Sarah Blanchette tells a story about transitioning from male to female. Upon deciding to live authentically as a woman, she asked to meet with her supervisors at work: “I told them about my struggle, my plans to live full-time as a woman, and my hope that this transition would not disrupt my work. I assured them I would continue to present myself in a professional and appropriate manner, and asked for their support and understanding.”

Unfortunately, that’s not what she got – she was fired instead. The impact was crushing: “After more than 7 years as part of the close-knit college community, I felt like a criminal. I was devastated. On a practical level, losing my job was terrifying. How would I support my family? Or continue saving for retirement? On a personal level, I felt like their decision was a judgment that the life I had risked so much for was wrong. And that I was wrong for living it. But what I wanted was really something very basic—to live my life freely, and with dignity.”

People who heard Sarah tell her story at GLAD’s Spirit of Justice dinner were deeply moved – and many came to a greater understanding of what transgender people are up against in our society.

Recognizing the power of one person’s story, GLAD has committed new resources to finding and telling the real-life tales of LGBT people and people living with HIV. After creating a

RI Couples Can Now Marry in MA

Mary Norton and Wendy Becker of Providence, Rhode Island began a two-and-a-half-year legal journey when they tried to get married in Massachusetts in May 2004. They were thwarted when Governor Mitt Romney revived an antiquated law in order to stop out-of-state same-sex couples from marrying in Massachusetts.

Their odyssey finally ended in Capron Park in Attleboro, where they exchanged vows before family and friends on October 8, 2006. Their daughter Hannah, 7, served as the flower girl and their son Mickey, 3, was the ring-bearer.

The ceremony was made possible when GLAD won the right of Rhode Island same-sex couples to marry in Massachusetts, the result of a trial court decision issued on September 29.

“At last the fence of discrimination has been removed at the border of Massachusetts and Rhode Island,” said GLAD staff attorney Mary Norton and Wendy Becker at their October 8 wedding with their children Mickey and Hanna.
Ron Ansin Makes Life Challenging!

“I want to make it harder for GLAD” is what well-known philanthropist Ron Ansin said about his matching challenge at the Spirit of Justice Dinner.

A GLAD donor since 1994, Ron has also been a great supporter of many other causes. Non-profits he supports include the Boys & Girls Club, Lawrence Academy and the Community Foundation of North Central Massachusetts, as well as a host of organizations working to further LGBT rights: Lambda Legal, GLSEN, GLAAD, the ACLU, and National Stonewall Democrats. In 1999 Ron received the national Alexis de Tocqueville Society Award, the United Way of America’s highest honor for volunteer service, joining such luminaries as Jimmy Carter, Ambassador Walter Annenberg and Vernon Jordan.

Because Ron is strategic about helping organizations grow, he wanted to do more than just give his money to GLAD. He knew that GLAD can’t rely only on current donors, but also needs to bring new donors into the GLAD family.

So Ron built an incentive into his matching challenge to motivate donors to go above and beyond their past commitments, and to inspire new donors to join the cause. Ron agreed to match only these new dollars raised at the dinner. And it worked! On October 27, dinner attendees gave $141,000 in response to Ron’s challenge. Over $75,000 of that was in brand new money, securing Ron’s $50,000 in matching funds. For 139 donors, this was their very first gift to GLAD.

“We can’t thank Ron enough for his wonderful generosity and his impact in leveraging new donations,” said GLAD Executive Director Lee Swislow. “His enthusiasm and confidence in GLAD’s work is an inspiration.”

Marrying & Advocating

GLAD and MERI are working together to promote marriage respect in Rhode Island. To receive a packet of advocacy information about marriage in Rhode Island, email cccunningham@glad.org.

GLAD’s new publication, “Marrying in Massachusetts: A Guide For Rhode Island Same-Sex Couples,” is available online at www.glad.org.

Couples considering marriage are encouraged to contact GLAD’s Legal InfoLine at 1-800-455-GLAD.

RI Couples continued from 1

Michele Granda, who argued the case, Cote-Whitaker v. Department of Public Health.

The decision from Judge Thomas Connolly came after the Massachusetts Supreme Judicial Court remanded the case back to Superior Court in March. The SJC determined that couples from states with no “express prohibition” against marriage for same-sex couples could marry in Massachusetts. Judge Connolly found no express prohibition in Rhode Island, clearing the way for couples to marry.

Other Rhode Island couples have crossed the border to marry, and more have plans in the works. GLAD is working with these couples and Marriage Equality Rhode Island (MERI) to cultivate recognition and respect for these marriages by employers, government agencies, and other entities.

And MERI will continue its affirmative campaign for marriage equality in that state, expecting to introduce a marriage bill in the 2007 legislative session.

“We expect that Rhode Island will respect these marriages as they do all other legal marriages performed in other states,” said Granda. “It’s a great win for Rhode Island. It allows Rhode Islanders to see what Massachusetts has seen – that marriage helps the couples and their families, helps build strong communities, and hurts no one.”

Mandy Carter Community Event:

Poet Letta Neely reads at an October 29 community event featuring Mandy Carter and co-sponsored by GLAD and a wide variety of social justice organizations. It took place at Union United Methodist Church, with music by the band Zili Misik, songs by Judah Dorrington, and remarks by Rev. Martin McLee, Rev. Irene Monroe, Pam Johnson, and Douglas Brooks.
Jenkins said, “I’m happy that each of these rulings brings me closer to seeing my daughter. I long to hold her, and tell her how much I love her.”

GLAD secured two back-to-back, unanimous victories at the Vermont Supreme Court in a custody dispute, giving Janet Jenkins new hope for a fair custody plan with her former civil union partner Lisa Miller – and a chance to see her daughter again.

On August 4, 2006, after nearly a year of deliberation, the Vermont Supreme Court issued a unanimous ruling affirming Janet’s status as a parent as well as the validity of an earlier ruling by Vermont Family Court allowing Janet visitation with her daughter, Isabella. (Lisa had sought and received a competing ruling in Virginia, where she lives with the child.) The Court further affirmed the Family Court’s finding Lisa in contempt for flouting the court-ordered visitation.

Jennifer Levi, the GLAD senior staff attorney who argued the case before the Supreme Court, said that the ruling is important for all children and all families. “The court recognized that this family is like all others dealing with a break-up. The court applied well-established legal principles designed to protect children caught in the middle of their parents’ break-up. There is no gay exception to those principles.”

Lisa’s attorneys filed a motion for re-argument, which the court rejected on November 9. On November 17, the Family Court held a contempt hearing, which Lisa did not attend, in which it fined her over $8,000, and an additional $25 for every day she continues to deny the court-ordered visitation.

“Sadly, parents doing what Lisa is doing – putting the child in the middle of an adult dispute – is not new,” said Levi. “Federal and state governments have protected children by stating clearly that the first court to adjudicate custody has continuing and exclusive jurisdiction.”

“We hope that now that the Vermont Court has ruled on every open legal question in the case, the Virginia Court of Appeals will rule quickly and consistently.”

Janet said, “I’m happy that each of these rulings brings me closer to seeing my daughter. I long to hold her, and tell her how much I love her.” It has been more than two years since Jenkins has seen Isabella.

As right-wing attacks escalate on families headed by same-sex partners, said Levi, it’s important for parents to complete second-parent adoptions where they are available. For more information about second-parent adoptions, consult GLAD’s website (www.glad.org) or call the Legal InfoLine at 1-800-455-GLAD.
Lawsuit Seeks Tax Deduction for Sex Reassignment Surgery

“Transgender people deserve dignity, respect and equal treatment for our medical care,” said Rhianne O’Donnabhain, who is seeking to have her sex reassignment surgery (SRS) recognized by the Internal Revenue Service as a necessary and deductible medical expense. In April 2006, GLAD filed suit on Rhianne’s behalf in U.S. Tax Court asking for exactly that.

Rhianne was diagnosed with gender dysphoria in 1996. She then undertook a course of professionally prescribed medical treatment that included her 2001 SRS. She claimed the cost of her surgery, as a necessary medical expense, on her 2001 federal income tax return, and received her refund in June of 2002.

However, when Rhianne was audited six months later, the IRS rejected the deduction, claiming that her surgery was cosmetic, and not permissible as a tax deduction. She appealed within the IRS, and after an initial indication by an Appeals Officer that the deduction would be allowed, the local IRS office sought a second opinion from Washington. The Commissioner of Internal Revenue rejected the claim, erroneously confirming the auditor’s position that the surgery was “cosmetic” within the meaning of the federal tax code in an Advice Letter on October 14, 2005. Working with the Boston firm of Sullivan & Worcester, GLAD is appealing this determination in Tax Court.

“Sex reassignment surgery can be as medically necessary for some people as an appendectomy or heart bypass surgery,” said GLAD staff attorney Karen L. Loewy. “Any notion that such surgery is purely a cosmetic matter to satisfy a person’s vanity is based on the crudest misunderstanding and lack of education.” In addition to GLAD, “While the money is significant to me, so is the underlying principle,” said Rhianne. “I hope this case sends a clear message and can benefit other people as well as me.”

Rhode Island Roundup!

We are planning a Providence-based event in the Ocean State to take place next spring. If you are interested in serving on the host committee, or would like to give your time in some other way, please contact GLAD Board Member Marianne Monte at mmonte@bankri.com.
NH State Employees Win
First Round of Discrimination Case

The state of New Hampshire must stop discriminating against its gay and lesbian employees, according to Superior Court ruling in Bedford & Breen vs. New Hampshire State Technical College.

In this case, GLAD represents Anne Breen and Patricia Bedford, long-time employees of the state community and technical college system, who tried to get insurance and leave benefits for their partners and children — benefits their heterosexual co-workers have automatic access to through marriage, but from which they are barred because New Hampshire does not allow same-sex couples to marry.

“This case is about equal pay for equal work,” said GLAD attorney Karen Loewy. “As long as same-sex partners are excluded from marriage, an employer cannot use marriage as an eligibility requirement for benefits. It’s simply not fair.”

The court recognized that by making marriage a requirement for certain employment benefits, the state sets up an insurmountable barrier for gay and lesbian employees: “Lesbian and gay employees are adversely impacted because, unlike heterosexuals, they cannot meet the marriage requirement. The State’s attempt to couch the issue as one wherein all unmarried individuals are impacted equally, avoids that reality.”

New Hampshire’s non-discrimination statute forbids the state from engaging in this kind of unfair practice based on sexual orientation.

Bedford and Breen, who filed the case in 2002, each have a long-term partner, and each is raising a child. Both families have had to take extraordinary measures to provide for their families. Bedford’s partner of 14 years, Vivian Knezevich, stays at home in the daytime with the couple’s 4-year-old son. But she had to take on a night job in order to pay for her own health insurance, creating a hectic daily routine for the family.

“We didn’t have supper together for three years after Christopher was born,” said Bedford. If the case is ultimately successful, “I’ll be able to cover Vivian with health insurance, take time to care for her when she’s sick, or, God forbid, use bereavement leave if I ever need it.”

Breen and her partner, Kathleen Doyle, have been together for 28 years. A medical scare involving their newborn son, Matthew (now 10), was exacerbated by the lack of family benefits. Matthew was hospitalized for three weeks with respiratory distress syndrome at Children’s Hospital in Boston — far from home in New Hampshire. Breen, not the biological mom, was not recognized as Matthew’s parent and could not take family leave to be with him and Kathleen. She took vacation time instead.

“Like anyone with a job, I think it’s fair to receive the same compensation as my co-workers for doing the same work,” said Breen, who works in security. “I’ll be happy to be able to provide my family with the same benefits and protections that my heterosexual colleagues can.”

The state of New Hampshire is appealing the ruling, and the state’s Supreme Court has decided to take the appeal directly. Briefing is expected to conclude early in 2007, with oral arguments sometime in the spring.

Said Bedford, “There are a lot of other families who will benefit from this. I’m grateful that Anne and I were able to team up with GLAD to work on this together. It’s become about more than just Vivian and me.”}

ConCon Defeats Anti-Marriage Question:
GLAD Executive Director Lee Swislow and MassEquality Director Marc Solomon celebrate at the conclusion of the November 9 Massachusetts Constitutional Convention. The legislature recessed without voting on an anti-marriage equality measure, effectively eliminating any possibility that it will appear before Massachusetts voters in November 2008.
Advancing Trans Rights in VT and CT

Establishing stronger, broader legal protections for New England’s transgender citizens will be one of GLAD’s legislative priorities for 2007 – and upcoming legislative sessions could enhance the region’s status as a national leader on transgender rights.

Already, Rhode Island and Maine provide explicit protections against discrimination for transgender people. Rhode Island’s non-discrimination law, passed in 2001, was the second such state law in the country. As a result of pointed advocacy by GLAD, Maine’s 2005 antidiscrimination law included “gender identity and expression” in the definition of a person’s “sexual orientation.”

In Massachusetts, GLAD is working with the Massachusetts Transgender Political Coalition to lay the groundwork for legislative action. In Connecticut and Vermont, legislative work is further along.

Connecticut

GLAD and a coalition of Connecticut partners supported the 2006 introduction of a bill aimed at extending the protections of the existing nondiscrimination law to transgender people. The bill received a hearing before the joint Judiciary Committee, but no vote. It will be reintroduced in the 2007 legislative session.

“Connecticut legislators have a good basic understanding of the need for legislation protecting trans people from discrimination,” says GLAD attorney Jennifer Levi.

According to Levi, the work ahead involves further educating legislators about the scope of the law and the way it will affect people’s day-to-day lives. In particular, the bill’s proponents need to address a concern raised by opponents about how schools might deal with teachers transitioning on the job.

Vermont

In early 2006, Vermont was on the brink of enacting an antidiscrimination bill protecting its transgender citizens. The Gender Identity and Expression Nondiscrimination Act cleared both the Senate and House with strong support. But Governor Jim Douglas vetoed the bill. According to the Burlington Free Press, Douglas emphasized his commitment to fighting discrimination, but said he had reservations about the language of the bill, and about whether the Vermont legislature had given it proper consideration.

GLAD and our partner organizations have been working to address these concerns and consider the 2007 legislative session a positive environment for the bill’s passage. Vermont’s transgender community enjoys strong support from the state Attorney General’s office, which issued a probable cause ruling in the case of Anthony Barreto-Neto, a GLAD client and police officer fired for being transgender.

“New England is very much leading the country in codifying protections in law for trans people,” says Levi. “The first step in ensuring protections was getting both court and agency rulings to support rights for trans people. We have taken that first step, and legislation is an important next step. GLAD’s work in New England has laid the foundational work for the rest of the country to follow.”

Docket Highlights

Shaw v. Murphy: GLAD is appealing a Massachusetts trial court decision, which denied Ashley Shaw, a 16-year-old girl with HIV, the ability to challenge a decision by MassHealth not to cover a surgery to remove Ashley’s “buffalo hump” caused by her HIV medications.

Don’t Ask, Don’t Tell: GLAD has filed an amicus brief in the U.S. Court of Appeals for the First Circuit in Servicemembers Legal Defense Network’s challenge to the military’s policy of excluding gay and lesbian citizens from service. GLAD’s amicus brief focuses on the policy’s violation of equal protection guarantees, and is available at www.glad.org.


D’Amico v. Cranston School Department: The Rhode Island Human Rights Commission found probable cause that sexual orientation discrimination occurred when a RI teacher was denied family leave to care for her partner. The School Department has now exercised its right to remove the matter to the trial court, where GLAD will continue to pursue the discrimination claim.
Spirit of Justice Raises the Bar

“Southern, out, black, lesbian, social justice activist” is how Mandy Carter, GLAD’s 2006 Spirit of Justice Awardee describes herself. GLAD honored Mandy at the Spirit of Justice Dinner in October for her lifetime’s work of grassroots organizing. The event featured an analysis of the recent New Jersey Supreme Court marriage decision by GLAD legal director Gary Buseck (available at www.glad.org). Sarah Blanchette, a transgender woman whom GLAD represented when she was fired from her job, spoke movingly about her life. Spurred on by a generous challenge from philanthropist Ron Ansin, the event raised a record $457,000 with over 900 attending.

New Publications

Continuing to expand the information and resources available to the community, GLAD has released these three new publications that are available online or in hard copy:

**Marriage Guide for RI Couples:** In September 2006, a Massachusetts trial court removed the discriminatory barrier to marriage in Massachusetts for same-sex couples living in Rhode Island. As the first marriages of same-sex Rhode Islanders are taking place in Massachusetts, this document will help couples understand the decision and plan for what may lie ahead.

**Rights of LGBTQ Youth in Maine:** Informs LGBTQ youth about their rights to a physically safe environment, free of discrimination and harassment, with freedom of speech and expression while in their schools, child welfare placements and in the juvenile justice system. It includes a list of resources and publications available to youth who are being discriminated against and harassed.

**Rights of LGBTQ Youth in Rhode Island:** Informs LGBTQ youth about their rights to a physically safe environment, free of discrimination and harassment, with freedom of speech and expression while in their schools, child welfare placements and in the juvenile justice system. It includes a list of resources and publications available to youth who are being discriminated against and harassed.

To order a free hard copy of a publication, email bbell@glad.org, or call GLAD’s Legal InfoLine, Monday through Friday between the hours of 1:30 and 4:30. Our volunteers can assist callers in both English and Spanish. In the Boston area, call 617.426.1350. Outside the greater Boston area, call 800.455.GLAD (4523). Or visit GLAD’s website: www.glad.org.
Welcome New Staff

Before coming to GLAD, Writer/Researcher Ali Cashin worked in communications for Boston University and for YAI/National Institute for People with Disabilities in New York, NY. She has worked as a freelance writer and editor, and as a civil rights advocate for prisoners. Ali is an honors graduate of Boston University’s master’s program in Journalism. Her degree culminated in a fellowship with the Institute for Human Sciences in Vienna, Austria, where she wrote about post-Communist Eastern European journalism. She is a 1997 graduate of Vassar College.

Nima Eshghi moved from GLAD’s board to staff, where she now works as an attorney. Before GLAD, Nima worked at Edwards, Angell, Palmer & Dodge, LLP, as director of professional development. Prior to that, she represented low-income families living with HIV/AIDS as staff attorney and clinical instructor at Harvard Law School’s Legal Services Center. She also has worked as a litigation associate at Foley, Hoag & Eliot LLP. Nima, who began her legal career as a law clerk to Chief Justice Herbert P. Wilkins of the Massachusetts Supreme Judicial Court, has a BA from Smith College, a master’s in political science from the University of Washington, and a JD from Northeastern University School of Law.

Amanda Hainsworth joined GLAD as a litigation assistant after graduating from Brown University with honors, where she studied Gender Studies. Her senior thesis on sex education history, policy, and practice won the departmental award for outstanding thesis. Amanda skates and snow boards, plays guitar, is in the process of learning banjo and has a dog/coyote mix named Wiley.

Litigation assistant Sarah Morton received her BA from Dartmouth College as a senior fellow, and will graduate with a Master’s Degree in English Literature from the University of Sussex in Brighton, England in 2007. On the lighter side, she was a founding member and the first president of the Dartmouth Union of Boggles (as in the word game, “Boggle”).

Before coming to GLAD as a staff attorney, Janson Wu worked as a coordinating attorney with Tri-City Community Action Program, a multi-service, anti-poverty organization. Prior to that, Janson was an associate at the litigation law firm of Quinn Emanuel Urquhart Oliver & Hedges in San Francisco, where he also volunteered on an LGBT anti-violence hotline, for the Lawyer’s Committee of Civil Rights, and for the AIDS Legal Referral Panel. He serves on the board of Coro Allegro, Boston’s only LGBT chorus. Janson is a graduate of both Harvard University and Harvard Law School.

Save the Date

The 2007 GLAD Winter Party will take place on Sunday, March 18th from 4-7 p.m. The festivities will be held in the elegant Boston Ballet Building.

GLAD’s 2007 Summer Party will take place on Saturday, July 28th from 4-7 p.m. on the beautiful grounds of the Pilgrim Monument and Provincetown Museum.

Watch www.glad.org for more details!

Welcome New Board Members

Sandy Anderson is Vice President of Marketing and Sales Support at IDx Systems Corporation in Boston, now part of GE Healthcare. She started as an installation and support representative at IDx in 1987. In her current position, she provides strategic direction to drive revenue and market share through new business initiatives, product management and marketing.

Wilbur Herrington is a management consultant whose work focuses on diversity and organizational development. He was one of the first members of the Diversity Office at Lotus Development Corporation, and is the former board chair of the Topf Center, a dance organization that uses dance to foster self-esteem and interracial understanding among adolescents.

Chuck Latovich has managed and implemented diversity communication strategies, designed and conducted corporate training in diversity issues, and consulted on diversity strategies and goals. He has a bachelor’s degree in journalism and a master’s degree in education from Boston University, and lives with his husband in Brighton, Massachusetts.

Dianne R. Phillips is partner in the Boston office of Holland + Knight, where she practices regulatory, energy, and environmental law. She co-chairs the firm’s Gay, Lesbian, Bisexual & Transgender Workgroup, whose mission is to develop and promote LGBT lawyers. The group has participated in LGBT-focused activities such as pro bono representation of HIV positive asylum seekers and leading the firm to sponsor the annual Gay, Lesbian, Straight Education Network “Respect Awards”.

Watch www.glad.org for more details!