

GLAD Briefs

SUMMER '17



Kim Powers, AIDS Support Group of Cape Cod (ASGCC) Harm Reduction Specialist.

A Public Health Victory that Will Literally Save Lives: MA Supreme Judicial Court Rules in Favor of Needle Access Programs

In a decision with critical implications for the state’s ability to combat the opioid epidemic and reduce transmission of HIV and Hepatitis C, the Massachusetts Supreme Judicial Court (SJC) ruled unanimously on June 14 that needle access programs such as those run by HIV service programs, community health initiatives, or other social service agencies, are legal without restriction under state law.

The ruling, in *AIDS Support Group of Cape Cod (ASGCC) v. Town of Barnstable*, affirmed that any organization or individual may distribute syringes throughout the Commonwealth, and that such programs are not limited to those operated by the Department of Public Health. The decision clarified a 2006 MA law lifting all previous restrictions on the distribution of syringes.

“This decision will mean the difference between life and death for people struggling with addiction and the risk of HIV infection, Hepatitis C infection, and overdose,” says GLAD’s AIDS Law Project Director Ben Klein,

“This decision will mean the difference between life and death for people struggling with addiction and the risk of HIV infection, Hepatitis C infection, and overdose.”

– GLAD AIDS Law Project Director Ben Klein

who argued the case before the SJC. “Service providers and organizations alike—whether an individual provider, a mobile van, or a fixed site program—no longer have to look over their shoulders and fear that they will be shut down when they are providing clean needles to save lives.”

GLAD and co-counsel Andrew Musgrave of AIDS Action Committee began representing

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From the Executive Director Janson Wu

GLAD Executive Director Janson Wu and board members Joyce Kauffman and Rich Yurko at Boston Pride



As I write this, we are mid-way through another Pride month, a time when our community comes together to celebrate that being LGBTQ—in all our diversity—is beautiful. Like many of you, this year I am feeling more urgently than ever how important it is that we also come together in solidarity, resistance, and action.

Pride grew out of acts of resistance, from Stonewall to Boston and across the U.S. GLAD, too, was born out of an act of resistance nearly 40 years ago—to fight back in the courts against anti-LGBTQ discrimination wherever we find it.

This Pride season, as we celebrate how far we've come in that fight, I am also reminded of the many who still remain vulnerable in our community, and how far we have yet to go.

This time one year ago, I was reeling, as so many of us were, from the devastating attack at Pulse in Orlando that took forty-nine beautiful lives—overwhelmingly young LGBTQ people of color—from our community.

And in the year since, we've seen an alarming escalation in divisive rhetoric and hate-motivated violence, accompanied by a full-out attempt—from the top levels of our government to state legislators across the country—to rollback progress toward civil and human rights.

But we have also seen incredible acts of resistance: from the resilience of survivors in the Orlando community, to the commitment of our wider LGBTQ movement to say no to Islamophobia, to the marches and protests, daily calls to legislators, and person-to-person conversations happening all across this country that say: we will not go back.

And we've seen real progress, too. In these pages you can read about recent victories in banning the dangerous practice of conversion therapy on LGBTQ youth, a growing affirmation in the courts that Title VII protects LGB people from employment discrimination, a major breakthrough for transgender civil rights protections, and more.

I am proud that our community's response to hate and discrimination has always been resilience and resistance. At GLAD, we will never stop using the tools at our disposal—the courts and the law, advocacy, and education—to fight for equality and justice for all.

Thank you for joining with us in pride, resistance, and action.

Toward Justice,

A handwritten signature in blue ink that reads 'Janson Wu'.

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GLAD
LEGAL ADVOCATES
& DEFENDERS
for the LGBTQ Community

Faith, the Constitution and Equality

June 26 marked the second anniversary of the landmark Supreme Court ruling in *Obergefell v. Hodges* recognizing the fundamental and equal right to marry for same-sex couples nationwide.

In those two years, we've seen thousands of loving couples newly able to marry, and existing marriages made more secure with nationwide recognition and affirmation; we've seen greater protections for children and families; and we've seen continued growth in public support for marriage equality—already a majority before *Obergefell*—with a recent Gallup poll finding 64% of Americans in support.

The 2015 Supreme Court decision unambiguously affirmed that the Constitution protects the equal dignity of LGBTQ people. But even with that clear ruling in *Obergefell*, we were prepared to see ongoing attempts to push back against both marriage equality and the rights of LGBTQ people more broadly (see page 10 for a discussion of pending legal challenges).

Many of those challenges are rooted in religious belief. Yet, a wide cross-section of American faith traditions affirms the dignity of LGBTQ families and relationships, and many people of faith—including LGBTQ people of faith—are among that majority who support equality. But in strategically coordinated cases across the country, we see attempts to elevate one particular set of religious beliefs to justify denying government, business, and social services, and refusing to extend common decency, to LGBTQ people.

Masterpiece Cakeshop v. Colorado Civil Rights Commission—in which a Colorado bakery refused to make a wedding cake

We are a nation of multiple faiths, and the First Amendment clearly and rightly protects the freedom of religion. But it does not allow the government to privilege one set of religious beliefs over others, and it does not allow the accommodation of one person's religious beliefs to cause harm to others.

because the intended customers are a gay couple—is one such case and will be considered by the U.S. Supreme Court in its next term. We agreed long ago in this country that a business that is open to the public must be equally open to everyone, and we hope to see the Court affirm that agreement when it decides this case next year.

We are a nation of multiple faiths, and the First Amendment clearly and rightly protects the freedom of religion. But it does not allow the government to privilege one set of religious beliefs over others, and it does not allow the accommodation of one person's religious beliefs to cause harm to others.

Mississippi's *Protecting Freedom of Conscience from Government Discrimination Act*, is the most sweeping anti-LGBTQ religious refusal law enacted in the country to date. Signed by Governor Phil Bryant in April

2016, the law singles out for protection three particular “beliefs”—that marriage can only be between a man and a woman; that sex can only take place within such a marriage; and that one's gender is determined at birth—and grants the right to deny service in a wide variety of public and private settings based on holding those beliefs.

A federal district court struck down the law shortly before it was to go into effect, finding it violated both the Establishment and Equal Protection Clauses of the Constitution, and that it “does not respect the equal dignity of all of Mississippi's citizens.” The State appealed, and on June 22 a three-judge panel of the U.S. Court of Appeals for the Fifth Circuit issued a ruling reversing the district court's decision, saying that the plaintiffs did not have the right to be in court to challenge the law—in short, a technical decision, leaving the validity of the law itself up in the air. If the court is right—and we don't believe it is—then the law's constitutionality could not be tested until someone can come forward to say that they have been concretely harmed by the operation of the law specifically against them.

But the fact is, there is real harm under the Constitution when the government effectively endorses one set of theological views on a subject—particularly where there are equal theological views taking a different position—and groups of citizens are devalued by the government taking sides. As a matter of first principles, we are all supposed to come before our government as equals, without favoritism based on religion or who we are.

As we go to print, the Mississippi law is *not* in effect, and may not go into effect as

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Thank you to everyone who joined GLAD at a Pride march or community celebration this season.

Being LGBTQ is Beautiful In Banning Conversion Therapy, Connecticut Steps Up to Truly Affirm LGBTQ Youth

GLAD and our partners in the CT Equality Coalition celebrated an important win for LGBTQ youth this spring. With overwhelming bipartisan support in both the House and Senate, *An Act Concerning the Protection of Youth From Conversion Therapy* was signed into law by Connecticut Governor Dannel Malloy in May.

“We are thrilled at the overwhelming level of support in the legislature,” says Robin McHaelen, Executive Director at True Colors, Inc. in Hartford. “The state of Connecticut sent a strong message to LGBTQ youth that there’s nothing wrong with who they are, and that is huge.”

That message is a fundamental starting place for creating a world where LGBTQ youth are supported and affirmed at every step.

The passage of Connecticut’s conversion therapy ban was an inspiring and energizing win for the CT Equality Coalition, which worked together closely in the months leading up to the vote.

“We had a really strong group of people behind this bill” says Anne Stanback, one of the primary volunteer organizers in the coalition. In addition to GLAD and True Colors, that included Planned Parenthood, who were instrumental in organizing both online and on-the-ground, the Connecticut affiliate of the National Association of Social Workers, the CT TransAdvocacy Coalition, CWEALF, and the Connecticut ACLU. “Importantly,” adds Stanback, “we also had a group of supportive clergy—close to 200 people—who were there to answer any religious opposition.”

Despite being discredited as harmful, unethical,

and ineffective by all major medical and mental health organizations, including the American Medical Association and the American Psychological Association, conversion therapy is still practiced in the U.S. All one need needs to do to see how true that is, is to attend a public hearing on a bill to ban the practice, as happened in Connecticut this spring.

“Something we’ve seen very clearly in advocating for conversion therapy bans throughout New England is that people do come out to voice their desire to continue the practice,” says Jennifer Levi, GLAD’s Transgender Rights Project Director. “If we think this isn’t still happening, we’re kidding ourselves.”

LGBTQ youth are especially at risk of harm and may be subjected to the practice by well-meaning families who are unfamiliar with its dangers, or by families who are simply unaccepting of who they are.

“Vulnerable LGBTQ youth risk growing up in a society in which the seriousness and legitimacy of their sexual orientation and gender identity is in question,” adds Levi. “Conversion therapy tells youth that they are not okay as they are—and that has a predictable outcome: despair, self-harm and sometimes, suicide.”

Banning conversion therapy is simply sound public health policy. Being LGBTQ is not what puts youth at risk. It is the anti-LGBTQ beliefs underlying attempts to change a person’s sexual orientation or gender identity that are the real cause of that harm. In barring the practice, Connecticut is sending a powerful message to LGBTQ youth that they are ok, and

that they are valued for who they are.

The Connecticut legislative effort was part of a growing movement across the country to ban state-licensed mental health professionals from employing the unethical practice.

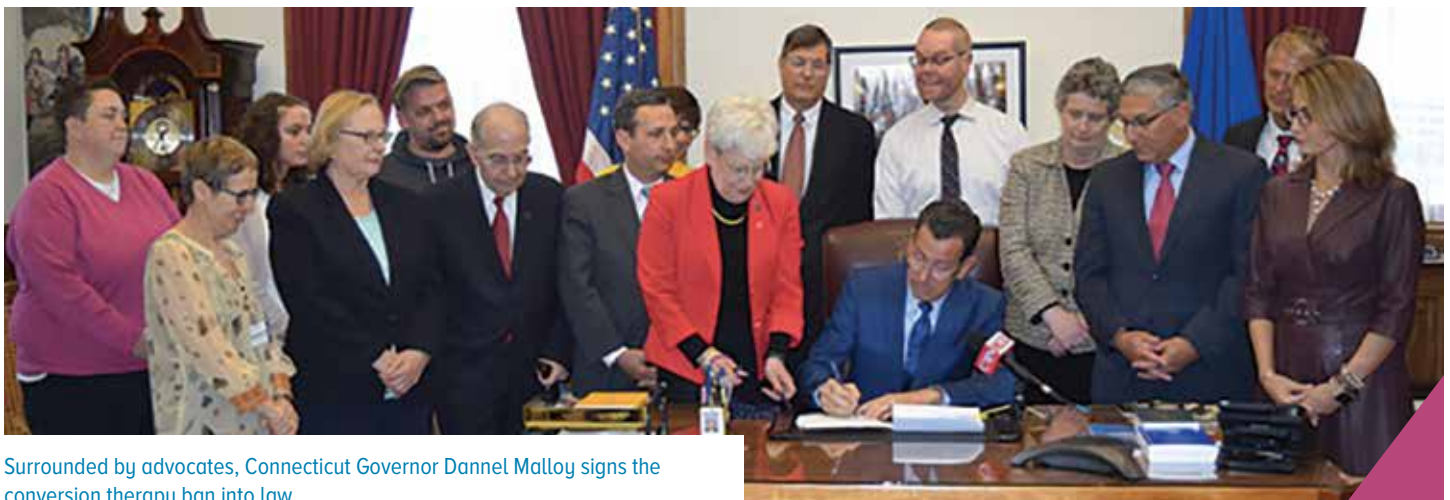
Connecticut became the eighth state to prohibit conversion therapy with LGBTQ youth, joining Vermont, California, New Jersey, New York, Oregon, Illinois, and New Mexico, as well as Washington, DC. Nevada passed a bill shortly after Connecticut.

GLAD is committed to working on this issue throughout the six New England states.

As we go to print, a bill banning conversion therapy has just passed the Rhode Island General Assembly and is pending the Governor’s signature. In Massachusetts, GLAD senior attorney Ben Klein presented testimony at a public hearing in early June in support of “An Act Relative to Abusive Practices to Change Sexual Orientation and Gender Identity in Minors.” Similar bills are also being considered in Maine and New Hampshire.

Meanwhile, the CT Equality Coalition is readying itself for the next push to make the state more welcoming and affirming “We intend to keep the momentum going,” Stanback says. “As we look ahead, we hope to leverage this crucial win to gain support for future work aimed at protecting LGBTQ youth.”

The growing movement to affirm and celebrate LGBTQ youth—to say that being LGBTQ is beautiful—has the power to create transformational change. ■



Surrounded by advocates, Connecticut Governor Dannel Malloy signs the conversion therapy ban into law.

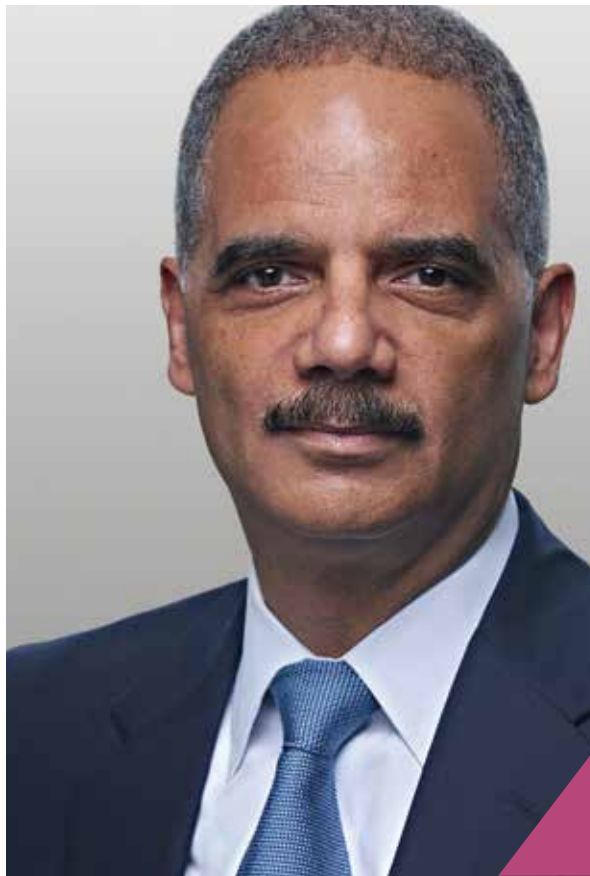
The Honorable Eric H. Holder Jr., 82nd Attorney General of the United States, to Receive GLAD's 2017 Spirit of Justice Award

GLAD is proud to announce Eric H. Holder Jr. as the recipient of our 2017 Spirit of Justice Award. Holder's tenure as U.S. Attorney General under President Barack Obama marked huge advances in LGBTQ rights.

"Former Attorney General Holder is an inspiring role model and a passionate advocate for LGBTQ rights, racial justice, and the rights of all marginalized people," says Mary Bonauto, GLAD's Civil Rights Project Director. "Following a remarkable tenure at the Department of Justice, he continues to be one of our nation's strongest voices of resistance against attempts to roll back progress on civil rights."

While heading up the Department of Justice (DOJ) from 2009-2015, Holder undertook several significant initiatives to secure protections and expand equality for LGBTQ people in the United States. He was instrumental in moving the administration to fully support marriage equality—from recommending and implementing the government's decision to stop defending the Defense of Marriage Act (DOMA); to directing the development of comprehensive federal guidelines for fair treatment of same-sex married couples after DOMA was overturned; to directing the Administration's brief in *Obergefell v. Hodges* asserting that state marriage bans violated the equal protection promised by the Constitution.

Holder ensured the DOJ took seriously anti-LGBTQ hate crimes following the enactment of the Shephard/Byrd Hate Crimes Act, and,



following the landmark 2012 *Macy* ruling at the Equal Employment Opportunity Commission, affirmed the Administration's position that Title VII of the Civil Rights Act prohibits employment discrimination based on gender identity or expression.

The third-longest serving Attorney General in U.S. history and the first African American to hold that office, Holder is an internationally recognized leader across a broad range of regulatory enforcement, criminal justice, and national security issues. He is currently a partner in the DC-based law firm of Covington & Burling LLP, where he was also a partner before serving in the Obama administration.

"Former Attorney General Holder's leadership on a wide range of civil rights matters—from voting rights, to criminal justice reform and examining racial bias in policing, to marriage equality and transgender rights—have made our country a better, more just place," says Janson Wu, GLAD's Executive Director. "We're extremely

proud to honor him and his legacy."

The 18th annual Spirit of Justice Award Dinner is co-chaired by Fred Csibi and Liz Doherty, and will take place Friday, October 27 at the Boston Marriott Copley Place. ■ [For more information and to purchase tickets, visit www.glad.org/events/2017soj](http://www.glad.org/events/2017soj)

18th Annual Spirit of Justice Award Dinner

Friday | October 27
Boston Marriott Copley Place
www.glad.org/events



A Life of Leadership



Attorney and long-time
GLAD supporter
Barbara Margolis (right)
with her wife, Colleen

Barbara Margolis was one of the first openly gay lawyers in Rhode Island when she opened her firm in 1981. In the early 2000s, she co-founded the LGBT Rhode Island Bar Association. Today, she serves as Deputy Disciplinary Counsel to Rhode Island's Supreme Judicial Court.

In the years between, Margolis has been a strong advocate for Rhode Island's LGBTQ community in many ways, including as a dedicated supporter of GLAD's work for nearly two decades.

Margolis' personal and community advocacy intersected directly with GLAD's work in the years-long effort to win marriage equality in Rhode Island. Working with former GLAD Staff Attorney Karen Loewy, Margolis presented testimony to the legislature describing why marriage equality was important to the state. That testimony was later published in the Rhode Island Bar Journal.

But Margolis' introduction to GLAD traces back long before marriage equality was on the radar.

"I graduated from New England School of Law in 1981," Margolis says, "and a classmate of mine worked with GLAD's founder, John Ward. That's when I first heard about GLAD's legal advocacy, although it would be years later that I would become involved with the organization."

Following law school, Margolis founded her own firm, and worked on family law issues with the Legal Aid Society in Rhode Island for seven years.

"From 1981-1987, I was a lawyer in a small university town litigating divorces in a very Catholic state," Margolis recalls. It was challenging at the time for people leaving marriages as they were coming out as LGBT to receive equal treatment. "It was my pleasure to be able to assist several gay clients in navigating the Family Court," she says, "to retain custody of their children and end their marriages with dignity and favorable outcomes."

Despite living and working in a religiously conservative state, Margolis not only spoke openly about her sexual orientation, she encouraged others to live openly as well.

"I've been out since 1976," she says, "although I really came out publicly

when I started teaching sexual orientation and the law at Roger Williams Law School. When I started practicing as an openly gay attorney, I tried to mobilize other gay lawyers in the state to be out so that we could stand together to combat the homophobia around us. As the needs of our community became more apparent to us—the AIDS epidemic in the 1980s, for example—our mobilization became more focused."

Indeed, it has been an evolving journey toward equal rights for the LGBTQ community in the years since Margolis first opened her practice. Marriage equality, for instance, secured LGBTQ relationships, a security Margolis personally appreciates today. She and her wife, Colleen, legally married in 2007. "I have never felt more fortunate than where we are in our lives today—to have our marriages legal is so important," she says.

Throughout her life and her career, Margolis has heeded the call to act—as an openly gay attorney, an educator, and a citizen—to advocate for equality for all. In addition to her support of GLAD and her work in her own legal practice, among Margolis' most inspiring experiences has been her involvement with Youth Pride from 2010 to 2016.

"The youth I had the honor of coming into contact with were remarkable," she says. "The program does amazing work with youth from all racial and economic backgrounds and identities. Youth Pride provides a safe environment for youth to explore who they are and to help them become the people they want to be."

While she is proud of the gains achieved for LGBTQ equality, Margolis is hardly complacent.

"The conservative movement, Trump, and his administration frighten me," she says. "That's why I will continue to support GLAD. In spite of the challenges and obstacles, we will not only resist going backward—we will continue our march forward, especially for our youth."

GLAD couldn't have sustained the fight for equality for four decades without Margolis—and the countless other committed advocates who have been with us since our beginning or joined us along the way. We thank all of you for your continued support of the hard work that lies ahead. ■

A Critical Breakthrough for Transgender Civil Rights Protections

In Blatt v. Cabela's, a Federal District Court rules for the first time that the ADA does not exclude transgender people

For over 25 years, the Americans with Disabilities Act (ADA) has been read to exclude transgender people from the scope of its protections.

When this foundational civil rights law was passed in 1989, a specific exclusion for transgender people was written into the law because of the prejudice of some members of Congress at the time. Kate Lynn Blatt, a transgender woman who was mistreated and eventually fired by her employer, Cabela's, stepped up to challenge that exclusion by asserting her right to bring a claim under the ADA.

GLAD was proud to support Kate Lynn's efforts with a brief laying out the argument for why such an exclusion cannot be allowed to stand.

GLAD has been at the forefront in advocating for disability protections for decades. In 1998, AIDS Law Project Director, Ben Klein, argued and won the first ADA case to be heard by the Supreme Court. GLAD understands the importance of fighting against the discrimination people with stigmatized medical conditions experience—whether based on HIV/AIDS status, Hepatitis C, lipodystrophy or gender dysphoria.

GLAD knows stigma when we see it. We know that the way to attack stigma is to take it on directly, not to retreat from it.

We advocate for transgender people under disability laws because such laws are designed to ensure that people capable of contributing

to society are not prevented from doing so because of misunderstandings and bias against medical conditions. For transgender people who suffer from gender dysphoria, disability laws—including the ADA—can, should, and must provide important protections.

In May, a federal district court in Pennsylvania agreed.

In this monumental ruling, a federal court said—for the very first time—that transgender people are not categorically barred from seeking relief from discrimination under the ADA.

The opinion made two critically important points:

- First, that being transgender is not itself a medical condition.
- Second, the Court acknowledged that some transgender people experience gender dysphoria—clinically significant distress associated with the experience of being transgender. And because gender dysphoria remains a stigmatized medical condition, there is no principled justification for barring transgender people from the protections of the ADA. This is a huge step forward for the transgender community. It lays a foundation for transgender people to pursue broad civil rights protections across a range of areas—including employment and public accommodations—and sets the stage for legal challenges to discriminatory laws and private activity that target all transgender people, including those who experience gender dysphoria and those who do not.

This decision will reverberate far beyond Kate Lynn's individual case. ■

A Public Health Victory that Will Literally Save Lives:

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ASGCC in 2015, when Barnstable town officials attempted to shut down the organization's needle access program.

ASGCC's program serves over 500 clients per year, distributing clean syringes and providing access to treatment as well as to the overdose reversal drug Narcan. ASGCC regularly collects more needles than they distribute, and works to ensure they are properly disposed of.

"The SJC's decision that our program is lawful will go a long way to save lives," says Joe Carleo, ASGCC's CEO. "We work hard to build relationships with drug users to keep them alive and safe from HIV and Hepatitis C by getting them tested, providing needed services and guiding our clients into treatment when they are ready. We will continue working hard with law enforcement and community

"We work hard to build relationships with drug users to keep them alive and safe from HIV and Hepatitis C by getting them tested, providing needed services and guiding our clients into treatment when they are ready. We will continue working hard with law enforcement and community stakeholders across Cape Cod to put an end to our deadly opioid epidemic."

— Joe Carleo, ASGCC CEO.

stakeholders across Cape Cod to put an end to our deadly opioid epidemic." Coming at a critical time in that epidemic—the MA Department of Public Health recently reported that opioids were the confirmed cause of 1,465 deaths and suspected in another 514 deaths in 2016—this ruling affirms a powerful tool in our ability to reduce HIV and Hepatitis C transmission among people who inject drugs, and to prevent fatal drug overdoses.

"It is unconscionable to block an effective public health service simply because some in the town may find it unsavory," adds Klein. "I'm gratified that the SJC affirmed that needle distribution is both legal and life-saving." ■

For more information about ASGCC's needle distribution program and the implications of this ruling for new and existing programs, see our FAQ at www.glad.org.

Expanding Legal Resources for LGBTQ People in Prison

Over the past two years, GLAD Answers, our legal information line, has seen a dramatic increase in the number of intakes we receive from people who are incarcerated, from 250 in 2015 to just over 715 in the last year. When we launched the Pop-Up ID Project late last year to assist transgender people in obtaining accurate identity documents, we also received a number of inquiries from people in prison—about identity documents and more.

“We’re hearing from people all over the country facing solitary confinement, sexual violence, limited access to mental and medical healthcare,” says Daniel Weiss, GLAD’s Public Information Manager, who oversees GLAD Answers. “More and more, we’re hearing from people struggling to transition and come out within the criminal justice system, who are exhausted and frustrated by barriers to competent LGBTQ care.”

The experiences LGBTQ people in prison share with us speak to the intensified ways in which people with multiple, marginalized identities—whether based on race, economic status, sexual orientation or gender identity—experience discrimination. They illustrate a culture of over-policing, violence and stigmatization of LGBTQ people and people of color being reinforced by the criminal justice system.

LGBTQ adults—and particularly LGBTQ adults of color—are disproportionately accounted for in the national prison population. According to a recent report by the Movement Advancement Project (MAP), 3.8% of adults in the U.S. identify as LGBTQ, yet 7.9% of adults in prisons identify as LGBTQ.

Two out of three adults in prison are people of color, with African-American and Latinx adults making up over half the population of all adults in prison. Analysis on the number of LGBTQ adults of color in prison is in its nascent stage, but MAP reports that among transgender adults who have reported being incarcerated, 47% were African-American and transgender or gender non-conforming, and 25% were Latinx and transgender or gender non-conforming. Additionally, 21% of adult transgender women reported being incarcerated, according to MAP.

Pervasive stigma and bias, a lack of explicit

nondiscrimination protections at the federal and in some cases state level, and discriminatory policing practices all contribute to the overrepresentation of LGBTQ people in the criminal justice system.

And as we have heard from people who contact GLAD Answers, once inside the system, the degree of discrimination LGBTQ people experience intensifies. Disproportionately severe and frequent disciplinary write ups—often leading to solitary confinement—verbal and physical harassment, and denial of health care—including HIV and gender transition-related care—are only a few examples of mistreatment LGBTQ individuals face in prison.

Through GLAD Answers we respond to these intakes by providing legal information, resources and referrals to attorneys and support services where appropriate. We track trends in issues reported by the people who reach out to us. And we address larger issues where we think we can make an impact—for instance successfully advocating for the federal Bureau of Prisons to change its “freeze frame” policy which previously limited transgender people to receiving health care they were already receiving before entering prison, and taking up a transgender woman’s constitutionally based fight for health care.

But advocating for policy changes within prisons presents particular challenges. “There are structural barriers built into the system essentially by design,” says Jennifer Levi, GLAD’s Transgender Rights Project Director. “We also recognize that people who are incarcerated are in a singularly vulnerable position, and so must weigh specific personal risks before participating in any effort toward large-scale change. And, perhaps most vexing, any successful incremental improvements risk reinforcing a system that is, at its core, inherently inhumane.”

The larger goal is to interrupt the vicious cycle of stigma, over-policing, punishment and violence against LGBTQ people and people of color supported and exacerbated by the prison system. But meanwhile, we can’t turn our backs on opportunities to reduce the harm and discrimination faced by LGBTQ people who are incarcerated now.

One way GLAD is working to reduce that harm is through a new partnership with Black and Pink, the National LGBT Bar Association, and Prisoner Legal Services to make expanded legal resources available to LGBTQ people in prison. Through a pilot project beginning this summer, volunteer attorneys will receive training on common issues faced by LGBTQ people who are incarcerated, and then will be matched with people seeking legal support when they reach out through either Black and Pink or GLAD Answers.

Black and Pink was founded and is run by formerly incarcerated people to support LGBTQ people in prison, with the foundational belief that the prison system is fundamentally flawed and should be abolished. The organization provides programs supporting LGBTQ people at various points of contact with the criminal justice system. Their current services include a Court Accompaniment program, which provides a community advocate to be present during court appearances, a pen pal program, and publication of educational resources on criminal justice policy.

“We’re always looking to expand the ways we can connect people in prison with those who can and are doing the work to help improve their lives,” says Jason Lydon, founder and national director of Black and Pink. “We are excited to be a part of GLAD’s effort to find new and innovative ways to directly support our prisoner members.”

Through this pilot project, we hope to expand the legal support and resources we are able to provide to LGBTQ people who are incarcerated, initially in Massachusetts and then expanding throughout New England. In addition, we hope through the project to more robustly track issues and trends that may be addressed on a macro level, and to send a message to detention facilities that legal eyes are on them.

While we continue to make advancements toward LGBTQ equality across New England, we recognize that such progress does not necessarily translate to full equality in everyday life for all LGBTQ people. We clearly have many more opportunities to ensure all people in our communities—including those caught in the criminal justice system—have access to justice and equality under the law. ■

Welcome New Staff

Jonathan Reveil, Community Engagement Manager Originally from Haiti, Jonathan has faced many of the social injustices and inequities that disenfranchise those who are thought of as “other”. Consequently, his experiences have propelled him towards building community, addressing marginalization and challenging entrenched power structures. Prior to joining GLAD, Jonathan spearheaded community engagement at the Multicultural AIDS Coalition, The Fenway Institute and, more recently, at Codman Square Health Center. He is currently on the Board of Directors for the Hispanic Black Gay Coalition and is a Vice-Chair for the MA Commission on LGBTQ Youth. Since 2012, Jonathan has been a member of the Ryan White Part A Planning Council in the Boston Eligible Metropolitan Area (EMA), and of the Connect-to-Protect Coalition. He was the 2017 recipient of the Bayard Rustin Award for Courage.

Kathy Eow, Communications Manager Prior to joining GLAD in May 2017, Kathy worked as Program Manager for a destination management company in Laos. Using the power of storytelling, she wrote all new content for her division’s website rebuild and various other marketing materials to rebrand the company as a regional leader in community-based tourism. Kathy transitioned to freelance writing when she returned to her hometown of Portsmouth, New Hampshire, in 2016, and has been published in *Curve* magazine and local news network Seacoast Media Group. An advocate of volunteerism, her previous community service roles include HIV Community Outreach Volunteer for a local organization in Nairobi, Kenya, and steering committee member of Queer Asians and Pacific Islanders Alliance in Boston. Kathy has an M.A. in Tourism Management from Florida International University.



Former GLAD Plaintiff Nicole Maines (center), pictured here with GLAD Community Engagement Manager Jonathan Reveil and Public Information Manager Daniel Weiss, at the annual Connecticut Transgender Lives Conference

Welcome New Board

Francisco Cabas In his current role as Virology Solutions Specialist at Alere, the number one global provider of point of care infectious disease testing, Francisco oversees the company’s HIV portfolio in the Northeast. After completing his undergraduate and graduate studies at Brown University, Francisco joined the Sexual Health and Education program at the Los Angeles LGBT Center, where he was twice elected co-chair of the California Planning Group on HIV and AIDS. He brings to GLAD experience working with state and local stakeholders to disseminate information on HIV prevention.

Fred Csibi Fred is Lab Head and investigator at Novartis Institutes for BioMedical Research in Cambridge. He has held a position on GLAD’s Spirit of Justice Award Dinner committee since 2015, serving as co-chair for 2016 and 2017. Fred is passionate about bringing his perspective both as a member of the science sector and as a Latino immigrant to GLAD. Originally from Venezuela, he completed his studies in France, receiving degrees in biological sciences from the University of Grenoble, and a Ph.D. in cell biology from the University of Montpellier 2.

Leila Bailey-Stewart Currently Vice President of Recruitment and Admissions at City Year, Leila brings to GLAD’s board years of experience advocating for equal access to education for the region’s youth. Through her previous roles at City Year, including Program Manager, Content Director of Summer Academy and Managing Director of National Recruitment, Leila has helped create equal and inclusive learning environments for students from diverse racial and socio-economic backgrounds.

Meghan Freed Meghan is co-founder and managing partner of Freed Macroft LLC, a Hartford-based family and estate planning law firm that is especially welcoming to same-sex couples and LGBT individuals. Meghan has authored amicus briefs on behalf of the Human Rights Campaign and National Gay and Lesbian Task Force in *Kerrigan v. Commissioner of Public Health*, GLAD’s state supreme court case securing the right of same-sex couples to marry in Connecticut. Her numerous accolades include The National LGBT Bar Association’s Best LGBT Lawyers Under 40 award and inclusion on the New England Super Lawyers® Rising Star list in 2013, 2014, 2015 and 2016.

Thank You!

GLAD thrives due to the support of volunteers, donors and in-kind contributors. Thank you for your ongoing commitment to our work together toward achieving a more just world.

To see our audited financial statements for fiscal year 2017, visit www.glad.org/financial-information

Doe v. Mutual of Omaha Insurance Company

Discovery is ongoing in GLAD's federal court case charging that Mutual of Omaha Insurance Company discriminated when it denied a gay man long-term care insurance because he is taking Truvada. Truvada, a form of PrEP or Pre-Exposure Prophylaxis, is a medication prescribed to HIV-negative people to prevent the transmission of HIV. This is the first lawsuit in the country challenging discrimination against a person on PrEP.

Sinnott v. Peck

We are awaiting a ruling in this parentage case, which was argued before the Vermont Supreme Court in May 2016. GLAD represents Sarah Sinnott, who is seeking to protect her legal relationship to the two children she jointly raised for over ten years with her former partner, Jenny. Although Sarah and Jenny never married, they created a family that is as deserving of legal protections as other similar families joined by marriage. GLAD argues that children raised in non-marital families need and deserve the same protections extended to children raised by married parents.

In Re Carol Boardman

Victory! The Maine Supreme Judicial Court (SJC) in June overturned a Probate Court ruling that had denied Ms. Boardman, a widow, her petition to change her married surname to that of a friend. The SJC rejected the Probate Court's ruling that the change would create the misleading impression that the two are married and thus constitute fraud—that precludes a name change. As the Court noted, “given the variety of naming conventions in modern society, having the same last name no more indicates that a couple is married than having different last names indicates that a couple is unmarried.” GLAD, joined by the ACLU of Maine, EqualityMaine, and Trans Youth Equality Foundation, submitted a friend-of-the-court brief arguing that the Probate Court abused its discretion in denying Ms. Boardman's petition, which met all the requirements of the name change statute. Our brief further stressed the importance to the LGBTQ community of consistent application of the statute, and argued that the Probate Court's assertion that two unmarried individuals cannot share a surname undermines Maine public policy, which both prohibits marital status discrimination and supports families whether marital or nonmarital.

Defending Obergefell

In 2015, we won a landmark ruling at the Supreme Court that same-sex couples throughout the United States are guaranteed access to marriage—and to all the rights, benefits and responsibilities associated with marriage—on equal terms. But we are seeing attempts across the states to resist *Obergefell*—by interpreting it, incorrectly, as limited solely to a right to acquire a marriage license; by privileging anti-LGBTQ religious beliefs; or by attempting to re-assert State policies preferring heterosexual marriages and mother-father families when it comes to issues like workplace benefits or listing both parents' names on a child's birth certificate. GLAD is participating by filing amici briefs on key legal issues, often with other organizations and private counsel, to stave off these efforts to undermine equality and ultimately the *Obergefell* decision itself.

• ***Barber v. Bryant*** – GLAD, in partnership with Ropes & Gray, the National Center for Lesbian Rights (NCLR) and the ACLU, submitted an amicus brief in this case challenging Mississippi's HB 1523, the most sweeping religious refusal law enacted to date in the U.S. With HB 1523, that State elevated one specific set of religious beliefs about

LGBTQ people—including that marriage is only between one man and one woman, that permissible sexual relations are between such married persons, and that gender is determined at birth by anatomy and genetics—as its own in order to justify denying government, business and social services, and refusing to extend common decency, to LGBTQ people. On June 22, a three-judge panel of the U.S. Court of Appeals for the Fifth Circuit overturned a lower court ruling against HB 1523, saying that plaintiffs did not have standing to challenge the law. But when the government takes the side of one particular faith perspective against a group of citizens because of who they are and who they love, GLAD believes that is real harm under the Constitution's Establishment and Equal Protection Clauses. The Fifth Circuit did not rule on whether the law is itself constitutional, and the challengers have announced they will seek further review. [See more on page 3](#)

• ***Pidgeon v. Turner*** – The Texas State Supreme Court issued its ruling June 30 in this case in which petitioners have challenged the City of Houston's provision of benefits to the same-sex spouses of city employees. The court vacated a trial court injunction which would have barred the City from providing the benefits. But the court also sent the case—which dates to before *Obergefell*—back to the trial court to consider whether *Obergefell* settles the question. While the immediate and, we believe, eventual final result here will be that married same-sex couples will continue to receive equal access to spousal benefits, it is disappointing that the court did not take the opportunity to resolve this case once and for all. *Obergefell* clearly states that same-sex couples are entitled to the same “constellation of benefits” available to married different-sex couples. For the Texas court to leave open the possibility that it could be read otherwise is, plainly, wrong. GLAD—in partnership with Lambda Legal, NCLR, the ACLU of Texas, the ACLU Foundation, and O'Melveney & Myers—submitted an amicus brief in the case, and will continue to monitor developments.

• ***Pavan v. Smith*** – In a decisive victory affirming *Obergefell's* mandate on the States to treat all married couples equally, the U.S. Supreme Court on June 26 summarily reversed an Arkansas State Supreme Court decision that had barred married same-sex couples from having both spouses' names on their newborns' birth certificates. In reversing the Arkansas ruling, the Court reaffirmed *Obergefell's* unambiguous requirement that States extend to all married couples the same rights and responsibilities. In this case, and in all States, spouses are presumed to be the parents of their children, and even more, States typically extend parentage to a spouse who consents to the other's use of assisted reproduction. GLAD was involved in the submission of two amicus briefs urging the court to review the Arkansas ruling: as counsel on a brief of family law professors nationwide, authored by GLAD, Foley Hoag, Joan Hollinger and Courtney G. Joslin of UC Davis School of Law; and as an amicus on a second brief filed jointly with Lambda Legal and authored by Gibson, Dunn & Crutcher addressing the concerted attempts to undermine the *Obergefell* ruling. The plaintiffs were represented by NCLR and Ropes & Gray.

• ***Henderson v. Adams*** – In this birth certificate case currently pending before the federal Seventh Circuit Court of Appeals, GLAD joined the National Center for Lesbian Rights, Lambda Legal and the ACLU on an amicus brief challenging Indiana's refusal to include the names of same-

continued on next page

sex spouses on their children's birth certificates. As with *Pavan*, the case concerns two married women who conceived a child through donor insemination and were denied the ability to list both their names on their child's birth certificate. We argue that because Indiana allows different-sex spouses who conceive a child through donor insemination to list both spouse names on their child's birth certificate, denying a same-sex couple the same right violates *Obergefell*, which holds that States may not differentiate between same-sex and different-sex couples with regard to legal rights.

LGBTQ Youth and the Juvenile Justice System

LGBTQ youth, particularly LGBTQ youth of color, are overrepresented in the juvenile justice system, with pervasive bias, unsupportive families or school administrators, and discriminatory policing practices as contributing factors. GLAD is working with our partners in Maine and Massachusetts to support juvenile justice reform and advocate for more community-based alternatives for youth.

- **Maine:** GLAD is representing four youth, who are perceived to be LGBTQ, currently incarcerated in the Long Creek Youth Development Center, the state's juvenile detention facility, which has a troubled history of violent and abusive treatment of youth in custody. In November, a transgender youth committed suicide while in detention at Long Creek. In the wake of that tragic event, GLAD has been advocating for a thorough investigation and to raise awareness of the issues facing youth in the system who are LGBTQ or perceived to be LGBTQ, which youth the state estimates comprise 30% of Long Creek's population. While we continue to monitor treatment and advocate for improved conditions for youth currently in Long Creek's custody, we aim more broadly to shift away from incarceration and towards supporting system-involved youth in their communities.
- **Massachusetts:** GLAD is part of a coalition supporting comprehensive juvenile justice reform to create a fairer system with better outcomes for youth. We are working with our partners to move forward juvenile justice reform efforts that promote supporting youth in their communities rather than incarcerating them. These legislative efforts include diversion programs before the creation of a juvenile record, shifting the system's jurisdiction over youth 18-20 years old—while ensuring no child under the age of 12 is arrested—and allowing the expungement of certain juvenile records. Additional reform efforts include prohibiting the shackling of youth and collecting data on racial and ethnic disparities in the system.

Transgender Youth: School Bullying and Harassment

GLAD has filed a complaint with the Office of Civil Rights on behalf of a nine-year-old Rhode Island transgender girl, H.H., who experienced pervasive physical and sexual harassment by her peers at her elementary school—including a sexual assault on the school bus—because of her gender expression. The student's family reported the harassment to the principal and H.H.'s teachers when the bullying and abuse began, but the school failed to take reasonable measures to end the harassment, even assigning H.H. a seat in her classroom next to a student who had been bullying her. Our complaint on behalf of the family states that the school violated Title IX through their deliberate indifference to the pervasive harassment and by failing to create a safe and welcoming environment for this child. ■

Massachusetts Supports Fairness for All

In 2016, we celebrated a major victory for fairness and equality when Massachusetts Governor Charlie Baker signed a law ensuring explicit non-discrimination

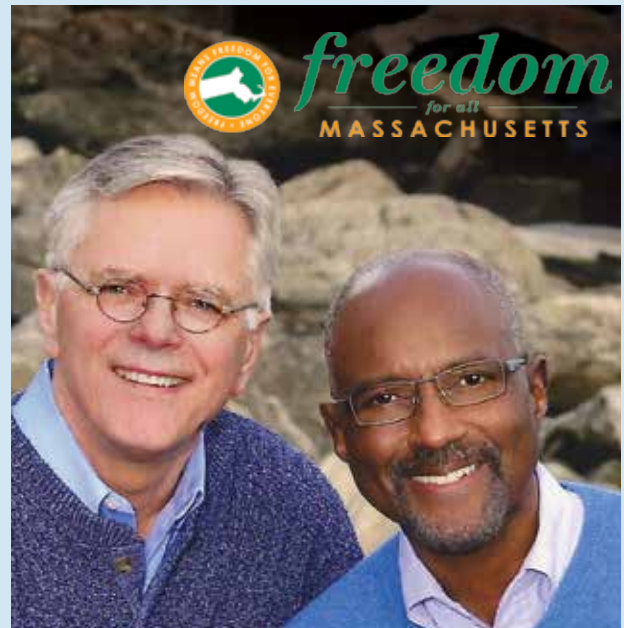
protections for transgender people in public accommodations.

The show of support by a broad range of community members—including local businesses, labor unions, people of faith, educational institutions, and public safety officials—sent a strong message that Massachusetts believes in equality for all.

But opponents of the law have managed to secure a low threshold of signatures—less than 1 percent of the population of the Commonwealth—to put this civil rights issue onto the 2018 ballot. GLAD is a proud leader in the Freedom for All Massachusetts coalition, working to ensure support for maintaining fair and equal treatment.

Full transgender equality is the law in the Commonwealth now. Let's keep it that way by showing up to make sure Massachusetts votes to affirm non-discrimination in 2018. ■

To show your support for equality in Massachusetts, visit Freedom for All Massachusetts' website at www.freedommassachusetts.org



"We are ready to do whatever it takes to ensure that Massachusetts continues to lead—as we've always done—by voting for fairness and to uphold our state's non-discrimination law." — Rob Compton and David Wilson, marriage equality pioneers/plaintiffs in *Goodridge v. Department of Public Health*

Title VII and the Courts: Historic Movement Toward Understanding Sexual Orientation Discrimination as Sex Discrimination

Title VII is our federal law that protects against discrimination in employment. While the law, currently, does not explicitly name sexual orientation and gender identity among its list of protected classes (the proposed federal Equality Act would, among other things, do so), GLAD and others have long made the clear, common sense case that both are protected under the law's prohibition of discrimination "because of sex."

Exciting recent developments show that—despite existing precedent in our federal circuit courts having long held the opposite—more and more judges are now agreeing with us on the clarity of the connection between sexual orientation discrimination and sex discrimination.

In April, for the very first time a federal court of appeals—the United States Court of Appeals for the Seventh Circuit—ruled that gay people are protected from employment discrimination under Title VII. The 8-3 decision came in *Hively v. Ivy Tech*, brought by a former employee of a community college in Indiana who was repeatedly passed over for full-time employment and was ultimately fired because she is a lesbian.

The initial Seventh Circuit panel to hear Kimberly Hively's case was essentially forced to agree with existing precedent that sexual orientation claims could not be brought. But two of the three judges deciding the case stated their views that the law had become hopelessly confused, trying to distinguish between gender nonconformity claims and sexual orientation claims. In overly simplistic

terms, if a gay man sued because his boss called him a "girl" all the time, he had a claim; but if the boss called him a "fag," he was out of luck.

Lambda Legal, who represented Hively on her appeal, asked for en banc review—a rehearing of the case before all eleven judges of the Seventh Circuit—and, with amicus brief support from GLAD, NCLR and others, the court agreed.

This breakthrough has been a long time coming. At least as long ago as 1979, GLAD argued in a Massachusetts case, *Macaulley v. Mass. Comm. Against Discrimination*, that discrimination against a gay male employee was sex discrimination under Massachusetts law. The MA high court said it was not free to adopt that view even though "as a matter of literal meaning, discrimination against homosexuals could be treated as a species of discrimination because of sex" because homosexuality is "sex-linked." Nonetheless, the court said that the settled view had become that "sex discrimination" meant simply discrimination between men and women.

But the foundations of this "settled view" have been shaken recently. In addition to the EEOC's clear position since 2015 that Title VII does cover sexual orientation discrimination, some courts have begun to question whether the law has reached a breaking point. And in our recent case against Walmart (see *below*), the retailer chose to pursue settlement rather than fight the legal issue of sexual orientation coverage under Title VII.

With this dramatic break from the past, we are seeing clear signs that other federal circuits are ready to revisit the question. In cases in both the Eleventh and Second Circuits, judges have called for their courts to revisit the issue *en banc*. The Eleventh Circuit has declined but, on May 25, the Second Circuit granted *en banc* review in *Zarda v. Altitude Express*, a New York case in which the plaintiff charged that he was fired for being gay.

In granting review in *Zarda*, that Court specifically invited amicus briefs addressing the question of whether Title VII prohibits sexual orientation discrimination, and GLAD has submitted a brief in partnership with NCLR and WilmerHale. In another case currently making its way through the First Circuit, we anticipate filing an amicus brief near the end of July. Hopefully, each of these courts of appeals will follow the lead of the Seventh Circuit and agree—as we argue they should—that sexual orientation discrimination is prohibited under Title VII.

It is critical to continue working for explicit, comprehensive nondiscrimination protections at the federal and state levels. While that work continues, increasing understanding by the courts—and by employers—that discrimination against workers because of who they are or who they love is already impermissible under existing law means that more LGBTQ people in more states will have federal nondiscrimination protections in employment more quickly. ■

Settlement Finalized in Walmart Spousal Insurance Class Action Suit

In the first major successful class action suit in the U.S. involving LGBTQ workers, a federal judge in May approved a \$ 7.5 million settlement between Walmart and former associate Jacqueline Cote, in a case that challenged the fact that the retailer did not provide health insurance benefits to the same-sex spouses of employees prior to 2014.

The suit originated from a complaint GLAD filed on behalf of Jackie with the Equal Employment Opportunity Commission (EEOC) in 2014, asserting that Walmart's refusal to provide health insurance to Jackie's spouse, Dee, violated Title VII's prohibition on sex discrimination.

The couple amassed substantial medical expenses due to the policy, as Dee battled ovarian cancer. But for Jackie and for Dee, who passed away last year, it was important to challenge the policy not just for the two of them, but for every family who faced the same situation.

"After we filed the suit, other employees began to step forward to share their stories," Jackie told the crowd at GLAD's 2016 Spirit of Justice Award Dinner. "I am incredibly proud, and Dee was too, at the role we played in making that happen."

In 2014, Walmart voluntarily made the same health insurance benefits available to same-sex spouses that it offered to opposite-sex spouses. As part of the settlement, Walmart commits to continuing to do so in the future.

"I'm pleased that Walmart was willing to resolve this issue for me and other associates who are married to someone of the same sex," says Jackie. "It's a relief to bring this chapter of my life to a close."

In addition to GLAD Staff Attorney Allison Wright and Legal Director Gary Buseck, Jackie was represented by Peter Romer-Friedman of Outten & Golden LLP, the Washington Lawyer's Committee for Civil Rights & Urban Affairs, and Arnold & Porter LLP. ■

Faith, the Constitution and Equality

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the challengers have announced they will seek further review. GLAD, along with Ropes & Gray, the National Center for Lesbian Rights and the ACLU, submitted an amicus brief to the Fifth Circuit in support of the plaintiffs' right to be heard in court. GLAD will continue to support those challenging this law.

At the federal level, President Trump in early May signed an executive order "promoting free speech and religious liberty." What grabbed the headlines were the Order's attempt to provide a broader license for religious organizations to engage in political campaigns and to allow for amended regulations so employers can limit or take away women's access to preventive services like birth control, which are critical for both overall wellbeing and economic security.

Less noticed but equally important was the Order's instruction to Attorney General "Jeff" Sessions to develop guidance for implementing "religious liberty" guarantees in federal agencies. We are monitoring this closely as we assume our detractors will continue fighting for what they want, which is something akin to the "protection" of beliefs adopted in Mississippi. After all, the signed order is a scaled back version of a leaked draft we saw in February that invoked those same beliefs and would have targeted LGBTQ people directly. Conservative organizations—including the Heritage Foundation and many, many others—have publicly expressed their disapproval of this latest, "watered down" Executive Order.

We must protect the First Amendment's guarantees to express religious views, including those that are hard for us to hear, but we must also draw the line at invoking religion to justify anti-LGBTQ conduct and discrimination that causes real harm to our fellow citizens. No one should encounter discrimination and disrespect at a government office, be turned away from critical support services like a food or clothing pantry, or have to navigate the uncertainty and humiliation of being refused service at a public business.

While many of these efforts are wrapped in objections to marriage equality, many are also attempts to deny protections to LGBTQ people as people, married or not. This spring, for instance, Texas became

the latest of a handful of states to allow faith-based organizations to deny adoption and foster care services to LGBTQ families, making it harder for youth to find secure homes. In New England, we have seen religious belief raised in objection to comprehensive transgender non-discrimination protections in New Hampshire, and in support of the 2018 ballot question in Massachusetts to repeal public accommodations protections for our transgender community ([see page 11](#)).

GLAD will keep fighting in all of these arenas—using the courts and legal advocacy to secure LGBTQ people's right to be treated equally and with dignity under the law. Together with our allies, we will resist any attempts to pit people of faith against one another, to undermine our shared humanity, or to institute new models of second class citizenship. ■



GLAD Plaintiff Jackie Cote (*right*), who challenged her employer, Walmart, for declining to provide equal spousal health insurance benefits for her wife, Dee, is pictured here with GLAD Executive Director Janson Wu and Staff Attorney Allison Wright.

Standing Up to Discrimination with Courage

At a time when our client Lynn was rebuilding their life after a long battle with substance abuse and poverty, an encounter with racial and anti-transgender discrimination—at a nonprofit whose mission is precisely to provide support to people in need—could have dealt a blow to their progress.

Instead, Lynn is standing up to that discrimination to ensure it doesn't happen to anyone else.

In 2016 Lynn, who is Puerto Rican and identifies as transgender, took the initiative to fight their addiction, with its roots in distress from discrimination experienced since childhood, and embark on the road to recovery.

Lynn sought the help of Tapestry Health, a community-based health services organization in Western Massachusetts that addresses public health needs, such as substance abuse. Through Tapestry Health's Services, Opportunity, Awakening, Recovery ("SOAR") program, which focused on trauma informed wrap around care for women and transgender people with a history of substance misuse and trauma, Lynn connected with Tapestry Health employee and former case manager, Emily.

As Lynn's case manager, Emily connected Lynn to community resources to meet their needs and support Lynn's journey to self-sufficiency. When Lynn expressed the need for clothing, Emily set-up an appointment for Lynn to visit the Give-Away Center, a distribution center open to the public that provides items like clothing, toiletries and household supplies to those in need, at no cost. Notably, the Give-Away Center is run by Springfield Rescue Mission, which characterizes itself as a Christian nonprofit whose mission is to help the less fortunate.

Because Lynn exclusively wears men's clothing, they intended to shop only for men's clothing items at the Give-Away Center. However, shortly after Lynn began shopping for clothing, an employee at the

“Nobody deserves to go through what I did. I’m fighting against it with GLAD so it doesn’t happen to anyone else.”

Give-Away Center loudly told Lynn that ‘only men were allowed in the men’s section’ and ‘only women were allowed in the women’s section.’

The employee went on to later say that because Lynn's identification said female, they could not take any clothing from the men's section.

“I was embarrassed,” Lynn says.

“There were more than a handful of other people inside the Center. At that point, I just wanted to get away from there. I didn't think I could do anything about it at that time.”

When volunteers at GLAD Answers, our legal information line, learned about Lynn's experience at the Give-Away Center, Staff Attorney Allison Wright met with Lynn and Emily to discuss the encounter.

What they described to Wright was a breach of Massachusetts Public Accommodation Law, which prohibits discrimination by any place that is open to the public. When it was revealed that, in the past, some of Emily's white and non-transgender female clients had been allowed to shop in both the men's and women's sections, it became clear that Lynn was denied access to the clothing in the men's section at the Give-Away Center not only because of Lynn's sex and gender identity, but also because of Lynn's race and color.

Wright filed a complaint with the Massachusetts Commission Against Discrimination in January 2017. Springfield Rescue Mission moved to dismiss the case by arguing their religious character exempted them from coverage under the Massachusetts Public Accommodation Law. Wright has since submitted a rebuttal to Springfield Rescue Mission's position statement and an opposition to Springfield Rescue Mission's

GLAD Out and About



GLAD staff at Boston Pride in June.



GLAD Senior Staff Attorney Patience Crozier and Ropes & Gray Associate Kristi Jobson



GLAD's Justice for All: Washington, D.C., honoree Raffi Freedman-Gurspan (center) with GLAD's Transgender Rights Project Director Jennifer Levi and GLAD Executive Director Janson Wu

motion to dismiss the case. The irony of Springfield Rescue Mission rejecting a person in need is not lost on Lynn. But it hasn't chipped away at their determination. "They are supposed to help, that's their purpose. I just want the Give-Away Center to be educated on how to treat people fairly." This case marks a turning point in Lynn's journey through resilience, which began in childhood.

"I identified as transgender as early as eight or nine years old," says Lynn, now in their 40s. "I didn't know what was going on and I would think, 'Why me?' I had trouble being accepted for being me, and didn't have any support in those early years."

When Lynn was just 11 years old, their hair started falling out. "My mom took me to our primary care physician. He told us my hair loss was due to high stress."

Bullying in school, an unsupportive family and societal unacceptance were all contributing stressors. Eventually, the rejection by family and peers sent Lynn down a path of depression, substance use, poverty and attempts at suicide.

"I hated that feeling of thinking something was wrong with me," Lynn says. "The verbal and emotional abuse was really overwhelming and I just wanted to cover it up with something. And yeah, there were times when I wanted to end things. I took a bunch of pills at one point and wound up in the emergency room."

Although Lynn has a good relationship with their mother today, she has not always been accepting of Lynn's identity as a transgender person.

"It's been a long haul with my mom, but it's good now," Lynn says. "We have a good relationship. My dad—not so much. He didn't accept my identity, and thought it was a bad thing. He just didn't understand."

Lynn's long battle with poverty and substance abuse is one that is all too common among LGBTQ youth, particularly LGBTQ youth of color. Research has shown that LGBTQ youth may use substances at higher

rates than their peers, an outcome linked to family rejection and discrimination related to their sexual orientation or gender identity.

Additionally, a disproportionate number of LGBTQ youth who are homeless are youth of color. A 2014 survey of human service providers serving the youth homeless population in the U.S. reported that 31 percent of their LGBTQ clients identify as African American and 14 percent identify as Latino/Hispanic.

"Dealing with my family dynamic over my identity—an identity they did not accept—it was a slippery slope. If my family had been more supportive, they could have helped me through it."

Despite the challenges, Lynn remains resilient. And they hope to encourage others to stand up for who they are, too.

"You should feel comfortable as a person," Lynn says, when asked what they would tell someone facing similar circumstances. "If you find yourself in the same situation, you don't have to face it alone. Stand up for yourself. Don't let anybody think they can treat you like that."

GLAD is honored to be working with Lynn in standing up against the discrimination they faced at the Springfield Rescue Mission. "This case speaks to the intersection of anti-LGBTQ discrimination with racism," says Wright. "LGBTQ people of color often experience discrimination because of their LGBTQ status and their racial or ethnic backgrounds. It is no surprise then that LGBTQ people of color are more likely to live in poverty, be victims of hate crimes, and disproportionately targeted and harmed by the criminal justice system. I am proud to represent Lynn, whose courage to act sends a powerful message to all places providing services to the public—that having a religious mission does not exempt them from a civil obligation to treat everyone fairly."

"Even though I don't know what the outcome will be, nobody deserves to go through what I did," Lynn says. "I'm fighting against it with GLAD so it doesn't happen to anyone else." ■



Arvia Walker, Tekisha Everette and Pat Comerford at GLAD's April Justice for All event in Connecticut



Hayley Bohn and Sindhu Sreedhar at Boston Pride



Connecticut Lieutenant Governor Nancy Wyman (left) and Connecticut State Comptroller Kevin Lembo at Justice for All in April.



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Informações e recursos gratuitos e confidenciais para as comunidades LGBTQ e HIV+

Des informations confidentielles et ressources gratuites pour les communautés LGBTQ et de personnes vivant avec le VIH

Información y recursos gratuitos y confidenciales para la comunidad con VIH+ y LGBTQ