

# OUT FOR JUSTICE

## Monumental Momentum on Marriage Equality

In a legal wave like we have never before witnessed, courts across the country have been flooded with cases seeking the freedom to marry—NCLR is helping lead the way thanks to your unyielding support.

Since the historic U.S. Supreme Court ruling last summer against the Defense of Marriage Act (DOMA), more than 30 courts have ruled in favor of the freedom to marry for same-sex couples, including federal and state courts in Utah, Ohio, Colorado, Oklahoma, Arkansas, Kentucky, Idaho, Illinois, Indiana, Michigan, New Mexico, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Wisconsin, and Florida.

This past June, the U.S. Court of Appeals for the Tenth Circuit issued a historic ruling in our Utah case, finding that Utah’s denial of the freedom to marry violates the U.S. Constitution. This was the first federal appellate court ruling since the Supreme Court’s DOMA decision—and the first ever to hold that same-sex couples have a fundamental right to marry.

On October 6, the Supreme Court cemented that victory by declining to review the Tenth Circuit’s decision and decisions from two other federal appeals courts. The Court’s decision brought the freedom to marry to all Utah couples, as well as couples in Indiana, Oklahoma, Virginia, and Wisconsin. It also guarantees that couples in Colorado, Kansas, North Carolina, South Carolina, West Virginia, and Wyoming can now marry, or soon will be able to.

Just a day later, the U.S. Court of Appeals for the Ninth Circuit issued yet another blockbuster ruling in our Idaho marriage case, not only striking down Idaho’s marriage ban, but ensuring marriage equality for the entire Western United States.

In addition to those exciting wins, NCLR is representing same-sex couples seeking the freedom to marry in Tennessee, Florida, Wyoming, South Dakota, and North Dakota. And so far, we are winning!

Same-sex couples can currently marry, or soon will be able to, in 30 states, at least eight tribal nations, and in Washington, D.C. NCLR is committed to staying in this fight until all couples have the freedom to marry, because every passing day inflicts real hardships on couples and their children who are denied legal protection and the dignity of being treated with equality and respect.



Lori and Sharene Watsen (top) are plaintiffs in our Idaho marriage equality case; Jeff and Todd Delmay (middle) are plaintiffs in our Florida case; and Kody Partridge and Laurie Wood (bottom) are plaintiffs in our Utah case.

TOP TWO PHOTOS © COURTNEY ORTIZ

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## Letter from the Executive Director



Kate Kendell, Esq.

**WE ARE AT A PIVOTAL MOMENT.** Huge wins, big gains, horrible injustices, fearsome threats, and much work still to be done.

In the past few months, NCLR attorneys have won several marriage victories! NCLR is representing same-sex couples seeking the freedom to marry in every corner of our nation—from Utah, where we just secured a groundbreaking ruling from the U.S. Supreme Court, affirming the Tenth Circuit’s decision striking down Utah’s ban, to Idaho, where the Ninth Circuit just struck down Idaho’s marriage ban—to cases in Tennessee, North Dakota, South Dakota, Florida, and Wyoming. On top of our successful challenge to Idaho’s marriage ban, we are also proud and honored to be representing the fierce and rocking Madelynn (Lee) Taylor, a 74-year-old Navy Veteran, who will now have the dignity and peace of mind of knowing that she can be buried with her wife in the state’s veterans cemetery.

NCLR has also been redoubling our efforts in Washington, D.C., pushing hard to secure President Obama’s historic executive order barring employment discrimination by federal contractors, to get rid of the discriminatory religious exemption in the Employment Non-Discrimination Act, and to ensure that LGBT people are front and center on immigration reform. NCLR’s legal team also represented transgender youth, victims of violence seeking asylum, LGBT athletes seeking protection from discrimination and harassment, and conversion therapy survivors.

Amid all of this, we were reminded how much work needs to be done. The killing of Michael Brown in Ferguson, Missouri, in August was a call to action that every responsible person in this nation must answer. The circumstances of his shooting reek of cover-up, profiling, and racism. If we want to feel better about where we are on race, it is on us. We are the ones we are waiting for, and we have to find a way to lift this nation up and beyond this ugliness. I’m committed to doing all I can to help us move to that place because, quite literally, my son’s life and the lives of countless other children depend on it.

Even as we ride the ups and downs, we are grateful every day to do this work. And we are giving all we can. We are ever more committed to making you proud and to seeing justice done on every front.

I hope you will rest easy knowing your investment and support is being put to great use. We would not be here without you, but to finish this chapter, we will need you more than ever.

Let’s do this!

A handwritten signature in blue ink, appearing to read 'Kate Kendell'.

Kate Kendell, Esq.  
NCLR Executive Director



Sam Brinton, a conversion therapy survivor, speaks at the 2014 NCLR Anniversary Celebration where he was honored.

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# Wake Up America— These Are Our Sons

By Kate Kendell and Julian Holmes

As the mother of an African-American 18-year-old son, it sickens me to see another young black man murdered amid an atmosphere reeking of cover-up, profiling, and racism. In an email to NCLR members, I shared the thoughts of my son Julian and Equal Justice Society founder Eva Paterson over Michael Brown's death in Ferguson, Missouri. Separated by 40 years in age, Eva's and Julian's responses were strikingly and tragically similar. Here is an excerpt of Julian's powerful words:

"When young black men can be shot for walking in the middle of the street that scares me ... Knowing that there are men and women who are supposed to protect us and have no intention of doing so scares me.

"It is obvious that the justice system is not set up to protect people that look like Michael and me. There has been something rooted into the system, something rooted into our minds as human beings that makes this acceptable. Something that tells police officers with guns that they can fire them

off at will just because they have a badge. And the fact that they would rather cover it up and lie, and bury the incident about as far down as their shovels can reach proves that they don't want to make this right. They are perfectly fine with having another black boy's blood on their hands ...

"... Michael Brown's death is tragic. Not only does it make me angry, it makes me sad. Because with every story like this I see my body lying in the street where Michael's was."

It's worth stating again: If we want to feel better about where we are on race, that is on us. We are the ones we are waiting for and we have to find a way to lift this nation up and beyond this ugliness. My son's life and the lives of countless other children depend on it.

Read more: [www.NCLRrights.org/These-Are-Our-Sons](http://www.NCLRrights.org/These-Are-Our-Sons)



Julian Holmes, Kate Kendell, and Sandy Holmes with Sonny, one of the First Dogs

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## Fighting for Asylum and Immigration Rights of LGBT People

NCLR is committed to comprehensive and humane immigration reform that provides a pathway forward for the 11 million undocumented people living and working in the U.S., including more than 265,000 who are LGBT.

NCLR is elevating the voices of undocumented LGBT people to make sure that our community's stake in immigration reform is front and center and visible to all. We are a proud member of the coordinating committee

for the Alliance for Citizenship, the leading coalition working with Congress and the administration to push for urgently needed reform.

NCLR is also advocating every day for the rights and freedom of LGBT asylum seekers and LGBT people who are locked up in detention facilities where they often suffer unimaginable abuse and harms. Under the leadership of Immigration Project Director (see *'Fighting for Asylum'* on Back Page)



## Docket Update / Madelynn Lee Taylor

As you read this, your generous support for NCLR is hard at work litigating or assisting in more than 59 cases in our nation's courts. We're winning the freedom to marry for same sex couples. We're seeking asylum for LGBT individuals. We're even helping a fiery 74-year-old Navy Veteran widow win the right to be buried along with her departed wife.

After her wife died, Madelynn (Lee) Taylor went to the Idaho State Veterans Cemetery to make arrangements so the two could eventually be buried together. They denied her request. NCLR filed a lawsuit on her behalf challenging Idaho state law for banning her from being buried with her late wife, Jean Mixner, whom she married in 2008 and was in a relationship with for 17 years.



This case is a powerful illustration of the many ways that discriminatory state marriage laws harm our families and destabilize our lives. Madelynn's health is failing, and our Ninth Circuit victory just days ago has now ensured that she will not have to spend her remaining time fighting for even the most basic dignity and respect.

Read more: [www.NCLRrights.org/FullDocket](http://www.NCLRrights.org/FullDocket)



*"Idaho is where some of our best memories together are and it's where I want to spend eternity with Jean. I could be buried here alone, but I don't want to be alone. I want Jean with me forever."*

—Madelynn Lee Taylor

## Fighting for Asylum and Immigration Rights of LGBT People

*(From Page 3)*

Noemi Calonje, NCLR has won asylum for hundreds of LGBT people fleeing persecution in their home countries—from lesbians and bisexual women fleeing forced marriage and rape, to gay and bisexual men fleeing police and gang violence, to transgender people who have suffered violence their entire lives and are murdered with impunity in many countries.

"I have worked for NCLR for more than 20 years because every

day, I see the enormous difference we are making in the lives of LGBT people who literally have nowhere else to turn for help," said Noemi. "These men and women have so much to offer, but they face crushing obstacles to obtaining the legal help and safety they need. That is why NCLR exists, and that is the lifesaving work that our donors and supporters make possible."



**NCLR**

**THE NATIONAL CENTER  
FOR LESBIAN RIGHTS  
NEWSLETTER  
FALL 2014**

NCLR is a national legal organization committed to advancing the human and civil rights of the lesbian, gay, bisexual, and transgender community through litigation, public policy advocacy, and public education.

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