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Five Stages of Grief

Denial, Anger, Bargaining, Depression, Acceptance.

In the past five years, I've become more familiar than I would have liked with Elisabeth Kubler-Ross's five stages of grief. In that time, both of my parents and my baby brother died, all too young—and in the case of my 40-year-old brother, completely unexpectedly. I'm not actually sure I've ever really made it to acceptance; rather, I seem to be in a permanent state of resignation.

On the evening of November 4, right around the time it was becoming November 5, I felt the wash of grief all over again. It felt much like when my family members died: many others around my world are going on with their lives—in this case many of them ecstatic over the election of Barack Obama—yet I, and in this case, my No on Prop 8 family, are shell-shocked at the passage of this unprecedented assault on the California Constitution and the rights of the LGBT community in California.

Since the passage of Prop 8, and similar constitutional amendments in Florida and Arizona, and an anti-adoption and foster care amendment in Arkansas, our community has gone through a modified version of the five stages: Shock, Anger, Blame, Action, Resolve.

As one who was deeply involved in the No on Prop 8 campaign, I have felt every wave of community reaction, and the reverberations are continuing. I have been asked very tough questions, accused of untold bad motives, and told I should resign. For my role in the campaign, I have been thanked by many and called incompetent by others. (I will admit the Anger-Blame stage has been brutal.) Just to be clear, every question should be asked, and every key campaign decision must be evaluated. In my view, we had an incredible, committed, and highly talented campaign team—both paid campaign experts and veteran volunteers. We had a small army of dedicated field organizers and volunteers who made defeating Prop 8 their life's work. We moved the California electorate—and every demographic within that electorate—by at least 12% in

favor of the right to marry for same-sex couples. We built the largest coalition of business, civil rights, union, and religious support of any ballot measure ever. But we lost, by a heartbreakingly narrow margin, and only a full and honest evaluation of every aspect of the campaign can assure that we learn from our mistakes and we build on our successes. I am deeply, painfully sorry we lost, and I will be for a long time.

The Anger-Blame stage, which led to some in our community to target people of color—particularly African-Americans, based on unreliable numbers from a single exit poll—for being responsible for the passage of Prop 8, as well as the defacing of churches by a handful of misguided folks, was the most desperate and difficult moment since the election. Targeting certain groups, fomenting an “us v. them” dynamic, threatens to do damage to cross-community work that many had spent years developing and nurturing. LGBT folks are in every community—every group has some of “us.”

In addition, it now appears that the early exit poll numbers showing that African-Americans voted for Prop 8 by 70% were flawed, and the number is likely much closer to 57%, and even that number has much more to do with religious affiliation and age than with race. No one group is responsible for the passage of Prop 8—period.

The No On 8 campaign had support from not only the California NAACP, but from African-American pastors and elected officials all over the state. Many districts with strong African-American populations

NCLR

NATIONAL CENTER FOR LESBIAN RIGHTS




NCLR, ACLU, and Lambda Legal Take Prop 8 to Court

As soon as it was clear that Prop 8 would pass in California, NCLR, along with the ACLU and Lambda Legal, filed a writ petition with the California Supreme Court seeking to invalidate Proposition 8. The groups asked that the state's high court exercise its original jurisdiction over this issue because of how important this issue is to all Californians.

The groups argue that Proposition 8 is invalid because the California Constitution does not permit the constitutional rights of a minority to be stripped away by a simple majority vote. Article XVIII of the California Constitution establishes two ways the state constitution can be altered. Article XVIII provides that a substantial change to the principles or basic structure of the constitution, which is called a "revision," must be approved by a two-thirds vote of the legislature, and then approved either by a constitutional convention or by a vote of the people. A less substantial change, called an "amendment," can be enacted by a simple majority vote of the people.

Our case argues that the California Supreme Court should strike down Proposition 8 because it is, in fact, a substantial change to a core underlying

principle of our constitution. It is a revision. The principle of equal protection—protecting minority groups from oppression by the majority—is central to our constitution and our democratic system of government. Proposition 8 would limit that fundamental principle of equal protection for LGBT Californians and undermines the very purpose of equal protection. It should not have been enacted by a simple majority vote.

If the Court were to hold that Proposition 8 is an amendment, rather than a revision, of the state's constitution, it would open the door to step-by-step elimination of rights from any minority group, destroying the state constitution's fundamental equal protection guarantee. The Court should find that Proposition 8 was improperly passed as an amendment, and should strike it down.

Staff Updates

Christopher F. Stoll Joins NCLR as Senior *Pro Bono* Attorney

Christopher F. Stoll, formerly of the law firm Heller Ehrman LLP, joins the staff as senior *pro bono* attorney with a focus on litigation and policy work. Over the past five years, Chris has assisted NCLR as co-counsel on several major cases, including serving as a valuable member of NCLR's "Marriage Team" of attorneys. He also assisted NCLR in representing Sharon Smith in the wrongful death case brought on behalf of her partner Diane Alexis Whipple. Chris attended Harvard Law School and lives in San Francisco with his partner.

Staff Openings

NCLR Seeks Senior Staff Attorney for National Office in San Francisco

Join our legal team and litigate for LGBT civil rights! NCLR seeks a highly skilled, enthusiastic, articulate and motivated Senior Staff Attorney for its National Office in San Francisco. Major responsibilities include handling all aspects of litigation in precedent-setting cases; supervising staff attorneys on case management; writing briefs; analyzing potential legislation and policies; and advocating publicly for LGBT rights. Minimum 5 years of experience. Full-time beginning January 2009. Competitive non-profit salary and benefits. To apply, visit www.nclrights.org/jobs.

NCLR Seeks Summer Law Clerks

NCLR seeks current law students to serve as full-time law clerks to assist with national impact litigation, public policy, and educational efforts. Clerks also handle legal information helpline inquiries under supervision of staff attorneys. Positions are available in NCLR's National Office in San Francisco and in Los Angeles. Excellent communication and writing skills essential. Clerk positions are unpaid,

Vanessa Eisemann Departs For Key Parenting Role

Vanessa Eisemann, who most recently served as Senior Staff Attorney, recently left NCLR to stay home to care for her young son Benji. "When you work for parenting rights the way we do, you appreciate it when someone decides to dedicate themselves to raising a child full-time," says Legal Director Shannon Minter. "We will miss Vanessa, but NCLR and our clients were fortunate to have the benefit of her many talents for more than two years—her strong brief writing skills and her broad knowledge of employment law. She will be missed."

but matching work study funds may be available. Apply for summer positions by January 20. To apply, see www.nclrights.org/jobs.

NCLR Seeks Development Intern

NCLR's Development Department is seeking a focused, computer-savvy, and motivated part-time or full-time unpaid Development Intern to assist with all functions of the Development Department in the National Headquarters Office in San Francisco, California. Development Interns are needed throughout the year – we seek candidates available for the summer or during the school year.

The Development Intern works with the 5-person Development team, and reports directly to the Development Associate & Database Coordinator. Hours and length of internship are flexible.

This is a rare opportunity to gain experience and exposure to all facets of non-profit fundraising, and will be an excellent résumé-builder. Anyone with an interest in non-profits, particularly development and fundraising, would do well to apply.

Please contact development@nclrights.org to apply.

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In Memoriam: *Del Martin*

On August 27, 2008, the LGBT community lost an iconic leader and a beloved friend. Del Martin, 87, passed away in San Francisco. Martin was one of the nation's first and most visible lesbian rights activists who dedicated her life to combating homophobia, sexism, violence, and racism. Martin's many contributions to the LGBT movement will resonate for decades to come.

In 1955, Del Martin and Phyllis Lyon were among the founders of the Daughters of Bilitis, the first lesbian rights organization. In 1956, they launched "The Ladder," the first lesbian magazine, which became a lifeline for thousands of women isolated and silenced by the restrictions of the era. Del Martin was the first openly lesbian woman elected to the board of the National Organization of Women (NOW), and in 1971, encouraged the board to pass a resolution stating that lesbian issues were feminist issues. *Lesbian/Woman* by Martin & Lyon, published in 1972, was a landmark book that described lesbian lives in a positive way—virtually unknown at the time. In 1976, Martin wrote *Battered Wives* which was a catalyst



Del Martin
photo by Liz Mangelsdorf

for the movement against domestic violence. In 1995, Martin and Lyon were named delegates to the White House Conference on Aging by Senator Dianne Feinstein and Congresswoman Nancy Pelosi. In 2004, Lyon and Martin became the first same-sex couple to be married in the state of California, and subsequently became plaintiffs in the California marriage case

helping to ensure the fundamental right to marry under the California Constitution for all couples, including same-sex couples.

After the landmark decision by the California Supreme Court on May 15, which ruled that the ban on marriage for same-sex couples was unconstitutional, Phyllis and Lyon were the first couple, again, to be married. They got married on June 16, 2008 after 55 years together.

The Need for an Inclusive Federal Workplace Bill



NCLR continues to engage in the national conversation on protecting LGBT people from workplace discrimination. Last year, LGBT groups across the country rallied to pass an Employment Non-Discrimination Act (ENDA) in Congress that included protections based on sexual orientation and gender identity. That bill failed to pass, but many are determined to see this legislation through. NCLR is particularly focused on building support in congressional districts for an inclusive bill that includes both sexual orientation and gender identity – in fact, we are hiring a senior organizer to work specifically on this priority.

Additionally, NCLR staff presented workshops at the 2008 National Equal Opportunity Professional Development Forum sponsored by the U.S. Department of Labor, and at the American Bar Association (ABA) Conference on Labor and Employment Law. The latter focused on how the employment and labor law landscape has changed to include the LGBT community, including changes to Title VII coverage, recent same-sex sexual harassment claims, and expanding benefits for LGBT employees. A key point addressed was the harmful impact of sex stereotyping and gender identity discrimination.

NCLR continues to work on public education about the need for an inclusive non-discrimination bill, but we need your help. Please contact your U.S. senator and representative to arrange for in-district meetings to educate them on the need for an inclusive federal law.

Youth Project Update

Did you know that 14% of young women in juvenile halls across the country identify as lesbian, bisexual, or questioning? According to the preliminary findings of a new study, a full 10% of the over 1,000 young people in juvenile halls who were surveyed in five diverse counties are not heterosexual.

For the past year, the NCLR Youth Project has served as a consultant to this groundbreaking study conducted by the Ceres Policy Institute and funded by the Annie E. Casey Foundation. Not only are LGBT youth overrepresented in juvenile



“Equity Project” Three Year Study on Juvenile Courts

Once in the juvenile justice system, LGBT youth are often subject to unfair treatment. To counter these problems, NCLR helps individuals and their attorneys on a case-by-case basis. For example, we recently helped a mother and her attorney to obtain the release of a lesbian youth from juvenile hall whom the court had improperly detained as a way to prevent her from seeing her girlfriend.

At the same time we also focus on making broad reaching policy and practice change. NCLR and our “Equity Project” partners, Legal Services for Children and the National Juvenile Defender Center, will soon release findings from a three year study examining the issues affecting LGBT youth in delinquency courts and identifying obstacles to fair treatment. The report will include concrete recommendations to ensure fairness and respect in juvenile courts. Watch for the report’s release in early 2009.

halls, this study also indicates that they are drawn into the system for different reasons than their peers. For example, 40% of LGBTQ youth surveyed, had been held in juvenile detention for running away from home, as compared to only 13% of heterosexual youth. And LGBTQ youth were six times as likely to have been held in detention for engaging in sexual activity as their peers in detention. The study also verified that many LGBTQ youth have been harassed at school or expelled, and many have lived in group homes or been homeless.

Safety and Dignity in Juvenile Facilities

To help ensure that LGBTQ youth are safe in juvenile justice facilities, NCLR recently submitted comments on behalf of the Equity Project on the National Prison Rape Elimination Commission’s (NPREC) “Standards for the Prevention, Detection, Response, and Monitoring of Sexual Abuse in Juvenile Facilities.” Some of our recommendations include:

- expanding the list of vulnerable populations to include youth perceived to be LGBTQ,
- expanding the definition of sexual abuse to include the kind of abuse to which LGBTQ youth are often subjected,
- ensuring that the standards do not discriminate on the basis of sexual orientation or gender identity,
- encouraging safe and appropriate placements for transgender youth,
- and advising facilities on how to protect the privacy and dignity of each youth.

NCLR Receives Largest Estate Gift Ever from Chris Hawkins

“Chris Hawkins’ support of NCLR was deliberate and steady. She told me when we first met 5 years ago that our work on behalf of LGBT youth and the most vulnerable in our community meant everything to her, and that she would always make NCLR a priority in her giving. Obviously, I was very grateful, but little did I know what she really meant. I was shocked and so sad to hear of Chris’ untimely death. We will attempt everyday to honor the legacy that this gift demands and to hold high the vision of Chris for our work. I wish she could be here to see what we accomplished in the months since her death. But as I think about it, it seems she has been with us all along. **Thank you, Chris.**”

– Executive Director Kate Kendell



Chris Hawkins

NCLR Friebe Legacy Circle member, Chris Hawkins, passed away on February 26, 2008 after losing a courageous year-long battle with metastatic lung cancer. Her gift of \$1,000,000 is NCLR’s largest estate gift to date. We mourn her passing and salute her courage and commitment to LGBT civil and human rights with her legacy of justice.

This incredible gift will be invaluable to NCLR’s legal programs and services and our clients. Following Chris’ wishes, we will use this gift as a legal emergency fund. Each year for the next five to ten years, NCLR will identify a key case, issue, project, or area of the country where an extra investment of our legal and program resources could result in significant, permanent change. This kind of legal resource fund gives NCLR the agility and flexibility to infuse additional resources into high priority battles that will accelerate the pace of change in this country.

Born July 19, 1952, Chris grew up in Connecticut. She is survived by her brother William, and her partner, Jo Sandry, as well as

by many devoted friends, including longtime NCLR supporters.

A legendary San Francisco mortgage broker, Chris was respected and adored by peers and clients alike. Her lightning-fast mind, fierce command of calculations, and razor sharp wit left an indelible impression on everyone who knew her. She was viewed by many as a powerhouse in a small package.

Chris loved nature, hiking, long walks with her dogs, and meaningful moments with friends. She had a wonderful eye for home renovating. Her generosity knew no bounds. A loyal friend, Chris would do anything to bolster and support those she loved. She was a devoted daughter who took great care of her mother. It is a tragic loss that they both passed away within weeks of each other.

Chris had an incredibly strong life force. She was captivated by the search for truth within herself and others. It was her life’s pursuit to live with compassion and love well. It was her wish that we should all follow our hearts. NCLR hopes to do Chris proud.

NCLR Secures Asylum for Five Clients this Fall

Five of NCLR’s clients were granted asylum in the U.S. in September alone. Four had been subjected to violence, discrimination, and persecution in their home countries simply because of their sexual orientation or gender identity. One sought refuge here because of his HIV status. These are the kinds of cases where legal help can make a life-saving difference.

The first is NCLR’s youngest asylum client to date. Alejandra, an 18-year-old transgender woman from Guatemala, was attacked in her hometown when local leaders decided she should be killed before she could “contaminate the community.” Fearing for her life, she headed for the United States, walking most of the way and not resting until she reached U.S. soil. With the help of EL/LA for TransLatinas, she found her way to NCLR’s doorstep to begin her application for asylum. Alejandra was granted asylum in September 2008.

NCLR also recently secured asylum for Barbara, a transgender woman from El Salvador. Barbara was abused throughout her childhood by family, neighbors, and classmates because she was too feminine. When Barbara turned 18,

“So many people fear even applying because of the anti-immigrant sentiment they feel here.”

– Noemi Calonje,
Immigration Project Director

she began to live as a woman, and was kidnapped and assaulted. After the incident, Barbara fled to the United States where she contacted NCLR for legal aid with the help of her case manager at the Mission Neighborhood Health Center and was granted asylum in September 2008.

NCLR was also able to obtain asylum on behalf of Martin, an HIV+ gay man from Mexico. Martin was physically and emotionally abused by his father because he didn’t “act like a boy” and when his father found out that Marvin was gay, his father beat him, verbally abused him and then kicked him out of the house without allowing him to take any belongings. He was 15 years old and left with nothing. The harassment only got worse when people in his community found out about his sexual orientation. In 2005 he left Mexico and came to the United States where he applied for asylum and his application was granted in September 2008.

The fourth victory was won on behalf of Angelica, a young lesbian from Mexico whose family raised her with the expectation that she would get married and have children. Her family

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Family Protection Project Update



Knowledge is power—unfortunately, many LGBT parents don't have the resources and the information about their legal rights because the law differs from state-to-state, and it keeps changing. It's even more difficult for people with lower incomes who cannot afford attorneys who understand the LGBT legal landscape in their home state. We're working to change that.

Recently, NCLR received a call from a low-income father who was in danger of losing custody of his children to his ex-wife simply because he is gay. Thanks to a legal victory in his state, a parent cannot be denied custody based on sexual orientation. But this man could not afford an attorney and did not know, until he contacted us, that the law clearly stated that the type of discrimination he was facing was illegal.

In this one case—and in too many others—a legal victory that positively affects family law

statewide is not enough. Getting information into the hands of individuals and their attorneys can make the difference between parents keeping or losing custody of their children.

Our Family Protection Project helps to ensure that legal victories benefit all LGBT families, regardless of income. We reach out with resources and assist families who cannot afford to pay for legal help to find *pro bono* attorneys. In partnership with NCLR's own *Proyecto Poderoso*, Lambda Legal, Los Angeles Gay and Lesbian Center, the Sylvia Rivera Law Project, and other organizations, this Project leads trainings and strategy discussions on addressing issues of race and class in LGBT communities.

For more information, please visit:
www.nclrights.org/familyprotectionproject

Sports Project Update

NCLR is at the forefront of LGBT issues in sports. We're working with the San Francisco 49ers on increasing diversity, the Women's Basketball Coaching Association on religion and sexual orientation, and the Washington State Human Rights Commission and the Washington Interscholastic Activities Association (WIAA), with a goal of leveling the playing field for LGBT athletes.

With the 49ers, Olga Talamante, the Executive Director of the Chicana/Latina Foundation and an NCLR Board Co-Chair, joins NCLR's Sports Project Director Helen Carroll on the 49ers Community Advisory

Panel—a diversity leadership initiative—for the next two years.

Our conversation on "Finding Common Ground: A Conversation Among Lesbians, Christians, and Christian Lesbians" held at the Women's Basketball Coaching Association's annual conference during the NCAA Basketball Final Four tournament, was so successful that it is being expanded at the 2009 conference.

NCLR is also thrilled to announce that the WIAA—Washington State's organization for high school and middle school athletics—has adopted a gender identity

and expression non-discrimination policy. This groundbreaking state policy reads: "Fundamental fairness, as well as most local, state, and federal rules and regulations, requires schools to provide intersex and transgender student-athletes with equal opportunities to participate in athletics. This policy creates a framework in which this participation may occur in a safe and healthy manner that is fair to all competitors." The WIAA is a member of the National Federation of State High School Associations and this policy will serve as a model for other states.

Proyecto Poderoso/Project Powerful Expands With New Community Worker



Diana Feliz Oliva

Proyecto Poderoso, the collaborative effort by NCLR and California Rural Legal Assistance (CRLA) provides LGBT people of rural California with legal information, advice, and representation, moves into its second year with strength and focus. We are thrilled to expand the reach of *Proyecto Poderoso* with the hire of community worker, Diana Feliz Oliva, who will work from the Fresno office of

CRLA. Diana is a transgender woman and first-generation Mexican American who grew up in California's Central Valley, periodically worked in the agricultural fields through her late teens, and recently graduated from Columbia University's Masters in Social Work program. Generous support from the Bohnett Foundation has made this project expansion possible.

NCLR Active Cases

FAMILIES & PARENTING

Demers v. Zupancic

 Pending | Colorado

Marilynn Zupancic and her former partner Dianne were together for 30 years and planned on spending the rest of their lives together. Although they could not legally marry in their home state of Colorado, Marilynn and Dianne were partners in every respect. Marilynn, a teacher, supported Dianne while she was in graduate school, and they took out a mortgage on their home so that Dianne could pay off her school loans. When Marilynn retired, she chose to receive lower retirement benefits during her lifetime in order to make sure that Dianne, who is several years younger, would continue to receive payments after Marilynn passed away. But in 2007, their relationship ended. If Marilynn and Dianne had been married, the law would have protected Marilynn, who could have been awarded payments from Dianne's future income or earnings. But instead, Marilynn was left with reduced retirement benefits, costing her hundreds of dollars per month and providing Dianne with \$200,000 worth of payments in the future, and the mortgage on the home where she still lives. At the trial court, Marilynn asked for the fair market value of the death benefit and to be compensated for repaying Dianne's school loans. Instead, the trial court ordered Marilynn to pay Dianne for her equity in the home. This case is a stark reminder of the difficulties faced by LGBT people whose relationships are not recognized by their government and of the need for equal protection under the law.

NCLR is representing Marilynn on appeal, together with Matthews & Matthews, P.C.

L.E. v K.R.

 Appeal Pending | Florida

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

NCLR, along with local family law attorney Leslie Talbot, of Leslie M. Talbot, P.A., represented L.E. in her suit for custody and visitation in the trial court. In February 2008, a Florida trial court refused to recognize the second-parent adoptions the couple had completed in Washington, and held that L.E. has no legal relationship to her older daughter. NCLR, along with *pro bono* appellate attorneys from Carlton Fields, are appealing the decision. We filed our reply brief in the Florida Court of Appeals in October of 2008. Oral argument has been set for January 13, 2009.

In re J.D.F.

 Pending | Ohio

T.F. and D.F., a lesbian couple, planned together to have a child, J.D.F. D.F. gave birth to their child. In order to protect the child's relationship with both parents, the couple entered into a court-approved joint custody agreement. Several years after they had signed the agreement, T.F. and D.F. separated and agreed to share custody of their child. But in 2004, Ohio's anti-gay constitutional amendment excluding same-sex couples from marriage was passed. D.F. began to prevent T.F. from seeing their child, arguing that the amendment invalidated their shared custody order. In January 2007, a judge ruled that a custody agreement between two lesbian parents can be valid and enforceable despite Ohio's anti-gay amendment. The case is now on appeal.

T.F. is represented by Lambda Legal. NCLR, along with Robert Eblin of Bailey Cavalieri, submitted an *amicus* brief in support of T.F., providing a national overview of the law and showing that like Ohio, many other states enforce custody agreements.

Donna Jones, et al. v. San Joaquin Community Hospital

 Victory! | California

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

Margaret K. v. Janice M.

 Loss | Maryland

Margaret K. and Janice M. adopted a daughter during their committed relationship of 17 years.

Because they adopted their daughter from India, which does not allow unmarried couples to adopt, only Janice adopted the child, but she and Margaret raised their daughter together. When their daughter was 7, Margaret and Janice separated and Janice refused to allow Margaret to see their daughter. An intermediate appellate court found that Margaret has a parent-child relationship with her daughter and granted visitation, but did not find that Margaret could be eligible to receive full custody. Janice appealed the visitation order, and Margaret appealed the custody order. Maryland's highest court, the Court of Appeals, affirmed the custody order and reversed the visitation order. The Court of Appeals reversed the intermediate appellate court's recognition of Margaret's parent-child relationship with her daughter and ruled that Maryland does not recognize as parents persons who are not related to a child through biology or adoption. The court sent the case back to the trial court for a determination of whether there are "extraordinary circumstances" sufficient to allow Margaret to continue to have visitation with her daughter even though Margaret is not recognized as a parent under Maryland law. NCLR submitted an *amicus* brief to the intermediate court of appeals with co-counsel the ACLU and the Public Justice Center supporting Margaret. NCLR also submitted an *amicus* brief supporting Margaret to Maryland's highest court on behalf the University Of Baltimore School of Law Family Law And Family Mediation Clinics.

Karen Atala Riffo v. Chile

 Pending | Inter-American Human Rights Commission

On May 31, 2004, Karen Atala Riffo, a Chilean judge, lost custody of her three daughters for the sole reason that she is a lesbian and living with her female partner. The Supreme Court of Chile based its decision on inaccurate and unfounded speculation about lesbian parents.

With no recourse left in Chile, Ms. Atala took her case to the Inter-American Human Rights Commission in Washington, D.C. NCLR, along with the New York City Bar Association, Human Rights Watch, International Gay and Lesbian Human Rights Commission, International Women's Human Rights Law Clinic at the City University of New York, Lawyers for Children, Inc., Legal Aid Society of New York, and Legal Momentum, filed an *amicus* brief in support of Ms. Atala, arguing that the Court's decision is contrary to the weight of international authority. Ms. Atala's case remains pending before the Commission.

HEALTHCARE

Benitez v. North Coast Women's Care Medical Group**Victory! | California**

The California Supreme Court has held that medical practices must comply with the state's civil rights laws prohibiting discrimination based on sexual orientation and therefore cannot deny treatment to patients based on their sexual orientation. Guadalupe "Lupita" Benitez was denied infertility treatment by her Southern California healthcare providers because she is a lesbian. The trial court rejected the doctors' claim that they should be exempt from California's anti-discrimination statute because they have religious objections to serving lesbian patients. On December 5, 2005, the Court of Appeal reversed and held that the doctors must be given an opportunity to demonstrate that their refusal to treat Benitez was not based on her sexual orientation. Benitez appealed the decision to the California Supreme Court, and NCLR filed an *amicus* brief in support of Benitez, who was represented by Lambda Legal.

In a unanimous opinion issued on August 18, 2008, the California Supreme Court reversed the Court of Appeal, and upheld the trial court's original decision. The Supreme Court held that non-discrimination laws regulate discriminatory conduct, not speech or beliefs, and that medical providers cannot violate those laws based on asserted religious objections to providing services to LGBT people.

The opposition's petition for rehearing was denied in October 2008.

IMMIGRATION

In re S.K.**Pending | Pakistan**

S.K. is a gay Pakistani man seeking asylum and withholding of removal because he fears persecution based on his sexual orientation and HIV status. Under Pakistani law, being gay is punishable by death and LGBT people are forced to live in secrecy and constant fear of exposure. The Immigration Judge ignored the serious risk of persecution that S.K. faces and denied his application for asylum. The judge held that S.K., who is HIV positive, and was in a committed relationship with a man in Minnesota, could avoid persecution by hiding his sexual orientation, marrying a woman, and having children. The Immigration Judge also failed to recognize that S.K.'s traumatizing diagnosis of HIV that had progressed to AIDS understandably delayed his filing.

The Board of Immigration Appeals originally upheld the Immigration Judge's decision, and S.K. appealed those initial rulings to the Eighth Circuit Court of Appeals. After reading briefs submitted to the Eighth Circuit by S.K. and NCLR, the government took the unusual step of requesting that the case be remanded back to the Board of Immigration Appeals so that the Board could clarify its decision. NCLR helped to organize a number of other LGBT, HIV/AIDS, and immigrant-rights groups, including the National Immigrant Justice Center, Immigration Equality, the ACLU, AIDS Legal Council of Chicago, and International Association of Physicians in AIDS Care to submit a joint *amicus* brief in support of S.K. to the Board of Immigration Appeals on July 31, 2008.

In re Angelica**Victory! | Mexico**

Angelica was born in Mexico City to a family that raised her with the expectation that she would get married and have children. Her family was also strictly controlling and abusive. She was not permitted to participate in any activities outside of the home and was physically abused throughout her childhood. When a rumor spread at her school that she had been spotted kissing a girl, in addition to being terrified of her family's reaction, Angelica began facing regular harassment and even physical assaults by classmates and men from her neighborhood. After a young gay man from the neighborhood was viciously murdered, Angelica fled to the U.S. Eventually, she found her way to a shelter where she got in touch with NCLR, the Women's Building, and *Instituto Familiar de la Raza*. With NCLR's help and guidance, she filed for asylum and it was granted in September 2008.

In re Barbara**Victory! | El Salvador**

Born male in El Salvador, Barbara was abused throughout her childhood by family, neighbors, and classmates because she was "too feminine." When Barbara turned 18, she began to live as a woman, but she still suffered frequent harassment and violence. In one instance, Barbara and her boyfriend were viciously beaten outside of a club. Barbara was kidnapped and taken to an isolated area where she was physically and sexually assaulted. After the kidnapping and assault, Barbara lived in constant fear, and finally fled to the U.S. She applied for a visa, but her application was denied. Her case manager at the Mission Neighborhood Health Center put Barbara in touch with NCLR and, with our help and

expertise of Chelsea Haley-Nelson, one of our volunteer attorneys, successfully secured asylum in September 2008.

In re Alejandra**Victory! | Guatemala**

Alejandra is an 18-year-old transgender woman from Guatemala who has struggled from a very young age to have her family accept her for who she is. When Alejandra's father found out that she identified as a girl, he chose to abandon the family leaving Alejandra's mom to support their two kids alone. Alejandra also faced daily verbal and physical attacks. When local leaders decided she should be killed before she could "contaminate the community," Alejandra's mother put her daughter in a bus out of Guatemala. Fearing for her life, she headed for the United States, walking most of the way and not resting until she reached U.S. soil. With the help of EL/LA for TransLatinas, she found her way to NCLR's doorstep to begin her application for asylum. With the assistance of Cara Jobson, attorney of counsel to NCLR, Alejandra was granted asylum in September 2008.

John Doe v. Alberto Gonzales**Pending | Egypt**

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

In re Vicky**Pending | Mexico**

Vicky is a young transgender woman from Mexico. Throughout her childhood, Vicky's family and the people in her small town attacked her for her femininity. When she was 16, Vicky came home from school to find that her parents had abandoned her. She came to the United States in 1994, in order to escape from the hostility in her community and to make a new life for herself. In 1997, she began living as a woman. In 2003, she was

detained by the Phoenix police and deported to Mexico. Vicky sought out her family, hoping for reconciliation, but instead her brothers beat her. Vicky remained in Mexico for eight months, but she was often beaten, ridiculed, and threatened, and a fruit stand she had opened was destroyed. She returned to the United States and applied for asylum, with the help of NCLR and *pro bono* attorneys at the law firm of Hanson Bridgett LLP. As of 2008, Vicky has been waiting for her asylum decision for over two years.

In re M.Q.**Victory! | Mexico**

M.Q. is a native and citizen of Mexico. When M.Q. was a child, his father often accused him of being a "sissy," and as he grew up, M.Q. was physically assaulted many times by his family, peers, and police because he was gay. One gang of teenage boys who had beaten M.Q. threatened him and told him that if they ever saw him again, they would kill him. In December 2003, M.Q. encountered them again and barely escaped alive. M.Q. fled Mexico, and arrived in the U.S. under a work visa in January 2004. Although he was afraid to return to Mexico, M.Q. went back once in May 2005 to see his eldest sister, who was dying. M.Q. re-entered the United States in August 2006, and applied for asylum with help of NCLR. After 2 years of waiting, M.Q. was granted asylum in September 2008.

MARRIAGE

Bennett v. Bowen**Denial | California**

In June 2008, three California voters and Equality California, an organization dedicated to protecting the civil rights of LGBT people, filed a lawsuit in the California Supreme Court to remove Proposition 8 from the November ballot. Proposition 8 was a measure to change the California Constitution to eliminate the right to marry for same-sex couples. The lawsuit argued that the proponents of Proposition 8 did not follow the appropriate rules for revising the California Constitution.

The California Supreme Court issued an order on July 16, 2008, denying the petition to remove Proposition 8 from the ballot prior to the election.

NCLR's co-counsel in the case were Heller Ehrman LLP; Lambda Legal; the ACLU Foundation of Northern California; the ACLU Foundation of Southern California; and the Law Office of David C. Codell.

In re Marriage Cases**Victory! | California**

NCLR was lead counsel on behalf of same-sex couples, Equality California, and Our Family Coalition in *In re Marriage Cases*, the California marriage equality case.

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.

On November 13, 2006, the California Court of Appeal overturned Judge Kramer's ruling in a 2-1 decision, saying that California may continue to bar same-sex couples from marriage. On December 20, 2006, the California Supreme Court unanimously granted review. Oral argument was held on March 4, 2008. On May 15, 2008, the California Supreme Court issued a historic decision in *In re Marriage Cases* which challenged the constitutionality of state laws that discriminate against same-sex couples in marriage.

On June 4, 2008, the California Supreme Court also denied all petitions for rehearing of the case, and ordered that its decision from May 15 become final on June 16, 2008 at 5 p.m., clearing the way for same-sex couples to begin applying for marriage licenses and marrying on June 17, 2008.

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

Kerrigan & Mock v. Connecticut Department of Public Health**Victory! | Connecticut**

The Connecticut Supreme Court has ruled that the state cannot exclude lesbian and gay couples from marriage. It found that the exclusion impermissibly discriminated on the basis of sexual orientation. The court held that the state's civil union system for same-sex couples was inherently unequal because civil unions do not provide the same dignity, stature, and respect as marriage.

The plaintiff couples were represented by Gay and Lesbian Advocates and Defenders and Maureen Murphy of Murphy, Murphy, Nugent in New Haven; Kenneth J. Bartschi of Horton, Shields & Knox in Hartford; and the Connecticut Civil Liberties Union. NCLR filed an *amicus* brief with other civil rights groups supporting the couples' right to marry.

Reynolds and McKinley**Pending | Cherokee Nation**

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

Strauss v. Horton**Pending | California**

On November 5, 2008, NCLR, along with the ACLU and Lambda Legal, filed a writ petition with the California Supreme Court seeking to invalidate Proposition 8. The groups asked that the state's high court exercise its original jurisdiction over this issue because of how important this issue is to all Californians.

The groups argue that Proposition 8 is invalid because the California Constitution does not permit the constitutional rights of a minority to be stripped away by a simple majority vote. Article XVIII of the California Constitution establishes two ways the state constitution can be altered. Article XVIII provides that a substantial change to the principles or basic structure of the constitution, which is called a "revision," must be approved by a two-thirds vote of the legislature, and then approved either by a constitutional convention or by a vote of the people. A less substantial change, called an "amendment," can be enacted by a simple majority vote of the people.

Our case argues that the California Supreme Court should strike down Proposition 8 because it is, in fact, a substantial change to a core underlying principle of our constitution. It is a revision. The principle of equal protection protecting minority groups from oppression by the majority is central to our constitution

and our democratic system of government. Proposition 8 would limit that fundamental principle of equal protection for LGBT Californians and undermines the very purpose of equal protection. It should not have been enacted by a simple majority vote.

If the Court were to hold that Proposition 8 is an amendment, rather than a revision, of the state's constitution, it would open the door to step-by-step elimination of rights from any minority group, destroying the state constitution's fundamental equal protection guarantee. The Court should find that Proposition 8 was improperly passed as an amendment, and should strike it down.

As of November 11, 2008, 19 organizations and including the Asian Pacific American Legal Center, California NAACP, Chinese for Affirmative Action, Equal Justice Society, Mexican American Legal Defense and Education Fund (MALDEF), the California Women's Law Center, the Anti-Defamation League, as well as 44 members of California State Assembly and Senate, and Family Law and Constitutional Law professors officially support our claims presented to the court.

On November 19, 2008, the California Supreme Court granted review on an accelerated timetable in this case and the two others challenging Prop 8.

Varnum v. Brien

 **Appeal Pending | Iowa**

Six Iowa same-sex couples brought suit seeking the right to marry under the Iowa constitution. In August 2007, the Iowa District Court ruled that it is unconstitutional to deny same-sex couples access to marriage. The opposition filed for an appeal and a “stay” on the decision the next day, which were granted. The case is now pending before the Iowa Supreme Court. Lambda Legal represents the couples. NCLR submitted an *amicus* brief with co-counsel McGuire Woods LLP and Joseph Barron, Esq. on behalf of several professors of family law in support of the couples, addressing the use of social science research in constitutional cases. Oral argument has been set for December 9.

OTHER CIVIL RIGHTS

Christian Legal Society v. Kane

 **Appeal Pending | California**

Like many public schools, the University of California - Hastings Law School permits law students to organize student groups that are eligible to apply for university funding for group-related events. To be recognized as an official student group, all student groups must abide

by the Hastings' policy on nondiscrimination. In 2004, the Christian Legal Society (CLS) filed a lawsuit against Hastings alleging that the nondiscrimination policy violated the group's First Amendment right to discriminate against LGBT and non-Christian students. NCLR and the law firm of Heller Ehrman LLP are representing Outlaw, the LGBT student group at Hastings, which has intervened to defend the University's policy. The University is represented by Ethan Schulman of Howard Rice Nemerovski Canady Falk & Rabkin.

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

Ashcroft v. Iqbal

 **Appeal Pending | U.S. Supreme Court**

NCLR has signed onto the *amicus* brief of “National Civil Rights Organizations” in *Ashcroft v. Iqbal*, now pending in the U.S. Supreme Court. The underlying case, in which former U.S. Attorney General John Ashcroft and current FBI Director Robert Mueller were the original defendants, was brought by Pakistani national Javid Iqbal, who was arrested in New York as part of a post-September 11 dragnet by federal officials that targeted Arab men, among others.

The U.S. detained Iqbal, subjecting him to beatings, frequent invasive body searches, and other forms of mistreatment, and often confiscated his Koran and forbade his participation in Friday prayers. NCLR has a strong interest in ensuring that all persons receive the protections of the basic civil liberties guaranteed by the U.S. Constitution, and is concerned about government treatment of individuals, racial/ethnic targeting, and religious freedom violations. The rights at issue in *Iqbal* are fundamental, and their infringement by the government poses a serious risk to the dignity and freedom of all.

In particular in this case, NCLR supports Iqbal, who advocates for the rejection of a heightened pleading standard in civil rights and civil liberties cases involving supervisory liability. The impact of such a pleading standard could close the courthouse doors to many civil rights plaintiffs. Plaintiffs need to be able to discover evidence

the government has about higher government officials who set and oversee policies that violate people's rights. What the Supreme Court decides in *Iqbal* can affect future cases brought by LGBT people, especially with regard to how much information about an official's involvement plaintiffs must include in their first filings with a court.

The brief was submitted by the National Campaign to Restore Civil Rights and the Allard K. Lowenstein International Human Rights Clinic - National Litigation Project at Yale Law School on behalf of NCLR, the Equal Justice Society, the Mexican American Legal Defense and Education Fund, the National Law Center on Homelessness and Poverty, the National Women's Law Center, and the National Asian Pacific American Bar Association, among others. Oral argument has been set for December 10.

RELATIONSHIP RECOGNITION


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

 **Pending | Columbia**

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

SPORTS

Sulpizio and Bass v. San Diego Mesa College

 **Pending | California**

Lorri Sulpizio was the Head Women's Basketball Coach at San Diego Mesa College (Mesa), and her domestic partner, Cathy Bass, was the

team's Director of Basketball Operations, for six years. Despite Sulpizio's and Bass's record of leadership of the women's basketball program, Mesa officials unlawfully fired both coaches at the close of the 2007 academic year after they advocated for equal treatment of female student-athletes and women coaches, and following publication in a local paper of an article identifying Sulpizio and Bass as domestic partners. NCLR and the law firms of Boxer & Gerson, LLP and Stock Stephens, LLP represent the two coaches in their lawsuit against Mesa Athletic Director Dave Evans, San Diego Mesa College, and the San Diego Community College District. Recent high profile Title IX jury verdicts and settlements at Penn State, California State University, Fresno, and University of California, Berkeley have raised awareness about systemic gender inequities and homophobia at major colleges and universities. This case is a powerful illustration that similar problems may pervade the athletic departments of community colleges as well.

On September 8, 2008, the Office of Civil Rights (OCR) of the United States Department of Education, which investigated Mesa's compliance with Title IX with respect to its treatment of student athletes, found “disparities with respect to the scheduling of games, the provision of locker rooms, practice and competitive facilities, and the provision of medical and training facilities.” The OCR concluded that those disparities had “a disparate, negative impact on female athletes” and “collectively established a violation of Title IX.”

TRANSGENDER LAW

Gammett v. Idaho State Board of Corrections

 **Initial Victory! | Idaho**

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

On July 27, 2007, Judge Mikel Williams of the Federal District Court for the District of Idaho ruled that, based on extensive expert

medical testimony, Spencer is entitled to receive female hormone therapy while her case is being decided. Judge Williams held that “gender identity disorder, left untreated, is a life-threatening mental health condition.” On September 7, 2007 Judge Williams denied a motion for reconsideration and again held that Spencer must receive hormone therapy. Because there are so few decisions addressing this important issue, this is a tremendous victory that may pave the way for other transgender prisoners who are being denied medically necessary care. Currently attorneys are negotiating a settlement agreement which will include a new IDOC policy statement on the care and treatment of prisoners who have GID.

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

YOUTH

D.A. v. J.W.

 **Victory! | Florida**

Seventeen-year-old J.W. and 18-year-old D.A. had been dating for almost six months when J.W.'s mother, Ms. W., learned about their relationship. Because she disapproved of her daughter dating another young woman, in December 2007, Ms. W. petitioned a Florida court to get a restraining order to prohibit any contact between the two girls. Ms. W. admitted in court that she sought a restraining order only because she disapproved of her daughter's relationship with D.A. and wished to end it.

Even though it was undisputed that there was no violence in the girls' relationship, the trial court issued the injunction by finding that the consensual relationship between D.A. and J.W. constituted “dating violence” under Florida law. In January 2008, NCLR filed an appeal on behalf of D.A. asking the court to dismiss the injunction arguing that it was legal error for the trial court to issue an injunction where there were no allegations of violence. In June 2008, the appeal's court reversed the trial court's decision and dismissed the injunction.

The Law Offices of Therese Truelove served as co-counsel on the appeal.

California Education Committee, LLC, et al. v. Arnold Schwarzenegger, et al.

 **Appeal Pending | California**

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

on religion, race, disability, gender, and sexual orientation.

NCLR clients Equality California and the Gay-Straight Alliance Network became involved in the case in order to defend and protect the anti-discrimination laws. In January 2008, shortly after NCLR and our co-counsel filed an *amicus* brief asking the court to dismiss the lawsuit, the anti-LGBT organizations voluntarily withdrew their federal case. Soon after, in March 2008, the anti-gay organizations filed a similar lawsuit in California state court. NCLR and our co-counsel filed an *amicus* brief in June 2008 supporting the California Attorney General's motion to dismiss the case. A hearing is scheduled in the Superior Court of California, County of San Diego in December 2008. However, the anti-LGBT groups recently unofficially notified the A.G.'s office that they may voluntarily withdrew this case and file a new lawsuit.

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

Mariah L. v. Administration for Children's Services

 **Loss | New York**

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

After Mariah won on appeal, the case went back to the family court, which again ordered ACS to provide Mariah with sex reassignment surgery. The court chastised ACS for paying inadequate attention to Mariah's medical needs, and for ignoring medical knowledge about gender identity disorder. ACS appealed again. NCLR, together with the New York Civil Liberties Union and the American Civil Liberties Union, filed another *amicus* brief in support of Mariah. This time, however, the appellate court ruled in favor of ACS, holding that the family court does not have the authority to order ACS to provide and pay for any type of medical care. Mariah L. was represented by the Juvenile Rights Division of the Legal Aid Society of New York.

FIVE STAGES OF GRIEF—CONTINUED FROM COVER

voted down Prop 8, and in our challenge to Prop 8 filed November 5, we were joined by a coalition of organizations representing African-Americans and other communities of color. These communities are our natural allies—as Eva Jefferson Paterson noted on the filing of legal papers supporting the striking down of Prop 8: “a threat to one is a threat to all.”

Now, several weeks later, it seems we have moved firmly into action. Not only were the incidents of scapegoating and blaming denounced by many in both the LGBT and allied communities, but over the past month, hundreds of rallies, marches, protests, and community forums have been organically and spontaneously organized around the country. Tens of thousands of LGBT folks and our allies have come

together in cities and towns in almost every state.

If there was ever any doubt that we are a movement, that has been put to rest. If there was ever any suspicion that we are too complacent to organize and show our outrage and our resolve, that suspicion has been obliterated. This has been a very dark time. But as I have traveled around the country since the election—first to Boston and then to North Carolina for the Equality North Carolina conference—it is becoming clear to me as I pull myself out of the pall that this community is not about to remain silent, we are not going to slip back, we are not going back into any closet, anywhere. We are resolved to never take our equality, anywhere, for granted.

With all due respect to Kubler-Ross, there will never be acceptance.

NCLR SECURES ASYLUM—CONTINUED FROM PG 5

was also strictly controlling and abusive. When a rumor spread at her school that she had been spotted kissing a girl, Angelica began facing regular physical and verbal harassment, so she fled to the U.S. Once there, she obtained help from various agencies, including the Women’s Building and *Instituto Familiar de la Raza*, which put her in touch with NCLR. Her application for asylum was approved in September 2008.

Also in September, the U.S. granted asylum to M.Q., whose case had been pending for more than two years. A native of Mexico, M.Q. had been beaten many times, once so severely it was life-threatening, simply because he is gay. Since receiving asylum, M.Q. no longer lives in fear of being forced to return to Mexico and that violence.

Seeking asylum in the United States is not a simple or easy process, and it is even more difficult for LGBT

people. There is a well-founded fear of persecution because they are gay or transgender, and many LGBT people don’t apply because of that fear. Others don’t know that they even qualify, or simply lack the documentation needed to prove the dangerous conditions in their home countries. The obstacles are difficult but our clients have had the courage and tenacity to apply for asylum and have succeeded with the help of community organizations and NCLR.

“For some, an even more difficult hurdle to cross is sharing with strangers the most terrible, painful, and often private things that happened to them in order to make a strong case for asylum,” reports Noemi Calonje, NCLR’s Immigration Project Director. “So many people fear even applying because of the anti-immigrant sentiment they feel here. Many worry they will be deported and returned to their home country if their application is denied.”

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