

## The National Center for Lesbian Rights' Youth Project

### INSIDE:



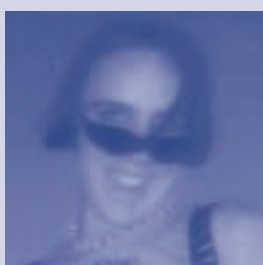
**Meet Noemi Calonje, Immigration Project Director**

Page 4



**On the Docket—Jennifer Harris and current NCLR Cases**

Page 8



Since 1993, NCLR's Youth Project has worked to ensure that all young people grow up in families where they can be safe and live openly, with the support they need to reach their full potential. Our Youth Project provides direct, free legal information to youth, legal advocates, and activists through a toll-free line; advocates for policies that protect and support LGBT youth; and litigates cases that establish legal protections for LGBT youth in schools, foster care, the juvenile justice system, and other settings.

### **NCLR's Youth Project Releases Groundbreaking Publication**

In July, the Child Welfare League of America, the nation's oldest and largest membership-based child welfare organization, will publish *Best Practice Guidelines for Serving LGBT Youth in Out-of-Home Care*. This book is the product of an ongoing collaborative project of NCLR and Legal Services for Children and will provide much-needed guidance for professionals who work with LGBT youth in foster care and juvenile justice facilities. This easy to use resource was authored by Jody Marksamer, an NCLR staff attorney, Shannan Wilber, Executive Director of Legal Services for Children, and Caitlin Ryan, Family Acceptance Project Director of the César E. Chávez Institute at San Francisco State University. It will enable child welfare and

juvenile justice agencies across the country to provide appropriate resources and support to LGBT youth in state care and to ensure that these young people develop into healthy adults.

### **Captain Young Wins Colin Higgins Youth Courage Award**

The voices and perspectives of youth are at the heart of our Youth Project. We team with the California Youth Connection to develop an LGBT youth trainers network comprised of young people who are or were involved in the child welfare or juvenile justice system. In June, one of NCLR's youth trainers, Captain Young, received the *Colin Higgins Youth Courage Award*. The honor is awarded to a remarkable lesbian, gay, bisexual, or transgender youth who refuses to be silenced by societal norms, demonstrating amazing courage when confronted with hardship, intolerance, and bigotry based on sexual orientation and/or gender identity.



Now twenty years old, Captain grew up the eldest of ten children to a mother with substance abuse problems and a father in jail. Raised in poverty by his grandmother, by the age of 14, Captain had

# WE HAVE A VISION

Recently, a fellow Executive Director of a partner organization, one devoted to advancing the rights of undocumented immigrants, described a meeting of day laborers devoted to the discussion of marriage equality for lesbians and gay men.



Photo: Jan E. Watson

## A Message from Executive Director Kate Kendell

It's no surprise that with mid-term elections on the horizon, enemies of fairness and justice are resorting to tactics that scapegoat those on the margins. This year, once again, LGBT families and immigrants are the flavor of the month. Despite this, the National Center for Lesbian Rights continues its groundbreaking work to transform the human rights landscape.

Participants were asked to detail the arguments against marriage equality, and over the course of the conversation the participants began making parallels to their own experience in being denied driver's licenses. Many of the same stereotypes and appeals to fear that they had heard in that debate began to emerge in the context of the struggle for marriage equality. As the conversation progressed someone in the meeting stood and shouted, "Licenses for all!"

In July, NCLR goes before the California Court of Appeal to argue for marriage equality as lead counsel in *Woo v. California*. In January, more than more than 250 religious and civil rights organizations urged the court to put an end to state laws that deny same-sex couples the protections of marriage. With the support of the NAACP, Mexican American Legal Defense and Educational Fund, California Council of Churches, Asian Pacific American Legal Center, National Black Justice Coalition, and many others, we go before the court with a shared vision, and the strength of that vision is profound.

On May 1st, NCLR joined in a national mobilization to demand fair and equal treatment for all immigrants, regardless of their immigration status. We have a vision of a world in which all workers and all immigrants—regardless of national origin, race, sexual orientation, gender identity, or immigration status—can live with safety, dignity, and fairness. Our vision honors human dignity, not only for ourselves as LGBT people, but for all.

We must stand together to recognize that the far right demonizes the LGBT community and undocumented immigrants and many others in the same draconian ways. To separate ourselves from other oppressed communities is to abandon a shared vision for full justice. Indeed, some of us are LGBT immigrants without the luxury of the option of distancing ourselves from the margins.

Today, we ask you to join us and share our vision. Together, we can create a world based on the foundation of fairness, equality, and justice. We can stand together with an unwavering commitment that we will not rest until every one of use has a shared sense of dignity and respect. We can stand and demand licenses for all.

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NCLR thanks Orrick, Herrington & Sutcliffe LLP for their generous support of our law clerks in 2006.

# National Advisory Board News

## From NCLR National Advisory Board Co-chairs Lesley Weaver & Fiona Martin

The National Advisory Board (NAB) furthered its reach across the nation, spreading awareness of NCLR's mission and work beyond the San Francisco Bay Area and finding collaborative ways to support local efforts and lending legal and public relations expertise where needed.



*Fiona Martin and Lesley Weaver*

The NAB raised NCLR's profile at NCLR's debut at Dinah Shore in Palm Springs in 2005 and then for a return performance this year. We held our first-ever fundraiser in Long Beach in connection with a series of events in the Los Angeles area. In Florida,

we distributed club cards in bars throughout the state, which helped grow NCLR's email alert list to over 3,000 members – a critical step as we work to overturn the state's gay adoption ban. Finally, thanks to host Wolfe Video, we coordinated our first-ever party at the Women's Basketball NCAA Final Four party in Boston in April, which featured *L Word* cast members and WNBA star Sheryl Swoopes, due to Olivia's generous support. This is an important step in building a strong and supportive lesbian presence among female athletes.

Of equal importance, NAB members have continued to reach out to diverse communities in rural enclaves and urban centers alike, spreading the gospel that all LGBT persons deserve a seat at the table and that NCLR will fight for them. We introduced people to NCLR who had never imagined that an organization existed that would fight for them and their rights. And we will continue to do so. Plans are already underway to host events in Dallas, Washington, D.C., Chicago, Provincetown, New York City, and Los Angeles later this summer and fall. Keep an eye on NCLR's events listings for details.

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## New Staff News

### Please join us in welcoming...

#### Eleanor Palacios

We are fortunate to welcome a familiar face to the position of Events Manager. After co-chairing NCLR's 29th Anniversary Gala for the second year, Eleanor Palacios joins the NCLR staff. She has been involved in event planning for four years under the name Lady Iguana Productions. Eleanor joined NCLR's board of directors in 2003, and shortly thereafter became the board liaison for the National Advisory Board. She has been an activist in the LGBT community for more than 15 years and has been a volunteer and supporter of the San Francisco Lesbian, Gay, Bisexual, and Transgender Community Center for four years, where she is a founding member of the Latino Forum.

#### Jennifer Barth

Jennifer Barth joined NCLR in April 2006 as Office Manager, where she works closely with all clients and staff in support of NCLR's mission. Originally from northern Virginia, Jennifer moved to San Francisco 12 years ago to experience the openness, for which the city is so well known. Prior to NCLR, Jennifer worked as Room Rental Coordinator at the San Francisco Lesbian, Gay, Bisexual, and Transgender Community Center, and as a Construction Administration Assistant for an international architecture and engineering firm. From her work at the Center, Jennifer has gained extensive knowledge of the city's LGBT community, and she looks forward to continuing her work in support of LGBT rights with NCLR.

### Please join us in saying goodbye...

#### Trilce Santana

As Events Manager, Trilce oversaw the production of NCLR's most successful Gala to date, and expanded NCLR's visibility in women of color and immigrant communities through direct outreach and co-sponsorship of events. We wish her the best of luck as she pursues other interests.

#### Marina DiCerbo

NCLR says goodbye and good luck to Administrative Assistant Marina DiCerbo, who joined NCLR in 2003, and left in April to pursue her career in public relations.

# Meet Noemi Calonje

## Immigration Project Director

In 1982, at the age of 14, Noemi Calonje and her family emigrated from Managua, Nicaragua to the United States, and applied for political asylum. After a decade of fear, anxiety, and uncertainty about their legal status in this country, they gave testimony before a judge and were granted asylum. Today, Noemi is the Immigration Project Director for the National Center for Lesbian Rights, where she coordinates free monthly legal clinics, responds to LGBT immigrants seeking information and assistance, represents NCLR at conferences and workshops nationwide, and acts as NCLR's liaison to the broader immigration rights community.

“For my family, being able to stay in this country legally was a blessing. We lived ten years not knowing what would happen to us; and not until the judge granted us asylum, were we able to breathe again and have hope for the future,” says Noemi. “It is that same sense of relief and sheer happiness that I see in the faces of our asylum clients when their petitions have been granted. Most of them had to leave their friends and family behind and don't have any support when they arrive in this country. Having emigrated from countries such as Colombia, Mongolia, Mexico, Nicaragua, and Peru, most speak only their native language. When they come to us, they are relieved to have found an organization where they don't have to hide their sexual orientation and/or gender identity, respects their culture, and can offer the legal expertise they need with their cases. Sadly, most of the clients we serve have suffered from persecution, harassment, and overall violence in their home countries and come to us with nothing but hope.”

NCLR is at the forefront of seeking justice for LGBT immigrants through legislative advocacy and high-impact litigation. With the guidance of Immigration Project Supervisor Lena Ayoub, Noemi continues her dedication to assist and support the LGBT immigrant community. “Despite our success with our asylum cases, there is much work to be done. Every day we hear from desperate couples who are forced to choose between the partner they love or staying in this country. The fact that our relationships are not recognized by current immigration laws creates a devastating impact for many of these families. We are committed to continue fighting until these discriminatory laws change.”



“For over 13 years Noemi has embodied the very best of NCLR,” said NCLR's, Executive Director Kate Kendall. “She has

played a key role at every stage of our growth and has been the heart and soul of much of our program work. Over the years she has directly assisted thousands of LGBT folks from every state and numerous other countries. Her current work as Director of our Immigration Project really plays to Noemi's strengths as someone who has a deep and profound commitment to ending injustice against the most marginalized in our community. All of us at NCLR are better people for knowing Noemi, and NCLR is a better organization because she is here.”

“My most rewarding experience here at NCLR has been to see how people's lives change from the moment they first meet us to when we have actually assisted them in obtaining asylum,” said Noemi. “Many of them have gone on to build a better life for themselves and their children just like my family was able to do many years ago.”

In addition to her work at NCLR, Noemi is also a volunteer interpreter for the Lawyer's Committee for Civil Rights. Currently she attends San Francisco State University to complete her Court Interpreter certification and has finished the ABA-approved Paralegal certification program. Noemi was recently featured on Logo-TV's program, *The Advocate Newsmagazine*.

Noemi and her partner, Emma live in San Francisco with their nine-year-old daughter, Cecilia. When she is not working, she spends her time traveling with her family, reading, and going to see the latest movies.

Stay on top of your civil rights! Get email updates and announcements about our legal programs and nation-wide events:

[www.nclrights.org](http://www.nclrights.org) and click on 'Get Email Updates'

# Noemi Calonje

## Directora del Proyecto de Inmigración

En 1982, a los catorce años de edad, Noemi Calonje emigró de Managua, Nicaragua a los Estados Unidos con su familia donde aplicaron por asilo político. A los diez años de haber llegado, después de haber pasado por una década de miedo y ansiedad, y de testimonios frente a un juez – la corte les otorgó el asilo. Hoy, Noemi es la Directora del Proyecto de Inmigración del National Center for Lesbian Rights (Centro Nacional de Derechos Lésbicos), donde coordina clínicas legales gratuitas, provee información y asistencia a inmigrantes LGBT (personas lesbianas, gay, bisexual y transgénero), representa a NCLR en conferencias y talleres en diferentes partes del país y en la comunidad que trabaja para los derechos de los inmigrantes.

“Para mi familia fue una bendición que pudiésemos permanecer en este país. Habíamos vivido en miedo por tantos años sin saber que pasaría y cuando el juez nos otorgó el asilo, nos sentimos como que podíamos respirar de nuevo,” dice Noemi. “Es esa misma sensación de alivio y felicidad que sentí junto con mi familia en ese entonces que veo en las caras de nuestros clientes cuyas aplicaciones de asilo han sido aprobadas. La mayoría de los clientes que servimos han dejado a sus familias y amistades atrás y no tienen ningún apoyo cuando llegan a este país. Siendo inmigrantes de países como Colombia, Mongolia, México, Nicaragua y Perú, la mayoría solamente hablan su lengua natal. Cuando llegan a nuestras oficinas, es un alivio para ellos haber encontrado una organización donde no tienen que esconder su orientación sexual y/o su identidad de género, se respeta su cultura y se les ofrece ayuda legal migratoria. Desafortunadamente, muchos de ellos han sufrido persecución, hostigamiento y violencia en sus países natales y lo único que traen consigo es esperanza.”

NCLR está al frente en la búsqueda de la justicia para la comunidad inmigrante LGBT a través de abogacía legislativa y litigio. Bajo la guía de la Abogada Lena Ayoub, Noemi continúa dedicándose a asistir y apoyar a la comunidad inmigrante LGBT. “A pesar de nuestro éxito con nuestros casos de asilo, aún queda mucho trabajo que hacer. Todos los días recibimos llamadas de parte de parejas que se encuentran en una situación desesperante porque tienen que escoger entre la persona que quieren o quedarse en este país. El hecho que nuestras relaciones no son reconocidas bajo las leyes migratorias actuales tiene un impacto devastador en estas familias. Nosotros estamos dedicados a continuar luchando hasta que estas leyes discriminatorias cambien.”

“Por más de 13 años Noemi ha representado lo mejor de NCLR,” dice la Directora Ejecutiva de NCLR, Kate Kendell. “Ella ha ejercido un papel crítico en cada etapa de nuestro desarrollo y ha sido el corazón y alma de mucha de nuestra programación en esta agencia. A través de los años, ella ha asistido directamente a miles de personas LGBT de todos los estados y de numerosos países. En su trabajo actual como Directora de nuestro proyecto de Inmigración luce la fuerza de Noemi, una persona profundamente comprometida a acabar con la injusticia contra los más marginados de nuestra comunidad. Todos en NCLR somos mejores personas por haber conocido a Noemi y NCLR es una mejor organización por su presencia.”

“Mi mejor experiencia aquí en NCLR ha sido ver como cambia la vida de la gente desde el momento en que nos conocemos hasta que finalmente, después de mucho trabajo y colaboración, llegan a obtener el asilo,” dice Noemi. “Muchos de ellos han logrado crear una mejor vida para sí mismos y para sus hijos así como lo hizo mi familia hace muchos años.”

Aparte de su trabajo en NCLR, Noemi también trabaja de voluntaria como intérprete para el Lawyers’ Committee for Civil Rights (El Comité de Abogados para Derechos Civiles). Actualmente asiste a San Francisco State University donde se está preparando para recibir su certificado como Intérprete de la Corte y hace poco completo su Certificado de Paralegal.

Hace poco, Noemi y un cliente de NCLR que aplicó por asilo fueron entrevistados en un programa de Logo-TV *The Advocate Newsmagazine* (Noticiero de Abogacía).

Noemí vive con su pareja, Emma y su hija Cecilia en San Francisco. Cuando no está trabajando, le gusta viajar con su familia, leer, o ir a ver las últimas películas.

# NCLR's Youth Project

continued from page 1



already served six months in a juvenile detention facility before being released into a series of foster homes. At home and in foster care, Captain was questioned about why he wore men's clothes. Tolerated as a lesbian, he was ostracized when he came out as transgender by one of the few aunts with whom he was close. She cut him off completely, telling the fourteen-year-old he was going to hell. Displaying uncommon courage for a high school student, Captain joined the boy's football team and fought for accommodations under Title IX. Emboldened by his Title IX success and dedicated to improving the lives of LGBT youth in foster care, Captain continues to be a dedicated advocate for other youth. His work ranges from passing legislation to protect the civil rights of LGBT youth in foster care with the California Youth Connection to serving as a youth trainer in the foster care system for the National Center for Lesbian Rights. Captain would like to become a writer, so that he can communicate what he has learned from his own experience about challenges and solutions for African-American youth in poverty. He "wants to be remembered not for who I am, but for the work I do that others can continue."

## **Breaking the Silence: LGBTQ Foster Youth Tell Their Stories DVD and Bonus CD**

Captain is just one of the remarkable youth who are sharing their voices with NCLR, and he is one of ten who produced a personal digital story for the *Breaking the Silence: LGBTQ Foster Youth Tell Their Stories* DVD. This DVD is part of a new NCLR project to ensure that training resources about LGBT youth includes the voices of LGBT youth. The ten stories in *Breaking the Silence* powerfully describe both the successes and failures of the foster care system for this group of LGBT youth. Over the course of a four-day workshop at the Center for Digital Storytelling in Berkeley, California, these youth shared their stories and learned to edit them into moving, heartfelt (and sometimes heartbreaking) personal videos. Through these youths' thoughtful, honest, and insightful words and images, we are given a glimpse of what it is like to be an LGBTQ foster youth and what we, as advocates and providers, can do to better support LGBTQ youth in state care. Each

DVD comes packaged with a CD containing over 25 useful and informative training tools and resources created by NCLR and partner organizations. NCLR is distributing this groundbreaking multimedia package to professional child welfare organizations across the country.

## **Public Policy Successes**

On the public policy front, NCLR is partnering with Legal Services for Children and the National Juvenile Defender Center to create the Equity Project, an initiative to ensure that LGBT youth in the juvenile delinquency court system are treated with dignity, respect, and fairness. The Equity Project is examining issues that affect LGBT youth throughout the delinquency court process from arrest through post-disposition, identifying obstacles to fair treatment, and developing recommendations to protect LGBT youth in delinquency courts.

On another front, NCLR helped draft and win passage of the landmark California Foster Care Nondiscrimination Act (AB 458), the nation's first state-wide law to explicitly protect LGBT foster youth from discrimination and harassment. Under the dynamic leadership of NCLR staff attorney Jody Marksamer, we are partnering with key allies to educate foster youth about their rights and to provide child welfare personnel with model standards that outline their responsibilities under the law. NCLR has teamed with Legal Services for Children and Family Builders by Adoption to create the Out of Home Youth Advocacy Council (OHYAC), a coalition that provides training, technical assistance, and other resources to county child welfare agencies and private organizations in five California counties. This work provides a crucial model for implementing LGBT foster care reform across California and across the country.

By collaborating with youth, as well as the professionals charged with protecting them, NCLR's reach is far and wide. Our work educating service providers, advocating for policy changes, and, most importantly, helping youth share their stories, ensures a brighter future for all LGBT young people—in schools, at home, in foster care, and in the juvenile justice system.

# NCLR'S 29th Anniversary Gala Showcases Courageous Clients

## Clients and Activists Honored



*NCLR board member Olga Talamante, NCLR honoree Kathy Reynolds, NCLR executive director Kate Kendall, and NCLR honoree Dawn McKinley*



*NCLR presenter Natalie Williams with NCLR honoree Jennifer Harris*



*Teresa DeCrescenzo and presenter Jim Van Buskirk*



*NCLR honorees Jennifer Harris and Sheryl Swoopes*

Photos: Lynn Labovitz

A festive, energized, sell-out crowd of nearly 3,000 members and allies of the LGBT community packed San Francisco's Moscone Center on April 22nd to celebrate the National Center for Lesbian Rights' 29 years of legal advocacy at its annual Gala. The culmination of the elegant evening was the awards ceremony honoring courageous individuals who have dedicated their time, energy, and talent to creating a world in which lesbian, gay,

bisexual, and transgender people can live freely, without fear of discrimination or prejudice. It was the most successful Gala to date, and the many attendees who answered Kate Kendall's call to action raised nearly \$100,000. This extraordinary generosity is a testament to the strength of our community and the strength of our resolve.

### 2005 Gala Honorees

**Dawn McKinley and Kathy Reynolds**, whose May 2004 wedding marked the first same-sex marriage in the Cherokee Nation, received NCLR's Voice and Visibility Award.

The late gay rights activist, psychotherapist, and bestselling author **Betty Berzon**, received NCLR's Founders Award. Her life partner of 33 years, Teresa DeCrescenzo, accepted the award.

WNBA superstar and Olympic Gold Medalist **Sheryl Swoopes** received NCLR's Spirit Award.

NCLR client and former Penn State basketball star **Jennifer Harris** received NCLR's Justice Award.

### NCLR extends its gratitude to its wonderful Gala Event Committee and Sponsors:

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ROBERT MONDAVI WINERY

#### OFFICIAL AIRLINE OF NCLR



# OntheDocket

The National Center for Lesbian Rights works to achieve equality for lesbian, gay, bisexual, and transgender (LGBT) people and their families across the nation by litigating cases on issues of importance to LGBT people and their families. In addition to litigating cases, NCLR provides free public education and legal information to thousands of individuals with questions related to their sexual orientation or gender identity and provides assistance to attorneys to help them better serve their LGBT clients. Attorneys interested in providing pro bono assistance may contact NCLR Managing Attorney Kendra Presswood, Esq.

## FAMILY LAW/ PARENTING

### **Adoption.com California Initial Victory!**



*Rich and Michael Butler*

NCLR is suing Adoption.com and a number of related parties, the largest adoption-related Internet business in the United States, on behalf of Rich and Michael Butler, a same-sex couple who have been together over eight years. Rich and Michael attempted to post a profile as potential adoptive parents on one of Adoption.com's websites. A company spokesperson told the Butlers the company does not allow gay and lesbian couples to use their services. Represented by NCLR and the law firm of Orrick, Herrington & Sutcliffe LLP, the Butlers are challenging this anti-gay policy under California law, which prohibits businesses from discriminating on the basis of sexual orientation. In an initial victory, in May 2005, federal district court Judge Phyllis Hamilton held that the Butlers' case can proceed. The court heard cross motions for summary judgment on June 7, 2006. The case is set to go to trial in late September 2006.

**NCLR CASE TO WATCH**

### **Jones v. Barlow Utah Appeal Pending**

Keri Jones and Cheryl Barlow had a child together in Utah using alternative insemination. After they separated, Barlow tried to keep Jones from having any contact with their child. In 2004, a Utah trial court granted Jones visitation. Barlow, who is represented by an anti-gay legal organization, appealed this decision to the Utah Supreme Court. The Court held oral argument in August 2005 and is expected to announce a decision at any time.

### **Denise B. v. Beatrice R. New York Appeal Pending**

Denise B. and Beatrice R. were in a committed relationship for 12 years. Midway through their relationship, they adopted a child from China, which does not allow same-sex couples to adopt. Although Beatrice was the only adoptive parent, the parties parented together equally for the next five years. After the couple separated, Beatrice kept Denise from seeing their child, forcing Denise to file an action for custody and visitation. The trial court dismissed Denise's petition, which she then appealed. The intermediate appellate court held oral argument on June 5, 2006. Denise is represented by NCLR, Jaime Santos and Josh Selig of the law firm of Heller Ehrman, and Professor Suzanne Goldberg.

### **Karen Atala Riffo v. Chile International Pending**

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 unfounded speculation that the daughters would eventually suffer psychological harm from living with Atala and her partner. With no recourse left in Chile, 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 Atala's case, arguing that the Court's decision is contrary to the weight of international authority. Atala's case is pending before the Commission.

## MARRIAGE

### **Woo v. California California Initial Victory! Appeal Pending**

The National Center for Lesbian Rights is lead counsel in *Woo v. California*, a lawsuit seeking marriage equality on behalf of twelve same-sex couples, Equality California, and Our Family Coalition. In April 2005, San Francisco Superior Court Judge Richard A. Kramer ruled in favor of the couples, holding that California's exclusion of same-sex couples from marriage unlawfully discriminates on the basis of sex and violates the fundamental right to marry. Judge Kramer's decision is now pending before the Court of Appeal in San Francisco. Briefing was completed on February 9, 2006. Oral argument will be heard on July 10, 2006. NCLR's co-counsel in the case are Lambda Legal, the ACLU, Stephen V. Bomse, Christopher F. Stoll, and Richard DeNatale of Heller Ehrman White & McAuliffe LLP, and David C. Codell of the Law Office of David C. Codell.

**NCLR CASE TO WATCH**



**Reynolds and McKinley  
Cherokee Nation  
Victory!**

NCLR represents Dawn McKinley and Kathy Reynolds, who are members of the Cherokee Nation. In May 2004, McKinley and Reynolds obtained a marriage certificate from the Cherokee Nation and married shortly thereafter. Since then, their marriage has been challenged three times. The Cherokee high court dismissed the first two challenges and NCLR is continuing to defend the couple's marriage before the Cherokee high court.

**Florida Anti-Gay Ballot Initiative  
Florida  
Loss**

NCLR, the ACLU, and Equality Florida challenged a proposed anti-gay voter initiative in the Florida Supreme Court. The measure, if passed, would block recognition of marriage and jeopardize the current domestic partner protections. Unfortunately, in March 2006, the Florida Supreme Court rejected this argument and approved the initiative for placement on the ballot.

**Hernandez v. Robles  
New York  
Victory!**

In March 2004, Lambda Legal filed this case on behalf of same-sex couples in New York who are seeking the right to marry. The trial court ruled in the couples' favor in February 2005, but this decision was reversed by the intermediate court in December 2005. New York's highest court heard oral argument in cases seeking the right to marry for same-sex couples on May 31, 2006. A decision is expected at anytime. NCLR filed an *amicus* brief supporting the couples' right to marry.

**DOMESTIC PARTNERSHIP  
AND OTHER RELATIONSHIP  
PROTECTIONS**

**Knight v. Superior Court  
Thomasson v. Schwarzenegger  
California  
Victory!**

Shortly after AB 205—the California Domestic Partner Rights and Responsibilities Act of 2003—was signed

into law, two rightwing groups filed lawsuits seeking to prevent the law from going into effect. On April 4, 2005, the Third Appellate District upheld the state's domestic partnership law. This decision was reaffirmed in two related appeals on January 27, 2006 and again on March 16, 2006. On April 12, 2006, the California Supreme Court declined any further review of the decision.

**Strong v BOE  
California  
Victory!**

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 Jerome C. Roth and Michelle Friedland of the law firm of Munger Tolles 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 565, which became effective January 1, 2006. The counties are appealing the ruling.

**Burrows v. ILWU  
California  
Initial Loss**

Marvin Burrows and William Swenor were together for 51 years and did everything within their power to demonstrate their commitment to each other, including registering as domestic partners. When Swenor suddenly passed away in March 2005, Burrows submitted a claim for Swenor's pension benefits. Despite their long and committed relationship, the company rejected Burrows' claim. NCLR, with the assistance of attorney Teresa Renakar, filed an initial appeal letter, which the company also rejected. NCLR is pursuing an additional appeal.

**SPORTS**

**Jennifer Harris  
Pennsylvania  
U.S. District Court**



*Jennifer Harris dribbles down the court.*

NCLR and the law firm of Hangley Aronchick Segal & Pudlin filed a lawsuit in federal district court in Pennsylvania on behalf of former Penn State women's basketball star Jennifer Harris against Lady Lions basketball coach Rene Portland, Penn State, and Penn State Athletic Director Tim Curley in December, 2005. Penn State completed its internal investigation in April 2006, concluding that Portland had created a "hostile, intimidating, and offensive environment" for Harris in violation of Penn State Policy AD-42, which prohibits discrimination and harassment on the basis of gender, sexual orientation, and other personal characteristics. University President Dr. Graham Spanier fined Coach Rene Portland \$10,000 and warned her that any further violations of the University's non-discrimination policies, which include prohibitions against retaliation, would result in her immediate termination. Major media outlets, such as ESPN and USA Today, called for Coach Portland's immediate dismissal, and Penn State students and faculty mobilized protests echoing the same sentiment.

**NCLR CASE TO WATCH**

**Lessik and Manzon-Santos v. East Bay Iceland, Inc. California Victory!**



*Ice skaters John Manzon-Santos and Alan Lessik on the ice.*

While training for the pairs' competition at East Bay Iceland in Berkeley, CA, award-winning amateur figure skaters John Manzon-Santos and Alan Lessik were harassed, discriminated against, and kicked out of the rink for skating together as they practiced for the Gay Games. As a result of NCLR's efforts, along with co-counsel Fred Alvarez, Amy Todd, and Tamara Fisher of Wilson Sonsini Goodrich & Rosati, the rink will require its employees to undergo diversity training and prominently display placards in part stating "[Iceland] undertakes continual efforts to open the world of skating to individuals in an environment free from intimidation, harassment, or bias."

**IMMIGRATION/ASYLUM**

**Soto Vega v. Ashcroft Ninth Circuit Victory!**

On July 24, 2002, Jorge Soto Vega filed for asylum based on persecution and violence he suffered in Mexico because of his sexual orientation. An immigration judge denied Soto Vega's application for asylum. Represented by Lambda Legal, Soto Vega sought review before the Ninth Circuit, which granted his petition for review and remanded the case to the Board of Immigration Appeals in June 2006. NCLR and the ACLU filed an *amicus* brief on his behalf.

**W.K. v. Gonzales Eighth Circuit Loss**

The 8th Circuit denied a petition for reconsideration of its prior decision

denying asylum to W.K., a gay man from Zimbabwe. As a teenager in Zimbabwe, W.K. was imprisoned for being gay and suffered harassment and abuse from local authorities and neighbors, including being shocked with an electric wire. Robert Mugabe, the current President of Zimbabwe, is one of the most notoriously anti-gay leaders in the world. He has called lesbians and gay men "worse than dogs and pigs" and promised that he will do "everything he can" to eliminate them from Zimbabwean society. An immigration judge denied W.K.'s petition for asylum and ordered him removed to Zimbabwe. The 8th Circuit affirmed the decision. On January 31, 2006, NCLR and co-counsel David Chapman and Benjamin Casper petitioned the court to reconsider its decision. On March 23, 2006, the Court denied W.K.'s petition for reconsideration, making his order of removal to Zimbabwe final.

**EMPLOYMENT**

**Jespersen v. Harrah's Casino Nevada Ninth Circuit Loss**

NCLR and the Transgender Law Center filed an *amicus* brief with the Ninth Circuit supporting Darlene Jespersen, who was fired by Harrah's Casino after she refused to comply with a new policy requiring female employees to adopt a hyper-feminine appearance. On April 14, 2006, the Ninth Circuit Court of Appeals upheld the validity of the Casino's grooming policy.

**Etsitty v. Utah Transit Authority Tenth Circuit Appeal Pending**

Despite having a 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 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 protect transgender people. Etsitty is appealing this decision to the Tenth Circuit. NCLR, Lambda Legal, and the ACLU filed an *amicus* brief supporting Etsitty's claim.

**FIRST AMENDMENT**

**Christian Legal Society v. Kane California Federal Court Trial Court Victory!**

The University of California – Hastings Law School permits students to organize student groups that are eligible to apply for university funding. 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 filed a lawsuit against Hastings alleging the nondiscrimination policy violated the group's First Amendment right to discriminate against gay and non-Christian students. Representing Outlaw, the LGBT student group at Hastings, NCLR and the law firm of Heller Ehrman, White & McAuliffe intervened to defend the University's policy. On April 17, 2006, United States District Court Judge Jeffrey White ruled in favor of Hastings and Outlaw. The Christian Legal Society has appealed the decision to the Ninth Circuit.

**FAIR v. Rumsfeld United States Supreme Court Loss**

NCLR joined the ACLU, Lambda Legal, and People for the American Way in filing an *amicus* brief in the United States Supreme Court in support of a challenge to the Solomon Amendment, a federal law that denies federal funding to universities that deny access to military recruiters. On March 6, 2006, the Supreme Court unanimously upheld the Solomon Amendment.

**REPRODUCTIVE RIGHTS**

**Benitez v. North Coast Women's Care Medical Group California Petition for Review Pending**

Guadalupe "Lupita" Benitez was denied infertility treatment by her Southern California health care providers because she is a lesbian. The trial court rejected the doctors' claim that they should be exempt from California's nondiscrimination statute because they have religious objections to serving lesbian patients. On December 5, 2005, the Court of Appeal reversed that decision. A Petition for Review is now

pending before the California Supreme Court. NCLR joined an *amicus* brief in support of Benitez.

### **Ayotte v. Planned Parenthood of Northern New England United States Supreme Court Victory!**

Planned Parenthood of Northern New England sought a declaratory judgment that the New Hampshire Parental Notification Prior to Abortion Act is unconstitutional. Both the trial court and the Court of Appeal held that the Act is unconstitutional. NCLR joined an *amicus* brief urging the United States Supreme Court to affirm. In January 2006, the Supreme Court unanimously affirmed its precedents that abortion laws must protect women's health and safety.

### **Scheidler v. NOW United States Supreme Court Loss**

The National Organization for Women (NOW) filed a lawsuit alleging that anti-abortion protesters had engaged in a nationwide conspiracy to shut down abortion clinics through "a pattern of racketeering activity." NCLR joined an *amicus* brief to the United States Supreme Court supporting NOW's argument. On February 28, 2006, in an 8-0 decision, the United States Supreme Court held that the anti-abortion protesters could not be held liable.

For the complete docket,  
go to

[www.nclrights.org](http://www.nclrights.org)

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

# Florida News

## **NCLR Releases Florida Adoption Ban Economic Impact Report**

At this time, the state of Florida is the only state in the country with a ban prohibiting same-sex couples from adopting children. The law bars qualified gay and lesbian individuals and couples from becoming adoptive parents, even for children for whom they serve as foster parents. In fiscal year 2004-2005, the Florida foster care system served 49,706 youth in out-of-home care. 3,258 children with a permanency goal of adoption were still awaiting adoption at fiscal year end 2004-2005. The National Center for Lesbian Rights and Equality Florida are working to bring an end to this discriminatory ban.



In March, NCLR published "The High Cost of Denying Permanency: An Analysis of the Economic Impact of Florida's Adoption Ban," written by NCLR Senior Counsel Karen M. Doering and Carl A. Schuh, which recommends the Florida state legislature repeal the current law.

The report addresses the economic impact of maintaining children in foster care when otherwise qualified LGBT individuals and couples are available, able, and willing to adopt, and the resulting costs – both direct and indirect – to the State of Florida. The report also details the long-term social, educational, and emotional costs to children raised in foster care. Each time a child is denied the opportunity to be adopted out of foster care because of the ban, that child is denied the security and permanency that only adoption can provide. The report concludes, from both a fiscal and child welfare perspective, that Florida's adoption ban comes at a high price.

The report is available at [www.nclrights.org](http://www.nclrights.org).

## **NCLR Featured on PBS The popular TV program *NOW* investigates Florida's adoption ban**

PBS's weekly newsmagazine program, *NOW*, devoted a substantial segment to Florida's discriminatory law. NCLR worked with PBS to feature some of the families and children affected by the adoption ban, creating a moving portrait of the children in need of loving, stable homes. NCLR's Karen Doering's public education and passionate advocacy illustrated our important work on behalf of LGBT families.



## NCLR'S 29th Anniversary Gala Photo Gallery

1. Kate Clinton and Kate Kendall 2. NCLR Board of Directors co-chairs Akaya Windwood and Kelly Dermody  
 3., 4. & 5. NCLR guests enjoying the Gala 6. Members of NCLR's Gala Event Committee  
 7. NCLR guests enjoying the Gala 8. NCLR Board of Directors

## Upcoming Events

### NCLR on the Road

NCLR is delighted to host and take part in a variety of events all over the country this summer and fall. Come see us at the Gay Games VII, Women's Week in Provincetown, on Kate Clinton and Cris Williamson tours, and other events across the country.

Visit <http://www.nclrights.org/events> for details. We hope to see you there!

## Sheryl Swoopes

### Red Button Campaign



Olivia and the National Center for Lesbian Rights are proud of Sheryl Swoopes for her strength, passion, and love of the game and of life. In the long list of her professional and personal achievements, she is the only team-sports athlete—woman or man—who risked it all to come out at the height of her career. Sheryl has embraced who she is, and we embrace her.

Together, Sheryl, Olivia and NCLR affect crowds far beyond the stadiums. That's why we created the red button. We're distributing buttons at WNBA games across the country. Watch for them and join NCLR and Olivia in supporting Sheryl. Join us now, so you can wear it proud!

**\$3 of every button goes to support NCLR.**  
 Get yours at [www.olivia.com/SeeRed](http://www.olivia.com/SeeRed)



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The National Center for Lesbian Rights (NCLR) is a national legal resource center which was founded in 1977, with headquarters in San Francisco and regional offices in Florida and Washington, D.C. Each year we serve more than 5,000 people in all fifty states. 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 lesbian, gay, bisexual, and transgender people and their families across the United States.