Marriage in Canada—What it Means to You

Frequently asked questions from U.S. couples who are considering getting married in Canada

Many same-sex couples in the United States are considering getting married in Canada. While this is now an option, it is important for couples to understand that getting married in Canada will not necessarily guarantee you and your partner the rights and privileges of different-sex married couples in the U.S. and may have significant tax and other legal implications. Although this is still a gray area with many remaining uncertainties, here are preliminary answers to some frequently asked questions:

Can same-sex couples from the United States marry in Canada?
Yes. As of June 2003, two provinces in Canada—Ontario and British Columbia—permit same-sex couples to marry on an equal basis with different-sex couples. There are no residence requirements in these provinces, so same-sex couples from anywhere in the world can travel to Ontario or British Columbia and get married.

Are there any other countries that permit same-sex couples to marry?
Yes. The Netherlands and Belgium also permit same-sex couples to marry; however, both of those countries have strict residence requirements. In the Netherlands, only couples in which one partner is a citizen of the Netherlands or in which both partners reside in the Netherlands may marry. In Belgium, only couples who live in a jurisdiction that also permits same-sex couples to marry are permitted to marry.

Are there any states in the U.S. that permit same-sex couples to marry?
No, although lawsuits in which same-sex couples are seeking the right to marry are pending in Massachusetts and New Jersey. For more information on these cases, see www.glad.org; and www.lambdalegal.org. For more information on winning the freedom to marry, see www.freedomtomarry.org.

How do we go about getting married in Canada?
To marry in Canada, you will need to obtain a marriage license, locate an authorized person to perform the ceremony, and arrange for two witnesses to be present during the ceremony. No medical tests are required. For more information on the practicalities of getting married in Ontario or British Columbia, there are now a number of websites and businesses that specialize in helping same-sex couples marry in Canada, including: www.pridebride.com, www.rainbowweddingnetwork.com, www.gayweddings.com. Please note:
You and I are witnesses to history.

Before our eyes we see changes that some did not dream possible. In Canada and the Netherlands we are getting legally married; in June the U.S. Supreme Court invalidated every single remaining law that made our sexual intimacy a crime. The California governor just signed a law that will provide to our relationships nearly all the benefits, security and responsibilities given to married couples in the state.

In six short months the entire legal and political landscape has shifted and we saw it all happen. But we are not just witnesses to history, we are living this history. This is our history and our lives and our story.

This is also the story and the history of the National Center for Lesbian Rights. We always knew that the great strides forward of 2003 were possible. If we hadn’t had that conviction we could not have done this work for 26 years.

But, of course, with great progress comes great responsibility and challenge. Immediately following the marriage victory in Canada and the Supreme Court ruling we began mapping our response to this changed world. We know you had questions about how the Canada decision would affect you, so we are providing the best answers we can. We are part of a national conversation and collaborations to determine the most effective next steps to fully winning the freedom to marry in this country. We are aggressively assisting with the strategy to defeat the enormously dangerous anti-marriage constitutional amendment that has been introduced in Congress.

We will not go back. We will not lose ground.

In the aftermath of the historic Supreme Court victory in Lawrence v. Texas, which struck down the 13 remaining state sodomy laws, we are evaluating what new legal challenges we can bring to existing anti-gay laws. In several states where we lost custody or other challenges based on the existence of a shameful sodomy law we are assessing the possibility of renewing our fight and securing final justice.

We learn from other civil rights struggles and victories that the struggle never really ends and that each victory is fragile. The backlash to the gains we’ve made is already underway and will be strong and sustained. But we know we will prevail. We have justice, fairness, right and dignity on our side.

And we have you. We are humbled by our 26 years of fighting for justice and we are grateful you have been our partner.

I invite you to help us finish the work. In this time of unprecedented achievements and unparalleled attacks we need you more than ever. We have much to do to assure that there is no backsliding, no retrenchment, no one lost in our march to full justice and equality.
More Questions About Marriage

(Continued from cover)

these links are provided for informational purposes only. NCLR has no financial connection to these sites and does not endorse these or any other businesses.

If my partner and I marry in Canada, will our marriage be valid in the U.S.?
Yes, your marriage will be valid; however, discriminatory marriage laws in the U.S. will still exist. Some state and local governments will acknowledge your marriage, at least for some purposes. Others will not. The same is true for private employers and businesses. In addition, in 1996, Congress enacted a law stating that for all federal purpose, the term “marriage” means only a marriage between a man and a woman. Because of this law, the federal government will almost certainly refuse to respect your marriage.

In practical terms, this means that at least in the short run, same-sex couples who marry in Canada and return to the U.S. will confront many legal questions and uncertainties. You may be treated as married by some governmental entities and as unmarried by others, which may create problems.

Whether to marry is a deeply personal decision. Couples may choose to marry or not to marry for a host of different reasons. If your primary reason for marrying in Canada is to gain legal protections in the U.S., you should be aware that your marriage may not be fully respected here and very likely will not be respected by the federal government.

If my partner and I marry in Canada and later wish to separate, how do we obtain a legal divorce?
If you live in a state that honors your marriage, you will also be able to apply for a divorce in that state. If you live in a state that does not respect your marriage, however, it is doubtful that you will be able to obtain a divorce. To obtain a divorce in Canada, at least one partner must reside there for one year before a Canadian court will have jurisdiction to grant the divorce. (In contrast, you do not have to reside in Canada to marry there.) Many states have similar residency requirements for divorce. Thus, even if you can identify a U.S. state that will permit married same-sex couples to obtain divorces, you may have to move to that state to be eligible to petition for a divorce—which may be a practical impossibility for many couples. In short, some couples who marry in Canada may find themselves in a situation where they are unable to obtain a legal divorce. If so, this would mean that even though you may separate, your marriage will remain valid and you will continue to have certain legal rights and responsibilities with regard to each other. This difficulty is yet another reason why couples should think very carefully before traveling to Canada to marry.

My partner is from another country. Will getting married in Canada permit her to stay in the United States?
No, and, depending on your circumstances, getting married in Canada may even lead to your partner’s deportation from the U.S. Under a federal law misleadingly called the “Defense of Marriage Act,” the U.S. government will not respect marriages between same-sex couples, no matter where they are enacted. Because of this law, the Bureau of Citizenship and Immigration Services (BCIS, formerly known as the INS) will not honor your marriage to your partner. Instead, the BCIS may use the fact that you and your partner married in Canada to deport your partner, if she is here on a non-immigrant visa, on the ground that she does not intend to return to her home country. Getting married is especially risky for same-sex bi-national couples. Before making any decisions about marriage, consult a competent, qualified immigration attorney who is knowledgeable about LGBT issues for individualized advice about your situation. For more information on this and other immigration-related issues, see www.lgifr.org and www.loveseensborders.org.

Will my employer respect my marriage?
Some employers will; others will not.

If my employer refuses to honor my marriage, do I have any legal recourse?
Depending on where you live, you may have some legal basis to compel your employer to treat you equally to other married employees. No matter where you live, however, it is almost always better to exhaust every possible remedy before filing a lawsuit against your employer. Litigation is expensive, stressful, time-consuming, and often fails to secure the desired results. Before going this route, consider other options, such as talking with your employer, joining with other employees to educate the employer, or working with your union to negotiate recognition of equal benefits for all employees, regardless of marital status or sexual orientation. If you run into problems with your employer and would like our assistance, please contact us at 415-392-6257 or info@nclrights.org. For more information on workplace issues, see www.prideatwork.org.

If my partner and I marry in Canada, are we required to file joint federal and state income taxes?
The true answer to this question is, no one knows. While there are many legal uncertainties for same-sex couples who marry in Canada, how to deal with federal and state income taxes is probably the area of greatest uncertainty. On the one hand, married couples are legally required to pay taxes as a married couple: if you are married, filing your taxes as a single person is against the law. On the other hand, current federal law prohibits the federal government from respecting the validity of marriages between
Marriage in Canada (cont.)

persons of the same gender. In addition, many states require that you use the same marital status classification for your state incomes taxes as you use for your federal income taxes. This situation creates a double-bind for same-sex couples who marry in Canada.

From a legal perspective, there is not any clear-cut answer to this dilemma. Some legal experts are recommending that same-sex couples who marry in Canada file as single (or, where appropriate, as head of household), but indicate that they are married to a same-sex partner on the form or in a cover letter. Others are recommending that married same-sex couples file two sets of tax returns (one as two single individuals, and one as a married couple), pay whichever is higher (to avoid tax penalties), and include a cover letter explaining that you are a same-sex married couple and are attempting to comply with all applicable federal laws. Others are recommending that you file as a married couple but set aside a special account to pay any tax penalties that may be imposed against you. No matter which course you take, there is some legal risk involved. Before making a decision about this issue, you should consult a tax attorney or an accountant if you can afford to do so.

If my partner and I marry in Canada and then have children, will we both be legal parents?
The answer depends on whether you live in a state that respects the validity of your marriage. If you do, then both you and your partner would be considered legal parents under most state’s laws. Even if that is the case, however, you should ALWAYS consult a family law attorney in your state and get a court decree stating that you are both legal parents. If you do not live in a state that respects the validity of your marriage, or if this question is not clear in your state, then you should NOT rely on your marriage to secure your parental rights. The safest course—regardless of whether you are married or not—is to consult an experienced family law attorney where you live and take whatever steps are necessary to give both parents the greatest legal protections. For more information about laws affecting LGBT parents in your state, contact NCLR at 415-392-6257 or info@nclrights.org.

If my partner and I marry in Canada, will it affect my eligibility for public benefits or for continuing alimony from a prior marriage?
Yes. If you are legally married, it is likely that your spouse’s income will be taken into account in calculating whether you are eligible for public benefits. This may be true even if your marriage is not respected for other purposes. And it is also likely that you will no longer be entitled to alimony from a prior marriage.

(Continued on page 15)
Lillianne Meyer (pictured left) is a 72-year-old lesbian who has volunteered for 22 years at the Morgan Hill Senior Center in California. She is encountering ongoing homophobic attitudes from some residents, and NCLR’s Joyce Pierson has assisted by speaking to the facility’s director and giving support to Lillianne. Joyce provides individualized support to dozens of LGBT seniors.

• In April 2004, NCLR will present legal workshops on LGBT elder issues at the national conference of the American Society on Aging/National Council on Aging. This is an important step in advocating with mainstream service providers to improve their services to our community.

• We are intensifying our Project activities in Florida with leadership trainings in St. Petersburg and Miami for law school teachers to increase their understanding of the legal issues particular to LGBT elders.

• Save the Date: Pat Bond Memorial Old Dyke Awards: March 28, 2004, Berkeley, California. NCLR and the Pat Bond Committee are sponsoring this event honoring old lesbians who have not been appropriately recognized for their contributions in the arts and in activism. Entertainment by singer/activist Ronni Gilbert. For more information, call (415) 392-6257, Ext. 321.
In Memory of Kate Hogan by Michele Granda

In March of 2002, I was on vacation in the British Virgin Islands with my partner of twelve years, Kathleen “Kate” Hogan. While there, Kate and I went kayaking in a bright yellow, two-seater kayak off the shore of Jost Van Dyke. Tragically, a 39 foot motorboat came from behind and ran directly over our kayak without warning. I was able to get out of the way of the oncoming vessel, but Kate was not as fortunate. Kate was severely injured by the motorboat and died at the hospital a few hours later.

Subsequent to the accident, I brought a wrongful death action on behalf of Kate’s estate and the statutory beneficiaries of her estate: Kate’s father and brother. Even though Kate appointed me to be the executrix in her will and our lives had been fully interwoven, emotionally and financially, during our twelve years together, the law apparently did not regard me as a beneficiary of Kate’s estate and would not consider the fact that Kate was in a committed relationship at the time of her death. As far as the law was concerned, Kate was a 36-year old spinster, and because of that characterization, the value of Kate’s life, even to Kate’s father, was minimal in the eyes of the law.

I am fortunate that Kate’s family and I had a wonderful relationship during Kate’s life and that our relationship has only strengthened since her death. Kate’s father and brother fully understood the role I played in Kate’s life. They knew, for example, that Kate and I were attempting to have a child together and planned to grow old together. After Kate’s death, I worked very closely with Kate’s father and brother to assert claims in the wrongful death action that were respectful of Kate’s life with me. Though I had the assistance of Kate’s family, the attorneys I retained to assist with the litigation were less convinced of the meritorious claims Kate’s family and I wished to assert.

Fortunately, the National Center for Lesbian Rights came to my rescue. Karen Doering of NCLR worked with my attorneys to assist them in understanding the arguments associated with same-sex couples in this context. Thanks to NCLR’s groundbreaking work in the Sharon Smith case, NCLR had already blazed a trail in this area, laying the groundwork for a successful claim in Kate’s case. With my counsel, Karen attended the mediation we had in Florida with the yachting company that owned and operated the motorboat that killed Kate. Kate’s case was satisfactorily resolved at mediation. Karen was instrumental in getting the yachting company (and my own attorneys) to understand that the case could not be settled without accounting for the fact that Kate had a committed life partner. Karen’s presence, perhaps even more than her words, calmed me and made me feel that there was at least one person, in addition to Kate’s family, who understood the significance of what we were trying to do. The result we achieved would not have been possible without NCLR’s assistance.

Setting aside the fact that anyone in my position would generally be considered “unlucky,” I am certainly one of the more lucky ones. Kate had a will. Kate named me as the primary beneficiary of her estate. I witnessed the incident and, therefore, had an independent claim to resolve at the mediation. I had an enviable relationship with Kate’s family which allowed me to raise the necessary claims NCLR which helped me achieve a satisfactory and expedient result.

By no means is NCLR’s work done, however. I know that there are many similarly situated people who would not have fared so well in my situation. Unfortunately, many persons like me experience first-hand the difficulties that gays, lesbians, bisexuals, and transgender persons encounter when they interact with the American legal system and learn that rights available to all Americans do not necessarily apply to them. I am thankful that NCLR helped me, and I am hopeful that NCLR can continue to do this work so that the task of achieving equal rights becomes less speculative and thus less daunting. Please join me in helping NCLR obtain the necessary funds to continue this fight for our community.

Donor & Client Testimonials

Yesterday was a historic day! My thanks to you and all those folks fighting so diligently for our rights. It has been a pleasure (and obviously well worth it) to have supported your organization for all these years. Today I wear my NCLR baseball cap with an extra dose of pride as I “shout from the mountain tops” that, as citizens, we have the right to life, liberty and the pursuit of happiness regardless of who we love. Keep up the good work.

- Margaret Curry and Julie Gill, NCLR Sustainer Fund members for over 15 years, after sodomy laws were reversed by the U.S. Supreme Court

When our family was threatened by homophobic social workers, NCLR was there to help keep us together. The legal team has continued to work with us to make sure this type of homophobia cannot harm other families like ours. We will always be thankful for the support, dedication, and care that all the staff members demonstrated on our behalf.

- Derek Peake (l), Ted Uno (former NCLR law clerk), and Nicholas, Javier and Melany Uno-Peake
Kathryn Friebe loved her leather boots and had the same style in five colors when she died of cancer at age 81. Born poor, she never received financial help from anyone. Kathryn saved every possible penny, not because she was miserly, but because she was generous. She was one of NCLR’s first major donors and made a long-lasting commitment to NCLR through her estate plan.

In her memory, we are proud to establish the Kathryn Friebe Legacy Circle to recognize and honor people who remember NCLR in their estate plan. To join, please complete the reply form on the brochure enclosed with this newsletter.

NCLR is grateful to the following people who have joined our Legacy Circle, ensuring the strength of NCLR and all the brazen activists who fight on behalf of all lesbian, gay, bisexual, and transgender people. Our fight will not end in this lifetime; your legacy will ensure NCLR’s future.

Betsy L. Allen
Bonnie and Julie Benitez
Margaret Broenniman Courtney
Gregory A. Courtney
Kathy Cruz
Rhett Currier
Margaret A. Dwyer
Pam Foy
Lynn Gallagher
Linda Garber
Emily L. Gochis
Leslee Hamilton
Mark Hartman
Sheryl I. Harris
Chris Hawkins
Ruth Herring
H. Nona Hungate
Burke Keegan
Kate Kendell
Clarissa C. Kripke
Ana Linder
Jan Medina
Marcia Munson
Joyce Nordquist
Angela Padilla
Janet L. Phillips
Sina Pierret
Andi Polisky
Lynn Riordan
Ronnie Sandler
Bev Scott
Maryann R. Simpson
Deborah Ann Smith
Sue Sponnoble
Peg Van Camp
Camille Wojtasik
and Kristen Jensen
Jan Zobel
Barbara S. Zoloth

--- Angela Padilla, Amy Silverstein, & Isabella Beatriz Padilla-Silverstein

“My partner Amy and I have been major donors to NCLR for many years and I was honored to serve on the Board. NCLR has been instrumental in creating a world in which my family can thrive, which is a great gift to us. I will continue to support NCLR for the rest of my life. I also want to provide financial security and continuity to NCLR after I’m gone so they can continue their ground-breaking legal work on behalf of all lesbians. I have left NCLR a bequest in my will, and I invite you to join me.”

—Angela Padilla

--- Judy Davis (r), who left NCLR a generous bequest, pictured with her partner Andi Polisky

“Judy supported many women’s organizations. NCLR, and Kate’s vision, were especially close to her heart, and she wanted to make sure she left you all that message.”

—Andi Polisky

NCLR is a national, lesbian-feminist, non-profit law firm with headquarters in San Francisco and a regional office in Tampa. Our mission is to create a world in which every lesbian can live fully, free from discrimination. Through impact litigation, public policy advocacy, public education, collaboration with other social justice organizations and activists, and direct legal services, we advance the legal and human rights of lesbians, gay men, and bisexual and transgender individuals across the United States. Each year we serve more than 4,000 clients in all fifty states. NCLR prioritizes serving those who historically have been marginalized: lesbians, immigrants, low-income people, lesbians of color, youth, elders, and transgender individuals. To increase our impact, NCLR works in close collaboration with other progressive colleague organizations throughout the country.
The National Center for Lesbian Rights’ docket pursues the agenda of lesbian civil rights in courts across the nation. Our advice and counseling service, providing free assistance to callers from across the country and technical assistance to attorneys, is a key component of NCLR’s litigation program. In addition to litigating impact cases through direct representation and amicus briefs, NCLR joins in briefs on issues of importance to lesbians that are authored by other organizations, and serves as co-counsel with firms at both the trial and appellate levels. Attorneys interested in providing pro bono assistance can contact NCLR Executive Director, Kate Kendall, Esq.

The Court’s decision in Lawrence reverses the Court’s 1986 decision in Bowers v. Hardwick, which upheld Georgia’s sodomy statute and appeared to place the imprimatur of the Court on millennia of anti-gay bias and discrimination. According to the majority opinion, “Bowers’ rationale does not withstand careful analysis....Bowers was correct when it was decided, and it is not correct today. It ought not to remain binding precedent. Bowers v. Hardwick should be and now is overruled.”

Lambda Legal represented the plaintiffs in the case. NCLR joined an amicus brief with a number of other civil rights groups supporting Lambda’s position in the case. To read the brief NCLR joined, see http://www.hrc.org/publications/eu/letters/lawrence_brief.pdf.

-Aamicus brief joined

NCLR is co-counsel for Sharon Smith, the surviving partner of Diane Whipple. Diane was tragically killed on January 26, 2001 as a result of a brutal attack by neighbors’ dogs. Smith is also represented by Michael Cardoza and Robert Lazo and the law firm of Heller Ehrman White & McAuliffe LLP.

On August 9, 2001, San Francisco Superior Court Judge A. James Robertson II held that Sharon Smith can bring a lawsuit for the wrongful death of her partner, Diane Alexis Whipple. This ruling marks the first time a court anywhere in the country has held that excluding all same-sex partners from the right to bring a wrongful death suit violates the constitutional principle of equal protection.

The dog owners, Marjorie Knoller and Robert Noel, also faced criminal charges and are currently serving sentences for involuntary manslaughter. In November 2002, Sharon reached a confidential settlement with the building owners. Her lawsuit against the dog owners is still pending and has been continued until they are released from prison.

- NCLR case

Sheila Ortiz-Taylor and Joy Lewis v. Westminster Oaks Retirement Community
Florida
Writ pending

In March 2003, NCLR filed discrimination charges against Westminster Oaks Retirement Community on behalf of Tallahassee residents Sheila Ortiz-Taylor and her life-partner Joy Lewis. Sheila and Joy were denied admission because they are a same-sex couple. They first applied for residency at Westminster Oaks in June 1999. Westminster Oaks denied their application, based on their policy of not permitting unmarried, non-related couples to live together in the facility. After reapplying in 2003, Lewis and Ortiz-Taylor were again denied. After exhausting all other avenues, they filed discrimination charges against the retirement community, alleging discrimination on the basis of sex, marital status and sexual orientation.

NCLR clients Sheila Ortiz-Taylor and Joy Lewis with granddaughter

On July 14, 2003, the Leon County Fair Housing Administrator determined that Westminster Oaks’ policy of prohibiting all non-married, non-related people from living together (which by definition precludes all same-sex couples from living together), does not discriminate on the basis of sexual orientation, marital status or sex and thus does not violate the County’s Fair Housing Code. NCLR is appealing this decision.

- NCLR case
Koebke v. Bernardo Heights Country Club  
California  
Appeal pending

B. Birgit Koebke and Kendall E. French are a lesbian couple who have been domestic partners for eleven years. Koebke joined the Bernardo Heights Country Club in 1987. Although she paid the same membership price for a family membership as heterosexual members of the Club, the Club refused to provide her partner with the same benefits it gives to the partners of married heterosexual members.

On behalf of Koebke and French, Lambda Legal sued the Bernardo Heights Country Club for refusing to provide them with the same membership benefits given to different-sex couples, and for allowing other members to harass and insult them for being a same-sex couple.

NCLR filed an amicus brief in the case, along with the Women’s Sports Foundation and the California Women’s Law Center, discussing the long and continuing history of discrimination against women by golf courses, and the political, professional, and business power that derives from golf course membership. To read the NCLR brief, see http://www.nclrights.org/cases/pdf/Koebke Amicus.pdf

-Aamicus brief filed

Kantararas v. Kantaras  
Florida  
Appeal pending

On February 23, 2003, Tampa Circuit Court Judge Gerard O’Brien issued a groundbreaking ruling in which he held Michael Kantaras, a transsexual man, was legally married to his former wife and is the legal father of the couple’s two children. This decision has now been appealed by Linda Kantaras, Michael’s former wife.

This highly publicized divorce and custody case was one of the first in the country to determine whether a transgender man has the right to marry and be a parent. Michael Kantaras was born female. He completed sex-reassignment in 1987 and married Linda Kantaras two years later. During their nine-year marriage, Michael and Linda raised two children together. The children are now 11 and 13 years old. Linda was aware that Michael is transsexual before she married him. During the divorce proceeding, however, Linda changed her position and asked the court to invalidate their marriage and to deny Michael any parental rights solely because he is a transsexual person. Collin Vause, a family law attorney in Clearwater, is co-counsel on the case.

- NCLR case

Mashburn v. Tampa Fire & Police Pension Fund et al  
Florida  
Writ pending

On July 6, 2001, Tampa police officer Lois Marrero became the first female police officer killed in the line of duty on the Tampa police force. She had been a police office for 19 years. Lois was survived by her partner of 11 years, Mickie Mashburn. In August, Mickie was denied Lois’s pension, which amounted to several hundred thousand dollars. If Mickie and Lois had been able to marry, Mickie automatically would have received the pension as a surviving spouse. NCLR is representing Mickie in her lawsuit challenging the pension board’s decision to deny her Lois’s pension.

- NCLR case

Whitmire v. Arizona  
Ninth Circuit  
VICTORY!

NCLR and Martha Matthews of the ACLU of Southern California represented Karl Whitmire in his challenge to an Arizona Department of Corrections policy prohibiting people of the same sex (other than immediate relatives) from embracing and kissing during visiting hours at the facility. The prison argued that the policy was necessary to protect inmates who, they claimed, would be in physical danger if they were seen hugging someone of the same sex. The Ninth Circuit rejected the Department’s argument. In a decision issued on August 12, 2002, the Ninth Circuit held that that the policy lacked any commonsense rationale, especially in the case of prisoners who are already openly gay and thus whose sexual orientation is already known. The ACLU of Arizona reached a favorable settlement on remand.

- NCLR case

MARRIAGE

Goodridge v. Dept. of Health  
Massachusetts  
Appeal pending

Gay and Lesbian Advocates and Defenders (GLAD) represent seven same-sex couples who are seeking the right to marry in Massachusetts. A state Superior Court judge ruled against the plaintiffs in May 2002, which prompted GLAD to appeal to the Massachusetts Supreme Judicial Court. The case was heard by the Court this spring, and will likely be decided in the fall of 2003. NCLR joined an amicus brief supporting the couples’ right to marry.

-Amicus brief joined

In re Marriage of Simmons  
Illinois  
Appeal pending

NCLR is representing Sterling Simmons, a transgender father in Chicago, in a marriage and custody case. Sterling and his former wife married in 1985 and had a child together in 1992 through alternative insemination. When Sterling filed for divorce in 1998, his wife counter-petitioned to have their marriage declared void and to terminate Sterling’s parental rights. In April 2003, the trial court granted her petition, ruling that Sterling is not legally male, was not legally married, and is not a legal parent. Sterling is appealing the decision to the Illinois Appellate Court. NCLR is representing Sterling on appeal, together with the Chicago firm of Lehrer and Redleaf. Chicago family law attorney Richard Wilson is also providing assistance on the case.

- NCLR case
PARENTING

Sharon S. v. Superior Court of San Diego County
California VICTORY!

In a resounding endorsement of second-parent adoptions, six of the seven California Supreme Court Justices reversed a decision of the California Court of Appeal from October 2001, which had created shock waves throughout the country by holding that the California adoption statutes do not permit second-parent adoptions.

The case began when Sharon’s partner, Annette, filed a petition for second-parent adoption of their youngest son. The parties broke up shortly before the adoption was finalized, and Sharon attempted to get the court to dismiss the adoption petition. When the court refused, Sharon appealed to the California Court of Appeal. On appeal, Sharon argued not only that this particular adoption should not be granted, but that the court should rule that all second-parent adoptions are invalid. Unfortunately, the Court of Appeal agreed and decided not only that Annette could not proceed with her petition, but also that second-parent adoptions generally are not valid in California.

On appeal, in a 6-1 decision, the California Supreme Court reversed this decision. Writing for the majority, Justice Werdegar held that “second-parent adoptions offer the possibility of obtaining the security and advantages of two parents for some of California’s neediest children.” Justice Werdegar also stressed the importance of providing legal protections and stability for children born to same-sex and other unmarried couples: “Unmarried couples who have brought a child into the world with the expectation that they will raise it together, and who have jointly petitioned for adoption, should be on notice that if they separate the same rules concerning custody and visitation as apply to all other parents will apply to them.”

Annette was represented on appeal by Charles Bird. NCLR filed an amicus brief in the case, and coordinated the filing of amicus briefs by other groups.

-Amicus brief filed

Sharon S. v. Superior Court II
California Appeal pending

This action arises out of the same facts described in the second-parent adoption case above. While the second-parent adoption case was pending before the California Supreme Court, the trial court, during a hearing on visitation, held that Annette F., the child’s non-biological parent, is a presumed parent under the California Uniform Parentage Act, without the need for an adoption. Sharon S. has appealed this ruling, and the case is currently pending before the California Court of Appeal. NCLR is representing Annette F. in this appeal.

-NCLR case

McGriff v. McGriff
Idaho Appeal pending

NCLR is representing Theron McGriff, a gay father in Idaho who lost joint legal and physical custody of his two children because of his sexual orientation. Prior to the divorce, Theron was the primary caretaker of the two children. After the divorce, which was initiated by Theron’s ex-wife, the parties agreed to share custody of the children. This arrangement continued until Theron became involved with a male partner, at which point his former wife petitioned for and received sole custody based solely on her argument that the children would be harmed by living with a gay father. To add insult to injury, the trial court also held that Theron can only have visitation with his children if he does not live with his partner. The Idaho Supreme Court has agreed to review the decision, which is expected to be heard this fall. In the meantime, the same trial court judge who issued the custody and visitation decision has ordered Theron to pay all of his wife’s attorney fees on the appeal. For more information on the case, see www.idahodad.org.

-NCLR case

Butler v. Harris
California Appeal pending

The issue in this case is whether California’s grandparent visitation statute unconstitutionally infringes on the rights of parents. NCLR filed an amicus brief with the ACLU of Southern California, the ACLU of San Diego, Legal Services for Children, and Professor Joan Hollinger urging the California Supreme Court to take same-sex parent families into consideration when deciding the constitutionality of the California grandparent visitation statute.

-Amicus brief filed

Kristine H. v. Lisa R.
California Appeal pending

Kristine H. and Lisa R. decided to have a child together using alternative insemination. Prior to the child’s birth, in September 2002, the birth mother asked a court to hold that both mothers were legal parents under the California Uniform Parentage Act. The court granted her request and issued a judgment declaring both women to be the child’s legal parents. After the child’s birth, both women raised her together. Two and a half years later, after the couple separated, the birth mother filed a lawsuit asking the trial court to vacate its prior judgment, which would mean that the other mother was not a legal parent. The trial court refused to do so, and the birth mother appealed. NCLR filed an amicus brief on behalf of the non-biological mother, arguing that she is a legal parent.

-Amicus brief filed

Fritz v. SSA
California VICTORY! in both proceedings

NCLR represented a lesbian mother whose child was denied social security benefits after the death of the child’s other parent, the mother’s partner. Prior to the second parent’s death, a court held that the deceased partner was a legal parent under the California Uniform Parentage Act. In a shocking display of homophobia and insensitivity to this grieving family, the Social Security
Administration refused to honor the court’s judgment based on the homophobic argument that a child cannot have two legal parents of the same gender. The Social Security Administration took this position despite the fact that federal law requires the Administration to defer to state law with regard to who is a legal parent. Fortunately, after a hearing before an Administrative Law Judge, the administration corrected its error and awarded the child survivor benefits.

In a separate action, the deceased woman’s parents filed for visitation and custody of the woman’s biological child despite the fact that the parents had cut off all contact with their daughter fourteen years ago and had never met their grandchildren. In January 2003, the trial court dismissed all of the grandparents’ claims and ordered them to pay the surviving mother’s attorney fees.

- NCLR case

**YOUTH**

Ashly Massey and her mother Amelia received NCLR’s Justice Award

Massey v. Banning Unified School District
California
Intermediate victory!

NCLR and Martha Matthews of the ACLU of Southern California are currently representing Ashly Massey, a lesbian student who was barred from gym class after her gym teacher learned of her sexual orientation. In December 2002, Ashly filed suit in federal court against the district as well as individual school officials for their conduct, alleging violation of the Equal Protection Clause, as well as various state claims including violation of California Student Safety and Violence Prevention Act of 2000 (AB 537).

In an early attempt to get the case dismissed, the district claimed it did not know that prohibiting Ashly from attending class was illegal. On March 31, 2003, federal district judge Audrey Collins resoundingly rejected this argument, characterizing it as “disingenuous,” and “entirely misguided,” and held that the law has been clearly established for several years that discrimination on the basis of sexual orientation gives rise to an Equal Protection claim.” The case is now proceeding towards trial.

- NCLR case

Youngblood v. School Board of Hillsborough County et al
Florida
Appeal pending

NCLR is representing Robinson High School Senior Nikki Youngblood in a federal lawsuit against a Florida school district for requiring all female students to wear an ultra-feminine scoop neck drape for their senior portraits, while allowing male students to wear a jacket and tie. Nikki and her mother informed school officials that Nikki did not feel comfortable wearing stereotypically feminine attire and requested that Nikki be exempted from wearing a drape. The school refused to honor her request. As a result, Nikki’s picture did not appear in the High School yearbook alongside those of her classmates. The suit alleges violations of state and federal constitutional provisions and sex discrimination laws. The case is on appeal to the Eleventh Circuit.

- NCLR case

Citizens for Parental Rights v. Novato Unified School District
California
INITIAL VICTORIES!
Case pending

In December 2001, several parents sued the Novato school district for presenting an age-appropriate anti-bias production entitled “Cootie Shots: Theatrical Inoculations Against Bigotry.” The presentation included skits illustrating the harmful effects of name-calling and strategies for coping with intolerance in a school setting. The parents claimed that showing the production violated their religious rights.

In June 2003, NCLR and the ACLU intervened in the lawsuit on behalf of Fringe Benefits, the theatre company that produced the program, and United for Safe Schools Novato, a local coalition of parents, students and organizations concerned with equality. These groups are intervening in the lawsuit to help the school district defend its right to educate children about the values of diversity and acceptance.

- NCLR case
and the team by one of the coaches. Andrea is a Southeastern Conference honor roll student and, according to teammates, an inspirational athlete.

-NCLR case

Hawai‘i Civil Rights Commission v. RGIS Inventory Specialist

Hawai‘i Appeal pending

In response to a request from the Executive Director of the Hawai‘i Civil Rights Commission, the Hawai‘i Civil Rights Commission issued a decision stating that the Commission has the power to investigate claims of employment discrimination filed by transgender people to determine “if sexual stereotyping and other forms of sex discrimination have occurred.” On appeal, the Hawai‘i circuit court reversed the Commission’s order. The case is now on appeal to the Hawai‘i Supreme Court.

NCLR is seeking to file an amicus brief, along with the Human Rights Campaign and Gay and Lesbian Advocates and Defenders, arguing that transgender people are protected under the Hawai‘i statutes prohibiting sex discrimination in employment.

-Amicus brief filed

For updates on NCLR’s docket please visit our Web site:
www.NCLRights.org

For free assistance in English and Spanish, call us at: (415) 392-6257 or (800) 528-6257

EMPLOYMENT

Coyne v. Bel-Aire Investments, Inc. and Donald F. Winter, Sr.

Florida

New case

NCLR joins cooperating attorneys Kendra Presswood and Margaret Laney in representing Peter Coyne in a sexual harassment suit against his former employer. Peter alleges that Don Winter, the President and owner of Bel-Aire investments, began groping and touching Peter in a sexually offensive way shortly after he began working there. Throughout Peter’s 14 months of employment, Winter bullied, manipulated, and denigrated Peter and subjected him to continued sexual harassment, including threatening to fire Peter if he refused Winter’s sexual demands. When Peter finally did refuse any further sexual contact, he was constructively discharged and then harassed and stalked by Winters. Peter is seeking damages to compensate him for the lost wages and severe mental anguish and emotional distress he suffered as a result of Winter’s unrelenting harassment.

-NCLR case

For updates on NCLR’s docket please visit our Web site:
www.NCLRights.org

For free assistance in English and Spanish, call us at: (415) 392-6257 or (800) 528-6257

Matrimonio en Canadá (cont.)

¿Hay otros países que permitan que las parejas homosexuales se casen?
Sí. Los Países Bajos y Bélgica también permiten que las parejas homosexuales se casen; sin embargo, ambos países tienen requisitos estrictos para establecer la residencia. En los Países Bajos, solamente las parejas en las cuales uno o una de ellos es un ciudadano de este país o en las cuales ambas personas residen en los Países Bajos se pueden casar. En Bélgica, solamente las parejas que viven en una jurisdicción que también permita el matrimonio homosexual se pueden casar.

¿Hay estados en los Estados Unidos que permiten que las parejas homosexuales se casen?

¿Qué tenemos que hacer para casarnos en Canadá?
Para casarse en Canadá, tendrás que obtener una licencia de matrimonio, localizar a una persona autorizada para realizar la ceremonia, y tener dos testigos presentes durante la ceremonia. No se requiere ninguna prueba médica. Para más información sobre los pasos prácticos implicados en casarse en Canadá, vea www.gov.on.ca/MBS/english/myontario/oweb/married.html o www.info Niagara.com/services/weddings/falsview/faq.html#how

¿Si mi pareja y yo nos casamos en Canadá, nuestra unión será válida en los Estados Unidos?
Sí, su unión será válida; sin embargo, las leyes discriminatorias de los Estados Unidos aún aplicarán. Algunos estados y gobiernos locales reconocerán su unión, por lo menos para algunos propósitos. Otros no. La misma pasa en las empresas.
privadas y los negocios. Además, en 1996, el congreso decretó una ley que indicaba que para todo el propósito federal, el término "matrimonio" significa solamente una unión entre un hombre y una mujer. Debido a esta ley, el gobierno federal rechazará casi ciertamente su unión.

En términos prácticos, esto significa que a plazo corto, las parejas del mismo sexo que se casan en Canadá y regresen a los Estados Unidos enfrentarán muchas preguntas legales e incertidumbres. Puede ser que usted y su pareja sean tratados como casados por algunas entidades gubernamentales y como solteros por otros, creando otros problemas.

El casarse es una decisión profundamente personal. Las parejas pueden elegir casarse o no casarse por muchas razones diversas. Si su razón por casarse en Canadá es ganar los protecciones legales en los Estados Unidos, usted debe estar enterado que su unión no será reconocida completamente aquí y muy probablemente no será reconocida por el gobierno federal.

¿Si mi pareja y yo nos casamos en Canadá y más tarde deseamos separarnos, cómo obtenemos un divorcio legal?

Si vives en un estado que honre tu matrimonio, también podrías solicitar el divorcio en ese estado. Si vives en un estado que no reconoce tu matrimonio, es dudoso que puedas obtener un divorcio. Para obtener un divorcio en Canadá, por lo menos una de las personas en la relación debe residir allí por un año antes de que una corte Canadiense tenga jurisdicción para conceder el divorcio. (Por otro lado, nota que no tienes que residir en Canadá para casarte allí.) Muchos estados tienen requisitos similares sobre la residencia para otorgar el divorcio.

Por lo tanto, aunque puedas identificar un estado de los Estados Unidos que les otorgue el divorcio a las parejas homosexuales, tendrás que moverte a ese estado para ser elegible para solicitar el divorcio allí. Esto puede ser una imposibilidad práctica para muchas parejas. Para resumir, algunas de las parejas que se casen en Canadá podrían encontrarse en una situación donde no será posible obtener un divorcio legal. Esto significa que aunque usted se separará de su pareja, su matrimonio seguirá siendo válido y usted continuará teniendo ciertos derechos legales y responsabilidades con respecto a cada uno de ustedes. Esta dificultad es otra razón por la que les recomendamos pensar muy cuidadosamente sobre la situación antes de viajar a Canadá para casarse.

Mi pareja es de otro país. ¿Si nos casamos en Canadá esto permitirá que ella permanezca en los Estados Unidos?

No, y dependiendo de sus circunstancias, el casamiento en Canadá aún puede conducir a la deportación de su pareja de los Estados Unidos. Bajo la ley federal llamada la "Defensa del Acto del Matrimonio," el gobierno de los Estados Unidos no reconocera matrimonios entre parejas del mismo sexo, no importa dónde se deceten. Debido a esta ley, la oficina de los Servicios de Ciudadanía e Inmigración (BCIS, conocida antes como el INS) no honrará su matrimonio a su pareja. Por consiguiente, si tu pareja está aquí con una visa de no-inmigrante, el BCIS puede utilizar el hecho de haberse casado en Canadá para deportarla, ya que esto les demostraría que ella no tiene intención de regresar a su país de origen.

El matrimonio es especialmente peligroso para las parejas binacionales del mismo sexo. Antes de tomar cualquier decisión sobre el matrimonio, consulta a un abogado competente que tenga experiencia en casos de inmigración, que esté bien informado sobre las reglas que afectan a personas LGBT (lesbiana, gay, bisexual, y transgénero) y que les dé atención personal sobre su situación. Para más información sobre esto y otros temas relacionados a la inmigración, vea www.lgirf.org y www.loveiseesnborders.org.

¿Mi empresa reconocerá mi matrimonio? Algunas empresas sí; otras no.

¿Si mi empresa rechaza honrar mi matrimonio, tengo recurso legal? Dependiendo del lugar donde vive, usted puede tener cierta base jurídica para obligar a su empresa que le trate igualmente como a los otros empleados casados. No importando el lugar donde usted vive, es casi siempre mejor agotar cada remedio posible antes de presentar un pleito contra su empresa. El litigio es costoso, estresante, lleva mucho tiempo, y frecuentemente no asegura los resultados deseados. Antes de ir por esta ruta, considere otras opciones, como hablar con su empresa, unirse con otros empleados para educar a la empresa, o tratar con su unión de empleados para negociar el reconocimiento de igualdad de subsidios para todos los empleados, sin importar estado civil u orientación sexual. Si usted encuentra problemas con su empresa y quisiera nuestra ayuda, contactenos por favor, al 415-392-6257 o info@nclrights.org. Para más información sobre temas del lugar de trabajo, vea www.prideatwork.org.

¿Si mi pareja y yo nos casamos en Canadá, somos requeridos presentar impuestos juntos, federales y del estado?

La respuesta verdadera a esta pregunta es que nadie sabe. Mientras que hay muchas incertidumbres legales para las parejas del mismo sexo que se casan en Canadá, cómo ocuparse de impuestos es probablemente el área de más incertidumbre. Por un lado, las parejas casadas deben legalmente pagar impuestos como una pareja casada: si usted está casado, presentar sus impuestos como soltero es ilegal. Por otra parte, la ley federal actual prohíbe el gobierno federal de respetar la validez de matrimonios entre las personas del mismo género. Además, muchos estados requieren que usted utilice la misma clasificación de estado civil para sus impuestos del estado que usted utiliza para sus impuestos federales. Esta situación crea una situación donde nadie gana para las parejas del mismo sexo que se casan en Canadá.

Desde una perspectiva legal, no hay respuesta clara a este dilema. Algunos expertos legales están recomendando que las pare-

(Continued on page 14)
Matrimonio en Canadá (cont.)

jas del mismo sexo que se casan en Canadá presentan como solteros (o, cuando sea apropiado, como cabeza de familia), pero que indican que están casados a una persona del mismo sexo por medio de una carta de cubierta. Otros están recomendando que las parejas del mismo sexo presenten dos tipos de impuestos (uno como dos solteros, y otro como una pareja casada), pagar la que sea más alta (para evitar penas de impuesto), e incluir una carta de cubierta explicando que ustedes son una pareja casada del mismo sexo, y están procurando cumplir con todas las leyes federales aplicables. Otros están recomendando que parejas casadas del mismo sexo presenten como solteros pero mandar una carta de cubierta indicando que se casaron en Canadá, y después presentar para un reembolso (si es apropiado), a causa de que están casados y deben ser tratados como casados - reconociendo, sin embargo, que no es probable que el gobierno federal aceptará este argumento. En cualquier plan de acción que usted tome, habrá un cierto riesgo legal. Antes de tomar una decisión sobre esta cuestión, usted debe consultar con un abogado de los impuestos o con un contable si usted puede permitirlo hacerlo.

¿Si mi pareja y yo nos casamos en Canadá y después tenemos niños, nosotros dos seremos padres legales?
La respuesta depende en si usted vive en un estado que respete la validez de su matrimonio. Si es así, entonces ambos de ustedes son considerados los padres legales bajo las leyes de la mayoría de los estados. Aunque sí eso es el caso, sin embargo, usted SIEMPRE debe consultar con un abogado de la ley de la familia en su estado y conseguir un decreto de corte indicando que ustedes dos son los padres legales. Si usted no vive en un estado que respete la validez de su matrimonio, o si esta pregunta no está clara en su estado, usted no debería confiar en su matrimonio para asegurar los derechos parentales. El curso más seguro - sin importar si están casados o no - es consultar a un abogado con experiencia en la ley de la familia en su estado, y tomar todas las medidas necesarias para dar a ambos padres lo máximo de las protecciones legales. Para más información sobre las leyes que afectan a padres LGBT en su estado, contacte NCLR en 415-392-6257 o info@nclrights.org.

¿Si mi pareja y yo nos casamos en Canadá, deberíamos describirnos como casados en las solicitudes para empleo, el seguro médico, el seguro de coche, el crédito, las hipotecas, etc.?
Sí, por supuesto. Están casados legalmente, y ustedes deberían describirse así. Pero deben estar enterados de que todavía existen leyes y prácticas discriminatorias en todas estas áreas. Así, la realidad de que están casados legalmente no necesariamente les garantizará que las empresas, los aseguradores, las compañías de crédito, las compañías de hipoteca, etc. les otorgaran los derechos de una pareja casada. Si usted encuentra problemas en estas áreas, contacte a NCLR u otra organización legal LGBT para consejo.

¿Si mi pareja y yo nos casamos en Canadá, afectará mi elegibilidad para obtener subsidios públicos o para pension de un matrimonio previo?
Sí. Si están casados legalmente, es probable que la renta de su pareja sea considerada en calcular si usted tiene derecho a sub-

sídos públicos. Esto puede ser verdad aún si su matrimonio no está respetado por otros usos. Y también es probable que usted no tendrá derecho a pension de un matrimonio previo.

¿Cómo puedo averiguar si mi ciudad o estado honrará mi matrimonio?
Desafortunadamente, no hay manera simple de estar seguro de cuales ciudades y estados honrarán su matrimonio y cuales no. Además, algunas jurisdicciones tal vez honrarán su matrimonio para algunos usos, pero no para otros. Hablando generalmente, las localidades y los estados con leyes y políticas homofobicas son menos probables a respetar su matrimonio, y viceversa. Para más información sobre las leyes que afectan parejas del mismo sexo en ciudades y estados específicos, contacte NCLR en 415-392-6257 o info@nclrights.org.

¿Si mi pareja y yo nos casamos en Canadá, debemos también tomar otras medidas para protegernos?
Sí. Aún si usted y su pareja están casados, deberían crear una red de seguridad para ejecutar documentos adicionales que les protegerán lo máximo posible, en caso de que su matrimonio sea cuestionado o no sea respetado. Por lo menos, ustedes deben tener un testamento, poderes de abogado para el cuidado médico y las finanzas, y un acuerdo de asociación. Para más información, consulte las CUERDAS DE SALVAMENTO: DOCUMENTOS PARA PROTEGERLELES A USTED Y SU FAMILIA EN ÉPOCAS DE PROBLEMAS, la nueva publicación de NCLR que tiene los documentos de la protección de la asociación, disponibles en www.nclrights.org.

Cuando es posible, las parejas con niños deberían también obtener adopciones o decretos de corte de familia. Cuando estas cosas no están disponibles, las parejas deben consultar con un abogado de la ley de la familia para proteger a ambos padres lo máximo posible bajo las leyes de su estado. Para más información sobre leyes de adopción y familia en su estado, contacte a NCLR en 415-392-6257 o info@nclrights.org.

¿Si mi pareja y yo nos casamos en Canadá y después encontremos discriminación en los Estados Unidos, qué deberíamos hacer?
Es casi cierto que las parejas del mismo sexo que se casan en Canadá y regresan a los Estados Unidos encontrarían por lo menos un poco de discriminación en las empresas, negocios, o entidades gubernamentales. Usted puede protegerse en cierto grado al estar preparado a educar, abogar, y trabajar con otros en su comunidad para cambiar políticas y prácticas discriminatorias. En la mayoría de los casos, presentar un pleito no es la estrategia más eficaz, ni para proteger a su familia, ni para cambiar la ley. Para obtener materiales de educación, ideas sobre la igualdad de matrimonio, y consejos sobre cómo abogar por usted mismo, contacte a su grupo estatal LGBT o uno de los grupos nacionales de la defensa, tales como Libertad a Casar (www.freedomtomarry.org), La Campaña por Los Derechos Humanos (www.hrc.org), el Nacional Destacamiento Especial de Gays y Lesbianas (www.ngltf.org), o NCLR (www.nclrights.org). Si usted está considerando presentar un pleito, contacte a NCLR (www.nclrights.org) o otro grupo legal LGBT para ayuda.
NCLR: Changing Laws, Changing Policies (cont.)

Title IX:
On July 11, 2003 the Department of Education issued a statement reaffirming the current Title IX regulations and guidance on athletic policies, and strongly reaffirmed “its commitment to equal opportunities for girls and boys, men and women.” This move follows attacks on Title IX athletics policies, as the Department of Education considered weakening these protections. NCLR worked in collaboration with leading women’s and sports organizations to oppose proposed changes that would have gutted Title IX.

Marriage in Canada (cont.)

How can I find out whether my city or state will honor my marriage?
Unfortunately, there is no simple way to be sure which cities and states will honor your marriage and which will not. In addition, some jurisdictions may honor your marriage for some purposes, but not for others. Generally speaking, localities and states with homophobic laws and policies are less likely to respect your marriage, and vice-versa. For more information on laws affecting same-sex couples in specific cities and states, contact NCLR at 415-392-6257 or info@nclrights.org.

If my partner and I marry in Canada, should we also take other steps to protect ourselves?
Yes. Even if you and your partner marry, you should create a safety net by executing additional documents that will protect you to the greatest extent possible in the event that your marriage is challenged or not respected. At a minimum, you should have a will, powers of attorney for health care and finance, and a partnership agreement. For more information, consult LIFELINES: DOCUMENTS TO PROTECT YOU AND YOUR FAMILY IN TIMES OF TROUBLE, NCLR’s new publication on partnership protection documents, available at www.nclrights.org. Where possible, couples with children should also secure adoptions or court decrees of parentage. Where these are not available, couples should consult with a family law attorney to protect both parents to the extent possible under your state’s laws. For more information on adoption and parentage laws in your state, contact NCLR at 415-392-6257 or info@nclrights.org.

If my partner and I marry in Canada and then face discrimination in the U.S., what should we do?
Same-sex couples who marry in Canada and return to the U.S. are almost certain to face at least some discrimination from employers, businesses, or governmental entities. You can protect yourself to some degree by being prepared to educate, advocate, and work with others in your community to change discriminatory policies and practices. In most cases, filing a lawsuit is not the most effective strategy, either for protecting your family, or changing the law. For education materials, talking points about marriage equality, and tips about how to advocate for yourself, contact your statewide LGBT group or one of the national advocacy groups, such as Freedom to Marry (www.freedomtomarry.org), the Human Rights Campaign (www.hrc.org), the National Gay & Lesbian Task Force (www.ngltf.org), or NCLR (www.nclrights.org). If you are considering filing a lawsuit, contact NCLR (www.nclrights.org) or another LGBT legal group for assistance.
We thank Gala Co-chairs Betsy Allen and Lesley Weaver, and our hardworking Gala Committee, for their fabulous leadership!

SAVE THE DATE
SATURDAY, APRIL 24, 2004
27TH ANNIVERSARY GALA
DINNER DANCE - SAN FRANCISCO

Join us for our legendary Gala – the hottest lesbian event in the country! Celebrate and support our groundbreaking legal work in the company of 1,800 lesbians, and our friends and allies. Mark your calendars now, reserve your space early, and dust off your dancing shoes – it’s going to be a fine party! For more details please visit www.nclrights.org.

NCLR Launches 2003 Major Gifts Campaign
Challenge grants inspire new and increased gifts

We are proud to announce that the Evelyn & Walter Haas, Jr. Fund and Ambassador James C. Hormel have both provided generous challenge grants to inspire new and increased gifts from individual donors. We invite you to participate and increase the impact of your donation this fall.

Gala Co-chairs: Kelly Dermody (l) & Deborah Dixon

Major Gifts Co-chairs (l-r): Maryann Simpson, Akaya Windwood, & Sonni Zambino