Reflections on History: NCLR and clients share their story

On March 4, 2008, the California Supreme Court heard oral argument in In re Marriage Cases, in which same-sex couples in California are seeking the freedom to marry. After four years of litigation, the case is now in the hands of the California Supreme Court.

The case began in 2004 when San Francisco Mayor Gavin Newsom began issuing marriage licenses to same-sex couples in San Francisco. After four weeks and over 4,000 marriages, the California Supreme Court ordered the city to stop issuing licenses, and NCLR and the City of San Francisco filed lawsuits challenging the constitutionality of denying marriage to same-sex couples. NCLR’s legal team includes Lambda Legal, the ACLU of Northern California, Heller Ehrman White & McAuliffe LLP, and the Law Office of David C. Codell. NCLR represents Equality California, Our Family Coalition, and more than a dozen same-sex couples.

On March 4, 2008, NCLR Legal Director Shannon Minter argued in front of California’s highest court in the last legal leg of this historic journey. It was an intensely emotional day for many. There is no better way to convey the gravity of that day than through the words of the people who were there.

The following are reflections from Kate Kendell and two of the plaintiff couples.

Kate Kendell, Executive Director:

By the time you read this, we may have a ruling from the California Supreme Court deciding if lesbian and gay couples will be permitted to marry in California. The Court heard oral argument in the case on March 4 in San Francisco. It was a remarkable, unforgettable, exhilarating day. The case on behalf of our couples was eloquently argued by NCLR Legal Director Shannon Minter. He was extraordinary, laying out our case on behalf of the couples we represent with brilliant poignancy, clarity, and humanity. Terry Stewart, arguing on behalf of the City and County of San Francisco, was, likewise, a model of intellect and articulation.

The Court was engaged and involved in the argument at a level I have rarely seen in any appellate argument. It is impossible to predict the outcome, but it is clear that the members of the California Supreme Court did their homework—
Dear NCLR Champion:

It may be age, it may be that I need to hit the bike more often, but more likely the reason I am feeling short of breath so often these days is due to the sheer enormity of this moment in our history and the challenges and opportunities that lie ahead. It is also fair to say that the oral argument in our marriage case and the awesome advocacy of NCLR’s own Legal Director, Shannon Minter, took my breath away. And even as we await a ruling, we are facing down the real threat of an anti-marriage constitutional amendment in California in November.

You will read more about the argument in these pages; you will also read a moving call to action by our Youth Project Director, Jody Marksamer, on the tragic and wholly preventable death of 15-year-old Lawrence King at the hands of a 14-year-old classmate. Hearing about Larry’s life and death surely will knock the wind out of anyone. We must commit to making our public schools places of safety and empowerment, rather than places where LGBT youth are demeaned and terrorized.

We have also included an update on our ongoing cases and program work, and a sweet and inspiring profile of two of our beloved donors. It is only because of their support and that of donors like you that we exist. Everything we have done in our 31 years builds to the next historic moment and none of our milestone achievements would be possible without you—now that is breathtaking.

Warmly,

Kate

---

BOARD OF DIRECTORS
Angela Brown, Esq.
Dora J. Dome, Esq., Treasurer
Emily Doskow, Esq., Secretary
Paula S. Jones, Esq.
Kristina Militante
Michelle Ortiz
Rachel Joyce Robasciotti, FP, Vice-Chair of Policy
Donna Ryu, Esq., Co-Chair
Olga Talamante, Co-Chair
Minna Tao
Akaya Windwood

STAFF
Jennifer Barth
Office Manager
Leanna Blankenship
Development Associate & Database Coordinator
Noemi Calonje
Immigration Project Director
Helen J. Carroll
Sports Project Director
Azael Chávez Laria
Project Assistant
Lisa Cisneros, Esq.
Pride Law Fellow
Calla Devlin
Director of Communications
Vanessa Eisemann, Esq.
Senior Staff Attorney
Iain Finlay
Manager of Finance and Administration
Kris Hermanns
Director of Development
Melissa Higuchi
Development Assistant
Kate Kendell, Esq.
Executive Director
Jody Marksamer, Esq.
Staff Attorney & Youth Project Director
Shannon Price Minter, Esq.
Legal Director
Liz Terry
Program Associate
Ilona Turner
Staff Attorney
Dena Zaldúa-Hilkene
Manager of Annual Giving

SPRING 2008 LAW CLERKS
Angela Clements
Shin-Ming Wong
Vanessa Zinn

NATIONAL ADVISORY COUNCIL
Roberta Achtenberg, Esq. - CA
Carol Alpert - NY
Susan A. Gore - TX
Joyce Hunter - NY
Surina Khan - CA
Phyllis Lyon and Del Martin - CA
Lory Masters - TX
Raquel Matas, Esq. - FL
Nancy Polikoff, Esq. - DC
Ruthann Robson, Esq. - NY
Abby R. Rubenfeld, Esq. - TN
Carmen Vazquez - NY

NATIONAL ADVISORY BOARD
Kate Clinton - NY
Yesenia Leon - FL
Fiona Martin - CO
Barbara Russo - NY
Eileen Scallen, Esq. - MN
Jill Schlesinger – NY
Lesley Weaver, Esq. - PA
A Special Kind of Election!

Are you a member of Working Assets or CREDO Mobile? Then take a moment to VOTE!

For the first time, the National Center for Lesbian Rights has been chosen as a Working Assets donations recipient. We are one of only 50 nonprofits across the country that will receive a portion of the donations that Working Assets raises from its customers.

By filling out the Working Assets 2008 Donations Ballot, you can vote to allocate this year’s funding to NCLR. The distribution of funds is determined solely by how many votes we receive. The more votes we get, the more funding we get. It’s that simple.

Voting is easy. Simply go to www.workingassets.com/vote.

Since 1985, Working Assets members have raised over $50 million for worthy groups like ours. Working Assets offers mobile, long distance, and credit card services that donate a portion of customers’ charges to progressive organizations, at no extra cost.

If you’re not a member of CREDO Mobile, join today by going to www.credomobile.com so you can help increase donations to NCLR.

Thanks for participating!
Ya que la juventud LGBT está saliendo del closet a edades más tempranas que antes, es vital que nuestras escuelas tomen una actitud de aceptación hacia todos, sin importar la orientación sexual o la identidad o expresión de género del estudiante.

A la edad de 15 años, Lawrence (Larry) King se identificaba abiertamente como homosexual. A veces, para ir a la escuela, se ponía maquillaje, joyas y botas de tacones altos. Como muchos otros jóvenes LGBT, Larry era víctima de burlas y hostigamiento a manos de los otros estudiantes debido a su identidad de género y por ser gay.


Ya que la juventud LGBT está saliendo del closet a edades más tempranas que antes, es vital que nuestras escuelas tomen una actitud de aceptación hacia todos, sin importar la orientación sexual o la identidad o expresión de género del estudiante.

Ya que la juventud LGBT está saliendo del closet a edades más tempranas que antes, es vital que nuestras escuelas tomen una actitud de aceptación hacia todos, sin importar la orientación sexual o la identidad o expresión de género del estudiante. De una manera proactiva, las escuelas deben crear un ambiente que promueva un ambiente seguro para que todos los jóvenes puedan aprender. El primer paso necesario en combatir esta violencia está en pasar leyes que previenen el acoso y la violencia en las escuelas, como por ejemplo el Acta del 2000 Para la Prevención de la Violencia y la Seguridad de Todos los Estudiantes de California (California Student Safety and Violence Prevention Act of 2000). Pero esto no es suficiente. Aún en estados como California, donde tenemos protecciones legales que son fuertes, la violencia contra los estudiantes LGBT ocurren muy frecuentemente. Además de establecer leyes y regulaciones, maestros y administradores deben de ser muy bien entrenados y capaces de responder al hostigamiento de una manera efectiva. También tenemos que asegurarnos de que las escuelas les están enseñando la tolerancia y el respeto a todos los estudiantes.

Desde 1993, El Proyecto de Jóvenes de NCLR ha tomado un papel principal en abogar por la seguridad de toda la juventud LGBT para que puedan vivir abiertamente y puedan alcanzar su potencial total. Ayudamos a escribir y pasar leyes que prohíben la discriminación y el hostigamiento a base de la orientación sexual o identidad de género tanto en las escuelas, como en los hogares sustitutos y en el sistema de justicia juvenil. Entrenamos a trabajadores sociales, maestros, padres de hogares sustitutos, abogados y administradores para que sepan proteger a la juventud LGBT que está bajo su cuidado y también puedan crear un ambiente que promueve la aceptación. También educamos a la juventud para que ellos mismos sepan sus derechos y puedan exigir que los adultos responsables de ellos los traten de una manera justa y respetuosa como se lo merecen y como es requerido por la ley.

Sabemos que nuestro trabajo ha causado una diferencia en la vida cotidiana de los jóvenes LGBT, permitiendo que innumerables jóvenes LGBT vivan una vida auténtica libre de la violencia y discriminación. Podemos acercarnos más a esta meta si trabajamos juntos para crear comunidades que valoran y acepten a todas las personas jóvenes. Ésta es una meta alcanzable pero difícil de lograr, pero aún así es lo menos que le debemos a Lawrence King.
Keeping All Youth Safe
by Jody Marksamer, NCLR Youth Project Director

Fifteen-year-old Lawrence (Larry) King identified as openly gay. Sometimes he wore make-up, feminine jewelry, and high heeled boots to school. Like many other LGBT youth, Larry was the target of ridicule and harassment by classmates for his gender expression and for being gay.

In Larry’s case, the harassment escalated to a deadly level. On February 12, 2008, Larry King was murdered by a 14-year-old classmate who had previously harassed Larry because he was gay. Larry was shot twice in the head at E.O. Green Junior High in Oxnard, California. We all are shocked, angry, and deeply saddened by this tragedy. Our hearts and thoughts go out to the many people who loved and supported Larry.

It is a tragedy when a young person loses their life, especially as violently and senselessly as Larry King did. We have a responsibility to our children and their children to change the culture of violence and intolerance so there are no more deaths at the hands of those who hate or fear us.

With LGBT youth coming out at younger ages, it is vital that our schools embrace everyone, regardless of their sexual orientation or gender identity or expression. Schools must proactively create environments that provide all young people with a safe place to learn. Passing laws aimed at preventing harassment and violence in schools, like the California Student Safety and Violence Prevention Act of 2000, is a necessary starting point. But it’s not enough. Even in states like California, where there are strong legal protections, violence against LGBT students happens too often. In addition to laws and policies, teachers and administrators must be well-trained and able to respond to harassment in an effective way. We must also ensure that schools teach all students tolerance and respect.

Since 1993, NCLR’s Youth Project has worked to ensure that all LGBT young people can be safe, live openly, and reach their full potential. We help to write and pass laws that prohibit discrimination and harassment based on sexual orientation and gender identity in schools, foster care, and juvenile justice systems. We train social workers, teachers, foster parents, lawyers, and administrators on how to protect the LGBT youth in their care and support environments that foster acceptance. And we empower young people to know their rights and demand that the adults responsible for their care treat them fairly and with the respect they deserve and that the law requires.

We know our work is making a difference for LGBT youth everyday, allowing countless LGBT young people to live authentic lives free of violence and discrimination. We can move even closer to this goal if we commit to work together to create communities that value and embrace all young people. This is an audacious goal, but it is the very least we owe Lawrence King.

You can find out more about NCLR’s Youth Project and our work on behalf of LGBT youth at www.nclrights.org/youth.
Una Victoria Agridulce

Para muchos inmigrantes LGBT, el pedir asilo en los Estados Unidos es la única manera de poder escapar una situación peligrosa. Muchos inmigrantes LGBT son víctimas del hostigamiento simplemente por su orientación sexual o su identidad o expresión de género y la amenaza de violencia es algo muy real. NCLR está luchando para que este proceso tan difícil y peligroso sea un poco más tolerable para los innumerables inmigrantes LGBT que necesitan ayuda.

El caso de ZK es una de las victorias de asilo más recientes de NCLR. Hace 56 años, ZK nació en una familia Pakistání muy pobre. Cuando tenía 12 años de edad empezó a trabajar para el empleador de su madre y continuó bajo servidumbre toda su juventud.

ZK se dio cuenta de que era diferente a sus compañeras cuando conoció a una joven a la cual se sintió inmediatamente atraída. Tuvo miedo de decir algo porque temía que los otros no fuesen a aprobar su conducta o peor que la despideran o fuese sujetada a una golpiza. Para evitar cualquier problema ella optó por ignorar sus sentimientos y actuar de la manera que todos esperaban.

A los 36 años de edad, ZK adoptó una niña y finalmente logró ser la madre que ella siempre había soñado ser. El ser una madre soltera era algo extremadamente difícil y solitario pero ZK trabajó incansablemente para proveer por su hijita.

En 1995, ZK conoció a una mujer, SM, y se enamoró de ella. Al tener que enfrentar la homofobia y la violencia tan real que existe contra las lesbianas en Pakistán, ellas no tenían ninguna opción más que vivir su vida en secreto, especialmente porque había un hombre el cual estaba interesado en casarse con SM. Cuando SM rechazó la propuesta de matrimonio de este hombre dos veces, él empezó los rumores sobre estas dos mujeres. Los vecinos empezaron a llamarlas ‘perversas, sucias y corruptas’. En un país como Pakistán, donde la homosexualidad es considerada un delito y las familias tienen el derecho de llevar acabo un homicidio por motivos de honor contra un miembro de la familia que sea gay o lesbiana. ZK y su pareja sabían que estaban en una situación terriblemente difícil y peligrosa.

ZK sufrir golpizas y fue amenazada muchas veces. Su familia también la abandonó a medida de que los rumores sobre su sexualidad empezaron a difundirse. Al encontrarse en una situación insoportable y volátil, ZK no tuvo ninguna otra opción más que abandonar a su hija y su pareja y huir a los Estados Unidos. Al llegar a los Estados Unidos, recibió noticias de que su familia había prometido llevar acabo un homicidio por motivos de honor si algún día ella fuese a regresar a Pakistán. No tuvo ninguna otra opción más que quedarse en los Estados Unidos.

En Agosto 2007, después de nueve meses en los Estados Unidos, ZK se encontraba extrañando a su familia y su hogar. Fue referida a NCLR por unos amigos. Inmediatamente NCLR tomó su caso y la petición de asilo de ZK fue otorgada en Enero 2008.

Ésta es una historia de victoria para ZK, una victoria que tiene que ser celebrada, pero aún así es también una historia manchada por la pena y dolor. ZK está segura ahora y también está tratando de traer a su hija a los Estados Unidos, pero es muy probable que ella no vuelva a ver a su pareja nunca más.

Para saber más sobre el trabajo innovador del Proyecto de Inmigración de NCLR y ver como las vidas de otras personas se han salvado por favor visite www.nclrights.org/immigration.
A Bittersweet Victory

For many LGBT immigrants, seeking asylum in the United States is the only way out of a dangerous situation. Many LGBT immigrants have been targets of harassment simply because of their sexual orientation or gender identity and expression, and the threat of violence is all too real. NCLR is working hard to make this difficult and dangerous process more manageable for the countless LGBT immigrants who need help.

NCLR’s most recent asylum victory is that of ZK. ZK was born in Pakistan 56 years ago to a very poor family. When she was twelve, she began working for the family that employed her mother and spent her teen years and young adulthood as a servant.

ZK realized she was different from her peers when she met a young girl to whom she was immediately attracted. She was afraid to say anything because she knew people would disapprove, or worse—fire her or subject her to physical attack. So she tried to ignore her feelings and act as she knew everyone expected.

At 36, ZK adopted a baby girl, and finally became a mother as she had always dreamed. Being a single mother was extremely difficult and lonely, but ZK worked tirelessly to care for her daughter.

In 1995, ZK met a woman, SM, and they fell in love. Faced with homophobia and the very real threat of anti-lesbian violence in Pakistan, they had no choice but to live secretly, especially because there was a man who was interested in marrying SM. When SM rejected his proposal twice, he started spreading rumors about the two women. Their neighbors called them “evil, dirty, and corrupted.” In a country like Pakistan, where homosexuality is a crime, and families have a right to carry out honor killings against gay or lesbian family members, the women knew their situation was dire.

ZK was beaten and threatened several times, and her family turned their back on her as rumors about her sexuality spread. Finding herself in an unbearable and volatile situation, ZK was forced to abandon her daughter and partner and flee to the U.S. After reaching the U.S., she received news that her family had vowed to kill her if she ever came back to Pakistan. She had no choice but to stay in the U.S.

In August 2007, after nine months in the U.S., heartbroken and homesick, ZK was referred to NCLR by family friends. NCLR immediately took her case and ZK’s asylum petition was granted in January 2008.

This is a life-saving victory for ZK, a victory to be celebrated, but one tainted with sorrow and heartbreak. ZK is safe now, and is trying to bring her daughter to the U.S. However, it is unlikely she will ever see her partner again.

You can find out more about NCLR’s groundbreaking Immigration Project and our other life-saving cases at www.nclrights.org/immigration.

“In a country like Pakistan, where homosexuality is a crime, and families have a right to carry out honor killings against gay or lesbian family members, the women knew their situation was dire.”
This was taken by a bank photographer in 1979. As a promo for a new bank, they were offering a free safety deposit box for life along with a family portrait. When Judy and Susan showed up for their family portrait, the bank raised a stink and they really had to assert themselves to get the bank to consider them a family. But they finally convinced them.
Getting to Know You: A Conversation with Members of the NCLR Family

NCLR is blessed to have a strong and generous family of individual donors who are the foundation of support for the life- and law-changing work we do. And just who are these individual donors? We wanted to know, so we had a conversation with Judith Harte and Susan Ellard, who have been a part of the NCLR family since our inception in 1977! We are thrilled to get to know these Anniversary Circle and Friebe Legacy Circle members better.

How did you meet?

JUDY: On March 28, 1977 a friend of mine convinced me to drive to Chico (really the Feather River Canyon) to meet a “really cool” friend of hers who lived up in the “hydro country” and worked for PG&E. That was the beginning of the best thing that ever happened to me—I met Susan, my partner for life.

SUSAN: On March 28, 1977, an old girlfriend came to visit me in my isolated hamlet (pop. 3). She brought Judy with her, and it was love at first conversation for me. Judy lived in Albany and I lived in Storrie, a 3.5 hour driving distance, and we took turns commuting every weekend. On July 17, 1977 we made our commitments to each other on a giant rock in the middle of the Feather River, hereafter known to us as Engagement Rock. (We are still awaiting our marriage rites.) On April 1, 1978, we decided that the driving was too much and we moved me to Albany, and yes, in a U-Haul.

When and how did you first hear about NCLR?

JUDY: I don’t remember when I first heard about NCLR. I was aware of it and I think I got stuff in the mail about it. Then, one year Susan and I decided to cough up the big bucks and go to the Gala. It was “for a good cause” and we were able to afford it. I believe that was in 2001.

SUSAN: I got a mailing from the Lesbian Rights Project in 1978 (I think), and I sent in $5.00 in order to receive the newsletter, and I’ve been on the mailing list since then. I was very interested in an organization that would somehow, some way, some day get me some equal rights.

What inspired your first gift to NCLR?

JUDY: The program at the first Gala (and every one since then too) totally inspired me. I was very proud to be a small part of the organization, a supporter. I was deeply moved by the work being done by NCLR. It made me proud to be a lesbian. I also liked being a part of the community. I wanted to keep it going and growing.

SUSAN: I think it was September 23, 2000 that we registered as domestic partners. To celebrate this, we decided to attend the NCLR Gala in 2001. This was our 24th anniversary celebration, and it happened to be NCLR’s 24th anniversary also. After 24 years of dodging and countering homophobic flak about our relationship, it was the very first time that we felt positive about being who we are. Yes, we had attended many gay pride celebrations and parades, but we never got such a good feeling from them. I was so depressed about Bush’s election, knowing how bad it would be for the country, but hearing Kate Clinton helped me to laugh about it. It was a fun party, just fabulous and educational, and I left feeling good about myself, which I have learned is the sign of a healthy relationship for me. And I knew that I would return the next year.

What is it about NCLR that made you want to invest in the organization?

JUDY: Contributing to charities is part of my nature. Probably the seed for this was planted in me early by my parents. My dad was a minister. It was the right thing to do to support good causes (like the church) as much as I was able to. However, some of the non-profit groups that I supported turned me off the more that I learned about them and the more that they grew. This has not been my experience with NCLR. The more I learn about it and see its work, the more I like it. The more I meet the people involved with NCLR, the more I am impressed and inspired by them. I feel honored to be a part of this community and I am so happy to be able to support it. I must add that I support NCLR and its work for my own good too. All of its achievements and victories are also victories for me as a lesbian and a human being.

SUSAN: Each year, as we learned more about NCLR’s cases and realized how vital legal work is to our cause, we decided to increase our contributions, so we joined the Anniversary Circle in 2001, and changed our wills to include NCLR. It is the best investment in our future that we can make as far as equal rights are concerned, thus it is an investment in humanity. And each year we appreciate more and more the dedication and strength of purpose of the NCLR staff.

What is your greatest hope for our LGBT movement?

JUDY: My greatest hope for our LGBT movement is complete equality.

SUSAN: My greatest hope for the future of NCLR is that there will be such a complete success in all endeavors that there will no longer be a need for it. Then Kate Kendell can be president of the country and the staff can be the cabinet, and then we could have a government that we could be proud of.

Estate gifts—including wills, trusts, retirement plans, and insurance policies—are a wonderful way to ensure that NCLR’s fight for LGBT civil rights can be carried on into the future, long after you’re gone. Like Judy and Susan, you can ensure the legacy you leave is a legacy of justice. If you, or someone you know, would like to join our Friebe Legacy Circle by including NCLR in your estate plans, please visit www.nclrights.org/legacy.
NCLR to Honor First and Only Openly Lesbian Congresswoman at 2008 Anniversary Celebration

NCLR will host its 31st Anniversary Celebration in San Francisco on May 31, 2008. It promises to be an amazing evening as always, celebrating the past year of NCLR’s legal successes. This year, NCLR is thrilled to honor Congresswoman Tammy Baldwin with the 2008 Community Vision Award for her commitment to lesbian, gay, bisexual, and transgender rights advocacy in Congress.

Baldwin’s leadership in support of an inclusive Employment Non-Discrimination Act (ENDA), which would include protections against discrimination on the basis of sexual orientation as well as gender identity, is exemplary of her lifelong pursuit of justice and equality for all Americans. In the last Congressional session in 2007, Congresswoman Baldwin took a strong stand in favor of preserving protections for gender identity and expression in ENDA, including submitting an amendment to restore those protections after they were stripped from the bill. In pushing for a fully inclusive bill, she represented more than 300 LGBT groups across the nation, including NCLR, and became a celebrated leader in the LGBT community. We are looking forward to giving her a hero’s welcome when we honor her on May 31st.

In November 1998, Congresswoman Baldwin was elected to Congress—the first woman to serve in the House of Representatives from Wisconsin, and the first and only openly out woman in Congress. She has been an unwavering advocate for underrepresented communities, and she has worked tirelessly for universal health care and for basic civil rights for LGBT individuals.

“It is an extraordinary honor to have Congresswoman Tammy Baldwin as our guest of honor at our 2008 Anniversary Celebration,” said Kate Kendell, Executive Director of NCLR. “Her courageous leadership in Congress for an inclusive ENDA was a battle cry for LGBT organizations nationwide to remain steadfast in their commitment to an inclusive bill.”

Title IX Retaliation: Sulpizio and Bass v. Mesa Community College

For seven years, Lorri Sulpizio was the Head Women’s Basketball Coach at Mesa Community College and her partner, Cathy Bass, was the team’s Operations Manager. Both Lorri and Cathy were dedicated and outstanding employees. But they were frustrated that the school’s athletic department was not upholding its Title IX obligation to provide equal benefits and resources to female athletes. Their concern was that everything from women's coaching salaries, to locker rooms, to fields, to women's sports got short shrift at Mesa. On top of all of that, the atmosphere in the athletic department was homophobic, making Lorri and Cathy feel that they had to keep their family out of sight.

When Lorri and Cathy began asking for changes in the department, challenging the school’s failure to comply with Title IX and treat women’s sports equally, other women in the department told them not to speak out, because they might lose their jobs. They were also told that they might be fired because they were lesbians. When they stood strong for female athletes and sports, they were fired.

In challenging the status quo at Mesa Community College, Lorri and Cathy sacrificed their professional security and privacy, and became champions for Title IX. Now NCLR, together with Stock Stephens LLP and Boxer & Gerson LLP, is representing Lorri and Cathy as they pursue their complaint with the Federal Department of Education’s Office of Civil Rights and an internal complaint with the San Diego Community College district. They are challenging Mesa’s Title IX inequities, retaliation, gender discrimination, and sexual orientation discrimination.

According to Helen Carroll, NCLR Sports Project Director, “this case will strengthen Title IX across the nation.”

Lorri and Cathy are the first lesbian couple working as a coaching team to formally stand up against discrimination against women in sports. Without the courage of people like Lorri and Cathy, Title IX will continue to remain an unfulfilled promise for girls and women in too many schools and colleges everywhere.

You can find out more about NCLR’s groundbreaking Sports Project and our other cases at www.nclrights.org/sports.
NCLR Active Cases

ELDER LAW

Burrows v. ILWU
Victory! | California

Marvin Burrows and Bill Swenor were together for 51 years. They did everything in their power to demonstrate their commitment to each other and to provide for one another in the event that one died, including registering as domestic partners.

Joy Lewis and Sheila Ortiz-Taylor v. Westminster Oaks Retirement Community
Victory! | California

NCLR clients Sheila Ortiz-Taylor and Joy Lewis reached a confidential settlement with Presbyterian Retirement Communities, Inc., a national chain of retirement communities. Joy and Sheila filed a lawsuit alleging that Westminster Oaks, the Presbyterian retirement community, discriminated against them based on their sexual orientation. Following the settlement, Joy and Sheila attempted to move to the Westminster Oaks community but had difficulty doing so, despite the settlement, because PRC failed to properly communicate to all employees that all qualified applicants should have equal access to its facilities. After contacting PRC through its attorneys, PRC’s non-discrimination policy was properly communicated to its employees and Sheila and Joy moved to the Westminster Oaks community.

EMPLOYMENT

Etsitty v. Utah Transit Authority
Loss | Utah

Despite her spotless employment record, Krystal Etsitty, a transgender woman, was fired from her job as a public bus driver by the Utah Transit Authority (UTA), solely because the UTA feared that members of the public might be offended by Etsitty’s transgender identity. A federal district court in Utah dismissed Etsitty’s case, holding that federal laws prohibiting sex discrimination do not generally protect transgender people. Etsitty appealed this decision to the Tenth Circuit Court of Appeals, which ruled against her. NCLR, Lambda Legal, and the ACLU filed an amicus brief supporting Etsitty.

FAMILIES & PARENTING

L.E. v. K.R.
Appeal Pending | Florida

L.E. and K.R. had two children together. Each was the biological mother of one child, and each adopted her non-biological child through a second-parent adoption in Washington State, where they lived. The couple moved to Florida, and their relationship ended several years later. They entered into an agreement and successfully shared equal custody and visitation with both children until K.R. broke the agreement. Although the children had been raised together all of their lives, K.R. decided that she would raise her biological child by herself, and that L.E. would raise L.E.’s biological child. K.R. unilaterally cut off all contact with L.E. and has refused contact between the children.

NCLR, along with local family law attorney Leslie Talbot, of Leslie M. Talbot, P.A., represented L.E. in her suit for custody and visitation in the trial court. In February 2008, a Florida trial court refused to recognize the second-parent adoptions the couple had completed in Washington, and held that L.E. has no legal relationship to her older daughter. NCLR and pro bono appellate attorneys from Carlton Fields, are appealing the decision.

In re J.D.F.
Appeal Pending | Ohio

T.F. and D.F., a lesbian couple, planned to have a child, J.D.F., together. D.F. gave birth to their child. In order to protect the child’s relationship with both parents, the couple entered into a court-approved joint custody agreement. Several years after they had signed the agreement, T.F. and D.F. separated and agreed to share custody of their child. But in 2004, Ohio’s anti-gay constitutional amendment excluding same-sex couples from marriage was passed. D.F. began to prevent T.F. from seeing their child, arguing that the amendment invalidated their shared custody order. In January 2007, a judge ruled that a custody agreement between two lesbian parents can be valid and enforceable despite Ohio’s anti-gay amendment. The case is now on appeal. T.F. is represented by Lambda Legal. NCLR, along with Robert Eblin of Bailey Cavalieri, submitted an amicus brief in support of T.F., providing a national overview of the law and showing that like Ohio, many other states enforce custody agreements.

Donna Jones, et al. v. San Joaquin Community Hospital
Victory! | California

When Donna and Sharolyn brought their 9-year old daughter to the emergency room, hospital staff refused to honor the daughter’s request to have both mothers with her and even physically blocked Donna from visiting her daughter. After NCLR advocated on Donna and Sharolyn’s behalf, the hospital agreed to revise its non-discrimination policies, train its staff, and issue a letter of apology to Donna, Sharolyn, and their daughter.
Margaret K. v. Janice M.  
Appeal Pending | Maryland

Margaret K. and Janice M. adopted a daughter during their committed relationship of 17 years. Because they adopted their daughter from India, which does not allow unmarried couples to adopt, only Janice adopted the child, but she and Margaret raised their daughter together. When their daughter was 7, Margaret and Janice separated, and Janice refused to allow Margaret to see their daughter. An intermediate appellate court found that Margaret has a parent-child relationship with her daughter and granted visitation, but held that she could not seek custody. Janice appealed the visitation order, and Margaret appealed the custody order. The case is currently pending before Maryland's highest court, the Court of Appeals. NCLR submitted an amicus brief supporting Margaret on behalf of itself and the University of Baltimore School of Law Family Law and Family Mediation Clinics.

Karen Atala Riffo v. Chile  
Pending | Inter-American Human Rights Commission

On May 31, 2004, Karen Atala Riffo, a Chilean judge, lost custody of her three daughters for the sole reason that she is a lesbian and living with her female partner. The Supreme Court of Chile based its decision on inaccurate and unfounded speculation about lesbian parents. With no recourse left in Chile, Ms. Atala took her case to the Inter-American Human Rights Commission in Washington, D.C. NCLR, along with the New York City Bar Association, Human Rights Watch, International Gay and Lesbian Human Rights Commission, International Women's Human Rights Law Clinic at the City University of New York, Lawyers for Children, Inc., Legal Aid Society of New York, and Legal Momentum, filed an amicus brief in support of Ms. Atala, arguing that the Court's decision is contrary to the weight of international authority. Ms. Atala's case remains pending before the Commission.

Wood v. Wood  
Victory! | Florida

Hannah Wood’s former partner, Courtney Wood, moved to Florida to prevent Hannah from seeing their daughter when she learned that Hannah wanted to go to court for a custody and visitation hearing. Although Courtney successfully interfered with Hannah's court-ordered visitation, her efforts to keep Hannah from having contact with her daughter were ultimately unsuccessful. Fortunately, NCLR, in conjunction with co-counsel Kyle Velte, successfully represented Hannah Wood in her effort to regain visitation rights of her daughter in a Colorado court. Despite Courtney's subsequent and continued attempts to prevent enforcement of the visitation order in Florida, a Florida court issued an order registering and enforcing the Colorado visitation order. For the first time in over a year, Hannah had visitation with her daughter in December 2007.

HEALTHCARE

Benitez v. North Coast Women’s Care Medical Group  
Appeal Pending | California

Guadalupe “Lupita” Benitez was denied infertility treatment by her Southern California healthcare providers because she is a lesbian. The trial court rejected the doctors’ claim that they should be exempt from California’s anti-discrimination statute because they have religious objections to serving lesbian patients. On December 5, 2005, the Court of Appeal reversed and held that the doctors must be given an opportunity to demonstrate that their refusal to treat Benitez was not based on anti-gay hostility. Benitez appealed the decision to the California Supreme Court. Along with medical, civil rights, and community based organizations, NCLR filed an amicus brief in support of Benitez, who is represented by Lambda Legal.

IMMIGRATION

John Doe v. Alberto Gonzales  
Pending | Egypt

John Doe, a gay man from Egypt, applied for asylum based on persecution he suffered in Egypt because of his sexual orientation, as well as fear of future persecution if he were forced to return to Egypt. The Immigration Judge and Board of Immigration Appeals denied his application. In Egypt, gay men are frequently arrested and subjected to brutal physical mistreatment for private, non-commercial, consensual adult sexual conduct. NCLR, along with the International Gay & Lesbian Human Rights Commission, filed an amicus brief in support of Doe’s eligibility for withholding of removal and relief from removal under the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

In re Angelica  
Pending | Mexico

Angelica was born in Mexico City to a deeply religious family that strictly controlled her actions. As the only daughter, she was raised with the expectation that she would get married and have children. She was not permitted to participate in any activities outside of the home and was physically abused throughout her childhood. When she realized that she was attracted to other girls, Angelica was terrified of her family’s reaction. When a rumor spread at her school that she had been spotted kissing a girl, classmates and men from her neighborhood began to physically harass and assault her. After a young gay man from the neighborhood was viciously murdered, Angelica fled to the U.S. When she arrived, Angelica was closely watched, forced to work nonstop, and mistreated. Eventually, she found her way to a shelter where she got in touch with NCLR. With NCLR’s help and guidance, she will be filing for asylum within the next month.

In re Barbara  
Pending | El Salvador

Born male in El Salvador, Barbara was abused throughout her childhood by family, neighbors, and classmates because she was too feminine. When Barbara turned 18, she began to live as a woman, but she still suffered frequent harassment and violence. In one instance, Barbara and her boyfriend were viciously beaten outside of a club. Barbara was kidnapped and taken to an isolated area where she was physically and sexually assaulted. After this incident, Barbara lived in constant fear, and finally fled to the U.S. She applied for a visa, but her application was denied. With NCLR’s help, Barbara is now applying for asylum.

In re M.Q.  
Pending | Mexico

M.Q. is a native and citizen of Mexico. When M.Q. was a child, his father often accused him of being a “sissy,” and as he grew up, M.Q. was physically assaulted many times by his family, peers, and police because he was gay. One gang of teenage boys who had beaten M.Q. threatened him and told him that if they ever saw him again, they would kill him. In December 2003, M.Q. encountered them again and barely escaped alive. M.Q. fled Mexico, and arrived in the U.S. under a work visa in January 2004. Although he was afraid to return to Mexico, M.Q. went back once in May 2005 to see his
eldest sister, who was dying. M.Q. re-entered the United States in August 2005, and applied for asylum with help of NCLR.

**In re Patricia**
**Victory! | Mexico**

Originally from Mexico, Patricia was born male, but always believed she was a girl. Her family and teachers tried to “correct” her through physical, emotional, and psychological abuse. At 19, Patricia was forced to leave home. She began living as a woman and opened a successful beauty salon. As her transgender identity became known, however, Patricia was repeatedly robbed and assaulted. But even when an attacker held Patricia’s customers hostage and sliced Patricia’s face in front of them, the police refused to take her claims seriously.

Fearing for her life, Patricia fled to the U.S., but was detained at the border and deported. In her second attempt to enter the U.S., she was successful. She obtained a pro bono attorney through the Lawyers’ Committee for Civil Rights and with the help of NCLR, applied for asylum. When she went to the asylum office to pick up her decision, Immigration and Customs Enforcement detained her because she had a previous deportation order. She was placed in a male detention center, where the only way to ensure her safety was to place her in isolation.

After six months in isolation in the detention center, Patricia was granted a “withholding of removal,” which means that she can live and work in the U.S., but can never become a U.S. citizen and may never leave the country.

**In re Vicky**
**Pending | Mexico**

Vicky is a young transgender woman from Mexico. Throughout her childhood, Vicky’s family and the people in her small town attacked her for her femininity. When she was 16, Vicky came home from school to find that her parents had abandoned her. She came to the United States in 1994, in order to escape from the hostility in her community and to make a new life for herself. In 1997, she began living as a woman. In 2003, she was detained by the Phoenix police and deported to Mexico. Vicky sought out her family, hoping for reconciliation, but instead her brothers beat her. Vicky remained in Mexico for eight months, but she was often beaten, ridiculed, and threatened, and a fruit stand she had opened was destroyed. She returned to the United States and applied for asylum, with the help of NCLR and pro bono attorneys at the law firm of Hanson Bridgett LLP. As of 2008, Vicky has been waiting for her asylum decision for over two years.

**In re Z.K.**
**Victory! | Pakistan**

Z.K. is a 56 year old lesbian from Pakistan. At 36, Z.K. adopted a baby girl and started a family with the woman she fell in love with, S.M. But in Pakistan, lesbians are at grave risk for violence, including honor killings, and Z.K. and S.M. had no choice but to live secretly. When rumors about their sexual orientation began to spread in their community, Z.K. was beaten and threatened several times, and her family turned their back on her. Fearing that she would be killed, Z.K. was forced to abandon her daughter and partner and flee to the U.S. After she arrived, she received news that her family has vowed to kill her if she ever returns to Pakistan.

In August 2007, Z.K. was referred to NCLR. NCLR represented Z.K. in her asylum application, which was granted in January 2008.

**MARRIAGE**

**In re Marriage Cases**
**Appeal Pending | California**

On November 13, 2006, the California Court of Appeal overturned Judge Kramer’s ruling in a 2-1 decision, saying that California may continue to bar same-sex couples from marriage. On December 20, 2006, the California Supreme Court unanimously granted review. Oral Argument was held on March 4, 2008 and a decision is expected before June 2, 2008.

NCLR’s co-counsel in the case are Heller Ehrman LLP, Lambda Legal; the ACLU; and the Law Office of David C. Codell.

**Kerrigan & Mock v. Connecticut Department of Public Health**
**Appeal Pending | Connecticut**

Same-sex couples in Connecticut are suing to end Connecticut’s exclusion of lesbian and gay couples from marriage, represented by Gay and Lesbian Advocates and Defenders and Maureen Murphy of Murphy, Murph, Nugent in New Haven; Kenneth J. Bartschi of Horton, Shields & Knox in Hartford; and the Connecticut Civil Liberties Union. The case is currently before the Connecticut Supreme Court. NCLR filed an amicus brief with other civil rights groups supporting the couples’ right to marry.

**Reynolds & McKinley**
**Appeal Pending | Cherokee Nation**

NCLR represents Kathy Reynolds and Dawn McKinley, a same-sex couple who are members of the Cherokee Nation. In May 2004, Reynolds and McKinley obtained a marriage certificate from the Cherokee Nation and married shortly thereafter. The next month, another member of the Cherokee Nation filed a petition seeking to invalidate Reynolds and McKinley’s marriage. NCLR successfully defended Reynolds and McKinley before the Cherokee high court. Two days later, various members of the Cherokee Nation Tribal Council filed a new action seeking to invalidate Reynolds and McKinley’s marriage. In December 2005, the high court dismissed this second challenge to their marriage. In
January 2006, the Court Administrator, who is responsible for recording marriage licenses, filed a third lawsuit challenging the validity of the couple’s marriage. NCLR is now defending Reynolds and McKinley’s marriage against this third, and hopefully final, challenge.

**Varnum v. Brien**

Appeal Pending | Iowa

In December of 2005, six same-sex couples brought a lawsuit in Polk County, Iowa challenging the constitutionality of the Iowa marriage statute. In August of 2007, the Iowa district court ruled that the law violated the equal protection and due process clauses of the Iowa constitution. The case is currently before the Iowa Supreme Court. NCLR filed an *amicus* brief on behalf of law professors with expertise in family law and social science.

**OTHER CIVIL RIGHTS**

**Christian Legal Society v. Kane**

Appeal Pending | California

Like many public schools, the University of California - Hastings Law School permits law students to organize student groups that are eligible to apply for university funding for group-related events. To be recognized as an official student group, all student groups must abide by the Hastings’ policy on nondiscrimination. In 2004, the Christian Legal Society (CLS) filed a lawsuit against Hastings alleging that the nondiscrimination policy violated the group’s First Amendment right to discriminate against LGBT and non-Christian students. NCLR and the law firm of Heller Ehrman LLP are representing Outlaw, the LGBT student group at Hastings, which has intervened to defend the University’s policy. The University is represented by Ethan Schulman of Howard Rice Nemerovski Canady Falk & Rabkin.

On April 17, 2006, United States District Court Judge Jeffrey White ruled in favor of Hastings and Outlaw, rejecting the Christian Legal Society’s arguments that the school’s policy violates its rights to freedom of speech, religion, and association. The Court explained: “(Hastings’ policy) affects what CLS must do if it wants to become a registered student organization—not engage in discrimination—not what CLS may or may not say regarding its beliefs on non-orthodox Christianity or homosexuality.” The case is now before the Ninth Circuit Court of Appeals.

**RELATIONSHIP RECOGNITION**

**Colombia Diversa, Expediente No. D-6362, Corte Constitucional de Colombia**

Pending | Colombia

The Colombian Constitution guarantees Colombian citizens the right to equal protection of the law. In 1996, the Constitutional Court of Colombia upheld Colombia’s law excluding same-sex couples from “domestic partnership,” la Ley 54 de 1990. But in that decision, the Constitutional Court also said that if social and legal circumstances significantly changed over time, it could consider the question again. In the last 12 years, many foreign constitutional courts, international human rights bodies, and legislatures have recognized that all couples should receive equal economic rights, regardless of sexual orientation. Their decisions demonstrate that significant social and legal changes have occurred since the Constitutional Court issued its decision on domestic partnerships. In order to provide the Constitutional Court of Colombia with an overview of these changes, NCLR filed an *amicus* brief along with the International Gay & Lesbian Human Rights Commission, Center for Health, Science and Public Policy at Brooklyn Law School, and the Center for the Study of Law & Culture at Columbia Law School.

**Strong v. Board of Equalization**

Victory! | California

Under California law, when a spouse dies and the other spouse inherits the couple’s home, the state will not reassess the tax value of the couple’s home. In 2003, the California Board of Equalization (BOE) adopted a rule that extended a similar protection to same-sex couples. When several counties filed a lawsuit challenging this rule in 2005, NCLR, Lambda Legal, and the law firm of Munger, Tolles & Olson, LLP, represented Equality California and three same-sex couples to defend the rule’s validity. On March 17, 2006, a Sacramento Superior Court Judge rejected the counties’ challenge and affirmed the rule. The California Legislature then codified the BOE Rule by enacting Senate Bill S65, which became effective January 1, 2006.

**SPORTS**

**Sulpizio and Bass v. Mesa Community College**

Pending | California

For seven years, Lorri Sulpizio was the Head Women’s Basketball Coach at Mesa Community College in San Diego, and her domestic partner, Cathy Bass, was the team’s Director of Basketball Operations. Despite the coaches’ outstanding performance and strong leadership, they were treated with hostility due to their sexual orientation and fired after Coach Sulpizio insisted that the Athletic Department address gender inequities and comply with Title IX. NCLR, in cooperation with Stock Stephens LLP and Boxer & Gerson LLP, is representing Coach Sulpizio and Coach Bass as they pursue their complaint with the federal Department of Education’s Office of Civil Rights and an internal complaint with the San Diego Community College District. While recent high profile Title IX jury verdicts and settlements at Penn State, Fresno State, and UC Berkeley have raised awareness about systemic gender inequities and homophobia at major colleges and universities, this case illustrates that similar problems pervade the athletic departments of community colleges as well.

**TRANSGENDER LAW**

**Gammett v. Idaho State Board of Corrections**

Initial Victory! | Idaho

Jennifer Spencer is currently serving a 10-year prison sentence for possession of a stolen car and a failed escape attempt that occurred when she was a teenager. Since she has been incarcerated in Idaho, Spencer, a transgender woman, has made repeated requests—75 in total—for treatment for her gender identity disorder, but the Idaho Department of Corrections (IDOC) failed to
provide her with any appropriate care. Spencer attempted suicide when she learned that prison doctors would not provide any treatment and eventually performed her own castration using a disposable razor blade in her prison cell, nearly bleeding to death in the process.

On July 27, 2007, Judge Mikel Williams of the Federal District Court for the District of Idaho ruled that, based on extensive expert medical testimony, Spencer is entitled to receive female hormone therapy while her case is being decided. Judge Williams held that “gender identity disorder, left untreated, is a life-threatening mental health condition.” On September 7, 2007, Judge Williams denied a motion for reconsideration and again held that Spencer must receive hormone therapy. Because there are so few decisions addressing this important issue, this is a tremendous victory and hopefully will pave the way for other transgender prisoners who are being denied medically necessary care.

NCLR's co-counsel are Morrison & Foerster LLP and the Idaho firm of Stoel Rives, LLP.

YOUTH


Pending | California

In November 2007, anti-gay organizations filed a lawsuit in federal court in San Diego, seeking to invalidate California Senate Bill 777, the Student Civil Rights Act. The Student Civil Rights Act reinforces existing California law, which prohibits discrimination in public schools and activities, including discrimination based on religion, race, disability, gender, and sexual orientation.

NCLR clients Equality California and the Gay-Straight Alliance Network became involved in the case in order to defend and protect the anti-discrimination laws. In January 2008, shortly after NCLR and our co-counsel filed an amicus brief asking the court to dismiss the lawsuit, the anti-gay organizations voluntarily dismissed their federal case. Soon after, in March 2008, the anti-gay organizations filed a similar lawsuit in California state court.

NCLR's co-counsel in the case are Lambda Legal, the Transgender Law Center, Sheppard Mullin Richter & Hampton, LLP and the Law Office of David C. Codell.

Mariah L. v. Administration for Children’s Services

Appeal Pending | New York

Mariah L. is a 20-year-old transgender woman who is in foster care in New York City. Mariah’s doctors have all agreed that sex reassignment surgery is medically necessary for her. In New York, the Administration for Children’s Services (ACS) has a duty to provide and pay for all necessary medical care and treatment for children placed in foster care, but ACS has refused to provide Mariah with the medical care that she needs. Mariah obtained a court order requiring ACS to pay for the surgery, which ACS appealed. NCLR, Sylvia Rivera Law Project, Transgender Legal Defense & Education Fund, Lambda Legal, and Morrison & Foerster LLP filed an amicus brief on behalf of a group of doctors and health clinics in support of Mariah.

After Mariah won on appeal, the case went back to the family court, which again ordered ACS to provide Mariah with sex reassignment surgery. The court chastised ACS for paying inadequate attention to Mariah’s medical needs, and for ignoring medical knowledge about gender identity disorder. ACS appealed again. NCLR, together with the New York Civil Liberties Union and the American Civil Liberties Union, filed another amicus brief in support of Mariah. Oral argument took place in May 2007 and we are awaiting the court’s decision. Mariah L. is represented by the Juvenile Rights Division of the Legal Aid Society of New York.

Tick Tock Lullaby

Wolfe Video has done it again! They are showing off NCLR’s short film, NCLR at 30, on another fantastic new release, Tick Tock Lullaby.

In this film, cartoonist Sasha (writer-director Lisa Gornick) and her attorney girlfriend Maya (Brit TV phenom Raquel Cassidy) are jealous of heterosexual procreation. “If only we could get pregnant by mistake,” laments Sasha. Bursting with smart, tender observations on prospective parenthood, Tick Tock Lullaby is a clever exploration of sexuality and parenthood in hip thirty-something London as Sasha and Maya struggle with whether (and how) to have a baby. To purchase your copy, please visit www.wolfevideo.com. Note: a portion of the proceeds go to NCLR!

Also, don’t forget to check out the special bonus extra feature: NCLR At 30—a powerful portrait of the National Center for Lesbian Rights. NCLR At 30 is guaranteed to inspire you and move you to tears, with its uplifting sprint through thirty years of LGBT history!
KATE & KATE
[CLINTON & KENDELL]

TAMMY BALDWIN
AND MORE THAN 1,000 OF YOUR CLOSEST FRIENDS

WHERE ELSE
WOULD YOU BE ON MAY 31ST?

NCLR ANNIVERSARY PARTY
AT THE METREON

May 31, 2008
9:00pm—Midnight
Metreon City View
4th and Mission, San Francisco

Tickets and Sponsorship Opportunities start at $90
and are available online at www.nclrights.org/2008ann

Contact NCLR—415.392.6257
or email NCLR@cbcsanfrancisco.com
for event questions and information

The National Center for Lesbian Rights is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education.

Printed using soy-based inks on 100% recycled paper with 100% post-consumer content.