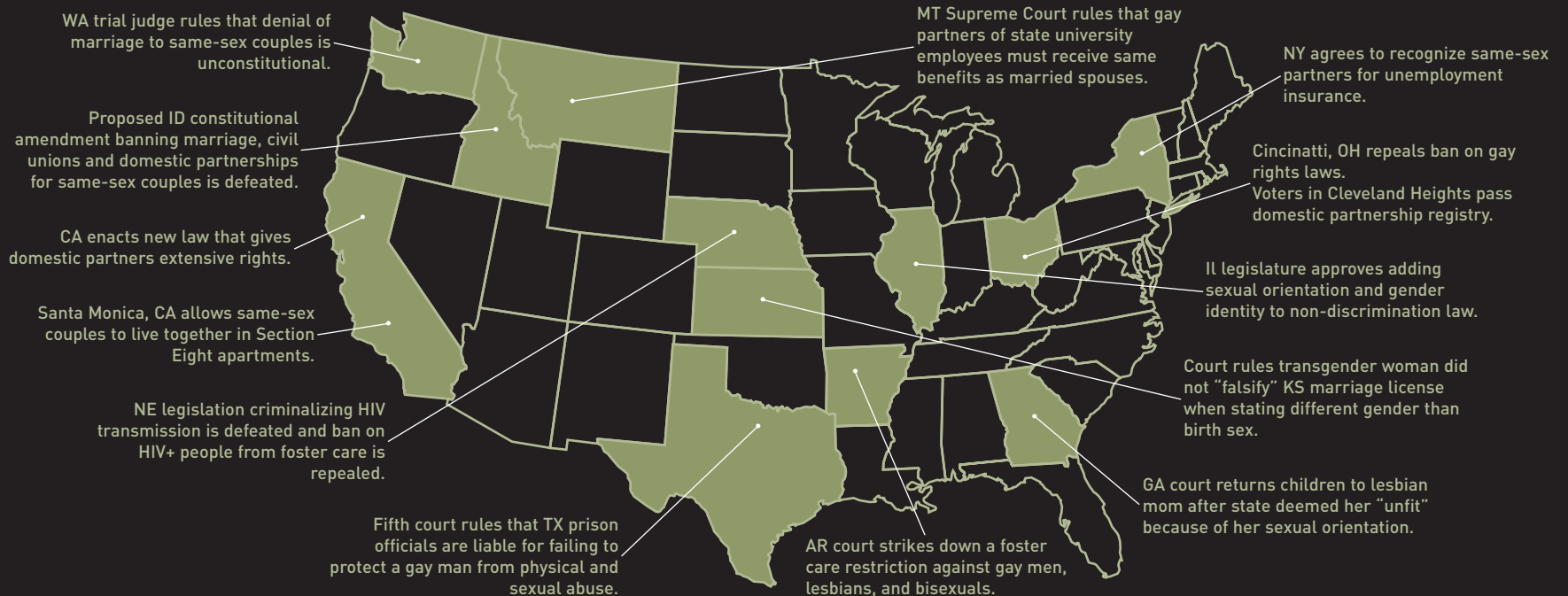
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Progress on LGBT and HIV/AIDS Rights in the Last Year



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