The audacity to fight for justice.
The perseverance to win.

INSIDE THIS ISSUE:

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

CONTINUED ON PG 12
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.

National Center for Lesbian Rights

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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.

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 by the restrictions of the era. Del Martin was one of the nation’s first and most visible lesbian women to be elected to the board of the National Organization for 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. It sold more than 200,000 copies and was a catalyst

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.
**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 a groundbreaking study conducted by the Ceres Policy Institute and funded by the Anna E. Casey Foundation. Not only are LGBT youth overrepresented in juvenile 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.

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 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.

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**Safety and Dignity in Juvenile Facilities**

To help ensure that LGBT 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 LGBT 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.

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**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 Kendall

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**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/ALA for TransLatinas, she found her way to NCLR’s doorstep to begin her application for asylum. Alejandra 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 Martin 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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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, she began dating a woman, and was kidnapped and assaulted. After the incident, she 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 Martin 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.

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National Center for Lesbian Rights

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. The NCLR Project promotes a vision in which all LGBT parents can be free to raise their children without legal obstacles, so that their children can grow up in homes where they feel safe, loved, and secure.

Our Project is the only one in the country that works specifically with LGBT parents, period. We are thrilled to expand the reach of our Project to the entire 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 our Project to the entire rural California with legal information, advice, and representation, moves into its second year with strength and focus.

NCLR at the forefront of LGBT issues in sports.

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’s organization WIAA with a goal of leveling the playing field for LGBT athletes.

We are thrilled to expand the reach of our Project to the entire rural California with legal information, advice, and representation, moves into its second year with strength and focus.

Projects and Programs

**Projecto Poderoso/Project Powerful**

Projecto 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 Projecto Poderoso with the hire of community worker, Diana Feliz Oliva, who will work from the Fresno office of CRLA, a womanizing 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.

**Demers v. Zupancic**

Demers v. Zupancic: Pending | Ohio

Marilyn Demers and her long-time partner Zupancic spent 10 years raising a child together. Although they could not legally marry in their home state of California, Marilyn and Demers were partners in every respect. Marilyn, a transgender woman, was enrolled in graduate school, and they took out a mortgage on their home so that Demers could pay off their school loans. When Marilyn retired, she chose to receive lower retirement benefits because of her lifetime in order to make sure that Demers, who is several years younger, would continue to receive payments after Marilyn passed away. But in 2007, their relationship ended. If Marilyn and Demers had been married, the law would have protected Marilyn, who could have received a non-married spouse’s retirement benefits. Instead, Demers was left with reduced retirement benefits, costing her hundreds of dollars per month and providing Demers with $200,000 worth of payments in the future, and the mortgage on the home where she still lives. At the trial court, Marilyn argued that Zupancic was responsible for the death benefit and was to be compensated for Repaying Demers’s loan. Instead, the trial court ordered Marilyn to pay Demers for a majority of 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 Marilyn on appeal, together with Hattahs and Matthews, P.C.

**L.E. v. K.R.**

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 family practice 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 custody of their child. They visited with each other while they broke the agreement. Although the children had been brought together in the past, K.R. decided that she would raise the children herself, and that L.E. would receive $3,000 a month. The court ruled in favor of the child and directed the mother to pay child support.

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 for 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.

Momentum, filed an amicus brief in support of L.E., providing a national overview of the law and showing that Ohio, many other states enforce custody agreements.

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

Victory! California

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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 brought her up as their daughter together. When their daughter was 7, Margaret and Janice separated and Janice refused to allow Margaret to see her daughter. An intermediate appellate court found that Margaret has a parent-child relationship with her daughter and granted visitation, but did not find that she was entitled to custody. Earlier this year, the Maryland Court of Appeals reversed Janice’s visitation order and reversed the visitation order. The Court of Appeals refused 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 appellate court that focused on the ACLU and the Public Justice Center supporting Margaret. NCLR also submitted an amicus brief supporting Margaret to Maryland’s highest court, the Court of Appeals, which on behalf the University of Baltimore School of Law Family Law And Family Mediation Clinics.

Karen Atala Riff v. Chile

Pending | Inter-American Human Rights Commission

On May 31, 2004, Karen Atala Riff, 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 speculations about lesbian parents.


Ms. Atala’s case remains pending before the Commission.
Benitez v. North Coast Women's Care Medical Group

**Victory!** California

The California Supreme Court has held that merely not practicing medicine due to sexual orientation would violate the state's civil rights laws, prohibiting discrimination based on sexual orientation and thereby cannot determine that the medical practices must comply with the state's civil rights laws. Guadalupe "Lupe" Benitez was denied infertility treatment by her Southern California healthcare providers because she is lesbian. In the trial court, the defendants claimed 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 patients based on their sexual orientation. Benitez appealed the decision to the California Supreme Court, and NCLR filed an amicus brief in support of Benitez. The case 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 decision. The Supreme Court held that non-discrimination laws regulate discriminatory conduct, not speech or beliefs, and that medical providers cannot violate these laws based on an objection to same-sex patients or to providing services to LGBT people. The opposition's petition for rehearing was denied in October 2008.

**Immunization**

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 S.K. is afraid of this persecution. He is forced to live in secrecy and constant fear of being moved to a prison run by his family.

In April 2005, San Francisco Superior Court Judge Richard A. Kramer ruled in favor of the couple's marriage. NCLR is now defending Reynolds and McKinley against this challenge. NCLR successfully defended Reynolds and McKinley before the California high court on November 13, 2006. Two days later, various members of the California 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 challenge.

**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 challenging Proposition 8, the California ballot measure that defines marriage as the union of one man and one woman. The plaintiffs included two same-sex couples who sought to marry and a same-sex couple who had been denied marriage licenses.

The California Supreme Court issued an order on June 17, 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; and the Law Office of David C. Coddell.

**Other**

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

The groups argue that Proposition 8 is invalid because the California Constitution does not permit the constitutional rights of a majority 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 government may be altered. Article XVIII of the California Constitution does not permit the constitutional rights of a majority to be stripped away by a simple majority vote of the people.

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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 on November 13, 2006. 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 challenge. NCLR successfully defended Reynolds and McKinley before the California high court on November 13, 2006. 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 challenge.

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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 that successfully destroys that group’s fundamental equal protection guarantee. The Court should find that Proposition 8 was improperly passed as an amendment, and strike it down as an invalid revision.

As of November 11, 2009, 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 Education Fund (MALDEF), the California Affirmative Action, Equal Justice Society, Legal Center, California NAACP, Chinese for and including the Asian Pacific American

challenging Prop 8.

timetable in this case and the two others related events. To be recognized as an official related to student athletes, found “disparities with respect to the treatment of female student athletes, found “disparities with respect to the treatment of female student athletes, 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. This University Brief was written by Ethan Schulman of Howard Rice Nemerovski Canik & Falk.

On April 17, 2006, United States District Court Judge Jeffrey White ruled in favor of Hastings and Outlaw, rejecting the Connecticut 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 it wants if it wants to become a registered student organization—engage in discrimination—not what CLS or may or may not say about its beliefs on nonorthodox 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 this case. The Brief was submitted by the National Law Center on Homelessness and Poverty, the National Asian Pacific American Bar Association, among others. Oral argument has been set for the Circuit of Appeals.

RELATIONSHIP RECOGNITION

Colombia Diversa, Expediente No. D-632, Corte Constitucional de Colombia

Pending | Colombia

The Colombian Constitution guarantees citizens the right to equal protection of the law. In 1996, the Constitutional Court of Colombia declared that Colombia’s same-sex couples, “from a domestic, family, juridical, and legal context,” have equal legal circumstances significantly changed over time, it could consider the question again. In the last 12 years, many foreign constitutional courts and legal organizations and legislators have recognized that all couples should receive equal economic rights, regardless of sexual orientation. Their discrimination is not just social and legal changes have occurred since the Constitutional Court issued its decision on December 21, 2009, and in new proceedings before 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

Sulzippo and Bass v. San Diego Mesa College

Pending | California

lori Sulzippo was the Head Women’s Basketball Coach at San Diego Mesa College (Mesa), and her daughter, Charity Bass, was the head’s policy on nondiscrimination. In 2004, the Christian Legal Society (CLS) filed a lawsuit against Hastings alleging that the non-discrimination policy violated the group’s First Amendment right to discriminate against LGBT people, even with regard to the sharing of information about an official involvement. Plaintiffs must include in their first filings with a court.

The brief was submitted by the National Network to Restore Civil Rights and the Allard K.LOW 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 Educational Fund, the National Law Center on Homelessness and Poverty, the National Asian Pacific American Bar Association, among others. Oral argument has been set for December 10.

YOUTH

D.A. v. W. | Victory! | Florida

Seventeen-year-old D.A. and 18-year-old D.A. had been dating for almost six months when J.W.’s mother, Ms. W., learned about their relationship. 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. The trial court decided 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 history of abuse, the Florida 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, J.W. filed an appeal on behalf of D.A. asking the court to dismiss the lawsuit, the court to get a restraining order to prohibit any contact between the two. The trial court decided 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.

The Law Offices of Therese Truelove served as 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. Coddell.

Marahl V. Administration for Children’s Services

Loss | New York

Marahl is a 20-year-old transgender woman who is in foster care in New York City. Marahl’s lawyers have all agreed that sex reassignment surgery is needed and should be performed as soon as possible. NCLR refused to provide Marahl with the medical care that she needs. Marahl obtained a court order requiring ACS to pay for all necessary medical care and treatment. The court found that Marahl’s “gender identity is not related to any problem that she had been placed in foster care.” NCLR refused to provide Marahl with the medical care that she needs.

On September 8, 2008, the Office of Civil Rights (OCR) of the United States Department of Education, which investigated NCLR’s compliance with Title IX with respect to its treatment of female student athletes, found “disparities with respect to the treatment of female student athletes, and the provision of medical and training facilities.” The OCR concluded that those disparities “are dispositive for Title IX.”

On July 27, 2007, Judge Mikel Williams of the United States District Court for the Central District of California issued its decision on the appeal’s court reversed the trial court’s decision and dismissed the injunction.

The Office of David C. Coddell.


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 allows any student or group existing outside California, 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 for Students 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. On July 30, 2008, the California Supreme Court issued a new IDOC policy statement on the care and treatment of prisoners who have ID.

NCLR’s co-counsel is Morrison & Foerster LLP and the Idaho firm of Stowell LLP.
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.”

The Gift that Keeps on Giving: NCLR Membership

Whether you’ve put off joining NCLR this year, or you’re a member but have someone on your holiday gift list who is impossible to shop for, the perfect gift is simple: NCLR membership.

Give a gift to NCLR as 2008 draws to a close, to make sure your favorite LGBT civil and human rights legal organization is strong for the year to come, as we fight to protect your rights.

Give the Gift of Justice for the Holidays

You can wear your pride and support the fight for justice all at the same time. A portion of all proceeds from the NCLR shop goes directly to our legal work.

Keep checking back in with our shop—we’re always adding new items!

Visit www.nclrights.org/donate to find out more.