Since John Ward founded Gay & Lesbian Advocates & Defenders as an all-volunteer outfit in 1978, GLAD has enjoyed a reputation as “the little engine that could.” As the Boston Globe noted in an April 2015 column, “GLAD has exerted an outsized influence in the debate over gay rights, winning victories that have helped transform the lives of people once routinely treated like pariahs.”

The outsized nature of GLAD’s impact can be illustrated in any number of ways — adoptions formalizing parent-child bonds, transgender people accessing health care, businesses enforcing non-discrimination mandates, courts and lawmakers setting legal precedents of all sorts. GLAD’s efforts in every forum tell the story of the American LGBT community of the past four decades — from public sex stings to the “gayby boom,” from the HIV epidemic to this moment on the cusp of national marriage equality.

A particularly moving expression of GLAD’s stature as a “legal powerhouse” (the Hartford Courant) is the fact that three of GLAD’s attorneys have argued before the U.S. Supreme Court. That’s an extraordinary number for an organization of GLAD’s size — and each of those attorneys has made a particular kind of history. On April 28, 2015, those three oralists — John Ward, Mary Bonauto, and Bennett Klein — stood together on the steps of the Supreme Court.

As GLAD’s founder and for a while its sole attorney, Ward worked on a wide variety of cases — public sex, early prom cases, and perhaps most famously, John spoke for gay, lesbian, and bisexual Irish Americans who wished to march openly in Boston’s St. Patrick’s Day parade.

When he stood before the U.S. Supreme Court in 1995, Ward was the first openly gay male attorney to argue a gay rights case before the nation’s highest court. John prepared for three months, and remembers the oral argument as like “aikido with nine opponents. They’re smart, so it’s a very intense experience.” And although GLAD did not win, John reflects that bringing the case before the Court “may have done some good. We were taken seriously, and a year or so later there was the Colorado case,” Romer v. Evans, which found that a state constitutional amendment preventing protected status based upon homosexuality or bisexuality was unconstitutional. LGBT people
From the Executive Director
Janson Wu

When GLAD’s Civil Rights Project Director Mary Bonauto argued for marriage equality before the U.S. Supreme Court, it was a great moment for our movement — the culmination of decades of bold thinking and painstaking work undertaken by many people and many organizations. We now await the decision — as Mary said, “It’s never wise to be certain, but we are certainly hopeful.”

GLAD has led the way for marriage equality — we were there in the beginning, the middle and will be there until the end. No matter what the decision is at the end of June, we will continue to lead the way on all the issues that face our community. For example:

Religious exemptions

GLAD is on the cutting edge of efforts to blunt attempts to use religious exemptions as an excuse to discriminate. Read about our case against Fontbonne Academy, which fired a newly-hired food services manager when they learned he was married to a man, on page 7. The case is testing whether Massachusetts, which has strong sexual orientation non-discrimination protections, will allow claims of religious freedom to trump the state's obligation to ensure all citizens are treated equally.

Transgender rights

We are fighting for the just treatment of transgender people at all levels, in employment (page 6), for proper identity documents (page 8), in health care (page 5) and more.

Youth

Through GLAD Answers, we continue to hear about the struggles of young people. The notion of New England as a monolith of LGBTQ acceptance is not based in reality — particularly if you’re an LGBTQ youth of color targeted for punishment by school authorities or the juvenile justice system, a transgender college student seeking fair treatment, or simply trying to wear the clothing that best expresses who you are. We report on some of GLAD’s work on youth issues on pages 5, 7, and 8.

Because of you, your support, your activism, and your donations, we are able to continue our cutting edge work with all the vigor and smarts it requires. Our movement has gained tremendous momentum over the past decade. We have a lot to be proud of — YOU have a lot to be proud of. As we wait for our Supreme Court decision and plan our future, I cannot thank you enough for your loyal and continued support.

Sincerely,

Janson Wu

GLAD STAFF

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Mary Bonauto, Civil Rights Project Director
Eva Boyce, Chief Financial Officer
Gary Buseck, Legal Director
Carisa Cunningham, Director of Public Affairs and Education
Beth Grierson, Senior Manager of Operations and Administration
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Amanda Johnston, Senior Manager of Integrated Media
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Louisa “Weezie” Lauher, Foundation Officer
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Jennifer Levi, Transgender Rights Project Director
Johnny Lin, Events Manager
Stephanie Lowitt, Assistant Director of Development
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LGBT LEGAL ADVOCATES
EQUAL JUSTICE UNDER LAW
Anti-LGBT discrimination hurts everyone in our community. But the impact on those who are economically vulnerable can be devastating.

The Supplemental Security Income (SSI) program exists to assist those with extremely limited resources due to age and/or disability. Over the past year, GLAD and our partner organizations began hearing from SSI recipients married to a same-sex spouse that they were suddenly receiving demands from the Social Security Administration (SSA) to repay thousands of dollars in so-called overpayments.

The fact is that after the federal Defense of Marriage Act (DOMA) was ruled unconstitutional, SSA continued to discriminate against same-sex couples by failing to recognize their marriages, even in cases where SSI recipients informed SSA that they were married. Benefits for unmarried individuals are higher than for married individuals, and SSA continued to issue benefits as if the married individuals were single.

Then suddenly, more than a year later, the agency began demanding that recipients refund the benefits they were paid as a result of SSA’s own discrimination against them.

In March, GLAD, Justice in Aging and Foley Hoag LLP filed a class action lawsuit against the SSA on behalf of Kelley Richardson-Wright of Athol, Massachusetts, who is married to Kena Richardson-Wright; Hugh Held of Los Angeles, who is married to Orion Masters, and other SSI recipients married to someone of the same sex in or before June 2013.

Kelley and Hugh, like others receiving SSI, are working hard to get by on extremely limited means. Not only do they not have the ability to repay what SSA demanded, the agency’s attempts to withhold money from their current benefits as a result of its own discrimination created significant hardship.

Kelley and Kena have been together for ten years and married for seven. Kelley was a massage therapist until multiple medical issues forced her to go on disability and start receiving SSI. At the time she applied for disability, she informed the Social Security Administration that she was married. Kena works as a hair stylist for minimum wage. To recover the $4,000 SSA claimed that Kelley owed them, SSA started withholding money from her monthly check, resulting in the repossession of the couple’s car, and putting their housing at risk. Kelley was hospitalized with a stress-related illness as a result of the extreme financial strain.

Hugh and Orion have been together since 1993 and have been married since 2008. Mr. Held has been receiving SSI on the basis of disability since 2008. On three separate occasions, he told workers at his local SSA office that he was married and asked how the end of DOMA might affect his benefits. At first he was told that it would not affect his benefits, and the last time he was told it probably would affect his benefits, but they didn’t know how. Then, suddenly, in June 2014, one year after DOMA was struck down, his monthly benefit was reduced to $308.10 from $877.40, with no explanation. He then received a bill for overpayment of $6,205. It was not until three months later (September 2014) that he received an explanation for the changes.

“Basically Social Security kept making SSI payments after the fall of DOMA without considering the marriages of same sex couples, even when a recipient notified SSI of the marriage,” says Vickie Henry, Senior Staff Attorney for GLAD. “More than a year later, SSA, to remedy its own unconstitutional conduct, started going after people who are both poor and aged or disabled and demanding thousands of dollars from them. That’s not fair, and it’s not right.”

As we go to press, we’re happy to report that as a result of our action, SSA has granted waivers to our Massachusetts and California clients. The agency has also issued an emergency order effective May 6, 2015, putting a hold — at least temporarily — on issuing new overpayment notices to SSI recipients resulting from a change in recognition of a beneficiary’s pre-existing same-sex marital status.

In practical terms, the emergency order means that for any current SSI recipient whose change in same-sex marital status becomes known to SSA subsequent to May 6, such recipient should not be placed in overpayment status, receive a notice of pending recoupment, or experience any offset against future SSI payments for as long as the hold remains effective. This hold will not affect a beneficiary’s level of current SSI benefits to be received in future months insofar as the beneficiary’s change in recognized marital status affects the level of benefits for which he or she is eligible. The hold is effective until October 30, 2015, while SSA considers the lawsuit.

While this is great news that will provide at least temporary protection for our clients and some other SSI recipients, it does not yet help others who have already received a notice of overpayment.

If you or someone you know is in that situation, please contact GLAD Senior Staff Attorney Vickie Henry vhenry@glad.org or www.GLADAnswers.org as we continue to work on this issue. Stay tuned.
The Real World Impact of Transgender Family Law

We are thankful that we are hearing more positive stories these days about parents supporting their transgender and gender nonconforming children. But when one parent fails to understand the needs of their transgender child, it can be complicated and hurtful for everyone involved.

GLAD consulted on such a matter recently, in which a mother sought to become the sole decision-maker when her child began expressing a gender different from that assigned at birth, and the child’s father refused to acknowledge, accept or support the child’s gender identity.

The unmarried parents previously shared legal custody, with the mother having sole physical custody of their children. When one of their children began expressing a female gender identity — wanting to wear girls’ clothes, grow her hair long, and asserting “I’m a girl” — the mother sought resources to support her child, while the father denied that it was a real experience for the child and accused the mother of making it up.

When the matter escalated into a contentious custody battle, GLAD connected the mother with attorney Austin Batalden, who effectively navigated the case through the initial stages of discovery and court proceedings, and our partners at Ropes & Gray LLP — and specifically with attorney Liz Monnin-Browder. Not only did Ropes & Gray provide the resources of a large firm, in Monnin-Browder, who co-edited the legal educational volume Transgender Family Law with GLAD’s Jennifer Levi, the mother also had an advocate who clearly understands the needs of transgender children and their families.

The end result is a settlement agreement that gives the mother — the supportive parent — full legal custody and therefore the ability to make decisions about the child’s name, clothes and any future medical considerations that may come into play as the child grows up. And while the father will remain in the child’s life, his visitation is contingent upon his respecting his child’s chosen name, clothing and other expression.

Positive outcomes like this are made possible when everyone involved in family law matters — attorneys, judges, and parents — has access to sound information about the realities and needs of transgender children. GLAD is proud to play a role in that work.

Darian Butcher: GLAD and the Spirit of Justice

Darian Butcher is a reserved person. She is quiet when you first meet her, preferring to observe a crowd before jumping in — but she is no shrinking violet.

Since joining GLAD’s Board of Directors last March, Darian, an associate at Day Pitney, LLP, has quickly become a well-known face at GLAD. You may have seen in action at GLADHours or at the Summer Party. She is also a member of two of the three Board committees. And this year, along with Ben Franklin, Darian is a co-chair of the Spirit of Justice Award (SOJ) Dinner, GLAD’s largest annual event.

Darian is excited to be a co-chair this year, after having been on the planning committee last year. Already, she’s focused on what she wants people to take away from the SOJ Dinner. “GLAD has had many victories regarding marriage equality, but I also want people to leave with a sense of the full breadth of GLAD’s work, including initiatives focused on LGBTQ youth and transgender rights,” Darian says. For ensuring the increased visibility of all of GLAD’s work, Darian credits in large part GLAD’s Executive Director Janson Wu.

Personal relationships are a big part of what brought Darian to GLAD. Darian met GLAD’s Board President, Dianne Phillips, professionally and credits Dianne with bringing her into the GLAD community. She knows that a lot of GLAD’s supporters come to the organization through personal relationships, and she’s applying this insight to her cultivation of the Spirit of Justice Host Committee this year. “We will be encouraging our committee members to reach out to their personal networks more than ever. In addition to celebrating the work of our honoree, we want to celebrate our community — each attendee, their families, their friends, and their colleagues.” As someone who describes GLAD as feeling like a family to her, it is no surprise that Darian is focused on ensuring that the event continues to feel personal.

Darian knows that GLAD may seem “buttoned-up,” but she feels that this atmosphere reflects the “serious, life-changing work the organization is doing.” That’s why she enjoys the Spirit of Justice Award Dinner, which she describes as “a really fun party,” because it allows everyone to see what she sees all of the time: a large community of passionate advocates working together toward the common goal of LGBTQ equality.

Darian hopes to see you (and ten friends) at this year’s Spirit of Justice Award Dinner.
While we’ve reached the end of the legal road in one high profile case regarding medical care in prison, it’s only a matter of time before the courts agree that the 8th Amendment secures the right of incarcerated transgender people to adequate health care including gender affirmation surgery.

We’ve achieved tremendous advances in access to health care for transgender people in recent years. The federal Medicare program and several state Medicaid programs have ended categorical exclusions for gender affirmation surgery, and state insurance commissions are starting to ban discrimination in private insurance as well.

As we continue to work on all these fronts across New England and nationally, GLAD remains committed to establishing that the 8th Amendment’s guarantee of adequate medical care for people in prison applies equally to transgender people, too.

Last month, we came to the end of the legal road in an important foundational case when the U.S. Supreme Court declined to hear an appeal on behalf of our client Michelle Kosilek, a transgender woman who has been denied essential health care while serving a prison sentence in the custody of the Massachusetts Department of Corrections (DOC).

GLAD, along with attorney Joseph L. Sulman and Goodwin Procter LLP, petitioned the high Court to hear the case in March after an en banc decision by the First Circuit Court of Appeals reversed two lower court decisions in Kosilek’s favor. Our petition asserted that the First Circuit Court of Appeals overstepped its role with its December 2014 en banc ruling that, in effect, retried the facts of a 2012 trial, thereby applying the wrong standard of legal review.

The cert denial is the culmination of over 20 years of litigation on whether DOC officials violated Kosilek’s 8th Amendment rights by failing to provide adequate care for her severe gender identity disorder (GID), a condition that all parties agree is a “serious medical need.” As a result of being denied treatment, Kosilek has self-mutilated and has attempted suicide twice.

“The treatment of Michelle has been cruel and unusual, according to two lengthy, thoughtful, and closely reasoned judgements,” says Sulman. “The DOC’s behavior has been abominable as they have repeatedly defied their own experts in their eagerness to deny her desperately needed medical attention.”

“This is a terrible and inhumane result for Michelle,” agrees GLAD Transgender Rights Project Director Jennifer Levi. “But,” she adds, “GLAD’s work and that of our partner organizations will absolutely continue on this issue.”

Indeed, the medical consensus that treatment related to gender transition is essential care was recently reaffirmed in a positive District Court ruling in a case brought by the Transgender Law Center on behalf of an incarcerated transgender woman in California. “As that case and others work their way through the court system,” Levi says, “it is just a matter of time before some prison somewhere is required to provide essential surgery, meeting the minimal constitutional obligations of adequate medical care for transgender people in prison.”

And while the cert denial in our case on behalf of Michelle Kosilek means the district judge’s order to provide surgery will not have to be carried out, the MA DOC continues to have an obligation to provide adequate care for Michelle’s ongoing needs as well as those of other incarcerated transgender people. GLAD will continue to work on cases on behalf of transgender inmates until we establish full protections for all people under the 8th Amendment.
Challenging Blatant Discrimination Against Transgender People in the Americans with Disabilities Act

This year marks the 25th anniversary of the passage of the federal Americans with Disabilities Act (ADA), which prohibits discrimination against people with disabilities in employment, public accommodation, transportation, communications and governmental activities. There’s no doubt the law has had a tremendous positive impact in creating access to everyday life activities for many Americans who might otherwise be barred from them.

“The exclusion from the ADA for transgender people serves only to further stigmatize the underlying condition of gender dysphoria that many transgender people experience. And at a more basic level, it removes a tool for legal redress that people with other, non-stigmatized conditions enjoy. It amounts to rank prejudice against transgender people.”

But the law as passed in 1990 didn’t automatically cover everyone deserving of its protections. One of GLAD’s groundbreaking victories involved fighting to establish that people with HIV are included among those covered by the ADA — a case AIDS Law Project Director Bennett Klein successfully made before the U.S. Supreme Court in 1998.

Now, GLAD is working to challenge the constitutionality of the exclusion of Gender Identity Disorder (GID) from the definition of disability included in the law.

“This exclusion became part of the definition at the time of the ADA’s adoption due to erroneous and animus-based objections raised by two senior senators during the legislative debate,” says Transgender Rights Project Director Jennifer Levi. Senators Armstrong and Helms can be seen in the legislative record incorrectly referring to “Transsexualism” as a “Sexual Disorder,” and mischaracterizing GID as “sexually deviant behavior or unlawful sexual practice.”

“The promise of the ADA is in recognizing that disability means not that someone is unable to work because of a medical condition, but rather that some individuals with a medical condition may face barriers in the workplace because of the bias of others,” adds Levi. “The exclusion from the ADA for transgender people serves only to further stigmatize the underlying condition of gender dysphoria that many transgender people experience. And at a more basic level, it removes a tool for legal redress that people with other, non-stigmatized conditions enjoy. It amounts to rank prejudice against transgender people.”

GLAD is providing ongoing consultation and has filed an amicus brief in the case of a Pennsylvania transgender woman, Kate Lynn Blatt, who brought a discrimination claim against her employer, Cabela’s Retail. Blatt’s attorneys approached GLAD after reading ideas developed in a chapter Levi and Klein co-authored on pursuing protections for transgender people under disability law in Transgender Rights (2006, University of Minnesota Press).

Following a formal diagnosis of Gender Dysphoria (GD) in 2005, Kate Lynn Blatt took steps to live in accordance with her female gender identity, including changing her name, growing her hair long and wearing female clothing.

Blatt was hired as a Seasonal Stocker at Cabela’s Retail in the fall of 2006. She attended a two-day orientation dressed in female attire, and used the women’s employee restroom without issue.

Once she started working, however, Blatt was prohibited from using the women’s restroom and was forced to wear a nametag depicting her name as “James,” even after she presented the director of human resources with documentation of her legal name change. Blatt was made to use the single-sex “family” restroom at the front of the store, rather than the female employee restroom closer to her work area. She also endured harassment from management and coworkers, and was abruptly terminated in March, 2007.

Blatt is pursuing charges of discrimination under both Title VII of the Civil Rights Act — on the grounds that Cabela’s discriminated against her based on her sex — and the ADA — on the grounds that Cabela’s refused her reasonable accommodation in the form of an appropriate nametag and use of an appropriate restroom.

GLAD’s brief, principally authored by Professor Kevin Barry of Quinnipiac University and filed in conjunction with Blatt’s opposition to Cabela’s motion to dismiss her case, asserts that the GID exclusion in the ADA violates the Due Process Clause of the Fifth Amendment, and that the updated diagnosis of Gender Dysphoria (GD) in fact falls outside the scope of that exclusion as defined in the law.

The brief lays out the clear animus towards transgender people demonstrated in the legislative record in the debate on the GID exclusion, as well as the erroneous inclusion of GID with “sexual behavior disorders” at the time of the exclusion’s adoption.

GLAD argues that by maintaining the discriminatory exclusion, the ADA perpetuates the very thing it seeks to dismantle: “the prejudiced attitudes or ignorance of others’ and the ‘inferior status’ that people with disabilities — or those ‘regarded-as’ by others as having a disability — occupy in society.”

Blatt is represented by Sidney L. Gold, Neelima Vanguri and Brian Farrell of Sidney L. Gold & Associates.
Could Massachusetts Be The Next Indiana?  
What’s at Stake in GLAD’s Religious Discrimination Case

Just a few months ago national attention was focused on celebrities and corporations condemning — and threatening to boycott — Indiana over the passage of a law that was intended to allow wedding photographers, bakers, florists and other businesses to refuse services to gay and lesbian citizens in the name of religious freedom. Similar laws have been raised in recent years in Arizona, Arkansas and other states as well. As we continue to push back such attempts in states with little to no law on the books protecting LGBT people, we must also ask whether such overt discrimination could ever have the cover of law in a state like Massachusetts, which pioneered marriage equality over a decade ago and has near-comprehensive formal legal protections.

We hope the answer is no — and we believe it should be. But the fact of the matter is that GLAD’s religious discrimination case, Barrett v. Fontbonne Academy, will determine just how much protection gay and lesbian people in Massachusetts will have when faced with exclusions justified by religious beliefs. Fontbonne, an independent Catholic school in Milton, MA, rescinded a job offer to our client Matt Barrett to become its Food Services Director after he listed his husband as his emergency contact. Fontbonne claims that because same-sex marriage is against Catholic teaching, the application of Massachusetts law prohibiting employment discrimination on the basis of sexual orientation would substantially burden its sincerely held religious beliefs.

Here’s the mini law lesson on how this plays out. Under the federal constitution Fontbonne has no defense. That’s because in 1990 the U.S. Supreme Court changed the standard for federal free exercise of religion claims and ruled that laws that are neutral and generally applicable to all people cannot, except in very limited circumstances, be overridden as burdensome on religious beliefs or practices. Since nondiscrimination laws are neutral and generally applicable laws, no problem.

But just four years later the Massachusetts Supreme Judicial Court ruled that the state constitution is more protective of religious liberty than is the federal constitution under the Supreme Court’s 1990 ruling. In that case, Attorney General v. Desilets, the state’s highest court opted to follow the older federal standard in which the government must have a “compelling state interest,” sometimes described as “an unusually important governmental goal,” to justify a substantial burden on a sincerely held religious belief. Simply put, no compelling state interest, no check on religious discrimination.

The key issue we need to win in the Fontbonne case is whether the state has a “compelling interest” in eradicating sexual orientation discrimination, an issue not yet decided in Massachusetts. So, does it? The Desilets case

Advocating for Culturally Competent Treatment of Justice-Involved LGBTI Youth

GLAD is collaborating with the Center for Prisoner Health and Human Rights at Rhode Island’s Miriam Hospital and the Fenway Institute to develop national best practices for corrections officials and staff in working with lesbian, gay, bisexual, transgender and intersex youth in custody and on parole/probation.

The three organizations received a joint grant from the National Institute of Corrections to convene a focus group, which took place last month in Washington, D.C., with researchers, advocates, corrections practitioners, and current and former justice-involved LGBTI youth.

“This is critical work,” says GLAD Youth Initiative Director Vickie Henry, who worked previously with the Massachusetts Department of Youth Services (DYS) on its development of a system-wide policy and guidelines for working with LGBTI youth. “We know that LGBTI youth are overrepresented in the justice system. Although LGBTI youth make up just 5 to 7 percent of the overall national population, they represent up to 15 percent of the total juvenile justice population. We also know there are factors that contribute to this overrepresentation, including family rejection, harassment and other problems in school, homelessness and participation in survival crimes.”

Evidence also suggests that LGBTI youth are punished more harshly in both school and the court system, and receive harsher sentences than their heterosexual and non-transgender peers. Youth workers lacking in cultural competency sometimes view LGBTI youth as sexually predatory, leading to detention or isolation, as well as attempts to change the sexual orientation or gender identity of youth in their care. In fact, LGBTI youth in detention are also at disproportionate risk for sexual abuse, and experience physical, sexual, and emotional abuse from heterosexual peers and adult staff.

Drawing on last month’s convening in D.C. (participants pictured above), GLAD, the Center for Prisoner Health and Human Rights and the Fenway Institute are working to develop a best practices white paper that can be used to inform and develop LGBTI culturally competent policies and guidelines for corrections staff across the country.

equal justice under law 7
For most people, a trip to the DMV is a frustrating and time-consuming inconvenience. For so many transgender people, it can be an exercise in futility at best, or worse a humiliating and degrading experience, especially when they try to change the gender on their driver's license.

That was Kenzo Morris's experience at the NH DMV in Concord less than a year ago. Not only was he unable to change the gender marker on his license because of the DMV's past policy requiring a person to have undergone genital surgery, but he was openly ridiculed.

The DMV worker pointed openly with her arm outstretched towards his crotch saying, loudly enough for others to hear, that Kenzo was not “complete,” as she and other DMV workers laughed. The experience, in Kenzo's words, made him feel completely disrespected and treated as less than human.

Unfortunately, Kenzo's experience is not unique. For years, trans people in NH have been rejected under the DMV's outdated surgical requirement. That all changed this year when the DMV finalized new rules removing the surgical requirement and replacing it with one that relies upon confirmation by a physician, social worker, or mental health counselor as to a person's gender identity.

Last month, GLAD Executive Director Janson Wu (who as a staff attorney was involved in the efforts to get New Hampshire's DMV rules changed) was there at the DMV office to support Kenzo as he tried again. Thankfully his past experience was not repeated. Not only was his application approved, using the DMV's new, user friendly form, his clerk was not only professional but friendly. They even joked about the weather as she processed his application, before handing him his new license with an “M”.

“It means a lot,” Kenzo said afterwards. “Moving through life, if I get pulled over by a cop, there won't be any confusion about who I am.” That weighs on Kenzo in particular, given that he has a wife and young twins who he cares for.

That's not an insignificant concern, given that 22% of transgender people are harassed by the police. And as Kenzo is biracial — his father is black and his mother is white — the risks are even more real. And having an F on his driver's license automatically outs him as transgender, whether it's to an officer, in a bar, or at the airport.

That's why when GLAD held community meetings with Transgender-NH, the number one priority we heard from the trans community in addition to state non-discrimination protections (which NH still does not have) was the driver's license policy change. Along with coalition partners, GLAD petitioned the DMV, provided model policy language, collected stories of harm, and organized people to testify at the agency hearing. Kenzo was one of those testifiers, and with his wife and two kids in the room, his testimony brought one of the DMV representatives to tears. Afterwards, she came up to Kenzo personally to apologize for his treatment.

Today, about half the states have removed their surgical requirements, including now every New England state. GLAD has toolkits available from www.GLADAnswers.org to guide you through the process of changing your gender and name on driver's licenses in New England.

That change has not been easy – it has taken years of education and work to get to where we are today.

Summing up that hard work for change, Kenzo shares a quote from one of his heroes, Gandhi. "First they ignore you, then they laugh at you, then they fight you, then you win.”

For Kenzo, winning never felt better.
standing up for ourselves in court and the halls of lawmakers is a defining feature of GLAD’s work, creating more understanding of LGBT and HIV-affected people legally and generally, so that courts and others are best prepared to do the right thing in matters small and large.

Not long after Ward argued, AIDS Law Project Director Bennett Klein argued the first HIV discrimination case before the court in *Bragdon v. Abbott*. GLAD represented Sidney Abbott, a woman whose Bangor, Maine dentist had refused to treat her because she had HIV, and sought to establish that people living with HIV were protected from discrimination by the Americans with Disabilities Act (ADA).

“Arguing before the Supreme Court is not something I ever thought I would do; it’s not something that most lawyers get the chance to do,” says Klein. “It was surreal.” Like Ward, Klein had prepared for months. On the day of argument in 1998, he was charged with adrenaline, both because of the high stakes of the case for people living with HIV, and because of the elevated nature of the venue. “As the velvet curtains opened and the justices emerged, I realized that the thousands of hours that went into this case were now culminating in this moment.”

GLAD won *Bragdon*, which is the foundational case in HIV and disability law. In ensuring ADA protections for people with HIV and AIDS, GLAD took the promise of the ADA and made it a reality in the daily lives of people living with infection.

Civil Rights Project Director Mary Bonauto had a brief period to prepare her April 28 Supreme Court argument in support of the freedom to marry in *Obergefell v. Hodges* — but she also has 20-plus years working on marriage equality litigation across the country. Bonauto and GLAD won the first marriage equality state — Massachusetts — with *Goodridge v. Department of Public Health*, as well as Connecticut with *Kerrigan v. Department of Public Health*. With Vermont attorneys, GLAD also won *Baker v. Vermont*, a state ruling that led to creation of civil unions. GLAD and Bonauto won the first federal court rulings that the Defense of Marriage Act (DOMA) was unconstitutional, laying the groundwork for *U.S. v. Windsor*, in which the Supreme Court ultimately struck down DOMA. But as Ward and Klein noted, preparing for a high-stakes Supreme Court argument is like no other litigation experience. Bonauto worked intensely with teams of attorneys from Michigan, Kentucky, Tennessee and Ohio and took part in multiple moot courts. The decades and the weeks paid off on the day, when Bonauto stood up and said the words “Thank you, Mr. Chief Justice, and may it please the court,” before launching into her argument by saying, “The legal commitment, responsibility and protection that is marriage is off-limits to gay people as a class. The stain of unworthiness that follows on individuals and families contravenes the basic constitutional commitment to equal dignity. Indeed, the abiding purpose of the Fourteenth Amendment is to preclude regulating classes of persons to second-class status.”

She then parried questions for 27 minutes, and as legal blogger Art Leonard wrote, she “closed with a rebuttal argument that was so precise and well-focused that she was not interrupted for any questions as she highlighted the basic inconsistencies in [opponent’s] arguments.”

“The choice is not between the Court and the State,” Bonauto summarized, “but instead whether the individual can decide who to marry, or whether the government will decide for him.”

Both John Ward and Ben Klein were there in DC to support Mary and GLAD and to witness history. It remains important that LGBT attorneys speak on behalf of LGBT people. It was powerful that while opposing counsel argued that marriage is about facilitating biological parenthood and mother-father families, Mary argued the case for national marriage equality as both a movement attorney and a married lesbian mother.

In many ways, the fight for marriage equality calls back to both the HIV epidemic — when longtime partners found themselves utterly without legal protections in the vulnerability of illness and death — and to the time when gay people were treated like “pariahs” in all areas of life and law. As Bonauto has often said, her work on marriage equality is animated by “...the principles in our state and federal Constitutions about equality, that as time goes on, people who were once seen as outsiders come to be seen as the full human beings and citizens that they are.”

We are awaiting a decision in *Obergefell* as we go to press, and are hopeful that the Court will recognize that it is well past time that every American have the right to marry the person they love. But regardless of the Court’s ruling here, GLAD will continue working — and arguing — for the full humanity and citizenship of all LGBT people and people living with HIV.
Pending Bill Seeks to Expand Protections for Maine Families

As we go to press, the “Maine Parentage Act” is poised for passage in the state legislature. It’s a state-of-the-art bill clarifying who is a legal parent — whether based on intent to parent, marriage or holding out a child as your own, long-term caretaking and responsibility, or genetics.

“Because the law lags behind the realities of family life, GLAD’s docket consistently features heart-rending cases about protecting parent-child relationships in families that lack marital or genetic ties, or victories opening up new pathways to parenthood, such as joint guardianship, de facto parenthood and joint adoption.”

We know that family forms are diverse: unmarried women giving birth to over 40% of the children in the U.S. each year and same-sex couples (and individual LGBT persons) are among those using medically assisted reproduction and gestational carrier arrangements to bear and nurture the next generation. Because the law lags behind the realities of family life, GLAD’s docket consistently features heart-rending cases about protecting parent-child relationships in families that lack marital or genetic ties, or victories opening up new pathways to parenthood, such as joint guardianship, de facto parenthood and joint adoption. Contentious “winner takes all” litigation about who is a “parent” can disrupt settled relationships that children count on. This far-reaching bill prioritizes parental responsibility and stability for youth and children.

The Family Law Advisory Commission (FLAC), a legislatively appointed group that recommends updates to Maine’s family laws, tapped GLAD attorney Mary Bonauto, along with attorneys Margaret Lavoie, Brenda Buchanan, Judith Berry, Juliet Holmes-Smith and social worker Frank Brooks to serve on a drafting subcommittee to update Maine’s laws about parentage. Co-chaired by Judge Wayne Douglas and judicial employee Diane Kenly, the drafting committee consulted widely and with two years of effort crafted a bill that was approved by FLAC and submitted to the legislature.

Under this bill, all children are to be accorded the same rights under law without regard to the marital status or gender of the parents or the circumstances of the child’s birth. It explicitly acknowledges that to preserve an existing parent-child relationship, courts may declare that a child has more than two parents. Because of the focus on preserving existing relationships, a person with a genetic relationship to a child may not always displace an existing parent on the basis of genetics alone.

The bill also formalizes legal parent-child relationships in single parent as well as coupled non-marital and marital families. It clarifies and confirms existing grounds for parentage — birth, adoption, voluntary acknowledgement of paternity, adjudication of genetic parentage and adjudication of de facto parentage. It recognizes a presumption of parentage for both married and unmarried couples, and as to unmarried couples, requires demonstrated parental responsibility from those who seek parentage based on the “holding out as a parent” concept used in some other states. It also recognizes parenthood of children born to parents who use medically assisted reproduction and gestational carrier agreements.

If passed, the bill will enact the first statutes in Maine addressing parenthood by assisted reproduction. As in many other states, the intended parent or parents who use an egg, sperm or embryo donor are the parent(s) of the child, and in Maine this is true whether the intended parent(s) are married or not. The bill requires a formal “consent” to establish legal parentage in this context, and an individual who provides the donated egg, sperm or embryo may be a parent when all parties agree in writing. The bill also sets forth strict requirements for gestational carriers and gestational carrier agreements. When those standards are followed, legal parentage vests in the intended parents and not in the gestational carrier. The bill also allows “traditional” surrogacy in limited contexts. A judge may declare legal parentage before or after the birth of the child. Individual LGBT persons and same-sex couples and our children are among those who will benefit enormously from this state-of-the-art legislation.

Farewell Bruce

Bruce Bell (second from left) with three of the 322 volunteers he’s worked with over eleven years.

After eleven years managing GLAD’s public legal information service, GLAD Answers, Bruce Bell is retiring. As the voice of GLAD to the thousands of LGBT and HIV+ people who have called or emailed seeking information about their rights over the past decade, he will be greatly missed. Bruce reflects on his work at GLAD at www.glad.org/bruce
Welcome
New Board Members & Staff

Board Members

Shane Dunn Shane Dunn is the Managing Director of Strategic Growth and Development at Excel Academy Charter Schools, a network of three public charter middle schools in East Boston and Chelsea serving primarily low-income, Latino students. Shane is an active Cornell University alumni volunteer and currently serves as President of the Cornell Club of Boston and of his Cornell Class Council. He holds a master's degree in higher education administration from Boston College. Shane has served on GLAD's Spirit of Justice dinner fundraising committee for the past three years.

Mark Brown Mark Brown is currently a training and development specialist at John Hancock/Manulife. He was the coordinator of liturgy at the Jesuit Urban Center for 5 years, where he also tutored first-grade students, coordinated visits to the sick and elderly, and served monthly meals to people living with HIV/AIDS. He is the co-leader of Manulife's Boston chapter of Professionals Reaching Out for Unity and Diversity. Brown has a B.A. from Assumption College and a Master of Theology from Weston Jesuit School of Theology (now Boston College School of Theology and Ministry).

Staff

Johnny Lin, Events Manager Johnny's previous experience includes working as Manager with Lincoln Center Corporate Fund, and with the Assistant Dean of Field Education at Columbia University School of Social Work. He has served as a docent, family and community volunteer with the New Museum of Contemporary Art and on the board of directors with Visiting Neighbors. Johnny graduated with an MPA from Baruch College, a post-graduate diploma from the London Academy of Music and Dramatic Art and a Bachelor of Fine Arts cum laude from Boston University.

Daniel Weiss, Public Information Manager Daniel earned their MSW in macro social work from Boston University School of Social Work, and their bachelor's in Philosophy from Stony Brook University in New York. Prior to joining GLAD, Daniel's work has focused on increasing educational supports and opportunities to LGBTQ youth and young adults. Daniel is the former student representative for the Boston University School of Social Work Curriculum Committee and the former intern at Stony Brook University's Center for Prevention and Outreach where they co-created a Safe Space workshop targeted at faculty, staff, and students.

Could Massachusetts Be The Next Indiana?
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involved a claim of marital status discrimination by prospective tenants against a landlord who claimed that renting to an unmarried couple who would be engaging in fornication on his property made him complicit in that sin. Although not ultimately deciding the issue, the Court questioned whether the state's interest in eradicating marital status discrimination rose to the level of a "compelling" one. The Court ruled that the mere inclusion as a protected class in our non-discrimination laws is not enough — a view that, by the way, we at GLAD strongly disagree with. But the Court also noted our laws generally have not tried to eradicate all distinctions based on marital status; rather our laws make clear distinctions between marital and nonmarital partners.

To be sure, all courts have ruled that the state has a compelling interest in eradicating race and sex discrimination. Our task is to demonstrate why sexual orientation fits squarely in that framework. For starters, sexual orientation is a core aspect of personal identity, fundamental to one's very existence, a concept now recognized by the U.S. Supreme Court and Massachusetts' highest court. And the state has an interest of the highest order in ensuring that groups subjected to historic discrimination and exclusion can participate fully and equally in our society. And Massachusetts has demonstrated that its interest in removing the stain of systemic discrimination is greater than just banning discrimination in the standard areas of employment, housing, credit and public accommodations.

Over the past quarter century the collective actions of every branch of government have begun to address the barriers faced by our community in a broad range of spheres, including youth, elders, schools and bullying, violence and sexual assault, families and parenting — and, of course, marriage equality.

Claims of religious liberty have a very special place in Massachusetts constitutional law. No case is easy. But here the state's interest in eradicating sexual orientation discrimination should prevail when our client's job has no connection to religion. As we head towards briefing of the legal issues this summer, how the courts address the weight of that interest will answer the question of just how committed Massachusetts is to protecting its lesbian and gay citizens.