

GLAD Briefs

WINTER 2021



What Does the 2020 Election Mean for LGBTQ Rights?

A change of administration ushering in the pro-equality leadership of Joe Biden and Kamala Harris promises much hope for the LGBTQ community. As we go to press, whether we will also have a pro-equality Senate remains a question. But no matter the outcome, the Biden-Harris administration can take steps through executive action to repair much of the damage of the past four years. GLAD is already working with our partners to ensure the new administration uses every tool it has to put the country back on track towards equal justice.

We expect President-elect Biden will carry through on his campaign promise to lift the transgender military ban within the first few days of his inauguration. GLAD challenged the ban almost immediately upon its announcement and will not rest until it's gone. You can read more about our fight against it on [page 11](#).

In addition to its vicious attack on courageous transgender service members, the Trump administration has relentlessly and systematically reversed protections and launched new initiatives to make already vulnerable people even more so. One of the first attacks came from the Department of Education.

Within weeks of Trump's inauguration the Department of Education withdrew key guidance the Obama administration had issued to schools across the country to ensure full inclusion of transgender students. Since then, the hostility has only escalated. Most recently, the Department threatened to deny federal funding for school districts with trans-inclusive policies, staking out the extreme position that inclusive policies are in conflict with Title IX, the federal civil rights law requiring equal educational opportunities without regard to sex. The new administration can get Education moving in the right direction again, to make it more possible for LGBTQ young people to thrive.

We also hope the Biden-Harris administration will repair federal prison policy. The Trump administration reversed Obama-era guidance that made placements for transgender people based solely on assigned birth sex unlawful, a complete about-face on sound policy that puts incarcerated transgender people at heightened risk of assault and sexual violence. To learn more about GLAD's work on prison reform, [see page 5](#).

Health care policy is also of immediate concern, all the more so because of the ongoing pandemic. Just this June — with astounding cruelty on the anniversary of the Pulse nightclub

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From the Executive Director

Photo: InfinityPortraitDesign.com



New Year's has always been a time for reflective and aspirational thinking for me. This year, those practices feel more important than ever.

2020 was tough. We worried about illness, missed close contact with friends and family, and felt the strain of increased economic hardships across our communities and our country. Many of us have mourned and are still mourning the loss of loved ones.

We endured attacks from all corners, including from the President, on the LGBTQ community. We witnessed appalling incidences of police violence against Black Americans. We learned that our government lost track of the families of over 500 children it had separated from parents at the border.

At the same time, we saw neighbors, friends, and family take care of each other in profound ways. We were inspired by frontline workers — from health care settings to supermarkets — working tirelessly to continue essential services. And we saw leadership of Black and Brown Americans push all of us to a renewed commitment to confront police brutality and systemic racism — a push that has sparked not just conversation but the beginnings of policy change.

As we enter 2021, I have reason for hope.

After a record level of participation in our democracy, the American people have voted for a new President and a history-making Vice President. I am hopeful that an end is in sight for the most overtly racist and anti-LGBTQ policies of the Trump administration, and that we can steer our country back toward advancing the work of justice, equity and equality.

There is the promise of multiple vaccines on the horizon. If we stay the course and continue to protect one another, we can start to see the end of the COVID-19 pandemic in sight.

GLAD will see some changes as well. Gary Buseck, whose wisdom and commitment have impacted the LGBTQ rights movement for decades, stepped down from his long-time role as GLAD's legal director at the end of November. Gary has been a mentor and friend to me, and I know he has inspired so many of you as well. Fortunately he isn't going far, and will continue to support GLAD's legal team as a Senior Advisor. And with this transition, GLAD has the opportunity to bring in new leadership who will help GLAD win the next generation of victories for our community.

I'll also have a new partner on the board as we search for the right leader to steer the next phase of GLAD's LGBTQ, HIV and racial justice legal advocacy. After two years of dedicated service from Joyce Kauffman, I'm happy to share that Darian Butcher will step into the role of Board President in January.

As we enter 2021, our challenges are far from over. We have much to do to address the hardships of the past year, to reverse the anti-LGBTQ attacks of the past four years, and to seize the opportunity before us to make real and lasting systemic change. I hope you are able to take time to rest and reset for the work ahead.

2 The support of the GLAD community — not only for GLAD's work but for one another, and for our collective aspirations to create a more just world for all — gives me hope again and again. Thank you for all you do, every day, to sustain this work and to help each other through.

Toward justice,

Janson Wu
Executive Director

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Ensuring Protection and Affirmation for LGBTQ Families and Youth

The legal needs of children and their families are straightforward: our relationships must be recognized and protected, and youth in state custody must have the resources to thrive and have their identities affirmed. GLAD continues with its mission to update parentage laws and address the inequities so rife within the child welfare and juvenile justice systems. These systems most heavily impact marginalized communities: Black, Latinx, and Indigenous youth, and their families. And as the nation continues to navigate the global pandemic of COVID-19, GLAD has been working to support vulnerable families and marginalized youth most affected by this ongoing crisis.

Protecting Children and Families with Updated Parentage Laws

The support and stability that comes from a legally secure parent-child relationship provides the foundation of a child's well-being. In many states, not every child has equal access to establishing this core legal relationship due to outdated laws which leave children vulnerable. GLAD is working to update parentage laws across New England so that they are constitutional and protect all children, regardless of the circumstances of their birth or the marital status or gender of their parents. Among other important protections, legislation based on the Uniform Parentage Act of 2017 provides clarity on how to establish parentage for children born through assisted reproduction, surrogacy, and to unmarried same-gender parents. As the law stands now in many states, not all children have ready access to the security of legal parentage, with some having to wait six months or longer to establish their parent-child relationship.

This vulnerability was highlighted recently in the case *Adoption of Daphne*, where a couple formed their family with the support of a person acting as a gestational carrier. Because of Massachusetts' outdated parentage statutes, there was no mechanism to clarify the legal parentage of the child at birth, so the gestational carrier was the legal parent, and the child's parentage could only be clarified by adoption. The Massachusetts trial court twice dismissed the adoption, and the child was left in a legal parentage limbo for almost two years. GLAD submitted an amicus (friend-of-the-court) brief in support of the intended parents and in April 2020, the Massachusetts Supreme Judicial Court confirmed that Massachusetts had jurisdiction over the adoption and again urged the Legislature to act and update outdated statutes. *Adoption of Daphne* illustrates one of many gaps addressed by the Massachusetts Parentage Act, now pending in the Massachusetts legislature.

The need for parentage reform is an urgent priority, and we secured more than one important victory in New England this summer with the final passage of the Rhode Island Parentage Act and legislation expanding access to adoption in New Hampshire which streamlines the adoption process for children of LGBTQ parents and ensures that children born through assisted reproduction can access a court decree of parentage. "Children born to unmarried and LGBTQ parents, and children born through assisted reproduction, all need and deserve to have their parentage protected and respected in every jurisdiction," said GLAD Staff Attorney Chris Erchull when the New Hampshire bill was signed into law. The critical legislation that passed in these states builds momentum so that more advances will follow, allowing all families to be protected by the law.

Advances in parentage protections are so important for our families and communities, and they can take years to build momentum into a victory. But as we did in Maine in 2015, Vermont in 2018, and Rhode Island and New Hampshire in 2020, we will keep working to pass these protections in Connecticut and Massachusetts in the next legislative session. If you have directly experienced the vulnerabilities of outdated parentage laws, you can help be a part of the work to protect children and families across New England. Share your family's story by visiting GLAD.org/UPA.



Investing in communities with restorative justice for youth

Partnering with Communities to Build Restorative Justice Practices and Incarceration Alternatives

In order to create better community supports for young people and alternatives to incarceration, GLAD is actively advocating for reforms in Maine's juvenile justice system. Civil Rights Project Director Mary Bonauto has been working with young people and adult allies to divert young people from the formal juvenile justice system before they are incarcerated, and to move them into restorative justice settings where they can keep their connection with family and community. With Rep. Victoria Morales, GLAD is supporting a bill to eliminate incarceration for some young people, reduce length of sentences, and provide periodic judicial reviews with counsel for those who are incarcerated. This work began in concert with other youth advocates, with direct representation of incarcerated young people, and gained further momentum with a March 2020 Report of the Maine Juvenile Justice Reinvestment Task Force, a body on which GLAD Civil Rights Project Director Mary Bonauto served.

The need for better community support is critical to creating spaces for marginalized youth to feel belonging and to plan for their future. The inequities of our society are shown clearly in who ends up in the juvenile justice system: youth facilities are disproportionately made up of youth of color and LGBTQ youth, as well as young people who are lower income or have disabilities.

This work cannot succeed without also addressing schools – the place where young people spend a significant part of their waking hours. The "school-to-prison-pipeline" refers to the proven connection between incarceration and previous school suspensions, disproportionate discipline of LGBTQ students and students of color, and over-policing in schools. One recent development in this area followed a months-long examination of the role of police in the Portland public high schools and public hearings

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Affirming Transgender Youth at School During the Pandemic and Beyond

Laws across New England obligate schools to support and affirm LGBTQ students and protect them against bullying. Even still, GLAD Answers regularly receives calls from youth and their families when teachers, administrators, or staff fail to maintain an affirming environment. A letter from a GLAD attorney about a student's needs can prod educators to update their practices and better support students.

The changing educational landscape because of COVID-19 has presented new challenges for LGBTQ students. With community shutdowns and the launch of remote school for most New England communities, youth face more barriers to affirmation than ever. GLAD has received numerous calls from students and families that digital platforms often display a transgender youth's incorrect name, and schools have not always stepped up to address these concerns appropriately, subjecting youth to a demeaning and degrading learning environment.

Young people need to have their identities affirmed at school, whether that's in person or in a virtual space, for mental health as well as for personal safety reasons. When someone at school uses the wrong name or pronouns for transgender students, it outs them and exposes them to harassment or bullying. "For transgender students, it is imperative that their affirmed name is the only name spoken by any faculty or staff at school, including substitute teachers or administrators, from the first day of school through the last day of school," says GLAD Staff Attorney Chris Erchull.

Even with supportive family, the disruption of digital learning and lack of resources make things hard for kids, and this can be compounded for system-involved youth. More time on classroom cameras has led the transgender teens of one foster parent to feel more scrutinized by their classmates and teachers. "Remote learning has been extremely difficult for my kiddos," the parent explains. "I also feel that my kids have not received specific support services [from teachers]," as well as receiving a lack of "[Department of Children and Families] support and involvement during these difficult times."

Accessing community support is even more crucial during this prolonged period of isolation. Grace Sterling Stowell, Executive Director of Boston Alliance for LGBTQ Youth (BAGLY) explains, "It's a difficult thing for young people to navigate. We're making sure that they are connecting with others, but not all young people have consistent access to the internet. So if they don't have family support, we try to make sure they are connected to a friend via text or other communication options. We are also making sure that they have access to mental health services, whether that's through BAGLY or elsewhere."

Stemming the Spread of Anti-Trans Youth Legislation

At the same time that COVID-19 shut down schools across the country, a disturbing number of state legislatures introduced bills aimed at eliminating health care for transgender young people and excluding them from participating in school sports. While GLAD and our community partners were able to defeat one of these bills in New Hampshire, another was passed in Idaho.

Athletics play an important role in fostering students' well-being. "Participation in sports provides critical opportunities for girls to

develop skills like leadership, sportsmanship, and self-discipline, as well as to experience what it means to be part of a team and develop camaraderie with their peers," explains Chris Erchull. "Excluding transgender girls from opportunities to participate in athletics not only denies them essential educational benefits, it puts them at greater risk of harassment and mistreatment." Schools should be protecting vulnerable students, not singling them out and denying them important, life-skill building experiences. We are watching to see what new bills are proposed as the 2021 legislative session gets underway across New England and the country, and preparing to defeat any bills that propose to exclude transgender students from any aspect of school or community life. ■

Ensuring Protection and Affirmation for LGBTQ Families and Youth

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At the Citizens for Juvenile Justice youth justice briefing in January 2020 at the MA State House. From left to right: GLAD staff Henry Thomas, Aaron Wolfson, Qwin Mbabazi, Patience Crozier, CfJJ Deputy Director Sana Fadel, and GLAD's Ivory King.

in which GLAD participated. The School Board decided to transfer the funds used for school police officers to prevention, training, and restorative justice work in the schools and among staff, and to return to a system where police already on patrol can respond immediately for emergencies.

In Massachusetts, GLAD has been working on similar issues to reduce pipelines to incarceration as a part of the Juvenile Justice Coalition led by Citizens for Juvenile Justice. Legislative efforts in Massachusetts include bills to raise the maximum age for incarceration in the juvenile system to avoid deeper system involvement in the adult corrections system, to collect comprehensive demographic data on youth involved in the juvenile justice system, and to decriminalize consensual sexual activity between youth who are close in age. We will continue to advocate for legislative advances in the next session beginning in January 2021.

GLAD will continue to fight for LGBTQ youth and families and do all we can to ensure they are safe and supported in all areas of their lives. ■

Demanding Transparency and Policy Change in Prisons

This November, the U.S Department of Justice released a scathing report concluding that policies and practices of the Massachusetts Department of Correction (DOC) fail to ensure the mental health of those it incarcerates. DOC personnel and policies wrongfully and repeatedly placed individuals under mental health watch in solitary confinement for prolonged periods of time. This barbaric treatment led to a number of deaths by suicide, a transgender man and a gay man among them.

The report underscores what advocacy groups have been fighting against for years. When incarcerated, LGBTQ people are subjected to unsafe housing conditions, harassment, sexual violence and extended time in solitary confinement. In response to the Department of Justice report, the Massachusetts LGBTQ community joined together to demand sweeping policy change, independent oversight and staff accountability at all levels.

GLAD and Black and Pink Massachusetts issued a community response statement to this report which was joined by nearly every Massachusetts-based LGBTQ organization. “As organizations working on behalf of LGBTQ liberation in Massachusetts and nationally, we are keenly aware of the degrading and demeaning experiences suffered by members of our community held by DOC. The Commonwealth’s failure to provide for the most basic needs of those it locks up undermines social progress for the LGBTQ community and beyond,” the statement reads. “[DOC] should seriously consider abandoning the use of solitary confinement,” said Michael Cox, Executive Director of Black and Pink MA. “They should be disciplining [implicated staff], including all of the guards and DOC personnel involved and who provided weapons to people and encouraged people to hurt themselves.”

Victory: Legislation Advances to Require MA DOC to Collect Gender Identity and Sexual Orientation Data for Individuals Held in Solitary Confinement

Legislation requiring the MA Department of Correction to collect data on the sexual orientation and gender identity of people placed in solitary confinement was included in the final budget sent to Governor Charlie Baker at the beginning of December. GLAD has been working for multiple years as part of the MA Against Solitary Confinement coalition to require collection of this data, just as the Department does for other demographics including race. LGBTQ people and people of color are disproportionately subjected to solitary confinement, which mental health experts agree is tantamount to torture, and this data will give us additional backing to end the harmful practice.

Recent Case Developments

GLAD’s work in the prison system draws from dual abolition and harm reduction models and includes advocating for people to be housed in the facility consistent with their gender and to be able to access necessary and appropriate healthcare. In recent months, our work has also included calling for the early release of people who are medically vulnerable because of the COVID-19 pandemic.

Although Connecticut, Massachusetts and a small number of others have passed laws requiring that transgender people be properly housed based on their gender identity, transgender people who are incarcerated

continue to experience high levels of discrimination, lack of access to healthcare, harassment, and violence. Much work remains to ensure that no LGBTQ people face the degrading and dehumanizing conditions that are intrinsic to our prison systems.

Beyond the discrimination that so many face, some of GLAD’s prison work is concerned with protecting very basic levels of safety. In October 2020, GLAD together with the Center for Constitutional Rights, Lambda Legal, and Boies, Schiller, Flexner LLP, joined an amicus (friend-of-the-court) brief in support of a transgender woman who was sexually assaulted in federal custody. The brief, filed in *Gladney v United States* (www.glad.org/cases/gladney-v-united-states/), challenges a dangerous district court decision that found prison officials enjoy immunity even when they fail to protect transgender people in their care.

LGBTQ people face particularly formidable barriers to accessing healthcare in prison. The obligation of the Department of Corrections to protect people in prison extends to ensuring that people get the medicine and treatment that their doctors prescribe for them, including for gender dysphoria. GLAD joined an amicus brief along with Lambda Legal, the Center for Constitutional Rights, and Wilmer Cutler Pickering Hale And Dorr LLP filed in the case of *Idaho Department of Correction v. Edmo*.

Adree Edmo is a transgender woman who was refused medically necessary treatment for nearly five years while she was incarcerated. Though she was able to access hormone therapy and counseling, she was denied surgery. Through the months that Ms. Edmo wasn’t able to get surgery, her mental health worsened, and she attempted self-harm more than once. Because of her medical need, the district court ordered the Idaho Department of Corrections to provide the surgery she needed to treat the gender dysphoria from which she continued to suffer. The Ninth Circuit affirmed the district court order and Ms. Edmo finally received the care she needed. In October, the Supreme Court denied a petition for certiorari filed by the Idaho DOC, effectively refusing to change the ruling made by the 9th Circuit Court in Ms. Edmo’s favor. GLAD will continue to advocate for incarcerated LGBTQ people, including people of color, those living with HIV, and anyone impacted by the criminal justice system, their loved ones and family members. ■



GLAD Plaintiff Angelina Resto, seen here speaking at the Spirit of Justice Award Dinner in 2019, was the first person in Massachusetts to be transferred to a corrections facility according to her affirmed gender. Since her release, Angelina has been an advocate for LGBTQ people in prisons.

Foster Parent Discrimination at the Supreme Court

Fulton v City of Philadelphia

The results of the presidential election have given many of us reason to feel optimistic. And while the election is worth celebrating, the need to vigilantly defend the rights of our LGBTQ communities remains as pressing as ever. President Trump’s numerous judicial appointments will have a lasting impact on our nation’s courts, all the way up to the Supreme Court. We have yet to see how recent shifts in the court, including the recent loss of Justice Ruth Bader Ginsburg and subsequent confirmation of Justice Amy Coney Barrett, will impact its ruling on matters including LGBTQ issues, access to healthcare, reproductive freedom, voting rights, and more.

On November 4, immediately following Election Day, the Supreme Court heard oral argument in the Term’s first major LGBTQ rights case, *Fulton v. City of Philadelphia*. The question at the heart of *Fulton* is whether a religiously based agency receiving taxpayer dollars can be exempt from nondiscrimination laws.

The case was brought by Catholic Social Services (CSS) after its contract with Philadelphia to provide foster care placements was suspended because the agency refused to work with married same-sex couples, violating both its contract with the City and local nondiscrimination law. CSS has challenged the City’s nonrenewal of its contract on First Amendment grounds, arguing that it has the right to turn away prospective foster parents who do not meet its religious criteria, while continuing to receive taxpayer funding.

GLAD filed a friend-of-the-court brief in support of the City, detailing the growing recognition and inclusion of LGBTQ people as equal citizens and full participants in American society, both through the democratic

process and through the force of over two decades of Supreme Court precedent. The brief also highlights how ruling against Philadelphia would undermine nondiscrimination protections, denying the full promise of liberty and equality to LGBTQ people and potentially others who face harsh barriers to equity and equality, including people of color, people living with HIV, women, and members of minority faiths.

A broad ruling against the city could give religious agencies like CSS a broad license to discriminate while providing publicly funded government services—potentially extending beyond foster care to senior and childcare facilities, addiction disorder treatment programs, food and clothing banks, and other essential government services.

During the November 4 hearing, however, the court hinted at a potentially narrower ruling that could be limited specifically to CSS or to religious foster care providers in Philadelphia because of:

1. the way the City handled the CSS situation;
2. the structure of the City program; and/or
3. the legal status of foster care services that had been provided by the Catholic Church in the City for some two centuries.

No matter how the court rules, GLAD will continue to contest any attempts to relegate LGBTQ people and families to second-class status. For generations, our communities have triumphed over efforts to demonize, oppress, or erase us. Those struggles have made us more resilient and united, and we won’t give up until “We the people” truly means all of us. GLAD’s work will continue to work in courts, legislatures, and communities to ensure we all have access to the rights, resources, and opportunities we need to thrive. ■

Answering the Call During COVID

For the last 25 years, GLAD Answers volunteers have worked the phones in the GLAD office, listening to callers questions, providing information and lawyer referrals and connecting them to GLAD staff and other organizations that can help. That is, until the COVID-19 pandemic made it too risky for the volunteers to work on site safely. When the GLAD office switched to working remotely, the legal information line shifted to relying on voicemails and emails which resulted in a longer wait time for a response, and sometimes difficulty reaching callers.

Henry Thomas, GLAD Answers Program Coordinator, and J.D. Melendez, Public Information Manager, needed to figure out a long-term plan. The solution was a virtual phone system that allowed volunteers to return calls confidentially and safely from their home.

GLAD Answers staff still triage voicemails and emails but with volunteers now beginning to work remotely, they can return calls faster, reducing the wait time. The first few shifts of volunteers responding to messages through the virtual phone system have gone well and efforts to include more volunteers in the remote setup are underway. “These are such challenging times, particularly if you’re dealing with the added stress of navigating the legal system on your own,” explains Henry. “We’re really looking forward to increasing our volunteer team over the coming weeks to be able to provide additional legal resources and support to the community.”

GLAD Answers volunteers have always been an integral part of providing resources and information to the community. We’re so grateful to all our volunteers, and happy to be gradually welcoming them back to the GLAD Answers team. If you have legal questions or need information or a referral, visit gladanswers.org.



The good old days in the GLAD office with J.D. Melendez, GLAD Answers volunteer Chloe, and Henry Thomas

Ensuring Safety in and Equal Access at Shelters



As we head into winter during a global pandemic, people with housing insecurity — disproportionate numbers of whom are LGBTQ — face serious risk. Compounding this vulnerability, the Trump administration is close to finalizing a federal rule that would give a greenlight to emergency housing shelters that wish to turn away transgender, nonbinary, and genderqueer people in need of services. In response, GLAD is working in coalition with community groups to fight back and protect our community.

In September, GLAD submitted its opposition to the discriminatory rule being advanced by the Department of Housing and Urban Development (“HUD”). GLAD explained that a rule which permits shelters to turn people away based on their so-called “biological sex” inflicts profound harm on transgender people. And even though the rule itself says state laws that ensure protections remain in place, GLAD highlighted that it is likely to cause shelters to unlawfully turn away transgender people, even in states throughout New England with comprehensive LGBTQ housing protections. It will undoubtedly result in a devastating increase in homelessness and violence. If allowed to go forward, this rule will “further marginalize and alienate trans and nonbinary [people] from vital safe space in their time of need,” explains Adaisa Ramos, Program Coordinator of Project KIKI and Hartford Psychological Services.

In further support of the community, GLAD is working with organizations across New England to ensure that LGBTQ people experiencing homelessness know their rights. In collaboration with community partners like Project Kiki, Greater Hartford Legal Aid, Massachusetts Transgender Political Coalition, and others, GLAD has been distributing information cards detailing the state laws that require nondiscriminatory access to shelters without regard to a person’s sexual orientation or gender identity, including one’s transgender status. Our goal is two-fold. We want to blanket the region with cards to ensure that those in need know their rights and know where to turn if they are unfairly turned away. We also strive to ensure that shelter providers and their staff not just know the law but also understand how to provide for LGBTQ people in need.

The need for safe and equal access to shelters has never been greater. Housing saves lives, for people seeking emergency shelter during the winter, and during a global pandemic. GLAD will continue to fight for the most vulnerable in our community. ■

Legal Update

Dvash Banks v. Pompeo: A Victory for LGBTQ Families

After a long wait from briefing completed in December 2019, the Ninth Circuit Court of Appeals issued the first appellate ruling in October recognizing the citizenship of children born outside the U.S. to a married same-sex couple where one spouse is a U.S. citizen, regardless of whether there is a genetic connection between the child and the U.S. citizen parent. Andrew Dvash-Banks, a dual U.S. and Canadian citizen, and his husband Elad, an Israeli citizen, had twins with the assistance of a surrogate where they reside in Canada. Each of them is genetically connected to one of the twins, and they are both legal parents of the children. The U.S. Consulate, however, had refused to recognize the citizenship of the child not genetically tied to Andrew.

Andrew and Elad are represented by Immigration Equality and Sullivan & Cromwell. GLAD coordinated the friend-of-the-court strategy at the Ninth Circuit and submitted a brief in conjunction with NCLR and the law firm Wilmer Hale. GLAD’s brief argued that the U.S. Consulate’s position, which disregarded their marriage and the integrity of their family, could not be reconciled with *Obergefell*, *Windsor* and *Pavan*, that married same-sex couples, like other married couples, may also pass on citizenship to their children without regard to genetics. Another amici brief of family law scholars, led by Courtney Joslin and Doug NeJaime with assistance from the law firm Hogan Lovells, demonstrated the State Dept’s misunderstanding of citizenship law and the controlling role of legal parentage, rather than biology, in assessing family relationships. After this ruling, the U.S. State Dept. withdrew its appeal of a similar lower court ruling from Maryland, appearing to end the State Dept’s attempt to delegitimize married same-sex couples and their children.

Advocating for Standards-Based Healthcare Coverage for Transgender Youth

GLAD is advocating in an insurance appeal by the family of a transgender young man in Connecticut who has been denied coverage for chest surgery. The young man receives health insurance through his mother’s employer, with Cigna acting as administrator for the plan. GLAD argues that the plan’s categorical exclusion of chest surgery for transgender males under 18 violates Connecticut and federal laws that prohibit discrimination in employment on the basis of gender identity, sex and disability. Mastectomies and chest reconstruction are safe and effective for treating gender dysphoria and internationally recognized guidelines, including the World Professional Association for Transgender Health (WPATH), recognize these surgeries as critical in the treatment of gender dysphoria for those under 18, based on an individualized determination of medical necessity by treating providers. This appeal builds on a decision by the Connecticut Commission on Human Rights and Opportunities this spring, in which GLAD filed an expert affidavit and legal brief, that prohibits categorical exclusions of coverage for any medically necessary care related to gender dysphoria.

Update: Access to PrEP and Fighting Stigma

GLAD’s case against a Rhode Island primary care doctor who refused to prescribe PrEP is proceeding. The case, on behalf of a bisexual man who was diagnosed with HIV after being denied PrEP, is in the discovery phase. This case notably involves tactics by

(Some of) Why GLAD Supports the “Equality Act” in the US Congress

By Mary Bonauto

Let’s make sure this next U.S. Congress is the one to pass the Equality Act and bring a level playing field to LGBTQ people nationwide as we live our lives. We give so much to our communities, work, and families and need and deserve the same dignity, fairness and respect as others.

Our national civil rights laws seek to move us closer to the promise of a level playing field for all by preventing discrimination simply because of who we are in jobs, housing, public spaces, schools, and more. Those laws already provide critical protections against discrimination on the basis of race, color, national origin, sex and religion. The Equality Act would update the Civil Rights Act of 1964 (“CRA”) and other federal civil rights laws to affirm that sexual orientation and gender identity are clearly and explicitly included within those protections.

This cannot come soon enough, especially for those at the intersections of LGBTQ status and being Black, Indigenous, Latinx or another person of color (see glad.org/williamsinstitute2019). Discrimination contributes to and compounds poverty and other harmful outcomes. If people can’t get a job because they are queer, and they can’t get housing because they have no job, and are less safe when unhoused, things spiral in an increasingly difficult direction. While updating the CRA and other civil rights laws to include LGBTQ people is no panacea, it is an important step on the long journey to equitable opportunities.

President-Elect Biden has said passing the Equality Act is a priority. If the U.S. Congress and the President agree on legislation in the next session, they will be honoring the will of the American people. By large and stable majorities over many years now, Americans see LGBTQ people as part of “We the People.” That phrase has signaled civic belonging for centuries in this country and it is time for our leaders and our laws to acknowledge what is as pervasive as the air we breathe: LGBTQ people are people like everyone else and simply want to be treated with dignity and respect (glad.org/pri2019, p. 27).

The Equality Act also expands important protections for everyone covered under the CRA, by updating key provisions in addition to explicitly including sexual orientation and gender identity. By adding a ban on sex discrimination (including sexual orientation, gender identity and pregnancy) in public accommodations, it would no longer be legal to exclude breastfeeding individuals (LGBTQ or not) from public spaces, or to charge women more for goods and services. The bill also expands what counts as a public accommodation beyond the frame of reference in 1964 (which was quite narrow) to a broad range of retailers providing goods and services, to modern public venues, and to transportation, including



Executive Director Janson Wu and Civil Rights Project Director Mary Bonauto

car services like Lyft and Uber, taxis, trains and airlines, where people of color face consistent discrimination.

Another signal change involves following the money! Title VI of the CRA requires public or private entities that receive assistance from any federal agency to take concrete steps to ensure nondiscrimination in their programs and activities. By forbidding “sex” (including sexual orientation, gender identity, and pregnancy) discrimination for any program or activity receiving federal financial assistance, the law touches every community in the nation. Those federal dollars are distributed to entities like public schools, health care institutions, law enforcement, child welfare and justice systems, as well as services and supports like shelters for unhoused people, substance use treatment, disaster relief, mortgage and low-income housing assistance, SNAP (food

stamps) and school meals, among numerous others.

This past summer’s Supreme Court ruling in *Bostock v. Clayton County* provides us with momentum. That victory for two gay men and a transgender woman vindicated decades of advocacy in the LGBTQ movement arguing that it is sex discrimination when LGBTQ people are mistreated because of who they are. *Bostock* arose in the workplace context, but its reasoning applies far more broadly, although that will take time to confirm. We are at a both/and point. We must continue litigation efforts in and beyond the workplace context; continue work in the states without explicit sexual orientation and gender identity protections in their laws; and definitively amend the CRA, the Fair Housing Act, the Equal Credit Opportunity Act, the Jury Selection and Services Act, and laws governing federal employment. The Equality Act would do all of this; its existence would help both to prevent discrimination, including against the most vulnerable, and to remedy it.

Simple — and clear — right? Of course, but we know it will not be easy. The U.S House voted favorably on the Equality Act in 2019 (glad.org/hr5), but the Senate has so far refused to consider it, and even voted to stop the bill from getting a vote shortly after the *Bostock* ruling (glad.org/wb2020). We still hear the same old nonsense — fears and fabrications about LGBTQ people being a threat to others on the one hand, or ridiculing the idea that discrimination against LGBTQ people even exists on the other. That tells us that we have work to do — but the time is now!

We’ll have to push hard. That means taking lots of deep breaths, doing lots of listening, and pushing hard to persuade both the courts and the Congress. But momentum, and the majority of the American people, are on our side. This can be the year when we succeed in securing the dignity and respect LGBTQ people, and all people, need and deserve to live their lives and contribute to their communities. ■

A Message From the CFO

GLAD's financial health is strong. We have 7 months of unrestricted reserves (i.e. net assets) as of March 31, 2020 including board designated net assets (BDNA). There is minimal debt and sufficient cash and short-term investments to meet our obligations. Our financial position is both intentional and important as we face an uncertain economy in FY21 and beyond.

FY20 ended with an overall reduction in net assets of \$253k. For a non-profit, it is important to look at the components (see table below) and some highlights:

	Operating Fund	Board Designated	Without Donor Restrictions	With Donor Restrictions	Total
Net Assets: March 31, 2019	\$ 1,384,346	\$ 1,400,000	\$ 2,784,346	\$ 1,135,147	\$ 4,139,493
FY20: Change in Net Assets	130,183	(343,447)	(213,264)	(39,999)	(253,263)
FY20: Board Approved Transfer	(223,447)	223,447	–	–	–
Net Assets: March 31, 2020	\$ 1,291,082	\$ 1,280,000	\$ 2,571,082	\$ 1,315,148	\$ 3,886,230

- The unrestricted fund (without donor restrictions) is down \$213k and comprised of two factors; an operating surplus of \$130k and board approved spending of \$343k from reserves. The ending balance of \$2.5m represents 7 months of operating expenses.
- The donor restricted fund consists of cash gifts and pledges restricted by the donor for a specific purpose or timeframe. This fund decreased by \$40k, which means 'releases' exceeded new restricted gifts in FY20. The ending balance is \$1.3m and \$960k (or 73%) represents funds raised through the One Justice Fund (OJF) campaign, intended to be spent over several fiscal years. OJF allows GLAD to expand legal capacity, support the GLAD Answers legal information and referral service, and build fundraising capacity to sustain this growth.

During FY20, GLAD received donated legal services of \$6.1m. With this additional and significant support, we continued our litigation challenging the federal administration's ban on transgender military service members and our Transgender I.D. clinic, among other projects.

For FY21, we anticipate a net decrease in income due to COVID-19 that will be more than offset by a forgivable PPP loan from the SBA. Event income has seen the largest decrease primarily due to corporate sponsorships coming in below our original budget, which was created just prior to the pandemic; however, event expenses are lower due to being virtual and will help balance this shortfall. We are cautiously optimistic as we assess year-end individual giving.

We remain committed to excellence and will carefully monitor our financial results with an eye to the future.

Thank you for investing in GLAD.

Eva N. Boyce,
Chief Financial Officer
December 2020

Summarized Financial Data for Annual Report

Statement of Activities*

For the 12 month period ended March 31, 2019

FY20

Support and Revenue

Contributions	\$	1,985,939
Grants	\$	1,025,500
Special events revenue, net		964,797
Fees & program revenue		137,160
Donated Services (In-kind Legal Fees)		6,133,692

Total Support & Revenue 10,247,088

Expenses

Litigation and Public Policy		8,913,689
Public Affairs & Education		669,205
Development & Fundraising		477,404
General & Administrative		386,972

Total Expenses 10,447,270

Change in Net Assets from Operations (200,182)

Other Revenue (Expenses)

Investment income, gains & losses		(53,081)
Donated Equipment		—

(53,081)

Total Change in Net Assets \$ (253,263)**

Net Assets, beginning of year 4,139,493

Net Assets, end of year \$ 3,886,230

Statement of Financial Position*

March 31, 2020

FY20

Assets

Cash & cash equivalents	\$	1,476,249
Accounts receivable & pledges		235,824
Investments		2,504,344
Equipment, deposits & prepaid expenses		216,210

Total Assets \$ 4,432,627

Liabilities

Accounts payable & accrued expenses	\$	384,720
Deferred rent		161,677

Total Liabilities 546,397

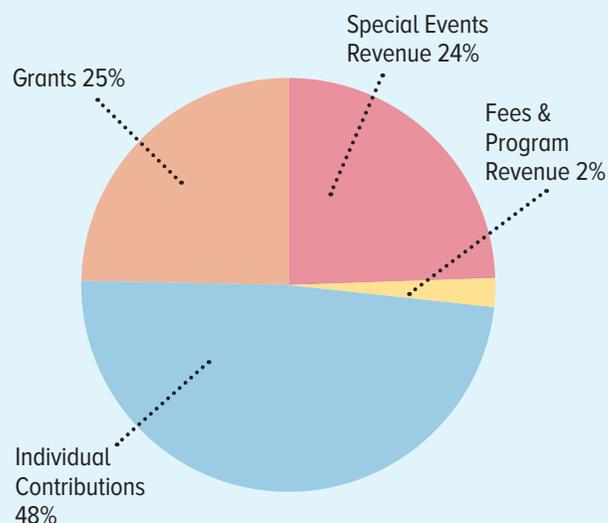
Net Assets

Operating		1,291,082
Board Designated		1,280,000
Temporarily Restricted		1,355,148

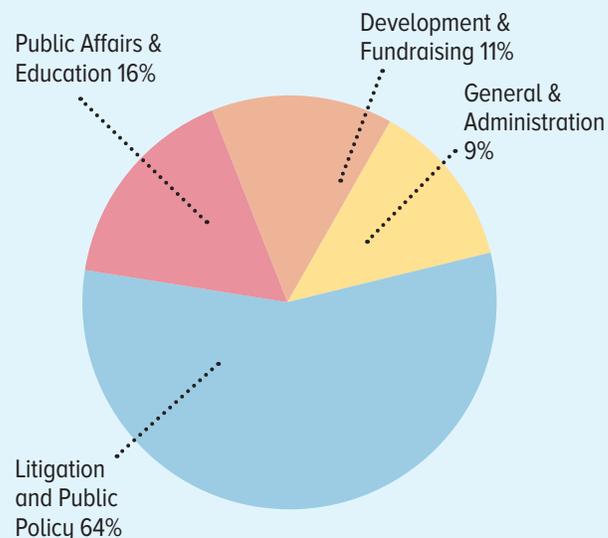
Total Net Assets 3,886,230**

Total Liabilities & Net Assets \$ 4,432,819

Income Mix: Excluding In-Kind Legal



Spending Mix: Excluding In-Kind Legal



* Summarized from GLAD's audit report; available on our website. See message from the CFO for more information.

** See "Change in Assets" chart.

Dismantling the Transgender Military Ban: Open Service Once Again is a Promise on the Horizon

Since the ban against transgender people serving in the military went into effect in April 2019, many highly trained servicemembers and those who have aspired to enlist have seen their dreams and their careers put in jeopardy. GLAD hopes to soon see a military that once again welcomes everyone who is qualified and willing to serve their country.

During President-Elect Biden's campaign, he committed to reversing the transgender military ban. GLAD is already working with our partners to see that happen. Based on past practices, President Biden can end the discriminatory ban by issuing an executive order, which we expect to see on day one of his presidency, if not quickly thereafter.

GLAD plaintiff Nic Talbott has been fighting against the ban since its announcement and exemplifies the high standards and commitment that the military has been missing out on since this damaging policy was put in place. "It's a huge relief to know that we are now closer than ever to seeing it actually lifted," Nic says. "Once the ban is gone, I can finally move forward with my life and have the opportunity to pursue my dream career, serving my country as an officer in the military. I look forward to being allowed to re-enroll in ROTC so that I can continue to train, keep up my fitness to serve, and become the best Army officer I can possibly be."

While GLAD and our partner organizations are optimistic that a Biden-Harris administration will dismantle this harmful ban, we aren't



Specialist Blaire McIntyre, the plaintiff in our most recent case against Trump's transgender military ban.

slowing down in the fight for justice or idly waiting. On October 30th, GLAD filed a fourth case challenging the ban on behalf of a transgender woman who served 10 years in the Army and now is a member of the Michigan Army National Guard. Specialist Blaire McIntyre faces involuntary discharge after coming out as trans gender. In addition to being a member of the National Guard, Blaire works as a uniformed civilian technician. Because her civilian job rests on her continued participation in the National Guard, she is at risk of losing both positions, a situation that would be devastating to Blaire and her family (she and her wife are raising two young children). Given her expertise, it would also be a tremendous loss to the National Guard.

The Palm Center recently released a report authored by former military Surgeons General and scholars that details the harms that the ban has caused to military readiness. The study found that the policy compromises recruitment, retention, unit cohesion, medical care, and many other critical armed forces needs. "This new report proves that discharging qualified, capable, and battle-tested transgender servicemembers like me is a detriment to our military's strength and unity," Blaire explains. "My superiors expect the same of me as any other servicemember, and they give me the tough assignments because they know I can handle them. All I want is the opportunity to continue doing my job—a job that I do well and that helps me provide for my family." Like so many other dedicated transgender servicemembers, Blaire faces losing the career she loves and her family's livelihood because of a baseless and damaging policy with which military experts, and the majority of Americans, disagree.

GLAD is working in collaboration with the National Center for Lesbian Rights and other groups to quickly overturn the transgender military ban. As Jennifer L. Levi, GLAD's Transgender Rights Project Director says, "Military leaders agree that the ban harms our military by depriving it of qualified, talented transgender recruits. It's well past time we return to a policy that permits all those who have dreamed of serving their country, and those who have made it their calling in life, to do so." ■

Legal Update

continued from page 7

the defendants' lawyers that sadly mirror the negative beliefs and stigmatization of gay male sexuality at the very core of the discrimination in the case itself. The attorney for the doctor and medical practice sought a court order forcing our client to reveal the names of his sexual partners. They sought this irrelevant information solely as a means of intimidating our client and chilling his resolve to pursue his legal claims, and in the hopes of swaying the judge with antigay innuendo. The judge denied defendants' request. GLAD will continue to fight for access to PrEP and against homophobic attempts to denigrate the sexual expression of gay men.

Breakthrough for Updating U.S. Virgin Islands-Issued Birth Certificates

While every New England state currently has a legal process for updating gender on a birth certificate, that is still not the case for every U.S. state or territory. That can cause complications for

transgender people living in New England who were born elsewhere. A client of the Transgender ID Project, with the support of our pro bono partner Goodwin, recently secured an order from the Superior Court of the Virgin Islands that not only made it possible for him to update his own birth certificate but paves the way for others as well. A Connecticut resident, the client had obtained a state court order to amend his birth record but that order was dismissed by the Virgin Islands Department of Health. With the advice and assistance of Goodwin attorney Xander Saide, the client filed a petition for enforcement of foreign judgment in Virgin Islands Superior Court. It took nearly a year with regular follow up from Saide, but that petition was recently granted and the court ordered the Office of Vital Statistics to accept the client's application to amend his birth certificate and gender marker consistent with Virgin Islands law. "There is a lack of understanding, respect and acceptance for individuals that are gender nonconforming on the island," the client

What Does the 2020 Election Mean for LGBTQ Rights?

continued from page 1

shooting — the Trump administration reversed a federal rule that clarified the Affordable Care Act’s non-discrimination provision prohibits denial of health care services to transgender people. GLAD is challenging that reversal in its case on behalf of hospice nurse Alexander Pangborn (*Pangborn v. Ascend*) as are several other national LGBTQ organizations in federal court cases proceeding across the country. As that litigation moves forward, the incoming administration can also take steps to reinstate crucial healthcare protections.

GLAD is also keeping an eagle eye out for other damaging rules the Trump administration may seek to finalize before its departure, including in the areas of asylum and housing access for transgender people. As we went to press the Department of Homeland Security finalized a regulation gutting asylum rules, with the potential for devastating consequences for refugees, and the Department of Housing and Urban Development has proposed an alarming rule that would allow homeless shelters to turn transgender people away. GLAD has worked for decades across New England to ensure transgender people are treated with dignity and respect when accessing essential services, including shelter. As winter sets in, we are working with partner organizations to ensure LGBTQ people can secure existing protections and get the shelter they need ([see page 7 for more](#)). We also stand ready to challenge any effort to roll back protections at the federal level.

As welcome as it will be to once again have a President and Vice President who are committed to LGBTQ equality, our work is far from over come inauguration day. We will all need to work together to hold Biden and Harris to their promises, to press Congress to take action when necessary, including passing the Equality Act ([see page 8](#)), and to move our state and local legislatures to advance justice for all Americans. GLAD is full steam ahead — in our policy work, in our ongoing litigation in both state and federal courts, and in community building. We need you to join our work to realize the promises and commitments made to the queer community. ■

says. “It feels so great that Xander and I made such an impact.” GLAD congratulates both the client and Saide on this breakthrough ruling.

GLAD’s ID Project, in partnership with both Goodwin and Ropes & Gray LLP, as well as the MA Transgender Political Coalition, provides self-help resources for New England individuals seeking to update their name and gender on a variety of state and federal identity documents, as well as attorney matches for those whose situations require additional assistance. While in many cases it is straightforward for individuals to update their name and gender on their own, Saide —who has been doing pro bono work with the ID Project since Goodwin became involved in 2018 — recognizes that it can be confusing to navigate the legal system, especially for those with fewer resources. “This is the only kind of work where I’ve received a personal thank you note and heartfelt thanks from people,” he says of working with the ID Project. “You can tell how much it means to people to be supported and to be affirmed.” You can learn more about the ID Project at www.glad.org/id ■

New Glad Staff/Board

Staff

Anthony Lombardi, *Legal Fellow*

Anthony joined GLAD in November, 2020, as part of a yearlong public interest fellowship through Ropes & Gray, LLP. Prior to joining GLAD, Anthony was an asset management associate in the Boston office of Ropes, where he maintained a diverse pro bono practice focused on LGBTQ+ rights and research, as well as local government and advocacy initiatives. Anthony also serves on the Board of Directors of the Massachusetts LGBTQ Bar Association.

Board

Jean-Phillip Brignol

Jean-Phillip Brignol works as Assistant Counsel at the Federal Reserve Bank of Boston, where he assists the legal team and advises the business teams on a variety of legal, contractual, and operations matters. The son of Haitian immigrants, Jean-Phillip is originally from the south suburbs of Chicago. He earned his B.A. in Political Science at Yale University, his Ed.M. at Boston University School of Education, and his J.D. from Boston University School of Law. After law school, he clerked for the Honorable Chief Justice Chase T. Rogers (retired) at the Connecticut Supreme Court. Jean-Phillip has been a GLAD Answers volunteer, serves on the Spirit of Justice Dinner Host Committee, and brings to the organization a career-spanning passion for the law and a commitment to civil rights, racial equity, and social and economic justice.

Mario Nimock

Mario Nimock is a civil defense attorney at Coughlin Betke LLP in Boston, where he handles employment and other complex litigation matters. He earned his Bachelor’s in Finance from the University of Wisconsin-Milwaukee, and his J.D. from the University of Massachusetts School of Law at Dartmouth in 2013. At UMASS-Dartmouth, Mario received the Massachusetts’ Black Judges Conference Book Award, was the President of OUTLaw, and Student Representative to the MA LGBTQ Bar Association. After law school, he clerked for the Honorable Frederick Brown (retired) at the Massachusetts Court of Appeals. Mario previously served as Co-Chair of the Massachusetts LGBTQ Bar Association and has been active with GLAD for many years as both a member and former co-chair of the Spirit of Justice Committee.



2019 Spirit of Justice Committee featuring our new Board Members. Clockwise from top left: JP Brignol, Kelly Bonnevie, Mario Nimock, Josh Judkins, Cam Judkins, Mason Weintraub, Annika Bockius-Suwyn, Gavin Alexander, Ray Cheng



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*Join the fight
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