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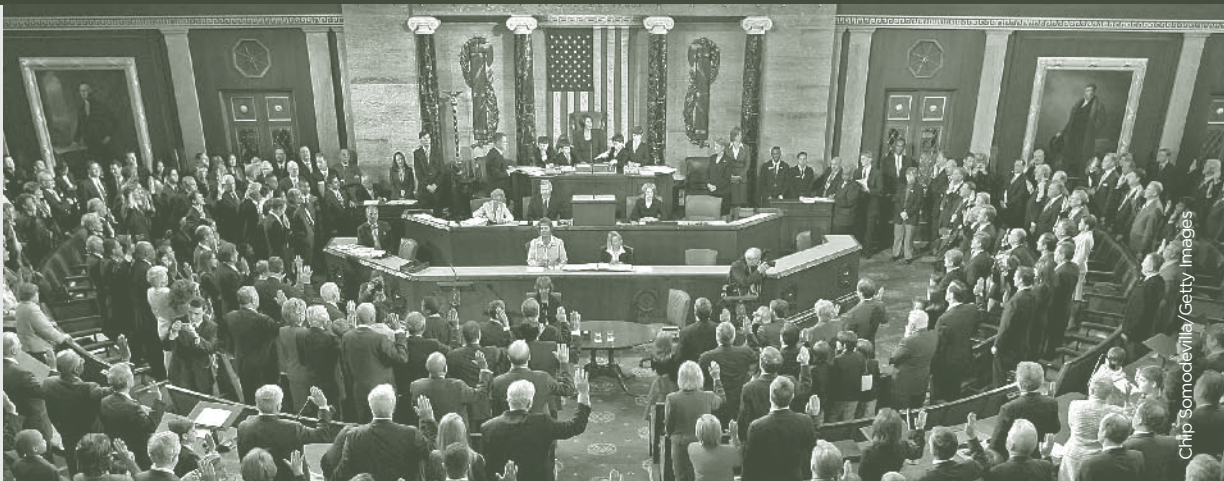


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Chip Somodevilla/Getty Images

Banding Together

Shannon Price Minter's opinion piece originally appeared on Advocate.com

As the old saying goes, nothing focuses the mind like the prospect of a hanging in the morning. Last month, the Democratic leadership in Congress unexpectedly decided to strip protections for gender identity and expression from the proposed federal Employment Non-Discrimination Act, or ENDA. In an unprecedented show of unity, within 48 hours, more than 100 LGBT organizations from across the country sprang into action to form United ENDA, a grassroots campaign to pass only the original, unified bill. Indeed, virtually every national LGBT organization unanimously opposed the stripped-down version of ENDA as morally, legally, and strategically wrong.

On October 12, on behalf of the National Center for Lesbian Rights, I attended a meeting in which senior staffers from the Democratic leadership informed LGBT advocates that our Congressional allies intend to move forward with a sexual orientation-only bill—over the opposition of more than 300 LGBT organizations, including all of the LGBT legal groups, the ACLU, the National Gay and Lesbian Task Force, the Equality Federation, PFLAG, Pride at Work, Stonewall Democrats, the National Black Justice Coalition, and scores of state and local groups. Tammy Baldwin's staff relayed Representative Baldwin's opposition to this strategy and her strong commitment to passing a bill that protects all LGBT people. Indeed, from the start, Representative Baldwin has consistently maintained that we have the votes to pass an inclusive ENDA and likely to fend off potential Republican efforts to strip gender identity from the bill.

Throughout this ordeal, Tammy Baldwin has shown extraordinary leadership and courage, and she is fast emerging as our rising star in

Congress. Similarly, the Equality Federation, a national coalition of state-based LGBT groups, has emerged as a powerful new leader at the federal level. In the past two weeks, the Equality Federation was able to mobilize more than 55 state groups from 43 states to oppose a non-inclusive bill and to generate thousands of emails, phone calls and visits with Congressional Representatives. Never before has the full power and geographic diversity of the LGBT grassroots movement been so dramatically in evidence. The National Gay and Lesbian Task Force (NGLTF) has also played a welcome new leadership role by coordinating the efforts of other LGBT and allied groups in an extremely nimble and effective campaign.

What do these developments portend for the future? To an unprecedented degree, the LGBT movement has made its voice heard in an entirely new way in Congress. Following the October 12 meeting, we have redoubled our efforts to build Congressional support for an inclusive bill. In the longer term, many of the groups that have come together to form United ENDA are developing new



a message from
EXECUTIVE DIRECTOR
KATE KENDELL

Dear NCLR Champion:

For years, the National Center for Lesbian Rights (NCLR), other legal groups, and political organizations—a total of more than 20 lesbian, gay, bisexual, and transgender (LGBT) groups, as well as mainstream civil rights groups—have been working on the Employment Non-Discrimination Act (ENDA), legislation which would prohibit discrimination in employment on the basis of sexual orientation and gender identity.

When the bill was introduced on April 24, 2007, it contained strong and effective language to create inclusive protections and address the issues surrounding religious exemptions. However, in early October, Congressional leaders unexpectedly stripped gender identity protections from the bill.

Within forty-eight hours, NCLR, PFLAG, the Task Force, the Equality Federation, and state groups—the shining heroes in this effort—mobilized and sent a clear message: we will not leave anyone behind. In the history of our movement, we have rarely seen this level of engagement and swift action. Congress was deluged with calls, and virtually every LGBT organization has gone on record opposing a non-inclusive ENDA. We have shown our political muscle in a way few could have imagined. I want to thank you for standing with us and for your repeated calls and emails to your representatives. We made an impact and Congress sees our collective power in an entirely new way.

As I write this, we don't know what the end result will be. We do not know if an inclusive ENDA will reach the floor, and, if so, what the

ultimate vote will be. But we do know that our community will never be the same. We know that the unprecedented mobilization of the past month must be sustained over the coming months and years. We must insure that one day we will see passage of a fully inclusive and powerful piece of legislation—the kind of legislation that will be a model for state bills and further federal protections. The past weeks have offered a new clarity, and we have a strong moral compass to guide us. Over the past decades, we have made tremendous gains in LGBT civil rights, and while I do not know what Congress will do at this time, I do know that we have seen tremendous unity, and that commitment and momentum will bring change. We have come together with moral certitude, strength, and purpose, and we are creating a better movement as a result. While the fate of a fully inclusive ENDA in this Congress is uncertain, our resolve remains unwavering.

In Solidarity,

Kate

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Staff Updates

Lisa Cisneros, Esq., *Pride Law Fellow*



Lisa Cisneros joined NCLR as a Pride Law Fellow in the fall of 2007. She leads *Proyecto Poderoso*—Powerful Project—a collaborative effort by NCLR and California Rural Legal Assistance, Inc. aimed at improving legal services for low-income LGBT residents of rural California. The project is made possible by a generous grant from Pride Law Fund's Tom Steel Fellowship.

Lisa received her J.D. from UC Berkeley School of Law (Boalt Hall) in 2007. During law school, she worked as a judicial extern in federal court, and served as a law clerk at Liefie Cabraser Heimann & Bernstein, as well as at NCLR. She was a member of Boalt Hall's prestigious Death Penalty Clinic, and a senior editor for the *California Law Review*. Upon graduation, Lisa received the Francine Diaz Memorial Award for her contributions to the Boalt community and public service.

Iain Finlay, *Manager of Finance and Administration*



A native of England, Iain brings more than ten years of financial experience to NCLR as our Manager of Finance and Administration, where he oversees all budgetary, fiscal, and administrative operations of the organization. Prior to joining NCLR, Iain was the Finance Director of the ACLU of Northern California for eight years. Previous to that, he worked for three years as the Finance Director at the Tenderloin-based Continuum Day Care Center, which provides services to people living with HIV/AIDS.

Iain has been a Bay Area resident for 15 years, and enjoys traveling and horseback riding. He earned his Bachelor's degree in Business Studies from the UK's University of Bradford Management Centre.

Molly Tafoya, *Communications and Media Assistant*



Communications and Media Assistant Molly Tafoya joined NCLR in 2007. Before joining NCLR, Molly worked as a Communications and Project Coordinator with DC Habitat for Humanity and with the communications department in Governor Linda Lingle's office in Honolulu, Hawaii. Molly graduated from Georgetown University with a double major in Government and Spanish, as well as a minor in Women's Studies, and worked with Georgetown University's pro-choice group and the *Vagina Monologues*. Molly comes to NCLR full of idealism and hope for the future of the LGBT movement.

Azael Chávez Laría, *Project Assistant*



Azael Chávez Laría joined NCLR in April 2007 as a part-time Project Assistant. Originally from Mexico, Azael graduated from UNAM (Universidad Autónoma de México) with a degree in Business Management in 1995 and went on to work at several private international companies, including L'Oreal and Sears Roebuck. He is currently attending San Francisco City College and lives in Daly City.

Look at Us! NCLR Launches Newly Redesigned Website

The screenshot shows the NCLR website with a clean, modern layout. The header includes the NCLR logo and tagline 'The audacity to fight for justice. The perseverance to win.' Navigation links include ISSUES & CASES, GET LEGAL HELP, DONATE, GET INVOLVED, PRESS CENTER, and ABOUT NCLR. A sidebar on the left lists 'register now!' and 'ENDS' with a 'Read Now' button. The main content area features a large 'perseverance' banner, a 'press releases' section with a link to 'OUT FOR JUSTICE', and a 'case updates' section with links to 'Appeal Pending (California) In Re Marriage Cases' and 'Victims (California) Burrows v. ILWU'. The footer prominently displays the website address **www.nclrights.org**.

NCLR has launched a brand new, beautiful website chock full of information and resources. After celebrating our 30th anniversary in May 2007, we figured it was time to upgrade our look to suit our new age. 30 never looked so good!

The new site features more than 800 pages of comprehensive legal information pertaining to lesbian, gay, bisexual, and transgender (LGBT) civil rights. The content details current and precedent-setting cases and analysis of specific issues such as marriage, immigration, and sports law.

There is also a robust "Get Involved" section where you can engage with us through advocacy, events, and news and policy alerts, as well as an in depth and detailed case docket highlighting the recent legal work in which NCLR has been involved. And fans of NCLR nationwide will be please to see Kate's new blog, *Out for Justice*.

Our new website is an excellent tool for connecting individuals from all walks of life—our friends and families, cooperating attorneys, donors, students, and the media. Our goal has been to create better access to information and resources, and to better serve everyone involved in the LGBT movement. We hope you will check us out at **www.nclrights.org** soon, and let us know what you think.

Remembering Dix



*Dawn Marie Wadle, Martina Navratilova, and Dix
at NCLR's 30th Anniversary Gala*



Dix with Ali Michael Cannon

Dear Friends of NCLR,

It's been almost four months since Deborah "Dix" Dixon passed away after nine months of battling lymphoma. Her tireless work on behalf of NCLR along with that of her wife, Dawn Marie Wadle, has inspired me to give back to NCLR to keep her incredible spirit alive and well through this organization's significant social justice work.

Dix and I met 18 years ago, and, as butch dykes, shared all the camaraderie that butch bonding entails—sports, cigars, palling around, moving like the wind in Dix's infectious and spontaneous way. Eight years ago I transitioned from female to male—and Dix was one of my first friends to support me in that journey. She didn't waver as we continued to forge our butch/transman connection.

One of the last times she strutted her gallant and wondrous style was at NCLR's 30th Anniversary Gala. I was lucky enough to sit at a small table with her and Martina Navratilova—they chatted about big screen televisions—and Martina reviewed her speech notes with Dix. What struck me about their interaction was Dix's captivating energy, her genuineness, even while hanging with such a celebrity. The two were equally down to earth, and Dix was there holding court even alongside Martina's greatness.

I'll never forget walking across the dance floor with Dix that night, her butch exuberance shining through, even amidst devastating pain. To me, this was Dix's final public farewell and she was held in the power of the NCLR community, while continuing to grace NCLR with her own radiant presence.

Dix and Dawn Marie inspired my wife, Jessica, and I to live our values: to give from our hearts, mindful of our middle class privilege, and not shunning that responsibility. Together they taught us to commit to changing the world. As I wrote in Dix's memorial, "she was like a magician/chemist who turned the small moments in people's days to gold." That is the true power of the human heart—that life beating at the end of the world, where we are all compelled to find meaning and make it right.

I hope you will join my wife and me in giving to NCLR in honor of Dix and with a belief in the transformative power of the passionate and meaningful lives of all LGBT people.

In deepest brotherhood having known sisterhood,

Ali Michael Cannon



Clergy at interfaith press conference in San Francisco

The Power of Allies

On September 26, 2007, we witnessed a remarkable moment in our movement: More than 500 organizations signed on to 30 *amicus* briefs urging the California Supreme Court to strike down California's discriminatory marriage ban. While "friend-of-the-court" briefs are standard in these cases, the volume of briefs and the wide range of signing organizations were extraordinary.

In our movement's chorus for equality, we hear time and time again what we know to be true: our love is equal, our relationships and families are worthy of the same fundamental protections, and we will not settle for anything less than full civil rights and humanity. Yet, when we hear those truths spoken by others—by our friends and allies—the words gain power and they reach new audiences.

In one brief alone, more than 400 local, regional, and national religious organizations and clergy argued that the constitutional principle of religious freedom supports the right of same-sex couples to marry. Groups joining the brief included the California Council of Churches and California Faith for Equality, as well as longtime allies such as the Unitarian Universalist Association of Congregations, the General Synod of the United Church of Christ, the Union for Reform Judaism, Soka Gakkai International - USA, and the Universal Fellowship of Metropolitan Community Churches. Also signing on were the Ecumenical Catholic Church, Muslims for Progressive Values, and literally hundreds of other religious associations, churches, synagogues, sanghas, ministers, and rabbis throughout the state of California. The brief represented millions of people of faith, each speaking on behalf of their congregations and communities.

Interfaith groups held events across the state, in Fresno, Los Angeles, San Diego, Sacramento, San Luis Obispo, and San Francisco, with local television stations covering the celebrations. Rabbis, ministers, and priests joined together in song and

prayer. Sacramento's event was held at the B'nai Israel Congregation, which, in 1999, was the target of a hate crime that destroyed much of the synagogue. Rabbi Mona Alfi spoke of her commitment to equality and how her congregation and people of faith have been victims of intolerance and hate.

The California National Association for the Advancement of Colored People (NAACP)

"We are not treating all Californians equally if some can marry and others cannot."

—Alice Huffman, President of the California Conference of the NAACP

Court relied on in 1948, when it became the first court in the country to strike down laws banning interracial marriage.

"We are not treating all Californians equally if some can marry and others cannot," said Alice Huffman, President of the California Conference of the NAACP. "The law should

joined more than 90 other civil rights organizations in asking the California Supreme Court to affirm the same fundamental constitutional principles of freedom and equal protection that the

protect all people equally, and all Californians should have the choice to marry," she said. "I am honored to join other civil rights leaders in calling on our state to end its ban on marriage for lesbian and gay couples."

More than 60 Asian Pacific Islander (API) organizations, including the National Asian Pacific American Bar Association, the Center for the Pacific Asian Family, Southern California Chinese Lawyers Associations, the Vietnamese American Bar Association of Northern California, the Korean Resource Center, the Japanese American Citizens League, South Asian American Leaders of Tomorrow, and Filipinos for Affirmative Action, filed a brief describing the long history of discrimination against API communities with regard to marriage in California.

API organizations held press conferences in Los Angeles and San Francisco, where NCLR client Stuart Gaffney held up poignant photos from three generations of his family. He described how his grandparents, who emigrated from China, faced discrimination, and how his parents, an interracial couple, were prohibited to marry until the California

El Nuevo Proyecto Poderoso de NCLR

NCLR y Asistencia Legal Rural de California (California Rural Legal Assistance, CRLA) se han unido para tomar acción contra el creciente acoso laboral que las lesbianas, gays, bisexuales y transgéneros (LGBT) enfrentan en sus trabajos. En condados rurales, la intersección del estatus inmigratorio de la persona más la homofobia o transfobia, la pobreza y el racismo han marginalizado de una manera muy profunda a las comunidades LGBT. Pocas organizaciones LGBT existen en comunidades rurales y en general la información legal no es muy accesible.

NCLR se ha unido a CRLA para lanzar el Proyecto Poderoso cuya misión principal será representar a los trabajadores agrícolas LGBT en California rural.

El proyecto fue creado por Lisa Cisneros quien se graduó recientemente de la Universidad de California, Berkeley School of Law (Boalt Hall). Lisa educará a las comunidades rurales sobre los derechos LGBT, entrenará a los empleados y abogados de CRLA en el área de ley que aborda con el tema LGBT y litigará casos en nombre de residentes LGBT de California rural que son de bajos recursos.

“La base del Proyecto Poderoso está ubicada en mi ciudad natal de Salinas, California,” dijo Lisa. “Este proyecto nos permitirá combatir un problema que es muy personal para mí. Por medio del Proyecto Poderoso, espero crear una diferencia positiva en las vidas de las personas LGBT que viven en las comunidades rurales, especialmente para los latinos de bajos recursos que viven en el Valle Central de California. Mientras que la atención pública está enfocada en lugares como Los Ángeles, Silicon Valley y San Francisco, estoy muy bien familiarizada con lo que significa vivir en un lugar como Salinas el cual es, por la mayor parte, ignorado.”

Proyecto Poderoso aspira a promover un ambiente seguro en el cual los trabajadores agrícolas LGBT pueden ganarse la vida sin acoso y abuso a causa de su orientación sexual o identidad de género. Con 21 oficinas a través de California rural, CRLA está bien situada para asumir la responsabilidad de educar al público

sobre estos asuntos. Los trabajadores comunitarios que ya están conectados a CRLA, proveen información y recursos sobre otros temas - incluyendo los derechos del trabajador y la atención médica y también han trabajado extensamente con escuelas, clínicas, y hogares privados a través de California rural.

La misión de NCLR es de educar a los abogados de CRLA sobre los asuntos que frecuentemente afectan a la comunidad LGBT y las protecciones legales disponibles para manejar estos problemas. NCLR también abordará las protecciones de empleo, así como las leyes que tienen que ver con la familia, inmigración, la juventud y la vivienda. Al proveerles el acceso a los materiales desarrollados por NCLR y otras organizaciones por los derechos civiles, la línea de asistencia legal de NCLR y la red de abogados de NCLR que apoyan a las personas LGBT, NCLR va a proveer el conocimiento necesario para que los abogados de CRLA puedan entablar demandas en nombre de clientes LGBT.

La ampliación de conocimiento de CRLA en esta área de ley va a mejorar la capacidad de esta organización en proveer representación legal para los individuos LGBT de bajos ingresos de California rural.

“La gente LGBT en Salinas y en el Valle Central de California se merecen las mismas oportunidades de compartir en los éxitos de los activistas LGBT y los defensores de la justicia racial y laboral,” explica Lisa. “Proyecto Poderoso es parte de mi esfuerzo en que ese sueño se convierta en realidad.”



NCLR's Powerful New Project: *Proyecto Poderoso*

NCLR has partnered with California Rural Legal Assistance (CRLA) to take action against escalating work-related harassment against LGBT workers. The cross currents of immigration status, homophobia, transphobia, poverty, and racism have marginalized LGBT communities in rural counties. Few LGBT organizations serve rural communities, and there is little access to legal information.

NCLR has joined with CRLA to launch *Proyecto Poderoso*, Powerful Project, on behalf of LGBT agricultural workers in rural California. The project, conceived by Lisa Cisneros, a recent graduate from University of California, Berkeley School of Law (Boalt Hall), will educate rural communities about LGBT rights, build the expertise of CRLA staff and attorneys in the area of LGBT-related law, and litigate cases on behalf of low-income LGBT residents of rural California.

"Proyecto Poderoso is based in my hometown, Salinas, California," said Lisa. *"The project is an opportunity to address a problem that is very personal to me. Through Proyecto Poderoso I hope to make a positive difference in the lives of queer people living in rural communities, especially low-income Latinos in the Central Valley. While the limelight of public attention and services shines on places like Los Angeles, Silicon Valley, and San Francisco, I am familiar with living in a mostly ignored place, Salinas."*

Proyecto Poderoso aims to promote a safe work environment where LGBT agricultural workers can earn their livelihood free from harassment and abuse based on their sexual orientation or gender identity. With 21 offices throughout rural California, CRLA is well-situated to tackle the public education aspect of

Proyecto Poderoso. The community workers involved with CRLA are already providing information and resources regarding other legal issues including workers' rights and healthcare and have been working extensively with schools, clinics, and private homes throughout rural California.

NCLR will educate CRLA attorneys on the issues commonly affecting LGBT communities and key legal protections available to address those concerns. NCLR will also address employment protections, in addition to relevant family, immigration, youth, and housing law. Through providing access to materials developed by NCLR and other civil rights organizations, NCLR's helpline, and NCLR's network of LGBT-friendly attorneys, NCLR will also support CRLA attorneys litigating claims on behalf of LGBT clients. CRLA's expanded expertise will improve the organization's ability to provide legal representation to low-income LGBT individuals in rural California.

"Queer people in Salinas and deeper in the Central Valley should have an equal opportunity to share in the victories won by queer activists and labor and racial justice advocates alike," said Lisa. *"Proyecto Poderoso is a part of my effort to make that dream a reality."*



NCLR Victorioso en el Asilo para Valeria Cardenas

Gracias a todos por sus esfuerzos y amabilidad, por quererme sin conocerme. ¡Dios les bendiga! Con todo mi corazón.

Criada en Cuernavaca, México, Valeria sufrió de mucho abuso desde su niñez. Cuando tenía ocho años, sus padres se dieron cuenta de que Valeria era muy diferente a sus nueve hermanos y empezaron a abusar de ella emocionalmente, físicamente y sexualmente a causa de su identidad de género. Cuando tenía trece años, al inicio de la pubertad, sus padres la echaron de casa.

En 1985, a la edad de 18 años, Valeria llegó a los Estados Unidos buscando una mejor vida. Recibió una beca para asistir una escuela de belleza y obtuvo mucho éxito como estilista. Contenta con sus logros, regresó a Cuernavaca, esperando ser aceptada por su familia. Desafortunadamente, su familia la rechazó de nuevo y sola buscó la manera de salir adelante. Se quedó en Cuernavaca por dos años esperando reconciliarse con ellos cuando sufrió un ataque brutal.

En 1994, Valeria fue atacada, mutilada y abandonada en el desierto donde sus atacantes pensaron que allí iba a sangrar hasta su muerte. “Después de esto, sentía que había llegado al fondo más profundo y oscuro de mi vida del cual no había escape alguno. Ya no quería vivir. Mis sueños— todo—era un desastre total, no tenía esperanza alguna. No quería seguir viviendo.”

Meses después y tan pronto como se sintió lo suficientemente fuerte para viajar, Valeria huyó de México y se estableció en San José, California. Años después de su ataque, aún seguía sufriendo de trastorno de estrés postraumático (Post-Traumatic Stress Disorder or PTSD) y una grave depresión. Después de vivir en un aislamiento profundo, su estatus migratorio le hacía sentirse como una prisionera. Vivía con ese terror constante de que fuese a ser deportada a México y vivir de nuevo con ese gran peligro del cual vino huyendo. Tampoco deseaba perder la vida que había creado para si misma en los Estados Unidos.

En el 2005, Valeria encontró a NCLR. Llegó hasta nuestras puertas buscando apoyo y consejo legal para cambiar su estatus migratorio. Lo que también encontró fue un lugar seguro. Trabajando con la directora del Proyecto de Inmigración de NCLR, Noemí Calonje, Valeria sometió su aplicación con la oficina de asilo del Servicio de Ciudadanía e Inmigración de EE.UU. (USCIS) y en Septiembre del 2007, lo obtuvo.

“Me salvaron—me enseñaron cómo salir de ese hoyo tan profundo en el que me encontraba y me mostraron lo que la vida podía ser. Muchas gracias a NCLR por guiarme y mostrarme un mundo diferente en el cual entiendo que no hay nada malo conmigo. Ustedes me trataron como una persona.”

Desafortunadamente, la historia de Valeria no es única. Si una persona sufre de persecución a causa de su orientación sexual o su identidad de género, le sería posible obtener asilo en los Estados Unidos, pero es necesario hablar con un abogado para determinar si este es el proceso adecuado para su situación ya que cada aplicación es examinada individualmente. El Proyecto de Inmigración de NCLR se inició en 1994 y desde aquellos primeros años, NCLR ha proporcionado asistencia legal gratis a miles de inmigrantes LGBT a través de la nación. Hemos tenido éxito en nuestra lucha por los inmigrantes LGBT quienes buscan asilo dentro de nuestras fronteras. A medida que la discusión nacional sobre el tema de inmigración va creciendo, estamos en el centro de estos debates, luchando por la inclusión de las personas LGBT, sus familias y parejas.

“Gracias a todos por sus esfuerzos y amabilidad, por quererme sin conocerme. ¡Dios les bendiga! Con todo mi corazón, Valeria.”

NCLR Wins Asylum for Valeria Cardenas



photo by Trish Tunney

*Thank you everybody
for your efforts and
kindness, for caring
about me without
knowing me. God bless
you all. With all my heart.*

Raised in Cuernavaca, Mexico, Valeria suffered tremendous abuse from the time she was a young child. By the age of eight, her parents realized Valeria was different from her nine siblings, and emotionally, physically, and sexually abused her because of her gender identity. When she was thirteen, at the onset of puberty, her parents kicked her out of the house.

In 1985, at age 18, Valeria came to the United States looking for a better life. She received a scholarship to attend beauty school and became a successful hair stylist. Happy with her achievements, she returned to Cuernavaca, hoping to win the approval of her family. Unfortunately, her family still did not accept her. She remained in Cuernavaca for two years, hoping to reconcile with her family. Then she suffered a brutal assault.

In 1994, she was attacked, mutilated, and left to bleed to death in the desert. “After that, I felt like I was at the bottom of a dark hole that had no way out. I had completely given up on life. My dreams—everything—was totally a mess, with no hope at all. I did not want to live.”

As soon as she was well enough to travel, Valeria left Mexico and settled in San Jose, California. For years after her attack, she suffered from post-traumatic stress disorder and serious depression. After living for years in profound isolation, her immigration status made her feel even more imprisoned. She was living in constant fear that she might have to return to Mexico and the life-threatening situation from which she had escaped, also losing the life she had made for herself in the United States.

Then Valeria found NCLR. In 2005, she came to us looking for support and legal advice as to how she could change her status. What she found was a safe haven. Working with NCLR’s Immigration Project Director Noemi Calonje, Valeria filed an application for asylum with the USCIS asylum office. In September 2007, she was granted her asylum.

“They saved me—they showed me the way out of the hole and showed me what life can be like. Thanks to this organization, which is guiding me through all this, they showed me the world and how there’s nothing wrong with me. They treat me like a person.”

Valeria’s story, unfortunately, is not unique. Persecution on account of sexual orientation or gender identity is grounds for asylum in the United States, however one should consult with an attorney to determine if this is the appropriate route to take as each application is reviewed individually. NCLR’s Immigration Project began in 1994 and since those early years, NCLR has provided free legal assistance to thousands of LGBT immigrants nationwide who are seeking such relief. We’ve successfully argued on behalf of LGBT immigrants seeking asylum within our borders. And as the national policy debate surrounding immigration reform continues to heat up, we are at the epicenter of those discussions, pushing for inclusion of LGBT people, families, and partners.

“Thank you everybody for your efforts and kindness, for caring about me without knowing me. God bless you all. With all my heart, Valeria.”

NCLR's Latest Victory in Protecting Our Relationships



Bill Swenor and Marvin Burrows

Burrows v. ILWU

Marvin Burrows and his life-long partner, Bill Swenor, were together for 51 years and did everything within their power to demonstrate their commitment to each other, including registering as California domestic partners. When Bill died suddenly in March 2005, Marvin was not only devastated, he was also financially destitute. Marvin submitted a claim for Bill's pension benefits as any spouse would do. However, despite their loving

and committed relationship, the company terminated Marvin's health insurance coverage, rejected his claim, and denied him the benefits that millions of spouses routinely receive. As a result, Marvin was financially devastated and was forced to move out of the home he and Bill shared for more than three decades. Marvin came to NCLR for support, and NCLR was able to provide the help that Marvin so desperately needed.

NCLR, with the assistance of attorney Teresa Renaker, filed an initial appeal letter asking Bill's union, the International Longshore and Warehouse Union (ILWU) to reconsider their stance, which the company rejected. After two years of NCLR working on Marvin's behalf, the ILWU updated its policies entitling Marvin to receive Bill's pension benefits, retroactively dating it to March 1, 2005. NCLR is thrilled with this victory for Marvin and for the larger LGBT community.

"I am overwhelmed that I will finally receive what Bill promised me in case he passed away before me," Marvin said. "Finally our community is being recognized, and my 51

years with Bill means something to others, not just me. Bill is smiling down on me today."

Even though this case represents a decisive victory for Marvin Burrows and Bill Swenor, it is a stark reminder of the work that still needs to be done in recognizing relationships in the LGBT community.

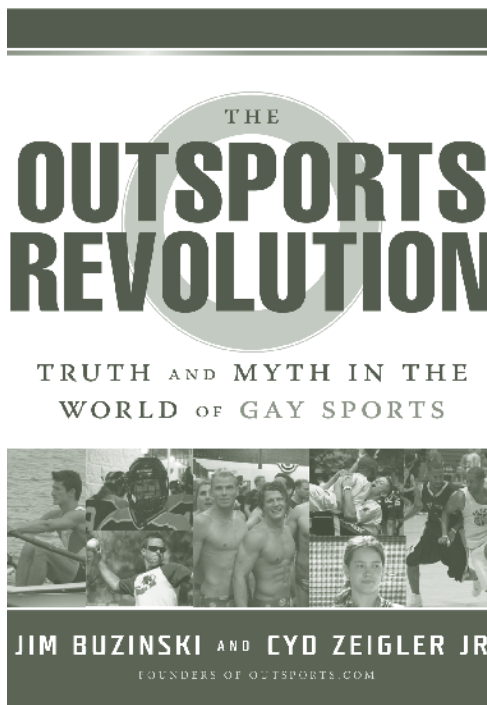
NCLR Elder Law Project Coordinator Joyce Pierson says that "for surviving different-

"Finally our community is being recognized, and my 51 years with Bill means something to others, not just me."

sex spouses, marriage automatically ensures access to pension and retirement benefits. We applaud the ILWU for doing the right thing. We should not forget,

however, that the vast majority of same-sex partners in California still do not have this protection."

New Book Highlights NCLR's Role in Addressing Homophobia in Sports



The Outsports Revolution chronicles the world of LGBT sport, and showcases NCLR's groundbreaking legal work in leveling the playing field for LGBT athletes. Through more than twenty-five chapters, the book introduces readers to both famous out athletes, as well as the unsung, unknown trailblazers who have helped others come out. Featuring MLB's Billy Bean, the NFL's Esera Tuaolo, and Olympic diver Greg Louganis—as well as Molly Lenore, a former college football player who transitioned to female and now plays gay flag football; Brian Fell, a two-time NCAA track and field star; and sports professional Larry Felzer, who organized Gay Community Night for the Philadelphia Phillies. *The Outsports Revolution* is a comprehensive compendium on the issues surrounding LGBT athletes in the sporting world.

Authors Jim Buzinski and Cyd Zeigler dedicated an entire chapter to NCLR Sports Project Director Helen Carroll, a former national championship basketball coach from

the University of North Carolina-Asheville. Helen joined NCLR in 2001 to launch our Sports Project in order to tackle the rampant homophobia and transphobia in sports. Since the Project's inception, NCLR has worked to eliminate discrimination based on sexual orientation and gender identity in sports through advocacy, outreach, and litigation. Under Helen's leadership, we have provided assistance to hundreds of high school, university, and professional athletes, coaches, and sport personnel.

The authors are recognized worldwide as the leaders in LGBT sports reporting and co-founded Outsports.com in 2000. Together they have appeared on numerous television programs, including ESPN, Fox Sports, and CNN. They have been profiled in hundreds of magazines and newspapers, including *The Wall Street Journal*, *Chicago Tribune*, *The New York Times*, and *Sports Illustrated*.

We are thrilled to see Helen's and NCLR's work highlighted in this way. To learn more about the book, visit www.outsports.com.

NCLR Active Cases

ELDER LAW

Burrows v. ILWU

 **Victory! | California**

Marvin Burrows and his partner William Swenor were together for 51 years. Burrows and Swenor did everything within their power to demonstrate their commitment to each other and to provide for the surviving partner in the event of one partner's death, including registering as domestic partners. Swenor worked as a warehouse crew leader for more than 35 years. Throughout Swenor's employment, he was a member of the International Longshore and Warehouse Union (ILWU) and contributed to their pension plan. When Swenor unexpectedly passed away in March 2005, Burrows submitted a claim for Swenor's pension benefits. Despite their long-term relationship and registration as domestic partners, the ILWU initially rejected Burrows' claim. As a result, Burrows lost his home of 35 years and was financially destitute. NCLR, with the assistance of attorney Teresa Renaker, filed an appeal, and after a two year struggle, the local chapter of the ILWU changed its policy to provide equal pension benefits to surviving domestic partners. The union also made this change retroactive to March 2005, ensuring that Burrows will receive all of his partner's benefits.

EMPLOYMENT

Etsitty v. Utah Transit Authority

 **Loss | Utah**

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

FAMILIES & PARENTING


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 and Sharolyn from trading places so that Donna could comfort their 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.

Adoption.com

 **Victory! | California**



Rich and Michael Butler

Represented by NCLR and the law firm of Orrick, Herrington & Sutcliffe LLP, Michael and Rich Butler, a San Jose couple, filed a lawsuit challenging the discriminatory policies of the for-profit websites Adoption.com and ParentProfiles.com after these businesses refused to post their profile online solely because they are a same-sex couple. The defendants' websites, Adoption.com and ParentProfiles.com, charge fees for posting profiles of potential adoptive parents. Using the websites, birth parents can search those profiles to choose potential adoptive parents for their children.

On March 30, 2007, San Francisco federal district court judge Phyllis J. Hamilton issued a decision holding that California law applies to the defendants and permitting the Butlers to take their case to trial.

On May 21, 2007, the defendants agreed to stop discriminating in California. The agreement provides that: "no Defendant shall Post Biographical Data of California residents seeking to adopt directed to prospective birth parents unless the Service is made equally available to all California residents qualified to adopt in California."

Application of A.W.

 **Victory! | California**

L.W. and K.R. raised their child, A.W., together from the time that K.R. gave birth to him. After the couple split up, L.W. became the child's


sole caregiver. L.W. obtained a parentage judgment from a California court establishing that she is A.W.'s legal parent. L.W. is disabled and receives Social Security Disability Insurance (SSDI) benefits. The Social Security Act provides benefits for the children of people who receive SSDI, and L.W. applied for A.W. to receive benefits as her child. A.W.'s application was initially denied because the Administration refused to recognize L.W. as his parent. NCLR, along with cooperating attorney Jona Saxby, represented A.W. at his administrative hearing appealing the initial decision. The Administrative Law Judge ruled that the Social Security Administration must provide benefits to A.W. because L.W. is his legal parent under California law.

Margaret K. v. Janice M.

 **Appeal Pending | Maryland**

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

A.P. v. J.M.

 **Victory! | Louisiana**

A.P. and J.M. had been in a committed relationship for 17 years when they had a child through artificial insemination. Living in California at the time, the couple elected to complete a second parent adoption to secure the parental rights of A.P., the non-biological mother. After moving to Louisiana, the couple separated, and the biological mother cut off all contact between A.P. and the child. A.P. filed suit for contact with the child, and the biological mother attempted to have the adoption judgment from California declared void. The Louisiana Court ruled in favor of A.P., holding that the California adoption judgment

must be respected under the Full Faith and Credit Clause of the U.S. Constitution. A.P. was represented by M. Suzanne Montero and Deborah Henson with assistance from NCLR.

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 unfounded speculation that the daughters would eventually suffer psychological harm from living with Ms. Atala and her partner. The Court also speculated that Ms. Atala's daughters would eventually become confused about gender roles and be subject to discrimination and isolation.

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's case before the Commission arguing that the Court's decision is contrary to the weight of international authority. Ms. Atala's case remains pending before the Commission.

R.S. v. A.S.

 **Appeal Pending** | **Virginia**

In a custody dispute between A.S., a lesbian mother, and her ex-husband, the trial court denied custody to A.S. because of her sexual orientation and also prohibited A.S. from having overnight visits with her children when her partner is spending the night in the house. A.S. is appealing the custody and visitation order and is being represented pro bono by the law firm of Davis Wright Tremaine LLP, with NCLR's assistance.

HEALTHCARE

Benitez v. North Coast Women's Care Medical Group

 **Pending** | **California**

Guadalupe "Lupita" Benitez was denied infertility treatment by her Southern California health care providers because she is a lesbian. The trial court rejected the doctors' claim

that they should be exempt from California's anti-discrimination statute because they have religious objections to serving lesbian patients. On December 5, 2005, the Court of Appeal reversed and held that the doctors must be given an opportunity to demonstrate that their refusal to treat Benitez was not based on anti-gay animus. Benitez appealed the decision to the California Supreme Court, which has agreed to hear the case. Along with medical, civil rights, and community based organizations, NCLR filed an amicus brief in support of Benitez, who is represented by Lambda Legal.

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.

On July 27, 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, 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.

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

IMMIGRATION

John Doe v. Alberto Gonzales

 **Pending** | **Egypt**

John Doe, a gay man from Egypt, applied for asylum based on persecution he suffered in Egypt because of his sexual orientation, as well


as fear of future persecution if he were forced to return to Egypt. The Immigration Judge and Board of Immigration Appeals denied his application. In Egypt, gay men are frequently arrested under accusations of private, non-commercial, consensual, adult sexual conduct. For example, on May 11, 2001, following Doe's departure from Egypt, the Cairo Vice Squad raided the Queen Boat, a discotheque on a cruise vessel moored in the Nile attended by gay men. The men arrested that night were collectively charged with the habitual practice of debauchery (fujur), among other offenses. All were brutally tortured, and many were sexually assaulted while in police custody. Twenty-three of the men were convicted in a trial before an Emergency State Security Court. 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 Raul

 **Victory!** | **Peru**

Originally from Peru, Raul is a transgender man who, from a very early age, knew that he was in the wrong body. As a child, he woke up every morning waiting for his body to change from female to male. His family had a difficult time adjusting to their child's gender identity and expression. In school, he endured verbal and physical attacks, isolation, and harassment on a daily basis. Despite the many obstacles that he faced in obtaining his education, he was admitted into a prestigious university where he pursued his professional degree. However, after all his efforts and struggles to succeed, the university refused to issue him the diploma he had earned due to his gender identity. With no hope of ever having a peaceful life in his home country, Raul sought refuge in the United States where his relatives resided. His search for legal help went on for nine months and he was ready to give up when he found NCLR. Raul made his way to San Francisco where he proceeded to file for asylum. NCLR, with the assistance of pro bono attorney Cara Jobson at Ark, Wiley and Jobson, filed his application in February 2007. Raul was granted asylum in July 2007.


In re Armando

 **Victory!** | **Mexico**

In 1997, Mexico police raided a gay discotheque under the premise of searching for drugs. No drugs were found; however, the patrons were

subjected to demeaning verbal and physical mistreatment. Because Armando was both a witness and a victim of the attack, an officer approached him and took his ID card and told him “you are going to remember me.” From that night on, Armando endured continued harassment, threats, violence, extortion, and robbery at the hands of this police officer and his friends. For years Armando endured the constant threats and violence against him. In February 2005, Armando came to San Francisco. Through the help of a former client of NCLR, he contacted us and we immediately approached the Lawyers’ Committee for Civil Rights to locate a pro bono attorney for him. With the help of Angela Bortel at Kerosky & Associates, his asylum application was filed in January 2006. Armando successfully obtained asylum in June 2007 and he is currently attending San Francisco City College.

In re Irma

 **Victory! | Mexico**


Irma is a Mexican transgender woman who has suffered a lifetime of loss, violence, and abuse. Irma is the eighth of ten children. From a very young age, Irma understood herself to be female. She socialized with girls and believed she would grow up to be a woman. She only started to doubt those beliefs when her family began to taunt her and physically abuse her. Her brothers wanted her to be macho and began to hit her to “toughen her up.” Throughout her life, Irma was targeted for persecution by people in her community. At the age of sixteen and on her way back from a friend’s birthday party, Irma flagged down a car thinking that it was a cab. She realized too late that it was a patrol car. The two police officers inside forced her into the car and drove to a remote location. She was brutally assaulted. The policemen threatened that if she told anyone about this that her and her family would suffer much more. Some time after the brutal assault and continuing hostility from her mother and other family members, Irma fled to the United States. It wasn’t until 2005, when she moved to San Francisco, that she sought help. In January 2006, she began to receive services from the Mission Neighborhood Resource Center (MNRC) and it was there that she was referred to NCLR for assistance with her immigration status. With the pro bono representation of the Transgender Law Center’s Executive Director, Chris Daley, Irma’s asylum application was submitted on August 2006. Irma was granted asylum in August 2007.

In re M.Q.

 **Pending | Mexico**

M.Q. is a native and citizen of Mexico. As a child, he endured much abuse at the hands of his father, who often accused him of being a “sissy.” As a teenager, he was severely beaten by a gang of teenage boys for kissing his boyfriend. These boys also threatened that they would kill him if they ever saw him again. From that moment on he lived in fear that they would find him and carry through with their threat. On many subsequent occasions, M.Q. was physically assaulted for being gay by his family, peers, and police. In December 2003, when he encountered the gang of boys again and barely managed to escape their attack, he decided to flee Mexico. He arrived in the United States under a work visa in January 2004. Fearful of ever returning to Mexico, M.Q. applied for asylum with the support of a friend who referred him to NCLR. His application was submitted on August 2006 and is still pending.

In re Valeria

 **Victory! | Mexico**

Raised in Cuernavaca, Mexico, Valeria suffered tremendous abuse from the time she was a young child. By the time she was eight, her parents realized that Valeria was different from her nine siblings because of her gender identity. Years of emotional, physical, and sexual abuse followed. And at the age of thirteen, Valeria’s parents kicked her out of the house. In 1985, at age eighteen, Valeria came to the United States, where she received a scholarship to attend beauty school and became a successful



Valeria

hair stylist. Proud of her achievements, she returned to Cuernavaca, hoping to win the approval of her family. Unfortunately, her family did not accept her. Despite this, she remained in Mexico, until she suffered a brutal assault. In 1994, Valeria was attacked, mutilated, and left to bleed to death. As soon as she was well enough to travel, Valeria left Mexico and settled in the Bay Area. For years after her attack, she suffered from post traumatic stress disorder

and serious depression. Tired of living in fear, she began to feel imprisoned by her uncertain immigration status. With NCLR as counsel, Valeria filed an application for asylum with the U.S. Department of Homeland Security in 2005. Asylum was granted in September 2007.

In re Vicky

 **Pending | Mexico**

Vicky is a young transgender woman from Mexico. Ever since she was a small child Vicky experienced persecution. Kids threw rocks at her on the way to school, and pushed her into puddles, telling her they were doing it “to get the queer out of you.” Her parents noticed her feminine manners and reacted brutally. As Vicky turned thirteen, entering secondary school, her feminine characteristics became more evident and the attacks intensified. At the age of sixteen, she came home from school one day and found that her parents had abandoned the house, leaving her all alone. In order to survive, Vicky started working at restaurants and doing housekeeping jobs in a neighboring coastal tourist town. Vicky first came to the United States in 1994, escaping abandonment by her family and from community hostility in her small town. Once in the US, Vicky started to present herself as a woman. In 2003, she was detained by the Phoenix police and deported to Mexico. Once in Mexico, Vicky decided to seek her mother and siblings as she was hoping that there could still be a chance for them to be a family. Unfortunately, they remained hostile and her brothers beat her. When she complained to the Mexican police of the attack, they laughed at her. After eight months of harassment and verbal and physical abuse, Vicky returned to the United States. Through the help of the Lawyers’ Committee for Civil Rights, Vicky obtained pro bono attorneys at the law firm of Hanson Bridgett Marcus Vlahos & Rudy, with whom NCLR collaborated to help Vicky seek her asylum. Her application was submitted on November 2005 and is still pending.

MARRIAGE

In re Marriage Cases

 **Appeal Pending | California**

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

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.



City Attorney Dennis Herrera and NCLR's Shannon Minter with clients and co-counsel at San Francisco City Hall

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 is expected late in 2007 or early 2008.


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

Kerrigan & Mock v. Connecticut Department of Public Health

 **Appeal Pending | Connecticut**

Same-sex couples in Connecticut are suing to end Connecticut's exclusion of lesbian and gay couples from marriage, represented by Gay & Lesbian Advocates & 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. The case is currently pending before the Connecticut Supreme Court. NCLR filed an amicus brief with other civil rights groups supporting the couples' right to marry.

Reynolds & McKinley

 **Initial Victories! | 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.



Kathy Reynolds and Dawn McKinley

OTHER CIVIL RIGHTS

Christian Legal Society v. Kane


 **Victory! | 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 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, White & McAuliffe 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.

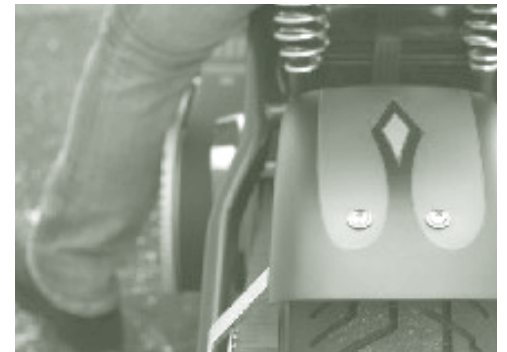
On April 17, 2006, United States District Court Judge Jeffrey White ruled in favor of Hastings and Outlaw, rejecting the Christian Legal Society's arguments that the school's policy violates its rights to freedom of speech, religion, and association. The Court explained: "(Hastings' policy) affects what 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 decision is now pending before the Ninth Circuit.

Dykes on Bikes

 **Victory! | California**

NCLR and the Brooke Oliver Law Group represented the San Francisco Women's Motorcycle Contingent in an action to register the name "Dykes on Bikes" with the U.S. Patent and Trademark Office (USPTO). The USPTO initially rejected the application on the ground that the term "Dykes on Bikes" is disparaging to lesbian, gay, bisexual, and transgender people. NCLR and the Brooke Oliver Law Group then submitted extensive documentation from activists, community members, and scholars from across the country, demonstrating that the LGBT community considers the name "Dykes on Bikes" to be a positive, empowering and affirming term. Despite this evidence, the USPTO again rejected the trademark application on the grounds that "the term dyke is considered vulgar, offensive and/or disparaging."



Dykes on Bikes

After bringing in additional assistance from Gregory Gilchrist, Leigh Kirmsse, and Gia Cincone of the law firm of Townsend and Townsend and Crew and Anne-Marie Dinius of DLA Piper Rudnick, the San Francisco Women's Motorcycle Contingent appealed the denial. In a decision issued December 6, 2005, the Trademark Office reversed itself and finally granted the application. In July 11, 2007, the U.S. Court of Appeals for the Federal Circuit issued a final ruling affirming the group's trademark of the name "Dykes on Bikes."

RELATIONSHIP RECOGNITION

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

The Constitutional Court of Colombia is deciding whether a Colombian law, la Ley 54 de 1990, defining “domestic partnership” as existing between a man and woman is contrary to fundamental rights guaranteed by the Colombian Constitution—most importantly, the right to equal protection of the law (Artículo 13). The Constitutional Court previously addressed this question in 1996. Although the law was upheld at that time, that decision said the question could be reexamined in the event that social and legal circumstances significantly changed over time. Since 1996, a number of foreign constitutional courts, international human rights bodies, and legislatures have considered similar matters relating to the recognition of equal economic rights for partnerships regardless of sexual orientation. Their decisions demonstrate the significant social and legal changes that have occurred on this issue. NCLR 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 filed an amicus brief to provide the Court with an overview of the international judgments other courts and adjudicative bodies have reached when faced with similar questions.

Strong v. Board of Equalization Victory! | California

Under California law, when a spouse dies and the other spouse inherits the couple's home, the state will not reassess the tax value of the couple's home. In 2003, the California Board of Equalization (BOE) adopted a rule that extended a similar protection to same-sex couples. When several county assessors filed a lawsuit challenging this rule in 2005, NCLR, Lambda Legal, and the law firm of Munger, Tolles & Olson, LLP, represented Equality California and three same-sex couples to defend the rule's validity. The Sacramento Superior Court rejected the counties' challenge and affirmed the rule. In the interim, the California Legislature codified the BOE rule by enacting Senate Bill 565, which became effective January 1, 2006. On October 2, 2007, the California Court of Appeal affirmed the Superior Court and held that the BOE and the Legislature did have the power to protect surviving domestic partners from dramatic and potentially devastating property tax increases.

SPORTS

Sulpizio and Bass v. Mesa Community College Pending | California

Lorri Sulpizio was the Head Women's Basketball Coach at Mesa Community College in San Diego, and her domestic partner, Cathy Bass, was the team's Director of Basketball Operations, for seven years. Despite the coaches' outstanding performance and strong leadership, they were treated with hostility due to their sexual orientation and fired after Coach Sulpizio insisted that the Athletic Department address gender inequities and come into compliance with Title IX. For more than a decade, women in the athletic department at Mesa had complained to no avail about gender inequities and retaliation against those who complain. NCLR, in cooperation with the San Diego firm Stock Stephens LLP, is representing Coach Sulpizio and Coach Bass as they pursue their complaint with the federal Department of Education's Office of Civil Rights and an internal complaint with the San Diego Community College District. While recent high profile Title IX jury verdicts and settlements at Penn State, Fresno State, and UC-Berkley have raised awareness about systemic gender inequities and homophobia at major colleges and universities, this case illustrates that similar problems pervade the athletic departments of community colleges as well.


TRANSGENDER LAW

Stanton v. City of Largo Loss | Florida

NCLR represents Susan Stanton, who was threatened with termination from her longtime position as the City Manager for the City of Largo, Florida after her employer learned that she is transgender and will be undergoing sex reassignment. Despite Stanton's 17 years of dedicated service to the City of Largo, the City Commission voted on February 28, 2007 to begin the legal process of firing Stanton, who informed the Commission that she is transgender after learning that a local newspaper was going to disclose the information to the public. Stanton received strong support from the Mayor and many residents of Largo, who did not want to lose a valuable city employee solely because of irrational bias. NCLR assisted Stanton in her efforts to educate the City Commissioners and to persuade them to retract their unlawful action. On March 23, 2007, after a six-hour public hearing, the City Commission voted to

fire Stanton, despite the overwhelming support for Stanton shown by Largo residents who attended the hearing.

YOUTH

Mariah L. v. Administration for Children's Services Victory! | New York

Mariah L. is a 20 year old male-to-female transgender youth who is a foster child in the custody of the New York Administration for Children's Services (ACS), which has a duty to provide and pay for all necessary medical care and treatment for children placed in NYC foster care. Although all of Mariah's medical providers agreed that surgery is medically necessary for her particular needs, ACS refused to provide it. Mariah filed a petition with the court asking for an order requiring ACS to provide her with sexual reassignment surgery. The Family Court granted her petition in January of 2006 and ACS appealed. NCLR, Sylvia Rivera Law Project, Transgender Legal Defense & Education Fund, Lambda Legal, and Morrison and Foerster, LLP filed an amicus brief on behalf of a group of doctors and health clinics in support of Mariah.

On August 24, 2006, the Appellate Court held that SRS is the generally recognized and successful treatment for GID, but remanded the case to ACS to articulate a specific reason for their denial of Mariah's request. On February 21, 2007, Judge Sheldon Rand of the New York Family Court ordered ACS to provide Mariah with sex reassignment surgery. Judge Rand dismissed ACS' unsubstantiated arguments that SRS is not medically necessary, holding that “the Commissioner's unsupported denial of coverage for SRS reflects inadequate solicitude for this young woman's diagnosed condition, the treatment prescribed by her physicians and the accumulated knowledge of the medical community and is therefore irrational and unreasonable.” ACS appealed this decision and NCLR filed an amicus brief with the Appellate Court in support of Mariah. Oral arguments took place in May 2007 and we are currently awaiting the court's decision. Mariah L. is represented by the Juvenile Rights Division of the Legal Aid Society of New York.

BANDING TOGETHER—CONTINUED FROM PG 1

plans to strengthen our collective federal presence. With new clarity, we understand that we have the power to control our own political destiny and that we must play a much more active role in shaping federal policy.

We are also more unified than we have ever been. Over the past decade, transgender people have been re-integrated into the movement after several decades of post-Stonewall banishment. Just as important, many lesbian, gay, and bisexual people who previously felt isolated and marginalized because of their gender expression have felt truly accepted and included for the first time as well. Collectively, we have rejected the wounding accusations that our enemies for so long have used to divide and debilitate us—accusations that gay men are not “real” men

and that lesbians are not “real” women. For the first time, we are operating from a deep-seated conviction that we ALL deserve full equality and respect.

The results have been stunning. Our movement is visible, effective, and respected in a way that it never has been before. Across the country, LGBT people have rejected an ENDA based on an outmoded and divisive model of our community. Some of our leaders—both in Congress and within our community—have been resistant to this message, but new leaders and new voices have emerged. Whatever the outcome of this particular battle, we are poised to be an even more effective advocate on behalf of the entire LGBT community in Congress and the White House as we prepare for the 2008 national elections.

THE POWER OF ALLIES—CONTINUED FROM PG 5

Supreme Court struck down the interracial marriage ban in 1948. Stuart stood with John Lewis, his partner of 20 years, and raised the marriage certificate they received when they married at San Francisco City Hall in 2004.

The American Psychological Association, the California Psychological Association, the American Psychiatric Association, and the National Association of Social Workers also submitted a brief on the three decades of social science research that has consistently found that same-sex couples are just as capable of being good parents as different-sex couples and their children are just as well adjusted. Leading family law professors submitted a brief explaining why barring same-sex couples from marriage contradicts California's commitment to families and violates the California

constitution's equal protection guarantees. The American Academy of Matrimonial Lawyers and the Northern California Chapter of the American Academy of Matrimonial Lawyers submitted a brief that explained how the children of same-sex couples are harmed when their parents are denied the ability to marry.

These and the other briefs filed in support of same-sex couples are a powerful reminder that we are not alone in our quest for justice. Our allies are rallying with us and sharing their expertise, their leadership, and their credibility. In a time when our relationships and our families are under attack, we can take comfort in such overwhelming support. The briefs are available on our website, www.nclrights.org, and we encourage you to read them, to listen to a loud and powerful chorus, one which we hope will change history.

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