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2005 Gala: Thousands of guests fill Moscone



Glenn Close, Grethe Cammermeyer and Kate Kendell



Lena Ayoub and asylum clients



Guinevere Turner and Jenni Olson

Dazzling Gala Marks 28 Years of NCLR Excellence

It was the hottest ticket in town and one of the Bay Area's most important nights of the year. On May 14, 2005, bolstered by a sell-out crowd of 2,400 strong, The National Center for Lesbian Rights celebrated 28 years of pivotal and precedent-setting legal milestones for the entire LGBT community. For the seventh year in a row, the Moscone Center and stellar Emcee, Kate Clinton, set the stage for another NCLR unforgettable gala filled with electric words, inspiring activism, and a packed dance-floor!

Special tribute was paid to actress Glenn Close, for her 1995 portrayal of Col. Margarethe "Grethe" Cammermeyer, in the award-winning film, *Serving in Silence: The Margarethe Cammermeyer Story*. On hand to present Close with the award, Cammermeyer applauded her friend's courage: "Glenn Close, at a very risky time in America, decided to play an ostracized colonel who was challenging the military, which one did not do. She took on that challenge and became our voice."

In one of the highlights of the event, keynote speaker and NCLR's Executive Director, Kate Kendell, took the stage to a thunderous ovation from the crowd.

"It is clear to me," she proclaimed, "that our work has never been

more transformative, or more important. As we beat back the forces that would deny us liberty," she continued, "we have a vision, and it is nothing less than full dignity, protection and security for our lives and our relationships."

The evening's additional awardees included:

- Guinevere Turner, actor and writer for the movie *Go Fish*, and the *L-Word*, was presented with the Community Empowerment Award by film expert Jenni Olson.
- NCLR's Legal Director, Shannon Price Minter, presented San Francisco City Attorney, Dennis Herrera with the Equality Champion Award.
- Dallas County Sheriff, Lupe Valdez, received the Voice and Visibility Award from San Francisco Deputy Policy Chief, Mindy Pengel.
- NCLR Board Member Betsy Allen and NCLR Asylum Project staff Noemi Calonje and Lena Ayoub presented NCLR Asylum Clients Shinegerel, Vanessa, Luis, Mariella and Edit with the Justice Award.

NCLR wishes to thank once again the Gold Presenting Sponsors of the 2005 Gala including: AAA, *The Dorian Fund*, and Wells Fargo. Presenting Sponsors included *Bluer & Bluer, LLP*; *Elizabeth J. Cabraser, Lieff Cabraser Heimann & Bernstein LLP*; *Lesbian Equity Foundation*, *Kathy Levinson*; and *Jan Zivic*.



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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, DC. 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.

NCLR

National Center for Lesbian Rights

NEWSLETTER

WINTER 2005

INSIDE:

**NCLR's Family
Victories** Page 3



**Ford Foundation
Honors NCLR's
Minter** Page 4



**On the Docket—
Current NCLR
Cases** Page 8

NCLR Fights Three Decades of Anti-Gay Harassment at Penn State

"No Alcohol, No Drugs, No Lesbians"
- Penn State Coach Rene Portland to the *Chicago Sun Times*, 1986

College basketball coaches would be hard pressed to find a more desirable recruit than Jennifer Harris.

She graduated in 2003 from her Harrisburg, Pennsylvania high school as its leading scorer and most highly decorated basketball player ever. A four year National Honor-Society and President's Academic Award recipient, the 6-foot guard was also named a McDonald's, WBCA, Nike, USA Today and Blue Chip All American. Upon arriving at Penn State University in 2003, Harris became one of the team's most outstanding assets. By the end of her sophomore season, she was among team leaders in scoring, assists and steals.

Despite her exceptional performance on the court, Harris was subject to continuous and humiliating harassment from head women's basketball coach Rene Portland because of Harris' race, gender, and perceived sexual orientation. Portland repeatedly questioned Harris about her sexual orientation, pressured her to be "more feminine," and instructed other players not to associate with her. After Harris told Portland that she was a strong black woman and was unwilling to change her appearance, the harassment intensified. At the end of the 2004 season, Portland terminated Harris and two other African American players from the team.

NCLR is representing Harris, along with the law firm of Dangly Aronchick Segal & Pudlin. They have filed a complaint against Coach Portland, Athletic Director Timothy Curely and Penn State with the Pennsylvania Human Rights Commission.

Karen Doering is NCLR's lead attorney on the case. "The time has finally come," demanded Doering,



Jen Harris on the court

take action against Portland, or give Harris the right to file suit in the courts.

Accusations against Portland for being anti-gay are not new. In 1986, Portland told *The Chicago Sun Times* that she didn't allow lesbians on her team. And, according to *Sports Illustrated*, "Before the University adopted a policy in the early '90's that prohibits discrimination based on sexual orientation, Portland had gone on record about having a no-lesbian policy." Over the years, many of the players Portland has targeted for being gay were also African American, revealing a disturbing and multi-layered pattern of discrimination.

According to Harris and other players who have contacted NCLR, Portland created a demeaning, hostile and intimidating environment for Harris

"for Penn State to step up and put a stop to this overtly illegal activity once and for all."

Doering explained that the complaint to the Commission is a prerequisite in Pennsylvania to taking legal action. When the Commission rules, it will either force

Penn State to

WE STAND TOGETHER.

As I reflect on the past year, I'm reminded of the extraordinary people with whom I work. You'll meet some of them in this newsletter: courageous women and men, fighting for your rights, for your families and for the belief that everyone deserves to be treated equally. Inspired by their talent, foresight, and perseverance, I am proud to stand beside them. I urge you, as a supporter of NCLR, to stand with us as well.



Photo: Jan E. Watson

A Message from Kate Kendell

Stand with college basketball star, Jennifer Harris, as she takes on the women's basketball coach and administration of Penn State University for perpetuating a "no-lesbians" policy. For more than twenty years, this reprehensible behavior has never been formally challenged, and 21-year old Jennifer – with the help of NCLR – is saying "no more."

Stand with Shannon Price Minter, NCLR's Legal Director, as he champions the rights, safety, and visibility of transgender people. By fusing stellar legal advocacy with fearless activism, Shannon has helped incorporate the legal issues of the transgender community into the LGBT civil rights struggle.

Stand with Emily B., who, represented by NCLR, took her case before the state Supreme Court to ensure that all children of same-sex parents in California will be granted the same rights and protections as children with straight parents.

And stand with NCLR supporters and LGBT icons, Del Martin and Phyllis Lyon, who became the first couple in California to legally marry. A historic moment in time – even though their marriage and those of 3,200 other couples were later voided by California's Supreme Court. Currently, NCLR is lead counsel in *Woo v. Lockyer*, representing Del and Phyllis, along with 11 other same-sex couples, Equality California, and Our Family Coalition, seeking to end marriage discrimination in California.

This coming year, the LGBT movement sits at a critical juncture. To be sure, we've made enormous strides.

More of us than ever before enjoy some measure of legal protection, security, and recognition. More of us than ever before are living our lives with personal integrity and authenticity. More of us than ever before have discarded the yoke of internalized homophobia and feel real power, pride, and joy in who we are. But still, the road ahead is fraught with enormous challenges. Pending in California are two proposed constitutional amendments which would not only deny lesbian and gay couples any right to legally marry, but also would repeal our hard-won domestic-partner protections. Additionally, several states are considering legislation to bar LGBT people from adopting, and there are more anti-gay marriage constitutional amendments on the way in other states.

Each year NCLR provides free assistance to more than 5,000 individuals seeking legal help. We do this in the face of an incredibly well-funded right wing campaign that is working overtime to invalidate our lives and families. Toward that end, their legal and public relations machine outspends that of the LGBT movement's by a margin of ten to one.

In order to continue our fight – your fight – for justice, it is critical that we are armed with the necessary financial resources. So today, I urge you to stand with Jen, Shannon, Emily, Del, and Phyllis and support the work of NCLR. If we stand together, no one can stop us.

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NCLR Wins Groundbreaking Supreme Court Case

It was history in the making, and NCLR was instrumental in bringing it about. On August 22, 2005, the California Supreme Court broke new legal ground by ruling in three separate decisions, that when a same-sex couple has children together, both partners are full and equal parents without the need for an adoption.

Each of the three cases involved a lesbian couple who had children together but later ended their relationships. Writing for the majority, Justice Carlos Moreno said, "We perceive no reason why both parents of a child cannot be women." In all three cases, the Court recognized that it is the decision to have and nurture a child,

not a person's marital status or gender, which makes a parent.

Courtney Joslin, NCLR senior staff attorney, called the rulings "a tremendous victory for children, for parental responsibility, and for common sense." Joslin represented Emily B., a mother seeking child support from her former partner in *Elisa B. v. Superior Court*. NCLR also filed amicus briefs in the other two cases *K.M v. E.G.*, and *Kristine H. v. Lisa R.* along with Lambda Legal and others.

Putting these far-reaching decisions into context, Kate Kendell,

continued on page 6

New Staff News

Our Staff Continues to Grow! Please join us in welcoming...

Calla Devlin Communications Director



NCLR is pleased to announce that Calla Devlin has been named Communications Director. Calla comes to NCLR with more than a decade of expertise as a high level public relations and media strategist. She has secured extensive visibility for clients in top market venues such as: *The Washington Post*, *The New York Times*, *USA Today*, *National Public Radio*, *The Today Show*, *Oprah*, *Politically Incorrect* and *CNN News*.

Until recently, Devlin served as a Senior Account Executive with Landis Communications where she designed communication plans for nonprofit, arts, education and consumer clients including Stanford University and the California State Parks Foundation. She has also crafted news-driven media campaigns, successfully positioning and training clients to comment on breaking news and trends.

As Senior Publicist for Chronicle Books, Devlin designed marketing campaigns for sixty new products annually – including *We Do: A Celebration of Gay and Lesbian Marriage* and a book by U.S. Senator Barbara Boxer. As the Associate Director of Marketing and Publicity at Harper Collins, Devlin secured expansive media coverage for authors such as John Shelby Spong, civil rights champion for LGBT people of faith.

A published writer, Devlin's work has been included in many literary journals and magazines, including the *Harrington Lesbian Fiction Quarterly*. Her memoir about lesbian parenting, *Don't Call Me Daddy: A Lesbian's Journey as the Other Mother*, is forthcoming in fall 2006 from Seal Press.

Leanna Blankenship Development Assistant

Leanna Blankenship joined NCLR's Development department in July, and assists with all fundraising endeavors. Leanna received her degree in art and sociology at UC Berkeley in 2001. After a brief stint in urban design and planning, Leanna spent several years working for Precita Eyes Mural and Visitor's Center in San Francisco, where she ran their volunteer and membership program and their children's art workshops. She is also a muralist and has directed several public art pieces throughout the Bay Area. Leanna has volunteered extensively as a listener with the LYRIC Youth Talkline (now the GLBT National Help Center's Youth Talkline).

Tracy Powell Executive Assistant, Florida

Tracy Powell joined NCLR's Florida Office in February, where she works with Karen Doering, Florida Regional Counsel. Tracy graduated from Tiffin University in Ohio in 1994 with a Bachelors in Business Administration, with a focus in Sports Management. From there, she went on to work for a non-profit organization that provides services to mentally retarded and developmentally disabled individuals, and then spent several years at a large marketing company. Tracy relocated to Florida in 2002.

Liz Terry, Legal Assistant

Liz Terry joined NCLR's staff in June, as a Legal Assistant. Liz works closely with the attorneys and law clerks to support NCLR's legal work. Prior to NCLR, Liz worked at DSD, a small nonprofit consulting firm, and as the Sports Information Director and Compliance Coordinator at Mills College. Originally from western Massachusetts, Liz graduated from Brown University in 2002 with a degree in math. Liz is an avid sports fan and plays for the national champion Berkeley All Blues women's rugby team.

Ford Foundation Honors Shannon Minter's Tireless Advocacy

Prestigious Leadership for a Changing World Award

Shannon Price Minter wears many hats. Spouse, parent, law professor, and NCLR Legal Director, he is also one of this country's most preeminent lawyers, whose tenacious work has changed the civil rights landscape for lesbian, gay, bisexual, and transgender people around the world.

In October 2005, the Ford Foundation named Minter as one of their 2005 winners of the prestigious Leadership for a Changing World Awards. The 17 awardees, chosen by a national selection committee from a pool of nearly 1,000 nominations, are individuals and leadership teams tackling some of the nation's most entrenched social, economic and environmental challenges. Each honoree's organization receives a \$100,000 award for "working against great odds to make a difference."

Long before transgender issues were included in the agenda of the lesbian and gay rights struggle, Minter was a visible and vocal advocate for the community. Liz Seaton, General Counsel for the Human Rights Campaign, remarks: "Frankly, it is hard to find a transgender law or policy project—large or small—anywhere in the country that he has not been involved in, advised on, or influenced through his scholarship, education, or advocacy effort."

At NCLR, Minter assists transgender people who have lost custody of their children, lost their jobs, or been assaulted because of their transgender status. Every day, transgender people confront bias in virtually every aspect of their lives, from employment and family relations, to the health care, criminal justice, and schools systems. Although the numbers are growing, only a small number of state and local jurisdictions and employers require respectful and nondiscriminatory treatment of transgender people.

"As a transsexual person," says Minter, "I cannot imagine taking these things – being a parent, being married, having a job, being safe – for granted. I am motivated by knowing that the work I do

is making it possible for more transgender people to step out of self-hatred and fear and to come into their own."

As a teenager growing up in rural east Texas, and identifying as a lesbian, Minter knew he was different. So did others, including students who slashed his tires. After his transition in 1996, his family had trouble accepting him as a transgender person. "But last year," Minter reported, "I finally summoned the courage to go back home. One of the best moments of my

life was being able to hug my parents and my 92-year-old grandmother again and seeing the love and acceptance in her eyes. I know that love and compassion can prevail over fear and shame."

Recently, civil rights groups and gay and lesbian activists have begun to more fully recognize the issue of transgender people's rights—in large part due to Minter's advocacy. Serving as lead counsel on

cutting edge civil rights cases, Minter represented transgender father Michael Kantaras in a highly publicized 2003 custody case that was televised on Court TV. The case exposed millions of viewers, many for the first time, to accurate information about transgender people and the process of sex-reassignment.

In 1993, Minter founded NCLR's Youth Project, the first legal-advocacy group to address the needs of lesbian, gay, bisexual, and transgender (LGBT) youth. He now helps to coordinate NCLR's Safe Homes Project, staffed by NCLR attorney Jody Marksamer, which helps LGBT youth facing discrimination and problems in foster care, group homes, or the juvenile-justice system and which has developed some of the nation's first-ever resource materials on the appropriate treatment of transgender youth in group homes and juvenile justice facilities.

Minter sees strong connections between transgender and lesbian issues. "NCLR always has been a feminist as well as a lesbian organization," notes Minter. "Because of that strong

feminist perspective, NCLR recognizes that we cannot fully protect lesbians unless we also confront sexism and gender stereotyping in all its forms, including discrimination against transgender people."

In addition to his work on behalf of transgender people, Minter also oversees NCLR's advocacy on behalf of lesbian, gay, and bisexual people. He is NCLR's lead counsel on *Woo v. Lockyer*, the California marriage equality case. Minter also represented Sharon Smith in her groundbreaking wrongful death suit on behalf of her deceased partner, Diane Whipple. Minter has been instrumental in creating new legal protections for same-sex parents, and in 2004, received an honorary degree from the New York City University School of Law for his advocacy on behalf of lesbian, gay, bisexual, and transgender people.

Minter's belief in coalition-building led to the creation of an array of important collaborations. NCLR has partnered with the Gay/Straight Alliance Network, the Transgender Law Center, and the San Francisco Unified School District to draft and implement the country's first official school-district policy which expressly includes transgender students. The policies address such issues such as locker-room privacy, dress codes, and anti-harassment procedures. Another partnership, with Legal Services for Children, created model guidelines for the treatment of LGBT youth in foster care and juvenile-justice facilities.

As legal director of NCLR, Minter appreciates "the enormous flexibility, support, and resources" he receives to do his work—which is far from complete. For the immediate future, he remains committed to his work at NCLR and especially to expanding NCLR's ability to protect LGBT people who face multiple forms of discrimination. "Many LGBT people experience discrimination because of their gender and race, as well as their sexual orientation," notes Minter. "In the coming years, NCLR will help lead the way in developing legal strategies that recognize the intersection of sexism, racism, and homophobia."

Stay on top of your civil rights! Get email updates and announcements about our legal programs and nation-wide events:
www.nclrights.org and click on 'Get Email Updates'

NCLR Receives \$100,000 Lead Gift from Kathy Levinson and Naomi Fine



(left to right) Naomi Fine, Reade, Kathy, and Parker Levinson

NCLR is honored to announce that Kathy Levinson and Naomi Fine have made a \$100,000 leadership challenge gift to this year's Major Gifts Campaign. Their generous gift comes at a time when NCLR is leading the way in LGBT rights nationally – seeing NCLR's leadership and the many LGBT legal battles on NCLR's docket made it clear to Levinson and Fine that the time to give a gift of this magnitude and impact is now.

A group of generous donors have joined Levinson and Fine to create a \$170,000 matching fund to encourage first time and higher giving.

All new and increased 2005 major gifts* given or pledged by December 31, 2005 will be matched up to \$170,000 by the following members of the NCLR family:

Cindy Brooks & Judith Thompson	Rosanne Siino
Sharon & Michelle Enlowsmith	Renata Sos & Judy Miles
Kathy Levinson & Naomi Fine	Kara Swisher & Megan Smith
Angela Padilla & Amy Silverstein	Jan Zivic

With the boost and support of these generous lead donors, and more than 30 volunteer solicitors, the 2005 Major Gifts Campaign will undoubtedly be NCLR's most successful yet. Co-chaired by Rhett Currier and Jan Zivic, this year's campaign goal is \$1.3 million – a little more than twice the 2004 goal. We are in the fight of our lives; defeating the right wing forces who would deny us and our loved ones our fundamental rights demands a significant commitment from our entire community. The largest *single* anti-gay group in the country has an annual budget of \$130 million. The combined annual budgets of the leading *twelve* national LGBT organizations, including NCLR, barely break \$50 million.

Make your major gift today! Contact Dena Zaldúa Hilken, Manager of Annual Giving, at zaldua@nclrights.org or (415) 392-6257, x303.

* Major gifts begin at \$1,500. New and increased contributions made to the major gifts campaign of \$250 or more are eligible to be matched.



(left to right) Noemi Calonje, Shannon Price Minter, Lena Ayoub, and Jody Marksamer

Photo: Bob Heiang

NCLR Fights Three Decades of Anti-Gay Harassment at Penn State

continued from page 1

and other players she thought were lesbians. In addition, Harris recalls, Portland “created divisiveness on the team by instructing players not to associate with other players she believed to be gay, or they would be kicked off the team also. Coach Portland’s final insult to me was to exclude me from the 2004-2005 Awards Banquet, which all of my 2004-2005 Lady Lion basketball teammates were invited to attend.”

Since NCLR announced its representation of Harris, dozens of former players and staff have contacted NCLR to corroborate Harris’ story and to express their admiration and gratitude to her for having the courage to speak out. NCLR Legal Director, Shannon Minter concurs. “Jennifer Harris deserves enormous credit,” he stated, “for standing up not only for her own rights and dignity, but also for that of the many other players who, we believe, have experienced similar discrimination by Coach Portland over the past nearly thirty years. We are confident that the truth will come to light, and we urge Penn State to take appropriate actions to deal with Coach Portland’s discriminatory actions.”

In response to the Harris case, The National Association for Girls

NCLR Wins

continued from page 3



A family that can now stay together: Emily B. and her twins, Kaia and Ry.

NCLR Executive Director, noted that, “Before August 22, California treated the non-birth parent in a same-sex parent family as a legal stranger to the child, with no right even to see her child if the parents ever ended their relationship.” As a result of this inequality, thousands of California children have been permanently separated from one of their two parents, often with traumatizing results.

The Court has now boldly ended this discrimination. According to the Court, “A person who actively participates in bringing children into the world, takes the children into her home and holds them out as her own, and receives and enjoys the benefits of parenthood, should be responsible for the support of those children—regardless of gender or sexual orientation.”

The Court’s ruling was a great victory for NCLR’s client, Emily B.—and for all children born to same-sex parents.

In 1998, Emily B. and her then partner Elisa had twins together, using alternative insemination and an anonymous donor. After the twins were born, Emily stayed home to care for the children, one of whom is severely disabled, and Elisa supported the family financially. The couple separated eighteen months later, and Elisa eventually stopped visiting the twins or providing any financial support. Emily applied for public assistance with the State —

and Women in Sport reiterated its stance opposing discrimination against athletes, warning that, “Such an environment can have negative effects on athletes’ mental and/or physical health and interfere with optimal athletic performance. Prejudicial sport settings can also increase the likelihood that athletes will experience stress and depression, be isolated from teammates, and/or feel compelled to portray a socially desirable image.”

For Harris, it wasn’t an easy decision to take on a legendary coach and powerful university. “I struggled with whether I should just walk away and try to forget what happened,” she said. “I finally realized that I could never put this incident behind me as long as other students were being subjected to the same sort of humiliation and discrimination I experienced from Coach Portland. In the end, I knew I had to speak out.”

Harris has since transferred to James Madison University, in Virginia. But because Penn State compounded its discrimination against her by failing to give her a timely release letter, as required by NCAA transfer rules, she must sit out the current season before she is eligible to play for her Junior and Senior years.

While she’d rather be on the court, Harris knows she did the right thing. “Coach Portland very nearly destroyed not only my athletic career, but also my dream of completing my education and becoming a doctor. I do not want to see a single other student damaged in this way.”

which in turn filed a child support action against Elisa. Elisa fought the action, claiming that she was not one of the twins’ parents and should have no obligation to support them.

The California Supreme Court rejected Elisa’s argument. Ruling in favor of Emily, the Court held that Elisa could not simply walk away from her family, or from her obligation to support the two children she agreed to bring into the world. According to the Court, Elisa is a legal parent to the children and is responsible for their care and support. “I’m elated beyond words that the Court recognized the reality that my children have two parents,” said Emily. “It is a tremendous victory not only for my family, but for all children born to same-sex couples.”

The California Supreme Court is the first court in the nation to rule that children born to same-sex couples must be treated equally and receive the same legal and financial protections (health insurance, inheritance and social security benefits as well as visitation and custody arrangements) as children born to married heterosexual parents. While courts in other states previously have ruled in favor of visitation or custody rights for same-sex partners, those rulings have stopped short of establishing full parent-child relationships.

Once legally invisible, children of same-sex parents in California now have the same protections as children whose parents are straight. “These children have the same needs as all other children for support from both of the people who brought them into the world,” said Joslin. “With this ruling, the Court recognized that all children must be protected— regardless of the sexual orientation or marital status of their parents.”

To access the decisions and the briefs in this historic case, visit NCLR’s website at www.nclrights.org

NCLR combate tres décadas de acoso anti-gay en la Universidad de Pennsylvania State

“Alcohol No, Drogas No, Lesbianas No”

– Entrenadora de Penn State Rene Portland, al *Chicago Sun Times*, 1986

Sería difícil para entrenadores universitarios de basketball encontrar una mejor atleta que Jennifer Harris.

En el 2003, Harris se graduó de su preparatoria en Harrisburg, Pennsylvania siendo la jugadora con el mayor puntaje y la más condecorada. Además de haber recibido el “National Honor Society” y el “President’s Academic Award” por cuatro años, la escolta que mide seis pies de altura también fue nombrada “McDonald’s, WBCA, Nike, USA Today and Blue Chip All American”. Cuando llegó a Penn State en el 2003, Harris se convirtió en un miembro valioso de su equipo. Al final de su Segundo año universitario, ella era una de las líderes en puntaje, asistencias e intercepciones jugadas.

A pesar de su éxito en la cancha, Harris fue expuesta a humillante y continuo acoso por parte de Rene Portland, la entrenadora del equipo de basketball de mujeres, a causa de su raza, género y la percepción de su orientación sexual. En repetidas ocasiones, Portland le preguntó a Harris acerca de su orientación sexual, la presionó a que fuera “más femenina” y dio órdenes de que los otros jugadores no se asociaran con Harris. Después de que Harris le dijo a Portland de que ella es una mujer africana-americana y fuerte y de que no estaba dispuesta a cambiar su apariencia, el acoso se intensificó. Al final de la temporada del 2004, Portland despidió a Harris y a otras dos jugadoras afro-americanas del equipo.

NCLR y la firma de abogados de Dangly Aronchick Segal & Pudlin están representando a Harris. Ellos han presentado una queja contra la entrenadora Portland, el Director Atlético Timothy Curely y la Universidad de Pennsylvania State ante la Comisión de Derechos Humanos de Pennsylvania.

Karen Doering de NCLR es el abogado principal en el caso. “Ha llegado por fin el momento,” dijo Doering, “de que Penn State asuma su responsabilidad y acabe con esta actividad ilegal de una vez por todas”. Doering explicó que la presentación de la queja a la Comisión es un requisito en Pennsylvania para proceder legalmente contra Portland. Cuando la Comisión dé su decisión, obligará a Penn State a tomar acción en contra de Portland o le dará a Harris el derecho de presentar una demanda en la corte.

Las acusaciones contra Portland de ser anti-gay no son nuevas. En 1986, Portland comentó en el periódico *The Chicago Sun Times* que ella no permitía lesbianas en su equipo. Y, según *Sports Illustrated*, “Antes de que la Universidad adoptara una póliza a principios de los ‘90s que prohibiera la discriminación basada en la orientación sexual de un individuo, Portland ya había públicamente admitido tener una póliza de no lesbianas.” A través de los años muchos jugadores acosados por Portland por ser gay han sido también africano-americanos, revelando una inquietante pauta de discriminación de múltiples facetas.

Según Harris y otras jugadoras que han contactado a NCLR, Portland creaba un ambiente de hostilidad, degradación e intimidación para Harris y otras jugadoras quien ella sospechaba de ser lesbianas. También, cuenta Harris, Portland “creaba división en el equipo con sus órdenes de que las jugadoras no se asociaran con las compañeras a quienes sospechaban de ser lesbianas o serían despedidas del equipo. El último insulto que sufrí a manos de Portland fué cuando ella me excluyó del “2004-2005 Awards Banquet” (ceremonia de premios) al cual fueron invitadas todas mis otras compañeras de equipo.”

Desde que NCLR anunció que estaba representando a Harris, docenas de ex-jugadoras y ex-personal se han puesto en contacto con

NCLR para corroborar con la historia de Harris y para expresar su admiración y agradecimiento a ella por tener el valor de levantar su denuncia. El Director Legal de NCLR, Shannon Minter, está de acuerdo. “Jennifer Harris merece un crédito enorme”, dijo, “no solo por pelear por sus propios derechos y dignidad, sino también por el derecho y la dignidad de muchas otras jugadoras quienes, nosotros creemos, han experimentado discriminación similar por parte de Portland a través de los últimos casi treinta años. Confiamos en que la verdad saldrá a la luz y le rogamos a Penn State que tome las acciones necesarias para terminar con las acciones discriminatorias de Portland.”

Respondiendo al caso de Harris, La Asociación de Mujeres y Niñas en Deportes reiteró su oposición a la discriminación contra los atletas, advirtiendo que, “Este tipo de ambiente puede tener un efecto negativo en la salud mental y/o física del atleta y puede interferir en el desempeño atlético.” Ambientes deportivos con prejuicio también pueden incrementar la posibilidad de que el atleta experimente estrés y depresión, aislamiento de sus compañeros de equipo, y/o de que se sienta obligado a presentar una imagen que se considera socialmentedeseable.”

Para Harris, no fue fácil la decisión de enfrentarse con una entrenadora famosa y una universidad poderosa. “Yo no sabía si era mejor alejarme y tratar de olvidar lo que había pasado,” dijo. “Finalmente me di cuenta de que no podía dejar esta experiencia atrás mientras otros estudiantes estaban sufriendo el mismo tipo de humillación y discriminación que yo sufrí de parte de Portland. Al final, supe que tenía que hablar.”

Desde entonces, Harris se transfirió a James Madison University, en Virginia. Pero debido a que Penn State agravó su discriminación contra Harris, negándose a darle una carta de condonación del equipo a tiempo, algo requerido por las reglas de transferencia del NCAA, ella tendrá que esperar hasta la siguiente temporada para ser elegible para jugar en su tercer y cuarto año.

Aunque preferiría estar en la cancha, Harris sabe que hizo lo correcto. “Portland casi destruyó no solo mi carrera atlética sino también mi sueño de terminar mis estudios y ser una doctora. Yo no quiero ver ni siquiera un estudiante más ser dañado de esta manera.”

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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 senior staff attorney, Courtney Joslin, Esq.

FAMILY LAW/ PARENTING

B.F. v. T.D. Kentucky Appeal pending

B.F. and T.D., a lesbian couple, were in a committed relationship for seven years. When their attempts to get pregnant were unsuccessful, the couple decided to adopt. Because the availability of second parent adoptions is unclear in Kentucky, only T.D. adopted the child. For the next six years, the couple raised their child together. After the couple separated, however, T.D. cut off all contact between B.F. and the child, forcing B.F. to file for visitation. Although both the trial court and the Kentucky Court of Appeals held that B.F. has no standing to seek visitation, the Kentucky Supreme Court has agreed to review the case. B.F. is represented by NCLR and local counsel Bryan D. Gatewood.

Hedberg v. Detthow Maryland Victory!

The Maryland Court of Appeals ruled in favor of gay father Ulf Hedberg in June 2005, holding that he must be given an opportunity to challenge a custody restriction that prohibits him from living with his same-sex partner. NCLR, Lambda, and Maryland attorney Susan Silber of Silber & Perlman represent Mr. Hedberg, who is challenging a custody order,

issued several years ago in Virginia, that prohibits him from living with his life partner, Blaise Delahoussaye. The Virginia order was based on Virginia's sodomy law, which was struck down, along with 12 others nationwide, in a U.S. Supreme Court ruling in 2003.

Elisa B. v. Superior Court California Victory!

Elisa and Emily had twins together while they were in a committed relationship. One of the twins has Down Syndrome and requires round-the-clock medical care. After Elisa and Emily separated, Elisa, the non-biological mother, eventually stopped visiting the twins or providing any financial support. In August 2005, the California Supreme Court held that Elisa is a legal parent and must pay child support, stating that when a same-sex couple has a child through assisted reproduction, both partners are legal parents, regardless of their gender, sexual orientation, or marital status. The California Supreme Court is the first state Supreme Court to reach this conclusion, and its decision in this case and the other two related cases that were decided the same day inevitably will influence courts in other states. NCLR represented Emily before the California Supreme Court.

K.M. v. E.G. California Victory!

A lesbian couple, K.M. and E.G., had twins

together through a reproductive technology known as ovum-sharing. An egg was removed from K.M., fertilized in vitro, and implanted in her partner E.G. After the twins were born, K.M. and E.G. raised them together for several years. When the couple separated, however, E.G. (the birth mother) refused to allow K.M. (the genetic mother) to see the children. In August 2005, the California Supreme Court held that both women are legal parents to their twin girls. NCLR, Lambda Legal and other LGBT organizations filed an *amicus* brief on K.M.'s behalf. K.M. is represented by the Hersh Family Law Practice.

Kristine H. v. Lisa R. California Victory!

Kristine H. and Lisa R. had a child together using alternative insemination. Before the child was born, Kristine and Lisa obtained a court judgment declaring both of them to be the child's legal parents. When the couple separated a few years later, however, Kristine took the position that Lisa was not a legal parent and had no right to custody or visitation with their child. In August 2005, the California Supreme Court ruled that Kristine was barred from challenging the judgment and that both women are legal parents. NCLR, Lambda Legal, and other LGBT organizations filed an *amicus* brief on behalf of Lisa, the non-biological mother. Lisa is represented by Diane Goodman and Leslie Shear of Los Angeles, California.

In re Parentage of L.B. Washington Victory!

Sue Ellen Carvin and her former partner Page Britain were in a committed relationship for 12 years. They had a child and raised her together for 6 years. Throughout that time, Carvin was the child's primary caretaker. After the couple separated, Britain cut off all contact between Carvin and the child. In November, 2005, the Washington Supreme Court held that Carvin is a parent and is entitled to seek custody or visitation. With this landmark decision, the Washington Supreme Court has now become

the second state supreme court, following California earlier this year, to hold that same-sex couples who have and raise children together are both legally responsible as parents. Carvin was represented by the Northwest Women's Law Center. NCLR, Lambda Legal, and Children of Lesbians and Gays Everywhere (COLAGE) filed a brief supporting Carvin, with assistance from Kristin Boraas, Laura Clinton, and Jamie D. Pedersen of Preston Gates & Ellis LLP.



Rich and Michael Butler

Adoption.com California Initial Victory!

NCLR is suing Adoption.com, the largest adoption-related Internet business in the United States, on behalf Rich and Michael Butler, a same-sex couple who have been together 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 that 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 Adoption.com must comply with California's non-discrimination laws and that the Butlers' case can proceed.

Wood v. Wood Florida/Colorado Victory!

NCLR represents Hannah Wood in a Florida child custody case against her former partner, Courtney Wood. Hannah and Courtney had

a child together using alternative insemination. After the couple separated, a Colorado court granted Hannah visitation with the couple's daughter. Courtney fled the state with their daughter and filed an action in Florida, seeking a ruling that Hannah has no parental rights. Represented by NCLR attorney Karen Doering, Hannah successfully argued that Colorado, not Florida, had jurisdiction over the case. NCLR cooperating attorney Kyle Velte is representing Hannah in the Colorado action.

Angela G. v. D.W. California Victory!

Angela G. and D.W., a lesbian couple, had a child together in 1998. After the couple separated, D.W. arbitrarily cut off all contact between Angela and the child, forcing Angela to file for custody. The trial court held that Angela was not a parent and had no right to any contact with the child. In June, 2005, the California Court of Appeal reversed the trial court's decision and held that Angela is a parent and has the right to seek custody. NCLR represented Angela in her appeal.

Jones v. Barlow Utah Appeal Pending

Keri Jones and Cheryl Barlow had a child together in Utah using alternative insemination. After they separated, Cheryl tried to prevent Kerri from having any contact with their child. In 2004, a Utah trial court granted Keri visitation. Cheryl, who now identifies as an "ex-lesbian" and is being represented by an anti-gay legal organization, appealed this decision to the Utah Supreme Court. NCLR is representing Keri on appeal with the assistance of local counsel Lauren R. Barros, P.C., who represented Keri at trial.

Katherine Anne Fisher Davenport et al v. Deborah Little-Bowser et al Virginia Victory!

The ACLU of Virginia sued on behalf of four children adopted by same-sex couples after

the Virginia Department of Vital Records refused to issue new birth certificates listing both of the children's adoptive parents. The children were born in Virginia, but adopted by same-sex couples in the District of Columbia and New York. NCLR assisted Professor Joan Hollinger, one of the nation's foremost scholars on adoption law, in filing an *amicus* brief supporting the children's right to obtain accurate birth certificates. In April 2005, the Virginia Supreme Court held that the Department of Vital Records must issue birth certificates listing both adoptive parents, regardless of whether the adopted parents are different-sex or same-sex.

Tina B. v. Paul S. West Virginia Victory!

Tina B. and Christine S., a lesbian couple, lived together for many years and had two children together. When Christine died, Christine's parents tried to obtain custody of one of the children, over Tina's strong objection. The West Virginia Supreme Court awarded Tina B. custody of the child. The National Center for Lesbian Rights and Lambda Legal filed an *amicus* brief supporting Tina, who is represented by James Wilson Douglas of Sutton, West Virginia.

Jones v. Boring Pennsylvania Victory!

Ellen Boring and Patricia Jones had twin children together in the context of a long-term committed relationship. When the couple separated, Boring tried to cut off Jones' contact with the children. After hearing extensive evidence, a trial court awarded custody to Jones. Boring appealed, arguing that she automatically should be given custody because she is the birth mother. The appellate court rejected the argument that biology alone should determine custody, holding that the primary focus must always be on the best interests of the child. The National Center for Lesbian Rights represented Jones, along with Lambda Legal, The Center for Lesbian and Gay Civil Rights and local counsel

Maureen Gatto of Dorian, Goldstein, Wisniewski & Orchinik in Bensalem, Pennsylvania.

Riley v. Sica **California** **Appeal Pending**

Charisma and Kristina had a child together in the context of a committed relationship. Shortly after the child was born, Kristina abruptly left the couple's home and took their daughter with her. Since leaving, Kristina has only allowed Charisma to see their daughter twice. Charisma filed a custody action. The trial court dismissed her action, holding that people who lack a biological or marital connection to a child cannot seek custody or visitation. Represented by NCLR, Charisma is seeking review of that erroneous decision in the California Court of Appeal. Kristina is being represented by an anti-gay organization.

Hayes v. Mohr **Florida** **Appeal Pending**

Teresa Hayes and Mary Mohr were in a committed relationship for over 17 years, during which time Mohr adopted two children. To ensure that Hayes also would be recognized as a legal parent, in 1999 the couple obtained a parenting decree from a Colorado court acknowledging Teresa Hayes as the second legal parent of the couple's two children. In 2005, after moving to Florida, the couple separated. Mohr began curtailing, and eventually terminated Hayes' contact with the children. Hayes filed suit in Florida, asking the Florida Court to enforce the parenting order issued by Colorado. Mohr asked the Florida court to dismiss the case, claiming the Colorado order was invalid. The court granted Mohr's motion to dismiss the action. NCLR represents Hayes on appeal.

Sharon S. v. Annette F. **California** **Victory!**

Sharon and Annette were in a committed relationship for many years and had two children together. Annette completed a second-parent adoption of the older child

and was in the process of adopting the younger when the couple separated. Sharon, the birth mother, tried to block the adoption by arguing that second parent adoptions are not permissible under California law. After several perilous years for thousands of families in California, in 2003, the California Supreme Court held that California permits second-parent adoptions and sent the case back to the trial court to determine whether the adoption should be granted in this case. In 2004, the trial court held that Annette should be permitted to complete the adoption to protect the best interests of the child. In November, 2005, the California Court of Appeal affirmed the trial court's decision. NCLR represented Annette in the appeal.

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 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. NCLR's co-counsel in the case are Lambda Legal, the ACLU, Stephen V. Bomse, Christopher F. Stoll, Richard DeNatale, and Ryan Tacorda of Heller Ehrman White & McAuliffe LLP, David C. Codell of the Law Office of David C. Codell, and Clyde J. Wadsworth of Steefel, Levitt & Weiss.

Reynolds and McKinley **Cherokee Nation** **Initial Victory!** **Second Appeal Pending**

NCLR represents Dawn McKinley and Kathy Reynolds, a same-sex couple who are members of the Cherokee Nation. In May 2004, Dawn and Kathy were issued a marriage certificate by the Cherokee Nation and

married shortly thereafter. The next month, another member of the Cherokee Nation filed a Petition seeking to invalidate Dawn and Kathy's marriage. NCLR defended Dawn and Kathy before the Cherokee high court, which dismissed the challenge to their marriage in August, 2004. Two days later, various members of the Cherokee Nation Tribal Council filed a new action seeking to invalidate Dawn and Kathy's marriage. NCLR is now defending Dawn and Kathy against this new challenge.



Dawn McKinley and Kathy Reynolds

Bowler v. Lockyer **California** **Victory!**

The anti-gay group Campaign for California Families (CCF) submitted a proposed initiative to amend the California Constitution to permanently exclude same-sex couples from the right to marry and to eliminate rights and responsibilities provided to registered domestic partners. After the Attorney General issued its description of the proposed initiative and its effect, CCF filed a lawsuit challenging the Attorney General's description. Sacramento Superior Court Judge Cadei resoundingly rejected CCF's claims, holding that the Attorney General's Title and Summary was accurate. The California Court of Appeal subsequently denied CCF's request to review the trial court decision. NCLR, along with the law firm of Remcho Johansen and Purcell, and Lambda Legal and the ACLU represent Equality for All, Equality California, and two same-sex couples who intervened in the action to represent the interests of same-sex couples.

Florida Anti-Gay Ballot Initiative

Florida
Trial Court Decision Pending

NCLR, the ACLU, and Equality Florida filed a

brief in the Florida Supreme Court challenging a proposed anti-gay voter initiative. The measure, if passed, would block recognition of marriage and might also jeopardize the current domestic partner protections that exist across the state. Filed on behalf of six same-sex couples, the brief argues that the initiative violates the single subject rule in the Florida Constitution by requiring voters to decide two separate issues at once: whether to prohibit same-sex couples from marrying and whether to prohibit the provision of other types of legal protections for same-sex couples.

Higgs v. Kolhage **Florida** **Trial Court Decision Pending**

NCLR is representing six same-sex couples and Equality Florida, a statewide LGBT education and advocacy organization, in a lawsuit seeking marriage equality for same-sex couples in Florida. All six couples were turned away by the Clerk of the Court's office when they tried to apply for a marriage license. Local attorney Alan Eckstein is co-counsel in the suit. Oral argument is scheduled in the trial court for December 6, 2005.

Kerrigan & Mock et al v. Connecticut Department of Public Health

Connecticut
Trial Court Decision Pending

Kerrigan & Mock et al v. Connecticut Department of Public Health seeks to end Connecticut's exclusion of lesbian and gay couples from marriage. GLAD is representing the plaintiffs in cooperation with Maureen Murphy of Murphy, Murphy, Nugent in New Haven, Kenneth J. Bartschi of Horton, Shields & Knox in Hartford, and the Connecticut Civil Liberties Unions. NCLR joined an *amicus* brief, along with 24 other civil rights groups, supporting the couples' right to marry.

Lewis v. Harris **New Jersey** **Appeal Pending**

In June 2002, Lambda Legal filed this marriage equality lawsuit on behalf of seven

lesbian and gay couples in New Jersey. The case is now pending before the New Jersey Supreme Court. NCLR filed *amicus* briefs in both the Court of Appeal and the New Jersey Supreme Court 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. NCLR is defending AB 205 on behalf of 12 same-sex couples and Equality California. Our co-counsel are David C. Codell of the Law Office of David C. Codell, the ACLU, and Lambda Legal. In September 2004, the Sacramento Superior Court upheld the validity of the law, and the California Court of Appeal upheld that decision.

Strong v. BOE **California** **Trial Court Decision Pending**

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 adopted a rule that extended a similar protection to same-sex couples. In 2005, several counties filed a lawsuit challenging this rule. NCLR, Lambda Legal, and the law firm of Munger Tolles are representing Equality California and three same-sex couples who intervened in the case to defend the validity of the rule.

Burrows v. ILWU **California** **Appeal Pending**

Marvin Burrows and his partner William Swenor were together for 51 years. Marvin and William did everything within their power to demonstrate their commitment to each other and to provide for the surviving partner in the event of one partner's death, including registering as domestic partners. During the time they were together, William worked for Owens Illinois as a warehouse crew leader for more than 35 years. Throughout William's employment, he was a member of the ILWU and a participant under their Pension Plan. William was still working for Owens Illinois when he suddenly and unexpectedly passed away in March of 2005. Faced with the sudden and tragic loss of his life partner, Marvin submitted a claim for William's Pension benefits. Despite their long and committed relationship, the company rejected Marvin's claim. NCLR, with the assistance of attorney Teresa Renakar, filed an initial appeal letter, which the company also rejected. NCLR is now preparing an additional appeal on Marvin's behalf.

TRANSGENDER ISSUES

Kantaras v. Kantaras **Florida** **Victory!**

In June 2005, love, patience, and persistence, combined with a visionary judge and a little help from Dr. Phil, led to an historic settlement agreement between NCLR client Michael Kantaras and his former wife. Michael, a transsexual father, has been fighting for almost seven years to retain his parental rights to his two children, aged 16 and 13. This case first made national and international news in 2002, when Court TV aired the entire three week trial. Michael's former wife knew he was transgender when they married, but when Michael filed for divorce, she attacked the validity of their ten-year marriage - and Michael's status as a legal parent to the couple's two children - based solely on Michael's transgender status. In February 2003, Circuit Court judge Gerard O'Brien issued a groundbreaking decision holding that Michael was legally male, affirming the validity of the

marriage, and awarding Michael primary custody of the couple's two children. In July 2004, the Court of Appeal's reversed Judge O'Brien's historic Order, voiding the former couple's marriage. The appeals court sent the case back to the trial court to determine Michael's parental rights. After hearing about the case, television celebrity Dr. Phil invited the couple to be on



(left to right) Karen Doering, Sherry Kantaras, Michael Kantaras, and Dr. Phil

his show and encouraged them to mediate the case for the sake of the children. After two all-day mediation sessions, the parties reached a settlement in which Michael retains all of his parental rights and responsibilities and will continue to share legal custody with the children's mother.

In re Marriage of Simmons

Illinois
Loss

NCLR assisted Sterling Simmons, a transgender father in Chicago. Sterling has lived his entire adult life as a male and has undergone medical treatment for sex-reassignment. He also had his birth certificate changed to reflect his male gender. Sterling married in 1985. He and his wife had a child together in 1992 through alternative insemination. When Sterling filed for divorce in 1998, his wife counter-petitioned to have their marriage declared void and to terminate Sterling's parental rights. All three therapists who evaluated the family found the mother to be unstable and recommended that Sterling be given custody. Despite these recommendations, the trial court gave custody to Sterling's ex-wife and held that Sterling is not a legal parent, solely because he is transgender. In 2005, the Illinois Court of Appeal affirmed the trial court judgment, and the Illinois Supreme Court declined Sterling's request for further review.

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.

IMMIGRATION/ ASYLUM

In re Shinegerel

(Mongolia)
Victory!

In Mongolia, Shinegerel was arrested and detained by the Mongolian police because she is a lesbian. In custody, Shinegerel suffered severe physical abuse while being interrogated about her sexual orientation. She was told that if she admitted to being a lesbian, she would be sent to a psychiatric hospital, and that if she denied it, she would remain in prison. NCLR represented Shinegerel at her asylum office interview. She was granted asylum by the San Francisco Asylum Office on March 15, 2005.

In re Luis

(Mexico)
Victory!

Luis, a 24 year old gay man from Mexico, suffered years of discrimination, harassment, ostracism, and exclusion from school, sports, his family, and peers because of his sexual orientation. Rather than protect him, police officers in Mexico physically assaulted Luis on numerous occasions. In August, 2003, Luis left Mexico seeking safety in the United States. After months of unsuccessfully searching for legal representation, Luis turned to NCLR for assistance. NCLR contacted immigration attorney Kelly McCown

who agreed to represent Luis pro bono with assistance from NCLR. On November 22, 2004, Luis was granted asylum by the San Francisco Asylum Office.

In re Mariella & Edit

(Peru)
Victory!

On October 13, 2003, Mariella, a transgender woman, and her wife, Edit, were attacked in broad daylight on the streets of Lima, Peru by a gang of youth who beat them with stones while yelling disparaging homophobic comments. Although Mariella and Edit were able to identify their attackers, government officials refused to prosecute them. After months of continued harassment and threats, the couple fled Peru seeking safety in the United States. Through the support of pro bono counsel David Augustine and NCLR interpreter Noemi Calonje, Mariella and Edit were granted asylum on September 9, 2004.

In re Vanessa

(Nicaragua)
Victory!

In September 2003, Vanessa left Nicaragua and fled to the United States in search of safety. Vanessa has identified as a lesbian since she was 12. She grew up in Nicaragua, where being lesbian or gay is still a criminal offense. Because of Nicaragua's strong social and religious aversion to LGBT people, she suffered harassment and ostracism by her family and peers. Vanessa believed she had no choice but to endure a heterosexual relationship and suppress her feelings toward women. Vanessa suffered repeated physical and emotional battering by her common law husband who abused her because of her desire for independence and because he knew she is a lesbian. NCLR partnered with local attorney Betsy Allen and filed an asylum application on her behalf based on her gender and sexual orientation. On May 10, 2005, Vanessa was granted asylum in San Francisco, California.

Soto Vega v. Ashcroft

Ninth Circuit
Appeal pending

On July 24, 2002, Jorge Soto Vega filed for asylum based on persecution he suffered in Mexico because of his sexual orientation.

As a child in Mexico, Jorge suffered abuse, harassment, and ridicule from family members and classmates because he was perceived to be gay. As a teenager, Jorge was severely beaten by officers of the Mexican police force upon suspicion that he was gay. The officers yelled derogatory slurs at Jorge as they threatened to kill him in order to "rid the streets of fags." An immigration judge denied Jorge's application for asylum, based on the Judge's view that Jorge does not "look gay." Lambda Legal is representing Jorge before the Ninth Circuit. NCLR and the ACLU filed an *amicus* brief on his behalf.

YOUTH

Burrier v. St. Johns County School Board

Florida
Demand Letter Sent

NCLR represents High School senior Marissa Burrier who, along with several other students, sought to start a Gay Straight Alliance (GSA) club at Pedro Menendez High School in St. Augustine, Florida. Although Menendez High School permits other non-curricular student clubs, including the Christian Club and the Red Cross/Key Club, to meet on campus, the school refused to allow a GSA club at the school. NCLR is assisting the students at Menendez High School in challenging this unlawful discrimination.

Pinellas County Juvenile Welfare Board

Florida
Victory!

On February 7, 2005, a member of the Pinellas County Juvenile Welfare Board issued a written memo stating that that GLSEN and PFLAG "endorse unhealthy sexual practices among youth, including sex between underage youth and adults." NCLR, acting on behalf of the Gay, Lesbian and Straight Education Network (GLSEN) and Parents, Families and Friends of Lesbians and Gays (PFLAG), issued a demand letter insisting that the statements be retracted. In response to NCLR's demand letter, in May 2005, the Executive Director of the Board issued a public statement clarifying that "neither of [GLSEN or PFLAG] endorse unhealthy sexual practices among youth, including sex between underage youth and adults."

Davis v. Fleming High School

Florida
Victory!

NCLR represented Kelli Davis, a senior at Fleming High School, who was denied the right to appear in her senior yearbook because she wore a tuxedo rather than stereotypically feminine clothing. After receiving a demand letter from NCLR and Equality Florida, the school board agreed to change its senior portrait policy, add sexual orientation to its non-discrimination policy for both students and teachers, distribute a copy of the new non-discrimination policy to all secondary school students, provide annual non-discrimination training that includes sexual orientation to all faculty and staff, and provide diversity training that includes sexual orientation to all junior high and high school students in the district.



Kelli Davis dons a tuxedo for her yearbook photo

Ramirez v. Los Angeles Unified School District

California
Victory!

On October 28, 2004, NCLR and the ACLU of Southern California filed suit against the Los Angeles Unified School District and Washington Preparatory High School for discriminating against students based on their sexual orientation. The students alleged that administrators, teachers, and staff repeatedly called students derogatory anti-gay names and made anti-gay comments, threatened to out students to their families, and failed to protect students from anti-gay assaults. On June 28, 2005, the parties reached a settlement that includes a comprehensive series of mandatory training sessions for Washington Prep teachers, staff, and stu-

dents, and for middle school students who will attend the South Los Angeles high school. NCLR and the ACLU of Southern California were joined by the law firm of Milbank, Tweed, Hadley & McCloy LLP. The Gay-Straight Alliance Network was also a plaintiff in the lawsuit.

SPORTS

Jennifer Harris Pennsylvania Complaint filed

NCLR sent a demand letter to Penn State University on behalf of former Penn State basketball star Jennifer Harris, alleging that for nearly three decades Lady Lion's basketball coach, Rene Portland, has engaged in anti-gay harassment and discrimination against players she suspects are lesbian. NCLR, along with Sharon McKee of Hangley Aronchick Segal & Pudlin, also filed a complaint with the Pennsylvania Human Relations Commission on Harris's behalf, alleging race, gender, and sexual orientation discrimination. Despite Harris' outstanding performance as a player during her two-year career at Penn State from 2003-2005, Coach Portland interrogated Harris about her sexual orientation, repeatedly told her to change her appearance to be more "feminine," and eventually told other players not to associate with Harris. In March 2005, Coach Portland terminated Harris and the two other African American players from the team. At the time she was dismissed, Harris was among the Lady Lion's leaders in scoring, assists and steals. She has since transferred to James Madison University where, because of Penn State's unlawful delay in giving her a release letter, as required by NCAA transfer rules, she must sit out the



Jen Harris shoots the ball for Penn State

2005–2006 season before she is eligible to play her junior and senior seasons.

Koebke v. Bernardo Heights Country Club California Victory!

Birgit Koebke and Kendall French, a lesbian couple who have been domestic partners for 12 years, sued the Bernardo Heights Country Club for refusing to provide them with the same membership benefits given to different-sex couples and for allowing other members to harass and insult them because of their sexual orientation. In August 2005, the California Supreme Court held that the state’s civil rights law requires businesses in California, including country clubs, to treat registered domestic partners the same as married couples. Lambda Legal represented Koebke and French. NCLR, the Women’s Sports Foundation, and the California Women’s Law Center filed an *amicus* brief describing the history of discrimination against women by private golf clubs.

Stephens v. Bloomberg School District Texas Victory! Settlement Reached

NCLR and attorney Michael Shirk from the National Education Association/Texas State Teacher’s Association negotiated a settlement on behalf of Merry Stephens, an award-winning teacher and basketball coach with Bloomburg Independent School District in the small rural community of Bloomburg, Texas. Coach Stephens was honored as a “Teacher of the Year” in 2004 and named “Coach of the Year” in three of her five years as head coach of the Lady Wildcats basketball team. During her award-winning tenure, Coach Stephens led the team to district, regional and semi-state championships, breaking several school district coaching records in the process. Stephens also received excellent teaching evaluations throughout her tenure with the Bloomburg Independent School District. In December 2004, the School Board initiated proceedings to terminate Coach Stephens. The school board president testified under oath that the board’s decision to terminate Coach Stephens was based on the personal anti-gay animosity

of several school board members. In exchange for Coach Stephens’ agreement not to pursue further legal action, the district agreed to pay her the full value of her two-year contract.

EMPLOYMENT

Coyne v. Bel-Aire Investments, Inc. Florida Trial Court Decision Pending

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

Jespersen v. Harrah’s Casino Ninth Circuit Appeal Pending

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. Harrah’s new policy required all women to wear heavy makeup applied in exactly the same way every day, to match a photograph held by the supervisor. Jespersen is represented by Lambda Legal and Ken McKenna of Reno, Nevada.

FIRST AMENDMENT

Christian Legal Society v. Kane California Federal Court Trial Court Decision Pending

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 filed a lawsuit against Hastings alleging that 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. The University is represented by Ethan Schulman of Howard Rice Nemerovski Canady Falk & Rabkin.

Dykes on Bikes Trademark Trial and Appeals Board Appeal pending

NCLR and the Brooke Oliver Law Group represent the San Francisco Women’s Motorcycle Contingent in an action to register the name “Dykes on Bikes” with the U.S. Trademark and Patents Office (USPTO). The USPTO initially rejected the application on the ground that the term “Dykes on Bikes” is disparaging to lesbian, gay, bisexual, and transgender people. NCLR and the Brooke Oliver Law Group then submitted extensive documentation from activists, community members, and scholars from across the country, demonstrating that the LGBT community considers the name “DYKES ON BIKES” to be a positive, empowering and affirming term. Despite this evidence, the USPTO again rejected the trademark application on the grounds that “the term dyke is considered vulgar, offensive and/or disparaging.” NCLR, the Brooke Oliver Law Group, and the law firm of Townsend and Townsend and Crew LLP are appealing the decision to the Trademark Trial and Appeal Board.

FAIR v. Rumsfeld United States Supreme Court Appeal Pending

NCLR has filed an *amicus* brief challenging the Solomon Amendment with the United States Supreme Court. The Solomon Amendment is a federal law that denies federal funding to a university if the university denies the military access to recruit on campus, even if the university excludes other employers who discriminate on the basis of sexual orientation. The Forum for Academic and Institutional Rights (FAIR), the Society for American Law Teachers (SALT), numerous law schools, and several individuals have challenged the law. For more information about the FAIR litigation, including all of the case documents, see <http://www.law.georgetown.edu/solomon/faircase.html>.



Rainbow flags fly in St. Augustine

Jensen v. St. Augustine Florida Victory!

NCLR, on behalf of Equality Florida and St. Augustine Pride Committee, won the right to fly rainbow flags over the historical Bridge of Lions in St. Augustine, Florida, for this year’s Pride celebration. The City denied the Pride Committee’s application to fly the flags for three years in a row, even though the Pride Committee met all of the City’s requirements. To end this ongoing discrimination, NCLR filed a lawsuit alleging that the City was violating the First Amendment by excluding the Pride Committee because the City disapproved of their pro-gay viewpoint. On June 7, 2005, the court ruled in NCLR’s favor and issued an order permitting the Pride Committee to fly rainbow flags on the bridge during the city’s Pride Celebration.

REPRODUCTIVE RIGHTS

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

Lambda Legal represents Guadalupe “Lupita” Benitez who 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. The California Court of Appeal is now reviewing that ruling. NCLR joined an *amicus* brief in support of Benitez, along with 14 other medical, civil rights, and community based organizations.

Ayotte v. Planned Parenthood of Northern New England United States Supreme Court Appeal Pending

Planned Parenthood of Northern New England sought a declaratory judgment that the New Hampshire Parental Notification Prior to Abortion Act is unconstitutional. The Act prohibits abortions for minors unless the parents have been notified. Both the trial court and the Court of Appeal held that the Act is unconstitutional. The case is now pending before the United States Supreme Court. The National Center for Lesbian Rights joined an *amicus* brief to the United States Supreme Court urging the Court to affirm the decision below. The brief was authored by Legal Momentum.

Scheidler v. NOW United States Supreme Court Appeal Pending

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. The *amicus* brief was authored by NARAL Pro-Choice America and the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP.

For the complete docket,
go to

www.nclrights.org

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