Victory! Marriage Equality in Connecticut

From time to time over the four years it took to litigate GLAD’s marriage equality case, Kerrigan & Mock v. Department of Public Health, plaintiff Janet Peck would ask GLAD attorney Ben Klein when she would be able to marry Carol, her partner of thirty-three years. On October 10, 2008, the Connecticut Supreme Court finally answered.

In an historic 4-3 decision, the Court ruled that maintaining the separate status of civil unions for same-sex couples violates the Connecticut constitution, and that gay and lesbian couples cannot be excluded from the dignity, respect and security of marriage.

“[G]ay persons are entitled to marry the otherwise qualified same sex partner of their choice,” Justice Richard N. Palmer wrote in the majority opinion. “To decide otherwise would require us to apply one set of constitutional principles to gay persons and another to all others. The guarantee of equal protection under the law, and our obligation to uphold that command, forbids us from doing so.”

“We’re absolutely thrilled,” said Janet, speaking at a Hartford rally celebrating the decision. “The Supreme Court has recognized that thirty-three years is too long for somebody to wait to get married, and they’ve recognized that we deserve the same respect and the same dignity as everyone else.”

Janet, Carol, and the other seven plaintiff couples had waited seventeen long months for the Court to issue its decision, the longest wait in a marriage case in the country so far. And once the decision was issued, there was one more month to wait before marriages could begin.

On Wednesday, November 12, another round of celebrations spread throughout the state as Judge Jonathan Silbert issued final judgment in the case and gay and lesbian couples were able to apply for marriage licenses for the first time.

All eight plaintiff couples – Beth Kerrigan and Jody Mock, Suzanne and Geraldine Artis, Jeffrey Busch and Stephen Davis, Barbara and Robin Levine-Ritterman, John Anderson and Garrett Stack, Janet Peck and Carol Conklin, J.E. Martin and Denise Howard, and Damaris Navarro and Gloria Searson – joined GLAD attorneys Ben Klein and Mary Bonauto in New Haven Superior Court to witness Judge Silbert make the historic decision official. Three of the couples – Barbara and Robin, Damaris and Gloria, and Beth and Jody – went immediately to their town halls to apply for a license.
From the Executive Director
Lee Swislow

This is an extraordinary time for all Americans. For LGBT Americans, it’s a time when we embrace hope and change – and also re-charge for the work ahead.

For eight years, we’ve endured an administration that has been downright hostile to our community. President-elect Obama, in contrast, has expressed support for many of our issues, and an openness to reconsider his position on others — namely, marriage equality.

Our wish list is long: from getting rid of discriminatory laws like Don’t Ask Don’t Tell and the so-called “Defense of Marriage Act”; to enacting good laws, like an inclusive Employment Non-Discrimination Act, Hate Crimes legislation, the Uniting American Families Act, and domestic partner benefits for federal workers.

None of this will happen without our community’s unified efforts. While we believe we have a friend in the White House, our community must remain strong, focused, and disciplined in working with the new administration.

Here in New England, we won marriage equality in Connecticut on October 10 and, thanks to voters’ rejection of a constitutional convention, that victory is safe.

In California, as well as Florida, Arizona, and Arkansas, the news is heartbreaking. The blow to families and stain of discrimination inserted into California’s constitution with the passage of Proposition 8 shows that those who support equality and inclusion are not yet a majority. Our community gained a level of national unity and organization we’ve never seen before in this tough battle, but the fight in California and our nation is far from over.

We must keep the beacon of equality bright here in New England – as well as in other states, like New York and New Jersey, where we are closer to winning. The truth will win. Equality will win. We must all do the work necessary to make that day come soon.

Lee Swislow

GLAD STAFF

Lee Swislow  Executive Director
Bruce Bell  Infoline Manager
Ruthie BenDor  Webmaster
Brianna Boggs  Development Officer, Equal Justice Council
Mary Bonauto  Civil Rights Project Director
Eva Boyce  Chief Financial Officer
Jamal Brown  Litigation Assistant
Gary Busack  Legal Director
Sara Carian  Litigation Assistant
Eric Carreño  Operations Manager
Alison Cashin  Manager of Public Education
James Alton Croker III  Public Affairs Associate
Carisa Cunningham  Director of Public Affairs and Education
Nima Eshghi  Staff Attorney
Joseph Florez  Administrative and Public Affairs Assistant
Noreen Giga  Bilingual Outreach Educator
Beth Grierson  Manager of Development Operations
Amanda Hainsworth  Senior Legal Assistant and Special Projects Liaison
Amanda Johnston  Web and Publications Manager
Charlie M. King  Development/Special Events Assistant
Bennett Klein  AIDS Law Project Director
Mark LaFrance  Leadership Gifts Officer
Mel Larsen  Development Assistant
Janet Lawn  Director of Development
Jennifer Levi  Transgender Rights Project Director
Karen Loewy  Staff Attorney
Marie Longo  Associate Director of Development
Carol Marton  Business Manager
Sarah Morton  Senior Legal Assistant and Special Projects Liaison
Eileen Rodriguez  Litigation Assistant
Robbie Samuels  Special Events Manager
Molly Shangraw  Database Coordinator
Janson Wu  Staff Attorney
GLAD has sued Gilsum, N.H., a small town near Keene, for illegally restricting services to people with HIV and Hepatitis C. The suit was filed September 24 in Keene Superior Court on behalf of AIDS Services for the Monadnock Region (ASMR) which operates the Cleve Jones Wellness House, a group home where clients who cannot live independently receive intensive support and services.

When ASMR first attempted to open the home in 2005, Gilsum residents circulated a petition stating that the area “is a family neighborhood with children, and a facility like that is not wanted here.” They then voted to change the town’s zoning laws to make group homes a prohibited use. When the town realized, however, that the outright exclusion of Wellness House would violate antidiscrimination laws that protect people with HIV, it granted ASMR a variance to operate the house.

However, the variance prohibited anyone from living at Wellness House who has been released from prison within the last 12 months; has a history of drug or alcohol abuse and has not been substance-free for 12 months; or who has been convicted of a list of certain criminal offenses. GLAD’s lawsuit asserts that these variance conditions violate New Hampshire zoning laws as well as the guarantee of equal protection in the New Hampshire constitution.

“We need to challenge the unfounded fear that certain populations affected by HIV and Hepatitis C are dangerous. All the evidence demonstrates that group homes don’t increase crime or undermine public safety. This is outright prejudice.”

– Attorney Bennett Klein

ASMR is represented by Bennett Klein of GLAD and Stephen Bragdon of Bragdon & Berkson, PC of Keene.
The couples each have different stories — they have been together between 13 and 33 years; some are raising children together, some are not; some have obtained civil unions, some have not. All have made this long four-year journey together and all are overjoyed — finally — to be making plans to wed within the next year.

**Why Marriage Mattered**

GLAD originally filed the Kerrigan suit in August, 2004. Eight months later, the Connecticut legislature passed a civil union bill. “Once the state had granted the tangible legal rights and benefits to same-sex couples through civil unions,” says Klein, who argued the case before the Supreme Court in May, 2007, “we had the opportunity to develop the arguments about why placing same-sex couples in a separate status was unconstitutional, about why marriage really mattered.”

It was a matter not just of a name, but of denying gay and lesbian couples access to an institution which grants couples the utmost prestige, respect, and dignity. “These cases,” says Klein, “are not just about equal benefits for same-sex couples. They are about equal citizenship for same-sex couples.”

This victory was not won through GLAD’s work alone. We thank and congratulate co-counsel Ken Bartschi and Karen Dowd of Horton, Shields & Knox, Maureen Murphy of Murphy, Murphy & Nugent, and the Connecticut Civil Liberties Union; the plaintiffs, who let their lives tell the story of why this mattered; Love Makes a Family (LMF), who advanced and elevated the conversation about gay and lesbian issues; and Connecticut’s legislative leaders who have moved the ball forward.

“Today Connecticut sends a message of hope and promise to lesbian and gay people throughout the country who simply want to be treated as equal citizens by their government. Connecticut is living proof that the marriage equality movement is alive and well.”

— Attorney Bennett Klein

Victory! Marriage Equality in Connecticut

continued from page 1
Marriage equality in Connecticut faced one threat after the Supreme Court’s historic ruling. On the November ballot was the question of whether to hold a constitutional convention—a question that arises by law every twenty years.

Anti-gay forces saw a constitutional convention as a way to strip the LGBT community of the full citizenship just won in the Kerrigan decision. Thanks to a strong and broad coalition working night and day leading up to the November 4 election voters rejected the call for a convention by a margin of 60%-40%.

We can look forward to continued weddings, happiness, and security for the state’s same-sex couples and their families.

Dianne Phillips is dedicated to the cause of LGBT equality. A partner in the Boston office of Holland and Knight, she co-founded—and now co-chairs—what would become the firm’s LGBT Affinity Group. When Executive Director Lee Swislow, whom she had met on a basketball court nearly twenty years earlier, invited her to join GLAD’s Board of Directors in 2006, she jumped at the chance.

“As a lawyer, I have such tremendous respect and admiration for GLAD’s legal team—their strategic thinking, their ethics, their success,” says Phillips, who will move into the role of Vice President in 2009. “I love being associated with excellence.”

Phillips has brought excellence of her own to GLAD, as co-chair of the annual Spirit of Justice Award Dinner for the past two years. In 2007, she brought to the table strong ideas about the need to reach out to straight allies in the legal world, and carried this momentum into 2008 when the event saw record attendance of over 950 and raised half a million dollars to support GLAD’s work. Phillips attributes much of this success to the strong relationship she developed early in the process with Co-chair André Campagna. The two, she says, “invested in each other and the other members of the committee.” She also invested in increasing her firm’s support of the event, both financially and in attendance. Forty-two guests attended from Holland and Knight, and at least two-thirds of them had never been to a GLAD event before.

Phillips says she was “wowed” by the record turnout and fundraising this year, particularly the number of new people in attendance and the mix of gay and straight supporters. “The energy was so dynamic—such broad-based support. Looking out at that full room made my heart flutter. It was spectacular.”

Supporting GLAD is a family affair for Phillips. Equal Justice Leadership Council donors, she and her wife Evelyn are also avid bidders in GLAD’s Winter and Summer Party live auctions. And their thirteen-year-old son Trapper has his own strategy for winning at the silent auction table: “As the clock ticks down, he identifies the items he can’t live without,” says Phillips, “and then runs from clipboard to clipboard, using what we call his ‘puppy eyes’ to persuade others not to outbid him.”

Looking back on their meeting, Swislow is not surprised that Phillips has proven to be such an asset to GLAD. “You can learn a lot about a person by the way she plays basketball,” Swislow says, “how she handles stress, how she works on a team, how much of herself she brings to the court. I liked everything I saw in Dianne, and she’s brought all of that and more to GLAD.”

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**Marriage Resources**

Thinking of getting married in Connecticut? GLAD has prepared two publications to answer your questions, *How to Get Married in Connecticut* and *A Brief Q&A About Marriage for Same-Sex Couples in Connecticut*. Both are available at www.glad.org or by contacting our Legal InfoLine at 1-800-455-GLAD.

You can also find out about upcoming Marriage 101 workshops, or watch a workshop online by visiting www.glad.org/work/cases/kerrigan-info
Much of the Transgender Rights Project’s work over the last 6 months or so has focused on fixing bad government policies around gender markers on identity documents, policies that make it difficult or impossible for many transgender and other gender-non-conforming people to live their daily lives. We have had a number of successes on this front on both the individual and policy levels. And yet, we have also learned that talking publicly about our successes can draw backlash from a politicized radical right that may be running out of other ways to attack LGBT non-discrimination work in New England.

What does that mean? It means that in reporting on the progress of the Transgender Rights Project, there is much we might not be able to publicly announce or report for fear of drawing attention that would undermine our work. Such a backlash halted progress in New York City, for example, on the eve of that city’s adoption of a policy that would have dropped a surgical requirement for changing gender markers.

“We were afraid to go out to have a drink with friends or worried about what might happen if I ever got pulled over by a police officer. I lived in constant worry. Now, I go out and don’t worry. There’s an inner peace.”

— Maurisa Davis

We celebrated the launch of the Transgender Rights Project with a reception on October 22. Community members and allies gathered at the GLAD office to meet one another, share refreshments, and hear remarks from project director Jennifer Levi.

Special thanks to the Transgender Rights Project Founders Circle, whose members support the project’s work with gifts of $3,000 or more.
markers on birth certificates in favor of a more individualized assessment of the permanency of a person's transition.

For the moment, suffice it to say that the Transgender Rights Project has been having serious and high level discussions with government officials throughout New England, in offices where we have strong contacts, to educate them about the real and everyday needs of our community. We will continue to do this work and are optimistic about outcomes.

One successful case we can report is that of Maurisa Davis. Maurisa is an intersex woman whom I met at the New England Transgender Rights Pride March reception in Northampton last June. She explained to me how there simply was no law or even policy in Massachusetts that recognizes her as an intersex person. As a result, she was unable to get the gender marker changed on her driver’s license and other documents to reflect her female gender identity. Through a series of discussions with key government officials, GLAD was able to help her obtain a driver’s license that accurately reflects her female gender.

"Having “M” on my license stunted me," Maurisa says. "I was afraid to go out to have a drink with friends or worried about what might happen if I ever got pulled over by a police officer. I lived in constant worry. Now, I go out and don’t worry. There's an inner peace."
Honoring GLAD Founder John Ward and celebrating 30 years of positive change in the lives of LGBT and HIV+ people throughout New England and the U.S.

Thanks to all who attended and supported the 2008 Spirit of Justice Award Dinner. This year’s event had record attendance of over 950 people and raised half a million dollars to support GLAD’s work. Many thanks to Henry Van Ameringen, whose generous gift made the evening’s challenge possible, and to Macy’s Foundation, our presenting sponsor.

The evening also included a special appearance by Massachusetts Governor Deval Patrick.
Celebrating Our History

In addition to honoring our founder, the event paid tribute to the many plaintiffs who have participated in three decades of GLAD cases, and celebrated the contributions of early board members, volunteers, and staff.

Among those in attendance who played a vital role in GLAD’s development - and have gone on to become leaders, activists, and artists on the national stage – were GLAD’s first board chair Richard Burns (New York’s Gay and Lesbian Community Center), former Executive Director Kevin Cathcart (Lambda Legal), and early board members and volunteers Cindy Rizzo (The Arcus Foundation), and Roberta Stone (photographer).
Welcome New Staff

We are pleased to welcome six new talented and enthusiastic staffers to the GLAD team.

Jamal Brown, Legal Assistant, is a 2008 graduate of Dartmouth College. He has an extensive record of activism on LGBT issues, including authoring an article for Outsports.com on life as an openly gay member of Dartmouth’s Division I Track & Field team. He is also working with other LGBT athletes from across the country to create “Our Group”, a non-profit organization aimed at outreach and support for LGBT student athletes at the high school and collegiate levels. Jamal was honored as one of Out magazine’s 2008 “Out 100” for his work.

Sara Carian, Legal Assistant, graduated magna cum laude from Williams College with a BA in English, and spent a year studying the great authors of the English canon at Oxford University. She sees joining the GLAD team as a unique opportunity to work with her personal heroes. An avid gamer, she highlights her six generations of Sims as a personal accomplishment.

J. Alton Croker, Public Affairs Associate, comes to GLAD after obtaining an MA in Political Science from the University of New Hampshire. Alton’s LGBTQ activism includes serving as Director of Diversity Affairs for WSU Student Government and co-founding UNH Stonewall Grads.

Joseph Florez, Public Affairs and Administrative Assistant, joined the GLAD staff after graduating with honors from Harvard University with a BA in Comparative History and working with a non-profit organization in Chile for two years. “My favorite thing about GLAD is the people,” Joseph says. “Everyone is so dedicated and interested in furthering GLAD’s mission; it’s inspiring.”

Charlie M. King, Development/Special Events Assistant, joined GLAD upon graduating from Bennington College. “When I graduated college,” says Charlie, “I was committed to finding work that advanced the goals of the LGBT movement. GLAD was exactly what I was looking for.”

Mel Larsen, Development Assistant, started at GLAD as an intern in 2006. Mel graduated Phi Beta Kappa from Colby College with a BA in Government and an Italian studies minor. Her many talents include juggling, a beneficial skill in the hectic world of development. “Not only is it an honor to be able to support an organization that is doing so much important work for the LGBT community,” says Mel, “it is a privilege to work with so many talented and inspiring people.”

CONGRATULATIONS!

The entire GLAD team congratulates Mary Bonauto, who married her partner of 21 years, Jennifer Wriggins, in a private ceremony in Boston on October 11. The two are residents of Portland, ME. They were finally able to marry thanks to this summer’s repeal of the “1913” law prohibiting out-of-state same-sex couples from marrying in Massachusetts.

GLAD in New Haven, CT

We’ll be hosting an event in early February to celebrate our recent marriage equality victory!

Join the Host Committee and help us reach out to our supporters.

Contact events@glad.org for more information.

DON’T JUST MAKE A DONATION – MAKE AN IMPACT. GIVE TO GLAD.

For 30 years, GLAD has boldly stepped in where no legal protections exist and carved out protections to ensure equality for LGBT people and those living with HIV. Step by step, we built victories large and small on a range of issues – employment discrimination, housing, child custody, safe schools – and scored landmark wins that led to federal protections for people with HIV, and the Goodridge decision, the first equal marriage victory in the United States.

We fight because we care, and we win because we’re good.

You can take an active role in that fight by donating to GLAD today. Please give generously, using the enclosed envelope or by going to www.glad.org/help/donate.

Whether it’s a single gift, a donation in someone’s honor, or an ongoing monthly contribution, we’ll put your money to work on issues you care about and make a real impact on the law and in people’s lives.
C.P. v. R.D.: GLAD represents a non-biological mother in Vermont in the midst of a civil union dissolution with the biological mother of the couple’s 5-year-old child. Although the couple has jointly raised their daughter since she was born into the civil union, our client’s parental status has been challenged by both the biological mother, and by the known donor, who together assert that the donor’s biological parentage entitles him to full parental rights to the exclusion of our client. In essence, they argue that our client is a non-parent who, once the civil union is dissolved, has no standing with respect to her child. In this case, GLAD is defending an attack on the parental status of non-biological parents in same-sex relationships. This case also involves the important question of how courts should resolve a parentage claim by a known donor where there are already two legal parents.

D’Amico v. Cranston School Department: On October 24, GLAD filed a motion for summary judgment in Rhode Island Superior Court. The case involves a RI teacher who was denied family leave benefits to care for her ailing partner, despite a collective bargaining agreement that extends leave to immediate family or “additional persons in the immediate household.” An inquiry by the Rhode Island Human Rights Commission found probable cause that sexual orientation discrimination had occurred. The Court has scheduled a hearing for summary judgment on March 3, 2009.

Miller-Jenkins v. Miller-Jenkins: GLAD plaintiff Janet Jenkins continues to pursue her parental right to visitation with her 5-year-old daughter Isabella by her former Vermont civil union spouse and the child’s birth mother, Lisa Miller, who now resides in Virginia with the child. Following a June 2008 ruling by the Virginia Supreme Court affirming a second Vermont visitation order issued in 2006, Janet’s Virginia attorneys filed to enforce the order. On August 15, 2008, Lisa lost an action arguing for sole parental rights based on Virginia’s anti-marriage constitutional amendment and simultaneously filed a request for review of the Vermont ruling by the U.S. Supreme Court. This request was denied. Lisa followed these losses with a further petition at the U.S. Supreme Court to review the Virginia ruling and an additional state level appeal. Janet filed a petition opposing review by the U.S. Supreme Court on November 7, 2008; a decision on whether the Court will grant the review is expected by the end of the year. Meanwhile, action continues in the Vermont trial court with a new visitation order, and enforcement proceedings continue in Virginia.

O’Donnabhain v. Commissioner of Internal Revenue: As of press time, Rhiannon O’Donnabhain is awaiting a ruling on this matter in U.S. Tax Court. GLAD, with support from the law firm of Sullivan & Worcester, filed suit against the IRS in 2007 on Ms. O’Donnabhain’s behalf. The case challenges the IRS’ refusal to treat her transition-related medical expenses as legitimate medical deductions. Post-trial briefing was completed in early 2008.

Parker v. Hurley: In October, the U.S. Supreme Court declined to review the First Circuit’s unanimous opinion in which it affirmed a district court ruling dismissing claims brought by two sets of parents against the Lexington school district. The parents had claimed that the Lexington schools violated their constitutional rights by reading an LGBT-inclusive story to their children in the classroom, and also by including in the classroom (on a reading shelf), and in a diversity book bag, several picture books that depict a variety of family types — including families headed by same-sex couples. GLAD filed an amicus brief in the First Circuit case supporting the school district’s right to use the inclusive materials.

30 Years of Progress for LGBT and HIV+ People, Told in the Voices of Those Who Made it Happen

Making History Changing Lives


Hear the stories of twelve ground-breaking cases at www.glad.org/podcasts

To request a copy of the video or a cd of the podcasts, contact the office at 617-426-1350 or gladlaw@glad.org
The Winter Party
Making History, Changing Lives

Sunday, March 8, 2009