On February 2, 2010 – two-and-a-half years after GLAD attorneys Karen Loewy, Bennett Klein, and Jennifer Levi argued that Rhiannon O’Donnabhain should be allowed to deduct medical expenses related to her gender transition from her taxes – the US Tax Court ruled in Rhiannon’s favor. The conclusion of the 139-page document states that gender identity disorder (GID) is a well-recognized medical condition and that: “hormone therapy and sex reassignment surgery are considered appropriate and effective treatments for GID.”

The victory electrified the transgender community and the media across the country. Over 70 people called in to take part in the teleconference the following day – many were turned away and would have to listen to a recording of the conference a day later through a link on GLAD’s website.

Rhiannon was surprised when she got word the case had been decided. “Even though my GLAD attorneys had been reassuring me that my case had merit, I’d sort of lost hope. I thought maybe the tax court had decided to avoid my case because it was too controversial.”

When asked to reflect on the trial, Rhiannon remembers with a sense of dread the discomfort she felt having to publicly reveal intimate details of her life during the pre-trial deposition and the cross-examination at the trial. “It was a very emotional, unpleasant experience,” she says. “The questions were sometimes embarrassing and demeaning.”

In light of the bigger picture of a legal victory it is easy to forget the incredible sacrifice plaintiffs are asked to make in fighting their cases. Just a few pages of transcript from O’Donnabhain v. Commissioner of Internal Revenue are enough to convey the tension Rhiannon faced in the courtroom for four grueling days.

Not surprisingly, she tries her best not to think about it. And she has plenty to distract her. Rhiannon is overseeing the construction of an in-law apartment above the garage of what once was her home but is now owned by her son. She’s contemplating backpacking through Ireland where her fondness for Guinness will be amply fed and where she can explore family history.

Meanwhile, back in the US, life for many has changed. Rhiannon says that GLAD attorneys told her from the start that her case would have broad consequences, but she never understood what that meant until around March when blogs started sprouting on the internet. Transfolk were calling Rhiannon a hero and jubilantly filing their 2009 tax returns, deducting the cost of their transition-related medical expenses.

“It’s strange,” she says, “I’ve read these statements about how I’m a hero, but I don’t feel anything like that. I’m no one special. I’m just me.” Rhiannon laughs, “But, for the record, I want it known that I expect Joan Jett to play me in the movie.”
From the Executive Director
Lee Swislow

E quality begins at home. For more than thirty years, GLAD has been fighting to end all kinds of discrimination against LGBT and HIV positive people in New England. But the legal expertise, sharp strategy, and communications know-how we’ve developed over these thirty years means that our work often also has a national impact.

In 1995, our victory at the United States Supreme Court in *Bragdon v. Abbott* established that people with HIV and AIDS across the country are protected by the federal Americans with Disabilities Act (ADA).

This February, we won another landmark victory when the U.S. Tax Court ruled in favor of our client, Rhiannon O’Donnabhain, that treatment for gender identity disorder qualifies as medical care under the Internal Revenue Code, and is therefore tax deductible. This decision means justice for Rhiannon, and brings transgender people across the U.S. closer to the fair and equal treatment from their government they deserve.

GLAD is a key player in the national coalition working to pass an inclusive federal Employment Non-Discrimination Act (ENDA), and our Transgender Rights Project director, Jennifer Levi, is active in national policy discussions on transgender legal issues.

And, of course, we were in court on May 6 for the first hearing in our challenge to the federal Defense of Marriage Act (DOMA), a case that, while rooted in the discrimination faced by our Massachusetts plaintiffs, has implications for legally-married same-sex couples across the country.

With all of that, we haven’t taken our eye off expanding equality here at home. From helping to pass anti-bullying legislation in Massachusetts and working on transgender non-discrimination bills in Connecticut, Massachusetts and New Hampshire, to continuing the conversation about marriage equality in Maine and Rhode Island, litigating on behalf of transgender students in Maine and parents’ rights in Connecticut and Vermont, and maintaining our outstanding Legal InfoLine to ensure LGBT and HIV positive people know their rights, GLAD’s legal work in New England remains unparalleled.

I invite you to read more about our work in the next few pages. And, as always, I thank you for supporting all we do.
Our first hearing in *Gill v. Office of Personnel Management*, challenging the constitutionality of the federal Defense of Marriage Act (DOMA), was all any one could ask for. Presiding Judge Joseph L. Tauro was courteous and well prepared. He listened attentively and closely questioned both sides. The Judge’s Clerk had secured a second courtroom so that overflow spectators could see and hear the argument taking place just a few doors away. Our plaintiffs – all of whom have been denied federal marital protections only because of DOMA – sat to the Judge’s right in the jury box.

With colleagues from GLAD, Foley Hoag LLP, Jenner & Block, and Sullivan & Worcester seated nearby, and channeling many of their thoughts, I set forth the basic equal protection framework of our case: that section 3 of DOMA takes the one class of marriages in Massachusetts and splits it in two, treating identically married persons dramatically differently. Because of our 230-year tradition of federal deference to state determinations of marital status, all married people receive federal acknowledgement of their marriages as well as federal marital protections. But DOMA departs from that rule and denies these things – 1,138 federal marital protections and responsibilities – only to married gay men and lesbians.

With DOMA disadvantaging only some married persons, the legal question is one of justification. In deciding on DOMA’s constitutionality, the Court could apply “rational basis” review, even allowing the government to make up reasons for the law after the fact as long as they are legitimate government purposes and rationally connected to what DOMA actually does. Or the Court could apply a higher form of scrutiny, requiring the government’s justifications to be real and weighty, and requiring the distinction made to be closely related to the law’s stated objectives.

I argued that our plaintiffs should win no matter how closely the Court looks at the government’s stated justifications.

The definitive legislative history of DOMA, passed in 1996 when it looked like marriage equality might come to Hawaii, shows that Congress jettisoned its rule of deference to state determinations of marital status for all the wrong reasons. The Report of the House Judiciary Committee shows that Congress knew full well what would happen if same-sex couples were able to marry in Hawaii: federal agencies would treat them like other married persons. An explicitly stated purpose of DOMA in the House Report was to reflect Congress’s “moral disapproval of homosexuality.” In the words of then House Judiciary Committee Chairman Henry Hyde, DOMA allowed Congress to express its “disapprobation” for “homosexual conduct.”

*continued on page 4*
In addition to baldly confessing DOMA's roots in a desire to disadvantage gay people, an improper objective at any time, the 1996 Congress said DOMA would “defend traditional marriage.” But Congress doesn't regulate family law or marry people, so its disagreement with state marital policy is not a valid federal interest. Moreover, the “defense of traditional marriage” does not speak to what DOMA actually does – which is deny all federal marital protections to people who are already married.

The House Report says DOMA is also about protecting children. But even if Congress in 1996 believed that a family with a biological mother and a biological father creates the optimal environment for children (an interest the government has disavowed in this litigation, to their credit), it is patently obvious that DOMA does nothing to encourage more of those households. Instead it only denies protections to married same-sex couples and any children they are raising.

I also took aim in my argument at the final two rationales advanced in the 1996 House Report: “conserving resources” and “preserving state sovereignty.” Although denying benefits to any group may “conserve resources,” there was no explanation from Congress as to why same-sex married couples alone among all married couples were to be singled out for cost cutting. And we’ve since learned from a 2004 Congressional Budget Office Report that the federal treasury is actually harmed by DOMA. Finally, the claim that DOMA “preserves state sovereignty” is nonsensical – DOMA Section 3 overrides state marital determinations.

That left only the government’s newly minted rationales for DOMA: “preserving the status quo” and “maintaining consistency in federal benefits.” From our perspective, these new rationales are backwards. DOMA upended the status quo by creating a first-time-ever national marriage definition only in order to deny federal marital protections to married same-sex couples. And DOMA subverted consistency, because but for DOMA, all married persons – whatever their state law – would consistently receive federal protections.

The government argued that it is too difficult for federal agencies to keep track of the changing status of marriage for same-sex couples in the states. I reminded the Court that we are not talking about a mom and pop operation, but about large organizations with highly skilled employees who have historically kept track of who is married despite changes in the states (think interracial marriage or remarriage after divorce), and who even now can keep track of who is married in the 12 common law marriage states.

Having argued that DOMA fails even on rational basis review, I then turned to why the Court should in any event apply heightened scrutiny in this case. First, DOMA’s departure from federalist principles requires a closer look. As the Supreme Court has often stated, because “the whole subject of domestic relations belongs to the states and not the laws of the United States,” the federal government has deferred to a state’s determination of marital status for purposes of determining eligibility for federal programs. As reiterated in a recent case involving the Voting Rights Act, where a federal law infringes on an area of traditional state authority (as DOMA does by negating some people’s state-determined marital status), or creates differences between states (as DOMA does by disrespecting some marriages from some states), close review is required.

Second, I argued that DOMA treats people differently with respect to the established fundamental right of family integrity. Both the Supreme Court’s Lawrence v. Texas decision and a later First Circuit case establish that government burdens on how people form >
families get a closer look. DOMA is such a burden. Congress used DOMA to tell married same-sex couples that they are not married for all federal purposes and deny them all federal marital protections. For the first time ever, Congress divided the state-created marital status into distinct federal and state realms, thereby robbing them of the dignity, security and clarity that being “married” normally provides. Even filling out a federal tax form requires our plaintiffs to check off, under the pains and penalties of perjury, the boxes for “single” or “head of household,” and not “married” as they are.

Finally, I argued that DOMA should get heightened review because it differentiates between marriages based on the sexual orientation of the participants. We put forth a wealth of information about the factors courts use in determining whether a classification is suspect: affidavits from our nation’s leading experts in the history of discrimination; the nature of sexual orientation; the factors for healthy child development, and the relative political power of gay men and lesbians. The government contested none of this. Instead, they argued that Cook v. Gates, involving Don’t Ask Don’t Tell, already ruled on this question, so that the controlling law in our Circuit is that sexual orientation is not a suspect class. I countered that the litigants in Cook didn’t ask the court to rule on the suspect class question, much less provide a record of discrimination as we have; any stray language in the case regarding suspect class was not essential to the court’s finding against those plaintiffs, nor did it settle the question.

It is not at all routine for Judges to strike down Acts of Congress, but DOMA is one of those rare federal laws that must meet that fate. Arguing before Judge Tauro, I invoked Justice Kennedy’s stirring reference in Romer to Justice Harlan’s dissent in the infamous Plessy v. Ferguson “separate-can-be-equal” case: “the Constitution neither knows nor tolerates classes among citizens.” The guarantees of the United States Constitution apply to LGBT Americans, too. We can no longer have different classes of citizens — or marriages — simply based on sexual orientation.

More information about GLAD’s challenge to Section 3 of DOMA is available at www.glad.org/doma

Our Lives and Dreams Are at the Mercy of DOMA

DOMA threatens to keep Niles and Thiago apart. Meet them, and read more DOMA Stories at www.facebook.com/DOMASTories

Valuing All Families: Marriage Equality in Rhode Island

This spring GLAD produced a new video in conjunction with Marriage Equality Rhode Island and MassEquality to show why putting an end to marriage discrimination is a good idea for the Ocean State.

The five families in this video exemplify the best of marriage: love and commitment, in sickness and in health, for better and for worse. After hearing their stories, you just can’t deny that they understand marriage, and deserve marriage equality.

Watch now at: www.glad.org/work/valuing-all-families-video

Maine: Making History, Changing Lives

Save the Date:

Maine: Making History, Changing Lives

Saturday, August 28, 2010
3:00 – 5:00 PM
Katie’s on Shore Road, Ogunquit, ME
Details at www.glad.org

Our Lives and Dreams Are at the Mercy of DOMA

DOMA threatens to keep Niles and Thiago apart. Meet them, and read more DOMA Stories at www.facebook.com/DOMASTories

Maine: Making History, Changing Lives

Saturday, August 28, 2010
3:00 – 5:00 PM
Katie’s on Shore Road, Ogunquit, ME
Details at www.glad.org
A True American Story: Hirschel McGinnis

Hirschel McGinnis has been a member of GLAD’s Equal Justice Council for the past four years. But his commitment to fighting for equality goes back generations – to a family history that is a true American story.

Hirschel’s father’s family has deep roots in the United States. “The story,” Hirschel says of his blended ancestry, “is that generations ago a white Irishman named Alfred McGinnis came to America and wound up in Marengo County, Alabama.” There, he married a black woman, Amanda, and had as many as 17 children. Hirschel’s father, John, was descended from the branch of the McGinnis family who migrated north. John was born in East Chicago, Indiana in 1926 and raised by his mother, Louise, and extended family in Washington, D.C.

Hirschel’s mother, Elaine, on the other hand, is a first generation American. Her family emigrated to the U.S. and Canada after anti-Jewish pogroms forced them to leave their home in Ukraine in the early 1900’s. Elaine was born in Pittsburgh in the late 1930’s. Hirschel says his mother’s childhood was “fairly progressive for the time” – the schools she attended were racially integrated, as were her personal friendships.

Unlike Elaine, John attended schools in D.C. that were still segregated. John joined the Navy in 1945 and served in the Philippines, as the U.S. armed forces were just being integrated. “There were still race riots,” Hirschel says of his father’s time in the service, and when John came home things weren’t much better. “My dad sacrificed like all the other service members, but as an African American he didn’t return to a fair system. He didn’t have the same educational opportunities; he didn’t have access to fair housing or even the same full voting rights.”

Elaine moved to D.C. in the late 1950s, renting a room in the house of a family John knew. The two met and were married within six months. Their small wedding, in 1958, was nearly ten years before the Loving decision that ended all bans on interracial marriage across the United States, and that climate had an impact. Elaine’s family was so opposed to the union that to this day Hirschel hasn’t met most of them. And while John and Elaine owned land in suburban Maryland, they chose to stay in D.C. where they could send Hirschel and his sister to integrated schools. “We refused to allow our children to attend a segregated, substandard school in Maryland,” Elaine says. Instead, the family waited to build a home on their land until 1971, when the de facto system of segregation in the Maryland schools ended.

Hirschel speaks proudly of his parents’ determination to “authentically live their lives the way they felt they wanted to.” Despite outside pressure from society and family, he says, “they wouldn’t let anyone else impose a paradigm on them.”

The family was tested when Hirschel’s father passed away suddenly in 1973 without a will. Hirschel and his sister were nine and four, respectively, and their mother, working in government, was not yet 40. “We were a young, vulnerable family,” Hirschel says. But his mother worked hard to sustain them and keep them together. That she was able to do so Hirschel attributes largely to the societal safety net that came with his parents’ marriage.

“I believe very strongly that what maintained our family’s standard of living is that my mother was uncontested as my father’s heir as his legally recognized wife. Without the Loving decision, that could have been challenged. I have no doubt that being recognized as his wife – avoiding probate and taxation of his estate – as well as her ability to access my father’s survivor benefits were key to maintaining our stability. It meant being able to keep my sister and me in the same home and schools, and together as a family. We have these laws in place precisely to help sustain families in such vulnerable situations.”

Hirschel is a radiologist, and has lived in Boston since 1989. He has been active in the grassroots fight for marriage equality, volunteering with Freedom to Marry and MassEquality. But he says he sees GLAD’s legal strategy as key to the struggle, just as the courts were instrumental in securing universal recognition of his parents’ marriage.

“When we can hope and work for tolerance and acceptance,” he says, “I don’t expect to see a huge groundswell of grassroots support for gay rights. And our legislators are often too mired in election politics to be progressive enough to support LGBT equality. Ultimately, I think we’re going to have to look to the courts for relief. We’ve seen this same dynamic again and again with other suspect classes of people.”

Reflecting on his family’s history, Hirschel draws comparisons to what lesbian and gay families are facing today.

“I certainly wouldn’t have wanted my family’s rights put up to a public referendum in 1973,” he says. “Public sentiment was against us, we faced derision, intolerant comments from the community, and ostracism from our own extended family. If put to a public vote, the tyranny of the majority is all too willing to mete out an unfair judgment to people like my family, for no reason other than that they don’t like who we are. I think you can draw a straight line from that kind of bias to the bias that GLAD is working to overcome today. That’s why it’s important for me to tell my story and support the work of GLAD.”

irschel McGinnis has been a member of GLAD's Equal Justice Council for the past four years. But his commitment to fighting for equality goes back generations — to a family history that is a true American story.

Hirschel's father's family has deep roots in the United States. “The story,” Hirschel says of his blended ancestry, "is that generations ago a white Irishman named Alfred McGinnis came to America and wound up in Marengo County, Alabama." There, he married a black woman, Amanda, and had as many as 17 children. Hirschel's father, John, was descended from the branch of the McGinnis family who migrated north. John was born in East Chicago, Indiana in 1926 and raised by his mother, Louise, and extended family in Washington, D.C.

Hirschel's mother, Elaine, on the other hand, is a first generation American. Her family emigrated to the U.S. and Canada after anti-Jewish pogroms forced them to leave their home in Ukraine in the early 1900's. Elaine was born in Pittsburgh in the late 1930's. Hirschel says his mother's childhood was “fairly progressive for the time” -- the schools she attended were racially integrated, as were her personal friendships.

Unlike Elaine, John attended schools in D.C. that were still segregated. John joined the Navy in 1945 and served in the Philippines, as the U.S. armed forces were just being integrated. “There were still race riots,” Hirschel says of his father's time in the service, and when John came home things weren't much better. “My dad sacrificed like all the other service members, but as an African American he didn't return to a fair system. He didn't have the same educational opportunities; he didn't have access to fair housing or even the same full voting rights.”

Elaine moved to D.C. in the late 1950s, renting a room in the house of a family John knew. The two met and were married within six months. Their small wedding, in 1958, was nearly ten years before the Loving decision that ended all bans on interracial marriage across the United States, and that climate had an impact. Elaine's family was so opposed to the union that to this day Hirschel hasn't met most of them. And while John and Elaine owned land in suburban Maryland, they chose to stay in D.C. where they could send Hirschel and his sister to integrated schools. “We refused to allow our children to attend a segregated, substandard school in Maryland,” Elaine says. Instead, the family waited to build a home on their land until 1971, when the de facto system of segregation in the Maryland schools ended.

Hirschel speaks proudly of his parents' determination to "authentically live their lives the way they felt they wanted to." Despite outside pressure from society and family, he says, "they wouldn't let anyone else impose a paradigm on them."

The family was tested when Hirschel's father passed away suddenly in 1973 without a will. Hirschel and his sister were nine and four, respectively, and their mother, working in government, was not yet 40. “We were a young, vulnerable family,” Hirschel says. But his mother worked hard to sustain them and keep them together. That she was able to do so Hirschel attributes largely to the societal safety net that came with his parents' marriage.

“I believe very strongly that what maintained our family's standard of living is that my mother was uncontested as my father's heir as his legally recognized wife. Without the Loving decision, that could have been challenged. I have no doubt that being recognized as his wife -- avoiding probate and taxation of his estate -- as well as her ability to access my father's survivor benefits were key to maintaining our stability. It meant being able to keep my sister and me in the same home and schools, and together as a family. We have these laws in place precisely to help sustain families in such vulnerable situations."

Hirschel is a radiologist, and has lived in Boston since 1989. He has been active in the grassroots fight for marriage equality, volunteering with Freedom to Marry and MassEquality. But he says he sees GLAD's legal strategy as key to the struggle, just as the courts were instrumental in securing universal recognition of his parents' marriage.

“When we can hope and work for tolerance and acceptance,” he says, “I don’t expect to see a huge groundswell of grassroots support for gay rights. And our legislators are often too mired in election politics to be progressive enough to support LGBT equality. Ultimately, I think we’re going to have to look to the courts for relief. We’ve seen this same dynamic again and again with other suspect classes of people.”

Reflecting on his family's history, Hirschel draws comparisons to what lesbian and gay families are facing today.

“I certainly wouldn’t have wanted my family's rights put up to a public referendum in 1973,” he says. “Public sentiment was against us, we faced derision, intolerant comments from the community, and ostracism from our own extended family. If put to a public vote, the tyranny of the majority is all too willing to mete out an unfair judgment to people like my family, for no reason other than that they don't like who we are. I think you can draw a straight line from that kind of bias to the bias that GLAD is working to overcome today. That's why it's important for me to tell my story and support the work of GLAD."
Victory in the Fight for Fair HIV Health Care

We’ve come a long way since AIDS was a death sentence for everyone who heard the words “You have HIV.” People with HIV in general are living longer and healthier lives. That’s the good news. The bad news is that discrimination against people with HIV also lives on — and GLAD is still fighting it.

When Amit Dixit came to GLAD, the powerful anti-HIV drugs that he was taking to keep him alive had brought on severe lipodystrophy, which he found devastating. Large, abnormal growths of fat appeared on his shoulders, back, neck, and under his arms, distorting his body and his face. He lived with this condition and its profound psychological and social impact for a decade.

Yet his insurer, Harvard Pilgrim, would not pay to treat this debilitating condition — saying that removing the fat by liposuction is “cosmetic” only, as though it were a tummy tuck or lip-plumping. While insurers have long paid for plastic surgery for people who have burn injuries, been in car accidents, or require cancer-related breast reconstruction surgery, they continue to trivialize similar needs for people with HIV who are experiencing bodily changes.

GLAD filed an appeal on Amit’s behalf with Harvard Pilgrim, even as we prepared to file a lawsuit. Much to our delight and Amit’s, Harvard Pilgrim reversed itself and agreed to pay for his treatment. He had a successful surgery in April.

Not all people with HIV suffer from lipodystrophy, and not all those who do want or require surgery. But all people with HIV do require health care coverage without discrimination. And that is what GLAD continues to fight for.

In May, Massachusetts Governor Deval Patrick signed into law strong anti-bullying legislation that cements the state’s commitment to changing the culture of bullying in schools. GLAD was involved in the drafting and legislative process from beginning to end, and our contributions will ensure that schools pay close attention to the disproportionate bullying of LGBT kids.

The law now requires schools to draft and enforce an anti-bullying policy with specific requirements: that staff report all bullying to the school principal, that principals notify parents of both bully and victim when an incident occurs, and that schools train staff in how to prevent and respond to bullying. The new law does not specifically enumerate LGBT students for programs and protections. But GLAD successfully negotiated and drafted a compromise requiring teachers to be trained on the needs of groups “shown to be particularly at risk” for bullying. Studies have consistently shown a disproportionately high risk of bullying for LGBT kids, so we are confident teachers will have to be trained on this issue. We will also work to ensure that the DESE model anti-bullying policy lists LGBT kids as an at-risk group requiring particular focus in staff training.

In the next phase of this process, the DESE will promulgate regulations and a model policy, and GLAD plans to be at the table. Working together with the state government and the public, we can make sure Massachusetts leads the way in improving the learning environment for all our children.

GLAD is committed to addressing the widespread refusal of insurers to pay for a range of medical procedures that treat lipodystrophy and lipoatrophy, through litigation, public education, and advocating with public and private insurers for coverage. We are working with John Ruiz, Director of Peer Support Services at JRI Health, to hold discussion groups throughout Massachusetts to hear directly from people with HIV about the impact of lipodystrophy/lipoatrophy on their lives. If you or someone you know is experiencing lipodystrophy and/or lipoatrophy please contact our Outreach Coordinator, Noreen Giga at ngiga@glad.org.

Massachusetts Passes Strong Anti-Bullying Legislation

GLAD has served throughout this process as counsel to the coalition of groups who wrote and promoted the bill. When the Ways and Means Committee watered down the requirements by removing mandated notification and training of staff, GLAD stepped in to draft a range of amendments reinstating them. In the end, a version of every one of our amendments was added to the final bill.

Need more information?

GLAD has put together a new publication Massachusetts Students: What To Do If You’re Being Bullied. Available now at www.glad.org
Welcome New Board Member

PJ Layng
PJ Layng has been president of PJL Associates — a recruitment, fundraising, and marketing firm — since 1994. Her clients include: ZurickDavis, Outer Cape Health Services, the Highland Arts, Science, and Cultural Center, Health Care Alliance Network, and Birch & Davis. Previous to her position at PJL, Layng was vice president in charge of physician recruitment at Caritas Christi Healthcare System in Waltham, MA and Wellesley Medical Management, Inc. in Newton. As a long-time resident of Provincetown, she was the founder and executive director of the Provincetown International Film Festival, the Tennessee Williams Festival, and was the development director for the Provincetown Theater Foundation, Inc., a group of community leaders who helped finance the rebuilding of the Provincetown Theater in 2004. Layng was also the owner of the leading home furnishings store in Provincetown, Roots Home and Garden, which she sold in 2009.

Welcome New Staff

Wilson Kiriungi, Development Officer
Wilson studied English literature at Moi University in his native country Kenya, and at Worcester State College in Massachusetts. An advocate for social justice and democratic rights in Kenya, he has also worked with the Worcester Immigration Coalition in support of immigrant rights in the United States. His non-profit experience includes working as a grant writer for the Beverly School of Kenya and founding the charitable organization Wahome Global Foundation to help fight poverty in his home country. Wilson has a professional background in sales and marketing. He has worked as a loan consultant and as a sales representative at ISoldMyHouse.com. When he’s not busy working with GLAD’s donors and foundation supporters, he enjoys writing and reading classic literature.

Mo Pepin, Development Assistant
Mo holds an MA in International Development and Social Change with an emphasis on Transformative Education from Clark University, as well as a BS in Math/Science Education from Texas A&M University. Prior to joining GLAD in February 2010, Mo served as a Development Intern at Grassroots International, a human rights and international development organization that supports community-led sustainable development projects. Mo is keenly interested in the factors that motivate individuals to become involved in social change, and thus finds herself at home in GLAD’s development department. When she’s not processing donations or otherwise supporting the development team, she may be found steaming up gourmet coffee beverages, singing and playing guitar out on the town, or venturing to the peak of a remote mountain.

Laura Kiritsy, Manager of Public Education
Laura is an award-winning journalist with 10 years experience covering LGBT issues. Beginning in 2000, Laura worked for Bay Windows, New England’s largest LGBT newspaper, as reporter, associate editor, and finally as editor-in-chief. Most recently, she held the position of communications coordinator at Mass Equality, an LGBT political organization that has often teamed up with GLAD in advancing the cause of LGBT equality in New England. Laura holds a BA in communications from Albertus Magnus College, New Haven, CT. When she’s not strategizing ways to share the stories of LGBT people, she enjoys reading a good non-fiction book, hanging out with her family or enjoying the area’s best hiking and walking trails (just not in the winter).
A Message from the CFO

What a difference a year makes! I am happy to report that our overall agency “bottom line” improved in 2009. This positive change is the result of the following:

- 2009 giving for specific purposes and time periods (aka temporarily restricted funds) reached levels not seen since 2004 and the Goodridge win. These multi year and purpose restricted gifts added $424,000 to our overall reserves and bottom line. More importantly our combined campaigns for challenging the Defense of Marriage Act (DOMA), changing federal policy, transgender rights, and marriage equality over the past few years positioned us well as we entered 2010 with commitments and funds of $1.3 million for 2010 and future years. (See chart for more information on purpose restricted funds)

- Cost cutting and efficiencies contributed $92,000 to 2009 results. Staff salaries were frozen, vacant positions were not filled, special events costs were trimmed, spending on consultants was reduced significantly and the overall mantra was ‘spend wisely and only on essential items.’ It is always a challenge to balance fiscal restraint and operational capacity. We will continue to look for efficiencies, and also want to invest in and appreciate the tremendous efforts of staff, volunteers and donors who give financially and provide in-kind services.

- Our investment values came back significantly, by $539,000, compared to last year. Although most of the gain is the result of changes in market value, this is an important positive trend since all funds that the board designates for our reserves are invested. During 2009 efforts were made to improve the overall liquidity of the portfolio while continuing to evaluate investment options that meet our time horizon and risk tolerance.

Program spending for 2009 as a whole decreased slightly from 2008. Combined spending for the Civil Rights (CRP) and Transgender Rights (TRP) projects, however, increased by $227,000 or 10%, primarily due to a full year for TRP and increased legal activity as a result of filing our challenge to DOMA in 2009. Much of the increase was in donated legal services, particularly for our DOMA challenge. You can find the value of these services in our revenue numbers. As expected, costs are down in Public Affairs and Education since 2008 was GLAD’s 30th year anniversary and included the one time expenses of our education forums and monthly podcasts.

We remain committed to excellence and strategic thinking and will carefully monitor our financial results with an eye to the future. Thank you for investing in GLAD.

Eva N. Boyce  
Chief Financial Officer
Statement of Activities*
For the year ended December 31, 2009

<table>
<thead>
<tr>
<th>Support and Revenue</th>
<th>2009</th>
<th>2008</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contributions &amp; Grants</td>
<td>$ 2,762,670</td>
<td>$ 2,564,330</td>
<td></td>
</tr>
<tr>
<td>Special Event Revenue, net</td>
<td>608,450</td>
<td>591,059</td>
<td></td>
</tr>
<tr>
<td>Donated Services</td>
<td>1,295,035</td>
<td>1,082,846</td>
<td></td>
</tr>
<tr>
<td>Fees &amp; Program Revenue</td>
<td>120,649</td>
<td>179,706</td>
<td></td>
</tr>
<tr>
<td>Other Income</td>
<td>3,575</td>
<td>11,969</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4,790,379</td>
<td>4,429,910</td>
<td>360,469</td>
</tr>
</tbody>
</table>

Expenses

| Civil Rights                          | 1,989,057     | 2,167,053     |         |
| Education                             | 719,238       | 944,307       |         |
| Transgender Rights Project            | 405,320       | —             |         |
| AIDS Law Project                      | 235,711       | 235,064       |         |
| Development & Fundraising             | 595,449       | 697,115       |         |
| General & Administrative              | 380,598       | 373,831       |         |
|                                      | 4,325,373     | 4,417,370     | (91,997)|

Change in Net Assets from Operations

| Investment Income                     | 24,080        | 60,665        |         |
| Net Realized & Unrealized Gain (Losses)| 119,539       | (419,912)     |         |
| Spending Policy Transfer              | (52,179)      | (55,752)      |         |
|                                      | 91,440        | (414,999)     | 506,439 |

Change in Net Assets

<table>
<thead>
<tr>
<th>2009</th>
<th>2008</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 556,446</td>
<td>($ 402,459)</td>
<td>$ 958,905</td>
</tr>
</tbody>
</table>

Statement of Financial Position*
December 31, 2009

<table>
<thead>
<tr>
<th>Assets</th>
<th>2009</th>
<th>2008</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash &amp; Cash Equivalents</td>
<td>$ 1,237,559</td>
<td>$ 709,746</td>
<td></td>
</tr>
<tr>
<td>Accounts Receivable &amp; Pledges</td>
<td>671,343</td>
<td>701,808</td>
<td></td>
</tr>
<tr>
<td>Investments</td>
<td>895,094</td>
<td>853,563</td>
<td></td>
</tr>
<tr>
<td>Equipment, Deposits &amp; Prepaid Expenses</td>
<td>71,052</td>
<td>70,262</td>
<td></td>
</tr>
<tr>
<td>Total Assets</td>
<td>2,875,048</td>
<td>2,335,379</td>
<td>539,669</td>
</tr>
</tbody>
</table>

Liabilities

| Accounts Payable & Accrued Expenses | 245,995       | 310,440       |         |
| Deferred Rent                      | 108,093       | 60,425        |         |
| Total Liabilities                  | 354,088       | 370,865       | (16,777)|

Net Assets

| Operating                           | 575,858       | 530,443       | 45,415  |
| Board Designated                    | 601,807       | 510,367       | 91,440  |
| Property & Equipment                | 26,851        | 31,438        | (4,587) |
| Temporarily Restricted              | 1,316,444     | 892,266       | 424,178 |
| Total Net Assets                    | 2,520,960     | 1,964,514     | 556,446 |

Total Liabilities & Net Assets

<table>
<thead>
<tr>
<th>2009</th>
<th>2008</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 2,875,048</td>
<td>$ 2,335,379</td>
<td>$ 539,669</td>
</tr>
</tbody>
</table>

* Footnote: This information is summarized from the 2009 annual audit draft. Copies of the final audit report are available upon request.
Freeman v. Denny’s: GLAD is representing a transgender woman in Maine, Brianna Freeman, who was told by a Denny’s manager that she could not use the women’s restroom. We filed suit on October 20, 2009 in Androscoggin Superior Court, seeking an order allowing our client access to the women’s restroom as well as amends for her anguish and distress. Denny’s moved to dismiss the case, arguing that it can apply a so-called biological rule and keep transgender women from using the gender appropriate restroom, and GLAD filed our opposition to that motion. A hearing took place on May 21, and on May 27 the Court denied Denny’s motion to dismiss on Ms. Freeman’s gender identity claim, allowing the case to continue. This is a critical ruling for its acknowledgment of Maine law’s protection of transgender persons’ access to restrooms consistent with their gender identity.

Miller Jenkins v. Miller Jenkins: In an ongoing custody dispute, Liberty Counsel, representing Lisa Miller, has filed an appeal at the Vermont Supreme Court opposing the Family Court-ordered transfer of custody to GLAD’s client, Janet Jenkins, of the former couple’s 8-year-old daughter. We have filed a response brief and at press time were awaiting a hearing date in the Vermont Supreme Court. The Vermont Family Court issued the transfer order on November 20, 2009 finding that Lisa’s ongoing refusal to allow visitation between Janet, her former civil union spouse, and their daughter constituted a change in circumstance that warranted a modification of parental rights and responsibilities in the child’s best interest. The transfer was set to take place January 1, 2010, but Lisa failed to appear. The whereabouts of Lisa and the child are currently unknown.

Transgender Students’ Rights: GLAD represents a transgender girl and her family in Maine who are suing the school that she attended for failing to provide her an equal educational opportunity.

Amicus Work

Name Change

GLAD has filed an amicus brief with the Maine high court in support of a transgender man who was denied a name change by Cumberland County Probate Court. Ignoring the well-established legal standard that allows anyone to take a new name as long as it is not for fraudulent purposes, the probate judge asked personal, intrusive questions about the petitioner’s reasons for the change and then ultimately denied it.

CHRO and Dana Peterson v. City of Hartford: GLAD is participating in the appeal of a Connecticut Commission on Human Rights (CHRO) finding against a police sergeant who was denied a position as a canine handler – a coveted and publicly visible position within the force – because she is transgender. GLAD filed an amicus brief and participated in oral argument at the Connecticut Superior Court, which issued an initial ruling sending the hearing officer’s decision back to the CHRO for clarification.

Raftopol v. Ramey: GLAD has filed an amicus brief to the Connecticut Supreme Court in a case concerning the legal status of non-genetic parents of children born through gestational surrogacy. The brief, filed on behalf of the American Society for Reproductive Medicine, the American Academy of Assisted Reproductive Technology Attorneys, Connecticut Fertility Associates and New England Fertility Institute, argues that the Superior Court can and should confirm the legal relationships between these children and both of their intended parents by issuing pre-birth orders of parentage and by directing the Department of Public Health to issue birth certificates that reflect the joint parentage of these children.

Doe v. Reed: GLAD, in conjunction with Lambda Legal, the National Center for Lesbian Rights, the Human Rights Campaign and the National Gay and Lesbian Task Force, filed an amicus brief with the U.S. Supreme Court disputing false claims of harassment made by opponents of equality against the LGBT community, and defending open government requirements. Oral argument was heard in the case, Doe v. Reed, in April, and a decision is expected by the end of June.

In Doe, anti-gay groups that placed a measure on the ballot to keep Washington State’s comprehensive domestic partnership law from going into effect are seeking to prevent the state of Washington from disclosing the names of voters who sign petitions supporting state ballot initiatives, falsely claiming they have been subjected to “systematic intimidation” by the LGBT community in the past.

In their joint brief, GLAD and the other LGBT organizations vigorously and thoroughly refute the false claims of harassment presented to the Court. Some of the instances of supposed “intimidation” cited by opponents include:

− A country club member in California, a supporter of Proposition 8, noted that “the openly gay members of the country club have changed their attitudes toward me. They used to greet me warmly; now, they give me looks of disdain and do not greet me as I pass.”

− A person with a yard sign supporting Proposition 8 was disturbed on Halloween that some people “pointed and whispered to one another in disapproval” during trick-or-treating.

− A woman was upset that her brother, who is gay, would no longer speak to her after she told him she might vote for Proposition 8.

Such complaints, the brief states, “are not only trivial, they reflect a fundamental refusal to accept the legitimacy of speech that disagrees with the complainants’ viewpoints, deeming it ‘hateful’ or ‘harassing’ simply because they do not like hearing it.”

“The Petitioners are attempting to create a through-the-looking-glass world in which the aggressors are the victims and the victims the aggressors,” says Gary Buseck, GLAD’s Legal Director. In presenting this material to the Court, GLAD and the other LGBT groups hope to draw attention to the fact that it is the LGBT community – and not those who sign anti-gay petitions – who are the real targets of intimidation and harassment.
A great crowd of new and long-time friends and fans of GLAD “shook it up” at the Winter Tea Dance in Boston. Thanks to everyone who came out and made it such a success!

Photos by Susan Symonds, InfinityPortraitDesign.com
SUMMER PARTY

PILGRIM MONUMENT & PROVINCETOWN MUSEUM
SATURDAY, JULY 31

Sponsor • Buy Tickets • Volunteer
www.glad.org

FEATURING
CELEBRITY
AUCTIONEER
KATE CLINTON

DRINKS ON US!